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JOURNALS

OF THE

SIXTH CONGRESS

OF THE

REPUBLIC OF TEXAS

1841-1842

To Which Are Added the Special Laws

Edited by
Harriet Smither
Archivist, Texas State Library

VOLUME III
JOURNALS CALLED SESSION
REPORTS AND SPECIAL LAWS



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JOURNALS OF THE SIXTH CONGRESS
OF THE
REPUBLIC OF TEXAS
1841-1842

THE SENATE JOURNAL
SECOND SESSION—CALLED TERM¹

CITY OF HOUSTON
June 27th 1842

The Senate met pursuant to the Proclamation² of His Excellency the President, the Hon. J. A. Greer, President pro. tem. in the chair—roll called, and the following Senators answered to their names: Messrs. Jones, of Austin, Colorado, and Fort Bend, and Moore, of Harris and Liberty.

The[re] not being a quorum present, Mr Moore moved the Senate adjourn to meet at ten O'clock A M. tomorrow at the Masonic Hall.—³ Carried.

CITY OF HOUSTON
June 28th 1842.

The Senate met pursuant to adjournment—the President pro tem. in the chair—roll called, and the following Senators answered to their names: Messrs.—Colquhoun, from Bexar, Owen from Matagorda, Jackson and Victoria, and Shaw, from Robertson and Milam.—There not being a quorum present,—on motion of Mr Moore, the Senate adjourned until 4 O'Clock P. M.

¹The Senate Journal is taken from the manuscript "Journal of the Senate of the Republic of Texas, Sixth Congress." Book 7. It was published in the *Telegraph and Texas Register*, June 29-August 3, 1842, and in *The Morning Star*, July 7-August 2, 1842, both papers published in Houston.

²See Proclamations. The proclamation is published in the *Telegraph and Texas Register*, May 25, 1842.

³The City of Houston made preparations for the housing of the government offices and of the Extra Session of the Congress. At a special meeting of the City Council on April 7, 1842, it was resolved "That a committee be appointed to confer with the owners of the Capitol to rent the same for the use of the Government. Also to report the propriety of issuing the City bonds to pay the sum necessary to obtain possession of the same also to provide a suitable residence for the President at the expense of the City and to report proceedings tomorrow Evening." Minutes of the Houston City Council (MSS. in City Secretary's Office, Houston), A. 154.

At the meeting on May 2, 1842, "the Committee appointed to obtain a house for his Excellency the President were instructed to procure the same forthwith And are authorized to put the fence around the same as also (if in their discretion they see proper) to procure suitable offices for the use of the officers of Government at the Expense of the City." *Ibid.*, A. 159.

At a special meeting on August 18, 1842, "The following resolution was introduced and passed Resolved That his Hon the Mayor be requested to issue his proclamation to the Citizens of this City calling upon them to meet at the Court House on Thursday next within the usual hours of voting to deposit their votes for or against the City Council making an appropriation to procure suitable offices for the officers of the Republic so long as they may remain in Houston." *Ibid.*, A. 174.

The editor is indebted to the kindness of Mr. Andrew Muir, Acting Director of the San Jacinto Museum of History for these notes.

The Masonic Hall was in Kesler's Arcade, Lot 11, Block 33, about 910-12 Congress Avenue. J. C. Kidd, P.M., (comp.) *History of Holland Lodge, No. 1, Ancient Free and Accepted Masons from its Inception to 1920* (Houston, Texas, 1920), p. 21.

4 O'Clock P. M.

The Senate met pursuant to adjournment—the President pro tem. in the chair—roll called, and the following Senators answered to their names: Messrs. Colquhoun, Moore, Owen, Shaw, and Webb.

There not being a quorum present, on motion of Mr. Owen, the Senate adjourned, to meet at the Odd Fellows room,⁴ tomorrow at 9 O'clock A. M.

CITY OF HOUSTON

June 29th 1842, 9 O'Clock A. M.

The Senate met pursuant to adjournment—the President in the chair, roll called and the following Senators answered to their names: Messrs. Barnett, Byrne, Colquhoun, Greer, Jones, Moore, Owen, Shaw, and Webb.

There not being a quorum present,—Mr. Moore, moved the Senate adjourn to the room of the Hon. William H. Jack for the purpose of forming a quorum.—Carried.

The Senate met pursuant to adjournment;—the President pro. tem. in the chair— roll called and the following Senators answered to their names: Messrs. Barnett, Byrne, Colquhoun, Greer, Jack, Jones, Moore, Owen, Shaw, and Webb.— quorum present.

Journals of the preceding day read and adopted.

Mr. Moore presented the credentials of Messrs. Colquhoun and Jones, and moved they be referred to the Committee on Privileges and Elections.— Carried.

The chair appointed Messrs. Moore, Webb, and Byrne said Committee.⁵

A Committee from the House, informing the Senate, that the House had organized, and was ready to proceed to business.—

Mr Moore moved a Committee be appointed to inform the House of Representatives that the Senate is ready to proceed to business. The Chair appointed Messrs. Moore, Barnett, and Shaw, said Committee.

A message was received from the House, informing the Senate that the House had appointed Messrs. Wood, Neibling, and Van Zandt, a committee to wait on his Excellency the President, and inform him that the House is ready to proceed to business, and requested the appointment of a like committee on the part of the Senate.—⁶

⁴The location of the Odd Fellows Hall at this date has not been found.

⁵The officers and standing committees were the same as in the regular session except for replacements made necessary by death or resignation. *Senate Journal, Sixth Congress*, pp. viii, 5.

James Gaines did not attend the called session, but he did not resign until July 15, giving his age and continued decline of health as reasons therefor. He hoped the district would be more ably represented in future and that his successor would not experience what he did "in Austin last winter from the Slander and threats of Gamblers and Assassins." See Resignation James Gaines; endorsed: Gaines resignation 15th July 1842. Let a writ issue for the election agreeably to Law Sam Houston 8th September 1842. Bonds, Oaths and Resignations.

Leonard Randal (his signature shows this spelling) was elected to the unexpired term on October 29, 1842. He did not serve in the called session as indicated in *Senate Journal, Sixth Congress*, viii. Thomas S. McFarland was not at the called session, but the reason for his absence has not been found.

⁶None of the messages of the House to the Senate has been found.

On motion of Mr. Barnett a committee was appointed.
The Chair appointed Messrs. Barnett, and Jones a committee to wait on the President and inform him that the Senate is ready to receive any communication which he may think proper to offer.

Mr. Jones moved the returns of the Senatorial District of Fort Bend, Austin and Colorado, be referred to the Committee on Privileges and Elections.— Carried.

Mr. Moore moved the Senate adjourn to meet at the room of the Independent Society of Odd Fellows, at half past three O'Clock P. M.— Carried.

CITY OF HOUSTON June 29th 1842.
Half past 3 O'Clock P.M.

The Senate met pursuant to adjournment—the President in the chair—roll called—quorum present

A Committee from the House, inviting the Senate to a Seat in the House of Representatives to hear the message of His Excellency the President.

On motion of Mr Greer, the Senate proceeded to the House.⁷

The Senate returned from the House of Representatives, the President in the chair—roll called, quorum present.

On motion of Mr. Jones, the Senate adjourned until tomorrow at nine O'Clock A. M.

CITY OF HOUSTON
THURSDAY, June 30th 1842

The Senate met pursuant to adjournment—the President in the chair—roll called, and the following Senators answered to their names: Messrs. Byrne, Greer, Jones, Owen, and Shaw.

There not being a quorum present, on motion of Mr. Greer, the Senate adjourned, until tomorrow at nine O'clock A. M.

CITY OF HOUSTON
July 1st 1842. 9 O'clock A.M.

The Senate met pursuant to adjournment—the President in the chair—roll called, and the following Senators answered to their names: Messrs. Barnett, Byrne, Colquhoun, Greer, Jones, Moore, Owen, Shaw, and Webb.

There not being a quorum present—On motion of Mr. Shaw, the Senate adjourned until tomorrow at nine O'clock A. M.

CITY OF HOUSTON
July 2nd 1842. 9 O'clock A. M.

The Senate met pursuant to adjournment, the President in the chair—roll called, and the following Senators answered to their names: Messrs. Byrne, Colquhoun, Greer, Jones, Shaw, and Webb.

There not being a quorum present—On motion of Mr. Webb, the Senate adjourned until Monday morning at ten O'clock A. M.

⁷For the message see *House Journal, Sixth Congress, Called Session*, pp. 99-107.

CITY OF HOUSTON. MONDAY MORNING
July 4th 1842. 10 O'Clock. A. M.

The Senate met pursuant to adjournment—the President in the chair—roll called, and the following Senators answered to their names: Messrs. Barnett, Colquhoun, Greer, Moore, Muse, and Webb.

There not being a quorum present—On motion of Mr. Barnett, the Senate adjourned until tomorrow at Nine O'clock A. M.

CITY OF HOUSTON TUESDAY MORNING,^s
July 5th 1842, 9 O'Clock A. M.

The Senate met pursuant to adjournment—the President in the chair—roll called, and the following members answered to their names: Messrs. Barnett, Byrne, Greer, Jones, Moore, Muse, Shaw, and Webb.

There not being a quorum present, the Sergeant at Arms was dispatched in search of an absent member.

The absent member having made his appearance—quorum present.

Journals read and adopted.

Mr. Webb introduced a joint resolution respecting the removal of the public officers, etc., from the Seat of Government; read first time.

Mr. Webb introduced the following resolution:

“Resolved, by the Senate, That His Excellency the President be requested to cause to be laid before this body, as soon as the same can be prepared, copies of all orders given by him for the removal of the officers of the President and Heads of Departments from the Seat of Government established by law, and for the removal of the national Archives from said Seat of Government. And, also, copies of all correspondence which has taken place between the citizens of the County of Travis, or the Counties of Travis and Bastrop, in public meeting, or of any committee or committees appointed by said Citizens, and himself, as the Executive head of the Nation, respecting the removal of said Archives. And, also, copies of all correspondence which passed between said citizens, or said committees, and the Secretary of War and Navy, upon the same subject”; read and adopted.

Mr. Jones introduced the following preamble and Resolution;

Whereas, the Senate have heard, with deep and sincere regret, of the death of the Hon Wyly Martin, late a member of this body,—and whereas, the Country has suffered a great loss, and the Senate been deprived of a member, whose place cannot easily be supplied by a more blameless character, uniting the same benignity of heart, and the same soundness of intel[lect]:—Therefore resolved that we deeply deplore the loss of the Hon Wyly Martin in the councils of the country.—Resolved, that

^sThe journals for July 5 and 6 are also printed in *The Northern Standard*, September 3, 1842.

in further testimony of our regret, the Senators wear crape on the left arm for thirty days.

Resolved, that the Editors of the Telegraph and Houstonian be furnished with copies of the foregoing for publication; read and unanimously adopted."

Mr. Moore introduced a joint resolution authorizing the President to receive into the service, thirty thousand volunteers; read first time—Rule suspended, read second time—and referred to the committee on Military affairs.¹⁰

Mr. Moore introduced a joint resolution fixing the pay of Seamen and Marines of the Navy; read first time—rule suspended, read second time, and referred to the Committee on Naval affairs.

Mr. Webb moved to refer that portion of the Presidents message, relative to the war, and the removal of the Archives, to a Select Committee.—Carried.

The Chair appointed Messrs. Webb, Greer, and Byrne, said Committee.

Mr. Colquhoun introduced the following resolution;

"Resolved, that the President be requested at his earliest convenience to furnish the Senate with a full statement of the contracts made by him, by virtue of "an act amendatory of an act granting land to emigrants" the names of the individuals with whom such contracts have been made, and all other information relating thereto, which he may deem necessary." — read and adopted.

Mr. Greer introduced an act supplementary to "an act regulating sales by judgment or decrees of a Probate Court," or Court of Chancery." — Read first time—Rule suspended, read second time, and referred to the Judiciary Committee.

Mr Webb moved Mr. Greer be added to the Judiciary Committee.—Carried.

Mr. Webb moved Mr Jones be made chairman of the Committee on military affairs. — Carried.

On motion of Mr. Byrne, Mr Jones and Mr. Jack, were added to the committee on Naval affairs.

On motion of Mr. Colquhoun, the Senate adjourned until tomorrow at ten O'clock A. M.

CITY OF HOUSTON

July 6th 1842. 10 O'Clock A. M.

The Senate met pursuant to adjournment—the President in the chair—roll called and the following Senators answered to their names: Messrs. Barnett, Byrne, Greer, Jones, Moore, Muse, Owen, and Shaw.

There not being a quorum present, the Sergeant At Arms was dispatched in search of absent members.—

The absent members having made their appearance—quorum present.

⁹Printed in the *Telegraph and Texas Register*, July 6, 1842.

¹⁰The joint resolution has not been found.

Journals read and adopted.

Mr. Moore, chairman of Committee on Privileges and Elections, to whom was referred the credentials of Messrs. Jones, Jack and Colquhoun, reported favorable.—Report read and adopted.¹¹

Mr. Byrne, chairman of committee on Naval Affairs, to whom was referred a joint resolution fixing the pay of officers, seamen and Marines of the Navy, reported favorable.—Report read and adopted.¹²

SENATE CHAMBER July 6th 1842

The committee on Naval Affairs to whom was refered "a Joint Resolution allowing to the Officers Seamen & Marines of the Navy the same pay, rations &c. that is allowed in the Navy of the U. States" have had the same under consideration, beg leave to report favourably and recommend the passage of the [same]—all of which is respectfully submit[t]ed

JAS. W. BYRNE Chairman

Mr. Webb introduced the following resolution;

Resolved, That the Secretary of the Senate; procure as many as six copies of the Constitution and laws of the Republic of Texas for the use of the Senate. Read and adopted.¹³

Mr. Moore moved to take up the joint resolution fixing the pay of officers, seamen and Marines of the Navy.— Carried.—Read second time.

Mr. Jones moved to insert the words—"Be it further enacted, that all laws or parts of laws contravening this act be, and the same are hereby repealed."—¹⁴ carried, and bill

¹¹The report has not been found. There was some irregularity in the election for senator in Austin County. There was no returning officer, neither chief justice nor associate justices, and the returns were transmitted to the chief justice of Fort Bend County. Oliver Jones was elected over John Sutherland. Election Returns, Austin, Fort Bend and Colorado Counties, 1842.

¹²Reports, Sixth Congress, No. 2617. Endorsed: Report of comt. on Naval Affairs Read & adopted July 6th.

¹³The following communication received by the Secretary of the Senate is found in Miscellaneous Papers, Sixth Congress.

DEPARTMENT OF STATE HOUSTON 6th July 1842

A. C. MCFARLANE Esqr. Secty of Senate,
SIR,

Your note of this date asking me to furnish six copies of the Constitution and laws of the Republic of Texas, by order of the Senate, has been received. — In reply I can only say that the Department of State is not in possession of even one copy of the Constitution & laws and it has neither money nor credit to purchase the requisite number ordered by the Honl Senate. — The laws, Books and papers of this Department are all boxed up carefully and were left in the city of Austin, consequently I am unable to comply with your request and the order of the Senate.

I Am very respectfully Your obdt servant
JOSEPH WAPLES Actg Secty State

Endorsed: Acting Secretary of State to Secretary of Senate July 6th 1842. In answer to an application to be furnished with a number of copies of the laws. Copy to A. C. McFarlane Secty of Senate July 6th 1842.

The copies were obtained from J. W. Cruger, one of the owners of the *Telegraph and Texas Register*. See p. 96.

¹⁴The original joint resolution consists of only one section, which reads:
Be it Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that during the present war with Mexico, the officers seamen and Marines of the Navy of Texas shall be entitled to the same pay, rations and perquisites that are now allowed by law to the officers seamen and Marines in the service of the United States. Moore

Bills, Sixth Congress, No. 2590. Endorsed: 3 Joint Resolution Fixing the pay

ordered to be engrossed.

Mr. Muse moved a reconsideration of the vote.—carried.

Mr. Moore moved to strike out the second section.—Carried.

Mr. Jones moved to insert in the first section the words "Any law to the contrary notwithstanding," and, "this act take effect from and after its passage."— Carried, and bill ordered to be engrossed.

Mr. Webb introduced a resolution requiring the engrossing and enrolling Clerks to perform certain duties therein named.—Read, and on motion of Mr. Muse, was laid on the table.

[The duties required of the engrossing and enrolling clerks are explained in the following letter:]

SENATE CHAMBER¹⁵
HOUSTON, 6 July 1842

To His Excellency THE PRESIDENT—
SIR,

The Select Committee to which has been refer'd "so much of the Message of His Excellency the President, as relates to the removal of the National Archives from the Seat of Government," have been informed *unofficially*, that your Excellency stated, upon receiving a Resolution of the Senate requesting certain copies of documents in reference to that subject, that it would be necessary to furnish you with additional Clerks, to enable you to have the copies prepared within any reasonable time — They have therefore directed me to say to your Excellency, that inasmuch as the Engrossing & Enrolling Clerks of the Senate have at this time but little employment, those Gentlemen have consented to make the copies required, provided their doing so, would be acceptable, or convenient to your Excellency.—

In making this offer, which the Committee do with the consent & approbation of the Senate, they beg leave to state distinctly [*sic*], that they are influenced only by a wish to relieve [*sic*] your Excellency as far as they can, from duties, which at this particular time, may be onerous in their performance—

The copies required, are 1st all orders relative to the removal of the Offices of the President & Heads of Departments, & of the National Archives from the Seat of Government, which have been issued by the Executive since the adjournment of the last Session of Congress, & particularly of the order given to the Hon. George W. Hockley, Secretary of War and Navy directing the removal of said Archives from said Seat of Government by the Town of Caldwell in the County of Milam.

¹⁵of the officers Seamen and Marines of the Navy Read 1 time July 5th. Rule suspended Read 2 time and Referred to comt. on Naval Affairs Reported July 6. 1842 Read 2 time July 6. & ordered to be Engrossed

Mr. Jones' amendment evidently constituted a second section to the joint resolution.

¹⁶Original in possession of Mrs. Madge Hearne, Houston, Texas. Endorsed: Judge Webb's Insolent Letter. To be as corrupt as he is, he is very impudent. I regard him as one of the most corrupt men in the Republic or any other. Houston 6th July 1842

2dly The letter addressed by a Committee appointed by the Citizens of Travis County in public meeting, to the Hon. Secy of War & Navy in reference to the suspension of the execution of said order.

3dly The reply of the Secretary of War and Navy to said letter.

4thly The letter addressed by the Citizens of Travis County to your Excellency, (through Messrs Combs & Watrous) upon the same subject.

5thly The letter from your Excellency to Messrs Combs & Watrous, in answer to the foregoing letter from the Citizens of Travis— &

6thly The response of the Citizens of Travis & Bastrop Counties in public meeting, addressed to your Excellency—

The foregoing comprizes a list of the documents, copies of which, the Committee and Senate are desirous of obtaining— If however, your Excellency believes there are other documents which should be communicated to the Senate, in reference to this subject, the Committee trusts that you will consider them as being embraced in the Resolution already submitted to your Excellency requesting information—

I have the honor to be With great respect
Your Obdt. Servt.

JAMES WEBB Chairman Select Committee

Mr. Byrne moved the Senate adjourn until tomorrow at ten O'clock A. M.— Carried.

CITY OF HOUSTON

July 7th 1842, 10 O'clock A. M.

Senate met pursuant to adjournment— the President in the chair— roll called, and the following Senators answered to their names: Messrs. Barnett, Byrne, Greer, Jones, Muse, Shaw and Webb.

There not being a quorum present, On motion of Mr. Barnett, the Senate adjourned until to-morrow at 9 O'clock A. M.

CITY OF HOUSTON

July 8th 1842, 9 O'clock A. M.

The Senate met pursuant to adjournment— the President in the chair— roll called, and the following members answered to their names: Messrs. Barnett, Byrne, Colquhoun, Greer, Jones, Moore, Muse, Owen, Shaw, and Webb—quorum present Journals read and adopted.

Mr. Webb, chairman of the Judiciary Committee, to whom was referred an act to amend an act supplementary to an act regulating sales by judgment or decree of Probate Courts or Courts of Chancery.— Reported with amendments.¹⁶

Mr. Shaw, chairman of committee on engrossed bills, to whom was referred a joint resolution fixing the pay of officers,

¹⁶Neither the report nor the amendments have been found.

Seamen and Marines of the Navy, reported they have examined the same, and find it to be correctly engrossed.¹⁷

CITY OF HOUSTON July 8th 1842

The Committee on Engrossed and Enrolled Bills beg leave to report that they have examined a "Joint Resolution Fixing the pay of the officers Seamen and Marines of the Navy"; and find the same correctly engrossed

JAMES SHAW
Chn Com on Engd Bills

The orders of the day were taken up.

An act to amend an act supplementary to an act regulating sales by judgment or decree of a Probate Court or Court of Chancery; read second time and ordered to be engrossed.

A joint resolution fixing the pay of the officers, Seamen and Marines of the Navy; read third time and passed.

[A communication from the President to Judge Webb was received and read.]

EXECUTIVE DEPARTMENT,¹⁸
CITY OF HOUSTON, July 8th, 1842.

The President has the honor to present his compliments to the Honorable James Webb, and to say, that the services of the Enrolling and Engrossing Clerks of the Senate will be, with much pleasure, accepted; but, inasmuch as but one can be employed in making copies from the records in the Executive office, they will be employed in the War Department in such way as to facilitate the object of the Honorable James Webb, and the transaction of the public business.

The President has the honor to be, very respectfully, his obt. servt.

SAM HOUSTON

Mr. Jones moved the Senate adjourn until tomorrow at 10 O'Clock A M.— Carried.

CITY OF HOUSTON
July 9th 1842, 10 O'clock A. M.

The Senate met pursuant to adjournment — the President in the chair—roll called, and the following Senators answered to their names: Messrs. Barnett, Colquhoun, Greer, Moore, Muse, Owen, Shaw and Webb.

There not being a quorum present, the Sergeant at Arms was dispatched in search of absent members—

The absent members having made their appearance—quorum present.

Journals read and adopted.

Mr. Shaw, chairman of the committee on engrossed bills,

¹⁷Reports, Sixth Congress, No. 2617. Endorsed: Report of comt on Engrossed Bills July 8th. 1842.

¹⁸Miscellaneous Papers, Sixth Congress. Endorsed: Communication from President to the Hon. James Webb, July 8, 1842

reported they have examined An Act to amend an act supplementary to an act regulating sales by judgment or decrees of Probate Courts or Courts of Chancery, and find the same correctly engrossed.¹⁹

CITY OF HOUSTON July 9th 1842

The Committee on Engrossed Bills beg leave to report that they have examined "an Act Supplementary to an act Regulating Sales by Judgment or Decree of a Probate Court, or Court of Chancery" and find the same correctly engrossed.

JAMES SHAW Chn
Com. on Engd. & Enrolled Bills

On motion of Mr. Moore, leave of absence was granted Mr. S. L. Johnson door keeper of the Senate for a few days.

A message was received from his Excellency the President relative to contracts made under an act granting land to emigrants.²⁰

EXECUTIVE DEPARTMENT,
CITY OF HOUSTON, July 6th. 1842.

To the honorable, the SENATE:

In compliance with a resolution of your honorable body, of the 5th instant, I herewith transmit a statement from the Department of State, furnishing the information desired, in relation to certain contracts for the colonization and settlement of a portion of our vacant territory, in accordance with the laws regulating said contracts.

SAM HOUSTON

DEPARTMENT OF STATE²¹
HOUSTON, 6th. July 1842.

SIR,

In compliance with the resolution of the Honl. Senate, of Yesterday's date, requesting to be furnished with a full statement of the contracts made by virtue of an act amendatory of "An Act granting lands to Emigrants" &C. &C. I have the honor to state that, under the authority of the foregoing Act, five contracts have been made, Viz. one with William Kennedy and William Pringle for colonizing six hundred families, or single men over seventeen years of age, with the privilege of increasing the number to one thousand;— one with Henri Castro & John Jaussand for six hundred families or single men, with the privilege of increasing it to one thousand;— copies of the two above named contracts are now among the

¹⁹Reports, Sixth Congress, No. 2617. Endorsed: Report of comt on Engrossed Bills
²⁰Messages, Sixth Congress, No. 2619. Endorsed: President's Message relative to Colonization Contracts. Read & Referred to committee on Public Lands July 9th. 1842. Also in Executive Records, Book No. 40, p. 109. The message is printed in *The Morning Star*, August 9, 1842.

²¹Messages, Sixth Congress, No. 2619—enclosure. Also in Colonization Papers, where it is endorsed: Acting Secretary of State to President July 6th. 1842. Colonization Contracts. It is printed in *Telegraph and Texas Register*, July 13, 1842. where it is dated July 5.

archives of this Department in Austin. Two separate contracts have been made with Alexandre Bourgeois and Armand Ducos—the first for twelve hundred families or single men, with the privilege of increasing it to sixteen hundred; the second for five hundred families. The lands designated in these two contracts are situated as follows—the first—“commencing at the junction of the Rio Potranca with the Rio Medina, thence extending up the Potranca to its source, thence due North to the Sabinas, thence extending along the Sabinas to the source of that stream, thence in a direct line to the source of the Arroyo de Ubalde, thence in a direct line to the source of the southern branch of the Rio Frio, thence extending down the said stream to the junction of the Rio Frio with the Arroyo de Ubalde, thence extending along the line of the grant made to Henri Castro and John Jaussand to the northeastern corner of said grant, thence in a direct line to the place of beginning”. — The second—“commencing at the mouth of the Rio Grande and extending up the left bank of the said river to a point opposite the town of Reinosá, thence with the road from the town of Reinosá to the Salt lakes in the County of San Patricio ten miles, thence in a direct line to a point ten miles North of Point Isabel on the Laguna del Madre, thence with the shore of the Laguna del Madre to the Gulf of Mexico, and thence with the shore of the Gulf to the point of beginning”. — A contract has also been made with Henry F. Fisher and Burchard Miller for introducing six hundred German families, or single men, with the privilege of increasing it to six thousand. The tract of land designated in said contract is as follows—“commencing at the mouth of the Llano, thence following its meanders to the head of its main Northern branch, thence due south fifty miles; thence North 45° west to the Main South-west branch of the Colorado; thence following the meanders of the said stream to the main river; and with its meanders to the place of beginning.”

In these contracts each alternate section of six hundred and forty, or three hundred and twenty acres, (as the case may be whether for families or single men) is reserved to the Government, the contractor paying all expenses of surveying both their own lands and the Government reserve—consequently a great advantage to the Government in these over the contract made with W. S. Peters and others, for in that contract no reserve was made.

The Emigrants under these contracts are all to be brought from Europe, and the additional time of six months for the introduction of the first one third of said families has been given the contractors, in accordance with the law allowing the President to extend that time.

In each and every instance these contracts have been made strictly according to the law granting land to Emigrants, and

the Act amendatory thereto as cited in the above named resolution

I have the honor to be, with great respect,

Your Obt. Servt.

JOSEPH WAPLES Actg. Secty of State

To His Excellency SAM. HOUSTON President.

The orders of the day were taken up.

An act to amend an act supplementary to an act regulating sales by judgment or decree of a Probate Court, or Court of Chancery Read third time and passed.

On motion of Mr. Shaw, the message of his Excellency the President, was referred to the Committee of public lands.

Mr. Greer moved the Senate adjourn until Monday at 9 O'Clock A M. Carried.

CITY OF HOUSTON MONDAY,
July 11th 1842, 9 O'clock A. M.

The Senate met pursuant to adjournment—the President in the chair—roll called quorum present.

Journals read and adopted.

Mr. Jones presented the credentials of the Hon James Titus, from Red River, which, on motion of Mr. Moore, were referred to the Committee on Privileges and elections.

On motion Mr Webb, the Hon James Titus, was sworn in.

Mr. Jack introduced a bill to provide for the payment of the Members of Congress; read first time— Rule suspended, read second time and referred to the committee on finance.

On motion of Mr. Webb, Mr. Jack was added to the Judiciary committee.

On motion of Mr. Webb, Mr. Titus was added to, and made chairman, of the committee on public Lands.

On motion of Mr. Jack, the Senate adjourned until tomorrow 9 O'Clock A. M.

CITY OF HOUSTON TUESDAY,
July 12th 1842, 9. O'Clock A. M.

The Senate met pursuant to adjournment—the President in the chair—roll called—and the following Senators answered to their names: Messrs. Barnett, Colquhoun, Greer, Jack, Jones, Moore, Muse, Owen, Shaw, Titus, and Webb.— quorum present.

Journals read and adopted.

A message was received from his Excellency the President.—

Mr. Muse introduced the following resolution;

“Resolved, That the Committee on Finance be and it is hereby instructed to enquire into and ascertain whether any additional legislation be necessary to enforce the law for the collection of the license tax required to be paid by retailers of spirit[u]ous liquors and other license taxes in this Republic and that it report by bill or otherwise; read and adopted.

On motion of Mr. Moore, the message of his Excellency the

President with accompanying documents relative to the removal of the Archives of the Government was read, and referred to the Select Committee on the Public Archives.

EXECUTIVE DEPARTMENT,²²
CITY OF HOUSTON, July 9th, 1842.

To the honorable, the SENATE:

In pursuance of a resolution of your honorable body, of the 5th instant, I herewith respectfully submit, a full and complete exhibit of all the orders, instructions and correspondence, emanating from the Executive or the Department of War, which have even the most remote reference to the removal of the national archives from the city of Austin; and, also, of all the correspondence with, or addresses to the Executive or Department of War on the same subject, by the people of Travis, or Travis and Bastrop Counties, in their collective or individual capacity; as likewise of all proceedings and resolutions in public meeting by the said citizens or any portion of them, so far as they have been communicated to, or are known to the Executive; with the except[i]on only of the orders issued by Lieutenant Colonel Wallace, for the detention and search of all waggons and public and private property at the town of Bastrop, which might attempt to pass the said town from the direction of the city of Austin without a passport in the French language:— and also of certain orders of Colonel Henry Jones, posted up in the city of Austin in open defiance and contempt of the orders of the Secretary of War, which he (the said Colonel Henry Jones,) first tore down. Copies of these two papers will be laid before your honorable body at the earliest day practicable—they having, as is believed, been merely mislaid. Before your adjournment, it may also possibly be in my power to present to the Senate, copies of various letters written by Colonel Henry Jones relating to this subject.

Your honorable body will, from a perusal of the accompanying documents, not only perceive, in the circumstances of the times, the condition of the country, and the particular events which we had then, as well as now, to anticipate and provide against, full and sufficient cause for the promulgation of the order for the removal of the government archives; but will perceive, also, the necessity of some legislative action to subdue that treasonable and insurrectionary spirit which has been so openly manifested in various quarters, and which has, in this case, arrested the execution of an order designed to secure from probable destruction what the country is too poor to lose and what the wealth of the world could never restore.

SAM HOUSTON

²²Messages, Sixth Congress, No. 2620 with enclosures. The whole is endorsed: President's Message relative to removal of the Public Archives &c "The Archive War" Also in Executive Records, Book No. 40, p. 116.

[*Exhibit of Orders, Instructions and Correspondence*]

1. Arrangements entered into by the citizens of Austin, with reference to the approach of the Mexicans, &c. &c. March 6th, 1842
2. Letter of Secretary of War to Executive, March 6th,
3. Letter of same to same, March 7th,
4. Declaration of martial law, March 7th
5. Letter of Executive to Secretary of War, ordering removal of archives, March 10th
6. Letter of Secretary of War to Executive, March 16th
7. Proceedings of citizens of Travis County in public meeting, and letter to Secretary of War, March 16th
8. Reply of Secretary of War thereto, March 16th
9. Proceedings of adjourned meeting, March 16th
10. Order to Col. Wm. Pettus, March 17th
11. Proceedings of public meeting, 17th March, and remonstrance to the Executive
12. Proceedings of public meeting, 18th March
13. Reply of Secretary of War to resolutions of said meeting
14. Instructions to express, in which the word "archives" occurs
15. Letter of Executive to the Secretary of War, 22d March
16. Letter of Executive to Messrs. Coombs & Watrous, 24th March
17. Instructions, &c. to Col. Thos. Wm. Ward, April 4th
18. Order to Col. Henry Jones, &c., April 4th
19. Passport for the archives of the French Legation
20. Letter of Executive to Vice President, April 11th
21. Proceedings of public meeting of the citizens of Travis and Bastrop counties, April 11th, and reply of the meeting to the letter of the Executive addressed to Messrs. Coombs & Watrous
22. Proceedings of public meeting of citizens of Travis County, Apl. 13th
23. Statement of Chief Clerk of War Department, in relation to the promulgation of the Executive order for removal, &c. &c—
24. Letter of Mr. John Welsh to Executive, Jany 7th, 1842

AUSTIN, March 6th, 1842.²³

1. *Arrangements entered into by the Citizens of Austin, with reference to the approach of the Mexicans.*

The following gentlemen will please serve as a Committee of Vigilance [*sic*] for the City of Austin:— Samuel Whiting, Richard Bullock, W. W. Thompson, Moses Johnson, Joshua Holden, Barry Gillespie, Jacob M. Harrell, H. B. Hill, and S. G. Haynie.

Major S. Whiting is appointed Chairman of the said Committee, and will notify the other members of the call of a

²³Newspaper clipping. It is also printed in *The Weekly Texian*, March 9, 1842. The clippings are undated and unidentified, but apparently from the *Austin City Gazette*.

meeting for the purpose of consulting upon such measure[s] as are most suitable for the welfare of the citizens in the present approaching danger.

(Signed) A. BRIGHAM, Mayor.

At a full meeting of the Committee of Vigilance, on the evening of the 6th inst., it was

Resolved, That the Committee recommend, and strongly urge upon the Secretary of War the propriety of issuing an order declaring that martial law is now, and shall be, in force until the pending exegency [*sic*] shall have passed away, and of calling into actual service every person capable of bearing arms—and that none be permitted to leave without a permit from the Secretary of War, and then only in case of emergency, or of rendering sufficient protection to emigrating families.

Resolved, That we recommend all the families in the city and vicinity to leave as soon as possible for a safer section of the country.

Resolved, That it shall be the duty of the Committee to see that all families are provided with transportation, and until that is effected no merchandize shall be permitted to be carried away.

Resolved, that a committee of three be appointed to wait on the Secretary of War with a copy of these resolutions, and inform him that the citizens of this place are ready and willing to defend their position with their lives, and that they are ready to obey the orders of the Government.

Resolved that the Chair appoint three of the Committee to carry into effect the foregoing resolutions.

Whereupon Doct. Moses Johnson, Doct. S. G. Haynie, and B. Gillespie were appointed said committee.

Resolved, That the proceedings of this meeting be published in the city papers and in hand-bill form, and that the members of this Committee sign the same.

SAM. WHITING, Chairman.

RICHARD BULLOCK.

W. W. THOMPSON.

MOSES JOHNSON.

JOSHUA HOLDEN.

BARRY GILLESPIE.

JACOB M. HARRELL.

H. B. HILL.

S. G. HAYNIE

DEPARTMENT OF WAR & NAVY
6th March, 1842.

2. To His Excellency, THE PRESIDENT:

SIR,

Your predictions are verified, but the enemy have arrived somewhat sooner than was expected. By this time, they have possession of Bexar.

This morning two expresses have arrived—one informing me that several of our spies had been cut off by the enemy; but they had not been able to ascertain their force. The second left on the 5th, when about five hundred of the enemy were in sight, and seemed to be increasing in numbers. Previous to the arrival of the last I had ordered out a battalion of Col. Jones' Regt., which with those in town, would have been sufficient for defence against a large maurading party which I supposed it was. I enclose the last report.

If not checked, the next move of the enemy, *should he be in force sufficient*, will be against this place, to destroy the archives, and detach another on his right to cut off communication. I have ordered the whole of Col. Jones' Regt. to this point.

I have directed Generals Somervell and Morehouse *to hold their Brigades in readiness* until further orders. In case it should be necessary for them to move, *they must furnish their own arms and ammunition. I have not got it for them.*

6 o'clock eveng.

Our position is precisely this: that if the enemy have a *regular force* (of which we have no advice) the object is to divert us by a feint upon Bexar, and they will attack this place from above—or the marauding party of 300 mentioned by me some days ago, have been augmented to 5 or 6 hundred, and are attacking the town for pillage, in consequence of the robbery recently committed upon some traders of which you are advised. I am organizing spies to mount this evening in all directions towards the point of danger. I will defend the archives to the *Knife*.

The artillery and some ord[na]nce stores are ordered from the arsenal, and will be posted for defence.

I have the honor to be, Sir,

Your most obt. servt.,
GEO. W. HOCKLEY, Secy. of War & Navy.

DEPARTMENT OF WAR & NAVY,
7th March, 1842.

3. To the PRESIDENT OF THE REPUBLIC;

SIR,

Bexar has fallen without a shot being fired. The troops from Gonzales, it is said, refused to defend it, and the whole evacuated. Van Ness and Morris are prisoners— such is the report. Ogden (late Captain of Infantry) went in with a flag, and saw Chevalier, also a prisoner. From what I can gather, the enemy must be in force greater than I anticipated. Using the *best information* (for I have NONE *strictly* military,) for my guide, it must be inferred that this point is that intended for attack. Goliad is taken, with 70 cavalry; so that it is evidently intended to cut us off from communication with the strong settlements. You will please direct the movement of such troops as may be sent for our relief.

I am burying the archives under the different offices; so that if they, or we burn, the valuable papers will be comparatively safe. I enclose you the declaration of martial law. *This place shall be defended to the knife.*

Castro is here. Flaco goes with the spies.

I have the honor to be, Sir,

Your most obt. servt.,

GEO. W. HOCKLEY, Secy of War & Navy.

DEPARTMENT OF WAR & NAVY

7th March 1842

4. *Martial law becomes necessary for the preservation of the Archives of the Government and for the safety of the Citizens of Austin and their property.*

It is hereby declared and will be rigidly enforced. All good citizens will obey it. Retailers of spirituous liquors will forthwith close their doors and cease vending them. Col Thos Wm Ward will command the Artillery & Ordnance Stores.

Col Henry Jones with his command and such citizens as may volunteer under him, will have charge of the city and its environs.

No person will leave without receiving permission either from them or the Secretary of War.

By Order of the President

GEO. W. HOCKLEY Secy of War & Navy

GALVESTON, March 10th, 1842⁴

5. To Hon. GEO. W. HOCKLEY,

SIR,

You will communicate to the Heads of Departments, that you have this, my order, to have removed forthwith to the city of Houston all the public archives of the Republic of Texas.

William Pettus, Esq. will report to you, and you can require of him such aids as you may deem proper and necessary.

You may find it most safe to have the archives removed by way of Caldwell, on the Brazos. If the enemy advance upon the Colorado, they would be in danger by the Rutersville route. If all cannot be brought off, by all means secure the land papers and Auditor's and Comptroller's.

You will employ such aids in the execution of this order as you may deem proper for its speedy and efficient execution.

I have the honor to be, Your obedient servant,

SAM HOUSTON.

DEPARTMENT OF WAR AND NAVY,

AUSTIN 16th. March, 1842

6. GENERAL,

Last evening I had the pleasure of receiving your communications by Mr. Green, and in consequence of continued indis-

⁴Endorsed: 1. To Secretary of War. Also in Executive Records, Book No. 40. p. 49.

position, am under the necessity of employing my confidential agent in the War Department as amanuensis.

I am in hopes that my publication to the people, sent by express (Mr. Winn) will allay their fears and keep them in that state of preparation which your proclamation requires.— I send herewith the Texian of 15th inst., and a hand bill published this day. I know not from what source the editorial emanated; neither can I find it out; the number of troops he reports at Austin, you will find incorrect by reference to my last. The companies sent under command of Col. Burleson, consisted of the cavalry of Captains Gillespie, Childress, and one raised by Col. Louis P. Cooke, together with some volunteers of which I informed you. Genl. Harrison, (the Editor) was sent by me express to Seguin on Sunday last.— Had the author of the editorial applied to the proper Department, he probably might have been informed of the cause of detention. Genl. Burleson, not being immediately under my command, and anxious to go to San Antonio, I thought it best to send him there. I have and still consider it necessary to retain a force for the protection of the archives of the government—no official information yet having been received as to the character of the enemy.

Your order for the removal of the archives was promptly promulgated. Col. Ward was directed to make every preparation in anticipation of transportation for that purpose. Col. Henry Jones commanding the 4th Regiment, and by the promulgation of Martial law, commanding the city and its environs, visited the office about the time of its reception. He was informed of the order and required to obey it. This caused a discussion between himself, Col. Ward and me. We parted for the night, and I was under the impression that he was favorably disposed to the measure. The documents enclosed will show the proceedings of the citizens today. My reply is also enclosed.

Very respectfully and most sincerely,

Your obt. servt.

GEO. W. HOCKLEY.

7. PUBLIC MEETING.²⁵

AUSTIN, March 16, 1842.
10 o'clock A. M.

In pursuance with previous notice, a very large and respectable meeting of the citizens of Travis county, and the troops now in Austin, assembled, for the purpose of taking into consideration a recent order understood to have been received by the Hon. Secretary of War, from the Executive, with regard to the removal of the archives, and of determining upon some course of procedure relative thereto.

On motion of Judge Webb, the meeting was organized by

²⁵Newspaper clipping.

calling Major Samuel Whiting to the chair, and the appointment of T. G. Forster as Secretary.

On motion of Col. Jones, Judge Webb addressed the meeting in an able and lucid manner, setting forth the objects for which the same was called, and concluded by reading the following letter:

AUSTIN, 16th March, 1842.

To the Hon. GEO. W. HOCKLEY,
Secretary of War and Navy.

SIR:—The undersigned citizens of the county of Travis, have just been informed that an order has been received by you, from the President, directing that the archives of the Government be immediately packed up, and transported from this place to the city of Houston, by the way of Caldwell in the county of Milam.

In issuing this order, President Houston could not have been aware of the true condition of affairs on the western frontier, or of the fact that the archives are as safe in the city of Austin at this time, as they have been at any moment since they were brought to it as the seat of Government, established by law. Indeed, in his own proclamation from Galveston, of the 10th instant, he professes to be unadvised of the condition of the frontier, and speaks of the supposed invasion of the Mexicans, as having reached him through rumor; and we have no doubt that the order was issued while under impressions produced by that rumor; and that had he been informed of the actual condition of things, he never would have issued it.

The undersigned cannot believe that the chief magistrate of a nation, whose peculiar duty it is to see that the laws are faithfully executed according to their spirit as well as their letter; and a chief magistrate, too, who has always professed a determination rigidly to obey their behest, would be the first to violate them; and you, yourself, must be sensible that no such contingency exists, at this time, as is contemplated by that provision of the constitution, from which alone the President's authority to remove the archives from the seat of government is derived. Believing, therefore, that President Houston would not, if he were here himself, attempt to enforce such an order; and that it would not have been issued had he been at the seat of government, the undersigned respectfully request that you will suspend its execution, until such time as they can have an opportunity of communicating with him at Galveston.

The undersigned can hardly believe it necessary to remind you of the immense injury that will result to the country abroad, by the impression that a marauding party of Mexicans, not exceeding five hundred in number, were capable of producing a panic to an extent sufficient to break up the seat of government; and to carry out President Houston's order at this time, would not only create that impression, but would give to it the worst possible aspect of cowardice and fear, as

the same conveyance which would communicate the information of the flight from Austin, would take with it the additional fact, that there was probably not a hostile Mexican remaining in the country, and that Texas had, between her seat of government and the enemy's frontier, a force competent to all the purposes of defence, of as gallant spirits as ever shouldered a musket.

In conclusion, the undersigned have only to assure you, that should any exigency arise which would render it necessary, or even prudent, to remove the archives of the Government to a place of greater safety than the city of Austin, they pledge themselves to be the first who will engage in the performance of that duty; and that, under no circumstances, shall they be exposed to any real danger from an invading army, should such an one attempt to approach us.

The undersigned have the honor to acknowledge themselves
Your obedient servants.

On motion, it was proposed that the above letter be signed by those present, and transmitted to the Secretary of War; and the same having been signed by the following gentlemen:—[Ninety-nine signatures omitted for want of room.]²⁶

On motion of Mr. Jewett, the Chairman appointed Col. J. M. Ogden, Col. H. Jones, Hon. James Webb, Mr. Jewett, and Major J. W. Harrison, a committee to transmit said letter, as signed, to the Hon. Secretary of War, and to request as early an answer as possible.

Col. Jas. S. Mayfield then addressed the meeting in an eloquent and spirited manner, stating that, individually, he held no interest in the west, but called upon the citizens, for the sake of the interest of the whole country, not to permit the south-western frontier to be abandoned, and their capital evacuated, by retreating from a retreating foe. He further stated, that the exigency contemplated by the constitution had not arisen, which would justify the Executive in removing the archives from the legitimate capital of the country; and he believed, had the Executive been fully aware of existing circumstances, the order would not have been issued.

On motion of Judge Webb, the meeting adjourned until 4 o'clock p. m.

S. WHITING, Chairman.

THO'S GALES FORSTER, Secretary.

4 o'clock p. m.

The meeting was called to order by the Chairman.

The following letter, received from the Hon. Secretary of War, was presented by the Chairman, and read by the Secretary:

²⁶The brackets are in the newspaper clipping.

DEPARTMENT OF WAR AND NAVY.
AUSTIN, 16th March, 1842

8. To HENRY JONES, SAM. WHITING,
JAMES WEBB, Esq., and others.

GENTLEMEN:—Your communication of to-day, on the part of the citizens of Travis county, has just been received.

I proceed to reply, that an order arrived last evening from the President, dated at Galveston on the 10th instant, directing that the archives of the Government be removed forthwith, to the city of Houston.

“In issuing this order, President Houston” was fully aware of the true condition of affairs on the western frontier, and always of opinion that they were not safe in the city of Austin. It is unnecessary now to argue the question, whether the seat of government was established by law, or whether Congress had the right to do so. The President’s proclamation, upon its face, shows that he wished to allay the feelings of the people, and prepare them for any exigency that might occur: the order was not issued without mature reflection.— By that order, it is believed and felt that the Executive is executing the laws faithfully, and “according to their spirit as well as their letter.” So far as the Secretary of War understands the spirit of the constitutional provision referred to, the President is the sole judge of the contingency— he is amenable to the people for his acts— he is liable to impeachment and disgrace, if he has transcended the laws of his country.

The Secretary of War is confident that if the President were present, the same order would be issued. It is to be regretted, that any injury should accrue to the good citizens of the country, either as individuals, or as a nation; but we have no evidence, as yet, that this is “a marauding party of Mexicans,” or a detachment of the regular army from Mexico; their number had not yet been officially ascertained.

The archives are ordered to be removed, the “Seat of Government” is not broken up, that is reserved for another tribunal.

The aspect of “cowardice and fear” supposed to be created by the removal of the archives, cannot be charged against the power that directed them—against those who have charge of executing them, or against those who have pledged themselves to defend their country.

However the Secretary of War may respect the opinion of the gentlemen who addressed him; as to the “exigency” of the case, and he recognizes many with whom he sincerely regrets to differ on that subject, his orders are plain and conclusive—they must be obeyed.

In time of danger, the people of Travis county will doubtless be found at their posts.

I have the honor to be,

Very respectfully, Your obed’t serv’t,

GEO. W. HOCKLEY, Secretary of War and Navy.

On motion, the Chairman appointed Hon. James Webb, N. Watrous, Col. Jones, Dr. J. W. Robertson, and A. D. Combs, a committee to draft resolutions expressive of the sense of the meeting relative to the letter first read.²⁷

On motion of Mr. Noland, J. Holden, J. W. Harrison, Col. Ogden, Wm. L. Cazneau, and J. S. Mayfield, were added to the committee.

On motion of Judge Webb, the Chairman was also added.

On motion, the committee retired to report in half an hour.

5 o'clock p. m.

9. The meeting was again called to order by the Chairman, and the committee, appointed for the purpose, reported the following preamble and resolutions:

Whereas, orders have been received by the Secretary of War from the President, directing that the Public Archives be forthwith removed from the Seat of Government to the city of Houston; and

Whereas, from the terms of a Proclamation issued by his Excellency the President, simultaneously with the order for the removal of the Archives, it is evident that he was not aware of the real condition of affairs on the western frontier, and, acting upon rumors, he was probably led to believe that they might be endangered if suffered to remain where they now are; and

Whereas, the citizens of Travis County, and others now present, believe that the order for the removal would not have been issued, had the Executive been apprised at the time of the true condition of things in respect to the frontier, and that if he were now at the Seat of Government he would not cause said order to be executed; and

Whereas, the said citizens, under this impression, addressed a respectful letter to the Secretary of War, requesting him for the above and other reasons to suspend the execution of the order for the removal, until they could have an opportunity of communicating with the Executive, now at Galveston, upon the subject,—pledging themselves to be ready at any moment to convey the Archives to a place of safety, should they ever be threatened with danger from the invasion of an enemy; and

Whereas, the said Secretary of War, in answer to said letter, has expressed his determination forthwith to execute said order by the removal of the Archives, without allowing time to the citizens to communicate with the Executive as they requested; and

Whereas, in the opinion of the citizens, the Archives of the Government are as safe at this time in the City of Austin, from any danger which might be supposed to arise from Mexican invasion, as they would be at any other point in the Republic,—it being notorious that the marauding party which recently visited San Antonio have precipitately fled

²⁷Newspaper clipping.

to the Rio Grande, and it is not believed that any other party of hostile Mexicans are to be found in the country, and that the contingency contemplated by the Constitution, which would authorize the removal of the Archives from the Seat of Government does not exist,—therefore

Be it resolved, That the citizens view the determination of the Secretary of War to remove the Archives from the Seat of Government under the order issued by the President, without allowing them time to communicate with the Executive upon the subject for the purpose of getting said order rescinded, as an unnecessary, arbitrary and uncalled-for violation of the law; and that, too, after the recent exhibition of public sentiment was so manifestly displayed in the refusal of Congress to give any authority for their removal.

Be it further resolved, That the citizens of the Republic will not tamely stand by and see so palpable a violation of the laws of the land, without using every proper and legitimate means within their power to prevent it.

Be it further resolved, That if any attempt be made to take off the Archives of the Government, contrary to law, the citizens of the country will return them to their proper places of deposit, and protect them there against attacks from any quarter.

Be it further resolved, That the citizens of Travis County pledge their fortunes and their lives to the country, that they will protect the Archives of the Government from all danger which may threaten them from any invading foe whatever.

Be it further resolved, That a copy of these resolutions be furnished the Secretary of War, and that another copy, with a remonstrance to be drawn up by the committee, together with a copy of the correspondence with the Secretary of War, be forwarded immediately to his Excellency the President at Galveston.

The following gentlemen were appointed to draft a remonstrance to his Excellency:

JAMES WEBB,
SAM. WHITING,
HENRY JONES,
N. H. WATROUS,
A. D. COOMBS,
J. W. ROBERTSON,
JOSHUA HOLDEN,
J. M. OGDEN,
J. S. MAYFIELD,
W. L. CAZNEAU.

On motion of Col. Jones, the preamble and resolutions were unanimously adopted.

On motion of Mr. Noland, Col. Mayfield was called on to address the meeting relative to the propositions set forth in the preamble and resolutions. Col. Mayfield responded to the call, and expressed his entire concurrence therein.

The meeting then adjourned until to-morrow morning 10 o'clock.

(Signed) S. WHITING, Chairman.
THOS. GALES FORSTER, Sec'y.

DEPARTMENT OF WAR & NAVY,
AUSTIN, 17th March, 1842.

10. (*Copy.*)
Private & Confidential.
To Col. WM. PETTUS,

SIR,

In consequence of the excitement and state of public feeling at this place, together with the fact, that the Department has no military force to carry out its measures, it becomes expedient to direct you to halt at some convenient place, with the transportation you may have for the removal of the archives of the Government until further orders.

You will inform the Department privately of the place to which further instructions shall be directed.

Very respectfully Your obt. Servt.,
GEO. W. HOCKLEY Secretary of War & Navy.

AUSTIN, March 17, 1842.²⁸

11. The meeting was called together pursuant to adjournment. The proceedings of the previous meetings, together with the remonstrance to the Executive, prepared by the Committee, were read and approved.

The Remonstrance which follows was, on motion, signed by the citizens:

AUSTIN, March 17th, 1842.

To his Excellency SAM HOUSTON, Pres. &c.

SIR: The undersigned having learned through Col. Geo. W. Hockley, Sec. of War, that your Excellency had, by Executive order, dated March 10, 1842 at Galveston, directed the Archives of Government to be removed for better security, from this place to the city of Houston, would most respectfully refer you to the accompanying Resolutions which were adopted at a public meeting of the citizens of Travis Co. and solicit your Excellency to countermand the order and permit the Archives to remain at the present Seat of Government.

The undersigned believe that at the time the order for removing the Archives was issued, the exaggerated statements transmitted by even the regular expresses from the Western Frontier concerning a Mexican invasion, had justly given cause to your Excellency to apprehend that the city of Austin was in im[m]inent danger of attack, and that the emergency contemplated by the Constitution had arisen which would imperatively demand the removal of the Archives from the

²⁸Newspaper clipping.

present situation to some place where it might be supposed they could remain in perfect safety. The real character of the recent movements of the Mexicans on the Western Frontier having been ascertained, and as it is now evident that no serious invasion of our Territory has taken place, we trust that your Excellency will, on a full consideration of the circumstances, conclude not to carry into effect an order, the execution of which is calculated to create unnecessary alarm within our borders, to cause still greater panic in the U. States, and give our enemies the Mexicans, so much reason for claiming a victory over Texas without firing a gun, or losing a man, thus affording additional pretexts to justify the arrogant pretensions of that Government to regain our Republic.

The undersigned, as in duty bound, would respectfully recommend to your Excellency the consideration of this Remonstrance.

(One hundred and three signatures omitted for want of room.)²⁹

On motion, a Committee of two was appointed by the Chairman, to proceed to his Excellency the President, and present the foregoing Remonstrance together with the proceedings of the several meetings held in this city.

A. D. Coombs and N. A. Watrous were appointed the Committee; and on motion were allowed to publish the same in the Papers of Houston and Galveston.

On motion of A. D. Coombs,

Resolved unanimously, That this meeting approve of the course pursued by Col. Jones in reference to the detention of the Archives hitherto, and will sustain him in any vigorous measures he may adopt on the subject, consistent with the sentiments of the Resolutions adopted by recent public meetings of the citizens of Travis county.

On motion, the Chairman appointed the following gentlemen a Committee of Correspondence, A. McDonald, N. Townsend, H. B. Hill, S. G. Haynie, and Lamar Moor.

On motion, *Resolved*, That the proceedings of the various meetings held, be published in the papers of this city.

S. WHITING, Chairman.

THOS. GALES FORSTER, Secretary.

12. PUBLIC MEETING³⁰

Of the citizens of Travis county, at Austin, for the better protection of the Archives and the Frontier.

The meeting having been called to order by Major S. Whiting, on motion of Col. Henry Jones, Judge Webb explained the object of the meeting, stating that it was not for any hostile but for pacific purposes.

Mr. Henry J. Jewett having been called upon, addressed the

²⁹This statement is in the newspaper clipping.

³⁰Newspaper clipping.

meeting, and was followed by Dr. S. G. Haynie. Gen. Wood, also addressed the meeting.

On motion of Judge Webb, it was Resolved, That the Company or Companies raised, shall be entitled to elect their own officers, and that they be under the command of Col. H. Jones.

Mr. Gravis moved, that Capt. Geo. M. Dolson superintend the raising of the Company contemplated by the resolutions.

On motion of Mr. Alex. McDonald, Resolved, That the subscriptions contemplated by the resolutions, be now opened.

On motion of Mr. Noland, Resolved, That a committee be appointed to wait on the Secretary of War, and request arms and ammunition for the use of the Companies that may not be supplied.

The following gentlemen were appointed as the committee: Messrs. Dolson, Jones, Noland, McDonald, Smith and Haynie.

It was also Resolved, That the same committee wait upon the Secretary of War, and request the use of Government provisions until the Companies can supply themselves.

The subscription list was then opened, and the sum of fifteen hundred dollars immediately subscribed.

SAM. WHITING, Chairman.

T. G. FORSTER, Sec'y.

DEPARTMENT OF WAR & NAVY
18th. March, 1842.

13. *Copy*

To Messrs. JONES, DOLSON,
NOLAND, McDONALD, THOS.
SMITH & S. G. HAYNIE.

GENTLEMEN:—The Secretary of War has received a memorandum of Resolutions, passed in accordance with other resolutions, adopted at a meeting held this afternoon, requesting that Arms, ammunition and provisions be furnished to some companies for the protection of the Archives and frontier.

At a previous meeting of the citizens of Travis county and others, he was informed that “the Archives of the government are as safe at this time in the city of Austin, from any danger arising from Mexican invasion, as they would be at any other point in the Republic”; and again, “that the citizens of Travis County pledge their *fortunes* and their lives to the Country, that they will protect the archives of the Government from all danger which may threaten them from any invading foe whatever”. It was therefore, surely not expected by them, nor the idea intended to be conveyed to the Secretary of War, that the troops would remain.

The arms and ammunition which could be spared for the protection of the City of Austin, have already been issued to the Travis Guards for that purpose. The last Congress have designated the mode in which the frontier should be protected. The arms, munitions of War and provisions in the Ordnance and Commissary's Departments, are not sufficient for the

mode of defence contemplated by them, and for the accomplishment of other measures intended by the Department.

One of your Committee, late a Member of the Hon. Congress, no doubt clearly recollects what was required of them by the then Colonel of Ordnance for that Department— It is therefore not his fault that the supplies in the public Depots are not adequate to the wants of the Government.

The Secretary of War regrets that he cannot comply with the requisitions contained in the Resolutions.

Very respectfully Your Obt servt
GEO. W. HOCKLEY, Secty of War & Navy.

EXECUTIVE DEPARTMENT,
CITY OF HOUSTON, March 20th, 1842.

14. To Mr. OWEN O'BRIEN/

SIR,

You will proceed forthwith to Pine Island, and thence to Oliver Jones, Esquire's, on the Brazos. You will show this to Doctor Anson Jones, and request that he will come to me as soon as possible. You will then proceed on to where you may find Col. George W. Hockley, Secretary of War, and W. D. Miller, Esq., my Private Secretary, and let them know that I desire them to come to me.— If Col. Hockley is usefully employed in the army and he should think his presence necessary there, he may remain until I can learn more of our situation.

No express has been received from any of the forces; nor does the Executive know what is to be depended upon. *Rumors* are arriving hourly and daily, but no authentic facts.— I wish my Secretary, and all the officers of the Government.

Let the archives be brought here immediately. Expresses have been sent to the East for all the troops to be in readiness. I desire to hear all the news, and to know the authentic state of the army, or forces in the field.

I have the honor to be,

Your obedient servt.
SAM. HOUSTON.

EXECUTIVE DEPARTMENT,
CITY OF HOUSTON, March 22d, 1842.

15. To Col. GEO. W. HOCKLEY, &c.

Dear SIR,

I am sorry to learn that you are not well—such is the news by express. You have done right in relation to the archives. I will not remit my purpose, but I wish no violence or bloodshed.

I sent an express to you, and ordered all the officers of government to this point. If people will fly in the face of the laws and constitution, it is to be deplored, and they should be punished in a proper manner. I suppose they think, that

if the archives were actually destroyed, it would then be a proper time to remove them. I am the sole judge of the necessity and the time proper for their removal. That time has come; and if they should offer any violence to their removal, you will have them safely deposited in some house, and have a confidential man left in charge of them. In the mean time all the officers of the government will repair to this point—and should any refuse to come, their offices will be considered vacant and accordingly filled.

You may be assured that I will not falter on the way. The absurdity is most manifest, for the reason that Austin is more exposed than Bexar. The enemy could approach it with less danger and more secrecy than they did Bexar.—Had the govt. been at this place; all or a great portion of the excitement and alarm which has prevailed, would have been prevented. The mass of population being on the sea-board and on the rivers, were not apprised of the true state of facts; as all important intelligence was sent to Austin.

It is beyond endurance to suppose that the very liberties of Texas are to be sacrificed [*sic*] to the interests or wishes of less than one tenth of the nation. If the people of Austin are really in good earnest to keep the archives safe, as they aver; and you cannot bring them without violence, and should deem it wise and prudent to leave them, then the people can protect them.

As to the Executive and the officers of government, they will assuredly be here—or not at Austin. I have no additional orders to give—only for all the officers to repair here forthwith. You will please to regard the suggestions contained in this letter and act upon them. I am the sole judge of the emergency which may require the removal of the offices. The time has come; and if the offices are here I will create the officers.

I will not change the position which I have taken; and it will do but little good for any man to have it said, he “committed insurrection” by opposing the constitutional action of the President, and the militia were called out to suppress it—and to have it added, that “the substance of the farmers was consumed to sustain the troops called out by order of the President”. The laws and constitution must and shall be obeyed, even though their execution should affect the interests of a few.

Austin is no defence to the frontier, as the three last years have demonstrated, in the number of persons killed there and horses stolen.

I am truly thine,

SAM. HOUSTON.

EXECUTIVE DEPARTMENT,¹
CITY OF HOUSTON, March 24th, 1842.

16. To Messrs. A. D. COOMBS AND N. H. WATROUS, Esqs.,
GENTLEMEN,

I have the honor to acknowledge the receipt through you of a copy of the proceedings of a public meeting of the citizens of Travis County, held at the city of Austin on the 16th. and 17th. inst., on the subject of an order issued by me to Col. G. W. Hockley, Secretary of War and Navy for the removal of the national archives from the frontier to a place of security; and, also, a remonstrance from the citizens composing the meeting against their removal, and requesting the Executive "to countermand the order and permit the archives to remain at the present seat of government".

From all the information received, I am fully impressed with the conviction that Mexico is making preparations for carrying on a war for the subjugation of Texas; and, although the party which took and plundered San Antonio, have fallen back, that it is only for the purpose of uniting with the forces now upon the Rio Grande. At what moment the threatened invasion may be attempted, I have no means of knowing, nor can it be calculated upon with any certainty. It is, indeed, true, that the immediate cause which induced the order for the removal of the archives has for the time ceased to exist; but there is no assurance that it may not be renewed in a more formidable shape at an early period. The Executive is exerting, and will continue to exert all his ability, and to employ all the means at his disposal to meet and repel any intended hostile aggression by Mexico upon the soil of Texas, and to sustain and protect the South Western frontier. For this purpose it is necessary, that he should be, for the present, at a point where he can communicate with every part of the country, and with the city of New Orleans, promptly. It is, also, desirable that he should have with him his cabinet and other functionaries, with the necessary papers for the despatch of business.

Austin, situated at a point remote from the sea-board and almost insulated from the whole country, eminently exposed to attack both by the Indians and Mexican foe, and liable all the time to become the very theatre of war, is deemed at this crisis, by the Executive to be very unsuitable as a point for carrying on the multifarious operations of the government.

The Executive fully appreciates the patriotic disposition evinced by the citizens of Travis county to defend the national archives at the hazard of their lives, should they be permitted to remain at Austin, and entertains no doubt their pledges to this effect would be nobly redeemed, should invasion press upon them; but the hazards of war are always great, nor could the

¹Also in Executive Records, Book No. 40, pp. 73-4. It is printed in the *Telegraph and Texas Register*, June 15, 1842; and in *The Northern Standard*, August 27, 1842.

mere possession of the archives at Austin be justly considered a suitable equivalent for loss of life which the contest might occasion— even if successful.

The destruction of the national archives, would entail irremediable injury upon the whole people of Texas, and their safe preservation should be a consideration of paramount importance to that officer of the government, who is responsible for such safe preservation. The constitution of the country—the supreme law of the land—the expression of the immediate will of the people—has devolved this high and sacred obligation upon the President. Should the infinite evil which a loss of the national archives would occasion fall upon the country through his neglect of imperious constitutional duty, he would be culpable in the extreme, and most justly incur the reproach of a whole nation. While, however, the President feels constrained, under the consciousness of his high responsibility, and as an act of proper caution and prudence, to place the archives in a place of the greatest security, he cannot perceive that this measure should create any additional harm to the citizens of the West. It is already known upon that frontier that active preparations are now making for the war with which we are threatened; and that whether the archives remain at Austin or not, it will be prosecuted with all the means in our power, until our independence is recognized by Mexico. The guarding of the archives at Austin will necessarily detach many very efficient citizens from useful service in the field, and their being allowed to remain there, will, in the opinion of the President, be subjecting them to useless and unnecessary hazard, whilst it would diminish the means of national defence.

From the fact of the seat of government being at Austin, has arisen the present confusion in the country. Intelligence was necessarily sent there from the point of danger, and no assistance could be afforded. *Rumors* came to the densely inhabited portions of Texas, whilst direct intelligence was delayed. Had the facts been known on the sea-board and in middle Texas, the whole population would not have been called out at this important season of cropping; and so long as the seat of government remains detached, the country will be liable to similar evils. To prevent much evil, and do good was the origin of the order which I gave to the Secretary of War and Navy, and which is renewed.

The President begs leave, in conclusion, to express his sincere esteem and respect for the very respectable portion of his fellow citizens of Travis County, whose opinions have been communicated to him, th[r]ough you, Gentlemen; and while he regrets most deeply, that the present emergency prevents him from a compliance with their requests, he hopes the reasons now assigned, (under a consciousness of events which have transpired since the date of their meeting,) will be satisfactory, and that as patriotic citizens, they will sustain him in the course which circumstances have compelled him to adopt.

Be pleased to accept for yourselves, Gentlemen, the assurances of the sincere regard and respect, with which I have the honor to be,

Your most obedient servant,
SAM. HOUSTON.

EXECUTIVE DEPARTMENT,
CITY OF HOUSTON, April 4th., 1842.

17. To Col. THO. WM. WARD,
SIR,

You are hereby invested with all proper and necessary authority to remove the archives of the government from the city of Austin to the city of Houston. If your efforts to do so are resisted, you will immediately report the same to the President. Facts are accumulating upon the Executive, which render the removal of the public records not only important, but imminently pressing. I shall rely upon your energy and discretion to secure, in this behalf, the best interests of the government. A force competent to effect this highly necessary object, will be furnished upon your requisition.

I have the honor to be
Your obedient servant,
SAM. HOUSTON.

EXECUTIVE DEPARTMENT,
CITY OF HOUSTON, April 4th., 1842.

18. To Col. HENRY JONES, City of Austin, &c.
SIR,

Certain information having reached the Executive, of acts of insubordination and opposition to the authorities of the government, in a manner involving, seriously the future welfare of the nation:

Therefore, in the name of the constitution and laws of the Republic of Texas, you are hereby specially enjoined and commanded in no wise to interfere with, or obstruct, the fulfilment of the Executive order heretofore issued, directing the removal of the government archives from the city of Austin to the city of Houston. Any such interference, either directly or indirectly, by yourself or through any agent or agents, acting under your orders or countenance, will be promptly met with that punishment and disgrace due to the crimes of treason and insurrection. The best interests of the nation must not be endangered with impunity. If disaster ensues by resistance to the laws and properly constituted authorities of the country, in a case where every consideration of prudence and propriety requires immediate action, the people will expect the guilty to be punished. It shall be done.

SAM. HOUSTON.

¹Also in Executive Records, Book No. 40, p. 76.

²Also in Executive Records, Book No. 40, pp. 76-7.

EXECUTIVE DEPARTMENT,
CITY OF HOUSTON, April 5th, 1842

19. To all to whom these presents shall come. Know ye, that Solomon L. Johnson, is directed and charged by authority emanating from the Minister of His Majesty the King of the French, near this Government, to remove the archives and other property of his Majesty, the King, belonging to his legation in Texas, from the city of Austin to the city of Houston, or any other point or place in the Republic, to which said archives and other property may be ordered. And in furtherance of this object, the citizens of the Republic are enjoined and required to permit their free passage; and in no wise to obstruct or impede their removal, under the penalties imposed by the laws of nations and the Republic of Texas.

SAM. HOUSTON.

CITY OF HOUSTON, April 11th, 1842.

20. To the honorable EDWARD BURLESON,
Vice President of Texas:

SIR,

Your absence at Bexar has prevented my addressing you on the subject of a removal of the archives of the Republic to some point of undoubted security. This point has been designated as the most eligible in the present crisis, and to meet events which we must anticipate.

To give proper direction to the action of our navy, which must to a great extent be dependant upon contingencies, will at all times require the greatest facilities that Texas can command. If the government were to remain at Austin, it would require from ten to fifteen days longer at Austin to meet and attend to despatches than it would at this point. This calculation does not embrace accidents and impediments arising from high waters on the road to Austin from this place, which contingency, as well as others, should be regarded. From Austin to Matamoros would not be less than three hundred and sixty miles; and it may be, that our connexion with that point may be established in the event of a war being carried on by Texas against Mexico. The time required thro' an uninhabited country, apart from the dangers of the route, could not be calculated at less than eleven days; when, by sea, from this point, despatches could go in four days. Despatches could reach the East from this place as soon as they could be forwarded to Austin. Indeed, all parts of the frontier settlements are nearly equi-distant from this city; and all the resources of Texas could at once be called into action, and efficiency given to the operations of war. As it has been, only evil has arisen. Instead of those portions of the country most densely populated, being apprised of the true state of the frontier, despatches had to go to Austin, where the population could afford no present assistance; and the country sustained

thereby injury equal to that inflicted by the Mexican invasion of 1836.

The constitution has reserved to the Executive the right to remove the offices, when he may deem proper, in time of war, for the security of the archives of the government. The contingency has arrived, in the opinion of the Executive, and he is the sole judge of the necessity. The measure was not adopted until he was satisfied, both of the necessity and the propriety of such a course. From the locality of Austin, it is certainly as approachable, and as liable to surprise, as Bexar was; and the inducements to an advance upon it, much greater. It is needless for me to suggest to you the evils which would result to our country, from the fact that a Mexican force had taken the capital of the nation and destroyed the archives. Texas, now struggling with difficulties, would be overwhelmed by such a calamity. Abroad it would destroy all our prospects; and we ought to hazard nothing, since we must look abroad for assistance—so far at least, as our credit and the sympathies of the world are concerned.

To oppose the orders of the Executive when he is in the exercise of his constitutional functions, is insurrection—and he has the power to suppress such acts. And though he may, as every good citizen should do, deplore recourse to the remedy, he will nevertheless perform his duty. In anticipation of evils, the President called on the last Congress for the power and the means necessary to sustain a force at Austin for the safety of the place and the archives. His request was disregarded by the honorable body, and no provision made. He has only power to call out the militia in the event of insurrection or invasion—but not to defend Austin, or any other point, which may or may not be attacked. If Mexicans had no motives for an attack upon the place, it is at all times liable to be sacked and burned by the Indians. It has been their constant resort, and depredations are committed in sight of the city in open day. It is no argument in favor of the safety of the place that it has never been attacked yet, tho' the Indians have always resorted to the place. This may all be true, and surely it is no reason for its remaining as the seat of government. The only question is: *are the archives safe, or as safe at Austin as they would be at some other point in the Republic?* All must answer, they are not. They are not even probably secure at Austin—yet they may *possibly* be so. It is the duty of the Executive to be *assured* of their *safety*, apart from all benefits which would result to the country from their removal to some point near the sea-board.

This city has been selected as the point most nearly connected with the U. States, to which we are to look with peculiar interest, until our war with Mexico is terminated.

Emigrants arriving at Galveston would perhaps be detained for twelve or fifteen days at Galveston until despatches could go to and return from Austin, when, otherwise, their detention

would not exceed three days if they had to report to this point, and be conveyed by water to their destination

Aware that some acts of sedition have been perpetrated [*sic*] by individuals holding office under the government, I call upon you, as the second officer known to the constitution to put down all insurrectionary acts and conduct, and to sustain the Executive in the exercise of his constitutional duties—feeling confident that you will not fail to maintain the oath which we have solemnly taken to support the constitution and the laws.

The present moment is one fraught with important consequences to Texas; and upon our conduct and actions must the weal or woe depend. If volunteers from the U. States find us in a seditious or insurrectionary state, they will not remain in Texas to unite their efforts or their destiny with a people who will not regard the constitution, and thereby show that they are incapable of self-government. They know our past history, and amongst the causes of our misfortunes they will rank the conduct of the General council in deposing Governor Smith—and their acts done in violation of the Organic Law. The Alamo's not having been blown up, and Colonel Fannin's disobedience of orders all arose from a spirit of insubordination. These things produced to Texas the greatest calamities, as they gave rise to panic, and panic to the desolation and waste of our country. Now if the same spirit is shown by the Texians, when we have had six years of comparative peace, we need place no reliance on foreign aid—or at least its continuance. The Santa Fé excitement may hurry some on for the present; but if our friends in the United States find that the orders of government are to be disregarded and every man is to become a leader, or dictator, "on his own hook", our hopes will be short-lived; and even those who have rushed to aid us, by the first impulse, will soon withdraw from a cause which is not sustained by reason and law, and whose foundation is not order, subordination and civil rule.

For these reasons, with many more which must suggest themselves to you, I feel bound to urge your influence and authority in preventing the interposition of any impediment to the immediate removal of the archives to this place, in obedience to the orders of the Executive.

I regard the archives of the Senate, in cases of emergency, as under your care, and therefore under your control until they reach the point of safety which has been designated.

With high consideration and respect,

I have the honor to be, Your obedient Servant,

SAM. HOUSTON.

21. PUBLIC MEETING³⁴

Of the Citizens of Travis and Bastrop Counties.

Pursuant to previous notice, a large and respectable meeting of the citizens of these counties was held at the city of Austin, on Monday the 11th of April, 1842.

On motion of Colonel Henry Jones, Major Samuel Whiting was called to the Chair, and Col. Thomas Green appointed Secretary.

Henry J. Jewett, Esq., explained the object of the meeting to be— to take into consideration the reply of General Houston to the "Remonstrance" addressed him by the citizens of Travis county, in relation to the removal of the national archives from the present seat of government to the city of Houston; also to adopt measures necessary in the present national crisis. The subjoined letter, in reply to the communication of his Excellency the President, was then read; and, on motion, it was unanimously adopted, and signed by all present at the meeting.

AUSTIN, 11th April, 1842.³⁵

His Excellency SAM HOUSTON, President, &c.

SIR:—Your letter of March 24th ult., addressed to Messrs. Coombs and Watrous, has been laid before the undersigned, citizens of the counties of Travis and Bastrop, in public meeting; and it is with great regret they find that their just and reasonable expectations of your rescinding the order recently issued to the Secretary of War and Navy, for the removal of the national archives from the Seat of Government to Houston, have been disappointed. When the information was received here, that such an order had been given, no one believed, for a moment, that you would have directed its execution had you been present, and acquainted with the true condition of the country, and the only excitement produced by it in the public mind, was occasioned by the declarations of the Secretary of War, that he would not suspend its execution until correct information could be communicated to you—alleging as his reason, that the order was not predicated upon any supposed invasion of the country by a Mexican force, or upon a belief that the archives were not as safe in Austin, at the time the order was issued, as they had been at any previous period since they were brought to it; but that it had its origin in a determination, long since formed by you, to remove them to Houston, in any event, as they had, in your opinion, been brought here contrary to law; that Congress had no right to interfere in the matter; and that you, as the Executive of the nation, had the sole and entire control over them, and was the proper judge of the most suitable place for their deposit.

³⁴Newspaper clipping.

³⁵This letter is a part of the clipping. It is also published in the *Telegraph and Texas Register*, June 15, 1842; and *The Northern Standard*, August 27, 1842.

Declarations so startling as these, to minds accustomed to the untrammelled operations of law, could not fail to produce great surprise, and much excitement; but even in the midst of that excitement, there were few who could believe that your opinions and sentiments had been correctly represented by the Secretary of War, much less that you would ever be found avowing doctrines so subversive of the principles of republican government; but in this, as in many other things connected with your official course, the citizens of Travis and Bastrop regret to say, they have found themselves much deceived. It is true, you do not proclaim, in your letter to Messrs. Coombs and Watrous, the doctrine, that your will is superior to the law, in the positive and unequivocal terms used by the Secretary of War, in his verbal reply to the committee of the citizens who waited upon him in reference to this subject; but your removal of the archives, after you had become sensible that no such emergency as the Constitution contemplates, exists to justify it, is, in effect, equal to the declarations of Col. Hockley, that your will is paramount to all law; and that the wishes of the people, as legitimately expressed through their representatives, are to be wholly disregarded, if they happen not to chime in with your views of convenience and propriety. It is unnecessary to call your attention to that article of the Constitution which declares that "The President and Heads of Departments shall keep their offices at the Seat of Government, *unless removed by the permission of Congress*, or unless in cases of *emergency*, in time of War, the public interest may require their removal," as it is presumed that you are acquainted with it; nor can it be necessary to remind you, that by act of Congress the city of Austin was made the Seat of Government; that the political affairs of the nation have been administered here for nearly three years; that three sessions of Congress have been held in this city; and that no "permission of Congress" has ever been given for the removal of the offices of the President and Heads of Departments from it, although great efforts were made by you, while a member of that branch of the Government, to effect it; and still greater efforts were made by *your friends*, during the last session, without success—although aided with all the lures of executive patronage, and the promises of official employment.

You do not pretend to say that any *emergency* exists to justify the removal at this time, which did not exist during the last session of Congress, or during the session which you so ably and pertinaciously, though unsuccessfully, advocated the measure; or, indeed, during any period of time since they were brought here by act of Congress? and if you did say so, facts, notorious to every one, would contradict the assertion. Our position, in reference to Mexico, is now precisely what it has been for five years, with the exception that we have continued to grow stronger and more capable of defending ourselves, while she has grown weaker, and less capable of annoy-

ing us. There has been no change in our Indian relations since the close of your former administration, except such as has grown out of their intimidation, occasioned by the repeated drubbings which have been given them, and which have materially lessened the frequency of their incursions upon our borders. You say, however, that we are now threatened with an invasion from Mexico. When, we would ask, was the time we were not threatened with invasion? And why permit such threats at this time to create a panic, under the influence of which, the west is to be desolated, and the Seat of Government abandoned, when, on previous occasions, they were only regarded as the idle vaporings of imbecility? Is it because five hundred thieving, marauding Mexicans have been permitted to make a foray into the heart of our country, capture and rob one of our cities with impunity and to depart, unmolested, that we are to fly, Government and all, from the name of a Mexican invader? That the force which captured San Antonio was nothing but a marauding party, composed of bandits and plunderers, you will not deny, as your letter to General Santa Anna,³⁶ written three days before your communication to Messrs. Coombs and Watrous, shows that you duly appreciated their character, and the nature and objects of their foray, notwithstanding you seem now disposed to give them a designation somewhat more respectable, by saying that they had fallen back for the purpose of uniting with the forces upon the Rio Grande. This apparent discrepancy, however, is easily reconciled by the recollection, that in writing to Messrs. Coombs and Watrous, you were seeking for arguments to sustain you in your favorite measure of removing the archives from a place which, unfortunately, had never met your favor, to another which, from its name, and various other personal considerations, it has long been known you were determined to foster with all the patronage of the Government.

You say that "from the fact of the Seat of Government being at Austin, has arisen the present confusion in the country. Intelligence was necessarily sent there from the point of attack. Rumors came to the densely inhabited portions of Texas, whilst direct intelligence was delayed. Had the facts been known on the sea board, and in middle Texas, the whole population would not have been called out," &c. We would ask, where should intelligence have been sent if not to the Seat of Government? Had the President been at his post, where the constitution and law required him to be, he would have received the necessary information long before it could have been conveyed to him on the sea-board; and, by being thus early informed of the true condition of things, he might have prevented what he now regards as a calamity—the calling out of the whole population for no other purpose than to see the desolation of one of our cities, after the foe had fled beyond

³⁶Executive Records, No. 40, pp. 574-91. It is printed in the *Telegraph and Texas Register*, March 30, 1842 and in *The Morning Star*, March 26, 1842.

the apprehension of danger. Indeed, he might have done more; he might have prevented the desolation of that very city, and captured every Mexican which approached it, as information was received at the Seat of Government of their approach, a sufficient time previous to their arrival to have afforded ample opportunities to an energetic administration to have thrown a sufficient force into San Antonio for its protection, and the capture of the enemy.

The local position of the Seat of Government, so far from affording any just pretext for the removal of the archives, presents the strongest reason for its being sustained; as the movements of the enemy could, at all times, be ascertained more readily and correctly at this point than at Houston; and, consequently, more speedy measures could be taken to counteract them.

For the favorable opinion expressed by you, of "the patriotic disposition evinced by the citizens of Travis county to defend the national archives," they feel grateful, although they cannot forget that, in reference to this very subject, many of them have recently been denounced as disorganizers and traitors; and one of them, who all regard as a patriot, and are proud to acknowledge as an associate, has been threatened with the gibbet, because he would not tamely submit to a gross and palpable violation of the constitution and laws of his country. Such denunciations have had, and can have no effect upon the determination of the citizens of this portion of the Republic; did they consider it necessary, however, to the defence of their reputations for patriotism and love of country, in the estimation of those whose good opinion they prize, they would hurl them back, as base and foul calumnies, in the teeth of him who uttered them; but their deeds and acts will afford the better refutation. The people of Travis county, and the west generally, are neither disorganizers nor traitors. There are none upon whom the sun shines, that would more freely shed their blood in defence of the rights and interests of their country; but they acknowledge no government except one of laws, and they recognize no power in any functionary except such as the constitution and laws have conferred; and whenever an attempt shall be made to trample under foot those rights which the constitution and laws guarantee to the citizen, the people of Travis will be found at their post, ready to defend them at whatever of sacrifice the trial may impose. The people of Texas have descended from a race which has furnished abundant evidence of their determination to resist despotism and misrule, even when that despotism has been attempted under the imposing form of *legitimate* royalty; and the feelings which gave rise to the most important scenes which were acted in England in the seventeenth century, may, from similar causes,

be aroused into action in the infant Republic of Texas, in the nineteenth.

With due respect, We have the honor to be
Your obedient servants.

[Three hundred signatures omitted for want of space]³⁷

On motion, it was voted that citizens from any counties in the Republic, besides Bastrop and Travis, be requested to take part in the proceedings.

Col. Jas. S. Mayfield, having been called upon to express his sentiments, concluded a very able and eloquent address by proposing the following preamble and resolutions, which were unanimously adopted:

Whereas, in the history of all countries, and more especially in that of the settlement and establishment of the North American nation, and in her wars, it was the uniform custom, and policy, to rally to the outposts of the country, and to afford protection and defence to the remotest posts of the country; and

Whereas, in the history of warfare, it is a novelty that the first military order given, should be the abandonment of the Capitol [*sic*] of the nation, and to retreat from an imbecile and flying foe, and the consequent breaking up of the settlements of the frontier; therefore,

Be it resolved, That the order of the Executive for the removal of the archives of the Government was wholly uncalled for— not justifiable by any emergency or imminent danger threatening the same, or the Capital of the country; and had the President repaired to the Seat of Government, where duty, patriotism, and the Constitution called him, the alarms and confusion alluded to in his letter of the [24th] instant, to Messrs. Coombs and Watrous, would not have occurred.

Be it resolved, That the citizens of Travis and Bastrop are firmly convinced, that the time is at hand when our war with Mexico (now of seven years' continuance) should be brought to a close; that a longer continuance of the war on our part, upon principles of defense, is ruinous to the people of Texas, both nationally and individually: public meetings are, therefore, requested to be held at the earliest possible period, in every county of the Republic, in furtherance of this object; and, to unite public sentiment, a committee of five persons be appointed by the Chair, to address the citizens of Texas upon said subject — recommending a plan by which unity and concert of action may be had; that said committee be instructed to submit a plan of organization, by which the volunteers and soldiers of the United States shall unite and co-operate with the volunteers of the country, at the most favorable point west of the Guadalupe river.

Be it further resolved, That the first day of June next be

³⁷This note including brackets is in the newspaper-print.

appointed, as the day upon which said volunteers shall assemble West, for the purpose of prosecuting offensive war against Mexico; and that the sentiment of the country is not only to *prepare* for an active and vigorous war, but to assume an *offensive* position.

Be it further resolved, That the policy of defensive war is a suicidal one, and destructive of the whole western settlements of the country, and the total ruin of each and every frontier settler thereof— as it is subsisting our army, and that of the enemy, upon our own country, when our support should be drawn from the enemy.

Be it further resolved, That the citizens of Bastrop and Travis counties will unite with the citizens of Galveston and Harris counties, in their resolutions, in carrying out offensive operations against Mexico; that the thanks of the nation are due to the citizens of said counties for setting so bright an example of patriotism.

On motion of Col. Jones, a corresponding committee, of five were appointed, consisting of the following gentlemen — Col. Mayfield, Hon. L. C. Cunningham, H. J. Jewett, Esq., and T. Bissell.

On motion of Judge Webb, Major S. Whiting was added to the committee.

On motion of Major M. B. Lewis, Col. Thomas Green was also added to the committee.

H. J. Jewett, Esq., having been called on to address the meeting, expressed his sentiments in relation to the policy of an offensive war against Mexico in a most able and eloquent speech.

Col. Jones introduced the following resolution, which was unanimously adopted:

Whereas, the President, in his communication to Messrs. Coombs and Watrous, has asserted that, “from the fact of the seat of government being at Austin the present confusion in the country has arisen— intelligence was necessarily sent there from the point of attack— rumors came to the densely inhabited portions of Texas, whilst direct intelligence was delayed; had the facts been known on the sea-board, and in middle Texas, the whole population would not have been called out at this important season of cropping. So long as the seat of government remains detached, the country will be liable to similar evils; to prevent which evil, and do good, was the origin of the order which I gave to the Secretary of War and Navy, and which is renewed”— therefore,

Be it resolved, that we, the citizens of Travis county, renew our determination to protect the Archives of the Government at the city of Austin.

The following resolutions were then introduced by H. J. Jewett, Esq.:

Resolved, That the citizens of Travis county renew their

pledge, heretofore made, to be the first to aid in the removal of the national archives to a place of security, whenever they may be in actual danger.

Resolved, That if the next Congress, in its wisdom, should determine to remove the Seat of Government from Austin, we will most cordially acquiesce, and promptly aid, in carrying out such enactment.

The resolutions were unanimously adopted.

On motion of Col. M. B. Lewis, it was

Resolved, That the company now under the command of Capt. Geo. M. Dolson, which was organized for the protection of Austin and the frontier, be disbanded, and a spy company be substituted, to be composed of such of the citizens of Travis and Bastrop counties as may choose to enrol[1] themselves for that purpose; and that said company be commanded by a captain and one first and one second lieutenant, to be elected by the company: also, that the amount due upon subscriptions for the support of the company under Capt. Dolson, be collected and transferred to the spy company. It was

Further resolved, That Col. H. Jones be requested to superintend the raising and organizing the spy company in the counties of Bastrop and Travis, for the protection of the Seat of Government and the national archives.

On motion of Col. Henry Jones; it was

Resolved, That it was the patriotic duty of the President, upon the first news of the late invasion, to have come, forthwith with all possible despatch, to the capital— have rallied the strength of the nation to its defence, and contended with the invaders, if occasion had required inch by inch, for its occupation. Adopted unanimously.

The following resolution was unanimously adopted:

Resolved, That the Vice-President General Edward Burleson, in flying to the protection of the capital upon the first news of the late invasion, and his subsequent patriotic and self-denying course while in command at San Antonio, deserves the lasting gratitude of this nation; and for his *exposé* to the . . . [illegible] of the 6th instant, he deserves the thanks of this meeting; and that said address to the people of Texas be ordered to be published with these proceedings.

The following resolution was introduced by a citizen of Fannin county:

Resolved, That it is the *imperious* duty of the President to adopt prompt and efficient measures to carry on an offensive war against Mexico; and the people are recommended to prepare for a vigorous and decisive invasion.

In support of this resolution, Dr. P. Walter Herbert made a most impressive and eloquent speech, assuring the meeting, that under a secret organization in the Mississippi Valley of the United States, 12,000 volunteers were organizing for the invasion of Mexico, and only waited the sanction of this Gov-

ernment, to enlist under her flag, and take up the line of march. The Doctor's remarks were received with the most deafening applause.

General Thomas J. Green introduced the following resolutions:

Resolved, That it is the deliberate and dispassionate opinion of this meeting, that neither the interest nor honor of the country will allow of a further procrastination of offensive measures against Mexico; that the frequent insults to our flags of truce, the violations of treaty stipulations, the cold-blooded murder of our prisoners and citizens abducted from our borders while in the quiet pursuit of their peaceable occupations, and semi-annual plunder of our western towns, all call for vengeance rather than redress.

Resolved, That it is the opinion of this meeting, that "one hundred and twenty days" contemplated by General Houston, for preparation to invade Mexico, is an unnecessary and dangerous delay, more particularly, as that time would come under the burning rays of an August sun, when we have neither grass, water, nor the comforts of a well-appointed army in the midst of the sickly season; by that delay, we hazard losing the excitement in our favor in the United States.

Resolved, That the people of Western Texas, having little to hope from President Houston's protection, by every thing dear to freemen, pledge themselves each to the other, to be ready at a minute's warning, to meet the enemy as far west of their homes as possible; and that, trusting in our proud hearts, unerring rifles, and the eternal justice of God, we solemnly believe, that let the day of battle come soon or late, a glorious triumph awaits us.

These resolutions were unanimously adopted.

On motion of Dr. Anderson, of Bastrop county, it was

Resolved, That the thanks of this meeting be tendered to Col. Henry Jones and Captain Geo. M. Dolson, for the prompt, efficient, and patriotic manner in which they have acted in protecting the city and the archives of the nation during the late unfortunate alarm. It was

Resolved, That the proceedings of the meeting be published in the Austin City Gazette, signed by the Chairman and Secretary.

The meeting then adjourned.

SAM. WHITING, Chairman.

THO. GREEN, Secretary.

TO THE PUBLIC³⁸

Fellow Citizens of Texas:—

It has been truly said, that the greatest reward which a patriot can enjoy, is the approbation of his fellow-men. To this, I feel, in my heart, I am entitled; and is the only apology I now offer in vindicating my claim to its possession, by the publication of the following statement of facts:

The panic occasioned throughout this western country, upon the first alarm of the recent occupation of San Antonio by our Mexican foe, was such as might have been expected—almost a total breaking up of the numerous flourishing settlements upon the Guadalupe, and the flight of many citizens from the Colorado. Our capital was thought to be the next point of attack, and knowing that the President had been absent therefrom since the adjournment of last Congress, I rushed to its defence with such forces as could be immediately collected. Soon after my arrival at Austin, it was the opinion of the Secretary of War that San Antonio was more exposed to the enemy, and I marched under his orders, with all the disposable force, to its protection. At San Antonio and Gonzales I found a large force assembling; and when it was known that my order from the War Department was “*in no event to cross the Rio Grande,*” together with the arrival of General Somervell to take command of the army, and President Houston’s subsequent orders, the troops became dissatisfied, and a total disbandment was the consequence. I feel no hesitation in believing that if my orders had permitted me to cross the Rio Grande and retaliate upon our enemy his often repeated outrages, by this time five thousand brave men would have been west of said river, inflicting a chastisement upon him which would result in an honorable peace. But President Houston’s order of the 22d of March, in which he says— “that one hundred and twenty days will be necessary before we can make a move against the enemy,” was as finishing stroke to all our present prospects of redress. Whether his plan can be executed under the burning rays of an August sun, yet remains to be seen.

The only course then left me was to disband the remaining troops under my command, on the 2d instant, which the subjoined address will explain. That I have been obedient to the executive orders, the following correspondence with Gen. Somervell will show— that the volunteer army refused obedience to the appointment of the commander by the President, is no fault of mine: it is what volunteers have always claimed of right to do, and the law gives them that privilege. That they called me to that difficult and responsible station was done without my solicitation or wish: for me to have skulked from

³⁸This and the three following communications are not among the enclosures with the message of July 9, 1842. They are printed in the *Telegraph and Texas Register*, April 20, 1842; *The Morning Star*, April 16, 1842, and Burleson’s “To the Public” in *The Civilian and Galveston Gazette*, April 23, 1842.

this weighty responsibility would have been, in my humble judgment, dodging the duty of a good citizen; and knowing there was no *constitutional* objection to my responding to the call, my every exertion has been since made to reinstate confidence upon this frontier, and prepare it for the shock let it come soon or late.

That some may endeavor to make my conduct appear exceptionable, is not surprising; neither am I surprized at the potent displeasure of the Executive himself; and if any ask why it is that the Vice-President is in the field? my answer is, that I love my country more than I fear the President's displeasure. I did not stop to estimate the weight and dignity of my civic honors when that country was invaded and her capital threatened; but, with my often-tried and devoted neighbors, rushed to her rescue, prepared to spill my last drop of blood in defending the President's household. In the eyes of some, this may appear wrong: to those I would say, the same feelings caused me to march the first company to the siege of San Antonio in 1835— then, few thought it wrong. The same feelings carried me, at the head of the first company, to Gonzales in 1836, and kept me with the army until after the battle of San Jacinto—then, all thought it right. The same feelings caused me, in 1838, to rush with my command to the relief of our eastern countrymen, when threatened with the Cherokee tomahawk—the whole nation approved it. The same feelings caused me to pursue "The Bowl" to his mountain recess, and avenge the murder of the Kel[1]ogs—all, with one exception, said well done. The same feelings have, for the last thirteen years, exposed my life, hundreds of times, in defence of this ravaged frontier, and I doubt not they will continue to operate upon my blunt perception, the high authority I have to the country notwithstanding. If the assembled citizen soldiers reposed an undue confidence in me as a leader, it was their misfortune — not my fault; and he who would have refused to dispose of himself for common good, when by so doing, he would reinstate confidence in the multitude, would have been a traitor to the interest of the nation, and deserved the lasting execrations of his countrymen.

I still believe it of vital importa[n]ce to the prosperity of Texas, that the campaign should be made upon the valley of the Rio Grande, so that both armies may be subsisted upon our enemies; for let us await the invasion of a large Mexican force, and though we may, and will, meet and conquer them, even victory will be defeat to our pillaged citizens, whose cattle must be eaten, and whose fields must produce thistles instead of corn. We all recollect, that in 1836 the glory of our conquest was the starvation of our women and children— such glory I hope never again to witness. For one, I am free to admit that seven years' patient endurance of insult and injury—of outrage and oppression, from our Mexican enemy, makes me exceedingly anxious to end this war. A tral

disregard of all the laws of civilized warfare, since the summer of 1835, has not only characterized his course, but even the frie[n]dly remonstrance of other nations have tightened our chains. What patriot Texian can, in good temper, recur to the incarceration of the Whartons, of Carnes and Teal, and the murder of Col. Johnson, while under the sacred protection of a flag of truce, which the most savage Indian will respect? Can the plunder of our western towns, the abduction and murder of our best citizens, teach us greater patience? Or lives there a man deserving the name of Texian, who does not feel self-reproach at the dying voice of the lamented Dimmitt, and the clanking of the servile chains upon the brave Cook and his compatriots, now the menial scavengers of the filthiest dunghills of the Mexican tyrant?

April 6, 1842.

EDWARD BURLESON.

SAN ANTONIO DE BEXAR,
March 31, 1842.

To Brigadier-General A. SOMERVELL:

SIR:—Having understood from general rumor, (not having been officially informed of the same,) that you had returned to this place for the purpose of taking command of the army, under President Houston's order —this is to invite you to my camp to-morrow at 12 o'clock, at which time I will again yield the command to you: this I will cheerfully do in obedience to the executive will of my country; and should you succeed in carrying out what I learn (unofficially) is the President's order, of defending the country, and chastising the Mexican enemy, you will have my warmest gratitude.

You, sir, will bear me witness, that when you first arrived at this place, on the 18th instant, I cheerfully yielded the command to the order of the President.— That the volunteers refused to obey said order, was no fault of mine; and you are perfectly aware that volunteers have always, in Texas, exercised the right of electing their own commander. That I was called to the command in accordance with this custom, unsolicited upon my part, is also well known to you.

Very respectfully,

Your obedient servant,

EDWARD BURLESON. Commanding.

SAN ANTONIO, March 31, 1842.

To Gen. E. BURLESON:

SIR:— Your favor of to-day was handed me by Gen. Green.

I am as willing as any person, that volunteers should exercise [*sic*] the right they claim of electing their own officers, but I am unwilling again to subject myself to the mortification of their refusal to obey my orders. Under those circumstances, I must decline the acceptance of your invitation.

Very respectfully,

Your obedient servant,

A. SOMERVELL.

ALAMO, SAN ANTONIO DE BEXAR,
April 2, 1842.

Citizen Volunteer Soldiers:

Whereas his Excellency the President of the Republic, having appointed General A. Somervell to take command of and organize the troops upon this western frontier, it again becomes my duty to surrender a command, to which, unsolicited and undesired upon my part, I have been called by singular and flattering unanimity; therefore, you are necessarily disbanded, with the privilege of returning to your homes or enlisting under Gen. Somervell, by order of the President.

All captains of companies, from the Colorado, are ordered to return the horses that were pressed for their respective companies to Major Neighbors, Quarter-Master at the City of Austin, within four days from this time, so that he may return them to their respective owners, and cancel [*sic*] the outstanding government receipts. Those that were pressed for the Gonzales companies are ordered to be delivered to Lieut. Col. Benjamin M'Cullough, at the town of Gonzales; and those that were pressed for Capt. J. C. Hays' spy company, are ordered to be delivered to Lieutenant C. Van Ness, in this city, to be returned to their owners as above directed.

In conclusion, fellow-citizens, let me beg that each of you will bear to your homes my warmest gratitude for your soldier-like conduct, and the patience with which you have met the fatigues of this short campaign. For you, soldiers, I will bear witness, that if you have not chased the barbarian enemy to his hiding place, and chastised him for his insolence and outrage, it is no fault of yours— you and the world will bear me witness that it is no fault of mine. If the President has thought fit, by a different course of policy, to disband a force which, by this time, might have been strong enough to have bled [*sic*] the enemy to his heart's core, I beg you to recollect that he is the constitutional "*Commander-in-Chief of the Army and Navy,*" and he alone is responsible for it.

Citizens, the feeling inspired by events, within these consecrated walls, of so recent date, fills my bosom with emotions that it would be in vain to attempt utterance. This sacred spot, and these crumbling remains— the desecrated temple of Texian liberty, will teach a lesson which freeman [*sic*] can never forget; and while we mourn the unhappy fate of Travis, Crockett, Bowie, and their brave compatriots, let it be the boast of Texians, that though Thermopylae had her messenger of defeat, the Alamo had none.

Citizens, one word more. Let me remind you that in returning to your ploughs, your repose may be of short duration. Recollect that you have an implacable relentless enemy hovering upon your western border, who will strike you unawares; then let me enjoin it upon you, by every thing sacred in the love of country and liberty, to be ready for the conflict, and in a

minute's warning to leap into your saddles, and to the rescue;
and let your watch-word be, the Alamo, Goliad, and Santa Fé!

EDWARD BURLESON.

22. PUBLIC MEETING.³⁹

A meeting of the citizens of Travis county was held at Nolan & O'Brian's room on Wednesday the 13th of April, 1842.

On motion, Major Samuel Whiting was called to the Chair, and Judge J. Lee appointed Secretary.

H. J. Jewett, Esq., stated the object of the meeting to be for the security of citizens' property from private depredations, and the protection of the archives— recommending the appointment of a committee of Vigilance and Safety for this purpose. Judge Webb then addressed the meeting in favor of its objects.

On motion, it was

Resolved, That a committee, to consist of fifteen, be appointed by the Chair, together with the Mayor and Aldermen, to act as a committee of Vigilance and Safety— a majority of said committee to constitute a quorum.

Whereupon, the following gentlemen were appointed— Joshua Holden, Henry Jones, Lamar Moore, Daniel Browning, H. B. Hill, A. D. Coombs, Abner C. Cook, B. F. Johnson, D. Laughlin, Judge Jaynes, John Nolan, H. J. Jewett, T. Ward, M. H. Beaty, W. W. Thompson, J. A. Gravis.

On motion of Judge Webb, Major S. Whiting was added to the committee.

On motion of H. J. Jewett, it was

Resolved, That all present agree to co-operate with the committee of Vigilance, and pledge themselves to carry out the object of the meeting.

On motion, it was voted, that in the absence of Col. H. Jones, Major S. Whiting should be authorized to take the necessary measures for the examination of wagons leaving the city and give the proper certificates, &c.

The meeting then adjourned.

SAM WHITING. Chairman

JOSEPH LEE, Secretary.

DEPARTMENT OF WAR & MARINE,
9th. July, 1842.

23. *copy*

To His Excellency SAM HOUSTON,
President of the Republic of Texas,
SIR,

I hereby beg leave to inform you, that on the 16th March last, the Heads of Departments, Bureaux and Clerks were notified of your Excellency's order for the removal of the government archives from the City of Austin to the city of Houston,

³⁹Newspaper clipping.

and directed to pack up their books and papers and have them ready for transportation.

I have the honor to be,
Very respectfully, Your obt. Servt.,
ROBT. OLIVER, Chf. Clk.

24. *Copy*

WEBBERS PURRARY 7 January 1842.

SIR OLD SAM

We did heart that you was goin to move the seat of government and the publick papers and that you swore you would do it, and then when you come to Austin and found out the boys would not let you do it you sed you never was goin to move it. Now Sam you told a dam lie for you did promise the people in Houston that you would move it, and I heard a man say that you told Hockley not to bring all his servants because you would all go back soon. But the truth is that you are afeard you Dam old drunk Cherokee We dont thank you because we would shot you and every dam waggoner that you could start with the papers you cant do it and we ax you no odds. Travis and Bastrop Fayette Gonzales can bring 1000 Men out and Ned Burleson and Lewis P. Cook have promised that you shant budge with the papers I heard them myself and you know Burleson and Cook can make you squat you dam blackgard indian drunk Now old fellow if you want to try Ned Burlesons spunk just try to move these papers, and old Ned will serve you just as he did your Cherokee brother when he took the Hat what you give to your Daddy Bowles You shall hear more from me when I am ready

JOHN WELSH.

A message was received from the House of Representatives, informing the Senate of the passage of the following bills;

A bill to amend an act securing patent rights to Inventors;

A bill to prolong the time of Probate Courts; and a bill to provide for an offensive war against Mexico, and for other purposes.

The orders of the day were taken up.

A bill to amend an act securing patent rights to inventors; read first time.

Rule suspended—read second time, and referred to the committee on the Judiciary.

A bill to prolong the time of the Probate Courts; read first time.

A bill to be entitled an act to authorize an offensive war against Mexico, and for other purposes; read first time.— Rule suspended—read second time, and referred to the Committee on military affairs.

Mr Jones moved Mr. Titus be added to the committee on military affairs during the investigation of the bill authorizing an offensive war against Mexico.— Carried.

On motion of Mr. Muse, Mr. Jack was added to the committee on military affairs.

On motion of Mr Webb, the Senate adjourned until tomorrow at nine O'Clock A M.

CITY OF HOUSTON WEDNESDAY
July 13th 1842, 9 O'Clock A. M.

The Senate met pursuant to adjournment—the President in the chair—roll called—quorum present.

Journals read and adopted.

Mr. Barnett, Chairman of the committee on Privileges and elections, to whom was referred the Credentials of the Hon James Titus from Red River, reported favorably.⁴⁰

SENATE CHAMBER July 13th. 1842.

The Committee on privileges and elections have had under consideration the credentials of the Honorable James Titus Senator elect from the district of Red River. and have instructed me to report favorable.

G. W. BARNETT Chrman.

Report adopted.

Mr. Jones chairman of the committee on military affairs, to whom was referred the bill to authorize an offensive war against Mexico.— Reported with amendments.⁴¹

A message was received from the House, informing the Senate of the passage of a joint resolution for the relief of Captain Augustus Williams, on which all rules have been suspended, and respectfully ask a like suspension on the part of the Senate, and, also, an act to amend an act supplementary to an act defining the mode by which the holders of conditional certificates shall establish the same.

Mr Titus introduced the following preamble and resolutions;

Whereas, the Senate have heard with deep and sincere regret of the death of the Hon. Robert Potter, late a member of this body— And whereas, the country has suffered a great loss in that able statesman, whose place will not be easily filled with a man of equal capacity.

Resolved, That we deeply deplore the loss of that talented Senator:

Resolved, That in further testimony of respect, the Senators wear Crape on the left arm for thirty days;

Resolved that the Editor of the Telegraph be furnished with a copy of the foregoing for publication.⁴²

Read and adopted.

Mr. Jack introduced a bill to alter the time of the meeting of the annual session of Congress; Read first time.— Rule sus-

⁴⁰Reports, Sixth Congress, No. 2617. Endorsed: Report of comt. on Privileges & Elections July 13th. 1842

⁴¹Neither the report nor the amendments have been found.

⁴²Printed in the *Telegraph and Texas Register*, July 20, 1842. For an account of Potter's death see the issue of the same paper for July 13, 1842.

pended, read second time— Rule further suspended, read third time and passed.

Mr. Jones moved to take up the "bill authorizing an offensive war against Mexico" Carried

A message was received from His Excellency the President.

Mr. Moore moved to lay the bill authorizing offensive war against Mexico, etc., on the table, and to take up the message of the President.— Carried.

The message of his Excellency the President was read.

EXECUTIVE DEPARTMENT,⁴³

CITY OF HOUSTON, July 8th, 1842.

To the Honorable, the SENATE.

Influenced by a due regard to my present and future fame as an honest man, and by an earnest desire that, whilst the memory of events is still fresh and witnesses still living, all my actions in life may be subjected to the severest and most impartial scrutiny; I beg leave to lay before your Honorable Body, as the most appropriate reference, the enclosed extract from a letter addressed by a correspondent to my predecessor and by him filed in the *secret* archives of the Department of State.

The statement of the present Acting Secretary of State accompanies, which will explain the circumstances, and perhaps give some clue to the motives which induced its being placed, as it was, where it would be most likely to escape the notice of the party concerned, and whence it might be, at some distant day, evolved and thrust upon the world as legitimate and conclusive evidence of the alledged crime; —and by the world it might be received as such from the fact of its having been within my reach and control and uncontradicted.

I at first regarded the affair as a silly and futile attempt upon my reputation for some present purpose; but, upon more mature reflection, I am forced to believe it was designed to have effect upon my memory when I might not be living to protect myself from an aspersion as foul as its source was probably malignant, selfish and wicked. In making up this estimate, the fact of copies having been taken by the Ex-president and one, at least, of his Secretaries, furnishes, to my mind the strongest data. If they were procured for private ends alone, I have not been informed to what extent they have been circulated. I have, however, learned that threats of disclosing very important evidence of my dishonesty and infidelity, and insinuations against my reputation of the darkest and most clandestine nature, have been frequently made by those who have sought to prostrate me in the eyes and hearts of my countrymen.

⁴³Messages, Sixth Congress, No. 2619. Endorsed: Presidents Message & Referred to Select com Mr Moore Greer & Jack July 13. 1842. Also in Executive Records, Book No. 40, pp. 112-113. It is printed in the *Telegraph and Texas Register*, August 10, 1842, and in *The Morning Star*, August 9, 1842.

If employees of the government have, heretofore, received the substance of the people to fabricate and propagate defamation, it was no more than I had ground to expect; for those who are themselves corrupt and unworthy are always ready to assail that fame and virtue which they have not exaltation of spirit sufficient to emulate.

Without self-reproach, I have thus far performed the obligations which have rested upon me as a private citizen and public officer, and now, without fear, I apprise the world that I invite the fullest investigation into all my acts and motives.

I have to request, therefore, of your Honorable Body, that this foulest specimen of secret machination, of malice and of slander, may be entered upon the journals of the Senate; and that nothing whatever may be secret with which my name is connected.

SAM HOUSTON⁴⁴

⁴⁴The communication from the Secretary of State in relation to the letter of A. S. Wright is enclosed with the message, but is not a part of the journal. It is endorsed: Communication from Sec'y of State in relation to letter of A. S. Wright. It is also in Executive Records, Book No. 40, pp. 113-15, and is printed in the *Telegraph and Texas Register*, August 10, 1842, and in *The Morning Star*, August 9, 1842.

DEPARTMENT OF STATE HOUSTON,
5th July 1842

SIR,

Your note of this date, requesting me to state what I knew in relation to the correspondence of Mr. A. S. Wright, with any of the Officers of this Government, and under what circumstances &c. &c. has been received, in reply to which I will herewith give you a copy of an extract (of which I have a copy in my possession) of a letter from that Gentleman, dated New-Orleans, March 18th, 1841, to the then President, Genl. Mirabeau B. Lamar, together with a statement from recollection (alone) of what occurred relative to said letter, Viz.—Extract of a letter to M. B. Lamar, President of Texas, dated New-Orleans, March 18th, 1841. "Note. I have learned that Genl. Houston is up for President. I would here remark what I have learned in Mexico, relative to the man; and as a good wisher to the Republic, as well as to the welfare of Genl. Houston, that it would be well that he should clear up the following *reports* about him, as it has caused us many enemies in Mexico; and will no doubt be a great impediment to our recognition if he should again be elected. *I give you as follows.* On my way from Vera Cruz to Mexico in a small village, called Santa Fee, I fell in company with a German Officer of the Mexican Army, of the rank, I think, of Colonel. He had been on a visit to Santa Anna, at his hacienda (estate), and said Officer lives or lived at Vera Cruz. Said Officer (whose name I have noted down) informed me that he had been with Santa Anna in the expedition against Texas; and among other interesting accounts stated the following, Viz. "It was well", said he, "that Santa Anna had resources to wealth or he would have been shot while prisoner in Texas. General Houston [God damn him, I hope in the next expedition to Texas that I may get a sight of him, if I don't kill him damn me] feathered well his nest at any rate, having obtained one hundred thousand dollars from Santa Anna" (what is that you say? You must be mistaken said I) "No Sir", he continued, "I am not mistaken. The money was paid and all hands sworn to secrecy, and this was what released Santa Anna, and not that Houston expected any benefit from Santa Anna on his arrival at Mexico. The money was sent to New Orleans, and paid by the House of Lizardi to Sam Houston or to his order and those of his accomplices".—He told me much more about it, but as it was a long tale, I only noted down the particulars, and thought but little more about it, until some time after I arrived in Mexico, I was awakened by another confirmation from a very respectable Gentleman, an American of Louisiana whose name I can give if called on so to do. His words as far as I can recollect are these. "Do you know, Sir", said he, "that Genl. Houston received a very large sum of money from the Friends of Santa Anna" and that he has always ever since pretended to be very poor, and that I have understood that he had the money care-fully deposited with some particular Friend of his in New-York, in order to keep it a secret". My answer was, that I heard something to that amount but could not say much about it as it was so foreign to any thing I had expected. This I had understood that Santa Anna had been released in order that he would bring about the recognition of Texas. The Gentleman then remarked that he was intimate with the House of Lizardi, and that one morning while in said House, one of the clerks told him, "Well we have paid the hundred thousand that was sent us". What hundred thousand dollars do you speak of, said the Gentleman. O! you know! it came from Mexico, and we paid it over, but I do not tell you any

Mr. Colquhoun introduced the following resolution;

“Resolved, That the Senate is not the proper place to decide on the private character of the President, and that this communication be respectfully returned to his Excellency

Mr Moore moved the resolution and the message of his Excellency lay on the table.— Lost.

Mr. Colquhoun moved the adoption of the resolution;

The ayes and noes being called for, stood as follows: Ayes— Messrs. Colquhoun, Jack, Moore, Muse, and Webb.— 6. Noes — Messrs. Barnett, Byrne, Greer, Jones, Owen, Shaw, and Titus.— 7.— Lost.

The question was put, on spreading the message and accompanying documents of his Excellency on the journals.

The ayes and noes being called for, stood thus: Ayes— Messrs. Barnett, Byrne, Greer, Jones, Owen, and Titus.— 6. Noes Messrs. Colquhoun, Jack, Moore, Muse, Shaw and Webb. 6.—

The President decided in the negative.— Lost.

further; but you know the man”. The Clerk give him to suspect and even indirectly to understand that it was paid to the order of Sam Houston.

Again in the month of December 1840 on my way from reconnoitering the South Pacific Coast of Mexico, in the town of Silao, I fell in with a Mr. Thompson, a phician [sic] established in that place, and he the said Thompson from a conversation with him upon the subject of Sam Houston affair with Santa Ana goes still further to corroborate the fact, and informed me that it was no doubt a fact, at least he had no doubt but Sam Houston received the money,—that the money was paid over by the House of Lizardi in New Orleans,—and that a man named Christy of New Orleans done the business. I believe he said he was a Notary Public.

From Silao, I went to Mexico, and stated what I heard from Doct. Thompson to the same Gentleman who had spoken to me on the subject.

He then informed me that he had been making some enquiry relative to the affair of Santa Anna's release, and was given to understand that the Government of Mexico made up \$10,000—and remitted the same to the United States for the release of Santa Ana, and that Santa Ana's wife mortgaged the Estate and raised the amount demanded by Houston, save a small sum made up by Santa Ana's friends in the State of Vera Cruz.

These remarks which I have chose to present to your Excellency's view, if you think worthy of notice and of any use, you can at any time by writing me receive further information on the subject, and even the names of the two first individuals spoken of.

A letter written me and sent to Wm. Bryan Orleans will be received by Yours respectfully

(signed) A. S. WRIGHT

Please keep my name a secret in this for the present.

The foregoing note or extract is a correct copy of a note appended to a letter addressed as above stated to Genl. Lamar, by whom it was handed to me sometime during the months of June or July of the same year, with a request that I should file it among the *secret* archives of the Department, at the same time—requesting me to give him a copy of the note as above, both of which requests I complied with.—Shortly afterwards Doct. Chalmers, the then Secty. of the Treasury, got the letter from me, I having been instructed by the Secty. of State, Mr S. A. Roberts, to give it to him. He kept it for several days—whether he took a copy of it or not I don't know. The letter was never seen while in my possession by any one except the members of the Cabinet.

Mr. Wright represented to the Department that he had been employed by Col. Bee while minister of Texas to Mexico as a secret Agent of Texas, to ascertain the movements of Mexico with regard to Texas. He frequently wrote lengthy letters to the Secty. of State and also to Col. Bee at Washington, copies of which were transmitted to the Department where they are now on file in Austin, together with the letter above alluded to, among the archives of the Department of State. Whether President Lamar considered the appointment of Mr. Wright a valid one, or whether he recognized any of his communications as authentic or official I am unable to say. But I am well aware that none of his letters were ever replied to by any of the Secretaries of State under Genl. Lamar's Administration. The letters of Mr. W. were generally filled with the course of policy of Mexico towards Texas, giving information of the movements of her Army & C. but in none except the one above named was any thing said in any way derogatory or injurious to the character of any Officer of this Government now in Office under the Constitution.

I have the honor to be, with great respect

Yr. Obt. Svnt.

JOSEPH WAPLES Acting Secty of State.

To His Excellency SAM HOUSTON President. & C & C.

Mr. Moore moved the message of his Excellency the President be referred to a Select Committee.— Carried.

The Chair appointed Messrs. Moore, Greer, and Jack said Committee.

Mr. Muse moved to take up a joint resolution for the relief of Captain Augustus Williams.

The Ayes and Noes being called for, stood as follows: Ayes— Messrs. Barnett, Colquhoun, Jack, Muse, Owen, and Webb—6. Noes— Messrs. Byrne, Greer, Jones, Moore, Shaw, and Titus.—6.

The President decided in the affirmative.— Carried.

Joint Resolution read first time.— Rule suspended, read second time, and, on motion of Mr. Jack, was referred to the committee on military affairs, with the request that the[y] report on the bill to-morrow.— Carried.

On motion of Mr. Barnett, the orders of the day were taken up.

A bill to authorize an offensive War against Mexico, etc., together with the report of the committee on military affairs; read second time, and the report received,⁴⁵

Mr. Webb moved to insert in the first section the word "immediately" after the word "call". —also, strike out all after the word "at" and insert the words, "as soon as a sufficient force can be assembled and provided for, to carry on the war."— Lost.

Mr. Webb moved to insert in the second section after the word "*operations* [*sic*]" the words "by the first day of October next".—Lost.

Mr. Moore moved to strike out, in the second section, the words "by draft of the several counties thereof, for offensive operations."

The ayes and noes being called for, stood as follows: Ayes— Messrs. Greer, Jack, Moore, Muse, and Titus.— 5. Noes— Messrs. Barnett, Byrne, Colquhoun, Jones, Owen, Shaw, and Webb.— 7. Lost.

Mr. Greer moved to strike out the second section.

The ayes and noes being called for, stood thus: Ayes— Messrs. Greer, Jack, Moore, Muse, and Titus.— 5. Noes— Messrs. Barnett, Byrne, Colquhoun, Jones, Owen, Shaw and Webb.—7. — Lost.

Mr. Jones moved the Senate adjourn until four O'Clock P.M. —Lost.

Mr. Webb moved to strike out in the third section, all after the words "Sam Houston", and insert "immediately order an election for a Major General, at which election, all persons within the Republic subject to Military duty shall be entitled to vote; and the Major General, when elected, shall take command of the Army raised under the provisions of this act; and if in said election, the President Sam. Houston should be

⁴⁵The bill is found on pages 125-127 of the House Journal of this volume.

chosen by the voters as the Commander, he is hereby authorized to take command of said army in person."

The ayes and noes being called for, stood as follows: Ayes—Messrs. Colquhoun, Muse, and Webb.—3. Noes—Messrs. Barnett, Byrne, Greer, Jack, Jones, Moore, Owen, Shaw, and Titus.—9.—Lost.

Mr. Muse moved to insert the words "provided he resign his station as President of the Nation". — Lost.

Mr Jack moved to insert after the word "Command" the words "if he thinks proper" — Carried.

Mr. Greer moved the Senate adjourn until 4 O'Clock. P. M. — Carried.

4 O'Clock. P. M.

The Senate met pursuant to adjournment—the President in the chair—roll called, there not being a quorum present.—

On motion of Mr. Titus, the Senate adjourned until tomorrow at 9 O'Clock. A. M.

CITY OF HOUSTON THURSDAY,
July 14th 1842. 9. O'Clock A.M.

The Senate met pursuant to adjournment—the President in the chair—roll called—quorum present.

Journals of preceding day read and adopted. .

Mr. Muse moved that the military committee have until tomorrow 9 O'Clock to report on a joint resolution for the relief of Captain Augustus Williams, and that they be authorized to send for persons and papers. — Carried.

On motion of Mr. Muse, the bill to authorize an offensive war against Mexico, etc. was taken up.

Mr. Jones moved the bill be laid on the table until 4. O'clock P. M. —Lost.

The bill was taken up and read section by section

The question on the amendment offered by the military committee to insert the words "or sell" after the word "hypothecate", was put.

The ayes and noes were called for, and stood as follows: Ayes—Messrs. Barnett, Byrne, Greer, Jack, Jones, Moore, Owen, Shaw, and Webb, 9. Noes—Messrs. Colquhoun, and Muse.—2. Carried.

The second amendment offered by the military Committee, insert after the word "domain" the words "not exceeding ten millions of acres"

Mr. Barnett moved to strike out the word "ten" before the word "millions" and insert the word "twenty"

The ayes and noes being called for, stood thus: Ayes. Messrs. Barnett, Byrne, Greer, and Jones.—4. Noes—Messrs. Colquhoun, Jack, Moore, Muse, Owen, Shaw, and Webb.—7.—Lost.

On motion of Mr. Jones, the amendment offered by the committee was adopted,

Mr. Webb offered the following amendment to the seventh

Section, "provided that the whole of said ten millions of acres of land shall neither be sold or hypothecated for a less sum than One million of dollars, and in that proportion for a smaller number of acres". — Lost.

Mr Webb offered the following amendment, strike out after the word "war" when it last occurs in the seventh section and insert the words, "and the sum of two hundred and fifty thousand dollars of any funds so raised, be, and the same is hereby appropriated for carry[ing] on the military operations by land, to be paid out upon the requisition of the Commander of said forces, who shall account for the application of the same as is required by law in other cases." — Lost.

Mr Moore moved to strike out the words "all available resources" and insert the following words "all money or other articles that may be furnished by contribution, and all money that may be paid into the Treasury." — Lost.

Mr. Webb offered the following as an additional section.— "That out of the monies which may be raised in the provisions of this act, there be, and is hereby appropriated the sum of One hundred and fifty thousand dollars for the support of the Navy, to be paid out upon the requisition of the commanding officer of said Navy, the application of which to be accounted for as is required by law in other cases.— Lost.

Mr. Webb moved to insert the words "that no portion of the money which may be raised under the provisions of this act, shall be applied to any purpose whatever, except the prosecution of the war." — Lost.

The following amendment was offered, "each volunteer, or drafted men [*sic*], who shall continue in service six months, shall be entitled to six hundred and forty acres of land, to be located in such sections as congress may designate."

Mr Jack moved to insert after the word "volunteers", the words "and drafted men". — Carried.

The ayes and noes being called for, on the adoption of the amendment as amended, stood as follows: Ayes—Messrs. Byrne, Jack, Moore, Muse, Owen, Shaw, and Webb.—7. Noes.— Messrs. Barnett, Colquhoun, Greer, and Jack.— 4.— Carried.

Mr. Jack offered the following additional section:

And be it further enacted, That the President be, and he is hereby required, to issue his proclamation for the election of a Major General of the militia to be holden on the first day of October next, and the officer who may be elected shall be commander of the forces raised by the provisions of this act, except when the President may take the command in person."

The Ayes and Noes being called for, stood as follows: Ayes —Messrs. Colquhoun, Greer, Jack, Muse, Owen, and Webb.— 6. Noes—Messrs. Barnett, Byrne, Jones, Moore, and Shaw.— 5.— Carried.

Mr. Muse moved a re-consideration of the vote.

Mr. Jones moved the bill be laid on the table until four O'clock. P. M.— Carried,

A message was received from the House of Representatives, informing the Senate of the passage of the following bills and resolutions;

A bill to be entitled an act declaring the office of Major General vacant, and fixing a day for holding an election to fill said vacancy; also a joint resolution for the relief of Thomas Johnson; also, a bill to be entitled an act to repeal and amend in part an act supplementary to an act to raise a revenue by impost duties; also, a bill to amend an act to raise a revenue by direct taxation; in all of which they respectfully ask the concurrence of the Senate.

By leave, Mr Jack introduced a bill to authorize the County Court of Brazoria County to levy a tax for certain purposes; read first time.— Rule suspended, read second time. Rule further suspended—read third time and passed.

Mr. Jones moved to take up the bill declaring the office of Major General vacant, etc. — Carried. Bill read first time.— Rule suspended— read second time.— Referred [*sic*] to the Committee on military affairs, with instructions that they report at four O'Clock P. M.

The orders of the day were taken up.

A bill to amend an act entitled an act supplementary to an act defining the mode by which the holders of conditional certificates shall establish the same.— Read second time and referred to the committee on Public lands.

A bill to prolong the time for the Probate Courts; read second time and passed to a third reading.

A bill to amend an act to raise a revenue by direct taxation; read first time— Rules suspended, read second time and referred to the Judiciary committee.

A bill to be entitled an act to amend and repeal an act supplementary to an act to raise a revenue by impost duties; read first time— Rule suspended, read second time and referred to the committee on finance.

A joint resolution for the relief [of] Thomas Johnson; read first time— Rule suspended, read second time and referred to the committee on the Judiciary.

On motion of Mr. Greer, the Senate adjourned until four O'Clock P. M.

4 O'Clock. P. M.

Senate met pursuant to adjournment—the President in the chair—roll called quorum present.

Mr. Jones, chairman of the committee on military affairs, to whom was referred a bill declaring the office of Major General of Militia vacant, reported by substitute; report and bill laid on the table.⁴⁶

⁴⁶The report has not been found. The substitute reads as follows:
Whereas a vacancy exists in the office of Major General of Militia by the resignation of Felix Houston and his Removal from the Republic and permanent location in the city of N Orleans, therefore
Sec 1st. Be it enacted by the Senate & house of Representatives of the Republic of Texas in Congress assembled, That his Exly the president be, & he is hereby authorised & required to issue proclamation ordering an election for Major General of militia on the 1st. Monday of September next in accordance with the provisions

By leave, Mr Jones introduced a bill to divo[r]ce the bonds of matrimony between Thomas F. McKinney and Nancy McKinney; read first time— Rule suspended, read second time. — Rule suspended, read third time and passed.

On motion of Mr. Moore, the bill declaring the office of Major General of Militia vacant, together with the substitute offered by the committee on military affairs, was taken up and read second time.

Mr. Moore moved to strike out the words “and if he is not in arrearages.” — Carried.

On motion of Mr. Jones, the substitute was adopted.

Mr. Greer moved to fill the blank with the words “first monday in October.” — Lost.

Mr Jones moved to fill the blank with the words “first monday in September”.— Carried.

Mr. Barnett moved to insert “four years” as the time the Major General shall hold his office.— Carried.

Mr. Moore moved the bill be engrossed.— Carried.

Orders of the day.

A bill to authorize an offensive war against Mexico and for other purposes.

The question was put on the adoption of the amendment offered by Mr. Jack, and lost.

Mr. Byrne moved the bill be engrossed.

The Ayes and Noes being called for, stood as follows: Ayes. — Messrs. Barnett, Byrne, Colquhoun, Jones, Owens, Shaw, and Webb.— 7. Noes— Messrs. Greer, Jack, and Moore.—3. — Carried.

Mr. Webb and Mr. Colquhoun informed the Senate that they should enter their protest against the bill, though they now voted for it.

By leave, Mr. Greer, chairman of the committee on finance, to whom was referred a bill providing for the payment of the compensation of the pay of members of Congress reported the bill back to the Senate without amendments and recommend[ed] its passage; bill read second time.⁴⁷

Mr Colquhoun offered the following amendment, “provided that at the option of the holder of land, he shall pay the tax due thereon, either in the County in which the land lies in or at the seat of Government; if paid at the latter place, the amount so paid shall be placed to the credit of the county, and the amount sufficient to pay the member or members of Congress, be paid to him or them on the order of the County Treasurer”

of the militia law now in force.

Sec [blank] Be it further enacted &c that the Major General elected under The provisions of this act shall hold his office for the term of four years any law to the contrary not withstanding & that this act take effect from and after the passage of the same

Bills, Sixth Congress, No. 2593. Endorsed: Substitute To a Bill to be entitled an act declaring the office of Major General of the Militia [sic] vacant, and fixing a day for holding an Election to fill said vacancy Read 1. time July 14. Rule suspended Read 2 time & ordered to be Engrossed

⁴⁷The report has not been found.

On motion of Mr. Jones, the bill and amendments were laid on the table.

By leave, Mr. Jones, introduced a bill relinquishing the pay of members of the present congress, to the Government; read first time.

By leave, Mr. Greer introduced a supplement to an act providing the mode of assessing taxes; read first time.— Rule suspended, read second time.

Mr. Jones moved the Senate adjourn until tomorrow at 9 O'Clock A. M. — Carried.

CITY OF HOUSTON

July 15th 1842, 9. O'Clock A. M.

The Senate met pursuant to adjournment—the President in the chair—roll called, there not being a quorum present.

Mr Muse moved the Sergeant at Arms be required to procure a carriage to bring the absent members to the Senate Chamber.— Carried.

The absent members having made their appearance—quorum present.

Journals of preceding day read and adopted.

A message was received from the House, informing the Senate of the passage of the following bills;

“A bill to make valid certain acts in the several judicial counties of this Republic.”

“A bill to be entitled an act to provide for holding courts within certain territories therein mentioned, and for other purposes”; And, “a bill to be entitled an act to divo[r]ce Thomas F McKinney and Nancy McKinney, from the bonds of matrimony with amendments; in all of which they respectfully ask the concurrence of the Senate.

Mr. Jack, one of the judiciary committee, to whom was referred an act to amend an act securing the right of Patents to inventors— reported by substitute.⁴⁸

15th July 1842 SENATE CHAMBER

The committee on the judiciary to whom was referred a bill to Amend the act, securing patent rights to inventors” have instructed me to report a substitute

WM. H JACK.

Mr. Shaw, chairman of committee on engrossed bills, reported they have examined a substitute to a bill declaring the office of Major General vacant, etc, and find the same to be correctly engrossed.⁴⁹

⁴⁸Reports, Sixth Congress, No. 2617. Endorsed: Report of the Judiciary comt.

The substitute reads:

Sec. 1st. Be it enacted by the Senate and house of representatives, of the Republic of Texas in congress assembled, that all laws or parts of laws heretofore enacted, securing the right of patents to inventors, &c. be and the same are hereby repealed, and this act shall take effect from its passage.

Bills, Sixth Congress, No. 2601. Endorsed: Substitute To a Bill to amend the Act securing patent rights to inventor &c. Read 1. time July 15. 42 Read 2 time July 16 42 Rule suspd Read 3. time & passed A. C. Macfarlane Secty Senate Engrossed

⁴⁹Reports, Sixth Congress, No. 2617. Endorsed: Report of com on Engrossed Bills.

CITY OF HOUSTON

July 15th 1842

The Committee on Engrossed Bills beg leave to report that they have examined a "Substitute to a Bill to be entitled an act declaring the Office of Major Genl. of Militia vacant—and fixing a day for holding an election to fill said vacancy", and find the same to be correctly engrossed.

JAMES SHAW Chn.
Com. on Engd. Bills

Mr. Jones, chairman of the committee on military affairs, to whom was referred a joint resolution for the relief of Captain Augustus Williams, with accompanying documents, reported the same back to the Senate for its consideration.

Mr. Greer, chairman of the finance committee, to whom was referred a bill to amend an act entitled an act supplementary to an act to raise a revenue by impost duties, reported favorably.⁵⁰

Mr. Moore, chairman of select committee, to whom was referred the message of his Excellency the President, made the following report;⁵¹

To the PRESIDENT of the Senate:

The Select committee to whom was referred the message of his Excellency the President, under date of the 8th inst. with an extract of a letter written by A. S. Wright, and containing a request of his Excellency that "this foulest specimen [*sic*] of secret machination of malice and of slander may be entered on the journals of Congress", have had the same under consideration and instructed me to report, that they consider that the 17th section of the 1st Article of the Constitution which declares that "each House shall keep a Journal of its proceedings" implies that the Journals are to be kept as a faithful record of the proceedings of the Senate.— The document submitted by the President forms no part of the proceedings; but is of an extraneous character.— The Committee therefore deem it imprudent and improper to permit to be entered upon the Journals of the Senate; desirous [*sic*] however, to afford to his Excellency ev[e]ry aid in their power consistent with their duty, to shield his reputation from foul and unwarranted aspersions, the committee recommend that the message and accompanying documents be filed in the Archives of the Senate; all of which is respectfully submitted.

FRANCIS MOORE Chairman

Report read and adopted.

Mr Webb, chairman of the Judiciary Committee, to whom was referred the following bills: A bill to amend an act to raise a revenue by direct taxation; A joint resolution for the

⁵⁰The reports have not been found.

⁵¹The report is also found in Reports, Sixth Congress, No. 2617, dated July 15, 1842 and endorsed: Report of Select Com. on Communication of the President in relation to letter &c. of A. S. Wright.

relief of Thomas Johnson; and, An act to amend an act entitled an act supplementary to an act to provide the mode by which the holders of conditional certificates shall establish the same, reported them back to the Senate for their consideration.⁵²

Mr. Greer moved to take up the orders of the day.— Carried.

A bill authorizing an offensive war against Mexico and for other purposes; read third time.

Mr. Greer moved to suspend the rule preventing bills from being amended on their third reading.— Lost.

The ayes and noes being called for on the final passage of the bill, and stood as follows: Ayes— Messrs. Barnett, Byrne, Colquhoun, Jones, Owen, Shaw, and Webb.— 7. Noes.— Messrs. Greer, Jack, Moore, and Muse. — 4. — Passed.

Mr. Webb entered the following protest against the bill, and subscribed to in part by Mr. Colquhoun.

The undersigned members of the Senate, protest against certain provisions in the bill entitled "An act authorizing offensive war against Mexico, and for other purposes."

Because in the first section of said bill, the President is authorized and required to call for and accept the services of volunteers to form an Army for the prosecution of offensive war against Mexico, and to direct the commencement of operations at such time and in such manner as he, in his judgment, may deem compatible [*sic*] with the public interest, without prescribing the time when the call for said volunteers shall be made, or requiring the President to commence the military operations necessary to said War as a sufficient force shall have been raised and equipped for the purpose— To render offensive war against Mexico effective, and beneficial to Texas, it should in the opinion of the undersigned be prosecuted at as early a period as is practicable, and the Legislation of the country ought to be specially directed to the attainment of this important end; but under the provisions of this bill, the Executive may (should he choose to do so) defer it to the full extent and limit of his official term.

2ndly. Because the Bill specifies no time when the militia shall be called out by draft in the event of a failure to raise a sufficient army by voluntary enlistment.— Should the number of volunteers necessary to constitute an army adequate to the prosecution of offensive war against Mexico, not tender their services to the President, and he be adverse to such a war, he has it in his power to defeat the intention of Congress, and the entire object of the bill, by extending the time for the reception of volunteers to any indefinite period.

3rdly. Because the undersigned looks upon that provision in the third section of the bill which is intended to force by Legislative enactment upon any Army composed of volunteers or Militia, a Commanding officer not chosen by themselves, as one which is contrary to the genius and spirit of a free

⁵²The report has not been found.

people, and opposed to the long established usages and customs of such Armies in this Country.

The constitutional inhibition to the President's taking the command of the Army in person without the authority of a resolution of Congress affords, in the opinion of the undersigned, no sufficient reason for this species of Legislative dictation, because if it be desirable that the President should be in the field to conduct the operations of the army, it is fully within the powers of Congress, in ordering an election for a Commander of the forces, to declare by resolution, that if he be chosen to such command by the qualified voters at said election, he should then be authorized to take the command of the Army in person.

4thly. Because the authority given in the bill to sell or hypothecate the public domain, contains no limitations or restrictions as to the amount of monies to be raised by such sale or hypothecation

5thly. Because there is no specific appropriation in said bill of any monies which may be raised under its provisions for prosecuting said War— The authority "to employ all the available means or resources of the Republic not otherwise appropriated by law," and sell or hypothecate the public domain for the purpose of raising funds for the prosecution of the war, confers no other power upon the Executive, in the opinion of the undersigned, than that in raising funds for a particular object, by means thus designated— The funds when thus raised will be in the Treasury of the Republic, and cannot be drawn from thence "but in strict accordance with appropriations made by law," without a violation of the Constitution— If however the words "employ all the available resources of the Republic" are intended to confer upon the President the power to use any and all monies which may come to the Treasury by any of the means specified in the bill, then in the opinion of the undersigned, they are objectionable as being too general and unlimited, and as confer[ing] powers unprecedented in the history of Government, founded upon and sup[po]rted by law, and.

6thly. Because if the authority to the President "to employ all the available resources of the Republic" be an approp[ri]ation of all the monies which may come to his hands under the provisions of the bill, to be expended upon such terms and in such manner as he may deem proper, the objects and the amount of the appropriation are too indefinite, and it is not sufficiently guarded, as the words "and that he report to Congress his action thereon" imply no further responsibility, or legal accountability for the application of the funds.

These are objections which the undersigned felt bound to urge during the investigation and discussion of the bill, and against the adoption of which he now enters this his protest, and prays that the same may be entered upon the journals of the Senate.— But while protesting against the adoption of

these, to him objectionable features of the Bill, he believes the importance of prosecuting an offensive war against Mexico is too obviously great to permit causes not insuperable in themselves, to defeat that object; and as he sees many important provisions in the present Bill for carrying out that object, he has voted for its passage, under this protest against features which he can but regard as objectionable.

JAMES WEBB.

I concur in the foregoing with the exception of the third article.

I object to the amendment authorizing the President to take command of the Army in person— because of his inefficiency and inability to command an Army with advantage to the Country.

LUD COLQUHOUN.

Mr. Jack and Mr. Moore informed the Senate they would on some future day enter their protest also.

By leave, Mr. Jones introduced a joint resolution authorizing and requiring the President to remove the Archives of the General Land office, to some place of safety; read first time.

Mr. Moore moved to take up the joint resolution authorizing the election of a Major General.

Mr. Muse offered the following amendment insert "of Militia &c."— carried.

Resolution read third time and passed.

A joint resolution for the relief of Captain Augustus Williams; read second time.

Mr. Jack offered a substitute.⁵³

The Ayes and Noes being called for, on the adoption of the substitute, stood as follows: Ayes— Messrs. Barnett, Greer, Jack, Jones, Moore, and Shaw.— 6 Noes— Messrs. Byrne, Colquhoun, Muse, Owen, and Webb.— 5. Carried.

Mr. Muse offered the following amendment as an additional section.

"Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the thanks of Congress be, and they are hereby tendered to the volunteers from the United States, and the Officers and Soldiers who have so nobly and promptly come to our assistance in the present critical emergency of the Republic.

The Ayes and Noes being called for, stood as follows: Ayes — Byrne, Colquhoun, Muse, Owen, and Webb.— 5. Noes— Messrs. Barnett, Greer, Jack, Jones, Moore, and Shaw.— 6. — Lost.

⁵³The substitute reads:

Amendment strike out all after the enacting clause and insert That Capt. Augustus Williams be and he is hereby restored to his command, as Captain of company [blank] of Tennessee volunteers, but nothing herein contained, shall exempt him from trial by a court martial, and punishment for any mutinous or insubordinate conduct.

Be it further resolved, that this Resolution take effect from & after its passage. Bills, Sixth Congress, No. 2596. Endorsed: Substitute to A Joint Resolution For the relief of Captain Augustus Williams Passed July 15th 1842.

Mr Greer moved the rule be suspended.— Carried.
Read third time and passed.

Mr. Moore introduced a joint resolution voting thanks to the volunteers from the United States &C.; read first time— Rule suspended read second time— Rule further suspended, read third time and passed.

On motion of Mr. Jack, the Senate adjourned until tomorrow at nine O'Clock A. M.

CITY OF HOUSTON

July 16th 1842, 9. O'clock. A.M.

The Senate met pursuant to adjournment— the President in the chair— roll called — quorum present
Journals of preceding day read and adopted.

Mr. Webb, chairman of the Select committee, to whom was referred A Joint resolution relative to the removal of the Government Archives, etc.; reported favorably.⁵⁴

Mr. Colquhoun introduced the following resolution;
“Resolved that his Excellency the President be, and he is hereby requested to inform the Senate if any, and what steps have been taken, for the defence of the frontier; Read and adopted.

Mr. Jones moved to refer that portion of the Presidents message relative to mail routes, to the committee on Post offices and Post roads.— Carried.

On motion of Mr. Muse, the orders of the day were taken up.

A bill to be entitled an act to divo[r]ce Thomas F McKinney and Nancy McKinney from the bonds of matrimony, with the amendments offered by the House;

On motion of Mr. Jack, the Senate concurred in the first amendment.—

The ayes and Noes being called for, on the adoption of the second amendment, stood as follows: Ayes— Messrs. Jack, Jones, Muse, Owen, Shaw, and Webb.— 6. Noes— Messrs. Barnett, Byrne, Colquhoun, Greer, and Moore.— 5. Carried.

A bill to be entitled an act to amend an act entitled an act to raise a revenue by impost duties; read second time.

Mr. Muse moved to strike out the words “first day of August.” —Lost.

Mr. Greer moved to insert the words “bulk pork.”

The ayes and noes being called for, stood as follows: Ayes— Messrs. Colquhoun, Greer, Jack, and Muse,— 4. Noes.— Messrs. Barnett, Byrne, Jones, Moore, Owen, Shaw and Webb. 7. Lost.

Mr. Jack moved the indefinite postponement of the bill.

The ayes and noes being called for, stood as follows: Ayes — Messrs. Barnett, Byrne, Jack, Jones, Owen, Shaw and Webb.

— 7. Noes.— Messrs. Colquhoun, Greer, Moore, and Muse.—

4. Carried.
A bill to make valid certain acts done in the several judicial districts of the Republic; read first time.— Rule suspended,

⁵⁴The report has not been found.

read second time.— Rule further suspended, read third time and passed.

A bill to provide for holding courts within certain territories therein named; Read first time.— Rule suspended, read second time.— Rule further suspended, Refer[r]ed to the judiciary Committee.

A bill to amend an act to raise a revenue by direct taxation; read second time.— Rule suspended, rea[d] third time.

Mr. Moore, by unanimous consent, made the following amendment; “provided the amount shall be collected in Exchequer Bills or gold and Silver.”—

Bill passed.

A joint resolution for the relief of Thomas Johnson; read second time.— Rule suspended, read third time and passed.

A bill to be entitled an act securing the right of Patents to inventors, with the substitute offered by the Judiciary Committee; read second time.—

Mr. Moore moved to lay the bill on the table.— Lost.

Mr. Muse moved the adoption of the substitute;

The Ayes and noes being called for, stood as follows: Ayes— Messrs. Byrne, Colquhoun, Jack, Jones, Muse, Owen, and Webb.— 7. Noes— Messrs. Barnett, Greer, Moore, and Shaw.—4.— Carried.

Mr. Jack moved the rule be suspended.— Carried.

Read third time and passed.

An act to prolong the term of Probate Courts; read third time and passed.

An act to amend an Act entitled an act supplementary to an act to define the mode by which the holders of conditional Certificates shall establish the same; read second time.

Mr. Barnett offered an additional section. — Lost.⁵⁵

Mr. Colquhoun moved to insert the following words “provided that before receiving a title for said land, they shall reside on, and cultivate the same, for three years.” — Carried.

Mr. Jack moved the indefinite postponement of the bill.— Carried.

A joint resolution respecting the removal of the public Archives, etc. from the Seat of Government; read second time.

Mr. Jack moved to strike out the second section⁵⁶

The Ayes and noes being called for, stood as follows: Ayes— Messrs. Barnett, Greer, Jack, Jones, and Moore.— 5. Noes— Messrs. Byrne, Colquhoun, Muse, Owen, Shaw and Webb.—6. Lost.

⁵⁵The bill has not been found.

⁵⁶The second section reads:

Be it further resolved, That in the absence of such emergency, the only proper and legitimate place for the meeting and regular session of the Congress of the Nation, is at the Seat of Government established by law.

Bills, Sixth Congress, No. 2606. Endorsed: 13 Joint Resolution Respecting the Removal of the public offices &c from the Seat of Govt. Read 1st time July 5th 1842 Read 2 time July 6 1842 & referred to Select Comtee Read 2d time July 16th and Ordered to be Engrossed Rule suspended, read 3d time & passed Engrossed July 16th 1842 T. Green Engrossing Clerk Senate A. C. MacFarlane Secy Senate

Read 1st time July 16th Read 2time July 18 passed to a 3d reading July 19th

Mr. Webb moved the bill be engrossed.

The Ayes and noes being called for, stood as follows: Ayes— Messrs. Byrne, Colquhoun, Muse, Owen, Shaw, and Webb. —6. Noes— Messrs. Barnett, Greer, Jack, Jones, and Moore. 5. Carried.

A joint resolution authorizing the President to remove the Archives of the General Land Office to some place of safety: read second time.

Mr. Jack offered the following amendment, "provided that such emergency should arise in case of war as will justify the removal of the President and heads of Departments from the Seat of Government."— Carried.⁵⁷ Rule suspended,— resolution read third time and passed.

Mr Webb moved to take up the joint resolution relative to the removal of the Archives, etc., from the Seat of Government.— Carried. Rule suspended, read third time.

The Ayes and noes being called for, on the final passage of the resolution, stood as follows: Ayes— Messrs. Byrne, Colquhoun, Moore, Muse, Owen, Webb.— 6. Noes— Messrs. Barnett, Greer, Jack, Jones, Moore, 5.— Carried.

A bill authorizing the members of the present Congress to relinquish their compensation to the Government; read second time, and laid on the table.

By leave, Mr. Moore introduced an Act to incorporate the City of Houston, and to amend and repeal certain other acts therein named; read first time.— Rule suspended, read Second time, and, referred to a Select Committee.

The Chair appointed Messrs. Moore, Muse, and Barnett, said Committee.

On motion of Mr. Greer, the Senate adjourned until 4 O'clock P.M.

4 O'Clock P. M.

The Senate met pursuant to adjournment— the President in the chair— roll called — quorum present.

A message was received from the House, informing the Senate of the passage of a joint resolution for certain purposes therein named; and also, a bill to change an appropriation therein named; in which they respectfully ask the concurrence of the Senate.

A message was received from his Excellency the President. Mr Greer moved the message be read.—⁵⁸ Carried.

⁵⁷The original joint resolution reads:
Resolved by the Senate & house of representatives of the republic of Texas in Congress assembled
Sec 1st That His Exly the President be & he is hereby authorized & required to remove, to some place of safety within the limits of the Republic, the Archives of the General land office
H.R. Sixth Congress, No. 2598. Endorsed: No. 23. Joint Resolution authorizing the President to remove the Archives of the Genl. Land office. Read 1 time July 15th/42 Read 2 time July 16 Rule suspd Read 3. time & passed July 16 1842
A. C. Macfarlane Secty Senate
⁵⁸Messages, Sixth Congress, No. 2620. Endorsed: President's Message relative to removal of Archives &c. Executive Records, Book No. 40, p 118

EXECUTIVE DEPARTMENT,
CITY OF HOUSTON, July 15th, 1842.

To the honorable, the SENATE:

In pursuance of an intimation in my communication of the 9th instant, transmitting the correspondence, &c., upon the subject of the removal of the national archives, I have the honor herewith to enclose a copy of the order of Lieutenant Colonel W. S. Wallace, addressed to Mr. George Noessel, and directing the detention of waggons, the examination of trunks, &c. &c.

SAM HOUSTON

Copy.

REGIMENTAL ORDERS— 1842.⁵⁹
BASTROP, March 19th

Mr. GEO. NOESSEL,

SIR,

In pursuance from orders from Head Quarters, dated 18th inst., you are hereby ordered to stop any waggons making down the river, except those under a French passport.

You will examine all trunks, unless the teamster will swear that he saw the same loaded, or the contents of the load, &c.

(signed.) W. S. WALLACE,

Lt. Col. 4th Regt T. M.

Certified, G. NOESSEL.

Read, and, on motion of Mr. Jack, was ordered to be filed among the Archives of the Senate, with the documents relative to the removal of the Seat of Government.

On motion, the orders of the day were taken up.

A joint resolution for Certain purposes; read first time.— Rule suspended, read second time.

Mr. Greer moved to amend the Caption by inserting the words "for the relief of William Cockburn" after the word "resolution," and strike out the words "for certain purposes." —⁶⁰ Carried. Rules suspended— read third time and passed.

By leave, Mr. Jack, one of the judiciary committee, to whom was referred "a bill to provide for holding Courts within certain territories therein named," reported with amendments.

A joint resolution to change an appropriation therein named; read first time.— Rule suspended— read second time.

Mr. Jack offered a substitute.

Mr Greer moved the bill and substitute lay on the table.— Carried

A bill to be entitled an act to provide for holding Courts within certain territories therein named; read second time.

⁵⁹Messages, Sixth Congress, No. 2620. Endorsed: President's Message relative to removal of Archives &c. Enclosure.

⁶⁰William Cockburn furnished supplies to the Texas Army in 1842 and the use of his mill for grinding corn for 6 days @ 3.00 per day;—\$46.00 for the corn, 18.00 for grinding it. Public Debt Papers.

Mr. Jack offered a substitute for the seventh section, which was read and adopted.⁶¹

Mr. Shaw moved the adoption of the amendments offered by the Judiciary Committee— Carried.

Mr. Owen moved to strike out the words "Colorado" and insert the word "Matagorda" in the first section.— Carried.

Mr. Moore moved the bill be engrossed;

The Ayes and Noes being called for, stood as follows: Ayes— Messrs. Moore, Muse, Shaw, and Webb.— 4. Noes— Messrs. Barnett, Byrne, Colquhoun, Greer, Jack, Jones, and Owen.— 7.— Lost.

By leave, Mr. Moore, Chairman of select committee, to whom was referred an act incorporating the City of Houston, and to amend and repeal certain acts therein named, reported with amendments⁶²

On motion of Mr. Moore, the amendments of the committee were adopted, and bill ordered to be engrossed.

Mr. Colquhoun moved a reconsideration of the vote on an act to provide for holding Courts in certain judicial territories therein named; Carried, and the bill laid on the table.

On motion of Mr. Webb, the Senate adjourned until monday morning at 9 O'Clock A. M.

CITY OF HOUSTON

July 18th, 1842, 9 O'clock A. M.

The Senate met pursuant to adjournment— the President pro tem. in the chair— roll called— quorum present.

Journals of Saturday read and adopted.

Mr Jack entered the following protest against the Bill authorizing offensive war against Mexico:

"The undersigned members of the Senate enter this as their protest against the passage of the bill, for prosecuting offensive war against Mexico.— The main objections, taken to this bill by the undersigned are to be found in the second section.— This section involves, as we conceive, a palpable violation of the constitution, and entertaining such opinions, a sense of duty to the country and to ourselves impel us to vote against the measure.— Our Government is one of powers which have been conceded or delegated by the people to the rulers.— The only powers posse[sse]d by Congress, are those which are conceded by the second article of the Constitution, and the sixth section of that article provides for these cases, and these only, in which the militia of the country may be called into service.— That section contemplates that Congress shall have power, to call on the militia to execute the laws, to surpress [*sic*] insurrection and repel invasion."

The power of Congress is here as clearly limited and defined as the English language could make it.— And it is impossible for human ingenuity to prevert [*sic*] terms [*so*] as to shew,

⁶¹Neither the bill nor the substitute has been found.

⁶²The report has not been found.

that under the express limited grants of power, the Congress have the right to call out the Militia by draft, for the purpose of prosecuting an offensive war against a foreign nation.

A free people are altogether naturally watchful and jealous of the high exercise of military power; and the power to call out the militia without their consent, for the purpose of prosecuting an offensive foreign war is certainly felt to be one of no ordinary magnitude.— The framers of our Constitution desirous [*sic*] to guard against the usurpation of powers, by the rulers, which are always dangerous to the liberties of the people, in the declaration of rights, expressly declared, that to guard against the transgression of the high powers which are herein delegated, “every thing in this bill of rights contained, and every other right not hereby delegated is reserved to the people.”

A Construction of the delegated powers of Congress which authorize them to force out the Citizens by draft, without their consent, for the purposes of prosecuting a foreign war, would surely endanger, the rights and liberties of every resident in this Republic—

If they can be forced into the field for six months for such purposes, he may be taken for one year, and if he can be forced into the Army it is certainly equally clear, that he may be drafted into the Navy for an unlimited period, for the purpose of waging war in the remotest parts of the earth. Such a proposition is, in itself, so palpably unconstitutional, that it needs no argument, and yet we defy the advocates of latitudenarin [*sic*] constitution to shew a distinction between the two cases.

If authority were wanted to sustain the positions which the undersigned assume, abundant may be produced.

The Constitution of the United States contains grants of power on this subject, exactly the same as in our own; and although the question within our knowledge has never been judicially settled, yet upon the floor of Congress it seems to be conceded by statesmen, that the Militiaman cannot be forced into service for the prosecution of offensive operations. That Government have now existed for sixty six years, and the constitution by which they are governed has been in existence for half a Century.— In the construction of laws and Constitutions, we look to their opinions, and decisions as safe landmarks by which we may be governed; and when the same words are to be found in both constitutions, the uniform constitution which has been adopted by their Judges and jurists should be conclusive with us.— A nation which is governed by a written constitution should consider that instrument as a guardian and pallidium [*sic*] of their liberties, and no arguments of inconvenience, expediency, or even necessity, should ever be listened to, as an excuse for its violation

If such arguments could shield from punishment those who trample down the paramount law of the land, the name of

liberty would be but an empty sound; and constitutions a mere plaything in the hands of facetious designing demagogues.

The objections, with others, were urged on the floor, of the Senate, against the second section of the bill.— Convinced from the best examination which we have been able to give the subject that the second section contains a plain and palpable violation of the constitution, we are constrained to cast our votes against the passage of the bill, although we are decided advocates for some other of its provisions

WM H JACK
FRANCIS MOORE, JR.
JNO A. GREER.

In addition to the foregoing, the undersigned further protests against the bill, because it delegates to the Executive, unusual and extraordinary powers, and such as were never contemplated by the Constitution; and though a large majority of the nation may believe, that such powers may be safely vested in the hands of the present Chief Magistrate, yet in after days when the action of this Congress may be relied on and referred to as a precedent [*sic*], a concession of similar powers may enable a corrupt and ambitious President to demolish the fair temple of liberty, and on its ruins to erect a throne for an imperial dictator.

WM. H. JACK.

Mr. Moore presented the petition of D. Neil, praying for a divo[r]cee; read, and, referred to the judiciary Committee.⁶³

Mr. Shaw, chairman of the committee on engrossed bills, reported that they have examined A bill to incorporate the City of Houston, and to amend an[d] repeal certain other acts therein named; and find the same to be correctly engrossed.⁶⁴

CITY OF HOUSTON July 18/42

The Committee on Engrossed Bills beg leave to report that they have examined "An Act To incorporate the City of Houston and to repeal certain other acts therein named", and find the same to be correctly engrossed.

JAS SHAW Chn.

A message was received from the House, informing the Senate of the passage of a bill to be entitled an act to alter the time of the meeting of the annual session of Congress; and have concurred in the amendments offered by the Senate to a bill to authorize an offensive war against Mexico;— And have adopted the substitute to a joint resolution for the relief of Captain Augustus Williams; and, have also, passed a joint resolution tendering a vote of thanks to the volunteers from the United States; also, a joint resolution, and an act to

⁶³The petition has not been found.

⁶⁴Reports, Sixth Congress, No. 2617. Endorsed: Report of com. on Engrossed Bills July 1842

divo[r]ce the bonds of matrimony between certain persons therein named; in all of which they respectfully ask the concurrence of the Senate.

On motion the orders of the day were taken up.

An act to incorporate the City of Houston and to amend and repeal certain other acts therein named; read third time and passed.

A joint resolution; read first time.— Rule suspended, read second time,

Mr Jack moved to amend by inserting in the caption the words "F Dawson" after the word "resolution."— Carried. Rule suspended, read third time and passed.

Mr. Webb, chairman of the judiciary committee, to whom was referred the petition of D. Neil, reported favorably.⁶⁵

An act to divo[r]ce certain persons therein named; read first time— Rule suspended, read second time.

Mr Jones moved to insert after the word "Mays" the words "also the bonds of matrimony between J. C Neil and Louisa Neil, and Daniel Neil and Julia Neil."— Carried

Mr. Webb moved to insert the words "Anna Gerunter."⁶⁶— Carried

Mr. Barnett moved to insert the words "or any other who may hereafter prefer to exchange their husbands and wives, upon application to the Chief Justice of the respective counties."—⁶⁷ Lost.

Mr. Jones moved the rule be suspended.— Carried. Read third time

The Ayes and Noes being called for, stood as follows: Ayes— Messrs. Jones, Moore, Shaw, and Webb.— 4. Noes— Messrs. Barnett, Byrne, Colquhoun, Greer, Jack, and Owen. 6. Lost.

Mr. Owen moved a reconsideration of the vote.— Carried.

On motion of Mr. Webb, the bill was laid on the table.

A bill to be entitled an act, to amend an act supplementary to an act to raise a revenue by direct taxation; read second time.

Mr. Barnett moved to insert "ten days, as the time the assessor shall advertise."— Carried, and bill ordered to be engrossed.

By leave, Mr. Jack introduced a bill to be entitled an act to

⁶⁵The report has not been found.

⁶⁶The name is evidently a mistake. It should be Anna Tierwester.

⁶⁷The first section of the bill reads:

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the bonds of matrimony heretofore existing between Francis W. Johnson and Rosella Johnson, and also the bonds of matrimony existing between Benjamin Conner and Julia E. Conner and also the bonds of matrimony existing between Andrew Jackson Morgan and Jane Morgan—also the bonds of matrimony existing between Daniel Tuttle and Mary Tuttle—also the bonds of matrimony existing between William Mays and Mary Mays—also the bonds of matrimony heretofore existing between J. C. Neal and Louise Neal—also the bonds of matrimony heretofore existing between Dennis Neil and Julia Neil—also the bonds of matrimony heretofore existing between Henry Tierwester and Ann Tierwester and Jacob Duckworth and Nancy Duckworth, be, and the same are hereby dissolved, and the several parties are left free to act and contract for themselves, as though they had never been married. See page 152 of this volume.

regulate the departure of passenger Boats; read first time.— Rule suspended— read second time.

Mr Webb offered the following amendment;

“Be it further enacted that the commander of each domestic passenger boat, navigating the waters of this Republic, and the Commander of each foreign boat engaged in the transportation of passengers to any port of this Republic, shall cause a copy of this act to be posted up, and to be kept posted up in some conspicuous [*sic*] place of the Boat under his Command; and that for a failure to do so, he shall at all times be subject to a penalty of ten dollars to be recovered and applied in the same manner provided for a failure to depart as required.”— Carried.

On motion of Mr. Barnett, the Senate adjourned until 4. O’Clock. P. M.

4 O’Clock P. M. July 18th 1842.

The Senate met pursuant to adjournment —the President in the Chair— roll called quorum present.

By leave, Mr. Shaw, Chairman of the Committee on engrossed bills, reported they have examined a bill to be entitled an act to amend an Act supplementary to an Act to raise a revenue by direct taxation; and, also, a bill to be entitled an act regulating the departure of passengers Vessels, etc., and find the same to be correctly engrossed.⁸

SENATE CHAMBER July 18th 1842

The Committee on Engrossed Bills beg leave to report that they have examined, “A Bill to be entitled an act supplementary to an act amendatory of an act to raise a revenue by direct taxation. Approved Feby 5th 1842”— also “a Bill to be entitled an act to regulate the departure of Steam passenger vessels” and find the same to be correctly engrossed

JAS. SHAW

Chn. Com. on Engd. Bills

By leave, Mr Jones introduced a resolution fixing the adjournment of Congress *sine die* on tuesday 12 O’Clock M. — read first time— Rule suspended— read Second time— Rule further suspended— Read third time and passed.

Mr. Jones introduced the following resolution:

“Resolved, That the engrossing and Enrolling Clerks furnish the Editor of the Telegraph with copies of the journals of the Senate for publication; read and adopted.

Mr. Barnett moved to take up the joint resolution changing certain appropriations therein named, with the substitute offered by Mr. Jack— Carried — read Second time.

The question was put on the adoption of the substitute, and Lost.

⁸Reports, Sixth Congress, No. 2617. Endorsed: Report of com. on Engrossed Bills

The ayes and noes called for on the passage of the bill; stood as follows: Ayes— Messrs. Barnett, Byrne, Colquhoun, Moore, Shaw, and Webb.— 6. Noes— Messrs. Greer, Jack, Jones, and Owen, 4. Carried, so the bill passed to a third reading.— Rule further suspended, bill read third time and passed.

A message was received from the President, informing the Senate, he has approved and signed an act to divo[r]ce Thomas F McKinney and Nancy McKinney from the bonds of matrimony; and also, a communication in writing.⁶⁹

July 18th '42.

I am directed by his Excellency the President to inform the honorable, the Senate that he has approved and signed an act "to divorce Thomas F. McKinney and Nancy McKinney and others, from the bonds of matrimony."

W. D. MILLER,
Private Secretary.

On motion of Mr. Barnett, the message of the President relative to the volunteers on the Southwestern frontier, and also, the communication relative to the Indians was taken up and read.

EXECUTIVE DEPARTMENT,⁷⁰
CITY OF HOUSTON, July 18th, 1842.

To the honorable, the SENATE:

The Executive has the pleasure, in response to the resolution of your honorable body of the 16th instant, desiring information touching the subject of frontier defence to say, that no regular force has as yet been established; and for the want of means it has been impossible to sustain any efficient force, but for a few days, when emergency has called out men.

An order was given to Captain Ephraim McLean to raise and keep a spy company west of the San Antonio river, but, for the want of means, the order was not executed.

The volunteers from the United States were posted at the most eligible point on the frontiers, as recent events have demonstrated by the attack made upon the force under command of Col. Davis, in which the Mexicans were gallantly repulsed by less than one third of their number.

Major Hays of Bexar and Captain Manchaca have received orders to raise men and act between the San Antonio river and the Rio Grande.

Commissioners have been sent to treat with all the hostile tribes of Indians on our borders. That they are disposed to make peace, may be seen from the communication of the Agent

⁶⁹The message has not been found. The communication is found in Messages, Sixth Congress, No. 2619. It is endorsed: Communication from Executive that he has approved certain bills.—

⁷⁰Messages, Sixth Congress, No. 2619. Endorsed: Communication from the President, July 19, 1842. Read and Laid on the table A. C. Macfarlane Secty Senate; also in Executive Records, Book No. 40, p. 121. It is printed in *The Morning Star*, August 6, 1842; and in the *Telegraph and Texas Register*, August 10, 1842.

herewith transmitted. A trading house, for the purpose of trade with the Indians, will be erected on the Brazos, without any expense to the Government.

It is in contemplation by the Executive, to promptly adopt such measures as will send the enemy across the Rio Grande, with such admonitions as will prevent a renewal of their visits within the bounds of Texas, with any views of "molestation" or annoyance to our citizens.— In the accomplishment of this object, the President will be compelled to rely upon the patriotism of his fellow citizens, and the employment of individual means.

SAM. HOUSTON

CREEK AGENCY, June 1st, 1841.⁷¹

SIR:— At a grand council convened in the Creek nation on the 15th ult, composed of the representatives of some eighteen tribes of Indians bordering upon the South Western frontier of the United States, who were called together at the instance of Gen. Roly McIntosh, principal Chief of the Creek nation, for the purpose of establishing terms of friendly intercourse between the several tribes represented in the council, and for the adjustment of all existing difficulties.

There were also present three Chiefs from the prairies bordering upon your Republic, viz: Now-no-hitch-tow-e, head Chief of the Kee-chis; Ki-ki-see-noo-kah, a Witch-e-taw Chief; and Sar-pow-e, Chief of the Ti-wah-con-nes.

It is at the earnest solicitations of the latter named Chief, that I have taken the liberty of addressing you this communication. They represent that hostilities have existed for some time past between their people and the Republic of Texas; but they are now anxiously desirous for peace, and wish to establish terms of friendly intercourse and trade with your people. That this friendly overture now tendered to you would have been made at an earlier period, but from the fear of approaching you personally on account of the hostile feeling they were induced to believe existed on the part of your people towards them. They further represent that this desire for peace includes the Chu-man-ches, and all the tribes and parts of tribes of those wild prairie Indians bordering upon your frontier, with the exception of a small band of disaffected Cherokees, with whom they have not communicated on the subject.

They are solicitous that your Excellency may be pleased to appoint a time when it may be convenient for you to meet them for the purpose of entering into a treaty, and that it may be at as early a day as may comport with your Excellency's other

⁷¹Logan's communication is an enclosure with the message. It is also found in *Indian Papers* and is printed in the *Telegraph and Texas Register*, August 10, 1842, and in *The Northern Standard*, August 20, 1842.

important duties, and the interests of the several parties concerned.⁷²

I will merely add that should not paramount considerations of state policy induce your Excellency to defer this matter for the present, common feelings of humanity, I doubt not will prompt you to meet this friendly overture on the part of these wild men of the prairies, in a like spirit of amity.

With sentiments of sincere regard,

I have the honor to be your ob't humble serv't.

JAMES LOGAN, Creek Agent.

Mr. Jack moved to refer so much of the communication in reference to Indians to the committee on Indian affairs. Carried.

Mr Byrne moved the Senate adjourn until tomorrow 9 O'Clock A. M. Carried.

CITY OF HOUSTON

July 19th 1842. 9 O'clock A.M.

The Senate met pursuant to adjournment— the President pro tem. in the Chair—roll called—quorum present.

Journals of the preceding day read and adopted.

Mr. Shaw, chairman of the committee on enrolled bills, reported they have examined a joint resolution sending a vote of thanks to the volunteers from the United States; also, a bill to alter the meeting of the annual sessions of Congress, also, a Bill to divo[r]ce Thomas F McKinney and Nancy McKinney from the bonds of matrimony, and find the same to be correctly enrolled.⁷³

SENATE CHAMBER July 19th 1842

The Committee on Enrolled Bills beg leave to report that they have examined the following Bills: to wit, A Joint Resolution Tendering a vote of thanks to the volunteers from the United States— A Bill To alter the time for the meeting of the annual Congress— als[o] a Bill To Divorce Thos. F. McKinney and others from the bonds of matrimony, and find the same correctly enrolled; all of which having been signed by the Speaker of the House and President of the Senate, were presented to His Excellency the President on Monday the 18th Inst. for his approval or rejection.

JAMES SHAW

Chn. Com. on Enrolled Bills

Mr. Jack offered the following resolution;

“Resolved, That the chairman of the finance committee, be required to call on his Excellency the President for a plan or project which will be calculated to insure the certain collection of the revenue arising from imposts duties, and to report the

⁷²Stroud, Durst and Williams were appointed commissioners. Their commission is found in Indian Papers. A treaty was made with the Indians on August 24. 1842. See *Telegraph and Texas Register*, October 12, 1842.

⁷³Reports. Sixth Congress, No. 2617. Endorsed: Report of committee on Enrolled Bills July 19. 1842 A. C. Macfarlane Secty Sen

same at the earliest practicable period."— Read and adopted.

A bill to regulate the departure of Steam passenger vessels, etc., was taken up, read third time and passed.

A bill to be entitled an act supplementary to an act, to raise a revenue by direct taxation &C, read third time and passed.

Mr. Jack moved the Senate adjourn until half past ten O'clock. A. M.— Carried.

Half past 10'O'Clock' A M.

The Senate met pursuant to adjournment— the President pro-tem. in the chair roll called— quorum present.

A message was received from the House, informing the Senate of the passage of the following bills;

A joint resolution for the relief of the Santa Fé prisoners [*sic*]; A joint resolution for the relief of mail contractors; and a joint resolution fixing a day for the adjournment of congress; in all of which they respectfully ask the concurrence of the Senate.

Mr. Moore moved to take up the bills and resolutions from the House.— Carried.

A joint resolution for the relief of the Santa Fé prisoners; read first time.— Rule suspended— read second time.

Mr. Jack offered a substitute, which was read and adopted. Rule further suspended, read third time and passed.

A joint resolution for the relief of mail contractors; read first time—Rule suspended, read second time.

Mr. Jones moved to strike out the second section.

The ayes and noes being called for, stood as follows: Ayes— Messrs. Greer, Jack, Jones, Owen, and Shaw.— 5. Noes— Messrs. Barnett, Byrne, Colquhoun, Moore, and Webb.—5. The chair decided in the negative.— Lost.

Mr. Webb moved to insert the words "in consequence of no appropriation."— Lost.

Mr. Moore moved to insert after the word "purpose" the words "shall be paid."— Carried.

Mr. Jones moved the indefinite postponement of the bill;

The ayes and noes being called for, stood as follows: Ayes— Messrs. Barnett, Greer, Jack, Jones, and Owen,— 5. Noes— Messrs. Byrne, Colquhoun, Moore, Shaw, and Webb.— 5. Lost.

Mr. Jack moved to insert the words, "provided no contractor shall be released from his bond until the Attorney General shall have given his certificate that the contractor is legally discharged."— Carried.

Mr. Webb moved a further suspension of the rules.— Lost.

By leave, Mr. Owen introduced a joint resolution authorizing the President to treat with the Indians; read first time— Rule suspended, read second time.

Mr Moore moved to insert the words "said treaties subject to the ratification of the Senate"— Rule suspended— read third time and passed.

By leave, Mr. Moore presented the petition of Julia Neil

praying congress to reject the petition of Dennis Neil, praying for a divorce; read and laid on the table.⁷⁴

Mr. Barnett moved the Senate adjourn until four O'clock P.M.— Carried.

4 O'clock. P.M. July 19th 1842.

The Senate met pursuant to adjournment— the President pro-tem.— in the Chair— roll called quorum present.

By leave, Mr Jack introduced a resolution re[s]cinding the resolution fixing a day for the adjournment of Congress; read first time.

Mr Webb moved to lay the resolution on the table.— Lost.

Mr. [On] motion of Mr. Jack, the resolution was adopted.

Mr Owen moved the Senate adjourn until half past 4. O'clock P.M.— Carried.

Half past 4 O'Clock P.M.

The Senate met pursuant to adjournment— the President pro-tem. in the chair— roll called quorum present.

By leave, Mr. Barnett introduced a joint resolution fixing Washington for the meeting of the next annual session of Congress; read first time— Rule suspended, read second time and ordered to be engrossed.

Mr Jones moved a further suspension of the rule.— Carried, read third time.

The ayes and noes being called for, on its final passage, stood as follows: Ayes—Messrs. Barnett, Greer, Jack, Jones, Moore and Shaw.—6. Noes— Messrs. Byrne, Colquhoun, Owen and Webb.— 4. Carried.

A message was received from the House, informing the Senate they have passed a joint resolution declaring the office of Major General of Militia vacant, and for other purposes; and a joint resolution for the relief of Nathaniel Amory; In which they respectfully ask the concurrence of the Senate.

On motion of Mr Moore, the bills from the House were taken up.

A joint resolution declaring the office of Major General of Militia vacant, and for other purposes, with the amendments from the House.

On motion of Mr. Jack, the amendments were concurred in by the Senate.

A joint resolution for the relief of Nathaniel Amory; Read first time.— Rule suspended— read second time— Rule further suspended— read third time and passed.

Mr. Jack moved the Senate adjourn until tomorrow morning at Nine O'Clock A M.— Carried.

⁷⁴The petition has not been found.

CITY OF HOUSTON

July 20th 1842. 9 O'clock A M.

The Senate met pursuant to adjournment— the President in the Chair— roll called— quorum present.

Journals of the preceding day read and adopted.

Mr Jack introduced a resolution rescinding the resolution fixing the adjournment of Congress on to day,— read—.

The ayes and noes being called for on the adoption of the resolution, stood as follows: Ayes— Messrs Barnett, Greer, Jack, Jones, Moore, Muse, Owen, and Shaw.— 8. Noes— Messrs. Byrne, Colquhoun, and Webb.— 3. Carried.

A message was received from his Excellency the President with a communication in writing.

EXECUTIVE DEPARTMENT,⁷⁵

CITY OF HOUSTON, July 18th, 1842.

To the honorable, the SENATE:

I have the honor, herewith to lay before your honorable body, copies of orders, reports and correspondence having relation to the conduct, condition and operations of the foreign volunteers stationed upon our Western border. It will be seen, that from the first, a spirit of utter insubordination and mutiny has openly prevailed, destroying every hope of usefulness and harmony as well as degrading, by disrespect and disobedience, the authorities of the land from which the numerous orders so repeatedly violated and disregarded have emanated.

It is, therefore, submitted to the honorable Congress, whether it would not be more politic to rely upon our own militia, and furlough or discharge those who will no longer yield obedience to the laws and rules of war enacted for their government?

I despair of reformation and will not be accessory, through the Department of War, of tantalizing the hopes and expectations of our citizens, who have hoped for succor from volunteer aid from the U. States. They are as expensive as they have heretofore proved useless to our country.

SAM. HOUSTON

*Orders to Capt. Williams*⁷⁶

Special Order
No. 3.

DEPARTMENT OF WAR & MARINE,
7th. April, 1842.

Capt. Augustus Williams' Company of "Tennessee Volunteers" are received into the service of the Republic of Texas, to date from the 7th. day of April, Inst.

They will proceed forthwith on board the transport Schooner

⁷⁵Messages, Sixth Congress, No. 2619. Endorsed: Communication From the President July 19. 1842 Read & Laid on the Table A. C. Macfarlane Secty Senate. Also in Executive Records, Book No. 40. p. 120; and in the *Telegraph and Texas Register*, August 10, 1842, and in *The Morning Star*, August 4, 1842.

⁷⁶Messages, Sixth Congress, No. 2619. Enclosures. Endorsed: Copy 1. Correspondence relative to Capt. Augs. Williams' Mutiny

Col. Hanson to Black Point in the vicinity of Messrs Aubrey & Kinney's Rancho, where they will disembark and proceed to the Rancho. Their provisions will be sent on board the sloop Washington to that place.

Capt. Williams will report his command to Col. Clark L. Owen, Com'dg. Volunteers; or if absent from that place, the letter accompanying the order will be immediately forwarded to him.

So soon as a Regiment of Volunteers can be formed, they will be organized and proceed to an election of their own officers—the detachments, however, will hold themselves subject to further orders from the Department.

GEO. W. HOCKLEY, Secty of War & Marine.

Instructions to Maj. Casey.

DEPARTMENT OF WAR & MARINE.
10th. April, 1842.

To Majr. THOMAS CASEY,

SIR:— You will receive herewith an appointment as Volunteer Aid to His Excellency, the President.

You will proceed forthwith to Corpus Christi, and from thence to the encampment of the Volunteers, recently arrived from the United States, and relieve Col. Owen of the command, if he has assumed it. The command consists of the companies of Captains Ross, Everitt and Williams — You will proceed forthwith to their organization and drill, and report their strength and condition to this Department.

Very respectfully Your Obt. servt.

GEO. W. HOCKLEY, Secty of War & Marine.

Extract from Majr. Casey's Report.

CORPUS CHRISTI,
April 27th, 1842.

The Hon. GEO. W. HOCKLEY,
Secty of War & Marine,

SIR— In pursuance of my orders, I left Galveston on the 18th, on Mr. Jones' Sloop, and reached here on the 25th. Inst.

I found Col. C. L. Owen in command, but in consequence of his having arrived himself only the day previous, every thing was in the utmost confusion — I immediately called upon him, and made known the nature of my instructions, and found *him, of course*, ready to comply with the orders of the Department. So soon, however, as it was known in the Camp, that I had been ordered to relieve him, a Mutiny of the officers was called, and a letter drawn up and sent to me, stating that they would neither receive me or any other gentleman, sent in the same way, as their Commander — that they had been promised the selection of their own officers by your Depart-

ment, so soon as they were organized as a Regiment; that Col. Owen was to take charge of them until that time, and that they would receive none other.

Thinking from the tenor of the letter, that the dissatisfaction arose altogether from a mistake, and being near the place where the officers were collected, I walked up to them instantly, and explained to them that they were entirely mistaken as to the views and intentions of the Department; that my own Commission was one in the Staff, and the object of my assignment to the command simply their organization and drill, until such time as a sufficient number could be collected together to form a Regiment, when an election for its field officers would be held, as you had promised — Upon this Capt. Williams, who had been chosen their commander until such time as Col. Owen should arrive, remarked that they would reconsider the matter, and that he would call and inform me of their determination. The command not having, as yet, been turned over to me, I expressed a desire that he would do so.

In the course of the afternoon, I was called on by Capt Everitt who informed me that his name had been signed to the letter of the officers whilst under a mistaken view of the matter, and that so far as he was concerned, no farther opposition would be made to the orders of the Department, but that himself and Second Lieut. M. Mills, were the only officers willing to acquiesce. On the next morning Capt. Williams called and made the same statement. Col. Owen, however, being unwilling to retain the command, as he feared he, himself might be apparently involved in the disobedience of orders, had the companies paraded and turned over the command to me— An Order was then issued for the Captains of Companies to report to me for instructions — In obedience to it, Captain Everitt and Ross reported, & expressed their own willingness to comply, but that they could not control their men.—

Capt. Williams declined reporting, but called afterwards and stated that he had been elected the commander, and that he should continue to act as such. That he believed the Department had infringed upon the rights of the volunteers, and that although sincerely desirous of aiding the Country, he was determined to insist on those rights at all hazards—that his course was dictated by no dislike or disrespect to me, but to show the Department what they considered their rights; and that they were determined to maintain them. At this point he was interrupted, and promised to return, but did not, and sent me a written refusal to receive me as the Commander of the Camp.

In the course of the afternoon I issued some orders for the purpose of bringing the matter to an issue; and to discover whether Capts. Everitt's and Ross' companies would go with their officers. So soon as the orders were read Capt. Williams stepped forward and addressed the men in a most disorganizing manner, stating that he considered their rights infringed, and

that should they yield in this, they would be called on to yield in every thing else; and that although willing to resign the station to which they had elevated him, he was determined to carry out their wishes in all respects, and that therefore, he desired an expression of their opinion as to what course they would pursue. About two thirds shouted hurrah for Williams—they would stick by him — So soon as he had finished, and being anxious to understand how many were disposed to continue in a state of subordination, I made a few remarks to the troops, explaining the views of the Department, its willingness to comply with its promises as regarded the election of officers—its absolute and undoubted right to pursue the course it had done in sending an officer to organize them: the nature of the offense they were committing &c., and desiring all who were willing and anxious to remain in a state of subordination, to step to the front. Although, as I have since learned, some were anxious to obey the orders, no one stepped forward, and I found myself alone, and unsupported—save by a few of the officers, and they through fear of losing popularity with their men, unwilling to take any decided or efficient steps. Under these circumstances, I was under the necessity of stating that I should take no farther control over them, unless they voluntarily reported themselves to me for duty, but that I should report the whole command in a state of mutiny and total disorganization.

From the above statement, the Dept. will see the absolute necessity of some prompt and decided action if, they desire to maintain anything like subordination amongst the Volunteers, but of course, I would forbear to suggest any particular measure, presuming that it will best understand what action is best under the circumstances.

From appearances and what I can learn, I have every reason to believe that the whole might have been amicably arranged, had Capt. Williams and the officers of his company acted with anything like subordination. All the Officers of Capt. Everitt's Company and the Capt. and 1st Lt. of the New Orleans company were willing to obey orders, and used their efforts to put down any opposition on the part of the men, but in consequence of the course pursued by the others, their efforts were entirely unavailing. The conduct of Capt Everitt and those above mentioned, who acted with him, although not altogether such as the government has a right to expect and require from those on whom they have conferred Commissions, is yet palliated greatly by their inexperience in all that relates to the duties of an officer, and by a feeling natural to Volunteers, of a disinclination to thwart the views of a majority of their men. That, however, of Capt Williams and of his Officers and of the 2nd Lt. of Capt Ross Company can be characterized in no milder a manner than as utterly insubordinate and unbecoming the character of officers —

Should the Department conclude to retain me at this point,

I hope it will furnish me with explicit instructions, as to what course to pursue, and the Department may rest assured that no exertion on my part, shall be spared to carry out its wishes in every particular, so soon as I am informed what they are.

With great respect — I remain

Sir, Your obt. Servt.

THOMAS CASEY

Major and Aid to the Executive—

P.S.

Capt. Ross has just called and handed in his resignation to me, reporting his company in a state of absolute mutiny—his life threatened by one of his Company, and that the man when arrested by him, has been forcibly released by the order of Capt. Williams.

Very respectfully

THOMAS CASEY,

Majr. Commanding.

Letter of the Officers to Majr. Casey.

CORPUS CHRISTI, April 25th, 1842.

Majr. CASEY,

SIR:— Alike with yourself, we have *come* to Texas to assist in repelling a subtle foe; and under certain promises as broad as the English language, and as plain as the meridian sun in his splendor, we suffered ourselves to be transported to this place, and we cannot permit any violation of those promises—for they are in writing and in our Pockets, from under the hand of the Secretary of War. These promises gives the Command to, Col. Clark L. Owen, a gentleman who understands the Geography of the Country, and also has considerable experience in the field of battle, and upon him we are willing to depend — But if prevented from having him to lead us, we must rely upon our Camp alone, for such officers as are necessary for the guide and direction of our companies.

We Sir, at this point would not only refuse to come under the Command of yourself, but any other gentleman who has so little acquaintance with the Country and so totally unknown to us as you are. This course we deem prudent; and will adhere to under any circumstances whatever. Respectfully Yours, &C.

(signed) AUGUSTUS WILLIAMS, Majr. Com'dg.

JOHN ROSS, Capt. Company "A".
 H. H. BROWN 1st Lt. " "
 W. P. MOORE 2nd Lt " "
 J. R. EVERITT, Capt. Company B
 E. S. RATCLIFFE, 1st Lt. " "
 THOS. MILLS, 2nd Lt. " "
 WM. F. SCOTT, Capt Company C
 JOHN MCBITH 1st Lt " "
 HUGH O'CONNER 2nd Lt " "

Letter of Capt. Williams to Maj Casey.

To Majr. CASEY.

From the feelings of the Tennessee Company and a large and overwhelming majority of Capt Everitt's and Capt. Ross' Command, I cannot, for a moment, think of reporting my command &C.

April 25th. 1842

AUGUSTUS WILLIAMS
Majr. Com'dg.

Major Casey's letter to Capt. Williams

CAMP AT CORPUS CHRISTI,
April 26th, 1842.

Capt AUGUS. WILLIAMS,

SIR:— Your note declining to report your Company to me for duty, has been received — I[n] reply, I have to inform you, that in relieving Col. Owen of the command, your company, of course, was included, and cannot place itself under the command of any one else without direct mutiny. Should you as their Captain, or any member of your Company fail to obey any order legally issued by me, as the commanding officer at this place, he will be instantly held answerable to the rules and articles of war, for such cases made and provided. In what I said to you this morning, I intended to convey, that being in command of your company, it was your duty, in obedience to order No 3. to report yourself for instructions; and that a failure on your part, to do so, or a failure to obey any such instructions when received, would be a disobedience of orders on your part, for which you would be individually subjected to the consequences of such disobedience. Should any of your company refuse to obey any order issued by you, in obedience to instructions from a superior officer, or any order issued by the proper authority for the whole Command, the member or members so disobeying, will be held responsible. I shall, this afternoon, cause an order to be published to the troops, which I sincerely trust will satisfy them, and prevent any disagreeable consequences; and I certainly hope and expect that Capt. Williams will exert his own influence, as he is bound to do, by the regulations to which he has voluntarily subjected himself, to put down every thing like insubordination amongst the men.

Very respectfully, Sir,
Your Obt. Servt. and well wisher,
(signed) THOMAS CASEY,
Majr. Commanding, and Aid to the Executive.

Special Order
No. 4

DEPARTMENT OF WAR & MARINE
11th. May, 1842.

Col. James Davis, acting Adj. General will, on receipt of this, order Capt Augustus Williams, Commanding Company

"C" Tennessee Volunteers, to report forthwith in person to this Department, at Houston,

By Order of the President
GEO. W. HOCKLEY,
Secty of War & Marine.

*Extract from letter of the Secty of War & Marine
to Major Casey*

DEPT. WAR & MARINE,
11th. May, 1842.

To Majr THOMAS CASEY,
Aid de Camp.

SIR:— Your several communications by the Schooner Washington, have been received.

My loss of Confidence in the Company from Tennessee, and particularly in their commander, has almost extended to a distrust of all. To me, their conduct is also *mortifying* in the extreme; and I only regret that you had not *some* force at your command to quell the mutiny—

Capt. Williams is ordered to Headquarters, Houston.

(Signed) GEO. W. HOCKLEY
Secty of War & Marine.

Special Order
No 10

DEPARTMENT OF WAR & MARINE
30th. May, 1842.

Capt Augustus Williams, Commanding Company C, Tennessee Volunteers will forthwith report, in person to this Department.

GEO. W. HOCKLEY,
Secty of War & Marine.

Special Order
No 17

DEPARTMENT OF WAR & MARINE,
8th July, 1842.

In consequence of the admissions of Capt. Augustus Williams, of the Tennessee Volunteers, in relation to an election recently held by the Volunteers, at Corpus Christi, which election was in violation of the express orders of His Excellency, the President and of the Department of War, which are acknowledged to have been in the possession, and under the immediate cognizance of Captain Williams, — the referrence of the case to this Department results in the decision that Captain Williams has committed mutiny, and that he be discharged from the service of the Republic of Texas, and at no subsequent period be eligible to employ or promotion in it, and that a copy of the general order issued from this Department to the Commander at Corpus Christi be furnished him with this Special Order

By Order of the President
GEO. W. HOCKLEY, Secty of War & Marine.

General Order
No. 1.

DEPARTMENT OF WAR & MARINE,
8th. July, 1842.

Obedience is the first duty of the soldier. The plea of ignorance of this first principle of Military discipline is an *aggravation* and not an *extenuation* of the offence. The individual assuming the responsibility of Command is supposed to expect obedience, and doing so, *must* be aware that he is subject to the Orders of his superiors, and required to obey them. The responsibility to Military Law, in our country, is clearly and distinctly understood — more especially is it necessary for enforcement at the present period. Disobedience of orders is mutiny — mutiny should be punished with death.

Captain Augustus Williams, of the Tennessee Volunteers, is discharged from the service of the Republic, and interdicted from again entering it.

This order will be read by Col. Davis, upon parade to his Command.

By Order of the President.

GEO. W. HOCKLEY,
Secty of War & Marine

By leave, Mr Moore introduced a resolution prescribing the mode messages shall be received from the House; read and withdrawn.

Mr. Jones moved the Senate go into secret session.⁷⁷—Carried.
The doors being opened.

On motion the orders of the day were taken up.

A joint resolution for the relief of mail contractors; read third time and rejected.

A bill to be entitled an act to divo[r]ce certain persons therein named; read second time.

Mr. Barnett moved the indefinite postponement of the bill.

The ayes and noes being called for, stood as follows: Ayes— Messrs. Barnett, Colquhoun, Greer, Owen.— 4. Noes.— Messrs. Jack, Jones, Moore, Muse, Shaw and Webb.— 6.— Lost.

Mr. Colquhoun moved to insert the words “also Jacob Duckworth and Nancy Duckworth.— Carried.—

Mr. Moore moved the bill be engrossed.

The Ayes and noes being called for, stood as follows: Ayes— Messrs. Jones, Moore, Muse, Shaw, and Webb.— 5. Noes— Messrs. Barnett, Colquhoun, Greer, Jack, and Owen.— 5. The chair decided in the affirmative.— Carried.

Mr. Moore moved a further suspension of the rule.— Carried

Mr. Barnett moved to lay the bill on the table.— Lost.

The ayes and noes being called for, on the final passage of the bill, stood thus: Ayes— Messrs. Moore, Muse, Shaw, and Webb.— 5. Noes— Messrs. Barnett, Byrne, Colquhoun, Greer, and Jack.— 5. The chair decided in the affirmative.

Mr Owen was excused from voting.

⁷⁷Winkler, *Secret Journals of the Senate*, 227.

Mr. Jack moved the Senate go into secret session.⁷⁸— Carried. Doors being opened.

A committee was announced from the House, informing the Senate that the House had refused to re[s]cind the resolution fixing a day for adjournment *sine die* and would adjourn on to day at the hour of 12. O'Clock. M.

Mr. Jack moved a committee be appointed to wait on the House and inform them that the Senate had re[s]cinded the resolution fixing the adjournment of Congress on to day, and will not be ready to adjourn at, the hour specified in the resolution.— Carried.

The chair appointed Messrs. Jack, Muse and Barnett said committee.

The Committee appointed to wait on the House, returned and reported their duty performed.

On motion of Mr. Jack, the Senate adjourned until 3 O'clock P.M.

3 O'clock P. M.

The Senate met pursuant to adjournment— the President in the chair— roll called— quorum present.

Mr. Jack presented a communication from his Excellency the President, addressed to the chairman of the finance committee in compliance with a resolution of the Senate calling on the President for information relative to the collection of the impost revenue; read and referred to the Committee on finance.

EXECUTIVE DEPARTMENT,⁷⁹

CITY OF HOUSTON, July 19th, 1842.

To the honorable, the SENATE:

In answer to a resolution of your honorable body of this date, in relation to the Revenue, I have to state, that to insure the collection of the duties in the Eastern section of the country, it will be proper to authorise the Collector at the City of Sabine to have authority and the means necessary to compel all vessels entering the pass of Sabine to come to, and exhibit their manifests and such other papers as may be requisite; and to pay such duties and charges as are authorised by law.

It will be further necessary, that the Secretary of the Treasury, under the direction of the President, establish such ports of entry on the Sabine, and thence to the Red River on the boundary line of the United States and Texas, and on the Red River as may be deemed necessary and proper to insure the collection of all duties which, of right, belong to Texas. And should any person or persons attempt to violate the laws by introducing goods for the purpose of avoiding the payment of duties, shall forfeit all such articles in their possession as

⁷⁸Winkler, *Secret Journals of the Senate*, 226-7.

⁷⁹Messages, Sixth Congress, No. 2619. Endorsed: Communication from the President July 20th. 1842 Read & Referred to committee on finance. A. C. Macfarlane Secty Senate Also in Executive Records, Book No. 40, pp. 122-23. It is printed in the *Telegraph and Texas Register*, August 10, 1842.

may be liable to the payment of duties.— And in case of refusal on the part of any person or persons to conform to the laws and regulations that the Collector shall have power to call on the civil or military authorities of any country where the call will be obeyed, and shall have power to seize the goods wherever they may be found; and that when force shall be called out it shall be at the expense of those on whose account the same may have been called out; and that provisions and all other necessary supplies be furnished to the command which the time they may be absent from their homes may demand.

I would most respectfully call the attention of the honorable Senate to the suggestions communicated a second time to the Congress in relation to our circulating medium and the credit of the government. If some plan is not adopted by the present Congress to sustain our national credit, it will be impossible to carry on the offices of government, or to exist as a nation. It is in vain to suppose that any nation can exist without a currency and without means. We have *none*— we must have *some*, or we sink!

I feel myself constrained to make this solemn avowal, from a conviction of its melancholy truth. My duty is performed! I pray God to avert impending calamities from our unhappy country!

SAM. HOUSTON

On motion of Mr. Greer, Mr. Jack was added to the finance committee.

By leave, Mr. Jack introduced a bill to be entitled an act to ensure the more certain collection of the impost revenue.— Read first time— Rule suspended— read second time section by section and adopted.

Mr. Jack offered two additional sections, which were read and adopted.⁸⁹

Mr Moore moved a further suspension of the rule.— Carried; read third time and passed.

Mr. Owen moved the Senate take a recess until 5 O'clock P.M.

5 O'Clock P. M.

The Senate met pursuant to adjournment— the President in the chair— roll called quorum present.

A message was received from his Excellency the President with a communication in writing.

⁸⁹The two additional sections are as follows:

Sec. 9th. The compensation to be allowed to the different collectors, appointed under this act, shall in no instance be more than twenty-five per cent on the amount of Revenues collected

Sec 10th. The Secretary of the treasury shall give thirty days notice of the points which are designated as ports of entry, by publication in the News papers called the Red Lander, and Sabine Advocate.

The original bill introduced had eight sections.
Bills, Sixth Congress, No. 2612. Endorsed: A Bill to be entitled an Act to secure the more certain collection of impost revenues Read 1. time July 20. 1842 Rule suspd Read 2. time same day Rule farther suspd Read 3 time & passed July 20. 1842 A. C. Macfarlane Secty Senate

Mr. Jack moved the Senate go into secret session.⁸¹ Carried. Doors being opened.

Mr Jack, one of the finance Committee, to whom was referred so much of the Presidents message as related to finance, reported by a bill to be entitled an act to provide a fund to redeem the Exchequer Notes; read first time.⁸²

Mr. Jack moved the rule be suspended.— Lost.

Mr. Moore moved the two Houses of Congress adjourn *sine die* tomorrow at 11 O'clock A M.

The Ayes and noes being called for, stood as follows: Ayes— Messrs. Colquhoun, Muse, and Webb.— 3. Noes— Messrs. Barnett, Byrne, Greer, Jack, Jones, Owen, and Shaw.— 8. Lost.

Mr. Greer moved the Senate adjourn until tomorrow morning at 9 O'Clock A M. Carried.—

CITY OF HOUSTON

July 21st 1842, 9 O'Clock A.M.

The Senate met pursuant to adjournment— the President in the Chair— roll called quorum present.

Journals of the preceding day read and adopted

Mr. Muse introduced a joint resolution to prevent the settlement of the Northern Indians on the frontier; read first time. — Rule suspended— read second time.

Mr Jack moved to insert the words "should any of the Northern tribes now residing in the United States under any pretence attempt to settle within our territory."— Carried⁸³

Rule further suspended— read third time and passed.

Mr Colquhoun introduced a joint resolution regulating the collection of impost duties;— read first time— Rule suspended, read second time.⁸⁴

Mr Webb moved to insert after the word "bills" the words "in the collection of impost and ton[n]age duties."— Carried.

Mr. Webb moved to insert after the word "market" the words "but all Exchequer bills shall be paid at the Treasury in gold and Silver at par."— Lost

⁸¹Winkler, *Secret Journals of the Senate*, 227; Executive Records, Book No. 40, p. 124.

⁸²The report has not been found. The bill appears to be the report. Bills, Sixth Congress, No. 2613. Endorsed: A Bill To be entitled an act to provide a fund to redeem the Exchequer Bills—Read 1. time July 20. 1842 Read 2. time July 22nd 42 Rule suspended Read 3rd time & passed A. C. Macfarlane Secty Sen Engrossed July 22d 42 T. Green Engrossing clk Senate

⁸³The original bill has not been found.

⁸⁴The original bill reads:

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled

Sec.1st., That the collectors of Revenue are hereby required from and after the passage of this act to receive the Exchequer bills only at the current rate, at which such bills are selling in the market. Provided that this act shall only extend to such articles, upon which by the present existing law, an advalorum duty is now laid.

Sec 2nd. Be it further enacted that should the importer of goods believe that the collector of revenue has fixed the rate of market value too low, upon suggesting the same to the collector, each of them shall choose a referee, they the referees shall choose an umpire and the decision of the referees, or in case of disagreement the decision of the umpire shall be conclusive as to the value of the Exchequer bills.

Bills, Sixth Congress, No. 2610. Endorsed: A Bill To be entitled an act to regulate the collection of impost duties—Read 1. time July 21. 42 Rule suspd Read 2. time July 21 Rule further suspd Read 3time & passed July 21st 1842 Macfarlane Secty Senate

Mr. Moore moved to insert after the word "duties" the words "and direct taxes."— Lost.

Mr. Webb offered an additional section, which was read and adopted.⁸⁵

Mr Moore offered the following amendment, "provided that the Exchequer bills now in circulation shall be received by the Collectors, Sheriffs and other receiving officers of this Republic agreeable to the provisions of the act entitled an act to authorize the President to issue Exchequer bills, and to declare what shall be received in payment of Taxes and duties on impost" approved 19th January 1842"

The ayes and noes being called for, stood as follows: Ayes— Messrs. Moore, 1. Noes— Messrs. Barnett, Byrne, Greer, Jack, Jones, Muse, Owen, Shaw and Webb.— 10.— Lost.

On motion of Mr. Jack, the rule was further suspended; read third time.

The ayes and noes being called for, stood as follows: Ayes— Messrs. Barnett, Byrne, Jack, Jones, Shaw, and Webb.— 6. Noes— Messrs. Colquhoun, Greer, Moore, Muse, and Owen.— 5. Carried.

Mr. Moore gave notice that he would enter his protest against the passage of the bill.

A message was received from the House, informing the Senate that the House had reconsidered the vote on a joint resolution adjourning Congress on the 20th inst. at 12 O'Clock M: and had passed a substitute to a bill fixing the pay of officers, seamen and marines of the Navy; and respectfully request the concurrence of the Senate.

Mr. Jones moved to take up a bill fixing the pay of officers, seamen, and marines of the Navy, with the substitute offered by the House.— Carried.

Read and referred to the committee on naval affairs.

Mr. Muse moved the Senate adjourn until 4 O'clock P.M.

4 O'Clock P.M.

The Senate met pursuant to adjournment— the President in the chair— roll called— quorum present.

Mr Moore entered the following protest.

The undersigned solemnly protests against the bill to be entitled an act to regulate the collection of impost duties,— because he believes that this bill is in contravention of the sixteenth section of the bill of rights, which declares "that no law impa[i]ring the obligation of contracts shall be made"—

⁸⁵The additional section reads:

Sec. 3. Be it further Enacted, That in all payments of impost and tonnage duties it shall be the duty of the Collector to whom such payments are made to state in his account, the day & kind of funds in which the payment is received, and if such payments are made in the Exchequer bills of the Government, it shall be the duty of said Collector to take and send with his account to the Treasury Department the Certificate of two respectable merchants if such are convenient to the place of collection, otherwise of two other respectable gentlemen of the market value of such Exchequer Bills on the day when said payments are made, and without such certificates the account of no Collector shall be audited or settled at the Treasury Department.—*Ibid.*

The law passed at the late session of Congress entitled "An act to authorize the President to issue Exchequer bills, and to declare what shall be receivable in payment of Taxes, and duties on imposts" declares in section third, that the Exchequer bills shall be receivable in payment of all public dues; and in section seventh, that the collectors of Customs, Sheriffs and other receiving officers of this Republic, shall in no case redeem the same for a less sum than it represents on its face."

—The law entitled "an act supplementary to an act to raise a revenue by impost duties approved the fifth day of february one thousand eight hundred and forty," declares in the third section, that all duties made payable by this act or any law heretofore passed and not refunded, by this shall be receivable in gold and silver or Exchequer Bills". — Thus, placing the Exchequer bills upon a par with gold and silver.— The undersigned considers these declarations in the nature of pledges made by the Government, that the Exchequer Bills shall be regarded in value to gold and silver, and that they shall be receivable in payment for all Government dues at the full nominal value.— The Government by passing these laws, contracted or agreed to receive the Exchequer bills issued under these provisions at par.— The holders of these bills therefore, have acquired under the present laws the right to pay those bills at their full nominal value to the Government for all their public dues; Congress cannot divest them of that right without violating i[t]s positive pledges made at the last session.

The Government has paid those Exchequer bills out, to its citizens at par, as equivalent [*sic*] in value to gold and silver; it is bound by every principle of honor and justice to receive them back from its citizens at par agreeable to the provisions it has made.— By refusing to do this, it contributes to its own degradation and renders itself liable to the imputation of a vacillating [*sic*] and dishonest course of policy— thus destroying that confidence and respect, so necessary to ensure its vigorous [*sic*] and healthful erection; and in a measure defeating the great objects for which it was established.—to secure the greatest possible amount of moral and physical benefit to its Citizens.

FRANCIS MOORE Jr.

Mr Jack moved the Secretary be instructed to obtain from the House, a joint resolution for the relief of mail contractors. — Carried.

Mr. Owen moved a reconsideration of the vote rejecting a joint resolution for the relief of mail Contractors.— Carried.

The resolution was taken up— read and recommitted to the Committee on Post offices and Post Roads.

On motion of Mr. Barnett, Mr. Owen was added to the committee on Post offices and Post Roads

On motion of Mr. Greer, the Senate adjourned until tomorrow 9 O'Clock A M.

CITY OF HOUSTON

July 22nd 1842. 9, O'clock A.M.

The Senate met pursuant to adjournment—the President in the chair—roll called—quorum present

Journals of the preceding day read and adopted.

Mr. Barnett chairman of the committee on Post offices and Post Roads, to whom was referred a joint resolution for the relief of mail contractors, reported with amendments.⁸⁶

SENATE CHAMBER July 22d 1842

The Committee on post Offices and post roads, have had under consideration a Joint Ressionolution [*sic*] for the releaf of Mail contractors, and after mature deliberation being had have instructed me to report favorable, and ask the passage of the same with amendment.

G. W. BARNETT Chairman

Mr. Jack moved to take up the bill to provide a fund to redeem the Exchequer bills.— Carried; read second time.

Mr. Jack moved to strike out “three hundred thousand” before acres and insert “four hundred thousand.”— Carried.⁸⁷

Mr Muse moved to insert the following words “provided that all legal claims to lands, that have been legally located previous to the first of february 1840, shall be exempt from sale under the provisions of this act”

Mr Webb moved to strike out of the amendment the words “previous to the first of february 1840.”— Lost.

Mr Jones moved the adoption of the amendment.— Carried.

Mr. Jack offered three additional sections, which were read and adopted.

⁸⁶Reports, Sixth Congress, No. 2617. Endorsed: Report of the Committee on Post Offices & Post Roads Read July 22nd 1842 & adopted A. C. Macfarlane Secty Senate

⁸⁷The first section of the bill reads:

Sec. 1st. Be it enacted by the Senate and house of Representatives of the Republic of Texas in Congress assembled

That the President of the Republic be and he is hereby authorized to cause to be surveyed in such manner as he may deem advisable three hundred thousand acres of land, in the territory heretofore occupied by the Cherokee Indians, which Survey shall be made in Sections of one English Mile Square as nearly as may be.

There were seven sections to the original bill. The original seventh section became Section 10 which, with the three additional sections submitted by Mr. Jack, are as follows:

Sec. 7 That the President is further authorized, to appoint one or more agents in foreign countries, for the purpose of making sales, of any or all of the said lands, and said agents shall be required to give the bonds contemplated, by the previous section of this act, but they shall not be required to settle quarterly, but shall pay over the money so soon as practicable after receipt and shall also render an account thereof, to the Executive and to the congress.

Sec. 8 Whenever any sale may have been made, the Agent shall issue an certificate to the purchaser, describing minutely the land sold, and upon presentation of said certificate to the commissioner of the General land office, it shall be his duty to issue a patent for the same.

Sec. 9 If a sale of a large amount of land can be made by the President, or any agent, without a previous survey, he is hereby authorized to make the same, & cause the survey to be afterwards made.

Sec 10 This act shall take effect from its passage

Bills, Sixth Congress, No. 2613. Endorsed: A Bill To be entitled: an act to provide a fund, to redeem the Exchequer Bills—Read 1. time July 20. 1842 Read 2 time July 22d 42 Rule suspended Read 3rd time & passed A. C. Macfarlane Secty Sen Engrossed July 22d/42 T. Green Engrossing clk Senate

Mr. Webb moved to insert the words the minimum value shall be one dollar per acre"

The ayes and noes being called for, stood as follows: Ayes— Messrs. Colquhoun, Muse and Webb.— 3. Noes— Messrs Barnett, Byrne, Greer, Jack, Jones, Moore, Owen, and Shaw.— 8. Lost.

Mr. Muse moved to insert the words "the President by himself or agent shall not be authorized to enter into any contract, by which any Indian tribes shall be authorized to settle said lands."— Lost.

Mr. Barnett moved the rule be suspended.— Carried; read third time.

Mr. Jack moved to make the following the caption;

A bill to be entitled an act to provide for the sale of a portion of the lands formerly occupied by the Cherokee Indians."— Carried.

The ayes and noes being called for on the final passage of the bill, stood as follows: Ayes— Messrs. Barnett, Greer, Jack, Jones, Moore, Owen, and Shaw 7. Noes— Messrs. Byrne, Colquhoun, Muse, and Webb. 4.— passed.

A message was received from the House informing the Senate that the House had adopted the amendments of the Senate to a bill to divorce certain persons therein named; and have passed a joint resolution authorizing the President to receive into service four Companies of mounted men for frontier defence; in which they respectfully ask the concurrence of the Senate.

Mr. Shaw moved to take up the bill providing for frontier defence & C. Carried.

Read first time— rule suspended, read second time.

Mr Webb moved to insert the word "authorize" the words "and required."— Carried

Mr. Webb moved to insert the words "and this act take effect from and after its passage."— Carried— Rule further suspended— read third time and passed.

Mr. Greer moved the Senate adjourn until 4 O'clock P.M.— Carried.

4 O'Clock P.M.

The Senate met pursuant to adjournment— the President pro tem. in the chair— roll called quorum present.

On motion the orders of the day were taken up.

A joint resolution for the relief of mail contractors, with the amendments offered by the committee on Post offices and Post Roads; read second time, and report adopted.

Mr. Webb moved to strike out the proviso in the second section.— Carried.

Rule suspended, read third time and passed.

⁸See Bills, Sixth Congress, No. 2614. Endorsed: Jt. Resolution for frontier protection.—Read 1st time July 23 42 Rule suspd— Read 2d time same day Rule further suspd—Read 3rd time & passed same day.—A. C. Macfarlane Secty Senate Enrolled July 23d 1842 H. W. Raglin Enrolling Clerk Senate

On motion of Mr. Jack, the Senate went into secret session.⁸⁹ Doors being opened.

By leave, Mr. Jack, one of the committee on Naval affairs, reported a joint resolution making appropriation for the support of the Navy, back to the Senate for their consideration⁹⁰

On motion of Mr. Jack, the resolution was taken up and read second time section by section.

Mr. Jack moved to strike out in the second section the amount of "56462.00" and insert the amount of "28231.00"—and, also, strike out the amount of "58857." and insert the amount of "29428.50."— Carried.

Mr. Jack moved to insert in the third section and fourth line of the proviso the words according to the laws in existence at the time of the service." — Carried

Mr. Moore moved to insert in the third section and fourth line befor[e] the word "commander" the words "for his services or prize money."— Carried.

Mr. Jack moved to strike out the fourth section.— Carried.

Mr. Jack offered three additional sections, which were read and adopted.

Mr. Jack offered another additional section— which was read and adopted; and the bill adopted.⁹¹

⁸⁹Winkler, *Secret Journals of the Senate*, 227-28.

⁹⁰The bill was first introduced on July 5, under the caption, Joint resolution fixing the pay of the officers seamen and marines of the Navy.

It reads as follows:

Sec 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the sum of \$15,000. be and the same is hereby appropriated for the repairs and outfit of the Steam Ship Zavalla, also the sum of \$25,000 for the outfit and provisioning of the Navy now in the employment of the Government, and that the sums aforesaid be paid out of the first monies in the Treasury or at the disposition of the Executive.

Sec 2. Be it further resolved, That the sum of \$56,462.00 be and the same is hereby appropriated for the pay of the Officers Seamen and Marines for services rendered and due them on the 1st of July 1842 also the sum of \$58,578.00, for pay of Officers Seamen and Marines of the Navy for the next succeeding six months from and after the last July 1842, and that in case any prizes should be made or contributions levied by our Navy, then and in that case the President is hereby authorized and required to apply the same or so much thereof as may be requisite to the payment of the above appropriations for the payment of the Officers, Seamen and Marines of the Navy—

Sec 3. Be it further resolved: That no part of the sum thus appropriated shall be paid over to any Commander or disbursing Officer until he shall have rendered to the proper Department a full account of all monies before received and disbursed; and provided further that the amount appropriated for back pay shall first be ascertained to be due for services rendered in the Naval service of the Government—provided further however, that the provisions of this act shall not be construed to deprive the Captors of their individual shares in prizes as heretofore provided by law

Section 4th. Be it further enacted, That the pay of the officers seamen and marines shall be regulated by the laws in force on the first Monday in September last and that all laws and parts of laws contravening the provisions of this act be and the same is hereby repealed

Bills, Sixth Congress, No. 2611. Endorsed: Substitute for Joint Resolution fixing the pay of Officers Seamen & Marines of the Navy & for other purposes — — adopted as a substitute July 20th Rule suspended Read 3d time & passed J H Raymond C of H. R Read 1, time July 21, 1842 Referred to com on Naval [sic] Enrolled July 23d 1842 H. W. Raglin Enrolling Clerk Senate

⁹¹The four additional sections offered by Mr. Jack are as follows:

Strike out the 4th Section & insert the following

Sec 4. The officers in the Navy shall hereafter receive the following compensation To a Port Captain, two hundred dollars per month, Commander one hundred & twenty dollars, Lieutenants commanding one hundred dollars, Lieutenants eighty dollars, Surgeons one hundred dollars Assistant Surgeon, eighty dollars Purser eighty dollars, Midshipmen twenty five dollars, Warrant officers forty dollars, Secretary to captain fifty dollars, Clerks forty dollars. The Seamen and marines, shall be allowed pay by the law existing on the first Monday of September last.

Sec. 5 Should any prizes or contributions, be made or received, the said offi-

Mr. Barnett moved the Senate adjourn until tomorrow morning, 9 O'Clock.— Carried.

CITY OF HOUSTON
July 23rd 1842, 9, O'clock A.M.

The Senate met pursuant to adjournment— the President in the chair— roll called— quorum present.

Journals of the preceding day read and adopted.

Mr. Muse introduced a joint resolution for frontier protection; read first time— rule suspended read second time— rule further suspended, read third time and passed.

Mr. Barnett introduced an act to change the time of holding District courts in the County of Montgomery; read first time — rule suspended, read second time

Mr. Jack offered an additional section, which was read and adopted.⁹²

Rule further suspended, read third time.

Mr Jack moved to amend the Caption by inserting the words "Matagorda" after the word "Montgomery"— Carried, and the bill passed.

Mr. Webb introduced the following resolution;

"Resolved, That the thanks of this body be presented to the Independent society of odd Fellows in the City of Houston for their kindness in furnishing the Senate with a pleasant and comfortable room for their session, at a time when none had been provided by the Government for that purpose."— Read and adopted.

A message was received from the House informing the Senate of the passage of a bill to be entitled an act to regulate the collection of impost duties, with an amendment; and have adopted a resolution fixing the adjournment of Congress *sine die* on to day at four O'Clock P.M.

cers, out of that portion, to which the Government would be entitled, shall receive pro rata additional pay, until it shall amount to the compensation, which they would have received, under the laws in existence on the first Monday in September last.

Sec 6. That the President by and with the advise and consent of the Senate shall appoint a Navy agent whose salary shall be one thousand dollars per annum who shall perform the duties of disbursing officer & Naval Store Keeper. He shall take charge of the station at Galveston, and shall be held accountable, for the Safe Keeping of all public property, including Store Ships & vessels in ordinary

He shall make all purchases necessary, and attend to all the duties, heretofore performed by such officers, and the tenth Section of an act entitled an act to abolish certain offices ther[e]in named, and to fix the military and naval establishments of the Republic, approved 18th January 1841. be and the same is hereby repealed.

Sec. 7. That this act shall take effect from its passage
Bills, Sixth Congress, No. 2589. Endorsed: Amendments of the Senate to a Substitute of the House of Representatives to a Joint Resolution of the Senate making appropriations for the support of the Navy Adopted July 22. 1842 A. C. Macfarlane Secty Senate

The additional section reads as follows:

Sec 2 The District courts for Matagorda county, shall hereafter be holden on the Second Mondays after the fourth Mondays in March and October and may continue till the business is disposed of, and so much of the act entitled an act to reorganize the Second judicial District approved 5th February 1842, as provides for holding a District court in Ward county be and the same is hereby repealed, and all writs and other process, returnable to the term heretofore fixed by law for those two counties, shall be returnable and tried, at the term fixed by this act.

Bills, Sixth Congress, No. 2616. Endorsed: 8 An Act To change the time of holding the District courts in the counties of Montgomery & Matagorda.—Read 1st time July 23rd./42. Rule suspended Read 2nd time same day Rule further suspd Read 3rd time & passed same day—A. C. Macfarlane, Secy Senate

Mr. Webb moved to take up the bill regulating the collection of impost duties, with the amendments from the House.

Mr. Webb moved to strike out the word "second" in the first amendment.

The Ayes and Noes being called for, stood as follows: Ayes— Messrs. Moore, Owen, Shaw and Webb.— 4 Noes— Messrs. Barnett, Byrne, Colquhoun, Greer, Jack, and Muse,— 6.— Lost.

Mr. Webb moved the indefinite postponement of the bill.

A question of order arose— The chair decided the motion out of order.

Mr. Muse appealed from the decision of the chair.

The Senate sustained the decision of the Chair.

Mr. Webb moved to lay the bill together with the amendments from the House, on the table.

The Ayes and noes being called for, stood as follows: Ayes— Messrs. Colquhoun, Moore, Owen, and Webb.— 4. Noes— Messrs. Barnett, Byrne, Greer, Jack, Muse and Shaw.— 6.— Lost.

Mr. Barnett moved a call of the House.— Carried.

On motion of Mr. Shaw, the call was suspended.

Mr. Jack moved the adoption of the second amendment.

The Ayes and Noes being called for, stood as follows: Ayes— Messrs. Barnett, Byrne, Greer, Jack, Jones, and Shaw.— 6. Noes— Messrs. Colquhoun Moore, Muse, Owen and Webb.— 5.— Carried

Mr. Jack moved the adoption of the third amendment

The Ayes and Noes being called for, stood as follows: Ayes— Messrs. Barnett, Byrne, Greer, Jack, Jones, and Shaw.— 6. Noes— Messrs. Colquhoun, Moore, Muse, Owen, and Webb.— 5.— Carried

The bill passed.

By leave, Mr. Greer introduced the following resolution;

"Resolved by the Senate that with the concurrence of the House of Representatives the sixteenth joint rule of the two Houses is hereby suspended; read and adopted."⁹³

Mr. Moore moved to take up a joint resolution fixing the pay of officers, seamen, and Marines of the Navy.— Carried.

A message was received from the House informing the Senate of the passage of a bill to be entitled an act to provide for the sale of a portion of the territory formerly occupied by the Cherokee Indians, with an amendment, and also, a bill authorizing the President to accept four companies of volunteers for frontier protection"; in which they respectfully ask the concurrence of the Senate.

Mr. Jack moved to lay the bill on the table, in relation to the Navy.— Carried

Mr. Jack moved to take up a bill to be entitled an act to

⁹³The sixteenth rule reads:

No bill or resolution that shall have passed the House of Representatives and the Senate, shall be presented to the President of the Republic for his approbation on the last day of the session

Rules for Conducting Business in the Senate of the Third Congress and the Convention of the Republic of Texas, adopted by the Convention, March 12, 1836. Houston: 1838. 42p 17.5 cm. p. 16.

provide for the sale of a portion of the territory formerly occupied by the Cherokee Indians, with the amendment from the House.

Mr Jack moved the Senate concur in the amendment.— Carried.

Mr Jack moved to take up the bill providing for the payment of officers, seamen, and marines of the Navy.— Carried.

Mr. Jack moved a reconsideration of the vote placing the bill on its third reading.— Carried.

Mr. Webb moved to insert the words "Masters seventy dollars."— Carried.

Mr Jack moved the bill pass.— Carried.

Mr. Greer moved the Sergeant at arms be dispatched in search of absent members, — Carried.

Mr. Muse moved to take up the bill providing for holding Courts within certain territories therein named;— Carried.

Mr Muse moved the bill pass to a third reading.

The ayes and noes being called for, stood as follows: Ayes— Messrs. Moore, Muse, and Webb.—3. Noes— Messrs. Barnett, Byrne, Colquhoun, Greer, Jack, Jones, Owen, and Shaw.— 8. — Lost.

A message was received from the House informing the Senate they have adopted a resolution suspending the sixteenth joint rule of the two Houses of Congress; also have passed a joint resolution concerning contingent expenses of Congress, and making appropriations therefor; and als[o], a joint resolution for frontier protection, with an amendment.

Mr. Muse moved to take up the bills from the House.— Carried.

A joint resolution for frontier protection with the amendments from the House.

Mr. Muse moved the Senate concur in the amendments.— Carried.

A joint resolution concerning contingent expenses of congress, and making appropriations therefor; read first time.

Mr. Greer moved the Senate adjourn until 2 O'Clock P.M.— Carried.

2 O'clock. P.M.

The Senate met pursuant to adjournment— the President in the chair— roll called— quorum present.

Mr. Muse introduced the following resolution;

"Resolved, that a committee be appointed to act with such committee as the House may appoint to wait on the President, and inform him, that the two Houses of Congress having disposed of all the business before them are now ready to adjourn at 4. O'clock, this evening; read and adopted.

Mr. Jack moved to take up a joint resolution concerning contingent expenses of Congress, and making appropriations therefor.— Carr[i]ed.

Mr Jack moved the rule be suspended.— Lost.

Mr. Muse introduced the following resolution:—

“Resolved that the members of this Senate, individually and collectively tender their thanks to the Hon. Edward Burleson, for the prompt, impartial, and dignified manner in which he has presided over their deliberations during the present extraordinary session of Congress of the nation; and in parting with him on the present occasion, they beg leave to assure him, that he will carry with him their undiminished confidence and esteem; read and unanimously adopted.

The chair appointed Messrs. Muse, Colquhoun, and Byrne, a committee to wait on the [*sic*] Excellency the President.

A message was received from the House informing the Senate, that the House have adopted the amendments to a bill to provide for the pay of the officers, seamen, and Marines of the Navy; and have also passed over the veto of the President, a joint resolution for the relief of Captain Augustus Williams, in which they respectfully ask the concurrence of the Senate.

Mr Muse moved to take up the joint resolution for the relief of Captain Augustus Williams;— Carried.— read, and the Ayes and Noes being called for on the passage of the resolution over the veto of the President, stood as follows:

Ayes— Messrs. Barnett, Byrne, Colquhoun, Greer, Jack, Moore, Muse, Owen, Shaw, and Webb.— 10.

So the resolution passed.

Mr Owen introduced the following resolution;

“Resolved, that the thanks of the Senate are hereby tendered to the Hon. J. A. Greer, for the firm, dignified and impartial manner, in which he has presided over the Senate, while acting as President *pro tem.* and in parting with him, we assure him of our individual esteem and confidence.”— read and adopted.

The Committee appointed to wait on his Excellency the President returned.

A message was received from his Excellency the President, informing the Senate that he had approved and signed “an act to regulate the collection of impost duties.”

The Committee appointed to wait upon his Excellency the President, reported their duty performed.

Mr. Jack moved a committee be appointed to wait on the House of Representatives and inform them, that the Senate is ready to adjourn *Sine die.*— Carried.

The Chair appointed Messrs. Jack, and Owen, said Committee.

The committee returned, and reported their duty performed.

Mr. Muse moved that the Secretary of the Senate be permitted to return the books procured of Mr Cruger for the use of the Senate; provided Mr Cruger is willing to take them back.— Carried.

A Committee from the House was announced— a question of order arose.— The Senate refused to receive the communication from the House of Representatives, in consequence of the House not being in session.

Mr Greer moved the Senate adjourn *Sine die.*— Carried.

JOURNALS OF THE SIXTH CONGRESS
OF THE
REPUBLIC OF TEXAS
1841-1842

THE HOUSE JOURNAL
SECOND SESSION—CALLED TERM

[CITY OF HOUSTON,
June 27, 1842 4 O'clock]

The House of Representatives met in the Presbyterian Church,² and a quorum was formed in the afternoon on Monday. The following members appeared and answered to their names, viz:

<i>Austin</i>	J. H. Kuykendall
<i>Brazoria</i>	R. M. Forbes and Tod Robinson
<i>Brazos</i>	J. A. Head
<i>Colorado</i>	Williamson Daniels
<i>Fayette</i>	Jon W. Dancy
<i>Fort Bend</i>	G. A. Parker
<i>Galveston</i>	J. B. Jones
<i>Goliad</i>	W. L. Hunter
<i>Gonzales</i>	W. E. Jones
<i>Harris</i>	A. Wynns
<i>Harrison [and Panola]</i>	Isaac Van Zandt
<i>Houston</i>	Isaac Parker
<i>Jefferson</i>	G. A. Patillo
<i>Liberty</i>	G. T. Wood
<i>Matagorda</i>	T. M. Dennis
<i>Milam</i>	F. Neibling
<i>Montgomery</i>	Jesse Grimes
<i>Nacogoches</i>	John Brown and J. S. Mayfield
<i>Refugio</i>	J. W. Bower
<i>Robertson</i>	C. H. Raymond
<i>San Augustine</i>	K. L. Anderson and N. H. Darnell
<i>San Patricio</i>	S. L. Jones
<i>Shelby</i>	William M. Hewitt
<i>Victoria</i>	Thomas McConnell
<i>Washington</i>	R. M. Williamson

¹The records of the House of Representatives for the second session are very meager. No manuscript journal has been found. The proceedings from June 27 through July 16, 1842, are in the *Telegraph and Texas Register*, June 29 to July 27, 1842, inclusive. The same journals are to be found in *The Morning Star*, June 28 to July 19, inclusive. Fragmentary proceedings are found in *The Northern Standard*, Clarksville, September 10, 1842, and in *The Civilian and Galveston Gazette*, July 24, 1842. The messages, a few committee reports and other documents are found in the manuscript records of the Sixth Congress and in other manuscript collections in the Texas State Archives.

²The Presbyterian Church was located on Lots 1 and 2, Block 68, which is the southeast corner of the block on which the Montgomery-Ward store now stands, at the intersection of Main Street and Capitol Avenue. Flora Agatha Davie, "The Early History of Houston, Texas, 1836-1845," p. 147. MS volume in The University of Texas Library.

After passing a resolution that the clerks and other officers present, who were elected at the former session should be retained,³ a committee was appointed to wait on the Senate and give notice that the House was duly organized and ready to proceed to business. The House then adjourned till 10 o'clock, the next morning.

[CITY OF HOUSTON
June 28, 1842

House met pursuant to adjournment, roll called, quorum present.]

A quorum was not formed in the Senate, and the House transacted no business.

[House adjourned to meet tomorrow at 4 o'clock.]

[CITY OF HOUSTON
June 29, 1842, 4 O'clock, P.M.

House met pursuant to adjournment, roll called, quorum present.

The following resolution was read and adopted:]

WHEREAS, the House of Representatives of the Sixth Congress have heard, with profound regret, of the death of the Hon. Cornelius Van Ness, late member from Bexar; and whereas, the melancholy dispensation of an all wise Providence taking from the councils of the Nation at this serious crisis in its affairs, one whose qualities as a man, and whose capacity as a statesman, won for him a commanding influence which was never used but for his country's good.

Therefore, in testimony of the high regard and esteem which they entertained for him while living, and the sincere sorrow with which they mourn him dead,

Be it resolved by the House of Representatives of the Republic of Texas, That the members of the House of Representatives will wear crape on their left arm during the present session of Congress.

Be it further resolved, That a committee of three be appointed to communicate to the family of the late Hon. Cornelius Van Ness these resolutions, and to render to them the condolence of this body.⁴

³The officers and standing committees were the same as in the regular session except for replacements made necessary by death or resignation. *House Journal, Sixth Congress*, pp. vi, 7-8.

Willis H. Landrum, John D. Morris and Thomas F. Smith were absent from this session. Landrum had been shot and severely wounded while returning from the race track near San Augustine. *Telegraph and Texas Register*, June 29, 1843. Nothing has been found concerning the absence of Morris and Smith.

⁴The resolution and Mayfield's letter are printed in the *Telegraph and Texas Register*, July 27, 1842. They also appear in *The Northern Standard*, September 10, 1842.

HOUSE OF REPRESENTATIVES, HOUSTON,
July 17th, 1842.

DEAR SIR:—The melancholy duty has been imposed on me, as Chairman of the committee, of communicating to the family of the late Hon. Cornelius Van Ness, the resolutions passed by the House of Representatives of this Republic on the mournful event of his decease; and of tendering to them the condolence of that body.

I cannot, dear Sir, more strongly express the sympathies felt in common with the family of the deceased by the Hon. the House of Representatives, and of the

[The president's message was received and a committee was appointed to inform the Senate that His Excellency's message was received by the House.

The committee returned and reported their business performed.

The Senate appeared and announced that they were in readiness to receive His Excellency's message.

The Senate being seated, the roll was called, and a quorum present.

The President delivered the following message in person:]⁵

EXECUTIVE DEPARTMENT,
CITY OF HOUSTON, June 27th, 1842.

GENTLEMEN OF THE SENATE,
AND THE HOUSE OF REPRESENTATIVES:

Events have transpired since your adjournment, which, in the opinion of the Executive, demand the action of Congress in extraordinary session. The termination of your last session left the Executive surrounded with numerous and insuperable difficulties, to which circumstances, since arising, have added causes of embarrassment requiring the exercise of all the wisdom, energy and patriotism which the nation can command. The necessary aids were solicited to meet the emergencies which have since taken place and which were anticipated by the Executive; but the honorable Congress did not accord in his suggestions, and the precautionary measures requisite were not adopted.

A demonstration by Mexico on our frontier has taken place; and a marauding party, under the most imposing aspect, has penetrated our territory as far as San Antonio. A violent excitement and commotion throughout the country were the consequence; and our brave citizens of the frontier, without order, regularity or discipline rushed to the supposed scene of action. On their arrival however at the point of expected conflict, they found that the enemy had retreated with great precipitation. No organization of the men took place nor was any report made to the Executive or Department of War of their numbers or condition. Rumor, however, at last induced

citizens of this, his adopted country, in the death of one who adorned all the relations he occupied, filial, social, and political. I cannot, sir, more suitably impress you and your respected family with the deep and universal distress which pervades the public mind here in consequence of the loss sustained by society and the country, in the decease of your regretted son, than by enclosing to you a copy of the resolutions passed by the legislative body, of which, at the time of his death, he was a distinguished member.

I avail myself of the opportunity, at the same time, to assure you of my own heartfelt sympathies, personally in your bereavement and irreparable loss.

With sentiments of deep condolence and consideration,

I am respectfully yours, &c.

J. S. MAYFIELD.

Hon. J. C. VAN NESS.

⁵*President's Message.* (Printed by order of the House of Representatives.) [At end:] Telegraph power press—Houston, 4p., printed in double columns. 26 cm. Caption title. Appears also in Executive Records, Book No. 40, pp. 101-108. It is published in the *Telegraph and Texas Register*, June 29, 1842; *The Morning Star*, June 30, 1842; and *The Northern Standard*, August 20, 1842.

the belief that there was an assemblage of citizens at Bexar who were ready to rush with impetuosity across the Rio Grande. Acting under this impression, the Executive directed the organization of the men and the prosecution of a campaign, if it could be commenced with any prospect of success. But for various reasons this was not done. No organization, although attempted could be accomplished. Difficulties arose among [the men] themselves as to who should lead them; and, in the end, they found themselves on examination, totally unprepared for a campaign — inasmuch as they had left their homes upon a momentary summons and were destitute of the means for efficient and protracted service. The result was, they returned to their homes and the orders of the government were not executed.

Before the excitement incident to this incursion had subsided in the community, the pompous declaration of the self-created potentate of Mexico had reached our shores, denouncing the subjugation of Texas, and lavishing upon its government and people unmeasured abuse. Disregarding all the pledges which he had voluntarily made of a friendly disposition towards the recognition and establishment of our rights, he evinces upon his assumption of power, the most malignant hostility towards our country and holds out the idea of immediate invasion and "molestation."

It is not for us to act upon the supposition that this declaration, deliberately made by him, while in supreme authority, was intended merely to give him a temporary popularity at home and to furnish a pretext for levying contributions and maintaining a large standing army for the purpose of establishing himself permanently in the possession of usurped power and securing the means of oppressing his countrymen, or that it was designed only to embarrass our intercourse and relations with other countries and, if possible, in that way retard the prosperity of Texas. But we are to regard, with peculiar vigilance and attention, our internal safety and well-being, as well as our foreign relations, and secure ourselves in season against every contingency which might arise from his threats. Our past and present position towards Mexico are matters which cannot be viewed with indifference or contemplated with apathy.

If it be within the power of the nation, it is indispensable that protection be given to the frontiers. Our citizens have been and are still liable to continual annoyance from the enemy. No *formidable* invasion, it is true, has been attempted since 1836— nor do I believe they will be ever able to effect its accomplishment. But though this is my firm conviction, I am nevertheless equally satisfied that they will interpose every impediment to the peace, prosperity and settlement of our frontier. I esteem it therefore the high and imperious duty of those to whom the government of the country is confided, to adopt such a course of policy as will effectually counteract

the designs of Mexico. The question then arises, are we capable, with the resources at our command, of preventing these evils; and if so, shall those resources be employed for that object?

From the circumstances which have transpired, the Executive was induced to believe that it was now quite time to adopt and pursue such a course of policy as will secure to us peace and the recognition of our independence. Under the conviction that immediate invasion was meditated, he felt himself fully authorized, under existing laws, to invite emigrants from the United States with a view of giving protection to our advanced settlements; and so far as he had power, and even beyond the means afforded him, by the government, he has proceeded in the organization of the militia, so as to place them in the best possible condition to prosecute a war, should the Honorable Congress deem it necessary or expedient to adopt such a course. At an early day, it is expected that the proper Department will be prepared to report the condition of the militia.

Emigration to some extent, has been the consequence of the invitation of the Executive; and thus far the emigrants have been sustained almost entirely by private contributions. That they can be no longer supported without the action of the government, cannot be expected. No matter how great the feeling of patriotism may be, nor how strong the conviction on the frontier of the necessity for offensive action against Mexico, individuals cannot sustain a war which properly belongs to the whole nation. The prompt attention of Congress is, therefore, invited to this subject. The time between the 20th and 28th of July has been designated for the general rendezvous of emigrants upon the frontier; and if Congress should think proper to decide that invasion should not take place, it is important that the fact should be immediately known. If, on the other hand, war should be determined on, it is indispensable that cooperation should immediately take place between the emigrants and the militia of the country in its prosecution.

The citizen who resides upon the frontier of the Southwest, subject to continual alarms, and he who is located in conscious security upon the banks of the Sabine, constitute each an integral part of the national community, and, under the law, the protection of them as well as all our citizens, in the rights of life and property, should be the object, as it is the duty of the government. Unless continued and permanent protection is given to our frontier inhabitants, our settlements must recede from point to point, which will not only contract our limits, but have a tendency to create discontent and distrust in our capacity for self-government. The infelicity arising from such a state of things, must arrest our prosperity, and finally prove disastrous to the country.

Were we to retaliate upon the enemy by aggressive warfare, we could at least impress them with the calamities which have

thus far been incident to us alone; and create in them a desire for that peace which would be mutually advantageous to both parties. Can this be done without invasion on our part?

To enable us to adopt this course, the positive action of Congress will be necessary. It rests with them to decide.

By the constitution, the power to call out the militia is given exclusively to the Congress; and however great the necessity for calling them out might be deemed by the Executive, he would only feel authorized to do so in case of actual invasion or insurrection.

Not having heretofore been an advocate for offensive measures, the Executive has looked with peculiar interest and solicitude to the subject—owing to our recent and present condition. If we could possibly anticipate the establishment of amicable relations with Mexico, from the mediation of any power mutually friendly, the urgency of action on the part of this government would be diminished, and we might hope to arrest evils which the conduct of Mexico seems to enforce upon us. Our citizens could cultivate their farms in peace, and grow rich by industry, while the emigration of foreign capitalists to the country would add to the national wealth and increase our store of intelligence and enterprise. But from the manner in which offers of mediation have been received and treated by General Santa Anna, the Executive is confidently assured, upon the highest authority, that Texas can expect nothing from that desire. Being advertised of this fact then, we must assume an attitude that will protect us from future inconvenience and danger.

Should the Honorable Congress, however, deem it unwise or impracticable to invade Mexico, and think proper to place at the disposition of the Executive, an amount comparatively trifling, with power to establish such regulations as he may think proper, he will be enabled to maintain such a force on the Southwestern frontier as will secure it from alarm and danger, unless produced by a regular and formidable invasion.

The Honorable Congress, at the last session, though respectfully called on by the Executive, refused to indicate any wish or opinion in relation to the naval arm of our defence, although at the time it was engaged in foreign service unauthorised by law, and unexampled in the history of any other country; and thus was thrown upon the Executive the responsibility of keeping it employed without adequate provision or appropriations to meet the necessities of the service—of continuing it in the situation in which it then was, or when its commander might think proper to return, of causing it to be laid up in ordinary without means for its preservation from ruin. The contract, however, under which it was absent, at length expired, and it returned at a crisis when it was deemed advisable by the Executive to have it without expense to the government refitted and continued in active operation. It is expected that

in a few days, the principal part of the squadron will be on the gulf prepared for active and efficient service.

In order to preserve one of the vessels from utter ruin, she has been placed in charge of an individual who is bound to refit and equip her for service, and hold her in a situation advantageous to the country. The Steamship Zavala, though reputed one of the best vessels of her class in the American waters, for the want of repairs and the means of preservation, is now sunk, but in such a situation that, if the Congress desire it, and she is placed at the disposition of the Executive, with the necessary means she can be repaired and rendered highly useful to the government.

I need not urge the high importance of this branch of the public service, and the necessity of maintaining it at all hazards in a state of efficiency. We are apprised that all the capacities and energies of our enemy are directed to the attainment of naval superiority over us upon the gulf; and unless we are in a situation to successfully compete with them our commerce will be ruined, and many calamities visited upon us. If our sea-coast is without this means of defence, we shall be in the most vulnerable condition for attack, and we may expect the infliction of wounds from which we could not readily recover. This subject and that of our military condition, in connection with the report of the Honorable, the Secretary of War and Marine, are respectfully submitted for the examination and action of Congress.

The crisis demands the employment of all the wisdom, energy and resources of the nation. To give efficiency to whatever course your Honorable Body may determine to be necessary in relation to our enemy, there must be a requisition made upon all our means, and their application must be regulated by discretion, and the most systematic and rigid rules; otherwise, every effort made by us will prove abortive and sink us but yet deeper into misfortune. At this time of great prostration in the financial concerns of the world, we, in common with every other people, experience a portion of the general inconvenience.

The plan presented to the last session of Congress, in relation to the revenues of the country, was not adopted. It was recommended that the direct tax, as then existing, be reduced but one half; but, instead of that, it was abolished, or what amounts to the same thing, reduced so low as not to compensate for its collection. The currency, therefore, created at that session was left to rely upon the duties arising from importations; and, consequently, the demand for our issues has been confined to that channel of the revenue. Although but a fraction more than one third of the amount authorised to be issued has been put in circulation; yet, from a want of confidence in the guarantee given for its redemption, our Exchequer paper has frequently been at a discount of fifty per centum. At least one half the revenue, also, to which the government is entitled

from impost duties has not been and will not be collected, unless power is given to the Executive or the Head of the Finance Department to declare and establish such ports of entry on the Red River and the Sabine as may be deemed necessary to prevent smuggling and the illicit introduction of goods into the country.

The government cannot exist without a revenue. Its officers and agents must be supported. The pittance at present offered them is utterly insufficient for that purpose; and some of the most active and efficient officers have retired, and others have notified the Executive of their determination to do so. They are totally unable, from their salaries, to obtain the indispensable necessaries of life. Without necessary and competent officers, no government can be properly administered.— The Executive has found his labors more than two fold greater since the commencement of his present official term, than they were during the entire period of his last administration— a period of more than two years — when he had to organize a government out of chaos and give it direction.— The means placed in his hands at this time for the conduct of the government, does not exceed one sixth of the amount annually allowed to his predecessor for the administration of the civil department.

The depreciation of our funds and the embarrassment of our currency, have arisen from various causes; among which are the repeal, in effect, of direct taxation, thereby cutting off an important branch of revenue— the want of power to enforce the collection of impost duties, and the establishment of the warehousing system. To these may be added the failure of the recommendation made to the last session of Congress, involving, as was conceived, matter of the highest consideration in the establishment of a currency— I mean the hypothecation or disposition of a portion of the Cherokee country as a guarantee for the ultimate redemption and present absorption of the Exchequer bills.

Had the Executive been authorised to have had surveyed and brought into market, two hundred thousand acres of those lands, under such regulations as he might have deemed advisable— fixing the minimum price at two dollars per acre— the entire amount of Exchequer bills would long since have been withdrawn from circulation, and a large amount of gold and silver, introduced into the country as a circulating medium, whilst the impost duties would now have been paid in specie. This, too, could have been done without incurring any expense to the Government. The cost of bringing into market and disposing of the lands could have been defrayed without requiring the advance of any means for that purpose. To these causes the present condition of our currency, in the opinion of the Executive, may be mainly ascribed, and he would most earnestly recommend them to the scrutiny and consideration of the Honorable Congress, believing, as he does, that the

existence of the Government depends upon the policy and principles he has laid down.

Without resources no civilized nation was ever known to exist, and that we have ample resources to sustain ourselves, no one who will reflect a moment can doubt. The extent of public domain owned by Texas, and yet unappropriated, cannot amount to less than one hundred and fifty millions of acres—resources, in proportion to our population, unparalleled by any other country; but yet they lie neglected and profitless.

Since the present administration commenced—contracts for colonizing a small portion of our vacant territory, have been made on terms altogether more advantageous to the government than any previously entered into. But these contracts can prove of no immediate avail to our finances.

If the Executive had been invested with authority to have disposed of a portion of the public domain, there is little doubt that it might have been employed with great advantage to the present and prospective condition of the currency. The policy of husbanding means for the use of posterity cannot be justified in the present emergency of our affairs. If we are enabled to leave them in the enjoyment of independence, and free from pecuniary involv[e]ment, it is all that we should desire.

Even supposing our national debt to exceed twelve millions of dollars, our means are more than sufficient to pay the whole; and, in a state of peace, our impost duties alone, would be adequate to defray all the necessary expenses of government, without the necessity of resorting to oppressive taxation. Our vacant lands can be applied to the liquidation of every farthing of our national liabilities, and a large portion still remain untouched.

A matter of the liveliest interest to the community is the regular transportation of the mails; but for the want of appropriations by the last Congress, their transportation throughout the country entirely ceased. Communication between different sections and the circulation of intelligence have been wholly obstructed. On account of this state of things the Executive has found himself greatly embarrassed in disseminating as well as in receiving correct and speedy information, for he had not one dollar at his disposition for the employment of expresses, even under the most urgent circumstances. During the late excitement rumor was generally the basis of impressions and action, which, as was to be expected, not unfrequently produced unpleasant consequences in the community.

Owing to the suspension of the mails, the laws and journals of the last session of Congress have not been distributed; and it may be remarked, that, for some cause, unknown to the Executive, an important portion of the public printing has not yet been executed.

In the recent advance of the Mexicans upon Bexar, appre-

hension for the safety of the government archives at the City of Austin, was so great, that all business in the public offices was suspended, and those in charge of them deemed it a matter of prudence and security to secrete the public records in the earth; so that if the enemy should advance upon and sack the place they might not be so liable to destruction.

Under these circumstances, and as soon as the Executive was apprised of the condition of the frontier, and of the apprehensions entertained by the inhabitants, he immediately directed the archives and such other public property as was portable to be removed to this place. Although the emergency would have justified the step without any express authority under the constitution or laws; yet, in this case, he was not driven to the assumption of that responsibility. He acted in strict accordance with his powers and duty under the constitution. He is also fully satisfied of the policy as well as necessity of the location of the seat of government at some point within the Republic where the Archives will be secure and where the functions of the government can be more efficiently exercised than they could be at a point as remote from the sea-board and as much detached from the body of settlements and the mass of population as the city of Austin. Should any occasion arise for the concentration of all the effective force of the country at some particular point on the frontier, the fact of the location of the seat of government at a point so much exposed, would necessarily draw off considerable strength from active and perhaps more valuable service in another quarter, to guard the archives against either Mexican or Indian enemies. This embarrassment would be obviated by its location at some interior situation, where it would be secure from danger and alarm, accessible to intelligence and convenient for its dissemination throughout the country. During the last year, the expense to the government for transportation to the City of Austin, over and above what it would have been to any point on the sea board, exceeded seventy thousand dollars; and the extra cost of the transportation of the mail, aside from all other expense and inconvenience attending its remote and detached situation, amounts to many thousands more.

If we are to remain in our present unsettled condition, it is of the utmost importance that the seat of government be established at some point convenient for the speedy and efficient transaction of the public business.

From the insecurity of the public records, the Executive was induced to the adoption of the course which he has pursued, and it being in accordance with the dictates of the constitution and his own judgment, he sees no reason to revoke his decision or yield to the illegal resistance which has been offered to the execution of his orders by an association who constituted themselves a committee to contravene and obstruct the performance of his constitutional duty.

Unfortunately for the peace and welfare of the community,

no law has yet been passed defining the offence of insurrection. In view, therefore, of the condition of things as they have existed and to some extent still exist, it is hoped the attention of Congress will be directed to this subject. Whilst persons are permitted to resist the laws in existence and to act with impunity in open defiance of them, obstructing the civil functionaries of the government in the discharge of their legal and constitutional duties, the rights of individuals must be sacrificed [*sic*— their lives and persons rendered insecure, and anarchy triumph over order. The Congress has the power of remedying these evils by the enactment of necessary and salutary laws, the omission to do which cannot have any other effect than to license and increase evils already existing to an alarming extent.

It is to be hoped that, under no circumstances whatever, will the courts of justice be suspended in the exercise of their appropriate jurisdiction; but that they will maintain their influence by holding their regular sessions and being at all times prepared to punish those who may violate the laws. In the opinion of the Executive nothing is better calculated to strengthen the social and political bands which should unite the members of a community, one with another, than the maintenance of an able, honest and independent judiciary. If the Congress resolve upon the prosecution of active war, it might be well, where individuals were actually engaged in the service, to suspend *civil* process as to them, so long as they are absent in the discharge of public or official duty— but no longer.

In thus discharging the duty which this occasion has devolved upon me, I have submitted for your consideration, what I conceived of the highest interest to the Republic; and in the prosecution of your labors you have my earnest desires that they will be conducted by intelligence and influenced by wisdom to the attainment of such objects as will afford joy to every patriot and redound with eminent advantages to our country.

SAM HOUSTON.

DEPARTMENT [*sic*] OF WAR AND MARINE.⁶
23d June, 1842

To His Excellency SAM HOUSTON,

President of the Republic of Texas.

SIR:— In accordance with your instructions dated 13th December, 1841, I entered upon the duties pertaining to this Department, with the Bureaux attached, on the 15th of the same month.

After an examination of the Department proper, my attention was directed to the Ordnance Department, and I found but a remnant of what had been.

⁶Report of the Secretary of War and Marine. Printed by order of the House of Representatives. [At end:] Telegraph Power Press—Houston. It is printed in *The Morning Star*, July 5, 1842; the *Telegraph and Texas Register*, July 6, 1842; and *The Northern Standard*, September 3, 1842.

The expedition to Santa Fé had drawn largely upon our Ordnance stores of all descriptions, and the requisitions were most liberally complied with. This, together with the issue of small arms, accoutrements, &c., to citizens, during the several alarms of the approach of Indians upon Austin, left but 395 muskets, 581 kegs powder (of all kinds) and 837 pounds lead, remaining; an extract from the return of the Captain of Ordnance for the last quarter (marked A.) accompanies this.⁷

I would respectfully request the special attention of your Excellency to this Department; it is at all times, whether in peace or in war, highly important; it is the source from which we are assured of safety in peace, and next to a military chest, the great sinew of war.

I sincerely hope that the day is not far distant, when it will be resuscitated on a more enlarged scale than heretofore established.

The two pieces of brass cannon remaining at Austin, with the Twin Sisters, ammunition for them, and the small arms with their appointments and ammunition, have been ordered to San Felipe, to be in readiness for transportation to any point that may be designated, in opening the meditated campaign. The carriages and train for these pieces will require some repairs, which could not be completed at Austin for want of means; harness has been ordered from New Orleans; caissons, portfires, and other necessary articles are deficient, a list of which (marked B.) will accompany this report: it will be found nearly the same as that presented at the last meeting of the Honorable Congress.

A brass six-pounder (part of the park of Artillery recently purchased in the United States,) was sent to Bexar during the late alarm; this, with another of the same caliber, which had been at that place for sometime, were removed thence to Gonzales at the time of evacuation, where they now remain.

The Captain of Ordnance accompanies the Artillery and stores from Austin, the Armorer remains in charge of the other public property at the Arsenal.

The volunteers from the United States now mustered into service, amounts to 473 rank and file, 253 of whom are stationed near Corpus Christi, and have recently been ordered to Lipantitlan, an old military post which can be easily defended, and where there is abundance of excellent water and grass for the cattle; the remainder, amounting to 220 rank and file, are now on their passage from Galveston to join them. Col. Washington is expected in about two weeks, in the Steam Boat Merchant, and other transports, with an additional body of troops which will also proceed to that point.

The drafts upon the Militia have been made on the different counties, and as nearly equalized as possible, from the information which could be obtained by this Department: a state-

⁷None of the enclosures listed in the report has been found.

ment of the number of voters in each county was procured, and one third of the number drafted, with the exception of two or three counties, the population of which could not bear that proportion; several frontier counties were excluded from the draft. The Inspectors will be able to make their returns in time to submit the whole force for the information of your Excellency, at an early period of the approaching meeting of the Honorable Congress.

The unprotected state of our frontier, and the exposed situation of the only depot for our arms and military stores, as well as the public documents and records, have been subjects of much solicitude, particularly during the past spring.

On the 2nd of March last, rumors reached Austin of a Mexican force threatening Bexar: it was said to be the advanced guard of an invading army, and that Austin would be attacked by one division from the North West.

Orders were immediately issued to Col. Jones, and a battalion of his Regiment promptly appeared at Austin; the remaining part of his command arrived at that place as soon after as they could be expected to rally. As it was expected that the enemy would advance in two detachments as before mentioned, it became necessary that a sufficient number of men should be kept at Austin for its defence, and as soon as the reinforcement arrived, men were sent to Bexar to co-operate with such other troops as were gathering from the adjoining Counties—they were, however, too late to find the enemy: his retreat was precipitate, amounting to flight. The men were then disbanded and returned to their homes. I would here call the attention of your Excellency to the difficulties under which we labor, while depending upon the militia alone to repel an invading army—however effective they may be in the field, or however prompt in repairing to it, the enemy may do all the injury he intends, and escape before they can be got together for pursuit. The attack upon Bexar and possession of it by a marauding party of Mexicans, fully exemplifies the fact, that a regular force is always necessary. The number of the enemy was not known, and a combined attack upon different quarters threatened upon Austin, it therefore became necessary (as before stated) to detain the troops which first arrived, for the purpose of protecting the Government property and records at that place. If a regular force had been in the neighborhood of Bexar, 'tis scarcely necessary to say, that the enemy would have been checked immediately, and if it should not have been sufficient to protect both Austin and Bexar, the men in Bastrop and Travis Counties could have been called *in time*, if a prompt movement had been made in front. These movements can only be made by Regulars.

The brave yeomanry of our country are always ready to obey its call, but they cannot be expected to leap into the saddle, or to march with their rifle, in the instant.—They have families, and very correctly make themselves sure of their

safety, previously to taking the field. They are scattered, and time is required for them to concentrate. The regular soldier has no other duty to perform but to obey his orders, and his profession devotes him to the service of his country, and the sacrifice of his life is necessary in its defence.

Upon economical principles, the employment of the regular soldier is decidedly to be preferred. By the statement accompanying this report (marked C) your Exeellency [*sic*] will find, that the expense of a Company of 56 minute men (authorised by the Act of 4th February, 1841, which is still in force,) is 6832 dollars, for four months, and that the amount required for the same number of regulars for the same time is 4560 dollars, including pay, rations, clothing, and the customary allowance for officers' servants. By an act passed 4th February, 1840, the Fannin Guards are allowed \$1.25 per diem and rations.

The drafted man or volunteer, naturally and properly expects to return to his home and family after the immediate cause for the call upon his services has expired—the Regular is or ought to be *always* ready for duty. Frequent and strenuous efforts have been made by the late Honorable Secretary of War, to organize the militia; I regret to report that they have been attended with partial success only; full returns have not been received from any of the Brigadier Generals. It is to be hoped that the present call will arouse them to a sense of the importance of organization.

Our Indian relations remain nearly in the same situation in which they have rested for some time past. The Lipans and Tonkawas have been frequently employed against the enemy, the former have been actively engaged upon several occasions: they have recently been scouting in the vicinity of the anticipated enemy. They have been called upon by Captain Hays, commanding our Spy Company at San Antonio, and the two chiefs, Flacco and Colonel John, were despatched with fifty-one warriors; not finding Captain Hays at the appointed rendezvous, (he having proceeded towards Laredo with a scouting party,) they continued down the river San Antonio as far as the Mission Espadad, where some disaffected Mexicans were found, who denounced them as friends of the Republic and ordered them away, at the same time preparing themselves for defence.

Nothing of consequence resulted from this, but the temporary occupation of the place by the Lipans, some shots were exchanged but no lives lost; this may have been a ruse on the part of the inhabitants of Espadad to rid themselves of the visit of the Indians. They proceeded further west to Atascosa, and not finding Captain Hays, returned to their camp on the San Marcus, whence a deputation consisting of Castro, Flacco, Colonel John and a few warriors, proceeded by way of Austin to this place, to report. They have a claim against the Government of long standing, for services rendered, to which I

would respectfully ask the consideration of your Excellency, no appropriation having been made by Congress for the payment of the necessary expenses consequent upon the employment of the Indians.

The Tonkawas hold themselves in readiness for service; the remaining friendly tribes in the East continue their occupation of hunting, and the directions given by your Excellency relating to all others in that region, will no doubt ensure peace and friendly intercourse with all.

Our Navy has been actively employed under an arrangement made with the Government of Yucatan. Our vessels have exchanged passing salutes with the squadron of that Government while off their coast, both being on a cruise, but not in company. With the exception of three small prizes of little value, our squadron has not been so fortunate as to fall in with any vessels of the enemy; it has, however, kept the Gulf clear of their cruisers, and rendered their Steam Frigate useless, which has not ventured out of port since her arrival, but remained ensconced under the walls of the castle of San Juan d'Uloa.

The Government of Yucatan has redeemed its pledge given for the use of our Navy, with the exception of 8,000 dollars, for which amount the schooner San Antonio has been despatched to that Province. The other vessels of our squadron are in the ports of New Orleans and Mobile; the schooners have been provisioned and fitted out by the patriotic inhabitants of the latter city.—The ship Austin and brig Wharton will, in all probability, be ready for sea in two weeks, the San Antonio being expected to return by that time with the funds for which she was sent, which money together with that previously received from the same source, will be required for shipping fresh crews and the outfit of the vessels at New Orleans. The squadron will then proceed to sea, for the purpose of enforcing the Blockade which may be renewed, or executing such orders as may be issued.

Several attempts have been made to dispose of the Steam Ship Zavala as contemplated by an act of Congress passed 5th of February, 1842, but without success.—Want of means for her repair and outfit has caused her to remain in the port of Galveston. She would require 15,000 dollars to be put in complete repair, for which purpose it would be necessary that she should be taken to the dry dock at New Orleans. Her bottom is supposed to be considerably worm-eaten, having lost much of her copper when on her last cruise, and she has been, from necessity, run ashore at Galveston, in consequence of her leaking so badly, that it was found impossible to keep her afloat with the number of hands assigned to her. The boilers, machinery and other parts of her are valuable, and I submit the propriety of their being immediately sold at Galveston or in the United States, or placed at the disposition of the President.

Should a Steam Ship be required for our service, it will be much more advantageous to have a new vessel built, than to expend a large sum of money in repairs.

The appropriation made by last Congress of \$20,000, for the support of the Navy in Ordinary, is deficient 17,691 dollars for its maintenance on even the limited scale at that time contemplated, as will be seen by reference to an estimate (marked D) which presents the amount required for one year, in accordance with the last act regulating the pay, &c.

I cannot refrain from soliciting the attention of your Excellency to the reduction of pay, according to the Act referred to.

By comparing the pay of our officers with that of Officers of the United States Navy, it will be found that the average difference is *two thirds* less in our service, and payable in our currency.

I would respectfully refer to the experiment tried by the Government of the United States at an early period of their history, when the attempt was made to dispense with the Navy. It was soon discovered that a commercial people required the protection of vessels of war, and the presence of the national flag upon the Ocean, even in time of peace.

Sincerely hoping that the time is not far distant, when the currency and resources of the nation will warrant our showing our capability for defence both by sea and land.

I have the honor to remain,
Very respectfully, your most ob't. serv't,

G. W. HOCKLEY,
Secretary of War and Marine.

[The Senate retired to their chamber.
The House then adjourned to meet at 10 o'clock tomorrow morning.]

THURSDAY, June 30th, 1842.⁸

House met pursuant to adjournment.

Roll being called, the following members answered to their names, to wit,— Messrs. Speaker, Bower, Brown, Caldwell, Cooke, Daniels, Dennis, Forbs [*sic*], Grimes, Head, Hewett, Hunter, Jones of Galveston, Jones of Gonzales, Jones of San Patricio, Kuykendall, Luckie, McConnell, Mayfield, Neibling, Parker of Fort Bend, Parker of Houston, Patillo, Roberts, Robinson, Van Zandt, Wood, and Wynns.

Quorum present— the journals of the preceding day was read. Mr. Dancy moved to amend, by striking out the word "Marine," and inserting "Navy," after the words "Secretary War and," lost, and the journal was then adopted.

Mr. Wynns, by leave, introduced a "Joint Resolution declaring it the policy of Texas to carry on an offensive war with Mexico." Read 1st time. On motion, rule suspended, bill read

⁸The journal from Thursday through Monday is also found in *The Northern Standard*, September 10, 1842.

2nd time. Mr. Mayfield moved its reference to a select committee.

Mr. Robinson moved its reference to the committee on military affairs— which was supported by Mr. R. and opposed by Messrs. Wynns, and Jones of Gonzales. On motion of Mr. Van Zandt, the bill was laid on table for the present.

Mr. Van Zandt moved the abolition of the committee on military affairs— supported by Messrs. Van Zandt and Wood— opposed by Robinson, Dancy, Jones of Galveston, Jones of Gonzales, Grimes and Forbs.— Ayes and Noes called for, and stood thus:

Ayes— Daniels, Dennis, Hunter, McConnell, Roberts, Usher, Van Zandt and Wood, 8.

Noes— Speaker, Bower, Brown, Caldwell, Hewett, Cooke, Dancy, Forbs, Grimes, Head, Jones of Galveston, Jones of Gonzales, Jones of San Patricio, Kuykendall, Luckie, Mayfield, Neibling, Parker of Fort Bend, Parker of Houston, Patillo, Pennall, Raymond, Robinson, Williamson and Wynns, 25— lost.

Mr. Wood moved the addition of Messrs. Cooke, Mayfield and Dancy, to the committee on military affairs.

Mr. Forbs moved to amend the motion by adding Messrs. Jones of Gonzales and Dancy alone, to said committee; accepted and carried.

On motion of Mr. Mayfield, the Joint Resolution declaring it the policy of Texas to carry an offensive war against Mexico, was again taken up. Mr. Mayfield opposed the motion, to refer said bill to the committee on military affairs.

Mr. Parker of Houston, moved its reference to a committee of the whole house on the state of the Republic.— Supported by him, and opposed by Raymond and Van Zandt— lost. Question then put, and bill referred to committee on military affairs.

Mr. Cooke moved that a select committee be appointed to consist of 5, for the purpose of enquiring into the expediency of abolishing the Exchequer Bill System; the propriety of retrenching the annual expenses of the government, by a reduction of officers and salaries; and that said committee be instructed to enquire into the practicability of balancing, as nearly as possible, the appropriations made for the current year. Supported by Mr. C. and opposed by Mr. Forbs, and Jones of San Patricio.

Mr. Williamson moved its indefinite postponement.— Ayes and Noes called for, and stood thus:

Ayes— Messrs. Speaker, Bower, Brown, Darnell, Forbs, Grimes, Head, Hewett, Jones of San Patricio, Kuykendall, Neibling, Parker of Fort Bend, Parker of Houston, Patillo, Pennall [sic], Roberts, Robinson, Van Zandt, Williamson and Wynns, 20.

Noes— Messrs. Caldwell, Cooke, Dancy, Daniels, Dennis, Hunter, Jones of Galveston, Jones of Gonzales, Luckie, McConnell, Mayfield, Raymond, Usher and Wood, 14— carried.

Mr. Robinson offered the following resolution:

Resolved, That the President be requested to lay before the House, if in his opinion, not incompatible with the public interest, whatever correspondence he may have had with agents sent abroad for the purpose of procuring emigrants to this country: also, to furnish a list of the agents appointed, with the instructions by which they are to be governed: also, to furnish the amount of friendly contributions made for the purpose of defraying the expenses of the army or navy: also, to furnish the orders which he may have given to the officers of the Militia, and to the commanders of Volunteers." Laid on table one day for consideration.

Mr. Forbs offered the following resolution:

Resolved, That the President be, and he is hereby, requested to furnish this House, through the proper department, at as early a period as possible, an estimate of the number and description of troops required to prosecute the contemplated campaign against the Rio Grande and adjacent country, and of the amount of money absolutely necessary for their equipment, movement, and subsistence.

Be it further resolved, That the President be, and is hereby further requested, to cause to be furnished to this House an estimate of the amount necessary to equip, subsist, and pay, four companies of mounted men, to be stationed as a corps of observation at such points on our Western frontier as he may deem proper, or as may be designated by law. Laid on table one day for consideration.

On motion of Mr. Mayfield, a resolution declaring that the House of Representatives, during the present session, will legislate upon no subject not connected with or growing out of the President's Message, was taken up, and on motion said resolution was indefinitely postponed.

Mr. Darnell, by leave, introduced a bill to repeal, in part, an act entitled an act supplementary to an act entitled an act, to raise a revenue by impost duties, approved 27th January, 1842. Read 1st time.

Mr. Wynns, by leave, introduced a bill to abolish tonnage duties. Read 1st time.

Mr. Forbs moved the indefinite postponement of said bill, which was supported by Mr. Forbs, and opposed by Mr. Van Zandt.

Mr. Usher moved the previous question, shall the main question be now put, carried; main question was then put and carried, it being the indefinite postponement of the bill.

On motion, Mr. Roberts was excused from the committee on military affairs, and Mr. Raymond was added thereto.

On motion of Mr. Robinson, Mr. Williamson was added to said committee.

Mr. Roberts moved the House adjourn until 3 o'clock, P.M.

On motion of Mr. Robinson, the House adjourned till 9 o'clock to-morrow morning.

FRIDAY, July 1st, 1842.

House met pursuant to adjournment.

Roll called, quorum present. Journals of the preceding meeting read and adopted.

Mr. Mayfield offered the following resolution:

Resolved, That His Excellency the President, be requested to inform this House what agents or commissioners, if any, have been [appointed] to confer with or treat with the Cherokee Indians, or any other tribe or tribes of Indians: also, that he communicate to this House the name or names of such agent or agents or commissioners, together with the instructions and orders that may have been given to any of said agents or commissioners. Laid on table one day for consideration.

House then proceeded to dispose of the business on the Speakers' table, and to the

A resolution requesting the President to lay before this House the particulars concerning the agents to procure emigrants, &c., was taken up and adopted.

A resolution requesting the President to furnish an estimate of the number &c. of troops required for the contemplated campaign, was taken up, and on motion of Mr. Usher, the word "South" was inserted before "Western." Adopted as amended.

A bill to repeal, in part, an act supplementary to an act &c., [entitled "an act to raise a revenue by impost duties," approved the fifth day of February, one thousand eight hundred and forty,] passed 27th January, 1842. Read 2nd time. Mr. Forbs moved to lay said bill on table until the first of September next. Mr. Darnell moved a call of the House.—Lost. Ayes and Noes called for, on motion to lay on table, and stood—Ayes 14 — Noes 17. Lost. Mr. Williamson moved its reference to the committee on retrenchment. Mr. Darnell moved to amend by instructing said committee to report to-morrow morning; accepted, and motion as amended carried.

Mr. Raymond offered the following resolution, to wit:

Resolved, That the President be requested to furnish this House a statement of the disposition which has been made of the appropriation of \$20,000 for frontier protection, or any part thereof; and that he be further requested to inform this House what means he has adopted to give protection to the citizens of our frontier against our Indian enemies.

On motion of Mr. Robinson, rule suspended, and resolution adopted.

Mr. Mayfield, by leave, introduced a Joint Resolution declaring it the duty of the President to order an election for Major General of the Militia. Read 1st time.

Mr. Wynns, by leave, introduced a bill to prolong the terms of the Probate Court. Read 1st time.—

Mr. Robinson offered the following resolution:

Resolved, That the committee on retrenchment, be directed to enquire into the expediency of a further retrenchment of

the National Expenditures, and the abolishment of useless officers, and that they report by bill or otherwise. Adopted.

Mr. Parker of Houston, presented the petition of the citizens of Burnett county,⁹ and moved its reference to the committee on the Judiciary. Supported by Messrs. Parker of Houston, Robinson, Wynns and Wood, and opposed by Mr. Dancy, who moved to lay it on the table until the final settlement of all accounts. Bill referred to committee on the Judiciary.

Mr. Usher, by leave, introduced a Joint Resolution concerning the Government Archives, which required the President to rescind his order for their removal to this place, and to repair together with his Cabinet &c., to Austin, immediately after the adjournment of Congress. Read 1st time.

Mr. Forbs introduced a resolution, requiring the President to make an expose of the amount of Exchequer Bills issued; the gross amount received for revenues, and the expenses of collecting the same, and the amount now in circulation. On motion, rule suspended; and on motion of Mr. Mayfield, the word "President" was stricken out, and "Acting Secretary Treasury" inserted. On motion of Mr. Williamson, the resolution was laid on the table until to-morrow.

Mr. Mayfield offered a resolution, requesting the Acting Secretary of the Treasury to lay before the House, at the earliest day practicable, all information relative to a loan recently said to have been entered into for the sum of \$1,000,000. The terms upon which the government is to receive the same, and at what period it will be available to the country. On motion rule suspended, and on motion of Mr. Usher, the word "Acting" before the word "Secretary," was stricken out.

On motion of Mr. Williamson, the House adjourned until 3 o'clock.

3 o'clock.

The House met pursuant to adjournment. A quorum present. On motion, 150 copies of the report of the Secretary of War and Marine, was ordered to be printed—

The House then adjourned, till 10 o'clock to-morrow.

SATURDAY, July 2d, 1842.

House met pursuant to adjournment.

Roll called, quorum present. Journal read and adopted.

Mr. Grimes, by leave, introduced the following Resolution: "Whereas, the City of Austin, the present Seat of Government, from its exposed situation in times of war, being on the remote frontier, and having been recently evacuated by many of its citizens, the archives of the Government are considered unsafe and liable to be destroyed by the enemy:

Therefore, *Be it resolved, &c.*, That the President be, and he is hereby authorized to cause the General Land Office, and the archives pertaining to all the officers of the Government

⁹The petition has not been found.

to be removed to such place as he may deem necessary and proper for convenience and their safe-keeping.

Be it further resolved, That Congress shall hereafter convene at such place as shall be designated by the President as the temporary seat of government, until otherwise provided by law. Read 1st time.

Mr. Williamson moved the indefinite postponement of said resolution. Mr. Dennis moved a call of the House, carried, and Serg't. at Arms sent for absent members. —Mr. Usher moved the suspension of a further call—lost. Absentees being present, on motion of Mr. Cooke, a further call of the House was suspended. Mr. Williamson, by leave, withdrew his motion for indefinite postponement.

Mr. Mayfield renewed the motion; supported by Messrs. Mayfield, Williamson and Caldwell, and opposed by Messrs. Wynns, Jones of Galveston, and Van Zandt.— Mr. Mayfield, by leave, withdrew his motion for indefinite postponement.

On motion of Mr. Jones of Galveston, rule suspended, resolution read 2d time, and referred to select committee, to whom was referred that portion of the President's Message relative to the Government Archives

On motion of Mr. Cooke, a Joint Resolution concerning the Government Archives was taken up and read 2d time. Mr. Jones of San Patricio, offered a substitute.¹⁰ On motion of Mr. Caldwell, the resolution and substitute were referred to a select Archive committee.

Mr. Van Zandt gave notice that a majority of the committee on Military Affairs, to whom was referred that portion of the President's Message relative to an offensive war against Mexico, would report on Monday next.

Mr. Mayfield offered the following resolution:

Resolved, That His Excellency the President, be requested to communicate to this House what measures, if any, have been taken by the government to ameliorate the condition and supply the wants of our unfortunate countrymen the Santa Fé Prisoners, and what steps have been taken or are contemplated to be taken, with a view of relieving [*sic*] them from slavery and captivity. Laid on table 1 day.

Also the following:— Ordered by the House of Representatives that a select committee of 7 be appointed, whose duty it shall be to enquire into the cause of the present national distress and calamity, and whether any and what remedies can be applied.

On motion of Mr. Raymond, the above resolution was laid on the table.—

Mr. Forbs offered the following:—

A resolution fixing the duration of the present extra-session of Congress.—

Whereas, the people's Representatives are now assembled for dispatch of Extraordinary Session business, and

¹⁰Neither the joint resolution nor the substitute has been found.

whereas the finances of the Government are in ruinous condition, and a further issue of Exchequer bills will render said currency wholly worthless, and

whereas it is advisable to limit the duration of the present session of Congress; therefore,

Be it resolved, That with the concurrence of the Senate, this House will adjourn *sine die* on the 20th July inst.

Mr. Jones of San Patricio, moved a suspension of the rules, requiring said resolution to lay on the table one day.— Lost.

Mr. Wynns offered the follow[ing] resolution:

Be it resolved, That the committee on printing be instructed to make arrangements with one or both the Presses in this city, for the publication of the laws and journals of the Extraordinary Session of Congress, convened at the city of Houston.

On motion of Mr. Jones of Galveston, said resolution laid on table.

On motion of Mr. Forbs, House proceeded to dispose of business on the Speaker's table, and to the orders of the day.

A Joint Resolution declaring it the duty of the President to order an election for Major-General of Militia forthwith—read 2d time, and referred to committee on military affairs.

A bill to prolong the term of Probate Courts— read 2d time, and referred to committee on Judiciary.

A resolution requiring the Acting Secretary of Treasury to lay before this House a statement showing the amount of Exchequer bills issued and in circulation, &c.— taken up, and on motion of Mr. Forbs the word "Acting" was stricken out, and resolution as amended adopted.

A resolution requesting the President to inform this House what agents or commissioners have been appointed to treat with the Indians, &c.— adopted.

Mr. Forbs moved the House adjourn until 5 o'clock, P.M., on Monday next— lost.

Mr. Parker of Houston, by leave, introduced a bill to amend an act supplementary to an act, defining the mode by which the holders of conditional certificates shall establish the same, passed January 4th, 1841; and to repeal, in part, an act granting land to emigrants, passed January 4th, 1841, approved February 4th, 1842. Read 1st time.

On motion of Mr. Van Zandt, the House adjourned until half past 3 o'clock, P. M., on Monday next.

MONDAY, July 4th, 1842.

House met pursuant to adjournment.

Roll called, quorum present. Journals of the preceding meeting read and adopted. A majority of the committee on Military Affairs made their Report, which was read and adopted;

CITY OF HOUSTON,¹¹
COMMITTEE ROOM, 4th July, 1842.

To the Hon. K. L. ANDERSON,
Speaker of the House of Representatives:

The undersigned a majority of the committee on Military Affairs, to whom was referred so much of the Message of his Excellency the President as relates to the prosecution of offensive measures against Mexico, together with a resolution declaring it the policy of this Government to take immediate steps to enforce the recognition of our independence by that Government ask leave to report,

That they have had the same under consideration, and have given the matters embraced in them that investigation and reflection, which the time allowed them, and the means within their control would permit.

The majority of the Committee view the questions presented by that portion of the message, and the resolutions before them, of the highest importance, and perhaps the most momentous, which have ever been submitted to the assembled representatives of the people of this country, involving considerations, the decision and determination of which, may by possibility [*sic*] control the destinies of the nation.

We hold that it is the interest of every government to seek the enjoyment of peace, and if possible avoid the distresses and calamities, incident to a state of war, particularly a people constituted as we are, who are not emulous of the distinctions of the latter, but delight in the peaceful and quiet pursuits of agriculture and commerce.

War then should never be made upon slight causes or provocations, neither should doubtful or disputable rights, ever be held as sufficient grounds of national hostility, and these reasons apply with peculiar force when applied to offensive war, the name and nature of which demands a higher ground, and a more rigorous scrutiny—the provocation should be great—the motive pure—the necessity urgent—and before the high determination shall have been made, we should be satisfied of the justice—the policy—and propriety of the enterprise.

Deeply impressed with these reflections, the majority of your Committee in their investigation, have looked with much interest to the internal, as well as, external situation of the affairs of our government, to ascertain whether our condition justified or required us, to assume this new and imposing attitude towards our enemies.

After the termination of the campaign of eighteen hundred and thirty-six, and the retreat of the remainder of the Mexican army from Texas, a temporary suspension of hostilities took place between the two governments, our citizens returned to their homes, laid aside their arms, and implements of war,

¹¹Report of Majority of Military Committee, July 4, 1842. (Printed by order of the House of Representatives.) [At end:] Telegraph press—Houston, 4 p., printed in double columns. 23.5cm. Caption title. It is also published in the *Telegraph and Texas Register*, July 6, 1842, and in *The Northern Standard*, October 1, 1842.

and engaged busily and industriously in rebuilding and fitting up their delapidated [*sic*] houses and farms, many of which had been burnt and destroyed by the invasion and ravages of the enemy— emigration again commenced its rapid flow into the country— the Indians were driven back or treated with us for peace— the frontier settlements were extended— the germs of prosperity were seen budding afresh, and confidence began to revive at home, while our independence was acknowledged abroad. No further demonstration of a warlike character having been made by our enemy, we were led to believe, that satisfied of the justice of our cause, and her inability to conquer us, added to the voluntary promises which had been made by her President and General-in-Chief, she would be willing soon to acknowledge our Independence, and withdraw from a contest which could profit her nothing, and but ensure to her arms certain defeat. To manifest a willingness and a desire upon our part to court her friendly relations, her citizens were invited by the proclamation of the President, to participate in the advantages of our trade, and commerce, while at the same time a minister was despatched to that Government with full power to conclude a treaty of peace, on the most favorable terms to both nations, though the latter offer was refused, and our minister denied the permission to land, Yet hopes were still entertained that some measure would yet be effected, by which we might secure so desirable a result; to this end the mediation of a friendly power was offered, to adjust our differences, but this, too, like every other effort on our part for amicable arrangements, has been spurned and refused, and we are now assured that any further attempts at negotiation, will prove as abortive, as our former overtures have been unsuccessful.

A blood-stained and perfidious tyrant Santa Anna has again placed himself at the head of his nation, and looking on his defeat at San Jacinto as the only blot upon his military fame, with cursed purpose, he intends with Texian blood to wash away the stain, and is at this time straining every nerve and resource of his nation to carry into effect his unhallowed works of subjugation and molestation.

The recent capture of our unfortunate countrymen, composing the Santa Fé Expedition, (who worn down by fatigue and famine were compelled to surrender, (and who regardless of the sacred stipulations of their capitulation, are now compelled to labor as convicts and felons, or held in chains and confinement, within the loathsome walls of a dungeon;) together with the successful incursion, and safe retreat, of the late marauding parties, who entered San Antonio, Refugio and Goliad, have dissipated much of the fear, and destroyed much of the confidence, which they had previously entertained, of the Texian prowess: and will no doubt excite them, if not to a formal invasion, at least to frequent attacks and aggressions of the latter character.

From facts in possession of the Government no doubt exists, but that Mexican emissaries have been for some time past, and are now engaged, among the hostile Indian tribes on our north, who encouraged by these emissaries, have become more frequent and daring in their depredations upon the frontier, and recently have succeeded in murdering some of its best citizens.

By the policy which we have heretofore pursued towards our Mexican enemies, they have been, and by a continuation of the same, will still be enabled to wage war upon us, and return from the contest whenever it may suit their circumstances. We are no longer the controller of our own movements, but are called without notice, order, or discipline to the field, whenever it shall suit them to attack our frontier. We must ever be on our watch tour, or be liable to surprise. Thus we are subject to all the expences, and exposed to all the dangers, incident to a state of war, without a possibility of reaping a single advantage from it. While the unsettled and doubtful position we occupy, the wrongs and injuries we have suffered, and which stand unredressed, and our supine and inactive course under them, exercise a most blighting and baneful influence upon our institutions, and people throughout the whole country. The hardy pioneers of our western country are breaking up and receding, gloom and despondency hang over the dispirited population of the western settlements, (who exhausted by frequent campaigns must soon be compelled to leave and abandon their exposed situations,) emigration has entirely ceased west of the Brazos— trade of every character is embarrassed and brought to a stand— our currency is depressed— confidence both at home and abroad is fast giving way, and every thing portends a fearful crisis.

Under this melancholy state of things, the majority of the committee sincerely believe and they would submit it to the House of Representatives, as the deep, deep conviction of their minds that the only course left us IS AN APPEAL TO ARMS, AND TO THE GOD OF BATTLES. They believe that the time has arrived, when the causes not only justify, but demand at our hands a prompt, speedy, and efficient prosecution of offensive war. In its maintenance will be united the energies of the nation— upon its success depends the liberties, fortunes, and independence of its citizens. Its prosecution will require but little more means, than to maintain a sufficient force at home to protect us from their incursions. The latter can never give us peace— the former will be carried beyond our borders, which will free us from its ravages, while those not actually engaged in its service can cultivate their farms in security and thereby contribute to the maintenance of those in the field.

But in this great conflict we shall not battle alone: already have hundreds of the brave, chivalrous, and daring sons of the United States, sympathising with us in our cause, rallied to our aid; and thousands, excited by the en[n]obling principles of humanity, only await the striking of an offensive

blow, to rush with empetuosity [*sic*] around the standard of the Single Star, and lighted by its rays, follow it to victory and to freedom.

While then we would advocate such a war as shall comport with the most exalted principles of civilized nations, we say, let the enemy suffer the horrors and endure the ravages of invasion, and she will the sooner be willing to treat for peace.

Having determined that the prosecution of an offensive war against Mexico is the true policy of Texas, it becomes necessary to combine all the energies and resources of the country, in order to make the blow which we strike for independence as effectual as possible. The deep and permanent interests which we have at stake in the contest—the ultimate and final decision of the question of national existence—admonishes us to leave no expedient untried, no resource undeveloped, and no sacrifice unoffered. Urged to the contest by every ennobling impulse of human nature, we are animated and encouraged in the magnitude of the undertaking, by all the blessings which must inevitably follow success, and impelled to the most energetic effort by the lasting calamities which must spring from defeat.

We have an immense public domain, profitless and valueless to us for the want of population, to which the attention of foreign capitalists is beginning to be directed with increasing interest. No disposition of any portion of this immense and fertile territory, by which an amount of funds sufficient for our present purposes could be realized, and the acquisition of a valuable population encouraged, could be deemed a sacrifice of the national interests. Better were it for the country—for the present generation and for posterity—that every acre of it were aliened, if the means could be thereby obtained to secure the recognition of our national independence and the blessings of peace, than to remain in the present state of uncertainty, suspense and doubt. It is therefore earnestly recommended to place at the disposition of the Executive at least [blank] millions of acres of the public domain, to be sold or hypothecated upon such terms as he, in his judgement, and with an eye to the emergencies of the country, may deem expedient. Nor is it at any time, to institute with a cold and sordid calculation, the enquiry whether or not the power thus proposed to be conferred is incompatible with the genius of our institutions. It is a power which human ingenuity cannot easily devise; a plan to use to our detriment, while it is a trust which, to be made efficient for good, must be unencumbered with conditions and limitations—a trust of a character so high and sacred, that every consideration, whether of national good and glory, or of individual and personal renown, must prompt to discretion and the exercise of an enlightened and patriotic judgement. The funds thus raised should be placed at the disposition of the Executive, for the support of the government and the prosecution of the war;

as it would be utterly impracticable to direct by legal enactment, their application in the various exigencies to which the fortune of war may subject our national interests. The experience of all time past, has established beyond controversy, the fact that the sinews of war can be most efficiently and powerfully directed by a single head; and if there was ever an occasion or a people which required the exercise of all that decision, energy and strength, which attach to the concentration of power in the hands of a single individual, this is the occasion and this the people.

The uniform patriotism of the people of Texas—the promptitude with which, upon all occasions they responded to the calls of their country—the unlimited liberality exhibited in every section, whenever an emergency has rendered an exhibition of individual patriotism at all necessary, all force upon the committee the conviction, that a great deal may be accomplished, towards raising the means for putting an army in motion by an appeal to the liberality of the people in this great national crisis. Voluntary contributions of arms, ammunition, provisions, and the equipments necessary to the prosecution of a war, could undoubtedly be obtained of sufficient amount to equip and sustain an army in their advance to the scene of action. Donation of land of unquestioned title, lying within the settled portions of the Republic, and therefore not only of prospective, but actual value, to be placed by the donors at the disposal of the President, either for sale or hypothecation, for the purpose of raising funds to defray necessary expenses of the war, or parcelled out in payment to those who will enlist as regular soldiers for considerable periods of service, the committee are advised from the manifestations of public sentiment in those quarters, where such a policy has been canvassed, could be obtained in large quantities by the use of the proper exertions.

The supplies of ammunition, provisions and funds drawn from the voluntary munificence of individual citizens, during the recent alarm upon our western frontier, and the temporary expectation of an advance of the enemy, had they been applied with system and economy, would have been sufficient to have equipped a considerable body of troops for the offensive movement in contemplation at this juncture. How much more then, are we not assured, might be obtained by a systematic effort in every county in the Republic, and a direct appeal to every citizen to contribute in proportion to his pecuniary ability and the interest he has at stake in the country? Let the President, then, be authorized and requested to appoint suitable and efficient agents in various counties of the Republic, to receive the contributions of individual liberality—a noble spirit will be awakened—a generous rivalry will spring up—and the arm of the government will be strength[en]ed as well by the renewed confidence and rekindled hopes of the people as in the substance contributed to its military coffers. The

usu[r]per of Mexico, against whom we are to direct our arms, impoverishes his country by arbit[r]ary exactions, monthly taxes, and plunders the temples of religion of their sacred wealth, to make war upon our homes and free institutions. Let us oppose to his chain-gang legions, sustained and paid by extortion, the brave warriors of our young Republic, sustained in the cause of freedom by voluntary munificence.

Nor is the amount of funds necessary to be raised to carry on the contemplated war, so large as might be anticipated by those who are unacquainted with the character of our population and the circumstances under which we are impelled to take up arms. We are few in numbers, and the very nature of our situation and habits makes every man a soldier. Accustomed to the use of arms of the most fatal and deadly character—enured to the hardship and dangers incident to the settlement and development of a country beset with difficulties, and agitated by continued alarms and border wars—the Texian takes up his arms with the *sang froid* of a regular soldier, and stops not to stipulate for a pittance of which the poverty of his government has taught him not to expect. All that he expects beyond the legitimate and honorable spoils of victory, is a supply of the necessaries of war—ammunition and provisions. Our own pastures afford in the greatest abundance, the most important article of provisions that an army can have, which can be obtained without the advance of a dollar, and the country of the enemy abounds in the same necessary which can neither be destroyed nor removed without the reach of our troops.

In relation to the manner of raising troops to compose the army of offensive operations, the Committee, upon full consideration of the whole question, are of opinion that the most efficient and equitable plan that can be devised, is a call upon each county in the Republic for a number fairly proportioned to its capacity and population. Subordination and discipline are essential to the efficiency of an army, and these can be expected in the highest perfection when men are embodied and carried to the field under the sanction of law. The war in which we are engaged is a national war—success will bring national blessings, and defeat, national calamities! The interest at stake is a common interest, and the burthens of war should therefore be as equally distributed among our citizens as possible. That confidence which is always inspired by the knowledge of concert of action—a sense of common interests, and common danger, and common responsibility, will, be weakened and perhaps destroyed, unless there is a guaranty that every section of the country and every class of citizens will be called upon to perform their equal share of duties. Without this guaranty, suspicions and jealousies will spring up—each section of the country will be waiting for other sections to act, and individuals however patriotic, will be indisposed to risk their lives and encounter toils, which others who have a

deeper interest at stake are likely to avoid unless constrained by authority. The most lofty patriotism and the most ardent courage may be rendered unavailing for the want of support, and damped for the want of confidence that such support will be forthcoming. Those who would be willing and joyful to enlist under the banner of their country and ready to stand by it through hardships and danger, unassured that a number sufficient to ensure success would likewise voluntarily enlist, would delay their preparations for a campaign until the auspicious hour shall have passed and the loss of confidence and concert shall have produced a discouraging failure.

The Committee are of opinion therefore, that a call upon every county in the Republic for a just and equitable proportion of troops is the only certain method of ensuring success in the formation and subordination of an army— all other plans are liable more or less to uncertainty and likely to prove abortive.

The Committee recommend however that an opportunity be offered for volunteers, and that the young and the brave of our land be called to rally around the standard of their country in this national crisis. The knowledge that a draft must take place in the event that a sufficient number of volunteers are not obtained, will be a powerful incentive to induce those whose business and avocations will not readily permit their absence from their homes, to aid with their exertions and means in raising, equipping, and furnishing volunteer companies.

The committee, therefore, recommend the passage of the bill herewith submitted, as a substitute for the Joint Resolution referred to them.

ISAAC VAN ZANDT,
WILLIAM E. JONES,
JOHN W. DANCY,
CHARLES H. RAYMOND,
WILLIAM L. HUNTER.

A bill to authorize offensive war against Mexico, and for other purposes, reported as a substitute for the Joint Resolution referred to them, was read [as follows:]¹²

Whereas an amicable adjustment of the difficulties existing between this Republic and Mexico, either through negotiation or the mediation of any friendly power has become utterly hopeless; and whereas she not only refuses to acknowledge our Independence which we have shown to the world we are capable of maintaining, but has re-commenced active hostilities by harrassing and plundering our frontier; and whereas also, she detains in a slavish captivity our fellow-citizens of the late Santa Fé Expedition, contrary to the rules of warfare as recognized by the rules of civilized nations, it becomes the policy and duty of Texas, to prose-

¹²The manuscript copy of the bill has not been found. It is printed in the *Telegraph and Texas Register*, July 13 and 20, 1842; the *Colorado Gazette and Advertiser*, Matagorda, July 30, 1842; *The Civilian and Galveston Gazette*, July 24, 1842; *The Northern Standard*, August 20, 1842.

cute a vigorous and offensive war against that Government until our great National objects shall have been attained—wherefore:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,* That the President be, and he is hereby authorized and required to call for and accept the services of volunteers to form an army for the prosecution of offensive war against Mexico, for the purpose of obtaining a recognition of the national independence of this Republic, and that he direct the commencement of operations at such time and in such manner as he in his judgment may deem compatible with the public interests.

SEC. 2. *Be it further enacted,* That should the number of volunteers, whose services may be enlisted under the authority given in the first section of this act be not sufficient to constitute an army for effective operations, that the President be, and he is hereby authorized and required to order out the Militia of the Republic, by draft upon the several counties thereof, a number, not to exceed for offensive operations, one third of the whole population capable of bearing arms, including those who may have volunteered, respect being had to the number of volunteers furnished by each county as a portion of the quota to be furnished by such county in case a draft may become necessary.

SEC. 3. *Be it further enacted,* That volunteers shall not be accepted unless in organized companies of fifty-six men, rank and file for infantry and sixty for cavalry, in accordance with the laws now in force in this Republic: and the President Sam Houston be, and he is hereby authorized to take command of the army in person, raised under the provisions of this act.

SEC. 4. *Be it further enacted,* That in case of an invasion of this Republic by Mexico, the President be, and he is hereby authorized to order out so much of the Militia thereof as he may deem necessary to repel such invasion.

SEC. 5. *Be it further enacted,* That the President be, and he is hereby authorized to keep the Navy at sea in active service against the enemy, any law at present in force to the contrary notwithstanding.

SEC. 6. *Be it further enacted,* That the President be, and he is hereby authorized to appoint suitable agents in the several counties of the Republic and elsewhere, to receive contributions of land, money, provisions and equipment necessary for the prosecution of an offensive war, to be applied exclusively to that purpose, and an account of his receipts and the application of the same to be laid before Congress.

SEC. 7. *Be it further enacted,* That the President be, and is hereby authorized and required to employ all the available resources of the Republic not otherwise specially appropriated by law, in the prosecution of the war authorized to be carried on by the provisions of this act, and that he be authorized

and empowered to hypothecate or sell any portion of the public domain not exceeding ten millions of acres for the purpose of raising funds for the prosecution of the war, upon such terms and in such manner as he in his judgment may deem proper, and that he report to Congress his action thereon.

SEC. 8. *Be it further enacted*, That each volunteer or drafted man who shall continue in service six months, shall be entitled to 640 acres of land, to be located in such sections as Congress shall hereafter designate.

SEC. 9. *Be it further enacted*, That this act take effect from and after its passage.

Mr. Robinson moved the printing of 250 copies of said report and bill.

Mr. Mayfield moved to amend by inserting 1,000— accepted.

Mr. Caldwell called for a decision [division?] of the question Ayes and Noes called for, and stood Ayes 23, Noes 10— carried.

Mr. Forbs moved to amend the motion of Mr. Robinson, by printing 150 copies of the bill Mr. Van Zandt moved the motion, by printing 60 copies.

On motion of Mr. Mayfield, the motions were laid on the table.

On motion of Mr. Mayfield, the above bill and report were made the special order of the day for 11 o'clock on Wednesday.

By leave, Mr. Jones of San Patricio, introduced a resolution defining the pay to be received by the members of the present Congress— which requires the members to receive a certificate of \$5 per diem, redeemable at some future day— read 1st time. On motion of Mr. Robinson, rules suspended, and read 2nd time. Mr. Mayfield moved to amend by striking out \$5, Mr. Usher moved to insert \$3.¹³ On motion of Mr. Caldwell, bill referred to committee on finance.

By leave, Mr. Wynns introduced a bill for the permanent location of the Seat of Government— read 1st time. Mr. Robinson moved a suspension of rule— lost.

Mr. Mayfield offered the following resolution:

Resolved, That His Excellency the President, be requested to communicate to this House what amount of Exchequer bills have been advanced and paid out to the mail contractors under the appropriation of last Congress for the transportation of the mails. On motion of Mr. Mayfield, rule suspended, and resolution adopted.

Mr. Grimes offered a resolution authorizing the President of the Republic to take command of the army in person, to prosecute the war against Mexico— read 1st time. On motion of Mr. Van Zandt, rule suspended, read 2d time, and referred to military committee.

House then proceeded to dispose of the business on Speaker's table, and to the orders of the day.

¹³It is \$2 in the report in *The Northern Standard*, September 10, 1842.

A bill concerning conditional land certificates— read 2d time, and referred to committee on public lands.

A Joint Resolution fixing duration of the present session of Congress— laid on table until called up.

The resolution relative to the Santa Fé Prisoners, was adopted.

On motion, the House adjourned until to morrow morning, 9 o'clock.

[CITY OF HOUSTON, TUESDAY
July 5, 1842]¹⁴

House met, roll called, quorum present, Journals read and adopted. House proceeded to dispose of the business on the Speaker's table, and to the orders of the day.

A bill for the permanent location of the Seat of Government — read 2d time, and referred to the select Archive committee.

The committee on the Judiciary, John B. Jones, Chairman, to whom was referred a bill to prolong the terms of the Probate Courts, reported same back to the House with amendments, and recommended its passage— report received, and bill taken up.¹⁵

The committee proposed to amend, by granting the Judge power in vacation, to hear and determine causes upon a stipulation of facts by the parties, which should have the same effect &c., as judgment rendered in term time.— Supported by Mr. Jones of Galveston, and opposed by Messrs. Mayfield and Robinson. Mr. Robinson offered to amend the amendment by a proviso, that no judgment should be rendered except upon a hearing in the court where the suit may be brought. Mr. Mayfield moved the amendment of the committee be indefinitely postponed. Mr. Dancy moved to lay the bill on the table for the present— lost. Mr. Mayfield offered further to amend by declaring that the decease of any citizen should *ipse facto*, be taken and adjudged as full payment and liquidation of all debts on simple contract, provided always, that such person shall not commit suicide. Mr. Forbs offered further to amend, by excluding lawyers from the benefit of the above amendment. Mr. Parker of Houston, offered still to amend by providing that all debts due the deceased, shall cease with the decease of the individual. Mr. Wynns moved the previous question— carried. Main question being the engrossment of the bill, was then put and carried.

Mr. Van Zandt, by leave, introduced a bill to make valid certain acts done in the judicial counties of this Republic— read 1st time. On motion, rule suspended, and bill referred to the Judiciary committee.

A message was received from the President, (being the information required by a resolution of the House concerning Indian agents, &c.)

¹⁴The journals for July 5, 6, 7, 8, 9, and 11, are also found in *The Northern Standard*, September 17, 1842.

¹⁵Neither the report nor the amendments have been found.

EXECUTIVE DEPARTMENT,¹⁶
CITY OF HOUSTON, July 4th, 1842.

To the Honorable, the HOUSE OF REPRESENTATIVES:

In compliance with a resolution of your Honorable Body of the 2d. instant, I herewith transmit a complete exhibit of the transactions and correspondence of this Department in reference to our Indian relations; from which may be ascertained what agents or commissioners have been appointed or empowered to confer with or treat with the Indians upon our frontiers, with whom amicable relations have been sought to be established, also, the name or names of such agents or commissioners, together with all the instructions and orders which have been given to any of said agents or commissioners, or any other person or persons whatsoever, acting under directions or instructions from this Department.

SAM HOUSTON

EXECUTIVE DEPARTMENT,¹⁷
CITY OF AUSTIN, January 5th, 1842.

To Col. L. B. FRANKS:

SIR— You are requested to ascertain, so far as may be in your power, the disposition of the wild Indians for peace with the Texians. You will communicate with me and give me all the information in your power. If it is practicable to make and preserve peace on our frontiers, it is my ardent desire to do so.— Should you meet or see any of the wild tribes, you may assure them of my intentions and wishes for friendly intercourse and trade with them.

I have the honor to be your obedient servant,

[SAM HOUSTON]

EXECUTIVE DEPARTMENT,¹⁸
CITY OF AUSTIN, February 1st, 1842.

To Col. L. B. FRANKS:

SIR— You are hereby appointed to take charge of the Lipan and Tanchua tribes of Indians; and you will attend to the maintenance of peace between them and the citizens of the Republic. You will remain with them in person as much as may be in your power.

You will ascertain, so far as you may deem prudent or beneficial to our frontier safety, the disposition and wishes of the various tribes of Indians towards a peace with us; as well as the causes which have occasioned and continue to stimulate their hostility to the Texians.

¹⁶Executive Records, Book No. 40, p. 108.

¹⁷Executive Records, Book No. 40, p. 16.

¹⁸Executive Records, Book No. 40, pp. 34-35.

When you can obtain any information, which you regard as important to be known, you will report the same to the Executive, with the least possible delay.

You will remain with the Indians as much as possible, or have some other person with them.

Whenever they may remove from one section of the country to another, you will, whenever you can, advise the citizens on the frontier of the fact—and in all cases, some white man, in whom you can have confidence, must accompany them.

Stimulate them to guard against and watch those Indians, who are in the habit of annoying our frontier settlements by murdering men and stealing horses.

If the friendly Indians succeed in breaking up those piratical parties, I will reward the braves with handsome presents.

If they take any horses belonging to the whites and restore them to the owners, I will reward them for their bravery and fidelity.

You will act in all things, so as to render all possible protection and benefit to the frontier inhabitants of Texas, and to secure peace and safety to the Indians.

If we have prisoners now in the possession of the hostile Indians, you will, if possible, procure their restoration, and advise me of any plan which may suggest itself to you, for the accomplishment of an object so desirable to humanity.

You will receive as compensation for your services, the sum of five hundred dollars; and Mr. Joseph Taylor will receive two hundred and forty dollars.

You will report to the President as often as possible. In his absence, you will report to the Secretary of War.

I am, with great respect, your obedient Servt.,

[SAM HOUSTON]

EXECUTIVE DEPARTMENT,¹⁹
CITY OF HOUSTON, March 19th, 1842.

To COUNT NARBONNE,

SIR,— You will proceed to Nacogdoches, and from there to where I wish you to meet the Indians on our North Western border. You will treat with them for peace,— you may assure them that they shall have commerce with our frontier and that our traders will purchase their mules and such other articles

¹⁹Williams and Barker, eds., *The Writings of Sam Houston, 1815-1863*, IV, 82. Count de Narbonne seems to have first appeared in Texas with a company of French immigrants in February, 1842. They were favorably received and gained the confidence of Houston and other officials of the Republic. However, Narbonne soon appeared in his true character and was compelled to flee from Houston to avoid punishment for swindling. He later returned to Europe and as Monsieur Violet furnished the material for Marryat's book, *Travels and Romantic Adventures of Monsieur Violet* (London, 1843), evidently based on Falconer's *Expedition to Santa Fe* and Kendall's narrative, which Narbonne had secured from Falconer. See Ashbel Smith to Houston, February 20, 1842; "Smith's Journal," February 24, 1842; Smith to Rate, November 3, 1843; all in Ashbel Smith Papers, The University of Texas Archives.

The following, concerning Narbonne, appeared in the *Telegraph and Texas Register*, June 8, 1842; and *The Northern Standard*, September 10, 1842. Commanche Ambassador.—The citizens of several of the eastern towns on the road to Nachitoches, have been not a little imposed upon by a fellow styling him-

of trade as they may bring to the trading houses. They will find such articles procured for them as they may wish to trade for. You are aware of my views and I refer them to your discretion. The Indians all know me, either personally, or from character. You can let them know that I am at this time the Chief of Texas, but have not been so for the last three years.

You may get Manuel Sanchez at Nacogdoches to accompany you to the Indians nearest to that point by the route most convenient for you to pursue in effecting the object to be attained.

SAM HOUSTON

EXECUTIVE DEPARTMENT,²⁰

CITY OF HOUSTON, March 19th, 1842.

To COUNT LEONTIO DE NARBONNE,

SIR, You are hereby appointed to treat and make peace with all the Indians on our North Western frontier. In the execution of the objects of this mission, I repose in you the most implicit confidence in your honor, integrity and capacity. You will make reports to this Department as frequently as may be practicable.

You are authorized to give assurance to all the Indians, that the Government of Texas will maintain with them the most friendly and peaceful relations. You are authorized to assure them, also, that traders shall be placed on our frontier at different points, who shall trade with them on the most just

self Count Narbonn, who represented that he was deputed by President Houston, to conclude a treaty with the Commanches and other hostile Indians. The following account of his proceedings in Nacogdoches, was given by a gentleman of that place.

"A few days ago a person presented me with a letter of introduction from Gen. Houston, in which the person was recommended to me as the Count Leontio de Narbonn. He bore a commission from the Executive to treat for peace with all the Indian tribes on our western and north-western frontier. The Count stated that the *same day* he left Houston, he was robbed of several gold and silver medals, intended as presents for the Indians, and all his money—that his mission was of too much importance to return to Houston and replenish, but expected (as he said) that he would be furnished with the *needful*, here, in this place.

"The Count told of his immense wealth, his 800 hogs-heads of wine he made last year, on his estate on the Rio Frio, (Bexar county) etc. etc.; talked about his *Commanche Indians* and his *Apache Indians*, as though he was the Chief of all those red gentlemen—also that on the 9th inst. he entered Bexar with his seventy-five Commanches, and that Captain Hays entered next day, and that civilities were exchanged between his men and Captain Hays' men. Taking every thing together, he certainly, to say the least, appeared to be a very singular, if not mysterious character. The commission from his Excellency is certainly genuine, and the letter of introduction to me, I am positive is in General Houston's hand writing, in consequence of which the Count was treated with much respect by the authorities and citizens of this place, and a gun, blankets and some other articles were furnished him, for part of which he gave a draft on the Messrs. Lizardi & Co., New Orleans, and for part on Messrs. McKinney, Williams & Co., Galveston. He left here on his journey towards Coffee's Station—without however obtaining any money—that was not to be had. I found the Count to be a perfect gentleman, and those who know better than myself, say that he has an excellent education, and is a man of general information—having studied in the Propagandi at Rome; travelled in Africa; was, only three months ago, in Mexico, Chihuahua, Sonora and Santa Fe. The Count appears to be about 20 or 22 years of age, has a mild and placid countenance, a very harmonious voice, and speaks many languages.

Yours truly. [No signature]

²⁰Williams and Barker, eds., *The Writings of Sam Houston, 1813-1863*, IV, 83.

terms.— You will negotiate for the restoration of all prisoners taken by various tribes from the Republic.

SAM HOUSTON

EXECUTIVE DEPARTMENT,²¹
CITY OF HOUSTON, March 25., 1842.

To Maj. THOMAS SMITH,

SIR— I have been informed that there are some persons on the frontier who have a disposition to molest the Tanchua and Lipan Indians. They cannot be good citizens, or they would wish to preserve peace with them.

Should any property be stolen from the Indians, or injury done them, I hope you will have active measures taken for its restoration and for the preservation of their friendship. If they were hostile to us, they could do us much harm in our present critical condition. If our situation should require it, they could be rendered very useful by employing them against the common enemy.

I do hope, therefore, that you and other staid citizens, who have a substantial interest in the country, and wish your homes on the frontiers protected, would deliberately adopt such measures as will prevent all probable interruption and preserve tranquility.

I have the honor to be, with great respect, Your obedient servant,

[SAM HOUSTON]

EXECUTIVE DEPARTMENT,²²
CITY OF HOUSTON, April 14th, 1842.

To G. W. ADAMS, Esq.

DEAR SIR— It is very desirable to give peace and security to the frontiers of Texas. With an eye to this object, I wish a trading house to be established on the Brazos, at some point above the settlements, where the Indians can come and trade without molestation, should peace be made with them.

It is vain to think of *exterminating* the Indians, for they will flee from us when they steal horses and only attack us when it can be done with advantage to themselves.

By treating with them, we would retain their friendship. Coffee has maintained friendly relations by means of trade only. If we can make peace and open a trade with them, it will furnish to them a market. As it now is, what they steal from us becomes a means of profit to them with other traders. Our prisoners made by them are also sold to traders and persons other than Texians. If we make peace, we can reclaim our prisoners. They will, also, lose their inducements either to war with us, make prisoners or steal horses; and if they

²¹Executive Records, Book No. 40, p. 75.

²²Executive Records, Book No. 40, pp. 78-79.

choose to steal from the Mexicans and find a market on the Brazos instead of Coffee's trading house— why, we cannot help it. Let us take care of ourselves.

Good pickets and cabins should be placed at the trading houses and a good lot enclosed with stout rails. From what I know of the people on the Brazos, they would not hesitate to volunteer, when they see the advantages which would result from such an establishment. It would be of advantage to the farmer, for he could procure mules and many other articles which would be brought by the Indians.

I wish you to see the people there and suggest to them my wishes to give them security, by such means as I think will ensure the object.

Let me know by what means peace could be made with the Indians. If they can be seen, I will have peace— for it is their interest to make peace and to preserve it. By this means, I am satisfied it will not cost the government one dollar to the hundred which have been expended to keep up a *mockery* of war.

If peace is made with the Indians, I will appoint an agent for them, and use every exertion in my power to benefit the frontier, that our citizens may cultivate their farms in peace and free from alarm.

In a war with Mexico, the friendship of the Camanches would deprive the enemy of all their horses.

After a peace, from ten to twenty men at the trading houses respectively, would at all times be a sufficient guard. You would be enabled to command the trade from the head waters of the Trinity to the Rio Grande, which now only finds a market at Coffee's or at Santa Fé. Our frontiers will suffer no longer, nor will that of our friends. The United States can protect theirs; and when the Indians learn that those with whom they trade on the Brazos are the same people that live at Bexar, Austin, and on the Trinity, they will cease to make war upon *us*. The frontier will then be safe.

Keep me advised at all times of any and all important intelligence. I have not leisure to enter into a full detail of matters— nor indeed to condense my views— for a thousand things are fast pressing upon me.

Do request of the people not to make the Lipans and Toncahuas our enemies. As friends, they will be of great use: as enemies they would be very annoying: and at this time Texas has enough to do with old enemies. I do not wish to provoke any new ones. Do these tribes justice— keep liquor from them, and we will have no trouble.

Truly your friend,

[SAM HOUSTON]

HOUSTON, TEXAS, May 9th, 1842.²³

To Col. L. B. FRANKS, Indian Agent, &C.

SIR,— Your favors of the 2d. instant have reached me, and I have examined their contents.

In relation to the horse claimed by Mr. Webb, you will see that the rights of the Indian holding the property in possession, are duly protected. If the property was given to the Indian by Gen. Burleson, as is alleged, he will be the proper person to whom the claimant should apply, for he will best understand the circumstances under which it was acquired and transferred. If, however, the result, upon application, should be, that the Indian has not come into possession from Gen. Burleson, then he is to surrender the property— and not otherwise.

The resignation of Joseph Taylor, dated Austin, 18th. April, as Sub-Agent of the Lipan and Tancahua Indians, has just been received and accepted.

I have the honor to be, very respectfully,

Your obt. servant,
[SAM HOUSTON]

HOUSTON, TEXAS, May 21st., 1842.²⁴

To Col. L. B. FRANKS, &C.

DEAR SIR— By the politeness of Capt. Duffau, I had the pleasure to receive your communications under date of the 12th and 14th instant, and avail myself of his return to reply.

I have not time to furnish you with particular instructions as to the prosecution of your duties under the circumstances which surround you. You will therefore have to use your prudence and discretion in doing what shall seem best for the Indians under your charge and for the public good.

Your exertions thus far have been characterized by patriotism and a lively regard for the reciprocal welfare of both the white and red man.

I learned with much regret the fact that the horse of Mr. Joseph Taylor, your subagent, had been taken from him under color of impressment; by order of Colonel Henry Jones; thereby depriving a government agent of the means of executing his duty at a critical period in the late difficulties. I am now informed by you of a similar act towards yourself. You may rest assured that conduct so outrageous and dangerous to the public interests, shall, in due season, meet deserved rebuke and punishment.

I am sorry to inform you, that it is utterly *impossible* to furnish you at this time with any pecuniary assistance. There is not one dollar in the Treasury, which has not been cancelled, nor can arrangements be made before the lapse of some month or six weeks to issue any more. We are all in great straits for

²³Executive Records, Book No. 40, p. 88.

²⁴Executive Records, Book No. 40, p. 93.

the want of means; but, for the sake of saving our only hope in the way of a currency, under existing embarrassments, we cannot venture to throw any more into circulation until what is now out has been nearly or quite all absorbed. In the mean time we shall have to suffer and do the best we can. You may, however, rely upon obtaining what is your due, as soon as any one else receives similar accommodation.

I send you the paper, &C., which you requested.

Accept my best wishes for success in your efforts to benefit the country and the Indians, and believe me

Very truly yours.

[SAM HOUSTON]

EXECUTIVE DEPARTMENT,²⁵
CITY OF HOUSTON, July 5., 1842.

To H. E. SCOTT, Esq:

SIR— In the event of a treaty being negotiated with the Indians to whom you are sent, associated with other commissioners, you are hereby appointed Indian Agent for such tribes and bands as may wish to resort and trade at Stroud's trading house on the Brazos.²⁶

You will assume the duties of your appointment, so soon as the treaty is made; and in all things conform to the orders of the War Department.

You will receive instructions and orders as soon as you may arrive at the trading house. You will use all expedition in despatching the duties assigned to you, as commissioner and agent.

I have the honor to be your obt. servt.,

[SAM HOUSTON]

CITY OF HOUSTON, July 6th, 1842.²⁷

Mr. LUIS SANCHEZ:

MY FRIEND— I wish you to go with Col. Scott, and the other commissioners. I send this by Mr. Stroud, and you will go with them as Interpreter to the commission.

I will see you paid so soon as we have money to pay you. Mr. Stroud will pay your expenses on the trip; and you know that I always keep my promises to those who serve the government, when I am able to do so.

You will only talk such things as are told you to say. I rely

²⁵Executive Records, Book No. 40, p. 109.

²⁶The commissioners appointed were Henry Scott, Ethan Stroud, Leonard Williams, Joseph Durst. A treaty was made with four different tribes on August 24, 1842. Their chiefs, headmen and warriors agreed to visit the hostile Indians, twenty tribes in all, for the purpose of entering into a treaty at the Waco village on the Brazos on the 25th of October, 1842. See Commission issued to Indian Commissioners, July 5, 1842, and Report of Indian Commissioners, September 4, 1842, in Indian Papers and in Record Book of Indian Affairs, 1842-43, p. 1. The original treaty has not been found. It was printed in the *Telegraph and Texas Register*, October 12, 1842.

²⁷Executive Records, Book No. 40, pp. 109-10.

upon you because you are a good man. and prudent. You will be wise.

I am your friend,
[SAM HOUSTON]

CITY OF HOUSTON, 6th July, 1842.²⁸

To the CHIEFS OF THE BORDER TRIBES:

MY FRIENDS— The path between us has been red, and the blood of our people remains on the ground. Trouble has been upon us. Our people have sorrowed for their kindred who have been slain. The red men have come upon us, and slain and taken some of our people. We found them and we slew them, and have their women and children. They are with us, and kindly treated. Our people, by you, have been sold; and those with you are held in suffering. This is all bad, and trouble must be while we are at war.

I learn that the red friends want peace; and our hand is now white and shall not be stained with blood. Let our red brothers say this, and we will smoke the pipe of peace. Chiefs should make peace.

I send counsellors to give my talk. Listen to them. They will tell you the truth. Wise chiefs will open their ears and hear.

You shall have peace; and your people who are prisoners, shall be given up to you on the Brazos, when the council shall meet there. You must bring all the prisoners which you have of ours.

You shall trade with our people at new trading houses, and no harm shall be done to you or your people. If you are friendly, and keep peace with us, your women and children shall not be harmed. You shall come to our council house, and no one shall raise a hand against you.

Let the tomahawk be buried, and let the pipe of peace be handed round the council of friends.

I will not forget this talk; nor will my people.

Your Brother,

[SAM HOUSTON]

On motion of Mr. Usher, the communication and accompanying documents, were referred to the committee on Indian affairs.

Mr. Usher, by leave, introduced a bill concerning the conveyance of the mails— read 1st time. On motion, rule suspended, and bill referred to committee on Post Offices and Post Roads.

On motion of Mr. Mayfield, the resolution requiring the appointment of a committee to enquire into the causes, &c., of the present national distress, taken up and adopted

Mr. Mayfield offered a resolution declaring it detrimental

²⁸Executive Records, Book No. 40, p. 110.

to the country to treat with the Indians residing within our borders, and the sustaining of agents for that purpose, and impolitic for the protection of the frontiers; and that in the opinion of the House, all such agents and commissioners now in the employment of the Executive, should be discontinued, and more particularly that of Count de Marbone [Narbonne]. On motion, resolution laid on the table until called up.

Mr. Neibling offered a resolution to instruct the military committee to enquire into the expediency of adopting certain measures for the protection of the northern and north-western frontier, and report upon the same immediately—adopted.

Mr. Robinson moved a re-consideration of the vote making the report a majority of the committee on Military Affairs, together with a bill to authorize offensive war, vs. majority, and for other purposes, the special order of the day on 11 o'clock, Wednesday— which was opposed by Messrs. Mayfield and Van Zandt—lost.

Mr. Parker of Houston, by leave, introduced a bill giving one Representative in Congress to the counties of Nacogdoches and Burnett— read 1st time. On motion, rule suspended, and referred to committee on Judiciary.

Mr. Raymond, by leave, introduced a bill to legalize the election of Chief Justice of Robertson county,²⁹ and for other purposes— read 1st time. On motion, rule suspended, and referred to committee on the Judiciary.

Mr. Robinson moved the House adjourn until 5 o'clock—lost. On motion, the House adjourned until 3 o'clock.

Half past 3 o'clock.

House met, roll called, quorum present.

Mr. Raymond offered a resolution requiring the President to inform the House whether there is any evidence that Felix Huston has resigned the office of Major-General of the Militia of Texas— rule suspended. Mr. Mayfield moved to amend by inserting the word "forthwith" —accepted and adopted.

Mr. Parker of Fort Bend, offered a resolution that each and every member who shall be absent at a roll call of the House, without leave or unless he be sick, shall be fined \$4 for each offence, to be paid to the Sergeant-at-Arms.

Mr. Dennis offered a resolution that His Excellency the President, be requested to furnish information of the probable cost of supporting the Navy for the next six months, in full equipment—rule suspended, and resolution adopted.

Mr. Jones of San Patricio, introduced a Joint Resolution, authorising the Secretary of the Treasury to divide the bonds

²⁹Francis Slauder, Chief Justice of Robertson County, died "on the evening of the Election (the 7th)" for district and county clerks, sheriff and coroner. He was of the opinion that he had to receive an order direct from the Secretary of State for the election of the chief justice. In consequence of no writ being issued very few votes were cast for chief justice. Of these votes the returns showed that Samuel R. Moss received the majority. The associate justices of the county, who conducted the election, put it up to the Secretary of State whether Moss should be commissioned, or whether a new election should be held. The latter was evidently decided upon, because on May 28, 1842, Hiram K. Person was elected chief Justice of Robertson County. Election Returns, Robertson County, 1842.

of the government held by F. Davison [Dawson]— read 1st time. On motion, rule suspended, bill read 2d time, and referred to committee on Finance.

Mr. Dennis moved the House adjourn until to-morrow morning 10 o'clock— lost. Mr. Robinson moved an adjournment until 9 o'clock— lost.

Mr. Mayfield moved the printing of 150 copies of the President's communication and accompanying documents received this morning— lost.

Mr. Robinson moved the House adjourn until to-morrow morning 9 o'clock— lost. Several motions to adjourn— lost.

Committee on Judiciary, to whom was referred the bill to make valid certain acts done in the Judicial Courts, reported same back to the House, and recommended its passage— report accepted, and bill taken up.³⁰ Mr. Mayfield offered to amend by securing 3rd parties of prior vested rights, in surveys made in said courts— adopted. On motion, bill ordered to be engrossed.—

On motion, House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, July 6th. [1842]

House met, roll called, quorum present, Journals read and adopted.

[Messrs. Latimer of Red River and Fowler of Lamar appeared and took their seats.]³¹

Committee on retrenchment, Wm. E. Jones Chairman, to whom was referred a bill providing for the abolition of the duties on certain articles of importation, reported by substitute— report received, and bill laid on the table to come up among the orders of the day.³²

Mr. Jones of San Patricio, by leave, introduced a Joint Resolution authorising the President to hypothecate certain portions of the public domain, to ameliorate the condition of our citizens now prisoners in Mexico— read 1st time.

House then proceeded to dispose of the business on the Speaker's table, and to the orders of the day.

The bill concerning impost duties, was taken up together with the substitute. Mr. Caldwell moved to lay both on the table until called up— Ayes 14, Noes 20— lost.— On motion of Mr. Jones of San Patricio, so much as provided for the reduction of duties on salt and bacon, was stricken out. Question on the adoption of the substitute, was supported by Messrs. Wynns and Jones of San Patricio, and opposed by Messrs. Van Zandt and Darnell.— On motion of Mr. Robinson, bill and substitute laid on the table.

On motion of Mr. Robinson, the special order of the day being the war question, substitute and report of the majority of the committee were taken up. On motion of Mr. Van Zandt,

³⁰The report has not been found.

³¹*Telegraph and Texas Register*, July 6, 1842.

³²The report has not been found, nor the bill, nor the substitute.

they were laid on the table, and made the special order of the day to-morrow 10 o'clock.

Mr. Robinson moved to take up the bill concerning impost duties, together with the substitute— Ayes and Noes called for, Ayes 17, Noes 19— lost.

On motion of Mr. Mayfield, a bill concerning the Probate Courts was taken up— read 3rd time. Mr. Mayfield moved a suspension of the rules to offer an amendment— Ayes 13; it requiring two-thirds, the motion was lost. Question then put, and bill finally passed.

Mr Mayfield moved to take up the bill, to make valid certain acts done in the Judicial Courts— read 3rd time. On motion of Mr. Robinson, bill laid on the table until called up.

Report from the committee on engrossed bill[s] received, and adopted.³³

Mr. Wynns presented the petition of David P. Peure³⁴— referred to committee on Judiciary.

Mr. Jones of Galveston, by leave, introduced a bill authorising County Courts to levy a tax— read 1st time. On motion, bill read 2d time, and referred to committee on Judiciary.

On motion of Mr. Roberts, the House adjourned until 10 o'clock tomorrow morning.

THURSDAY, July 7th. [1842]

House met pursuant to adjournment. Roll called, quorum present, Journals read and adopted.

The committee on the Judiciary, to whom was referred a bill authorising County Courts to levy a tax, reported same back to the House with an amendment, and recommended its passage— report received,³⁵ and bill laid on the table to come up among the orders of the day.

House then proceeded to dispose of the business on the Speaker's table, and to the orders of the day.

The bill to prosecute the war, being the special order of the day for 10 o'clock, was taken up, and on motion of Mr. Mayfield, was made the special order for 11.

Message received from the President, which was taken up, showing the receipts and expenditures of the government in Exchequer bills, &c., and the amount now in circulation.

EXECUTIVE DEPARTMENT,³⁶
CITY OF HOUSTON, July 6th, 1842.

To the Honorable, the HOUSE OF REPRESENTATIVES.

I herewith transmit to your Honorable Body, in pursuance of a resolution of the 1st instant, statements of the several appropriations of the last session of Congress—transmitting the

³³The report has not been found.

³⁴The petition has not been found.

³⁵Neither the report nor the bill has been found.

³⁶Executive Records, Book No. 40, p. 111.

amount drawn upon each— the amount of receipts into the Treasury from customs, and the probable amount of Exchequer bills outstanding.

[SAM HOUSTON]

TREASURY DEPARTMENT³⁷
CITY OF HOUSTON July 4th 1842

To His Excellency SAM HOUSTON
SIR

I have the honor herewith to submit the accompanying documents. The Report of the Comptroller marked A exhibiting the amount of drafts upon the Treasury payable in Exchequer Bills— the amount drawn from each of the several appropriations made by last Congress and the unexpended balances thereof. Statement B showing the amount of Revenue in Exchequer Bills as far as this Department is informed by Official Reports from the Collectors of the Public Revenue, the expenses of collection and net amount and [due] the Treasury for one quarter ending 30th April 1842.

In addition to the amount collected for one quarter, Mr Gail Borden Collector for the Port of Galveston has paid into this Department the Sum of Thirteen thousand eight hundred and two $\frac{62}{100}$ (\$13,802 $\frac{62}{100}$) being amount collected by him for Impost Duties from the 1st May to date. Making the whole amount of net Revenue, as far as ascertained \$40,250 $\frac{34}{100}$. In this amount is included the Sum of \$2300 paid by the Collector of Galveston to Messrs James Reily and G K Teulon on drafts from this Department, which were received as cash in the payment of duties— thus reducing the Revenue in Exchequer Bills to \$37,950. $\frac{34}{100}$, which subtracted from \$76,000 the whole amount of Exchequer Bills, executed and deposited with the Treasurer for disbursement—, leaves in circulation the probable amount of 38,049. $\frac{66}{100}$ dollars.

I have the honor to be &c
Your Excellencys Mo Obt Servant
Signed WM G CRUMP Act Sec Try

TREASURY DEPARTMENT³⁸
HOUSTON July 4th 1842

Hon K L ANDERSON
Speaker House of Rep's

SIR

I have the honor to acknowledge the receipt of two Resolutions of the Hon House of Representatives, which were handed into this Department this day. The first calling for informa-

³⁷Treasury Papers. Endorsed: To President July 4th 1842. The documents cited have not been found.

³⁸Treasury Papers. Endorsed: To Speaker of H R Not Sent and not to be copied. It is inserted here because it covers more ground than the communication to the president.

tion relative to a Loan of One Million of dollars, Said to have been negotiated by this Government. The second requiring the Secretary of the Treasury to furnish the House with the amount of Exchequer Bills issued, the amount redeemed in collection of the Revenue, the expenses of collection and the amount now in circulation

The information called for in the first Resolution will be given as soon as practicable.

In reply to the second Resolution I submit the accompanying documents marked A and B. The Report of the Comptroller (A) will show the amount of Drafts drawn upon the Treasury payable in Exchequer Bills (\$78,680 $\frac{82}{100}$) as well as the state of the several appropriations made by last Congress, the amount drawn on each, and the unexpended balances thereof.

To meet these Drafts the amount of Seventy six thousand (76,000) dollars of the printed bills authorized to be issued was executed and deposited with the Treasurer for disbursement, leaving outstanding in Drafts against the Government the Sum of Two thousand six hundred and eighty $\frac{82}{100}$ dollars.

The statement marked B will exhibit the amount of Exchequer Bills redeemed as far as the Department is informed by Official Returns from Collectors of the Public Revenue—the gross amount received, expenses of collection, and net amount due the Treasury for one quarter ending 30th April 1842.

In addition to this statement Mr Gail Borden Collector for the Port of Galveston has paid into this Department the Sum of Thirty nine thousand eight hundred and sixty, (39,860) dollars, for duties collected by him to date. Deducting from this amount the Sum of Twenty six thousand and fifty-seven $\frac{38}{100}$ (26,057 $\frac{38}{100}$) net amount collected by him during one quarter as per exhibit B, leaves Thirteen thousand eight hundred and two $\frac{62}{100}$ (13,802 $\frac{62}{100}$) dollars, which added to the Sum of Statement B, makes Forty thousand two hundred and fifty $\frac{34}{100}$ (40,250 $\frac{34}{100}$) dollars, net Revenue as far as ascertained. From this last amount, however, should be deducted the Sum of Twenty three hundred (2300) dollars paid by Mr Borden on drafts from this Department in favour of Messrs James Reily and Geo K Teulon, which were paid in as cash by him; reducing the net amount of Revenue in Exchequer Bills to Thirty Seven thousand nine hundred and fifty $\frac{34}{100}$ (37,950 $\frac{34}{100}$) dollars. Thus leaving the probable amount of Exchequers in circulation— Thirty eight thousand and forty nine $\frac{66}{100}$ (38,049 $\frac{66}{100}$) dollars.

I have the honor to be Your Mo

Obt Servant

WM G. CRUMP
Act Sec of Treasury

On motion of Mr. Mayfield, referred to committee on Finance.
Also, a message showing the cost of furnishing an army for 6 months' campaign.

EXECUTIVE DEPARTMENT,³⁹
CITY OF HOUSTON, July 6th, 1842.

To the Honorable, the HOUSE OF REPRESENTATIVES:

I have the honor to lay before your Honorable Body, in compliance with a resolution of the 30th ultimo, estimates of the number and description of troops required for the prosecution of the contemplated campaign, and the probable amount necessary for their equipment, movement and subsistence, as furnished from the Department of War.

[SAM HOUSTON]

Mr. Forbs moved the printing of 100 copies [of the bill to prosecute the war]—lost. On motion of Mr. Cooke, referred to committee on Military Affairs.—

The bill to prosecute the war, together with the report of the majority of the committee, were taken up, and on motion of Mr. Van Zandt, the House resolved itself into a committee of the whole, Mr. Van Zandt in the Chair; after some time spent thereon, the committee rose and reported progress, and asked leave to sit again—adopted.

On motion, the House adjourned until 3 o'clock.

THURSDAY, July 7th,
Half past 3 o'clock, P.M.

House met, quorum present.

On motion of Mr. Cooke, the "offensive War Question" was taken up, House in committee of the whole. Mr. Raymond in the chair.

Committee rose, reported progress and bill back to the House with amendments,⁴⁰ and recommended their adoption—report read, and on motion of Mr. Williamson, made the special order of the day for 10 o'clock, to-morrow.

Message received from the President [read] and referred to committee on Military Affairs.

EXECUTIVE DEPARTMENT,⁴¹
CITY OF HOUSTON, July 7th, 1842.

To the Honorable, the HOUSE OF REPRESENTATIVES:

In answer to a resolution of your Honorable Body, of the 4th inst., requesting information relative to the prisoners of the late ill fated Santa Fé expedition, the Executive can only reply, that, although previous to the adjournment of your last

³⁹Executive Records, Book No. 40, p. 110. The estimate has not been found.

⁴⁰No amendments to the bill have been found.

⁴¹Executive Records, Book No. 40, pp. 111-112.

session, the fate and condition of the members of the expedition were fully known to the Honorable Congress, no appropriation was, however, made to meet even the most necessary and urgent wants of the captives. The appropriations which were made, were of a specific character and designed for other objects, from which the Executive had no power to divert them. He has not therefore been able to afford any pecuniary relief; although he has felt deeply the propriety and humanity of making some provision for that purpose.

The Executive has had no means or authority, other than as an individual, to take any step to ameliorate their condition or facilitate their liberation. Our relations with the government of Mexico have been such, as not to authorise any direct application in their behalf; nor was any such attempted, from the consideration of the great probability of prejudicing instead of promoting the interests and welfare of those most deeply concerned, and of invoking further indignities upon the country.

As far, however, as the Executive has felt himself at liberty to interfere in his private capacity, he has promptly and frequently rendered his most earnest efforts to ameliorate the sufferings and secure the liberation of his friends and countrymen who have been and are now in chains. He has not been insensible to their condition, nor regardless of his duty; but has done all in his power, and, he trusts, some little at least, towards the amelioration of their condition and the fulfilment of his duty as a man and a citizen of Texas.

He has met, with the truest pleasure and satisfaction, those of the expedition who have returned to their country and their friends; and he has seen, with the liveliest pride, that the hardships they have endured and the indignities they have suffered, have not conquered that spirit of chivalry and patriotism which has been so signally manifested by all.

He has, also, been happy to learn from various sources that the present treatment and sufferings of our gallant, but unfortunate countrymen, are not so grievous as they have been; but, as yet, he has not been informed of any certain prospect of their immediate liberation.

The Honorable House will not expect an exhibition of the correspondence of the Executive on this subject.

[SAM HOUSTON]

On motion, the House adjourned until 9 o'clock, A. M., tomorrow morning

FRIDAY, July 8th. [1842]

House met, quorum present, roll called, Journals read and adopted.

Mr. Darnell moved to take up the bill concerning impost duties; opposed by Messrs. Jones of San Patricio and Forbs: Ayes and Noes called for— Ayes 18, Noes 17— carried.

Mr. Forbs moved to lay the bill on the table until the 1st of

September: Ayes and Noes called for, on motion, to lay the bill on the table— Ayes 14, Noes 21— lost.

Mr. Jones of Gonzales, moved to lay it on the table and make it the order of the day to-morrow, 10 o'clock A.M. On motion of Mr. Mayfield, bill made the special order for 10 o'clock, Monday.

The special order of the day being the "War Question," was taken up. Mr. Williamson moved to lay the whole on the table — lost. The amendment, authorizing the President to take command of the army in person, was adopted. Mr. Jones of San Patricio, offered to amend by inserting after the word "person," "raised under the provisions of this act"— adopted. Mr. Cooke offered to amend by inserting, "provided he be the choice of the assembled troops:" supported by Messrs. Cooke and Mayfield, and opposed by Messrs. Wynns, Van Zandt and Jones of San Patricio: Ayes 6, Noes 28— rejected.

Mr. Mayfield offered to amend, thus, "provided always that an election of Major General shall be ordered by the Executive, who, when elected shall take the field and superintend the organization of the troops, and who shall be commander of the army under the orders of the Executive: Ayes 6, Noes 28— rejected.

Ayes and Noes then call[ed] for on the adoption of the first amendment of committee: Ayes 27, noes 7— carried and amendment adopted.

Second amendment adopted.

Third amendment "giving the Executive full control of all the unappropriated means of the country to carry on the war," was substituted by another "giving the President the authority to hypothecate the public domain, to raise funds and report the same to Congress:" Ayes and Noes on the adoption— Ayes 29, Noes 3, — carried.⁴²

Message read from the Senate informing the House of the passage of the bill "fixing the pay of the navy."

On motion, the House adjourned until half past three o'clock.

⁴²The following appeared in *The Morning Star*, July 9, 1842:

The House of Representatives has been engaged for the last two days, discussing the bill reported by the Military Committee providing for carrying on offensive war. The discussion has elicited several able and eloquent speeches from members both in favor of and against the war. The speech of Mr. Jones of Gonzales in favor of the measure, was worthy of the days of "76", and was received with rapturous applause by all parties. Messrs. Mayfield, Wynns, Cooke and Van Zandt, have also nobly sustained the measure. The opponents of the bill have not yet made any direct and open attack upon it, unless the resolution of Mr. Williamson may be regarded in this light. It was rejected by a vote of 27 to 8. This vote, however, like all others that have been taken, leaves the main question still undetermined.

This only is evident: the friends of the bill act with unflinching unanimity, and meet all the artifices and indirect attacks of their opponents with the most unblenching firmness and *sans froid*—no arts or wiles or threats can drive them from their position. They are ever found in solid phalanx ready and willing to meet opposition from whatever quarter it may come. This singular unanimity and concert of action, gives a vast advantage, and is hailed by the friends of the measure, as the sure harbinger of ultimate success.

Unfortunately none of the speeches has been found.

Half past 3 o'clock, P.M.

House met, quorum present, roll called.

The bill under consideration above, Mr. Williamson moved to lay it on the table—lost.

Mr. Williamson offered a substitute for bill and substitute under consideration: Ayes and Noes—Ayes 8, Noes 27—rejected.⁴³

Mr. Grimes moved to strike out the 2nd section of the substitute; opposed by Messrs. Cooke and Van Zandt. On motion of Mr. Mayfield, bill, substitute and motion, were laid on the table and made the order of the day for 10 o'clock, to-morrow.

House adjourned to 9 o'clock, A. M.

SATURDAY, July 9th. [1842]

House met pursuant to adjournment, roll called, quorum present, Journals read and adopted.

Mr. Jones of Galveston, presented the petition of Terrence Hogan⁴⁴—referred to committee on Military Affairs.

House then proceeded to dispose of the business on the Speakers table and to the orders of the day.

“A Joint Resolution authorizing the President to hypothecate the public domain to ameliorate the condition of the Santa Fé prisoners—read 2nd time and referred to committee on Finance.

“A bill fixing the pay of the officers, seamen and marines of the navy—read 1st time. On motion, bill referred to committee on Naval Affairs.

⁴³This substitute reads as follows:

Sec 1 Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the sum of \$15,000. be and the same is hereby appropriated for the repairs and outfit of the Steam Ship Zavalla, also the sum of \$25,000 for the outfit and provisioning of the Navy now in the employment of the Government, and that the sums aforesaid be paid out of the first monies in the Treasury or at the disposition of the Executive.

Sec 2. Be it further resolved, That the sum of \$56,462.00 be and the same is hereby appropriated for the pay of the Officers Seamen and Marines for services rendered and due them on the 1st of July 1842 also the sum of \$58578.00, for pay of Officers Seamen and Marines of the Navy for the next succeeding six months from and after the 1st July 1842. and that in case any prizes should be made or contributions levied by our Navy, then and in that case the President is hereby authorized and required to apply the same or so much thereof as may be requisite to the payment of the above appropriations for the payment of the Officers, Seamen and Marines of the Navy—

Sec 3. Be it further resolved: That no part of the sum thus appropriated shall be paid over to any Commander or disbursing Officer until he shall have rendered to the proper Department a full account of all monies before received and disbursed; and provided further that the amount appropriated for back pay shall first be ascertained to be due for services rendered in the Naval service of the Government—provided further however, that the provisions of this Act shall not be construed to deprive the captors of their individual shares in prizes as heretofore provided by law

Section 4th Be it further enacted, That the pay of the officers seamen and marines shall be regulated by the laws in force on the first Monday in September last and that all laws and parts of laws contravening the provisions of this act be and the same is hereby repealed

Bills, Sixth Congress, No. 2611. Endorsed: Substitute for Joint Resolution fixing the pay of Officers Seamen & Marines of the Navy & for other purposes—adopted as a substitute July 20th Rule suspended Read 3d time & passed J H Raymond C C H. R Read 1. time July 21. 1842 Referred to com on Naval Enrolled July 23d 1842 H. W. Raglin Enrolling Clerk Senate

⁴⁴The petition has not been found. Terrence Hogan was a marine attached to the Texas Navy Yard and lost his right leg on the second of March, 1840, whilst in the discharge of his duty. Public Debt Papers.

"A bill authorizing County Courts to levy tax," was taken up and after considerable discussion, was amended so as to read "courts of Commissioners of Roads and Revenues: Ayes and Noes called for on the engrossing of the bill— Ayes 10, Noes 23— lost. Mr. Van Zandt gave notice that he should move a reconsideration of the vote first taken.

Mr. Robinson, by leave, introduced a resolution authorizing the County Court of Brazoria county, to levy a tax for certain purposes— read 1st time, on motion, bill referred to Judiciary committee.

Mr. Jones of San Patricio, offered the following; "that the Secretary of War and Navy, be requested to furnish this House with the amount of money received from the Yucatan Government, for services rendered by our navy, and a detailed account of the manner in which said money has been disposed of. Also a copy of the contract, if any exists between the department, and the person in whose hands one of the brigs of war is at present placed."

"The War bill" was again taken up. The motion to strike out the second section of substitute still pending— a call of the House was made, and officers sent after absent members: on motion of Mr. Grimes, suspended. The motion to strike out 2nd section was supported by Mr. Robinson, and opposed by Messrs. Raymond and Parker of Houston. Mr. Robinson moved a call of the House— carried. On motion of Mr. Van Zandt, further call was dispensed with: Ayes and Noes called for, on motion, to strike out second section, and stood, Ayes 15, Noes 18— lost.

Mr. Robinson moved to lay the bill and substitute on the table, and make it the special order of the day for 10 o'clock, on Monday next.

On motion, House adjourned until 9 o'clock A.M., Monday morning— lost.

Message received from the Senate informing the House of the passage of a bill concerning Probate Courts," &c.

On motion of Mr. Mayfield, House adjourned until half past three o'clock, P.M.

Half past. 3 o'clock P.M.

House met, roll called, quorum present.

"The War Question" under consideration. On motion of Mr. Darnell, bill and substitute laid on the table.

Mr. Darnell presented the petition of Augustus Williams—⁴⁵

⁴⁵The petition has not been found. Augustus Williams served four months as a captain under General James Davis in 1842 at \$92 per month. His company was mustered into the service of Texas, April 7, 1842, for six months. His claim for \$368 was paid to Robert Williams, his administrator, April 15, 1854. Public Debt Papers.

He was among the foremost to rush to the aid of Texas when the news of Mexican invasion reached the United States. The President dismissed him from the service, because he refused to submit to the command of Mr. Casey, who was appointed Adjutant by the President to command the troops at Corpus Christi. The President deprived him of his office without allowing him to be tried by a court martial. Congress considered the charges made against Williams too trivial to notice, and unhesitatingly restored him to his former rank. They considered that he was entitled to the gratitude and thanks of the nation, rather than deserving of reprehension. *Telegraph and Texas Register*, July 27, 1842.

referred to committee on Military Affairs, with power to send for persons and papers, and instructions to report on Monday next.

By leave, Mr. Jones of Galveston, introduced a bill to amend the Direct Tax law— read 1st time. Mr. Mayfield moved the rejection of said bill— lost. On motion, bill referred to committee on Judiciary.

On motion the "War bill" was again taken up. Mr. Mayfield offered a substitute for the bill and substitute under consideration. On motion of Mr. Mayfield, bill and substitute laid on the table and made the special order of the day for Monday, 10 o'clock, A.M.

[The Honorable J. H. Kuykendall of Austin County resigned his seat on this day.]⁴⁶

On motion, the House adjourned until 10 o'clock, A. M., Monday morning.

MONDAY, July 11, 1842.

House met, roll called, quorum present, Journals read and adopted.

Mr. Jones of Galveston presented the accounts of the Steam Packets Neptune and New York: referred to committee on claims and accounts.

Mr. Jones of Galveston, by leave introduced a bill to amend the laws regulating patent rights— on motion, bill passed final reading. House proceeded to dispose of the business on the Speaker's table and to the orders of the day.

A bill requiring the Sec'y of Navy to furnish information of the amount received by our navy from the Government of Yucatan— taken up. On motion, "Sec'y of War and Navy" stricken out and "President" inserted— adopted.

The resolution fining members for non attendance was rejected.

The bill to regulate sales by judgment of Probate Court &c., taken up and referred to committee on Judiciary.

Special order of the day being the war question, was taken up. Mr. Brown moved a call of the House— carried, and an officer sent for absentees. On motion, further call suspended.

Message received from the President— on motion the bill and substitute laid on table, and the message taken up, which was a reply to the enquiry, whether Gen. Felix Huston had resigned; he had done so, but resignation not accepted—

⁴⁶In his resignation Kuykendall stated that "circumstances of a peculiar nature impel him to (and in his opinion) justify this step." Houston immediately ordered Joseph Waples, to issue a writ of election to take place on the 13th instant to fill the vacancy. The resignation is found in Bonds and Oaths and Resignations, Republic of Texas. Endorsed: Resignation J. Hampton Kuykendall 9th July 1842 Refd to the State Dept.

According to the notice of resignation in the *Telegraph and Texas Register* of July 13, Kuykendall was opposed to the bill authorizing offensive war, and learning that many of his constituents were in favor of the measure, he preferred to resign rather than to defeat their wishes.

EXECUTIVE DEPARTMENT,⁴⁷
CITY OF HOUSTON, July 9th, 1842.

To the Honorable, the HOUSE OF REPRESENTATIVES:

In reply to a resolution of your Honorable Body of the [blank] instant, I have to state, that, since the adjournment of your last session, further inquiry and examination have been made into the archives of the War Department; the result of which has been to discover that the resignation of General Felix Huston has been tendered; but, in consequence of the unsettled state of his accounts, with the Department, it was not accepted.

[SAM HOUSTON]

The message was referred to committee on Military Affairs.

Mr. Mayfield introduced a Joint Resolution requiring the President to accept the resignation of Gen. Felix Huston, &c., referred to committee on Military Affairs.

On motion of Mr. Cooke, the war question was again taken up; question on the substitute offered by Mr. Mayfield, supported by Messrs. Mayfield and Brown, and opposed by Mr. Cooke. Mr Wynns moved its rejection.

Mr. Caldwell moved the House adjourn—lost; several motions to adjourn—lost. On motion of Mr. Brown, the House adjourned until half-past 3 o'clock, P.M.

Quarter-past 3 o'clock, P.M.

House met, roll called, quorum present. The "War Question" under consideration. The motion on the rejection of the substitute offered by Mr. Mayfield,⁴⁸ was opposed by Mr. Mayfield. Mr. Mayfield moved a committee be appointed to wait upon Messrs. Robinson and Williamson, to receive their votes—lost. Ayes and Noes then called for and stood—Ayes 27, Noes 5—carried and substitute rejected. Mr. Dancy offered to amend by inserting after the word "domain," "not exceeding 11,000,000 acres: Ayes 16, Noes 16—rejected. Mr. Usher offered an additional section: "Be it further enacted, that this act take effect from and after its passage"—adopted. Mr. Mayfield moved to strike out the word "or sell," after the words "hypothesize:" Ayes 24, Noes 9—carried. Mr. Cooke moved the adoption of the substitute as amended: Ayes 21, Noes 12—carried and substitute adopted. On motion of Mr. Jones of Gonzales, the words "call for" were inserted before the words, "and accept." Mr. Jones of Galveston, moved a call of the House, and Sergeant despatched for absentees. On motion a further call suspended. On motion of Mr. Jones of Galveston, rule suspended requiring members to be present when a question is being put to entitled [*sic*] them to a vote; and on motion a committee was appointed to wait upon Messrs. Robinson and Williamson and receive their votes, they being indisposed. The

⁴⁷Executive Records, Book No. 40, p. 115.

⁴⁸Mayfield's substitute has not been found.

committee return[e]d accompanied by Mr. Williamson. Mr. Cooke moved the previous question The main question being the engrossment of the bill: Ayes and Noes called for and stood— Ayes 21, Noes 14— carried and bill ordered to be engrossed. Mr. Jones of San Patricio, moved a suspension of the rule; opposed by Messrs. Mayfield and Williamson: Ayes 21, Noes 13— it requiring two-thirds to be suspended.

On motion of Mr. Williamson, House adjourned until 9 o'clock, to-morrow morning.

TUESDAY, July 12th, [1842]

[House met pursuant to adjournment, roll called, quorum present.]

The Judiciary Committee made two reports, one in relation to the Chief Justice of Robertson County, and the other in relation to the Revenue— received, and laid on the table to come up, &c.

Committee on Public Lands made a report, and recommended the passage of the bill with amendments, in relation to emigrants— received, and laid on the table.⁴⁹ [The House then took up the orders of the day.]

War bill read 3rd time. Call of the House made.— Ayes and Noes on the final passage of the bill— Ayes, Bower, Caldwell, Cooke, Dancy, Daniels, Dennis, Fowler, Grimes, Head, Hunter, Jones of Gonzales, Jones of San Patricio, Luckie, McConnell, Neibling, Parker of Houston, Raymond, Roberts, Usher, Van Zandt, and Wynns, 21— Noes, Speaker, Brown, Darnell, Forbs, Hewett, Jones of Galveston, Latimer, Mayfield, Parker of Fort Bend, Patillo, Pennall, Robinson and Wood, 14— carried.

Mr. Mayfield gave notice that he would protest against the passage of the bill, in consequence of the vast and extraordinary combination of powers vested in the President, and the unconstitutional features of the bill.—

Mr. Williamson gave notice that he would present his protest also.

Mr. Mayfield introduced a Joint Resolution to man, equip, and fit out the Navy— referred to Naval Committee.

Mr. Jones of Galveston introduced a bill, prescribing in what manner non-resident defendants and unknown heirs shall be made parties to suits, &c.

Committee on Military Affairs reported, that the predatory [peremptory] dismissal of [by] the Secretary of War of Mr. Williams from the service of the Republic without trial according to law, was in violation of law and the rights of said Williams as an officer; also, that interdicting him from again entering the service, was an assumption of power not only delegated by the Constitution, but subversive to the existence of free institutions; therefore, the committee report a Joint Resolution for the relief of Capt. A. Williams— read 2nd and

⁴⁹The reports have not been found.

3rd time— Ayes and Noes on its passage, Ayes 27, Noes 2, carried, bill passed.⁵⁰

House adjourned, until 4 o'clock, P. M.

4 o'clock, P. M.

House met pursuant to adjournment.

[The House took up the orders of the day.]

Bill concerning emigrants, &c.— after considerable discussion and efforts to amend, bill passed 3rd reading.

A bill concerning impost duties taken up— several amendments, and some time spent in discussion. A call of the House made, Ayes and Noes on the amendment of Mr. Darnell— Ayes, 18, Noes, 14— amendment adopted.— Several motions for amendments and references— lost. —Previous question being called and carried, was put, being the engrossment of the bill, Ayes and Noes— Ayes, 25, Noes, 7— carried, and bill engrossed. Bill read 3rd time, and finally passed.

Bill concerning the Chief Justice of Robertson county taken up, and on motion laid on the table until called up.

Special committee reported a Joint Resolution for the relief of Thomas Johnson.⁵¹—

House adjourned, until 9 o'clock to-morrow morning.

WEDNESDAY, July 13th. [1842]

[House met pursuant to adjournment, roll called, quorum present.]

Committee on Post Office and Roads, reported the bill concerning the conveyance of the mails back to the House, without any action thereon— received.⁵² On motion, said bill referred to select committee. The House then took up the orders of the day.

Resolution for the relief of Thomas Johnson— read 2nd time, and on motion, laid on the table during the present session.

Bill concerning non-resident defendants and unknown heirs, &c., and on motion, laid on table during the present session.

The bill concerning impost duties taken up, and amended in several particulars, and after considerable discussion the previous question was called, being the engrossment of the bill— carried. On motion, bill read 3rd time and passed.

Mr. Mayfield introduced a resolution suspending all civil proceedings during the war, &c.— referred to committee on the State of the Republic.

On motion, House adjourned until 4 o'clock, P. M.

4 o'clock, P.M.

No quorum present, absentees sent for, and on motion, House adjourned until 9 o'clock, to-morrow morning.

⁵⁰The report has not been found.

⁵¹The petition has not been found. Thomas Johnson was district judge of the 1st judicial district, elected January 30, 1841. He resigned September 9th of the same year. Election Register, 1836-1842, Book 255, p. 462. See also *Telegraph and Texas Register*, September 15, 1841.

He was also on the Santa Fe Expedition. Public Debt Papers.

⁵²The report has not been found.

THURSDAY, July 14th. [1842]

[House met pursuant to adjournment, roll called, quorum present.

Mr. Porter, the member from Bowie County, appeared and took his seat.]⁵³

Mr. Roberts introduced a Resolution for certain purposes therein named.

Mr. Forbs introduced a bill to amend the militia law— referred to committee on Military Affairs.

Mr. Caldwell introduced a bill authorising the President to accept the services of four companies of mounted volunteers, for frontier protection.

On motion, the vote laying the bill for the relief of Mr. Johnson on the table during this session, was re-considered. On motion, said bill ordered to be engrossed— read 3rd time and passed.

Mr. Jones of Gonzales, introduced a bill declaring the office of Major-General of the Militia vacant, and fixing a day for filling the vacancy. On motion, bill read 2nd time, and amended so as to be elected by the joint-ballot of Congress— Ayes, 17, Noes, 14; further amended, by making said office of 4 years' duration— on motion, read 3rd time and passed.

The resolution for certain purposes therein named, taken up, amended, and referred to Finance Committee.

Mr. Mayfield moved that a committee be raised, with power to send for persons and papers to enquire and ascertain if any contract has been entered into for the negotiation of a loan of \$1,000,000, more or less, &c. Mr. Jones of San Patricio, offered to amend by requiring the committee not to report if, in their opinion, it would be injurious to the country— rejected. Ayes and Noes on its adoption, Ayes, 13, Noes, 15— rejected. Mr. Dancy gave notice, that he would move a re-consideration of the above vote.

Mr. Robinson moved that the Finance Committee be required to perform the foregoing duty. Mr. Cooke moved to amend, said committee be required to conduct said investigation in secret— accepted.

Mr. Jones of Gonzales moved to amend, by inserting said committee particularly to send for and exercise all Englishmen, Frenchmen, Dutchmen, and Belgians, who are in the country, and are suspected of having money, to ascertain if any propositions have been made to them by the President for negotiating a loan— on motion, laid on the table until 3 o'clock to-morrow.

The committee on the state of the Republic, reported a substitute for a Joint Resolution suspending civil process, and recommend its passage; a minority of said committee also made a report— read, and on motion, bill and substitute taken up.

⁵³The Morning Star, July 14, 1842.

On motion, bill, substitute, and amendments, committed to Judiciary committee.⁵⁴

Mr. Van Zandt introduced a bill to provide for holding courts within certain territories therein named, &c.— referred to Judiciary committee.

On motion, the House adjourned until 4 o'clock, P.M.

4 o'clock, P.M.

The committee last mentioned, reported said bill back to the House whole, and recommended its passage— report received, and bill taken up; after considerable discussion, and the rejection of several amendments, bill read 2nd and 3rd times and passed.

The select committee, to whom was referred the subject of the mails, reported a substitute, and recommended its passage— adopted, and bill read 2nd and 3rd times, and on motion, referred to another select committee.⁵⁵

On motion of Mr. Cooke, a bill to divorce Thomas F. McKinney and Nancy McKinney from the bonds of matrimony— taken up. Mr. Grimes offered to amend, by inserting that James P. Hutchenson and Celia Hutchenson, be entitled to the benefits of the above bill— adopted. Mr. Jones of Gonzales offered an amendment, that David Hodge and Lucinda Hodge, be entitled to the same benefit— adopted, and on motion, read 2nd and 3rd times and passed.

Mr. Caldwell introduced a Joint Resolution requiring the President and heads of departments to return to the seat of government— read 1st time.

On motion, the bill to make valid certain acts done in the Judicial Courts, was taken up and amended.⁵⁶

On motion the House adjourned until 9 o'clock, to-morrow morning.

FRIDAY, July 15th. [1842]

[House met pursuant to adjournment, roll called, quorum present.]

The committee on finance, to whom was referred a Joint Resolution for certain purposes, reported by a substitute and recommended its passage— report received, bill taken up, and substitute adopted.⁵⁷ Mr. Dancy moved to amend, by inserting a provision that no mil[e]age should be allowed for travelling to and returning from the city of Houston. Mr. Fowler moved to amend, so as to exclude per diem pay also. Mr. Van Zandt moved the rejection of the amendments— Ayes, 21, Noes, 8, carried. Mr. Cooke offered to amend, by inserting that the members of this Congress in view of the embarrassed condition of the country, will not receive their mil[e]age or per diem pay, and that all unexpended balances of appropriations made

⁵⁴The reports have not been found.

⁵⁵The reports have not been found.

⁵⁶The amendment has not been found.

⁵⁷The report has not been found.

for the payment of the above, are hereby cancelled, except so much as will pay the clerks and officers of both houses. Mr. Mayfield moved to amend, by appropriating the balance after paying the clerks, &c., for transportation of the mails. Mr. Van Zandt moved the previous question— Ayes and noes called for. Ayes— Messrs. Bower, Brown, Daniels, Fowler, Head, Hewett, Lattimer, Luckie, McConnell, Neibling, Parker of Houston, Patillo, Pennell, Porter, Raymond, Roberts, Usher, Van Zandt and Wood, 19. Noes— Messrs. Speaker, Caldwell, Cooke, Dancy, Forbs, Grimes, Jones of Gonzales, Jones of San Patricio, Mayfield and Wynns, 10, carried, and bill engrossed. On motion, rule further suspended, and bill read 3rd time and passed.

A message received from the Senate informing the House of the passage of the war bill with amendments.

Committee on claims and accounts, to whom was referred the claims of the Steam Ships, reported by bill and recommended its passage— report received,⁵⁸ and a bill appropriating a portion of tonnage duty hereafter to accrue— on motion, bill read 2nd and 3rd times, and on motion, re-committed to a select committee relative to the removal of the seat of government— report received, and on motion of Mr. Grimes, the bill and substitute was suspended until to-morrow; on motion, made the special order for to-morrow, 10 o'clock. Mr. Grimes gave notice that he would make a counter-report.

The committee on finance, to whom was referred the Joint Resolution authorising the Secretary of Treasury to divide the bonds of government in the hands of F. Dawson, reported by substitute, and recommended its passage— report received, on motion bill laid on the table.⁵⁹

On motion, the war bill was taken up, and the amendments of the Senate adopted. Mr. Mayfield moved to amend, by reserving the Cherokee country, or the interests of parties in that country.

On motion, House adjourned until half-past 3 o'clock, P.M.

Half-past 3 o'clock, P.M.

No quorum, officer despatched for absent members— a quorum being at length obtained, after considerable discussion and numerous motions, &c, on unimportant matters, the House adjourned until 9 o'clock to-morrow morning. The amendments to the war bill under consideration.

SATURDAY, July 16. [1842]

[House met pursuant to adjournment, roll called, no quorum present.]

Officer dispatched for absent members— returned with suffi-

⁵⁸Neither the bill nor the reports have been found. The steamships *Neptune* and *New York* petitioned that they be allowed, in the payment of their tonnage duties, the amounts which may, upon presentation of the proper vouchers to the collector of the port of Galveston, be found due them for the transportation of troops, stores and public property in the months of March, April and May in the year 1842. Bill introduced into the 7th Congress provided this be done if the amount did not exceed \$1000.

⁵⁹The report has not been found.

cient to make a quorum, when the committee on the Judiciary, to whom was referred a joint resolution for the suspension of civil proceedings during the war, &c., reported by substitute and recommended its adoption— received and bill laid on the table to come up among the orders of the day. Mr. Van Zandt gave notice that he would make a counter report.

The committee on Naval Affairs reported concerning the outfit of the Navy, pay of officers and seamen, &c., report received and bill read first time.⁶⁰

The "war bill" under consideration when the House adjourned, the 3d amendment of the Senate was adopted, 22—12. Mr. Mayfield moved consideration of the vote calling for the previous question. Ayes 17 and noes 16, vote reconsidered. Mr. Mayfield moved the adoption of his amendment to third amendment of Senate. Mr. Van Zandt offered a substitute for the above amendment— adopted. Ayes and noes on its adoption. Ayes 13, noes 20— rejected. Question then taken and third amendment adopted. 4th amendment of Senate, being that each volunteer or person drafted, who shall continue in the service six months, shall be entitled to six hundred and forty acres of land. Mr. Dancy moved its rejection— lost and amendment adopted.

Messrs. Van Zandt and Wynns, members of the judiciary committee, made a counter report concerning the suspension of civil proceedings during the war, recommending the passage of a bill to stop proceedings against those engaged in the war— report received and to come up among the orders of the day.⁶¹

A bill providing for the meeting of Congress on the 1st December—read twice.

House adjourned until 4 o'clock.

4 o'clock, P.M.

On motion the bill to alter the annual meeting of Congress was laid on the table.

Several messages received from the President of various subjects—

EXECUTIVE DEPARTMENT,⁶²

CITY OF HOUSTON, July 15th, 1842.

To the Honorable, the HOUSE OF REPRESENTATIVES:

In answer to a resolution of your Honorable Body, asking information in relation to a certain loan said to have been recently made, &c., I herewith submit a plan of the contract, as now on file in the Treasury Department. In consequence of the unexpected absence of the commissioner appointed to close the negotiation, occasioned, as I am informed, by indisposition, I am not able to lay before the House the precise conditions of the loan. The variations, however, from the copy now furnished are unimportant.

⁶⁰The reports have not been found.

⁶¹The report has not been found.

⁶²Executive Records, Book No. 40, pp. 118-119.

If the report of the commissioner is received before your adjournment, it will be with much pleasure transmitted to your Honorable Body.

[SAM HOUSTON]

TREASURY DEPARTMENT July 5th 1842⁶³

To his Excel[*l*]ency SAM HOUSTON

SIR

In compliance with a Resolution of the Honorable House of Representatives calling upon the Secretary of the Treasury "for information in relation to a loan said recently to have been made. I have deemed it proper to submit to your excellency the conditions of said contract to be laid before that Honorable body with such remarks as you may deem proper. As yet no official communication has been received by this department from the Honl Anson Jones Commissioner to make enter [*sic*] into said negotiation

Signed W G CRUMP
Actg Sec Treasury

CITY OF NEW ORLEANS⁶⁴) Loan
U. S. OF AMERICA,)\$ 1.000.000.

This Contract of Agreement made and entered into at the City of New Orleans, United States of America, this..... day of..... A. D. 1842: One thousand Eight hundred and Forty-two, between Anson Jones, Commissioner in behalf of the Government of Texas, duly appointed and empowered to negotiate a Loan of money, provided for by an Act entitled an Act to Authorize the President to negotiate a Loan of (\$1.000.000.) One Million of Dollars, Approved January 22d 1839.— of the first part, and Alexander Bourgeois (dé Orvanne.) of the second part, WITNESSETH:— That the said Commissioner Anson Jones of the first part, this day agrees and contracts with Alexander Bourgeois (dé Orvanne) of the second part, for a Loan of (\$1.000.000.) One Million Dollars to the Republic of Texas upon the terms and Conditions following, to wit:

That the said Loan as above specified be paid over to the Government of Texas in three equal instalments, (1st) First Instalment two months after notice of the negociation of contract is received. (2d) Second Instalment One year after completion of negociation.— (3d) Third Instal[men]t Two years after completion of said Contract.— The said amount of money to be paid in the United States of America in Drafts on Paris, to be deposited in such Bank or Banks as the President of the Republic may order and direct, or in Gold and Silver. The aforesaid loan is to be redeemable in the United States at the

⁶³Financial Papers. Endorsed: To President July 5th 42

⁶⁴Financial Papers. Endorsed: Copy of form Contract for Negotiating a Loan of \$1.000.000 1842 Loan not made.—

time and manner following, to wit:— One half to be paid after nine years from date of negotiation.— The other one half to be paid one year thereafter.— The loan to bear Interest at the rate of (7.) Seven per cent. per annum, payable Semi-annually, in the United States.— Interest to commence only from time of payment of each Instalment. The interest to be deducted from each Instalment for one year year [*sic*] at the time of payment.— As a guarantee and Security for the payment of principle and Interest of said loan. The Government of Texas hereby agrees to hypothecate and pledge (1st) The Revenue arising from the Custom Houses in the Republic of Texas, commencing three years after the payment of the first Instalment, to be paid in Gold and Silver (2d) Second, the proceeds arising from the Public Domain. (3d) Third, One Million of Acres, Cherokee Land, lying and bounded as follows:— Commencing at the head Spring of the Neches, and running from thence in a direct line to the head waters of the Sabine River, and extending down said Rivers, as nearly equal as practicable, so as to include by direct lines drawn from one to the other of Said Streams, One Million of Acres of said Land. (4th)— The alternate Sections of Land embraced in the Contracts of Colonization between the Government of Texas of the one part, and A. [blank] of the second part, under date of the 3d June A.D. 1842.— which Sections are reserved in said contract by the Republic of Texas.

The Condition of the above obligation is such, that in case of a failure to pay the principal and Interest on the part of the Government of Texas, to the Stockholder of said loan.— then and in that event the above hypothecated land shall be sold and the proceeds thereof applied to the liquidation of said Debt, and the Stock of said loan shall be receivable in payment of said land when sold.

And it is furthermore agreed that the Holders of said Stock shall have the privilege of purchasing said land at the rates of (\$3.) Three dollars per Acre, to be entered any time after the fulfilment of the above agreement payable in Gold and Silver, or the Stock of said Company to the amount of principal and Interest of said loan. The expenses of the Banking House in the United States, for receiving and disbursing said loan to be at the charge of the Government of Texas.

Be it furthermore provided, that the above loan, is in no event, to be made at a less rate than 75 cents on the dollar.

Be it further agreed, that in case the said [blank] of the second part, should fail to comply with the conditions of the above obligation, on or before [blank]

Then, and in that event it Shall be optional with the President of the Republic of Texas, to cancel and annul this contract at his discrecion [*sic*].

[The following messages were received and read.]

EXECUTIVE DEPARTMENT,⁶⁵
CITY OF HOUSTON July 15th, 1842.

To the Honorable, the HOUSE OF REPRESENTATIVES:

In reply to a resolution of your Honorable Body of the 1st instant, I herewith transmit an estimate from the War Department of the amount required to pay, equip and provision four companies of cavalry for six months.⁶⁶

[SAM HOUSTON]

EXECUTIVE DEPARTMENT,⁶⁷
CITY OF HOUSTON, July 16th, 1842.

To the Honorable, the HOUSE OF REPRESENTATIVES.

I herewith transmit, in compliance with certain resolutions of your Honorable Body, estimates of the amount required to support the Navy at sea— for six months; also, a statement from the War Department in relation to the disposition made of the money received from the Government of Yucatan; and also a statement from the same source, in relation to the government vessel which was to have been prepared for sea by private capital and enterprize.⁶⁸

To comply with the resolution asking for all the orders, &c., issued to the militia or volunteers, &c., a transcript of a large portion of the records of the Executive and War Departments would be necessary; to accomplish which would require an amount of labor not to be performed within any reasonable period.

In answer to the inquiry in reference to the amount of friendly contributions received, &c., I have to state that no official report or return has, as yet, been made to the Government of any contribution whatever, with the exception, perhaps, of the report of the Collector at Galveston, who acknowledges the receipt of a small supply of provisions and equipments, amounting in value to less than five hundred dollars. I have been informed that a contribution of some eight hundred dollars in money was forwarded to one of our agents in New Orleans, from Georgia; none of which, however, ever came into the hands of the government, or been appropriated by order of the Executive.

[SAM HOUSTON]

[The following account is found.]⁶⁹

⁶⁵Executive Records, Book No. 40, p. 118.
⁶⁶The estimate has not been found.
⁶⁷Executive Records, Book No. 40, pp. 119-120.
⁶⁸Neither the estimate nor the statement has been found.
⁶⁹Financial Papers. Endorsed: Account of Wm Henry Daingerfield Contributions Examined \$927.44 Day Book page 6
In *The Morning Star*, March 31, 1842, it is stated that Mrs. Sarah Barnes of Mobile gave \$200 to aid the committee in fitting out the volunteers for Texas.

The REPUBLIC OF TEXAS

In Account with WM HENRY DAINGERFIELD for *Contributions*
made to The Republic of Texas

1842					
April 17	To	Receipt of H Washington	Marked A	624.06	
" "	" "	" " " " " "			
					for 10 Bbls Beef
" 7	"	Bill of H L Stone & Co	Marked B	138.23	
" 13	"	" " V Whitcomb & Co	Marked C	102.—	
" 12	"	" " Daquien & Bros	" D	12.88	
" 14	"	Receipt of S P Andrews	" E	10.00	
" "	"	" " H Washington	" F	5.00	
" "	"	Part of Board Bill in N Orleans at St Charles Exchange*		35.27	
					Dolls 927.44

* N. B. The Board Bill at the St Charles Exchange for \$35.27 is included in Voucher No. 9—. With the Returns for disbursements as Secy of the Treasury sent with this—

C MASON Auditor

Cr

1842				
April 8	By	contribution [added in pencil:] Augusta Committee Georgia		927.44
" "	" "	contribution of 10 Barrels Beef [added in pencil:] from Sanderson Robert N. Orleans		
				Dolls 927.44

WASHINGTON Dec 7th 1842

I certify that the above account is correct

WM. HENRY DAINGERFIELD

EXECUTIVE DEPARTMENT,⁷⁰

CITY OF HOUSTON, July 16th, 1842.

To the Honorable, the HOUSE OF REPRESENTATIVES.

From the documents transmitted to me from the French Legation near this government, and herewith laid before your Honorable Body, it will be perceived that relief is sought by M. de Saligny as the agent of Count de Pontois,⁷¹ for certain losses sustained by him from the neglect or refusal, as is alleged, of the stock commissioner, to issue him the certificates of stock to which he was entitled under the law, and which he might at that time have transferred or sold, in accordance with the instructions of his principal, &c.

I have to ask, therefore, that the Honorable Congress, will

⁷⁰Executive Records, Book No. 40, p. 119.

⁷¹Concerning De Pontois' claim against the Texas government, see Garrison, *Diplomatic Correspondence*, III, 1368-1371.

take such action upon the subject as shall be just and proper, and as shall be satisfactory to the party aggrieved.

[SAM HOUSTON]

Messages received from the Senate of the indefinite postponement of the bill concerning emigrants (receiving land, &c.) and a bill concerning impost duties: also a joint resolution for the relief of Thos. Johnson— also a joint resolution authorising the President to remove the Land Office, &c.

On motion the bill defining the meeting of Congress was taken up and read 3d time and finally passed.

Joint resolution for the relief of Capt. Williams, taken up and substitute of Senate adopted.

Resolution tendering a vote of thanks to the volunteers from the United States passed.

Bill to fill vacancy of Major General taken up and substitute of Senate adopted and amendments offered and all referred to Committee on Military Affairs.

Mr. Dancy introduced a resolution for the relief of Mail contractors —referred to committee on post offices and post roads.⁷²

Mr. Raymond introduced a bill to prevent locating public lands during the war— referred to committee on public lands.

Mr. Woods introduced a bill to divorce certain persons. Mr. Van Zandt moved an amendment so as to include others— adopted. Several other amendments offered and rejected, and bill finally passed.

Bill concerning the removal of the seat of government, &c., taken up with the substitute of the majority of the committee, and again laid on the table, and bill concerning the removal of the government offices taken up and read 1st time.

Bill authorising Secretary of Treasury to divide the bonds of F. Dawson, &c., taken up and amendment passed.

Bill authorising the President to accept the services of four companies for frontier protection taken up and referred to committee on military affairs.

Mr. Wynns introduced a resolution for certain purposes therein named.

Bill authorising the county court of Brazoria county to levy tax, taken up and laid on the table till Monday morning.

House adjourned until Monday morning.

HOUSTON, July 18, 1842.⁷³

[House met pursuant to adjournment, roll called, quorum present.]

After disposing of several matters of minor importance, Mr. Grimes introduced his report and resolution from the minority of the select committee appointed to investigate the propriety

⁷²The resolution has not been found.

⁷³The journals for July 18, and 20, are from *The Galveston Civilian and Gazette*, July 24, 1842. The report is in the form of a letter and only that portion relating to the journal is given here.

of the removal of the Archives.— The resolution proposed the immediate removal of all the Archives to a place of safety, to be determined by Congress, and as a matter of course elicited a warm debate, and was finally laid on the table for the purpose of allowing the member elect from Austin County to present his credentials and take his seat.⁷⁴ As the election was contested a very lengthy argument took place, in which Messrs. Porter and Van Zandt were more conspicuous. The question being put "shall Gen. Portis take the oath of office and his seat?" the ayes and noes called and stood 17 to 14. He was then sworn in and took his seat, and on motion the credentials produced by Gen. Portis together with other documents produced by the friends of Hon. A. S. Lipscombe, who contest the election, were referred to a select committee, but I doubt very much whether they will have time to report before the house adjourns *sine die*.

Mr. Mayfield introduced a resolution calling upon the Secretary of the Treasury for further information relating to the one million Loan, and availed himself of the opportunity as he generally does on almost all occasions to make a great many remarks not particularly complimentary to the Executive, and in my humble opinion entirely irrelevant and uncalled for, and I really think the house were pleased when the gentleman from Washington, Mr. Williamson, took the matter in hand, to the astonishment of many, as he has been opposed to the President, and in his peculiar manner handled Mr. Mayfield, to use a common phrase, without gloves, much to the amusement of all within hearing. This led to a reply from Mr. Mayfield, and from the portion of it which I heard I doubt whether *Willy*, as he is familiarly termed, made much by the bargain.

A joint resolution, originating in the Senate, was then called up and passed, providing for the adjournment of both houses of Congress *sine die* on Wednesday next at 12 o'clock M.

The war Bill has not yet been acted upon by the Executive, and if I am allowed to prophecy it will be vetoed, and if so it will elevate Gen. Houston so far above all his enemies that henceforward he will be invulnerable to the shafts so lavishly aimed at him.— His refusal to accept the almost unlimited power vested in him by the provisions of this Bill will evince his superior strength of mind in refusing what his enemies have so loudly declared was his only object and desire— the complete control of the purse and sword.

[An act to incorporate the City of Houston and to repeal certain other acts therein named from the Senate was read first time, rule suspended, read second time and referred to judiciary committee.

Joint resolution respecting the removal of the public offices, &c. from the Seat of Government read second time.]⁷⁵

⁷⁴The election returns have not been found.

⁷⁵See Bills, Nos. 2602, 2606.

The Bill regulating the pay of officers, sailors, and marines, and providing for fitting out the Navy was taken up, on motion of Col. Cooke, and after some discussion was laid on the table, by Mr. Mayfield moving an adjournment until to morrow morning at 9 o'clock.

[CITY OF HOUSTON, July 19, 1842

House met pursuant to adjournment, roll called, quorum present.

Joint resolution respecting the removal of the public offices &c. from the Seat of Government read third time.*

House adjourned to meet tomorrow morning at 9 o'clock.]

HOUSTON, July 20, 1842.

[House met pursuant to adjournment, roll called, quorum present.]

Very little progress has been made during this week in disposing of the business before the House, most of the time being consumed for two days, in arguing the seat of Government question. The debate arising from the introduction of a Bill which originated in the Senate, for the removal of the archives to the town of Washington, on which all rules were suspended, but I expect it will meet with a different fate in the House although I should not be surprised at any action that may be taken on the matter, as all will depend upon the humour of the House, and I presume the state of the atmosphere. There never was a greater misnomer applied to any set of men congregated together for any purpose, than the name of deliberative body applied to the House of Representatives of Texas, for in my humble estimation, they do not deliberate on any thing, and the best evidence of this fact will be the journals of the House, which I am confident will show a greater number of re-considered votes and more contradictory legislation, than any record of a like nature in existence. I am of the opinion that if Congress will not adjourn this week, that the removal of the seat of Government will be effected. As the question now stands, there is [*sic*] before the House two Bills, one censoring Gen. Houston for attempting the removal of the archives and declaring Austin to be as safe a place as any other for the archives, and another declaring it unsafe and requiring the immediate removal of all the Government offices to Washington; and I should not be at all surprised if both of them passed.

A bill to suspend the courts during the war, introduced by Mr. Mayfield, is now on its third reading. The original Bill, as introduced, would have been a fit companion for the negro suspension Law, but in its present shape it is not quite so injurious, as it only provides for the suspension of proceedings against those who may be in the field.

The House of Representatives and Senate were at issue during the whole of the morning session, on the question of adjourn-

*See Bill No. 2606.

ment, and at 12 o'clock a committee was appointed to wait upon the Senate and inform that body that the House was ready to adjourn in accordance with a joint resolution of both houses, and an answer was returned that the Senate had rescinded and were not prepared to adjourn. A committee was also appointed to wait on the President. They returned with a verbal message from him begging of the House, in the name of their wives, children, and their country, not to adjourn without making some arrangements to sustain the currency, as in the event of their doing so, the operations of the Government would be suspended, as under existing circumstances they could not be carried on much longer. After much debate the House reconsidered the vote to adjourn, and a message from the President was read and referred to the Finance Committee. It recommended the hypothecation of a portion of the Cherokee Lands for the purpose of redeeming the Exchequer Bills. I have no doubt but this will create a lengthy debate, and the only manner in which I can imagine that Congress will adjourn in less than ten days, will be the departure of some portion of the members, who are aware that the pay will fall quite short of their *per diem* allowance, and who have no object in remaining under those circumstances.

EXECUTIVE DEPARTMENT,"

CITY OF HOUSTON, July 19th, 1842.

To the Honorable, the HOUSE OF REPRESENTATIVES:

A resolution of your Honorable Body, of this date, asks for a plan for the improvement and preservation of our currency.

The object is of the most vital importance—upon its achievement depends the efficiency, and perhaps the very existence of the Government. Individual welfare, also, as well as the national prosperity, is deeply concerned. It is worse than vain, however, to hope for the establishment of the desired system, without first providing a basis for the superstructure. Long experience and my daily observation, have taught me to distrust the efficacy of mere articulate sounds as the ground work of confidence. In matters of finance and business, there must be something tangible—something available as a last and certain dependence and security for the fulfilment of paper promises to pay. This is peculiarly the case with a government whose faith has been so frequently broken and whose credit is at so low an ebb as our own.

To my mind, there is but one remedy— but one plan which can be adopted with any prospect of success. It is, in substance, what I have more than once, with great solicitude, recommended to the Honorable Congress, and which constituted one of the prominent inducements to convoking the present session.— Let the direct taxation be graduated at just one half what it was at the beginning of the last session of

"Executive Records, Book No. 40, pp. 123-124.

Congress: Let the Executive be authorized and empowered to establish such ports of entry on the Eastern frontier as may be deemed necessary: Let the collectors have the power to call out such of the militia of the country as may be requisite to enforce the laws: And, generally, let the Executive or Secretary of the Treasury be empowered to make such regulations as may ensure a speedy and efficient execution of the laws and the successful collection of the impost revenues.— Let, say, four hundred thousand acres of the Cherokee Lands be specifically designated and set apart as a guaranty for the redemption of the government paper authorised by law to be issued—the said lands to be subject to the disposition of the Executive for that purpose, in such manner and at such time, as he in his judgment, may think necessary for the benefit and preservation of the currency— always presupposing that the issue of the Exchequer paper be rigidly confined to the amount at present authorised by law.

Having thus laid before your Honorable Body the main points of a system, which I have the strongest confidence would prove entirely practicable and secure to the nation the great blessing of a good currency, I cannot refrain in conclusion, from invoking for them your early and earnest consideration.

The condition of the country must be apparent to all. It would be unavailing to recite the causes which have produced it. It is sufficient to know that the country is in imminent peril, and that something must be done to resuscitate a sinking currency upon which so much— upon which, indeed, our all depends. The Navy cannot go to sea— the officers of government cannot be supported— the government must inevitably cease its functions unless something is done— and done quickly. Wreck and ruin are fearfully conspicuous on every hand. The period in which we could rely upon credit unsupported and the ink and paper of our statute books, has passed away. We must now turn to something tangible and substantial. It is in the power, and it is the province of the Congress to provide relief. Will they do so?

I have performed my duty; and now commit the fate of Texas to the patriotic wisdom of her assembled counsellors! May God direct them in the choice of the proper course, and avert from our unhappy country heavy and impending evil.

[SAM HOUSTON]

[A bill, from the Senate, to be entitled an act to secure the more certain collection of impost revenue was read first time, rule suspended, read second time and referred to Finance Committee.

A joint resolution from the Senate fixing the pay of officers, seamen and marines of the Navy and for other purposes was adopted as a substitute, rule suspended, read third time and passed.⁷⁸

⁷⁸See Bills, Nos. 2612, 2611, 2589.

The following resolution was passed:]

Resolved by the House of Representatives that the Chief Clerk of this House be authorized, if necessary, to employ an assistant to help him record and bring up the back business and also the business of the present session of the two Houses of Congress— said Assistant to receive the same pay as Assistant Clerks of the Departments of Government, to be paid out of the Contingent fund of Congress upon the approval of said chief Clerk⁷⁹

A Bill to increase the pay of officers in the navy and making appropriations for sustaining that arm of our national defence for six months, and also for fitting out the Zavala and the Brig Wharton passed the House this evening after much discussion; but I expect it will return from the Senate much altered and amended, as it differs very materially from the Bill originating in that body, which was sent to the House, and for which this is a substitute.

It is confidently expected that the President will either sanction the War Bill or return it with his veto to-morrow, and if he veto the Bill, which I think quite probable, I presume he will suggest some plan of operations for the defence of the country; but so far he has pursued a non-committal course.

[The House adjourned until tomorrow morning at 9 o'clock.]

[HOUSTON, July 21, 1842

House met pursuant to adjournment, roll called, quorum present.

A bill to be entitled an act to secure the more certain collection of impost revenue was taken up and passed to a third reading.

A bill to be entitled an act to regulate the collection of impost duties was read first time, rule suspended, read second time and referred to committee on finance.⁸⁰

Mr. Mayfield's protest against the War Bill was read.]⁸¹

In the present attitude of our country, it appears to me that nothing else but a declaration of war on our part, can redeem the country from obliquy [*sic*], ransom our fellow-citizens from disgraceful servitude and confinement; for the sin of bearing our national standard on an errand of peace; maintain the integrity of our soil, and extort an acknowledgement of our Independence. The accumulated evils which have oppressed and paralyzed [*sic*] our land for the last six years, in my opinion have been engendered by our apathy and submission, and while our western territory is one unvaried scene of embarrassment and distress, and confidence declines in the face of such embarrassments, it seems to me that resistance [*sic*] is the only remedy. I came with alacrity and zeal to fulfil my duties to the country in this house; harboring with all confi-

⁷⁹Miscellaneous Papers, Sixth Congress. Endorsed: No. 3. *Adopted Simple Resolution*

⁸⁰Bills, Nos. 2612, 2610.

⁸¹In *Telegraph and Texas Register*, August 3, 1842. Williamson's protest has not been found.

dence the hope, that warlike measures would be adopted, and the field fully opened to our patriotism and chivalry. But measures have taken a dubious if not a dangerous turn; the public will has not been declared and all the power of this Nation is resigned to the discretion of the President, the true issue has not been presented, and Congress has behaved rather as an auxiliary than an independent branch of the Government. While every opportunity has been denied to record myself the advocate of war, the necessity is imposed to record myself the enemy of an unlawful concentration of power in the same hands.

This unholy union of political power in the same hands is to be found in an act entitled "an act to authorize offensive measures against Mexico and for other purposes," passed at our present session.

If the passage of that act were an exercise of the power of this body "to declare war" it should have my most cordial approbation and strongest support. A part of the first section requires the President to engage volunteers— one of the preliminaries to war, but the after part allows him to operate or not to operate with them, as his judgment may decide— which to say the least leaves the result of our deliberations uncertain. But this is a slight objection compared to its conflict with the Constitution.

Has Congress declared that we shall engage in war with Mexico? No! But it has decided that with the concurrence of the Executive we shall have war. Now the power of declaring war is not a power to be exercised jointly by the Congress and the Executive, but it is a power confided solely to Congress, and if they do not exercise that power in an unequivocal manner it cannot be exercised at all.

Assuming then that a declaration of war subject to the after ratification and approval of the President, is no declaration of war, we must treat an advancement on Mexico hereafter by the President as an act of usurpation and not of law. The first section of the act declares, "that the President shall direct the commencement of operations at such time and in such a manner as he in his judgment may deem compatible with the public interest." If his judgment dictates submission instead of war, can it be said that Congress has declared war? Has it established a law that we shall invade Mexico? Not at all. If the judgment of the President dictates war, will that war result from the discretion of the President or the will of Congress? Plainly the former. So I record my protest against this bill, *because it avoids the duty we ought to have performed*, and because it confers a power of which no agency can divest this body, because it leaves to the President a power inconsistent with his office, and divests Congress of a power that cannot be bestowed.— "Congress shall have power to declare war," and do all things necessary to carry that power into effect; but does this mean that it may break down the partitions the Constitution has established, and destroy its neces-

sary distinctions. The departments of power shall be forever separate and distinct; and is not all distinction obliterated when the Congress and the Executive make a conditional partnership of the power to declare war, or when Congress evades the duty of deciding positively for or against such a measure, and submits it to the judgment of the President? Such a measure was intended solely for the judgment of Congress. The President, in such a case, is blind Executive agent, sworn to perform its will, sworn to execute the laws, but left entirely without judgment or discretion on that subject.

Suppose that Congress decided that we should have a tariff to go into effect, when the President should indicate his belief in its utility: would it not be a nullity? An act of Congress is a law, leaving no discretion or it is nothing, for if it depends on the action of any other person, it is not their act.

Fully equal to my objections against such an exercise of judgment by the President as the first section of the bill contemplates, is my objection to the course in which it is to be exercised for the advancement of the public interests. The President cannot do more than he is sworn to do, indeed if he does more of whatever kind in a political capacity he transcends his power. He is only sworn to fulfill specific duties, of which this is not one, and to preserve, protect and defend the Constitution of the Republic, and Congress is empowered to provide for the common defence and public welfare. To Congress is committed the public interests— by the latter clause of this section they have transferred the trust to the President.— The President cannot consider the public interest general [sic], when Congress have ascertained the public interest, he is to support them, but he has no right to reason about them.

The several objections I have enumerated constitute one great objection to the first section of the bill. That in every feature from first to last, the Congress has devolved their power upon the President, all of which is unconstitutional: first, because the power of Congress is so delegated that it cannot be transferred: and lastly, when the power of Congress can be executed by agents the President cannot be one, for the departments cannot remain distinct, and yet share the same powers.

My next prominent objection is to the seventh section. The Constitution declares that "Congress shall have power to borrow money on the faith, credit and property of the Government," and this section gives the power to the President. Can both the President and Congress raise money on the property of the Government? If they can there is no distinction between them. Yet the Constitution says an actual distinction shall exist.

It was certainly intended that this and every other such power should be executed by agents, else the members of Congress could be the collectors of customs, &c. But there is an obvious impropriety in selecting the President as an agent,

for he would be brought under control of Congress, when the Constitution requires that he should be independent of it; he would be constituted a treasurer and a fiscal agent for the Government, which united with his real powers would form a despotism at once irresistible [*sic*] for its seductions, and awful for its strength— a concentration repugnant to the Constitution and subversive of the ends of regulated Governments. The President must execute all constitutional laws; but this cannot be deemed a constitutional law, which elects the President treasurer for an indefinite time— which taken *altogether*, places *the sword and the purse of the Nation in the same hands*— which confounds the distinctions required by the Constitution, and aims at the union of both branches of the Government, when the Constitution exacts that they remain forever separate, distinct, and independent.

"The departments of this Government shall remain forever separate and distinct," says the first page of the Constitution, which means that they shall exercise different powers and perform different offices. Of what effect is this clause, if the power of Congress to raise a revenue for the support of a war is assigned to the President?— How can they be separate when one is the agent of another? How can they remain distinct if both enter on the same duty? One independent branch of the Government can no more be the agent of another, with one forming an union or casting off independence, than one independent man or nation can be the agent of another independent man or nation, without doing the same thing.— The loss of independence to either of these departments destroys the integrity and signifies the dissolution of the Government.

This seventh section is liable to all the objections of the first, for both taken together form that coalition of powers out of which that centralism sprang in Mexico, which threatened to extinguish the scattered lights of freedom here— which engendered our hostility to *tyrants and priests*, and resulted in the independence of Texas. Against such an alliance we declared independence and erected a Government which may fall a victim to the same circumstances that created it.

I believe that the militia are subject to the will of Congress when war is declared of whatever sort it may be; and I believe that a war is the only refuge we have from the evils which assail us; but this bill commits unconstitutionally vast powers to the President, which he would not execute if he could avoid.

For he has lulled and deceived the people by open promises of war, while his secret machinations were at work to dismay the public hope and chill the general enthusiasm to avert war if he could, and leave the people to submission and despair.

Entertaining, therefore, these views and sentiments I am forced to make this my most earnest and solemn protest against the passage of said bill: and do hereby solemnly protest against the same, and demand that this my protest be spread on the Journals of this House.

JAMES S. MAYFIELD

[HOUSTON, July 22, 1842

House met pursuant to adjournment, roll called, quorum present.

The veto message of the President to the bill "authorizing offensive war against Mexico and for other purposes," was received and read.]⁸²

EXECUTIVE DEPARTMENT,
CITY OF HOUSTON, July 22d, 1842.

To the Honorable, the HOUSE OF REPRESENTATIVES:

The bill authorising offensive war against Mexico and for other purposes, has been presented to the Executive for his approval. He has rendered to it that consideration which the importance of the measure, as well as the provisions contained in it demand.

In contemplating a war of invasion, the Executive has at all times been satisfied that to effect any thing truly advantageous to the country, means would be necessary; and assurances from various sources that they would be furnished in abundance, induced expectations as great as even the most credulous would have entertained. Men and means were promised to any extent and all seemed alive to the subject of invasion. Enthusiasm was universal, and few seemed willing to halt and ponder calmly our situation. In various parts of the Republic, the feeling was so great, that many were unwilling to await the action of the government, but without counting the cost, and in despite of the Executive or the sanction of any constitutional authority, were anxious to advance upon Mexico. Accordingly, such measures as the Executive was authorised to sanction, with a view to the expectations thus excited, were cheerfully adopted.

In order to arrive [at] some conclusion upon the facts which were daily developing, satisfactory to the country in its present condition, the Honorable Congress was convened, as well as to give their sanction to the course to be pursued and to raise the necessary means, for the prosecution of offensive operations, in the event that such should be their decision. In arriving at the conclusion to invade Mexico, many difficulties and embarrassments were presented, which, to my comprehension, still exist.

If Mexico is invaded, it must be by a force, whose term of service will not be less than one year and whose numbers should not be less than five thousand men. If volunteers for

⁸²Veto Message of the President of the Republic of Texas to the Bill "authorizing offensive war against Mexico and for other purposes." [At end:] Telegraph press—Houston. 4 p., printed in double columns. Caption title. Also in Executive Records, Book No. 40, pp. 126-131. The message is printed in *The Morning Star*, July 26, 1842; in the *Telegraph and Texas Register*, July 27, 1842; in *The Northern Standard*, August 20, 1842; the *Colorado Gazette and Advertiser*, July 22, 1842; the *Austin City Gazette*, August 17, 1842; and *The Civilian and Galveston Gazette*, July 29, 1842.

The bill, on pages 125-127 of this journal, is also printed at the beginning of this message.

a less term of service than one year, or during the war, should be employed they would not be able to achieve any object of importance. Six months would be necessary to perfect them in the manual exercise, the drill and the duties of the camp. No time would be afforded for operations against the enemy. As soon as the time for which they were engaged would expire, if they were not discharged, discontent and mutiny would arise, with a breaking up to finish the catastrophe. Five thousand men returning to the settlements of Texas, disorganized and exasperated, would be more formidable than four times their number of the enemy invading us.

If the country is once entered, with a view to extort the recognition of our independence; we must not for a moment abandon our object; for if we should surrender any advantage, upon a second attempt we should find increased difficulties and a disposition against us on the part of our enemy of the most desperate and determined character, arising from various causes.

The place of volunteers would have to be supplied by drafted militia, with whom discontent might very reasonably be expected, if any attempt should be made to detain them for a longer time than six months,— if they would, indeed, be willing to submit to the call for an offensive war beyond the limits of the Republic for even that time. In the prosecution of an offensive war there should be no question as to the right of the government to command the services of its citizens. Unfortunately, at the very outset, the question arises: Has the Congress the power, by the constitution, to order a draft, and compel the citizens of the Republic to march beyond our limits in a war of invasion? If this power exists, it is not to be found among the enumerated powers expressly delegated by the constitution to the Congress; and to me it is clear that no such power has been delegated but is expressly reserved to the people. If Congress does not possess such power, then such a law would be unconstitutional. Were the Executive to sanction any such law, with a belief that no such power did exist, he would violate his duty to his country and to himself.

To commence invasion, the troops should be engaged for and during the continuance of the war; and for one year's service, with such a force as will ensure success, not less than two millions of money will be required— embracing at the same time the supplies we might derive from our enemy. To command this amount of money would have been difficult for our country at any period, and particularly so at this time, when embarrassments exist to a more distressing extent, than perhaps at any previous period in our history. That we have valuable and almost boundless resources, all will admit; but they are not available, and we have not therefore the means indispensable to the prosecution of a campaign.

Resources are one thing— means are another. Instead of means, Congress has placed at the disposition of the Executive ten millions of acres of land, for the purpose of raising means

sufficient to prosecute the war. The Executive does not possess the facilities requisite to convert these resources into means. To effect a disposition of lands, by sale or hypothecation in the United States, would not be practicable. There unimproved cotton lands, which were selling five years since at from thirty to forty dollars per acre, can now be purchased improved at from one to three dollars per acre. It cannot be reasonable to suppose that lands, neither designated nor surveyed, within the vast domain of Texas, could at once become a desirable object of acquisition either to the speculator or planter. Our statutes hold out inducements to emigrants to come and possess our soil by occupancy alone, and not by purchase.

Hundreds of thousands of acres of scrip heretofore issued by the government of Texas, can be obtained in quantities in the United States, at a price not exceeding twenty five dollars for six hundred and forty acres. Under these circumstances, it cannot be supposed that money or means for conducting a campaign to an amount that would be effective, could be raised in the United States by the hypothecation or sale of ten millions of acres of land; or that Texas land would sell in market unless in such portions as were specially designated and surveyed.

If we turn our eyes to Europe, the prospect certainly does not brighten. When the depression in the general financial system of the world was much less than it is at this time, two intelligent gentlemen were employed as agents in traversing all Europe for the purpose of raising five millions of dollars, and authorised to pledge the public faith and all the resources and means of the government for the purpose of making the negotiation. And although our bonds were offered at a depreciated value, after employing three years they returned without having succeeded in negotiating any portion of the bonds at more than fifty cents on the dollar.

The section of the bill proposing to give to each volunteer or drafted militia man, six hundred and forty acres of land, would be a draw back, if it did not totally defeat the sale of the ten millions of acres intended to be offered. At the expiration of six months, this provision would throw into the market five thousand pieces of scrip, each calling for six hundred and forty acres, which would amount, in the aggregate, to upwards of three millions, and for twelve months to near six millions and a half of acres. The certain prospect of purchasing these for a mere trifle would induce those who wish to speculate in Texas lands to husband their means; as they could render them more available by speculating upon discharged soldiers than by purchasing lands of the Executive under the provisions of the bill.

To hypothecate the ten millions of acres placed at the disposition of the Executive, without other guarantees for the final payment of the money obtained, would be deemed by the Executive to any useful extent, impracticable; nor would it be more probable that any sale could be effected of lands

which could not be identified, and the location of which, if ever located, must be at the expense, trouble and risk of the purchasers. If it were possible to effect either of these objects, it would require means for its effectuation. The Executive has not one dollar—the Congress has appropriated already an amount greater than the whole circulating medium authorised by law in the Republic.

It would be necessary to have means even for an attempt at the accomplishment of the objects of the bill. To employ agents to receive subscriptions or contributions in the different counties of the Republic and elsewhere, would require some advance to be made to them. If men are willing to give their time to the country, they would find it very onerous to advance money for such a privilege. The assurance again recurs, that the government has not one cent to advance to them, or means out of which the Executive could promise remuneration. Are means necessary to carry out the powers with which the Executive is clothed by the bill? All must admit that they are. Does he possess any,— are any at his disposition, or can he obtain any? The answer is he has none, and cannot obtain any. The bill proposes to place resources at his command; but no means, for the accomplishment of the objects for which it professes to make provision.

By sanctioning the bill as a war measure, at this time, when no attempt has been made and could not for some time be made to obtain means would, to my mind, produce a most deleterious influence upon the country. A war of invasion would be the theme of continued conversation— a state of feverish excitement would exist throughout the country— general incertitude would pervade every class, and discontent would be universal. The question would be asked, What is the Executive doing? He has all power given to him, and immense resources placed at his disposal; when, therefore, will active operations commence? It would be needless for him to respond, that these resources are not means— that he has not a dollar to commence operations with, and that, therefore, his delegated powers are useless. The Executive has indeed a show of power, but he is helpless and destitute for the want of means.

It would be vain for him to attempt an explanation in this state of embarrassment. Every one who was favorable to invasion would have a plan of campaign, and let his exertions and zeal be what they might, the enthusiastic could never excuse him, and the reflecting portion of the community might find it impossible to justify his apparent apathy. To an Executive officer, no situation could be more unhappy, or better calculated to render useless, all his zeal and exertions in the administration of the government.

To my mind, also, this bill, if passed, would have a tendency to impair the value and credit of our currency. It has been fully tested by experience, that an offensive war conducted by a nation, has always a prejudicial influence upon the value

of its stocks, causing their certain depression. Instead of improving our credit, or giving value to our currency, it would impair the one and depreciate the other. We stand in the most vital need of their improvement; and a war without means is not calculated to ensure the attainment of the object.

Though not in a situation to regularly invade Mexico; under the direction of the Executive, sustained alone by the patriotism of our citizens, Texas will be able, for a comparatively trifling amount, to carry on a retaliatory war, or, at least, to give protection to our Southwestern frontiers. Should our independence not be acknowledged by the mediations which are now going on, and the interference of powers which have recognized our independence, by the meeting of the regular session of Congress, by which time it may be possible to realise some means, the country will then be in a situation at least as favorable for offensive war as it is at the present moment.

It is manifest that the Executive, previous to that time, could not realize these means from the resources placed at his disposition by the present bill, and be able to make their application to any valuable purpose. He is however, resolved to annoy and injure the enemy in every way and with every means that may be in his power.

The Executive is authorised by the bill to keep the navy at sea. To do this requires immediate means. Less than the sum of thirty thousand dollars in hand, will not enable the fleet to sail. At this time it is of vital importance to the country that it should do so. The proclamation of blockade has gone forth, induced by an assurance that the Navy could be put in a state of preparation and immediately take possession of the gulf against our enemy. But owing to the depression in the money market and the entire want of credit on our part, it has been found impossible to effect this object. The government has no means; and months and perhaps years must elapse before the resources proposed to be placed at the disposition of the Executive could be converted, if ever, into means available for fitting out the Navy. The emergency is instant and pressing; and what can be done?

Experience teaches us that without means we cannot maintain a war. The emigrants who have arrived in the country, came in violation of the express requisitions of the Executive as to their clothing and supplies of provision. They did not bring with them the means necessary to their subsistence for even a short time. There have not been public means to sustain them. Private resources are now exhausted—liberality is worn down; and if the few who are now here cannot be sustained for the want of public means, how could the Executive call for, receive and support an emigration of five thousand?

If contributions were liberally made throughout the Republic, a considerable time must elapse, before they could be converted into available means—such means as would enable the Executive to organize and march an army. It could not

be done, at least, anterior to the meeting of the next regular session of Congress. Then it would seem that this bill would, if approved, only sanction expectation, agitate the community and awaken a new ferment, without producing any effect beneficial or satisfactory to the country.

To invite an army of five thousand volunteers into service, without means to subsist them, would be productive of incalculable injury to the nation. I would not adventure anything fraught with so much peril to my country. The experience of seven years is before me, and in its face I could not sanction the measure, when I have not the means of employing those who might come in instant service. Heretofore a few have assumed the right of dictating to the Executive; and if five thousand were assembled they would feel confident in their numbers and power. Not only the Executive, but the nation would be at their mercy; for it is an established maxim in war, that if subordination and discipline are not maintained, an armed force is more dangerous to the security of citizens and the liberties of a country than all the external enemies that could invade its rights.

Then, if we are not in a situation to receive a force of this description, or sound policy should forbid the experiment, the question would arise, from whence could the Executive derive an army for the purposes of invasion? His opinion is that he has not the power, even with the sanction of Congress, to compel the service of the militia out of the Republic.

Thus Congress has not placed the means for an offensive war within his control, and he will not affect to assume a responsibility in the discharge of any trust which he deems impracticable, or subject his country to inevitable disasters and after a fruitless experiment, leave it in a condition more to be deplored than its present circumstances.

These reasons are to the mind of the Executive, entirely sufficient to justify the interposition of his veto; but another objectionable feature remains to be noticed. The bill proposes to invest and clothe the Executive with extraordinary powers and discretion, which, to his mind, present important objections.

It is a principle in all well regulated republican governments, that no power which can be exercised by the citizen in his individual capacity, should be delegated to his representative but remain vested in him as an indefeasible right; and that the representative should never exercise power the delegation of which is questionable, or attempt its exercise where it might be liable to abuse. Agents are responsible to the people, under the great constitutional charter of their liberty. The delegated powers are expressly granted and defined— all others remain with the people. The concurrent will of all the three departments of the government united, could not render valid a principle and make it binding upon the people, which was not set forth and guaranteed by the constitution. The approval by the President of the principle

set forth by the Congress, would not justify the exercise on his part of the extraordinary powers tendered by the bill. The citizens of the Republic regard him as the chief conservator of the constitution, and as such he should ever feel it a duty incumbent upon him to resist every apparent encroachment upon their rights, but never to exercise one of questionable character. Principle is eternal and never changes—men and things do change. If it would be wrong to clothe one individual with powers, who might, by their exercise, bring ruin upon his country; it is equally at war with principle, that a man should exercise powers improperly granted, though it were intended for the salvation of his country.

I cannot perceive that the constitution authorises any where the powers granted in the second and seventh sections of the bill; and if no other objection than this existed to the bill, I would deem it insuperable.

The Executive duly appreciated the flattering testimony of confidence, which has been manifested by the Honorable Congress in the integrity and patriotism of his heart. He can never be insensible to the approbation of his countrymen, and when expressed by the assembled wisdom of the nation it assumes the most imposing and grateful character; and he is proud to assure the Honorable Congress that if every facility and all the means requisite for the accomplishment of a war of invasion were at his command, the powers granted by the bill should never be exercised by him to the prejudice of his country. He has been and is connected with the building up and existence of the government and no circumstance could ever induce him to raise a parricidal arm against it. Its establishment, its prosperity and its glory will be the consummation of his happiness. The anticipation of its permanency will be cherished by every patriot now living; and he trusts their exertions will be united in perfecting and giving perpetuity to its free institutions. No act should be done by them which could have a tendency to defeat the great object of its creation and present existence.

If the Executive were to sanction the exercise of the powers granted by the bill, he would consider it an act of war against all his hopes and desires for its future and permanent welfare. It might so happen in after times, that great excitement and difficulty might exist in the country, and that to remedy the existing misfortunes of the times, measures might be contemplated of an extraordinary character and dangerous to liberty. The present action of Congress would be brought up, referred to and adopted as a precedent, deriving authority from its antiquity and the associations with which it might be connected; and some individual, clothed with similar power, and deriving authority from this example alone, in the prosecution of ambitions and selfish ends, might exercise it in the destruction of the liberties of his country. Therefore, I can never sanction the adoption of a principle at war with the convic-

tions of my mind, the practice of my life and the liberties of my fellow men.

[SAM HOUSTON]

[On motion 1000 copies were ordered to be printed.
House adjourned until 9 o'clock tomorrow morning.]

[CITY OF HOUSTON
July 23, 1842]

House met pursuant to adjournment, roll called, quorum present.

Joint resolution from the Senate for frontier protection read first time, rule suspended, read second time and amended, rule further suspended, read third time and passed.

A bill from the Senate to be entitled an act to regulate the collection of impost duties, amended, read third time and passed.

Senate bill entitled an act to provide for the survey and sale of a portion of the Territory formerly occupied by the Cherokee Indians, read first time, rule suspended, read second time and amended, rule further suspended, read third time and passed.⁸³

A message was received and read from the President vetoing the joint resolution that Captain Augustus Williams be restored to his command.]

EXECUTIVE DEPARTMENT,⁸⁴
CITY OF HOUSTON, July 22d, 1842.

To the Honorable, the HOUSE OF REPRESENTATIVES:

A resolution, originating in your House, providing that Augustus Williams be restored to his command as Captain of Company....., of Tennessee volunteers, has been laid before the Executive, and the subject duly considered.

The first requisites in the creation of an army and its organization, are discipline and subordination. Whatever is calculated to defeat these primary objects, must be ruinous to every hope of success. In the case of Augustus Williams, the most flagrant violation of the "army regulations," was perpetrated. This was the first exhibition of a mutinous disposition amongst the volunteers, and up to the present time, the camp has been but one scene of disorder, confusion and anarchy.

The exigencies of the public service imperiously demand the remedy resorted to; and it was authorised by a law approved 12th June, 1837, and from whose operation the most salutary results have been uniformly experienced. The position has been assumed, that a law of the Congress of 4th February, 1841, has been violated in the dismissal of Captain Williams.

⁸³See Bills, Nos. 2614, 2610, 2615.

⁸⁴Executive Records, Book No. 40, pp. 124-126.

The section of that law relied upon by the Honorable Congress to sustain its action, provides only that no officer in the service of the Republic shall be "*deprived of his commission, unless by the sentence of a court martial.*" In this case, it would have been impracticable to have assembled a court martial with any prospect of conviction, because a sufficient number of officers to constitute a court could not have been assembled, without including some of those officers who were equally culpable with Captain Williams, and involved in the same mutinous transaction. Therefore, if a force were to be kept in the field, there was no alternative but by a prompt exertion of the power vested in the Executive by the law first referred to, to set an example of punishment that would operate as a warning upon all others disposed to commit like offences, or create like disturbances.

This course was therefore adopted, and for the authority to justify the exercise of this power, the Honorable Congress is referred to the law of 12th June, 1837, above quoted. — It is believed that the law of February 4th, 1841, has no application to the present case. It applies only to *commissioned* officers. Captain Williams has not been deprived of "his commission"; nor has he been deprived of any office, which entitled him to a commission by our laws. He had voluntarily abandoned the command of his company, and another gentleman had been elected to the command which he had voluntarily vacated,

Whether Captain Williams was legally elected a Major in the Texas service, is a question which it is not now necessary to determine. He had of his own free will vacated the office of Captain of the Company which he commanded— another gentleman was elected to supply the vacancy thus created. By the action of the Honorable Congress, it is sought to restore him to the command of this company. To do this, the gentleman who has been elected to fill this vacancy must, necessarily, be removed. Does not the Honorable Congress perceive that this action of theirs must therefore involve them in a most disagreeable dilemma? If it were unlawful for the Executive to remove Captain Williams, is it not equally so for the Honorable Congress to remove his successor?

The law upon which their action is based makes no distinction between the departments that exercise the removing power. The Executive is therefore compelled to come to the conclusion that the action of the Congress has been precipitate, and without that reflection which should ever characterise the conduct of deliberative bodies.— Mr. Williams was not deprived of any commission, nor of any office which entitled him to a commission in our service— he was simply dismissed from the service, in which he held no commission— and this the Executive had the right to do. A court martial was not convened for his trial, for the reasons above given, nor was it necessary— the facts alleged against Mr. Williams were ad-

mitted. There was, therefore, no necessity for a court martial to be assembled to ascertain those facts.

For these reasons, the Executive is compelled to withhold his approval from the resolution now before him.

[SAM HOUSTON]

[The bill was immediately and unanimously passed over the President's veto.⁸⁵

The House adjourned *sine die*.]

⁸⁵*The Morning Star*, July 26, 1842.

REPORT
OF
SECRETARY OF STATE

OCTOBER 12, 1841

PRINTED BY ORDER OF THE HOUSE OF REPRESENTATIVES

REPORT OF SECRETARY OF STATE

DEPARTMENT OF STATE¹
AUSTIN, 12th October 1841.

To His Excellency —
MIRABEAU B. LAMAR.

SIR:

The period having arrived for submitting to you the annual statement of the proceedings of this Department, I have the honor, in conformity with your instructions to lay before you an abstract of its operations, together with such portions of the Foreign and Domestic correspondence, as you will probably think it necessary to lay before the honorable Congress.

Since the last annual report from this Department, no very material change has taken place, in our Foreign relations, though for a time the good understanding which has heretofore been maintained between this Government and France, was seriously jeoparded by a misunderstanding, which unfortunately arose between this Government and the Charge d' Affaires of France, near this Government.

Document (A.) exhibits copies of the correspondence which took place between the Secretary of State and M. Saligny on that occasion, and also the letter from this Department transmitting the correspondence to our Chargé at Paris, with instructions to lay the same before the Government of France.— As yet, no reply has been received from Mr McIntosh, to the letter from this Department, but General Hamilton, who visited Paris for the express purpose of advising with, and assisting Mr McIntosh, in making a fair representation of the points at issue between this Government and M. Saligny, wrote to this Department, under date of the 22nd of July, and enclosed a copy of a note which Mr McIntosh had previously addressed to M Guizot: and concludes his letter with the assurance that “no demonstrations of a hostile or even doubtful character, will be undertaken by the French Government against Texas, howe[ve]r tardy the Minister of Foreign Affairs appears to be in reply to Mr McIntosh’s letter”.— I think therefore I may safely advise your Excellency, that the harmony heretofore so happily existing between the two Governments, has only been suspended for a short time, and that it will in all probability be speedily restored.

Near the close of the last session of Congress the Treaty of Amity and Commerce between Great Britain and the Republic of Texas, which was signed at London on the thirteenth day of November 1840. by the respective Plenipotentiaries of the two Governments; and the Convention entered into between the same parties, for the suppression of hostilities between Mexico and Texas, which was signed on the 14th day of November 1840. were both laid before the senate and received the confirmation of that body, the former on the 26th and the latter on the 28th of January 1841. After which they were

¹Department of State, Letter Book, No. 1, pp. 237-45. Also printed in pamphlet: *Report of Secretary of State*, G. H. Harrison, Printer. Printed by order of the House of Representatives.

both ratified by the President.— A short time after the adjournment of Congress another Treaty, signed at London on the 16th November 1840. between Great Britain and Texas, for the suppression of the African slave trade, was also received.— This Treaty, coming after Congress had dispersed, could not receive the confirmation of the Senate within the time contemplated by the framers of the Treaty, and as it was expressly stipulated that the ratifications of the three Treaties should be simultaneously exchanged, this unfortunate delay has prevented the exchange of the ratifications of the two Treaties that have already received the sanction of the President and Senate.— In consequence of this a protocol of conference has been signed by the respective Plenipotentiaries of the Governments, extending the time for the exchange of ratifications of the three Treaties, to the first day of June 1842.— A copy only of the Protocol of conference has reached this Department— General Hamilton will probably present the original in person, sometime during the session of Congress.— No official information has reached this Department, of the exchange of ratifications of the Treaty between this Government and the Netherlands, though there can be no doubt that it has been done,— and that General Hamilton will bring the Treaty with him on his return from Europe early in the winter.

The Hon James Webb, who was sent as the agent of this Government to Mexico, under a secret Resolution of Congress passed at the last session, was not permitted by the authorities of that Government to land.— Copies of the correspondence which passed between him and them, and between Mr Packenham, the Minister of England residing in Mexico, and the Mexican Minister of foreign affairs, on the same subject, together with Judge Webb's letter to this Department on his return to Galveston, are herewith submitted, and may be found in Document (B.)

Document (C.) exhibits the report of Messers C. Van Ness and John D Morris, secret agents to the Mexican General Arista, who were despatched by your Excellency in the Month of June last.

Document (D.) contains copies of the correspondence which recently took place between this Department and Col Peraza, a special commissioner from the State of Yucatan.— The object of his mission is well understood by Your Excellency and is explained at length by the correspondence.

I had hoped to be able to inform you of the completion of a Treaty of Amity, Commerce and Navigation, between this Government and that of the United States.— nor do I yet despair of doing it, at an early period of the session of Congress.— Our Chargé d Affaires near that Government, has pressed this subject with earnestness and zeal, and expresses confidence in coming speedily to a satisfactory understanding.

I have the satisfaction to report to you that the joint commission of Texas and the United States, have completed their

labors, having marked the boundary line from its commencement on the Gulf of Mexico to its termination on the Red River.— A considerable portion of territory, heretofore supposed to belong to the United States, is shewn by the tracing of the line, to be within our limits.— A full report, has not yet been received from the commissioner on the part of this Government.

A Letter only has come to hand, announcing the completion of the work, with a promise of a more detailed account at an early period.— As soon as it reaches this Department, it will be laid before Your Excellency.

So much of the Act of Congress passed 26th January 1839. as relates to the surveying of fifty leagues of land for the endowment of two Colleges or Universities has been completed.— About forty of these leagues are situated in Fannin County on the Red River, in and near the cross timbers, and are represented by the Surveyor, as being of superior quality.— The tracts are in small bodies of from one half to three and four Leagues in size.— a Map of this land has been made out and deposited by the surveyor in the General Land Office, and all the requisites of the statute; have been strictly complied with.— The other ten Leagues, or thereabouts, have been located in Nacogdoches county.— The field notes have been returned to the General Land Office, but there is no plat accompan[y]ing them,— at least there is not such an one as is contemplated by the statute.— Indeed, the lands cannot, from the description given, and the imperfect plat forwarded, be designated upon the Map of the County— I would therefore respectfully suggest that steps be taken to perfect this last survey, so as to make it comply with the requisitions of the Statute.

It cannot, strictly speaking, be considered within the province of the Secretary of State, to notice the non execution of that portion of the Act of the 26th January 1839. as relates to the location of three leagues of land in each of the Counties of the of the [*sic*] Republic, for the purpose of establishing primary schools or Academies, in such counties— But as it forms a part of our general system of Education, and as the difficulties encountered by the several counties, have come to the knowledge of this Department, I hope I may not [be] considered as stepping out of my line of duty, in mentioning them in this place?— Some of the Counties, it is believed, have been able to have the lands surveyed, and the surveying paid for, according to the terms of the act— But by far the greater portion, have found it utterly impos[s]ible to defray the charges attending the surveys, out of the County Treasuries, and unless some assistance is rendered them by Congress, or some alteration made in the mode of paying for the surveys, the[re] is reason to apprehend that this munificent [*sic*] endowment, will answer the expectation of Congress— already have all the most valuable [*sic*] lands in each of the settled counties been taken up: and such as remain of a secondary quality, are also being

rapidly surveyed.— These primary school lands must then be necessarily located on the vacant lands in remote and unsettled parts of the Country, where lands are comparatively [*sic*] of little value, and so must remain for a long time to come.— Such lands will be altogether valueless to the counties, as a means of establishing schools, for a number of years.— The restrictions imposed by the statute and the great quantity of land in market, not admitting of their being advantageously disposed of; and their location without the Counties to which they belong, rendering it impossible that they can be used, even for the purpose of erecting suitable buildings for school houses.— I would therefore respectfully call your attention to this important subject, that you may if you think it advisable, present it to Congress for their consideration.

By an act of Congress of the 18th January 1841. passed at the last session, the Office of Post Master General was abolished, and the duties heretofore performed by that Officer, devolved upon the Secretary of State.— It therefore becomes my duty to report to your Excellency the condition of this branch of the Government.

It could not reasonably be expected that the vast and complicated machinery of the mail route system, could be put at once, into operation, over a country of the extent of ours, without encountering many difficulties, calculated to produce irregularities and failures.— Accordingly for a time, this establishment, which was supported at a heavy expense to the Government, was, owing to the doubts and suspicions which were cast upon it, by repeated failures.— not trusted by the people, (except in cases of absolute necessity) as a means of conveying their letters, papers &C.— The consequences were inevitable,— The revenue was insignificant, and the advantages which the community derived from it were nearly [*sic*] nominal.— But with the lapse of a few years, considerable changes have taken place; roads have been made; bridges have been constructed over the water-courses; and the transportation of the mail has gradually become more certain and regular, until at least, it has assumed a fixed and permanent character, and now a failure is of rare occur[r]ence. Indeed such has been the punctuality of the Contractors, that on the principal routes, not a single failure has been reported to this Department, for the last six months.

The first and most material consequences of this improved condition of the mail, is, a great increase in the number of packages sent by it— On some of the routes the mails have already become extremely burdensome, and loud complaints reach this Department from the Contractors.— They have all contracted to transport the mail on horse-back,— The contract, it is true, does not stipulate whether one or more horses shall be employed for this purpose, but it has always been understood that one horse would suffice for the mail and the rider; and the bids of the contractors were all made upon this supposition,— But of late, the great weight of the mail, has, in several

instances, compelled the contractors to use and [*sic*] additional horse, or to leave part of the mail behind.— Those who were able to furnish the additional horse, have, as far as I have been able to ascertain the fact, always done so, when it was necessary.— But some of the contractors are not in circumstances to place more than one horse on their routes.— To obviate for the future this evil, I would respectfully suggest, that the Secretary of State should be authorized to have the mails transported on carriages, whenever he shall be satisfied that a single horse will not answer the purpose.

I regret to state, the appropriation made by the last session of Congress, has not been sufficient to defray the expenses of transporting the mail to the close of the year.— Since the increase in the rate of postage, (which did not go generally into effect until about the first of April), the revenue from that source, has been considerably augmented: but even with this addition to the sum appropriated by Congress, it falls far short of meeting the amount of liabilities contracted by the General Post Office.— The sum due to the contractors for the Quarter ending the 30th September, are not more than half paid, though they have in every instance, continued to transport the mail, under the confident expectation that Congress will, at an early [date], make an appropriation sufficient to pay the amounts due on their contracts.

By an Act of Congress passed the 28th January 1841. the Secretary of State was limited to ten dollars a mile, as the maximum price he was authorized to pay for the transportation of the Mail.— This act has been complied with in every instance save one.— The route from this place to the Town of Houston, is considerest [*sic*] the heaviest one in the Republic, and only one individual put in a bid for it at the rate fixed by the Statute on account of the inadequacy of the price allowed; even he failed to give the security required by the law, after his proposal had been accepted.— In this emergency, to prevent an entire stop[p]age of the mail on the most important stem of mail routes in the country, the Hon. J. S. Mayfield, the then Secretary of State, assumed the responsibility of making a contract with Messrs Highsmith & Jones, for thirty five hundred dollars, for carrying the mail on said route, from the first of April 1841. to the first of January 1842.— This amount it will be perceived is considerably over the limits fixed by the act, but from all the information which I have been able to obtain, no contract for a less sum could have been made with any one capable of performing the contract.— Under these circumstances I think your Excellency will agree [with] me, that the emergency justified the Secretary in departing in this instance from the letter of the law.

The Act regulating the main contracts admits of there being made for a period of two years.— Many circumstances however have heretofore combined to render it advisable, not to contract for a longer period than one year, the business was to be an experiment on the part of the contractors, as also

upon that of the Department—our money was fluctuating in value; and the revenue which it was hoped to derive from it, and which ought mainly to support it, was extremely uncertain and precarious.— These and many other reasons of a similar kind, seemed fully to justify the head of the Post Office Department, in making contracts for one year only, up to the present time.— But as most of these reasons will not obtain for the future, a longer term than even two years for the mail contracts seems to me to be advisable.— The routes are now all well established.— The contractors have had time enough to ascertain by experience, exactly how much it will cost them to transport the mail on any given route, and, it is not unreasonable to expect that our financial condition, will before very long be considerably meliorated.— In view of these changes, those who are willing to contract for the transportation of the mails for one year, would prefer to contract for three years at a reduced price.— For the business would then be more permanent, and they could better afford to purchase good Stock; establish stands; and (if stages are used,) buy good Stages.— These are all so very obvious, that information derived from experienced contractors, need hardly be mentioned to support the argument.— Much however to this effect has been received, and if necessary can at any time be furnished, if any further information be desired.— I am decidedly of opinion therefore that hereafter much might be saved to the Government, and a still greater permanency [*sic*] and consequently value given to the mails, if the contracts were let out for *three* years, instead as heretofore of one; and would respectfully recommend the subject to the consideration of Your Excellency.—

Document (E.) is a report² of the Chief Clerk of the Genl. Post Office Bureau upon the general condition of the Post Office Department, and contains estimates &c, for carrying the mail for the year 1842.

In compliance with the instructions heretofore given by Your Excellency, a contract has been entered into with W. S. Peters and others, for the introduction of six hundred families, within three years from the date of the contract, to be settled on certain lands set aside for that purpose in Fannin County.— This contract is drawn in strict conformity with the act of Congress passed the 4th day of January 1841. A copy of it is hereto attached marked (F.).

Document (G.) is a report of the Chief Clerk of this Department, shewing the quantity of printing which has been done for the Government, and received at this Department, since the adjournment of Congress, with some remarks of his, which I recommend to the consideration of your Excellency.

I have the honor to be With high respect

Your Obt Servt
SAML A. ROBERTS.

²This report has not been found.

AUSTIN October 27th 1841.

Since writing the foregoing report, I have been informed by Mr J. W. Cruger that sometime in May last he entered into a contract with the Hon. J. S. Mayfield, in the Town of Houston, for printing Two thousand copies of the laws of the 4th & 5th Congress, translated in the Castillian Language, upon the same terms that the laws of the previous sessions, had been undertaken by the same contractor.

Upon examining into the contract under which the translations of the laws had [been] printed, I find that the cost of printing, folding & stitching the acts of the first, second and third Congress, making a book of only 330 pages is \$6397. to this must be added the cost of translating, which will make this work cost the Government \$7221. or \$3.61 a volume in par funds, which is equivalent to \$25 in P. notes of the Government.

In the acts of the 4th & 5th Congress, there are 500 pages in English & will be about the same in Spanish.— To print these at the above rates this work would cost in par funds when delivered \$10 812. viz. \$9562.50/100 for printing & stitching, & \$1250. for translating, which at the present rate of our Treasury Notes would make the printing of the laws of the two last sessions in Spanish cost the enormous sum of seventy five thousand six hundred & eighty four dollars: or thirty seven dollars & fifty cents for each volume.— That these prices are exorbitant to the last degree, may be seen at a glance.— In fact proposals have recently been received at this Department for doing the same work at exactly fifty per cent less than the price paid to Mr. Cruger.—

Under these circumstances, I could not hesitate as to my duty,— on the day after receiving the above information from Mr Cruger, I addressed a letter to him, a copy of which is hereto attached marked (H.) repudiating the contract,— I cannot believe that in the present exhausted condition of the Treasury, there is such pressing necessity for these translated Statutes as to warrant the printing of 200 [sic] copies at so heavy a charge to the country.— Not more than 200 copies have ever been printed of the acts of any session in English, for a population at least twenty times greater than that portion of our fellow citizens who speak only the Spanish Language, and surely it could never have been intended that so vast a disproportion as is here presented, should ever be made in the distribution of the laws, to the two Classes of our citizens, especially when we consider that the printing of the Spanish costs double as much, as the English.

Besides, no inconvenience can result to the contractor from the course I have taken, for as yet no copy has been furnished to him, nor has he been put to any expense, in making preparations to execute the work. — In fact, he informed me himself that he could not commence it until an appropriation was made by Congress.— I annex a copy of a letter marked (I.)

from S. Whiting, written in reply to an enquiry I made of him, as to the actual cost of printing Spanish— It will be seen from his statement that the prices heretofore paid by the Government to Mr Cruger greatly exceed the actual cost and afford to the contractor a profit of about four hundred per cent, which to my mind fully justifies the *propriety* of the course I have felt it my duty to pursue.

The *right* to disavow this contract, which is called in question by Mr Cruger rests upon the well known principles of law, that either party to a contract, may at any time before it is executed, abrogate that contract, being responsible only [for] the damage sustained by the other party, by such abrogation.— If in the present instance the contractor Mr Cruger, has sustained any damage it can be but trifling, and I submit to your Excellency, and through you to the Hon. Congress whether it would not be better to indemnify him, if it shall be found that he has suffered damage, than to incur so heavy and so useless an expenditure of the public money as the printing of so large a number of copies of these laws would at this [time] impose upon the Country.—

I also beg leave to submit to your Excellency copies of a correspondence which has recently taken place between this department and Mr. F. Gassiot, the Agent of the English Commercial house of F. De Lizardi & Co. on the subject of a claim set up by house against this Government for Spoliations alleged to have been committed on the property of the said house, by Texan vessels of War Brutus & Invincible.

The documentary evidence which is relied upon to substantiate this claim was only received two days ago, and I hasten to lay it before your Excellency, that the subject may be submitted to the consideration of Congress.

Document marked (L.) is the report of the chief clerk of this Department as Head of the Patent Bureau.

I have the honor to be

Your Obt Servant
SAML A. ROBERTS

To His Excellency MIRABEAU B. LAMAR.

Document A.

*Correspondence between M. de Saligny, Chargé d' Affaires of the French Government, and James S. Mayfield, Secretary of State of the Republic of Texas.*³

Letter from M. de Saligny to Secretary of State.

LEGATION OF FRANCE IN TEXAS,
AUSTIN, February 19, 1841.

To the Hon. SECRETARY OF STATE, etc.:

SIR,— It is with profound regret that I find myself forced to call your attention to facts of an extremely grave nature, of which this city was this morning the theatre. From information, entitled to credit, which has been furnished me, the following are the details of this deplorable affair.

One of the people belonging to my house, Mr. Eugene Plugette, when passing in the street, was, without any provocation on his part, assaulted by a man named Bullock, a resident of this city, who, having first assailed him by throwing stones, then threw himself upon him with a stick, at the same time making use of all kinds of menaces and atrocious imprecations. My domestic, after having repulsed successively the attack of Bullock, wished, with a moderation worthy of praise, to pursue his way; but this miserable man, without the *sang froid* and presence of my domestic, undertook to follow him, and the affray was commenced again in a more serious manner.

These acts, Sir, constitute one of the most scandalous and outrageous violations of the laws of nations; and they assume a much more serious aspect, when it is considered that they are but the realization of menaces made long time in advance, and that even (as I have but this moment learned) they have already, at two different times, been preceded by occurrences of the same nature.

I think I ought to add, for your information, that Mr. Eugene Plugette, who has been for a long time in my service, has always been remarkable, not only for his amicable and inoffensive character, but for irreproachable probity. It appears, on the contrary that this man, called Bullock, is very far, according to several reports, from enjoying a spotless reputation.

Of all the duties imposed upon a nation, the most sacred, without dispute, is that of ensuring to the representatives of other and friendly nations the respect and protection to which they are entitled. I know too well the sentiments which animate the Texian Government, not to be certain that it will be ready to fulfil this duty on every occasion, and in this par-

³Reprint of the original pamphlet: *Correspondence relative to Difficulties with M. De Saligny, charge d'affaires of France.* By order of the House of Representatives. Austin: S. Whiting, public printer—Congress avenue. 1841. 64p. 23cm.

particular case under consideration; I am convinced that it will act with much more readiness to punish with severity the author of this gross and brutal attack upon the inviolable principles of the laws of nations, since it has been directed against the Representative of a Power which has been the first in Europe to extend to Texas the hand of friendship, and which has not ceased to give this young Republic the most signal evidences of solicitude and sympathy.

I beg you to accept, Sir, the assurances of the high consideration with which

I have the honor to be,

Your very humble and obedient servant,

(Signed)

A. DE SALIGNY.

From Secretary of State to A. de Saligny.

DEPARTMENT OF STATE,
CITY OF AUSTIN, February 20, 1841.

To Monsieur A. DE SALIGNY,
Chargé d'Affaires, etc.:

SIR,—I have the honor to acknowledge the receipt of your note of yesterday, communicating the information of a violation of the laws of nations, and a disregard of the rights, privileges and immunities appertaining to you, in your ministerial and official capacity, by Mr. Bullock, as it is alleged, a citizen of this city, having committed, without provocation, an assault upon the person of Eugene Pugette, a domestic in your employment, and one of your people. Your note has been submitted to the President; he regrets exceedingly the occurrences alluded to in your note, and directs me to assure Mr. Saligny, Chargé d'Affaires of France, that he is fully sensible and awakened to the vital importance of maintaining, in this respect, most scrupulously and inviolably the laws and usages of nations; and that the Government of the Republic of Texas will at all times exercise, to the utmost limits, her authority to bring to punishment any person, who so far forgets the honor and dignity of her institutions and laws—and the respect due those nations, when friendly relations are established, and who may have resident Ministers here—as to violate in any way the long-established rights, privileges or exemptions belonging to public Ministers from abroad, or their family, suite or servants, or those who are in anywise entitled to participate in the inviolability attached to his public character. Mr. Saligny, Chargé d'Affaires of France, may, upon all occasions, contemplate with the most entire assurance that this Government entertains a lively sense of the necessity of adhering rigidly to those rules of international law, which so distinctly and justly regulate and mark that intercourse and comity which so deservedly distinguish all civilized nations; and that the President would witness with peculiar and profound regret any infraction of those well-established principles, which might,

in any possible contingency, in the remotest degree, disturb the harmony and friendly relations (an object which Texas will ever foster) existing between this Government and the Government of France, which Mr. Saligny has the distinguished honor so eminently to represent.— Actuated by these considerations, and moved by the reflection that the magnanimity of chivalrous France induced her, at an early period in our revolutionary struggle, to become the first European Power to recognize Texas as an independent nation, and entitled to rank amongst the nations of the earth. This, too, an important step for the interest of the Republic, it is borne in mind; was greatly facilitated by the zeal and interest you so disinterestedly manifested in her welfare and advancement, in representing so forcibly and favorably to your Government the resources of this country and the moral and physical capabilities of the people for self-government.

The President has therefore directed that the proper law-officer be instructed to institute an enquiry into the facts and circumstances attending the occurrence mentioned in your note, and take the necessary legal measures for an examination of the case before the judiciary, and have its action thereon, as may be consonant to the laws and usages of nations,—the only mode, under the Constitution and municipal policy of this Government, whereby the offending person can be brought to punishment.

In conformity to the directions of the President, instructions have been given to the District Attorney, Mr. Jewett, a copy of which is herewith transmitted. I beg leave at the same time, however, respectfully to call the attention of Mr. Saligny, Chargé d'Affaires of France, to a well-established principle, and that the President, urged by the most anxious desire not to see, in the least, the free and friendly intercourse existing between his Government and the Republic of Texas disturbed, has given these directions in the premises. Nevertheless, it might have been urged, upon high authority, and the principle acknowledged, that by the usages of nations, in order to entitle domestic servants of foreign Ministers to the exemptions and privileges, (a violation of which is made the basis of complaint in this instance), it might have been insisted that, before any such representation could have been entertained, an official list of such domestic servants must first be communicated to the Secretary or Minister of Foreign Affairs of the Government to which such Minister may have been accredited.

Accept, Sir, assurances of the high consideration,

With which I am very respectfully,

Your obedient servant,

(Signed)

J. S. MAYFIELD.

Secretary of State to Mr. Jewett.

DEPARTMENT OF STATE,
CITY OF AUSTIN, February 20, 1841.

To HENRY J. JEWETT, &c. &c.:

SIR,—Mr. Saligny, Chargé d'Affaires of France, yesterday transmitted to this Department a representation that Mr. Richard Bullock, a citizen of this city, had violated the laws of nations by *provoking* and engaging in an affray with Mr. Eugene Plugette, a domestic of his, and one of the people belonging to his house.

The President has directed me to instruct you to institute before the proper judiciary officers an examination into the affair, and adopt such legal measures, in the prosecution of the same, as can be borne out by the laws and usages of nations, and our own municipal policy. It is desirable that the examination be taken in writing.

Relying upon your zeal and integrity in sustaining inviolate the usages of nations, and the character of our institutions, further or detailed instructions are deemed unnecessary.

I am, very respectfully,

Your obedient servant,
(Signed) J. S. MAYFIELD.

Mr. Saligny to Secretary of State.

LEGATION OF FRANCE IN TEXAS,
AUSTIN, February 21, 1841.

The Hon. MR. MAYFIELD, &c.:

SIR,—I have received the note which you did me the honor to address me yesterday, in answer to mine dated the day preceding, and I see by the annexed copy of your letter to the District Attorney, Mr. Jewett, that you have given orders to that officer, in relation to the subject of my communication aforesaid, to take the legal measures prescribed by international laws and customs, as well as by the rules of your municipal law.

That a nation must be free to adopt for the execution of its laws such judicial forms as appear convenient for it, is, without doubt, a right which cannot be contested; but it cannot exercise this prerogative in that which concerns other nations, except on the condition of not making any attack upon the principles of the laws of nations,—that supreme law of international relations,—and of not adopting any rules which shall render those imprescriptible principles vain and impossible of application; thus depriving other nations of the means of obtaining redress for their just complaints. This is, in fine, Sir, on my part, but a general reflection; for, although I do not know the precise terms of the law adopted by the last Congress for the purpose of ensuring to the Ministers of for-

eign powers the protection which is due to them, (the law, I believe, has not yet been published), I do not doubt, for a single moment, that the Texian Government has the power, as well as the disposition, to cause the sacred laws which control the mutual relations of all civilized people to be respected on every occasion I cannot refrain, however, from remarking (*en passant*) that it is impossible for me to comprehend or to admit that there can be any thing in common between a question of international law, and the municipal regulations of the Republic of Texas.

In relation to the remark contained in the last paragraph in your note, I would ask leave, Sir, to submit to you an observation on my part. There is, in fact, a custom, that a Foreign Minister, on his arrival at the Capital of the Government to which he is accredited, should transmit to that Government an official list of all the persons composing his household. But if this formality, which, among other things, has for its end to prevent that any individual, guilty of a violation of the privileges and immunities of diplomatic characters, cannot plead, in excuse, that he was ignorant of the official character of the person attacked by him;—if, I say, this formality has been omitted, from any motive whatever, this omission does not destroy or impair, in the least, the right of a Minister, and of the people of his household, to seek reparation for violence committed upon them, when it is duly proved that their character was perfectly known to the offender. Now, in the matter under consideration, it would not only be impossible to deny that Mr. Bullock knew Eugene Plugette to be one of the domestics of my house, but it can no less be doubted—and the Texian Government ought to be informed of it, as well as any one it may concern what course to pursue in this affair—that it was even on account of this quality of domestic of the Chargé d’Affaires of France that Plugette has been three times, on the part of Mr. Bullock, the victim of infamous and premeditated outrage.

I will not conclude this note without representing to you again that it is a matter of extreme urgency, for the interest of our respective Governments, that the attempts of the said Bullock, which have rendered him liable, should receive a prompt and exemplary punishment. This individual, who has by no means restrained himself, as you remark in your instructions to Mr. Jewett, to provoking Mr. Plugette, but who has attacked him on three different days,—sometimes by throwing stones, sometimes with a stick, and even with a hatchet,—inflicting upon him, each time, wounds more or less serious, has, since yesterday, again used towards him horrible threats; in consequence of which, have therefore thought proper to order my servant never to go out without being armed, and I have expressly enjoined him to make use of his arms to repulse any new outrages which Mr. Bullock may attempt to commit upon him.

If, then, the Texian Government should not take, without

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delay, the necessary measures to effect the punishment of Mr. Bullock, it is to be apprehended that we shall soon have to deplore new excesses, and that this affair, already so much to be regretted, may assume a character still more serious. But I repeat, I have entire persuasion that your Government will act in this matter with promptitude and energy, and that the reparation due to outraged France will not be long delayed.

I beg you to accept, Sir, the assurances of the high consideration with which I am

Your very humble and obedient servant;

(Signed)

A DE SALIGNY.

From Secretary of State to M. de Saligny.

DEPARTMENT OF STATE,
CITY OF AUSTIN, February 22, 1841.

To M. A. DE SALIGNY, &c.:

SIR,—Your note of the 21st inst., in reply to the one addressed to you by this Department, of the 19th inst., I had the honor to receive on yesterday; but, owing to the delay of obtaining a satisfactory translation of the same, an earlier answer could not be given.

Mr. Saligny, Chargé d' Affaires of France, will accept the assurance of the Texian Government, that she entertains the strongest desire to enforce, to the fullest extent, her authority to vindicate the laws and usages of nations, and that she will not be found wanting in manifesting, at all times, a due regard to the sacred and inviolable principles of international law, which the Government of the Republic of Texas would not, and could not, change or modify, if she chose. At the same time, it must, however, be borne in mind, that, under the Constitution and municipal regulations of the Texian Government, similar in that respect to the Government of the United States of the North, offenders against the public tranquility, or violators of the laws of nations, are amenable for a transgression of those laws, only under prescribed forms and rules, which neither Department of the Government have a right to, or can invade, or assume to itself.

The infraction, then, of the inviolable principles of international law, which is made the subject matter of complaint in this instance, has, by direction of the President, been referred to the judiciary, to which it of right and constitutionally appertains, under our Constitution. This is the mode of redress pointed out, and the only one by which a violator of the usages and laws of nations, under the institutions of this country, can be brought to punishment. The Government of the Republic of Texas, therefore, in this instance having directed, to the utmost of her authority, an investigation into the alleged outrage mentioned in your former note, congratulates herself that she has done all that duty requires—that chivalrous and magnanimous France could demand, or that a deep and vivid sense

of gratitude, upon the part of the people of Texas, for signal and important benefits conferred, could dictate.

As a further assurance of the interest the Government has taken in this affair, in which it is alleged our first European friend, *France*, has been outraged, I beg leave to refer Mr. Saligny, Chargé d'Affaires of France, to the accompanying letter of Mr. Jewett, the proper law-officer, who has, as will be seen, in pursuance of instructions from this Department, instituted the necessary legal measures for a judicial examination into the matter. From this it will be seen that testimony will be received to-morrow at three o'clock, p. m., at the Senate-Chamber, when and where it is expected Mr. Saligny will cause to be laid before the Hon. A. Hutchinson, one of our District Judges, and a member of the Supreme Court, any evidence at his command touching the transaction which is the subject of discussion.

I beg leave to repeat to Mr. Saligny, Chargé d'Affaires of France, that the Government of Texas will continue to exercise all the authority with which she is constitutionally vested to vindicate the laws of nations, and maintaining inviolate those usages of international comity which regulate the intercourse of civilized nations.

I beg to repeat assurances of the high consideration,
With which I subscribe myself respectfully,
Your obedient servant,

(Signed)

J. S. MAYFIELD.

From Mr. Jewett to Secretary of State.

CITY OF AUSTIN, Feb. 22, 1841.

Hon. J. S. MAYFIELD, &c. &c.:

SIR,—In conformity to your instructions of the 20th inst., relative to an alleged affray, provoked and engaged in by Mr. Bullock with one Mr. Eugene Pluyette, a servant of the Hon. A. de Saligny Chargé d'Affaires of France, near the Government of Texas, I have filed an official information concerning the affair before the Hon. A. Hutchinson, one of our District Judges and associate Justice of the Supreme Court of the Republic. As by the law of nations, Foreign Ministers, their retinue and suite are not amenable to the civil or criminal jurisdiction of the Government to which they are accredited, I have therefore to request that you would notify the Hon. Chargé d'Affaires of this proceeding, in order that he may furnish any testimony in his possession that he may deem proper, and permit the member of his household, upon whom the alleged assault was committed, to appear before the Hon. Judge, and give his testimony concerning the offence which has been made the subject of complaint.

Mr. Bullock, the citizen against whom charges have been preferred by the Hon. Chargé d'Affaires, is cited to appear before the Hon. Judge, at the Senate-Chamber, to-morrow at 3 o'clock, p. m., at which time and place an investigation of

the affair will be had, and such proceedings adopted as may appertain to law and justice.

I have the honor to be,

With the highest respect,

Your obedient servant,

(Signed)

HENRY J. JEWETT,
District Att'y 3d Judicial Dist.

From Mr. Saligny to Secretary of State.

LEGATION OF FRANCE IN TEXAS,
AUSTIN, February 23, 1841.

Hon. J. S. MAYFIELD, &c. &c.:

SIR,—Your note of yesterday, enclosing a copy of a letter from Mr. Jewett to your Department, dated the same day, was delivered to me late in the evening, and I hasten to acknowledge its receipt.

I should have failed in justice to the Texian Government, if I had doubted for a moment of its sincere desire to cause to be respected on all occasions the principles of the laws of nations, and of its real disposition to punish with severity any attempt against those salutary and inviolable principles, which, as you say, "it has neither the power or the will to change or modify." I have received with no less pleasure the assurances you have been pleased to give me on this point, in announcing that the Hon. Judge Hutchinson, to whom has been intrusted the cognizance of this affair, would proceed to-day at 3 o'clock, p. m., in the Senate Chamber, to the hearing of testimony,—you add "that it is expected that you would place before this magistrate any evidence at his command." If the Texian Government, which ought, it seems to me, be perfectly apprised of the true cause of this odious violation of the laws of nations,—which cannot be ignorant of the circumstances which have preceded and brought it on,—has not succeeded in procuring open facts known to everybody sufficient evidence, I should take pleasure in transmitting through you all the declarations necessary to enlighten the consciences of its tribunals; I would even consent, in the case in which you have made the demands, that my domestic should be heard by his simple declarations; but as to permitting that they should appear as witnesses before the judicial authorities of this country, particularly when it relates to a question in which the dignity of France is deeply concerned, I could never do without completely forgetting the obligations which are imposed on me without a culpable abandonment of principles and privileges,—the preservation of which unimpaired is one of my first duties.

Accept, Sir, the assurance of the high consideration,

With which I am,

Your very humble and very ob't serv't,

(Signed)

A. DE SALIGNY.

From Secretary of State to Mr. Saligny.

DEPARTMENT OF STATE,
CITY OF AUSTIN, February 23, 1841.

To M. A. DE SALIGNY, &c. &c. :

SIR,—I have just succeeded in procuring a hasty translation of your note of this date, and would most respectfully suggest to Mr. Saligny that under the Constitution of this Government the testimony of his domestic, Mr. Eugene Pluyette, could not be admitted, except in the manner pointed out by law for taking testimony of other witnesses. The sixth section of our Constitution, under the "declaration of rights," declares that "in all criminal prosecutions the accused shall have the right of being heard by himself or counsel, or both; he shall have the right to demand the nature and cause of the accusation,—shall be confronted with witnesses against him, &c." It follows, therefore, with whatever offence of a criminal character an individual may be charged, he is entitled to the forms and mode of trial guaranteed by the Constitution, and prescribed by our municipal regulations. Mr. Saligny, Chargé d'Affaires of France, will perceive, then, the embarrassment attending an investigation of the affair complained of, in the event his domestic is not allowed to testify in the way pointed out by our laws; the Hon. Judge Hutchinson could not admit it otherwise. Insomuch, then, as your domestic is cognizant of the various threats and menaces preceding the alleged affray, and which tend to aggravate it, it is hoped that Mr. Saligny will present no obstacle to a full and satisfactory investigation into the alleged violation of the laws of nations, in the instance complained of. The Government of Texas having caused the matter to be placed before the judiciary, the appropriate department to investigate the same and pronounce the law, will not cease to exercise every constitutional function to do justice.

Accept, Sir, assurances of the high consideration,

With which I am very respectfully,

Your obedient servant,

(Signed)

J. S. MAYFIELD.

Mr. Saligny to Secretary of State.

LEGATION OF FRANCE IN TEXAS,
AUSTIN, February 24, 1841.

Hon. J. S. MAYFIELD, &c. &c. :

SIR,—I must have expressed myself badly, in my note of yesterday, or the translation which was made of it could not have been exact; for I see by your answer that you have not well understood my meaning. I will, therefore, attempt to express it in a clear manner, and one not liable to be misunderstood.

By your note of the 23d, you transmit a copy of the letter of the District Attorney, Mr. Jewett, written to you the same day, in which he asks you to make known his desire that I should permit

Eugene Pluyette to appear before the Hon. Judge Hutchinson to depose as a witness relative to the crime (offence) which forms the subject of my complaint. Then you add below, "that it is expected that I should place before the Hon. Judge Hutchinson all the proofs which may be in my possession concerning this affair."

To this, Sir, I answer, the law of nations prevents not only a Foreign Minister, but even his domestics, from being cited under any pretext whatever, before the tribunals of the country where he resides. The Minister may sometimes, it is true, renounce this privilege; and such circumstances might occur, where, in order to ascertain what justice required, I might consent to permit my domestics to come as witnesses, to depose before the tribunals of the country, but in the present case, if Eugene Pluyette (on whose person has been committed the crime) should appear before the Hon. Judge Hutchinson, it would be, in some sort, much less in quality of witness than as party; and that is the reason, Sir, as I wrote you yesterday—and as it should have been understood—that I could not consent, without a most complete disregard of the duties imposed on me, and without, too, a culpable abandonment of privileges, the maintenance of which unimpaired is one of my first duties.

However, if in his desire to arrive at a full knowledge of the facts, the Hon. Judge Hutchinson should wish to hear my domestic, not as witness, but by simple declaration only, you would have but to inform me of it in writing, and I would have, I think, no objection to it; also, as to your first request, I should be pleased to transmit to the Department of State such information as I possess touching this deplorable affair.

As to the rest, the crime, for which France is to-day forced to seek reparation, has been committed at three different times, in open day, before a great number of people of the city, whom your Magistrate can summon as witnesses. Every body here knows that it has been, for a long time, preceded by circumstances which, of themselves alone, constitute an insult to France.—These facts have been perfectly known by your Government; and although it can be said it had the means, as it was its duty, to have stopped and punished them, during an entire month the Chargé d'Affaires of the King, in his desire to avoid all embarrassment with a country to which he had already given such unequivocal evidence of his personal sympathy, has shown a patience and forbearance, pushed, perhaps, to excess, but which the Texian Government, I am sorry to be constrained to say, should have better appreciated.

France, less than any other nation perhaps, should expect to be insulted by Texas; and, besides since the outrage of which she has to complain has been unexpected, odious and in its character derogatory to her dignity, you can, therefore, the better understand that, in her just indignation, she should insist that it should receive a prompt and signal punishment, proportioned to the enormity of the offence.

As to your reflections upon the judicial forms adopted in the Republic of Texas, I am sorry not to be able to make any other reply than that already directed to you in my note of the 20th of this month, to wit: "that the law of nations is the supreme law which regulates international concerns of all civilized people, and that no people can adopt, in respect to their nation, any rules,—any judicial forms, which, by rendering vain and impossible a recourse to the imprescriptible principles of this law, should deprive them of the means of pursuing redress for their just grievances."

Be pleased, Sir, to accept the assurance of the high consideration, with which

I am your very humble and very obedient servant,

(Signed)

A. DE SALIGNY.

From Secretary of State to Mr. Saligny.

DEPARTMENT OF STATE.

CITY OF AUSTIN, February 25, 1841.

To M. A. DE SALIGNY, &c. &c.:

SIR,—I have the honor to acknowledge the receipt of your note of yesterday, and duly noted its contents, and the positions assumed by you—that there is nothing in common with the laws of nations and the municipal regulations of the Government of Texas. I beg leave to repeat that it is most true, that the Texian Government could not, if she desired it, do anything to render vain or nugatory the imprescriptible laws and usages of nations.

At the same time, it is equally manifest that, for an infringement upon, or a violation of, the laws of nations within the jurisdiction of the Texian Government, the offender can only be brought to punishment in the manner pointed out by our Constitution and laws; and that testimony relative to any such infraction of the laws of nations, can only be admitted by the judiciary in the forms prescribed by our Constitution and municipal policy. The subject matter of complaint having been referred by the Executive to the appropriate department, (the judiciary), the Government had no further control over the matter, and the alleged offence could only be reached in the manner indicated.

I herewith have the honor of transmitting to you a copy of the report of the Hon. Judge Hutchinson, to this Department, relative to the judicial measures adopted by that officer to bring Mr. Bullock to punishment for the alleged offence.

The undersigned confidently entertains the hope, that Mr. Saligny will see, in this, manifested every disposition, on the part of the Texian Government, to sustain inviolate the laws of nations, and exert, to the utmost of her authority, to punish any violation of the same.

Accept assurances of the high consideration,

With which I am respectfully,

Your obedient servant,

(Signed)

J. S. MAYFIELD.

From Mr. Jewett to Secretary of State.

AUSTIN, February 24, 1841.

Hon. J. S. MAYFIELD, &c.:

SIR,—In conformity to your instructions, of the 20th of this month, I have instituted a judicial enquiry into the alleged violation of the laws of nations, said to have been committed by Mr. Richard Bullock, a citizen of Austin, upon the person of a domestic belonging to the house of the Hon. A. de Saligny, Chargé d'Affaires of France, at our Government.

The result of the enquiry contained in the accompanying documents, marked A, B and C, I have the honor to transmit you. The letter of the Hon. Judge Hutchinson, (doc. C.), before whom the investigation was had, gives a full statement of the proceedings, and the judicial order which he issued thereupon.

As the Hon. Chargé d'Affaires did not feel himself at liberty to comply with my request, made through your Department, that his servant should give his testimony before the judge in relation to the subject of complaint, the investigation of the Court was directed only to the affray of the 19th. For this offence, the result of the judicial enquiry shows that Mr. Bullock, the defendant, has been strictly dealt with according to the laws of our Republic, provided for such cases.

Trusting that the novel and delicate duties, which in this instance have devolved upon me in my official capacity, may have been discharged in such manner as to meet the approbation of his Excellency the President, I have the honor to subscribe myself,

Your obedient humble servant,

(Signed)

HENRY J. JEWETT,
District Att'y 3d Judicial Dist.

Document A.—(*Information.*)

REPUBLIC OF TEXAS,
County of Travis.

To the Hon. ANDERSON HUTCHINSON (*Judge of the District Court for the Fourth Judicial District, and Associate Justice of the Supreme Court of the Republic of Texas.*)

In the name and by the authority of the Republic aforesaid, be it remembered that Henry J. Jewett, District Attorney of the Third Judicial District of the Republic of Texas aforesaid, comes before your Honor, and brings with him here certain instructions in writing, directed to said Attorney by the President of the Republic of Texas, through his Secretary of State, James S. Mayfield, that is to say—

DEPARTMENT OF STATE

CITY OF AUSTIN, February 20, 1841.

SIR,—Mr. Saligny, Chargé d'Affaires of France, yesterday transmitted to this Department a representation that Mr. Rich-

ard Bullock, a citizen of this city, had violated the laws of nations by provoking and engaging in an affray with Mr. Eugene Pluyette, a domestic of his, and one of the people belonging to his house.

The President has directed me to instruct you to institute before the proper judiciary officers an examination into the affair, and adopt such legal measures, in the prosecution of the same, as can be borne out by the laws and usages of nations, and our own municipal policy. It is desirable that the examination be taken in writing.

Relying upon your zeal and integrity in sustaining inviolate the usages of nations and the character of our institutions, further or detailed instructions are deemed unnecessary.

I am, very respectfully,

Your obedient servant,

(Signed)

J. S. MAYFIELD.

To HENRY J. JEWETT, District Attorney.

Whereupon the said attorney, in behalf of the Republic aforesaid, by virtue of the power and authority vested in him by law, and in conformity to the aforesaid instructions, on the 22d day of February, in the year of Christ one thousand eight hundred and forty-one, gives the Court here to understand and be informed, that one Richard Bullock, a citizen of the County of Travis, in the Republic of Texas aforesaid, on the 19th day of February, in the year of Christ one thousand eight hundred and forty-one, then and there, with force and arms, in said county, in and upon the body of one Eugene Pluyette, a servant of A. de Saligny, Chargé d'Affaires of France in the Republic of Texas, then and there in the peace of the Republic being, an assault did make, and him, the said Eugene Pluyette, did then and there beat, abuse wound and ill-treat, and other wrongs and enormities then and there did and committed, to the great damage of him, the said Eugene Pluyette, in violation of the laws of nations, and against the peace and dignity of the Republic.

Whereupon the said District Attorney, who prosecutes in behalf of the Republic aforesaid, prays the consideration of your Honor in the premises, and that due process of law may be awarded against said Richard Bullock, in this behalf, and he held to answer to said Republic, touching and concerning the premises aforesaid, and do therein what to law and justice may appertain.

(Signed)

HENRY J. JEWETT,

District Att'y 3d Judicial Dist.

Upon this information the following process was awarded:

THE REPUBLIC OF TEXAS,—

To the Sheriff, Coroner, or other Ministerial Officer of County of Travis, or, in defect or absence of such officer, then to the Marshal of the City of Austin, greetings:

Before the undersigned, Judge of the Fourth Judicial District and Associate Justice of the Supreme Court, information by Henry J. Jewett, Attorney of the Republic for the third Judicial District, predicated in instructions of the Executive through the Department of State, has this day been preferred, stating and charging that Richard Bullock, a citizen of said county, on the 19th day of this month, with force and arms, in and upon one Eugene Pluyette, a servant of the Hon. A. de Saligny, Chargé d'Affaires of France at our Republic, then and there being in peace, an assault did make and him, the said Eugene Pluyette, did beat, abuse, wound and ill-treat, and other wrongs and enormities then and there did, to the great damage of the said Eugene Pluyette, in violation of the laws of nations, and against the peace and dignity of the Republic.

We therefore command you forthwith to arrest the said Bullock, and bring him before the undersigned at the Senate-Chamber in the city and county aforesaid, on to-morrow at 3 o'clock p. m., to be examined of said charge, and to be dealt with according to law. Have you then and there this writ.

[L. S.] Witness A. Hutchinson, Judge, &c.,
 this 22d day of February, 1841, and his
 private seal annexed.

(Signed)

A. HUTCHINSON.

On this warrant the following return was endorsed, viz:
Received the 22d February,—served 22d, 1841.

(Signed)

MOSES WOOD, C.C.T.

Document B.

REPUBLIC,

vs.

RICHARD BULLOCK.

The defendant appeared and answered by his attorney, F. A. Morris, Esq. A motion was made by the counsel for the defendant that the defendant be discharged, on the ground that the warrant was issued without the oath or affirmation required by the Constitution, contained in the fifth article of the declaration of rights;—over-ruled.

The defendant pleaded not guilty of the charge.

The following witnesses were sworn and examined:

MOSES JOHNSON.—I was passing up the street and saw Mr. Bullock running after some person; as I approached nearer, the person whom Mr. Bullock was pursuing appeared to make some resistance. Bullock threw rocks at the man—took up an axe, but

did not strike. The man picked up a rock; do not know that he threw it, but thought he did. They were afterwards together; saw Mr. Bullock strike the man; did not see whether the man struck Mr. Bullock. The man is one who resides with Mr. Saligny; rides his horses. I think the Frenchman struck Mr. Bullock, but not certain. I think Mr. Bullock struck the Frenchman with a rock on the head; afterwards the Frenchman kicked Mr. Bullock two or three times, and then Mr. Bullock pursued the Frenchman, with a club, towards Mr. Dulong's. This was three or four days since, I think on Saturday or Friday last.—When I first saw them the Frenchman was running from Mr. Bullock.

Cross-Examined.—I do not know the man's name; know he is about Mr. Saligny's.

(Signed)

MOSES JOHNSON.

JULES DULONG.—On the 19th I heard a noise in the street; went to the window, saw Mr. Bullock running after Mr. Saligny's servant; when Mr. Bullock pursued the servant closely, he laid down a basket he had, and turned upon and struck Mr. Bullock; Mr. Bullock retorted on him. They had a fight; they were engaged about two minutes. The servant kicked Mr. Bullock twice. The servant's face was covered with blood; when the servant was blinded with blood he ran into my store. Mr. Bullock pursued him with a club. I requested him not to come into the store, and Mr. Bullock went away. I know him to be the servant of Mr. Saligny; his name is Eugene Pluyette. Mr. Bullock pursued the servant to the door, but did not come in,—used some abusive language. Mr. Bullock had a large club in his hand; the servant had a contusion in his head. When I first saw Mr. Bullock pursuing the servant, Mr. Bullock appeared to be in great anger. I did not see the commencement of the affray.

(Signed)

J. DULONG.

Reduced to writing by the Recorder of Austin, and signed by the witnesses in my presence; he having answered through a sworn interpreter.

(Signed)

A. HUTCHINSON.

February 23, 1841.

Document C.

CITY OF AUSTIN, Feb. 23, 1841.

Hon. J. S. MAYFIELD, &c.&c.:

SIR,—On the 22d inst. Henry J. Jewett, Attorney of the Republic for the third Judicial District, preferred before me, as one of the District Judges, an official information against Richard Bullock, of Travis County, for committing an assault and battery on Eugene Pluyette, a domestic of the suite of the Hon. A. de Saligny, Chargé d'Affaires of France, resident here, and stating the offence to have been committed on the 19th inst., in vio-

lation of the laws of nations. I issued my warrant for the arrest of the accused and his preliminary examination at the Capitol on this day. He was arrested and brought before me at the hour and place appointed. I requested the Mayor of Austin to sit with me, in order that he might take cognizance if, from the evidence, the case should seem more proper for his action. The Minister of France did not send any witness to be sworn to testify. Two witnesses on behalf of the Republic were sworn and testified; and their testimony, reduced to writing, will be copied and transmitted to you, with copies of the information and warrant, by Mr. Jewett. Being satisfied, from the testimony, that the accused ought to be put upon recognizance, with sureties to respond to the prosecution at the next term of the District Court of Travis County, for the misdemeanor, charged as an offence against international law, I ordered him to give sureties accordingly. He has entered into a regular recognizance with sureties to appear, answer and defend. Any other or further proceedings did not seem indicated by the evidence, or justified by our Constitution and laws; and the action had, appears to be the utmost the laws and usages of nations in such case require.

I have the honor to be, Sir,

Your obedient servant,

(Signed)

A. HUTCHINSON.

Mr. Saligny to Secretary of State.

AUSTIN, February 28, 1841.

Hon. J. S. MAYFIELD:

SIR,—I have the honor to acknowledge the receipt of the note you did me the honor to address me on the 25th of this month.

I observe by the decision rendered on the 23d inst. by the Hon. Judge Hutchinson, of which you have given me a copy, accompanying your note, that that magistrate has (entered into) fully understood the weight of the affair which was submitted to his decision, and I will abide the definite judgment of the honorable District Court, with the fullest confidence in the wisdom and independence of that honorable tribunal.

I have nothing further to add or to alter to my former communications. You may rest assured, Sir, that the Government of the King, to which I felt myself bound to transmit a copy of the correspondence exchanged between us, will justly appreciate the feelings by which the conduct of your Government has been directed throughout this unfortunate affair. It cannot, without doubt, learn with the most painful surprise that a member of the Texian Cabinet has, in a measure, associated himself with the responsibility of an act, which the justice of his country immediately condemned as a violation of the sacred principles of the laws of nations. As to myself, I will abstain from any remark

upon such a proceeding, which, in my opinion, is without an example in the annals of civilized people.

Receive, Sir, my assurance of the high consideration,
With which I have the honor to remain,
Your very humble and obedient servant,

(Signed)

A. DE SALIGNY.

From Secretary of State to Mr. Saligny.

DEPARTMENT OF STATE,
CITY OF AUSTIN, March 15, 1841.

To M. A. DE SALIGNY:

SIR,—Instructed by the President, I herewith transmit to you the memorial of Mr. Richard Bullock, a citizen of this city, addressed to his Government, praying for relief in a controversy existing between him and yourself, it being the only mode of redress left him. The question is therefore submitted to the consideration of Mr. Saligny, that he can adopt such measures in the matter as may be dictated by his good sense of propriety and justice.

The undersigned avails himself of this occasion to renew to Mr. Saligny assurances of the great consideration,

With which he is respectfully,

Your obedient servant,

(Signed)

J. S. MAYFIELD.

Memorial of Richard Bullock.

CITY OF AUSTIN, Feb. 20, 1841.

His Excellency DAVID G. BURNET,

President of the Republic of Texas:

Your memorialist would most respectfully represent to your Excellency, that, in pursuance of his lawful business, which, since he has resided in Austin, has been to accommodate with board travellers and other persons, the Chargé d'Affaires of France, Mr. Saligny, has become his debtor to two hundred and seventy dollars and seventy-five cents, (\$270 75), par money, as also \$11 75 Texas promissory notes, it being a balance of money advanced for medicines, &c., during a protracted spell of sickness last summer, when he was unable himself to procure them in person. Your memorialist has resorted to sundry ways and means, both by application in person and the mediation of disinterested friends, to obtain his just rights, but has failed; and for the honor of France, who was amongst the first to acknowledge our independence, as well as for the good of his adopted country, he has seen fit, thus far, to subject himself to great inconvenience in patiently submitting to the detention of his just rights from him.

Your memorialist would further state, that there is no reasonable cause why his debtor should restrain from him his lawful rights. The debt originated in a bill for board, horse-keeping, burial expenses of one of his negroes, servant's hire, for attendance in sickness, &c.; and prices in said bill charged the same as other gentlemen boarding at the same time were charged, which have long since been liquidated. Your memorialist has never asked of his debtor, nor does he wish, for more than his just rights; but the station occupied by the debtor of your memorialist places him in a situation that the laws for the benefit of creditors cannot reach him. Your memorialist, therefore, with great reluctance, would respectfully submit his cause of complaint to your Excellency for redress.

Your memorialist further states, that soon after his debtor refused payment, (for the first time), he has suffered detriment in the loss of hogs, which have been most maliciously and wantonly killed, with pitch-forks and pistols, used by his debtor and a Frenchman in his employ, called Eugene, or by servants under his debtor's directions. He supposes the number of hogs killed by them to be between fifteen and twenty-five, the value of which he thinks would be about one hundred dollars, par funds. Your memorialist sheweth further that the fence of his debtor is not a lawful one, it being barely ever kept up.

Your memorialist said above that his hogs were wantonly and maliciously killed; his reasons for the declaration, is, that his debtor was not at all injured or incommoded, his hogs occasionally, as well as the hogs of other neighbors, only going under the horse-trough of his debtor, fed, for the most part, in an almost open lot, there being no garden or kitchen that they either molested or disturbed.

Your memorialist is sure, that, had another man, amenable to the laws of this Republic, done like acts, he would have recovered in a court of justice the value of his property, having witnesses abundant to prove the condition of his fence, or paling, as well as the killing of his stock.

An apology is due your Excellency from your memorialist for the additional burden he is transferring on your already responsible and arduous duties, in which your Excellency is engaged; but your memorialist is a plain citizen of the Republic over which your Excellency presides, knows no other peaceable means of redress, and looks and confidently expects of you to see justice done him.

Your memorialist is aware of the disagreeable task he is imposing on your Excellency; he well knows that the diplomatic agent of chivalrous France (when entitled to it) should be treated with great dignity and respect; a sense of propriety as well as decorum also dictates to him, that he should not be hasty or precipitate in forming conclusions, or acting towards one occupying the station of his debtor. Your memorialist considers he has not been hasty, payment of his debt having been deferred for six months or more, and suffering loss of his hogs almost weekly.

Your memorialist respectfully asks of you, as the Chief Magistrate of our country, protection in his rights, as his debtor is not amenable to our laws; and he is constrained confidently to expect, and he fully believes you will have justice done to one even of your humblest citizens; and your memorialist will ever, as in duty bound, pray, &c.

(Signed)

RICHARD BULLOCK.

From Mr. Saligny to Secretary of State.

LEGATION OF FRANCE IN TEXAS.

AUSTIN, March 21, 1841.

Hon. MR. MAYFIELD:

SIR,—The bad state of my health has not permitted me to acknowledge, before the present moment, the receipt of the letter which you did me the honor to address me on the 15th of this month, in conformity with the order of his Excellency, Gen. Lamar, to remit me the copy of the memoir, as you style it, addressed to President Burnet by Mr. Bullock, on the 20th of last month.

I regret, Sir, that you had not thought proper to communicate at an earlier date this memoir; for the explanation, which I feel bound to transmit to you, would have necessarily convinced you, that I have not waited until the present moment to adopt, in this affair, all the measures that a scrupulous feeling of justice and propriety might dictate.

The memorial of Mr. Bullock is nothing more, in the eyes of every impartial and sensible man, than a measure adopted as an after-thought, the end of which can be easily understood; it does not suit my convenience to refute one by one, all the false allegations, all the controverted or entirely unnatural facts which it contains.

I will confine myself, then, to inform you, that I have never refused to pay what I owe to Mr. Bullock; that, on the contrary, I have offered frequently, through divers persons, to pay immediately;—it is not true according to the account rendered by him, which everybody says is scandalous, (most scandalous imposition) but according to that fixed by the arbitration, conformable to the known prices of Mr. Bullock, of which account I annex a copy. I have renewed to him, within the last five or six days, the same proposition, but that individual has always refused; and for entire months he has not ceased to vomit against me the most gross insults, and to carry from door to door the most outrageous calumnies. Whatever might be my contempt for insults originating from a source so low, my well-known sentiments of affection and devotion to this young Republic, and the desire to avoid all embarrassments to its Government have alone prevented me from fulfilling the duty which my station required of me, in demanding, officially, reparation; but at the same time I have perceived,

with profound sorrow, I assure you, that the amicable representations, which I deemed it my duty on divers occasions to submit to Judge Burnet, have not had any effect, and that the Texian Government has not taken any measures to put an end to the outrages to which France was the object, in the person of her representative, and to prevent the lamentable consequences which I was heartily desirous to spare between two friendly Governments.

As to the complaint of Mr. Bullock, in regard to his hogs, this is the truth:—I have a long time suffered, and still continue to suffer, every day, in common with many of us, from the many hogs with which this town is infested. Every morning one of my domestics spends two hours in putting up and nailing the palings of the fence, which these animals throw down for the purpose of eating the corn of my horses; one hundred and forty pounds of nails have been used for this purpose. One day three hogs entered even to my chamber, and eat my towels and destroyed my papers. On another occasion, a dozen of these very animals precipitated themselves in the midst of my horses, for the purpose of eating their corn; the horses, affrighted, upset the stable and trampled under foot one of my domestics, who was dragged from under their heels with a great deal of difficulty and half dead.

It was then that, following the example of many of my neighbors, I directed my domestics to kill all the hogs that came into my yard; but this order was not particularly applicable to the hogs of Mr. Bullock, which do not carry their master's name upon their backs, and which it is impossible to distinguish from other hogs. In obedience to those orders, five or six hogs, as it appears, were killed in my yard by my domestics; did they belong to Mr. Bullock, or to any body else, I do not know, but the insinuations and assertions of that individual, with regard to this point, are not less false than all the rest of his memorial, which throughout breathes a most remarkable bad faith, and is evidently, as I repeat, nothing more than an expedient, by which he hopes to extenuate the crime of which he is found guilty, and of which France awaits a just reparation.

I renew to you, Sir, the high consideration,
With which I have the honor to be,

Your very humble and obedient servant,

(Signed)

A. DE SALIGNY,

Account as acknowledged by Mr. Saligny.

M. DE SALIGNY,		To RICHARD BULLOCK, Dr.	
July 26—	To keeping horses 3½ days, at \$2.50 per day,	\$25	25
	" 5 " 4 " 2 50 "	50	00
	" one day's board for driver, 2 50 "	2	50
	" one month's " " self, \$60, — —	60	00
	" " " " two servant boys, \$30,	60	00
	" " " " one " girl, \$30,	30	00
	" five day's " " Mr. Dulong, —	12	50
	" negro girl (Flora's) expenses, —	8	35
	" digging grave and burying Flora, —	10	00
	" keeping spotted horse 12 1-2 days \$1 50,	18	75
	" services of Henry, 3 days — —	6	00
	" one month's rent for store-house, —	30	00
			\$313 75

This bill is made out according to the information made known to me by Mr. Saligny, concurring with Mr. Bullock's rates of charges.

(Signed)

BILLINGSLY.

Deducting from Mr. Bullock's bill, as settled by		
arbitration at — — — — —	\$313	75
Cash paid by M. de Saligny, in July 28th, — —	200	00
	Balance due,	\$113 75

Not only has Mr. Saligny proposed to Mr. B., as early as August last to pay him that balance, but he went further:—having made no bargain with Mr. B. for the rent of the store, he agreed to pay the \$40 charged by Mr. Bullock, instead of \$30, as reduced by arbitration. It is very strange that Mr. Bullock, having taken from Mr. Billingsly's hands the bill formerly presented by himself to Mr. Saligny, has always refused to return it, although called for twenty times. A proposition, made anew a few days ago to Mr. Bullock, through Mr. Billingsly, to settle, has received no answer,—at least, as far as Mr. Saligny knows.

From Mr. Saligny to Secretary of State.

LEGATION OF FRANCE IN TEXAS,
AUSTIN, March 25, 1841.

To HON. MR. MAYFIELD, &c.:

SIR.—France has just received in this city a new insult, of the most atrocious character; and on this occasion, it is to the person of her representative himself that the outrage has been committed.

Yesterday evening, at the moment I was about entering the

yard of the house of the Chargé d'Affaires of the United States, whom I was about visiting, the tavern-keeper, Mr. Bullock, who had been following me some moments, with an air and aspect of menace, so manifest that I could not but remark it, precipitated himself towards me, and said with an insolent tone, that he did forbid my coming to his house; I answered tranquilly, that I came not to his house, but to the house of Col. Flood. It is not true, replied he, you are upon my premises, and the first time you come again, I will beat you;—you are now warned,—henceforth I will not restrict myself to words, but I will act. In speaking thus, he raised his fist towards me in menace, and made a motion of a disposition to strike me. I warned him to be aware of what he was about to do. Then he took me by the collar, afterwards he seized me with violence by the arm; at length, disconcerted by coolness, he let me go, and I continued my course without paying any attention to the injuries and menaces which he had offered me.

During many months, Sir, the Texian Government, without regarding the amicable observations which I had contented myself with addressing to it,—without appearing to appreciate, as I had a right to expect, the feelings which have induced me to exercise a patience and endurance, has permitted Bullock to vomit every day against the representative of France the most gross insults and the most insulting calumnies. Stimulated by the incomprehensible inaction of your Government, this pitiful fellow, as I have often predicted to Judge Burnet, has no longer confined himself to mere words;—three different times he has attacked in the streets one of my servants. The course which the prosecution against him, for the crime committed on the 19th Feb., has taken,—the extraordinary indulgence shown towards him; and above all, the encouragement which has been given him (by the) in that affair by one of the members of the Cabinet—who has not hesitated, as I have had the honor to call your attention to, in my communication of the 28th of February last, to associate himself in the responsibility of this affair—has convinced Bullock that he can dare anything;—that he can with impunity trample on all law, and commit aggression even against my person.

But, Sir, however odious may have been the base attack, of which I have been the object, I regret, Sir, to be forced to request of you to call the attention of his Excellency the President, Lamar, to another fact which is not less worthy of reprobation.—The crime committed yesterday by Mr. Bullock, in which, I am happy to acknowledge, has inspired with indignation all people of correct feelings in this city, has again found a warm defender in the Cabinet: in fact, according to the information which I have received from the most respectable persons, the Secretary of the Treasury has not hesitated to approve publicly, and without reserve, the conduct of Bullock; that he has even gone the length to say, that, had he been in his place, he would have taken his gun and killed me. This is a piece of advice of which Bullock has, no doubt, determined to avail himself on the first occasion.

In view of such facts, Sir, I should be tempted to believe myself

in the midst of a savage tribe, rather than in the bosom of a civilized and friendly nation. Unless the Texian Government, arousing from its inconceivable lethargy, should not adopt instantly the most energetic measures for the punishment of the past, and the prevention of future outrages, and for the rendering France distinguished satisfaction, you will see, Sir, that I could not longer remain near a Government, which, far from enabling me to enjoy the respect and protection due the representative of a friendly nation, might not have the will or the power to protect my very existence from the attacks of a wretch.

I therefore beg of you to let me know at the earliest possible period, the measures adopted by your Government to prevent Bullock from putting his designs into execution.

As to the Secretary of the Treasury, whose conduct is a deep insult upon France, I have too much confidence in the elevation of sentiment of his Excellency, General Lamar,—in his high sense of justice, as well as his friendly disposition towards a Government, from which Texas has received nothing but proofs of sentiment and sympathy, to doubt for a moment that he will not hesitate strongly to reprove a functionary culpable of such an offence; and thus to afford to France the reparation due her.

If I shall be disappointed in these my just expectations, I shall find myself, Sir, under the painful necessity to beg of you to send me my passport, and to quit this country. Then, Sir, in leaving to the Government of the King the care to provide for that reparation which may have been refused. I can with confidence appeal to the judgment of the civilized world, and cast the responsibility of the consequences where they should properly rest, calling heaven to witness, that I have done every thing to avoid them.

I have the honor to be, Sir,

With high consideration,

Your very humble and very obd't serv't,

(Signed)

A. DE SALIGNY.

Secretary of State to Mr. Saligny.

DEPARTMENT OF STATE,
CITY OF AUSTIN, March 29, 1841.

M. A. DE SALIGNY, &c. :

SIR,—I have the honor to acknowledge the receipt of your note of the 25th inst., complaining of an alleged attack made on you by Mr. Richard Bullock the preceding evening.

It is to me, as it is to his Excellency the President, a source of exceeding great regret that any citizen of this country should so deport himself towards you, (whatever reasons he may have for personal hostility to you), as to give you the least annoyance.—This Government has, at all times, evinced its willingness and readiness to avail itself of all its constitutional powers to sup-

press such annoyances, and to punish the perpetrators of them. As an evidence of this fact, I would only call your attention to the past history of the personal controversy existing between Mr. Bullock and yourself. It seems, from your own representations, that this controversy had its origin in your refusal to pay Mr. Bullock a bill which he presented to you for the board of yourself and domestics while you remained inmates of his house. For some time, that controversy was carried on between you as individuals without reference to your diplomatic character, or any intention, on the part of either, to refer it to this Government.

It is true, that subsequently, in private, *inofficial* conversation with several gentlemen of the Cabinet, you mentioned the conduct of Mr. Bullock as being insulting, and intimated that if he persisted in it you should feel yourself compelled to make a formal complaint to the Government of his course; but these conversations were considered, at the time, as having been induced more by the very friendly personal relations existing between yourself and the gentlemen with whom they were had, than by any desire that those gentlemen should interfere in the matter, farther than to advise Bullock of the impropriety of his deportment, and to remind him of the consequences which a continuation of it might involve. Such, I believe, was the view taken by them of the object of those verbal and private conversations on your part; and such I know was the desire which they felt, that you should not be subject to annoyances of any kind, whatever might have induced them, or however trivial in their nature, that they called on Bullock, and after representing to him what they had termed the indelicacies of his conduct towards you, went so far as to threaten him with prosecution, if he did not desist from the mention of your name, otherwise than in courtesy and respect.

This course, on the part of the gentlemen to whom I have referred, it is believed, had its full effect with Mr. Bullock at the time, and induced him to send his friend and relation, General Hunt, (with whom you were on terms of intimate association), to you, with a request that your differences might cease; and whatever tendency your answer by General Hunt might have had in exasperating him farther towards you, he nevertheless, it is believed, continued to abstain from all offensive reference to you or your concerns, until he was repeatedly informed of the destruction of his property in the streets by your domestics, and, as it was said, by your order. He, even then, (as it is asserted to this Department), abstained from offensive allusion to you; but meeting one of your domestics in the street, he ordered him to cease from destroying his property, and perhaps threatened him with punishment if he did not, and this leading to an angry altercation, it finally resulted in the personal conflict between them, to which you have alluded in your note of the 25th ultimo.

From all the information which this Department has been able to obtain in regard to this unpleasant affair, it is believed, the foregoing presents, substantially, a true statement of the dif-

ferences between you and Mr. Bullock, (without particular reference to the various alleged causes of complaint which he urges against you), up to the time of your official note to this Department, of the 19th day of February last, complaining of his attack upon your servant, and demanding his punishment; and to show the desire which was felt and manifested by the Government on that as well as on all other occasions, to shield and protect you and your household from insult or outrage, an order was immediately issued by this Department, to the prosecuting attorney of this District, to institute a rigid investigation into the alleged assault upon your domestic, in order that the appropriate punishment might be inflicted upon the perpetrator; which investigation (notwithstanding the embarrassment thrown in the way by your refusal to permit your servants to give testimony in the only way known to our Constitution and laws) resulted in binding Bullock to the District Court (our criminal tribunal) to answer for the offence in a criminal prosecution.

In the result of that investigation, I entertained the hope and confident belief that you were fully satisfied, and had seen in it reasons to appreciate the sincerity with which this Government is at all times animated in its endeavors to preserve the most cordial and amicable relations towards the nation you represent, as well as its desire to manifest towards you personally every courtesy and respect to which you are officially and individually entitled; nor could a different impression have been produced after your note of the 28th ultimo, but for the extraordinary and unfounded remarks which, in reference to that investigation, you make in your last note of the protection afforded Bullock, and of the "inconceivable lethargy" which you impute to this Government, in defending you from his verbal aspersions.

What act of this Government, in reference to the controversy between you and Mr. Bullock, could have given rise to the assertion, that "extraordinary indulgence had been shown him," or that this Government has "permitted him to vomit every day against the representative of France the most gross insults and insulting calumnies," I am at a loss to conjecture. If the instituting an immediate and rigid examination into the conduct of the accused, so soon as this Department was officially notified of his having assaulted, in a personal quarrel, the domestic of the "representative of France;" if a diligent search and enquiry through the evidence to sustain a prosecution against him for the alleged offence, after the "representative of France" had refused to permit his domestic, upon whom the assault was said to have been committed, to give testimony in support of the charge; and if the urging that prosecution, and having the accused bound over for trial at a criminal court, be evidences of "extraordinary indulgence," then, indeed, the imputation, that this Government has exhibited such to Mr. Bullock, may be well founded. But such acts are not what the people of this country would term indulgence; and it is easy to imagine that the persons to whom they were shown would readily dispense with them.

In relation to the calumnious expressions, which you say Mr. Bullock has been permitted to use in reference to you, I have only to remark, that this Government keeps no spies to watch the actions or report the street conversations of its citizens; and if it did, it would, no doubt, be frequently informed of as gross and disrespectful and indelicate expressions used in reference to the President and every other public functionary, as are charged to Mr. Bullock in regard to you. These things are to be deprecated, but as they are never considered as doing any injury to him to whom they are applied, especially when his department is such as not to deserve them, they have not generally been regarded as worthy of legislative reprehension, so far as to justify a criminal prosecution of them. But it is emphatically denied that this Government has permitted Mr. Bullock to use, in reference to you, expressions which were either calumnious, insulting or disrespectful. It has no evidence that such expressions have been used. Your own information upon the subject seems to have been derived from others who may have misrepresented the facts; for it does not appear in your representation that he has, on any occasion, used such expressions when addressing himself personally to you; nor does it appear that he had, at any time previous to his ordering you not to come on to his premises (which is complained of in your last note), exhibited towards you, personally, language or actions, which were deemed either menacing or slanderous.

In looking over your note, I am wholly at a loss to comprehend the idea you intend to convey by the expression, that Bullock has been stimulated in his conduct towards you by the "incomprehensible inaction of this Government." In what respect has this Government been inactive, when you have invoked its interference for protection, either from the senseless words of an irritated man, or from an assault upon your domestic?—for you do not pretend to say, that, until the last transaction of which you complain, he has ever attempted to assault you. So far from this Government remaining inactive upon this subject, it is believed that it has done more than any other Government ever did; and this, too, entirely with the view of protecting you from what seemed so great an annoyance to you—"the tavern-keeper Bullock's" remarks respecting your want of faith in your private engagements. Words spoken in reference to a Foreign Minister by a private citizen are not deemed criminal by any writer on the law of nations; particularly, if they do not relate to him in his character of Foreign Minister, but are applied to him in his character as an individual; and this Government, being aware of the fact, and of its inability to punish Mr. Bullock for any expression of his, in relation to Mr. Saligny, growing out of their personal quarrel, procured an act to be passed at the last session of Congress, (an exemplified copy of which has been furnished you), declaring that disrespectful and malicious words spoken of a Foreign Minister should be punishable, upon conviction, by fine and imprisonment of the individual uttering them. This act,

if you are aware, was passed entirely with a view to the state of things which you then represented as existing between yourself and Mr. Bullock, and should, at least to your mind, afford sufficient evidence of the disposition of this Government to go as far as any other nation ever did in protecting the feelings and sensibilities of Foreign Ministers, as well as their persons and household from outrage.

There is a view which may be taken of this subject, which seems to me may have some influence in convincing you that Mr. Bullock could not have intended offering an insult to your Government, whatever may have been his intentions to you individually. It is this:—Mr. Bullock is wholly unlearned on subjects of international law, and it is presumable that he did not suppose he was offering an insult to France in speaking freely of her representative, in his individual character, especially when he could not be otherwise than informed that that very representative was in the frequent habit, not only at his own dinner parties, but in the public streets and grog-shops of the city, of speaking in the most opprobrious and disrespectful terms of the Secretary of State, the second highest Executive Officer of the Government, and one, too, through whom the whole of his official intercourse with this Government had to be conducted. If it were not a violation of propriety, decorum, and even of the laws of nations, for the Chargé d'Affaires of France, accredited to, and residing near, this Government, to vituperate and abuse, in terms most offensive and disrespectful, members of the national Congress and the second Executive Officer of the nation, surely the "tavern-keeper Bullock" may be presumed not to have known it to be a national offence, when in the indignation of the moment, arising from an accumulation of supposed injuries, ventured to express his opinion of the author of those injuries.

As regards the course of Dr. Chalmers, the Secretary of the Treasury, in becoming the bail of Mr. Bullock, when bound over to the District Court to answer for the offence of assaulting your servant, I have only to say that it was an individual act of his own, having no connection whatever with the Government.—Dr. Chalmers is a distant relation of Mr. Bullock's lady, and has for a number of years been upon terms of the most intimate friendship and association with him, and was induced, no doubt, by that consideration, to do which few gentlemen in this city would have refused, if called upon. Were you a stranger to the American character, or to the people of this country, I would think it possible that you might be surprised at seeing an individual, holding the high office of Secretary of the Treasury, becoming bail for a "tavern or inn-keeper," when bound over to court upon a charge of criminal conduct. But in this country, and even in the United States, (where I believe you long resided), such an act would not be looked upon as remarkable. Office here, as you well know, does not elevate the incumbent above his former associates, and a "tavern-keeper" may in private circles, and in all social relatives [*sic*], be a fit and acceptable companion of the Presi-

dent, as well as for one of his Secretaries; and as far as Mr. Bullock's character for general respectability is concerned, I believe the time is not very remote when you yourself will acknowledge him as an associate. Nor does the charge of having committed an act in violation of law, and which may subject the perpetrator to a species of punishment, always carry with it the imputation of infamy, or throw the individual charged beyond the pale of society. Hence, a man may sometimes be charged with an offence without weakening his claim upon his friends, either for sympathy or support. I make these remarks, not with the view of justifying the act of Dr. Chalmers, in becoming the bail of Mr. Bullock; it was an act with which the Government had no concern whatever, and probably it might never have been apprized of it, but for its attention being called to the subject by your communications. Had the agency of Dr. Chalmers in this matter been in the slightest degree connected with his official duties as Secretary of the Treasury, the President, from his warm personal regard for you, as well as his great desire to manifest on all suitable occasions his sincere wish to cultivate the most amicable relations with France, would have needed no suggestions as to the course which a just sense of duty and propriety directed him to pursue; but he can perceive nothing in a transaction wholly private in its character, and dictated by the recollections and associations of a long and intimate friendship, which would justify him in administering the official reproof, which you seem to think necessary on this occasion.

In respect to the expressions which you charge the Secretary of the Treasury of using in regard to the recent transaction between yourself and Mr. Bullock, I have the authority of that gentleman that they are untrue; and I may here remark, that the information given you in reference to him may serve as a commentary upon many other communications, which you have doubtless received from those whose greatest object and delight seems to be the production of discord, by propagating of falsehoods; at all events, it is hoped that the assurance of his never having given such advice as is imputed to him, will be sufficient to relieve your mind from the apprehensions under which it seems to have been laboring since the report was made to you.

The recent conduct of Mr. Bullock, in his attack on you while on a visit to the Hon. Mr. Flood and family, who were boarding in his house, as represented in your note of the 25th inst., meets the unqualified reprobation of the President and his Cabinet, and I am instructed to say (which I do with much pleasure) that this Government will take all necessary measures to have it properly investigated and punished as it deserves. The prosecuting attorney of this District is now absent from the city, but is expected to return in a few days, and so soon as he arrives instructions will be given him to institute forthwith such proceedings as may be required, under the Constitution and laws, for the attainment of this end. I am aware, that, in matters of this kind, you assume the position that the Constitution and municipal regula-

ions of one nation are not to be invoked, when the rights of another are alleged to have been violated in the person of its representative. It seems to me, it will require but little reflection on your part to convince you that your views on this subject are incorrect. It is admitted that the law of nations is to be resorted to for the purpose of ascertaining the rights and immunities of Foreign Ministers, or for determining what acts on the part of others constitute offences against them or the nation which they represent; but the offence once ascertained, where do you find the rule which provides for the mode or extent of punishment? It is believed that none such is to be found in the works of any writer on international law, and consequently all nations are compelled to resort to their own municipal codes for the means of carrying out and enforcing, within their own territory, the provisions of the laws of nations. In England and in the United States of America offences committed against that law would, as in this country, be prosecuted by indictment before a grand jury, and trial before a petit jury; and although I do not profess to be conversant with the international regulations of France, in respect to her judicial proceedings, still, I have no doubt that offences against the law of nations in that country would be prosecuted before the same tribunal, and according to the same legal forms which would be observed in the prosecution of offences committed in violation of her municipal code.—In this country, you are aware, we have a Constitution which is the supreme law of the land, and that Constitution expressly declares that no citizen shall be punished for any offence until after a legal trial and conviction by a jury of his peers, in which trial he shall have the right of being confronted by the witnesses who testify against him, and of introducing others to testify for him. With this Constitution before us, and with your perfect knowledge that every officer in this country, from the President down to the lowest grade, have sworn to support it, you cannot be surprised when I say to you that Mr. Bullock can only be tried according to its provisions, and the provisions of such laws as have been made in conformity with it; and the assurance that I have given you that he will be so tried for the offences alleged against him, ought to be satisfactory to you, and I have no doubt will be to your King and Government.

These remarks are called forth from the extraordinary allusions contained in your last note, in which you mention the "inexplicable lethargy of this Government," as well as from the tenor of your former communications to this Department, in which you allude to the subject; then it was conceived necessary or incumbent on me to attempt a refutation of the positions assumed, so palpably erroneous in principle, as it was confidently believed that you would see, in the action of this Government, that all had been done consistent with the law and usages of civilized nations. Having said this much, I might close this communication, but I cannot, in justice to my own Government, without again advert- ing to the tone and temper of your note, and without recurring

to expressions which it is understood you have frequently made in the streets and elsewhere, intimating your belief that this Government, or some of its higher functionaries at least had been influenced in the course pursued in reference to this and other transactions in which you were concerned, by feelings of personal disrespect and unkindness to you, or a want of friendship to your nation. In what instance, may it be asked, has this Government or its members manifested any other than that of the warmest feeling, and indeed gratitude for France? Or when has the President, or his Cabinet, or the citizens at large exhibited towards you personally any feelings, other than that of kindness, courtesy and respect, except in a few solitary instances, when it was known that an exhibition of such sentiments would not be reciprocated on your part? Did the fact of the Secretary of the Treasury, when he redeemed three hundred dollars of counterfeit notes, with a view of relieving your reputation from the injurious charge of having put them in circulation, by passing them to a poor man who had labored for you, and then refused to redeem them, manifest this want of friendship to you? Did the fact of the extraordinary bill presented by you to Congress, asking for a grant of three millions of acres of land, to be located in slips on the vallies of our principal rivers, from the Rio Grande to Red River, together with other extraordinary privileges, passing one branch of the Legislature and coming within a few votes of passing the other, manifest such a feeling? Or did the fact of this Government permitting your repeated vituperations of members of Congress who voted against your bill and of a member of the Cabinet, to pass by without reproof, or demanding your recal[1], evince it? I might ask other questions of similar import, but a recurrence to such events is painful to me, and cannot be agreeable to you, and I therefore forbear. If these, however, and other evidences which you have of the friendly sentiments which have at all times animated the Government and people of this country in relation to yourself and the great and chivalrous nation you represent, combined with the assurances I have given of the sincere wish and intention of the President and his Cabinet to protect you to the full extent of the law from every species of annoyance, however produced, are not sufficient to satisfy you, and you still desire your passports, I have only to add that they will be furnished you at any moment you may demand them; and in referring the causes which shall have led to your departure to the justice of your own nation, and to the impartiality of all others, we shall have no reason to fear the award which may be rendered.

I have the honor to be, Sir,

With high consideration,

Your very humble and obedient servant,

(Signed)

J. S. MAYFIELD.

Mr. Saligny to Secretary of State.

LEGATION OF FRANCE IN TEXAS,
AUSTIN, March 31, 1841.

Hon. MR. MAYFIELD, &c. &c.:

SIR,—Your note of the 29th inst. reached me yesterday,—that note, which resembles rather an impassioned plea in favor of the aforesaid Bullock, and a defamatory libel against the Chargé d'Affaires of France, than a diplomatic communication, is of such a nature, conceived in such a spirit, and written in a tone so injurious to myself, that I shall abstain from replying to it. I shall confine myself to an acknowledgement of its reception, and until I shall have received the ultimate orders of the King, to whom I have addressed a copy, I deem it my duty to suspend all intercourse with the Government, which, when the representative of France addresses it to obtain justice against grievous and repeated outrages, returns no other reply than insulting language.

I have the honor to be,

With distinguished consideration,

Your obedient and humble servant,

(Signed)

A. DE SALIGNY.

Secretary of State to Mr. Saligny.

DEPARTMENT OF STATE,
CITY OF AUSTIN, April 5, 1841.

M. A. DE SALIGNY, &c.:

SIR,—I have the honor to acknowledge the receipt of your note of the 31st ult., notifying me of the receipt of my communication of the 29th of the same month, and have deferred replying to the same until this time, owing to the difficulty of obtaining a satisfactory translation.

In reply to your extraordinary note, I have the honor to remark that whatever estimate you may have seen proper to place upon the nature, tone or temper of my last communication, or by whatever character to denominate it, I reiterate it contains assurances and breathes sentiments of the continued desire, upon the part of his Government, to cultivate the most courteous and amicable relations with the Government of France, as also additional guaranties and assurances that the President and Cabinet would at all times exercise to the utmost the authority of this Government to have punished all perpetrations of outrages against your person, household or reputation, and that the necessary legal measures would be taken to ensure this end, with the flattering hope that thereby corresponding and reciprocal sentiments of courtesy and respect would be established.

It is a matter of profound regret that the ever prompt steps taken by this Government, to prosecute to the utmost rigor of the law all alleged offences against the law of nations, in the instance

complained of by you, and the repeated and earnest assurances given of her determination to afford every reparation consistent with the laws and Constitution of this Republic, have been so little regarded by, and proven so wholly unsatisfactory to, the representative of the French nation, whose chivalry and sympathy was first awakened in behalf of our mother country, the United States, and again signally manifested in countenancing and promptly advancing the hopes and prosperity of the Republic of Texas, her junior daughter. The uniform expression of attachment by the Government and people of this country to his nation, together with assurances, as strong as true, of our ardent hope that the most friendly correspondence should ever exist between the two nations, appear to have been lost upon, and unsatisfactory to, Mr. Saligny. Shall this lead to discord and distrust between his nation and ours? We confidently hope and believe, that, for anything that has occurred, he will not find it in his power to produce such sentiments, or to jeopardize our negotiations at Mexico or elsewhere. History bespeaks between the two Governments an indissoluble and unbroken bond of union, sympathy and friendship.

The threatening intimations contained in your note of the 31st ultimo, as also the extraordinary and unusual position assumed by you, unprecedented, and without a parallel, it is believed, compels the undersigned, however painful, to call your attention to the true grounds you occupy, and the true relations which you bear to this Government.

In your note of the 25th ultimo, advising this Department of an indignity which you say you received from Mr. Bullock, you were pleased to intimate that if this Government did not afford you that prompt and summary satisfaction you demanded, you would be under the necessity of asking for your passport. After charging this Government with the most inconceivable lethargy, in not adopting instantly the most energetic measures for the punishment of the past and the prevention of future outrages. You further intimate that the Government wanted the ability, or will, to afford you the protection due your ministerial character. Neither are wanting! as the assurances and action of this Government will show.

Your language, in part, is this:—"If I am doomed to be disappointed in these my just expectations, I shall find myself under the painful necessity to beg of you to send me my passport and to quit this country." What cause, then, could have existed for anticipated disappointment? In the former instance complained of, the alleged offender was promptly and rigidly prosecuted.—The President was not able to give you any other assurance, than that the alleged offences should be investigated and punished agreeably to the laws and Constitution of the country, similar in all respects to that of the Government of the United States; and assurances with which you seem to be wholly dissatisfied, and instead of asking your passport, as you said you intended to do, you denounce the communication addressed to you by this Depart-

ment, in reply to your complaint of the 25th ultimo, "a defamatory libel upon the Chargé d'Affaires of France," with other language as uncourteous and unjustifiable, as unbecoming the official station you occupy; and add, that "until you receive the ultimate orders of the King, your master, you will suspend all intercourse with this Government."

In reply to which I have the honor to state that you can obtain your passports when you choose to demand them, or can remain in the country, with the exercise of your ministerial functions suspended, in that unofficial character which you have thought proper to assume. Inasmuch as you place yourself in the extraordinary attitude of declining your functions, as chargé d'Affaires of France, and all intercourse with this Government, as a matter of course, your immunities and privileges as such cease, and no further protection can be claimed by you than what the laws extend to her own citizens. Having voluntarily changed your relations with this Government, by a discontinuance of your connections and intercourse with it, you may rest assured that in your new position as a private individual the same kindly feelings and sentiments will be continued towards you which have hitherto been cherished.

Had this Government, nevertheless, been disposed, to have availed herself of the example of other nations, or to have acted the least harshly towards you, it is believed, and could be sustained upon high authority and the usage and practice of nations, that if the President had deemed the interest and negotiations of the country likely to suffer detriment, he would have been justifiable, as well as just to this Government, in not extending to you this last alternative, but to have demanded your recal[l] of your Government, or to have ordered your departure from the country; for it is reported to this Department, and that upon the most unquestionable evidence, that before you received an answer to your complaint of the 25th ultimo, you stated, "you had prepared a document for the French Minister at Mexico, detailing the circumstances of the case complained of, which would meet Judge Webb, on his arrival," the object of which was to embarrass the negotiations of our Minister to Mexico, who was to depart in a few days. Such a threat and such a line of conduct requires no comment. If it were in the power of Mr. Saligny to cripple or to embarrass our negotiations at Mexico, under the convention concluded with England, it would be unjust, whatever wrongs he may have suffered, and cruel on his part thus to endanger the safety of Judge Webb, for whom he professes the most kindly sentiments of friendship. Such an interference in our negotiations with other nations, it is confidently believed, would not be tolerated by magnanimous and chivalrous France:—though powerful, she is just.

In concluding this correspondence, I avail myself of the oc-

casation to renew to Mr. Saligny assurances of the high consideration with which

I have the honor to be, Sir,

Very respectfully,

Your obedient servant,

(Signed)

J. S. MAYFIELD.

Secretary of State to Mr. Forster.

DEPARTMENT OF STATE,
CITY OF AUSTIN, April 3, 1841.

To THOS. GALES FORSTER,

Chief Clerk of War Department :

SIR,—The relations of this Government with Mr. Saligny has assumed that attitude, that it is a matter of some moment that this Department should have higher authority than the reports of the day, coming in many instances from irresponsible persons, that this functionary has used language and threats derogatory to the character and interests of this country.

It is understood that Mr. Saligny has stated that he had drawn up a representation, intimating the willingness on the part of this Government to countenance Mr. Bullock, in alleged outrages against him and his household, and an unusual lethargy in using its powers to bring him to punishment for those alleged outrages, if guilty ; and that this representation was to be despatched to the Minister of the French Government at Mexico, and would meet the Hon. James Webb upon his arrival there, who has been despatched by this Government to treat for our recognition of independence, amity and commerce with that Government ; thereby tending to cripple the negotiations of Judge Webb, the Envoy Extraordinary and Minister Plenipotentiary of this Government to Mexico, under the Convention concluded with England. You will confer on this Department a favor, and upon the country a service, by furnishing it all the information in your possession, or that has come to your knowledge, touching the subject mentioned.

I am, Sir, &c. &c.,

(Signed)

J. S. MAYFIELD.

Mr. Forster to Secretary of State.

CITY OF AUSTIN, April 4, 1841.

Hon. J. S. MAYFIELD, &c. :

SIR,—I have the honor to acknowledge the receipt of your note late yesterday afternoon, requesting to be informed relative to aught that has come to my knowledge with regard to that matter at issue between the Chargé d'Affaires of his Majesty the King of the French and this Government.

In reply, I have to state that M. de Saligny stated to me (as I understood he did to others) "that he had prepared a document for the French Minister at Mexico, detailing the circumstances of the case, which would meet Judge Webb upon his arrival;"⁴ the object of which communication, as I understood, was to embarrass the negotiations of the Hon. Minister Plenipotentiary of Mexico.

I make this communication, under the impression that M. de Saligny could not have intended it as confidential, from the consideration that he knew my situation towards the Government, and from the fact that I had heard the statement made prior to my conversation with him.

In conclusion, I beg to assure the Hon. Secretary of State that it would at all times afford me pleasure to confer a favor upon the Department over which he presides, as well as to render a service to my country.

I have the honor to be,

Very respectfully,

Your obedient servant,

(Signed)

THOS. GALES FORSTER,
Chief Clerk Dep't of War.

Mr. Sevey to Secretary of State.

TREASURY DEPARTMENT,
AUSTIN, March 29, 1841.

Hon. J. S. MAYFIELD, &c.:

SIR,—In reply to your verbal request that I would furnish you with all the information in my possession respecting M. de Saligny, the Chargé d'Affaires of the French Government, having passed counterfeit or spurious promissory notes of the Republic of Texas to a waggoner in his employ, and refusing to redeem them, I have to state that about the 30th of July, 1840, a Mr. James Latham called at this Department, and made some complaint that M. de Saligny had given him spurious promissory notes of the Government, in payment for hauling his furniture, &c., from Houston, and had refused to redeem them with genuine notes.—I afterwards heard the Hon. James H. Starr, then Secretary of the Treasury, speaking of the matter, but do not recollect anything definite that he said, more than his expressing of surprise that M. de Saligny should refuse to redeem the counterfeit notes.

On the 4th of August, I think it was, Mr. Latham called at the Department and handed me a note from the Hon. James H. Starr, of which the following is a copy, viz:

"Will Mr. Sevey give this gentleman the \$300 for the

⁴The following note is in the original: Pointing, at the same time, to a packet lying upon the table.

counterfeit notes, and take his receipt for it on the back of the affidavit respecting the notes received of Mr. Saligny.

(Signed) JAMES H. STARR.

“Pay it out of a package from city lots. August 4th.”

At the same time Mr. Latham gave me six \$50 notes (which I knew at once to be counterfeit) and an affidavit of which the following is a copy, viz :

REPUBLIC OF TEXAS,
TRAVIS COUNTY, this 31st July, 1841.

This day personally appeared James Latham before me, A. C. Hyde, one of the acting Justices of the Peace for said county, and made oath according to law, that on the 30th inst. he received from Monsieur de Saligny six fifty dollar bills, of the promissory notes of the Government; Nos. as follows:—221, 180, 234, 238, 323, 242, making in all three hundred dollars; that the same has not been out of my possession, and these now presented are the identical notes received from him.

(Signed) JAMES LATHAM

[L. S.] Given under my hand and seal this date as above written.

(Signed) A. C. HYDE, J. P., T. C.

I found that the numbers on the notes corresponded with the numbers given in the affidavit, and the notes themselves were marked across the face, “counterfeit, James H. Starr.” I immediately obeyed the order given by the Hon. Secretary, (who was in another part of the city at the moment), and paid Mr. Latham three hundred dollars, as directed, and took his receipt on the back of the affidavit, as follows :

“AUSTIN, August 4, 1841.

“Received of James H. Starr, Secretary of the Treasury, three hundred dollars in genuine notes for the counterfeit notes described within.

(Signed) JAMES LATHAM”

The original of the foregoing order, affidavit and receipt, together with the counterfeit promissory notes, are now in this Department.

Mr. Starr afterwards informed me that some of the Members of the Cabinet had agreed to replace the above-mentioned sum of three hundred dollars out of their private purses, in order to avoid any difficulty about the matter with M. de Saligny.

It may not be improper to add that I was, at the time the above-mentioned occurrence took place, as at present, Chief Clerk of the Treasury Department.

I have the honor, &c. &c.,

(Signed) WM. SEVEY.

Secretary of State to Mr. McIntosh.

DEPARTMENT OF STATE,
AUSTIN, April 8, 1841.

To GEORGE S. MCINTOSH, &c. &c.:

SIR,—Urged by motives of duty to the Republic of Texas, and an anxiety to cherish and cultivate, in the fullest manner, harmony and good feeling with the Government of France, and to do justice to others, which cannot but be approved by those who are just to themselves, the President is restrained to remonstrate against the longer residence of Mr. Saligny, as the representative of France in this country. The expression of attachment to his Government, with which Mr. Saligny was welcomed,—the public and private manifestations of courtesy and respect which have been shown him, and the long forbearance of this Government, in his gross outrages against all propriety and decorum, and flagrant intermeddling in the foreign and domestic relations of our country do not bespeak the reproaches, abuse and reflections intimated in his letters.

And for these things we are rewarded by his taunts and threats of war,—by attempts to embarrass our negotiations for peace with Mexico, and endeavors to excite discord and distrust between our citizens and those who are charged with the administration of our laws,—between the different branches and officers of Government,—between our nation and his. It would be a matter of profound regret if any of these things would be found in his power. That friendship which has dictated this Government to bear with his conduct thus long, lest the interest of his nation here should suffer injury, will induce the King, his master, to replace an agent, whose dispositions, we are constrained to say, are such a misrepresentation of his Government, and whose continuance here is inconsistent with order, peace and respect, and that friendly intercourse which we hope ever to preserve with the Government of France. His Government cannot but see that by his course of conduct, his residence longer here cannot be useful to his nation, or compatible with the domestic quiet and interest of this. They will foresee that if Mr. Saligny persevere in his machinations, and does not cease traducing this Government, her laws and institutions, and those with whom he is called upon to have intercourse, the consequences will be so hazardous to the harmony and good understanding we wish to exist with his nation and ours;—the example so humiliating, and at the same time pernicious, that we may be forced to order his departure from the country.

He has already seen proper voluntarily to suspend his intercourse with this Government, and is, it is understood, on the eve of departure for the United States. Lay the case before his Government, accompanying it with assurances that our friendship for the nation is constant and unabating; that there is no object which the President and his Cabinet, and the country at large, have always had more uniformly and sincere at heart, than the

continuance of a close union and perfect harmony between the two Governments; that, faithful to our obligations, we have fulfilled them in every point, to the best of our understanding and power; that we are ever ready to enter into candid explanations, and do whatever we can be convinced is right, and that in opposing the extravagances of an agent, whose character seems prone to strife and contention, and not sufficiently known to his Government, we have been forced only by a sense of imperious duty.

I have the honor to be,

Very respectfully,

Your obedient servant,

(Signed)

J. S. MAYFIELD.

Secretary of State to Mr. Jewett.

DEPARTMENT OF STATE,
AUSTIN, April 25, 1841.

To HENRY J. JEWETT, &c.:

SIR,—Finding that you have returned to the city, it again becomes my duty to call your attention to another alleged violation of the laws of nations. It appears from a communication addressed to this Department by Mr. Saligny, Chargé d'Affaires of France, on the 25th ultimo, that the evening of the preceding day, Mr. Bullock, of this city, committed an assault, as it is alleged, on the person of Mr. Saligny.

It is due to France and the integrity of our laws, that enquiry should be instituted in the matter complained of, and the facts brought before our judiciary tribunals, and the individual punished as the magnitude of the offence merits. You will therefore take the necessary steps to have the individual complained of prosecuted, and communicate to this Department a report of the final decision and judgment of the Court in the premises.

I am very respectfully,

Your obedient servant,

(Signed)

J. S. MAYFIELD.

DEPARTMENT OF STATE,
AUSTIN, May 12, 1841.

Hon. GEORGE S. MCINTOSH,
Chargé d'Affaires to France:

SIR,—It becomes my painful duty to communicate to you, and through you, to represent to the King and Government of France, a series of conduct on the part of Mr. Saligny so extraordinary in its character as to render his longer residence in this country, as the representative of the French nation, unavailing to his own Government and highly injurious to ours.

Upon the arrival of Mr. Saligny in this country, as the Chargé d'Affaires of France, he was welcomed not only with the kindly feelings which a grateful recollection of the friendship exhibited by his Government to us in our early history was so eminently calculated to inspire, but with such public and private manifestations of courtesy and respect, as should have been sufficient to convince him of the great desire of the Government and people of Texas to cultivate and promote the amicable relations existing between the two countries, and at the same time to render his sojourn and residence among us personally agreeable and pleasant to himself. But this disposition on our part, rendered so apparent by our conduct towards him, seems not to have been appreciated by Mr. Saligny. From the moment of his reception up to the present time, his arrogance has been such as to create the impression that he considered himself as the representative of a great nation, which, through his instrumentality, had condescended to look with pity on a feeble one, and extend to it its countenance when no other European power would have thought of such a thing; and as we were indebted to *him* for the recognition of our independence by France, we could not object to any course he might think proper to pursue, either with the Government itself, or with its citizens in his private business transactions. One of his first acts after reaching Austin was the payment of his teamster, who had transported his furniture and goods, in counterfeit money, which he afterwards refused to take back or redeem. This money, it is said, had been received by him in New Orleans and was pronounced to be counterfeit while in his possession, still he paid it to a poor man who had labored for him, and afterwards refused to give him any redress. This affair created much sensation at the time; and to avoid the injurious consequences which would have resulted from it, by destroying the confidence of the community in his integrity, the Secretary of the Treasury gave to the teamster \$300 in lieu of the counterfeit money, and was subsequently re-imbursed, by the members of the Cabinet taking the loss upon themselves. (See Mr. Sevey's statement.)

Shortly after this, Mr. Saligny had a difficulty with his landlord, in consequence of his refusing to pay his board-bill. I know nothing of the merits of that controversy, as regards the charges made by Mr. Bullock; he is a man who bears a good character in the country for honesty and probity, and is highly esteemed as a landlord in the city. Mr. Saligny, however, said that his charges were too high, and he refused to pay them. Be this as it may, it was a private transaction between themselves, in which the Government was not requested by either, for several months, to interfere. It is true that Mr. Saligny complained, in private conversation with several gentlemen, of Bullock's charging him with bad faith in the payment of his debts, but he made no official communication of the fact, and did not seem disposed to give publicity to the transaction. The Government, however, availing itself of information thus indirectly received, and desirous of

putting an end to a matter which seemed to give him annoyance, procured an act of Congress to be passed, which would render liable to punishment by fine and imprisonment any individual who should speak in disrespectful terms of a Foreign Minister. This act goes as far, if not farther than any other nation has ever gone, in providing the means of carrying out that principle of the laws of nations which afford protection to Foreign Ministers, and as it was known to Mr. Saligny, that it was passed with direct reference to himself, it was hoped that he would see in it the sincere desire which this Government felt to protect him from annoyances of any kind, however those annoyances might have been produced, but no effort on our part seems to have been sufficient to satisfy him. The quarrel between him and Bullock was not only continued, but greatly aggravated on his part, by his causing the property of Bullock to be repeatedly and, it is said, most wantonly and maliciously destroyed, until it finally resulted in a rencontre between Bullock and that servant of Mr. Saligny who had been mainly instrumental in the destruction of his (Bullock's) property. This rencontre led to the correspondence which accompanies this communication, and which has finally resulted in Mr. Saligny's refusing all further intercourse with this Government.

You will perceive by the correspondence that the legal and necessary steps were immediately taken by this Department for the prosecution and punishment of Bullock for the alleged attack upon Mr. Saligny's servant, and that, notwithstanding the embarrassments thrown in the way of that prosecution by Mr. Saligny's refusing to permit his servants to give testimony in the only way known to our Constitution and laws, it nevertheless resulted in causing Bullock to be bound over to our criminal tribunals to answer for the offence.

In the result of this proceeding, Mr. Saligny, by his letter of the 26th February, expresses himself satisfied, and yet, in his letter of the 21st March, in answer to my communication enclosing him a copy of Bullock's memorial to this Government, asking redress for his grievances, he taunts and reproaches the Government with not having given satisfaction for the alleged assault made upon his servant.

Some time after this, as you will see from the correspondence, the controversy between Bullock and Mr. Saligny assumed a more serious aspect, in consequence of Bullock's ordering him not to come upon his premises. This act of Bullock met the unqualified reprobation of the President and his Cabinet, and without the threats and taunts of Mr. Saligny he would have been prosecuted and punished with the utmost severity of the law.— But the official letter of Mr. Saligny, communicating the transaction of the Department, combined with his indelicate threats made on various occasions in conversations with others of the vengeance of France, evinced so gross a departure from official propriety, that I felt it to be my duty, in replying, to call his attention in a more particular manner than I had previously done

to his course, and to say to him (while reiterating the assurances that all the protection which the laws afforded should most cheerfully be given to him), that if these assurances, and the readiness which we at all times evinced to carry them out, did not satisfy him, his passports would be furnished upon demand. This seemed to be the only alternative left to us by his arrogant deportment, by his repeated threats to produce a war between the two countries, and by a series of other insults in reference to the officers of this Government which he was daily offering.

Had we been permitted to entertain the belief that Mr. Saligny's course had resulted from an irritated state of feeling, induced by his controversy with Mr. Bullock, we would have borne with it, however discourteous and disparaging to this Government might have been his remarks; but previous transactions, notorious to every one in this community, forbid our placing upon his conduct that charitable interpretation. Some time previous to his first official communication to this Department respecting the conduct of Bullock, he had procured to be presented to the Congress a bill, asking for a grant of three millions of acres of land, and other large privileges, to be conferred upon two French gentlemen named in the bill, and such other persons as they might associate with themselves. In the benefits to result from this bill (should it become a law), it was understood that Mr. Saligny was to be the principal participant, and during its progress through Congress, he was constant in his attendance before the different branches of the Legislature, encouraging its friends, and attempting to overawe and frown down those who were opposed to it.—I at that time was a member of the Representative branch of Congress, and looking upon the bill as a most extraordinary one, and wholly adverse in its most prominent features to the interest of my country, I opposed its passage, and for that act, I, in common with other members who voted against it, not only incurred the censure and abuse of Mr. Saligny at the time, but I have, from thence up to the present moment, been the object of his continued vituperation and abuse.

About the time of the adjournment of Congress, it was understood that I would be invited into the President's Cabinet, and placed at the head of the Department over which I now preside; and to show Mr. Saligny's hostile feelings towards me, he declared, as I am credibly informed, that if I took charge of the Department of State, he would cease all intercourse with the Government. From these circumstances, and from his repeated street-conversations in reference to me, I can form no other opinion, than that the whole of the dissatisfaction expressed by him towards this Government has had its origin in the defeat of his "Franco-Texian" Bill, and the part which I took as a Member of Congress in the discussion upon that bill. His controversy with Bullock has been made the pretext for his animadversions, but the real cause of his discontent was the defeat of his bill, and the calling of me to the Cabinet; and he seems to have set out

with the determination of either driving me from the Cabinet or of producing a rupture between this country and France.

Since his letter of the 31st March, he has refused all intercourse with the Government, but declines taking his passports, saying that he will remain in the country until a new administration comes into power, and that in the mean time he will continue his intercourse with the people, as he believes they will sustain him against the Government; thus attempting to create parties, hostile to the administration of the Government to which he is accredited. Indeed, since the discontinuance of his official intercourse, he has, by exhibiting garbled parts of the correspondence, procured through his friends the getting up of public meetings, the avowed object of which were to pass upon what he calls the controversy between himself and the Government, and in which the most inflammatory speeches are delivered and uttered against the administration.

And it is not alone in his attempts to array a party against the administration of the Government in this country, that Mr. Saligny has departed from that propriety of deportment which should have characterized his course, but he has gone even farther in his interference in our affairs, by attempting to produce difficulties in our negotiations with Mexico, which in themselves are sufficiently delicate and embarrassing. While we were preparing a mission to Mexico, under the Convention recently entered into with Great Britain, the object of which is to negotiate a peace with that Government, Mr. Saligny stated to several that he had written or would write to the French Minister at Mexico, giving him an account of his quarrel here, with the intention that it should meet our Minister upon his arrival in that country, and, as it was intimated, to prevent his reception, or otherwise embarrass his negotiations.

However much the President was disposed to look over what he was compelled to regard as the improprieties of Mr. Saligny while his acts were confined to the limits of the Republic, and being known and could be duly appreciated, he could not, with any degree of justice to the country, permit this last act to pass by unnoticed, and without communicating it to his Government. He therefore directs me to say to you that you will make these things known to the King and Government of France, and respectfully asks the recal of Mr. Saligny, believing as he does that after such a course of conduct, his longer residence here cannot be rendered profitable to his own nation or be calculated to secure and promote that friendship and harmony between the two Governments which is so earnestly desired by this.

The President directs me to say to you, that while addressing the French Government relative to this most unpleasant affair, you will not fail to give it the strongest assurances of our gratitude for the friendly sentiments heretofore manifested by it towards us, and the great desire which we feel to maintain the most amicable relations with it and the people of France; and you will at the same time give the assurance that a disposition

sincerely felt not to take any steps, which might seem even for a moment calculated to disturb those relations, has restrained the President, up to the present, from complaining of Mr. Saligny's course to his Government, and would have restrained him still longer, could he have entertained the hope that his forbearance would be appreciated by Mr. Saligny, or have induced him to pursue a course less derogatory to his character as the representative of a great and friendly nation.

In looking over the correspondence, you will observe that it has been badly copied, a fact which did not come to my knowledge until it was too late to prepare another copy for the conveyance by which this is sent; it is, however, substantially correct, and you will be able to extract such matter from it as you will find necessary to lay before the King's Government.

The business has, from its commencement, been regarded by this Department as a most unpleasant one, and I have endeavored as far as it was possible, without an utter disregard to the respect which was due to ourselves as a nation, to prevent its assuming the character which I am now compelled to give it. We would have borne much from Mr. Saligny, and did bear much, in consideration of the nation he represented, before we would allow ourselves even to notice a series of arrogant assumptions and threats, made not so much in his correspondence with the Department as in his conversation with others, with the view of their exercising an influence upon the administration by exciting the public mind with the fear of his producing a state of hostility between the two countries, but when he undertook to interfere with the foreign relations of this country,—relations in which his Government had no interest, and that, too, for the purpose of embarrassing us in a most important and delicate mission, we could no longer look upon forbearance as being proper, either as respected ourselves or as respected the King and Government of France.

While presenting these things, therefore, to the Government of the King, with all the delicacy which the occasion requires, you will remonstrate with proper firmness against the longer residence of Mr. Saligny in this country; at the same time giving the most unqualified assurance of our desire that the friendly intercourse between the two Governments may be resumed and kept up through the medium of such other agent as the King may be pleased to send to this country.

I have the honor to be, &c.

Your obedient servant,

(Signed)

J. S. MAYFIELD.

Mr. Jewett to Secretary of State.

AUSTIN, May 16th, 1841.

Hon. JAMES S. MAYFIELD, &c.

SIR,—In reply to your letter of the 25th ult., which I received

on my return to the city, after an absence of two months, during which time I was attending to my official duties in this judicial district, I have to state, that on the meeting of the grand jury of this county, at the session of the District Court, on the first Monday of the present month, I instituted an inquiry into the circumstances of the assault which the Hon. Mr. Saligny, Chargé d'Affaires, &c., complained had been made upon his own person by Mr. Richard Bullock.

As full an investigation of the testimony relative to the transaction was made, as it was in our power to bestow. One of the individuals who was standing near Messrs. Saligny and Bullock, at the time of the alleged assault, Major George Bonnell, of this city, was a member of the grand jury. Major Bonnell, was not looking at the parties when the meeting first took place; but, his attention being attracted by their conversation, he turned quickly to view them;—he did not see Mr. Bullock strike or lay his hands on Mr. Saligny, or make any assault upon his person, though he is of the impression that Mr. Bullock might have done so; but to this he cannot swear positively. It was upon this testimony that the grand jury were induced to find a bill of indictment against Mr. Bullock, with the expectation that, at a future day, the testimony of the individual who was nearest the parties, and who saw the whole affair, might be procured. That person was Mr. P. J. Hunter, of this city, who has been absent now nearly six weeks on a campaign against the Indians, under Captain M. B. Lewis; his testimony can doubtless be obtained at the next term of the Court, and it is absolutely indispensable to the successful prosecution of Mr. Bullock. I was therefore constrained to have the case continued.

I would further state, that the grand jury also preferred an indictment against Mr. Bullock for an assault upon Eugene Pluyette, the servant of Mr. Saligny, committed in February last.—On account of the absence of a material witness in this case also, I did not think it prudent to risk a trial, and therefore procured a continuance to the next term of the court.

I also think it proper to state, that in the course of my official investigation, I have discovered so strong a sympathy existing in the community favorable to Mr. Bullock, that I am satisfied, without the clearest and strongest testimony to support the charges against him, it will be impossible to obtain a verdict for the Republic from a petit jury.

Mr. Bullock has been recognized in the sum of one thousand dollars, par funds, together with two good and sufficient sureties in the sum of five hundred dollars, for his appearance at the next term of the District Court; the witnesses, also, are under ample recognizance for their appearance at the same time.

I have the honor to be,

Your obedient servant,

(Signed)

HENRY J. JEWETT,
District Att'y 3d Judicial Dist.

*Extract of letter from Gen. James Hamilton, and letter
of G. S. McIntosh, Esq., &c.*

PARIS, July 22d, 1841.

SIR,—In conformity to the intimation I had the honor to transmit to you in my letter of the 16th instant, I beg leave to inform you that I repaired to this capital, where I found Mr. McIntosh, and was happy to ascertain that his despatches had come to hand, communicating the correspondence between yourself and M. de Saligny, the Chargé d'Affaires of the French Government, which he had promptly laid before the Minister of Foreign Affairs, with a very able and appropriate letter from himself. This has left me nothing to do, as Mr. M'Intosh has met every requisition which the interests and honor of Texas may have made necessary.

I should not have come over, but for an apprehension that Mr. M'Intosh had not received his despatches, or was not in Paris; and if it had not been of the last importance to have prevented, at this time, any hostile demonstrations, or one even of doubtful character on the part of the French Government, on the coast of Texas. I am happy to assure you, that none such intended, however tardy the Minister of Foreign Affairs appears to be in replying to Mr. McIntosh's letter of the 4th of July, requesting M. de Saligny's recall.

I have the honor to remain, Very respectfully,

Your obed't serv't,

J. HAMILTON.

The Hon. JAMES S. MAYFIELD,
Secretary of State.

[Copy.]

PARIS, July 21st, 1841.

SIR,—I arrived here this morning, and having had an interview with Mr. McIntosh, the Chargé d'Affaires of the Republic of Texas, and finding him in full possession of the views of his Government, and that he had laid its correspondence with M. de Saligny, with a communication from himself, before your Excellency, I deem it altogether unnecessary to trouble you on the subject.

Mr. McIntosh's powers are plenary to act in the matter, to whom it would be proper it should be exclusively confided.

I have the honor to remain,

Your Excellency's

Most obd't serv't,

J. HAMILTON.

His Excellency M. GUIZOT,
Principal Sec'y of State for
Foreign Affairs, to his Majes-
ty the King of the French.

LEGATION OF TEXAS,
PARIS, July 4th, 1841.

The undersigned, Chargé d'Affaires for the Republic of Texas, begs leave to inform His Excellency M. Guizot, Minister of Foreign Affairs, that he has just received a despatch from his Government, which has enjoined upon him the painful duty of laying before the Government of His Majesty the King of the French, a series of conduct on the part of M. de Saligny, the Chargé d'Affaires of France in Texas, which has given great dissatisfaction to that Government; and which, it is confidently believed, will be disapproved of, and discountenanced by his own.

The undersigned is expressly instructed by the President, that while addressing the Government of His Majesty on this most unpleasant subject, he shall give it the strongest assurances of the gratitude of Texas for the friendly sentiments hitherto manifested by France towards her, and the great desire which she feels to maintain and cherish the most amicable relations with a nation which was the first in Europe to recognize her claims to independence; and, at the same time, to give the assurance that a disposition sincerely felt not to take any step which might seem even, for a moment, calculated to disturb those relations, has restrained the President, up to the present time, from complaining of Mr. Saligny's course to his Government; and would have restrained him still longer, could he have entertained the hope that his forbearance would have been appreciated by Mr. Saligny, or have induced him to pursue a course less derogatory to his character as the representative of a great and friendly nation.

The undersigned is instructed to say, that on the first arrival of Mr. Saligny in Texas, he was received, not only with the kindly feelings induced by a grateful recollection of the friendship exhibited by his Government towards our own, but with such public and private manifestations of courtesy and respect as should have been sufficient to convince him of the warm desire of the Government and people of Texas to cultivate and promote the amicable relations existing between the two countries, and at the same time to render his sojourn and residence in Texas personally agreeable and pleasant to himself. This disposition, however, seems not to have been appreciated by Mr. Saligny. From the moment of his arrival, his conduct has been arrogant to the last degree—not only in his private transactions, but towards the officers of the Government to which he was accredited. The undersigned is instructed, that one of his first acts after having reached Austin, was the payment of a poor man, who had transported his furniture and effects from the sea-coast, in counterfeit money, which he afterwards, on being applied to, refused to take back or redeem. Shortly after this, Mr. Saligny had a dispute with his landlord, in consequence of his refusal to pay his

bill for board. The Government profess to know nothing of the merits of this controversy, as respects the charges of his landlord, and regard it as a private transaction, in which they were neither requested nor called upon to interfere; but, on Mr. Saligny's complaining in private conversations of the language used to him by Mr. Bullock, (his landlord,) the Government of Texas procured an act of Congress to be passed, rendering liable to punishment, by fine and imprisonment, any individual who should speak in disrespectful terms of any foreign minister accredited to the Government. This act, it is believed by the undersigned, goes as far, if not farther, than any other nation has ever gone in providing for the means in carrying out the principles of the law of nations which affords protection to foreign ministers; and as it was known to Mr. Saligny that it passed in direct reference to himself, it was hoped that he would see, in it, the sincere desire which the Government of Texas felt to protect him from annoyances of any kind, however those annoyances might have been produced. It seems, however, to have been insufficient to satisfy Mr. Saligny. In the mean time, the dispute between Mr. Bullock and himself continued, and was greatly aggravated on the part of Mr. Saligny, by his causing the property of the former to be repeatedly, and (as is urged by his adversary,) wantonly destroyed, until it resulted in a rencontre between Mr. Bullock and that domestic of Mr. Saligny who had been mainly instrumental in destroying his (Bullock's) property. This rencontre led to the correspondence, a copy of which the undersigned has the honor to transmit to His Excellency, M. Guizot; and which finally resulted in Mr. Saligny's refusing all further official intercourse with the Government of Texas. The undersigned trusts that M. Guizot will perceive, in this correspondence, not only the strong desire entertained by the Texian Government to preserve the most friendly and amicable relations with France, but also their disposition to preserve inviolate the law of nations, by extending to Mr. Saligny and his household every protection, which his character as the representative of a great and friendly nation entitled him to expect. He will perceive that the legal and necessary steps were promptly taken for the prosecution of Mr. Bullock for the assault complained of, and that notwithstanding the embarrassments thrown in the way of that prosecution by the refusal of Mr. Saligny to permit his servant to give testimony in the only way known to our constitution and laws, (the causes for which refusal the undersigned confesses himself at a loss to understand,) it nevertheless resulted in causing Bullock to be bound over to our criminal courts, to answer for the offence. Mr. Saligny himself, in his letter to the Secretary of State, of the 28th February, professes himself satisfied in the result of this proceeding; and yet, in his letter of the 21st March, he taunts and reproaches the Government for not having given him satisfaction for the alleged assault upon his domestic. Some time after this, as His Excellency, M. Guizot, will observe by the correspondence, the controversy between Mr. Bullock and M. Sa-

ligny assumed a more serious aspect, and finally resulted in M. Saligny being himself assaulted by Bullock. This act met with the unqualified indignation of the Government, and, the undersigned is instructed to state, will be punished with the utmost severity of the law, although the terms in which the official letter of M. Saligny, communicating the fact are couched, are strongly complained of as disrespectful to the Government to which he is accredited.

The undersigned is instructed to say, that it is not, however, so much the correspondence of M. Saligny of which the Texian Government complain, as of his gross departure from official propriety and decorum, by publicly and privately speaking in terms of vituperation and abuse of different officers of the Government; by endeavors to excite discord and distrust between our citizens and those who are charged with the administration of our laws; and by his intermeddling both in the foreign and domestic relations of the country; flagrant instances of which have been forwarded to the undersigned, with instructions to lay them before the Government of His Majesty. During the last winter, M. Saligny procured, to be presented to the Congress of Texas, a bill asking for a grant of three millions of acres of land, and other large privileges to be conferred upon two gentlemen named in the bill, and such other persons as they might associate with themselves. In the benefits to result from this bill, (should it become a law,) it was understood that M. Saligny was to be the principal participant; and during its progress through Congress he was constant in his attendance upon that body, encouraging its friends, and endeavoring to frown down those who opposed it, all of whom incurred not only his censure, but were the objects of his public vituperation and reproach. Since his letter of the 21st March to the Secretary of State, he has stated that although he declines all intercourse with the Government of Texas, he will continue his intercourse with the *people*, as he believes they will sustain him against the Government, thus attempting to create parties hostile to the Administration of the Government to which he is accredited. Indeed, since the discontinuance of his official intercourse with the Government he has procured the getting up of public meetings, the avowed objects of which were to pass upon what he terms the controversy between him and the Texian Government, and in which the most inflammatory speeches were delivered and uttered against the Administration. Mr. Saligny has likewise interfered, most improperly, in the foreign relations of Texas, by attempting to produce difficulties in her negotiations with Mexico, which, in themselves, are sufficiently delicate. While a mission was in preparation to be sent to Mexico, under the convention recently entered into with Great Britain, the object of which was to negotiate a peace with that Government, M. Saligny stated publicly that he had written or would write to the French Minister at Mexico, giving him an account of his dispute with the Texian Government, with the intention that it should meet our minister on his arrival in that country; and,

as it was intimated, to prevent his reception, or otherwise embarrass his negotiations.

The undersigned is instructed to state, that however much the President of Texas was disposed to look over what he was compelled to regard as the improprieties of M. Saligny while his acts were confined to the limits of the Republic, and being known, could be duly appreciated, he could not, with any degree of justice to his country, permit this last act to pass unnoticed, and without communicating it to his (M. Saligny's) Government.

The undersigned is, therefore, instructed by the President to make these things known to the Government of His Majesty the King of the French, and respectfully to ask the recall of M. Saligny, believing, as the President does, that after such a course of conduct, his longer residence in Texas cannot be rendered profitable to his own Government, or be calculated to secure that friendship and harmony between the two Governments which is so earnestly desired by Texas. Under these circumstances, and there being no object which the President and his cabinet and the people of Texas at large have more sincerely at heart than the continuance of a close union and perfect harmony between the two Governments, the undersigned is further instructed to request of his Majesty the King of the French, that these feelings may be resumed and kept up through the medium of such other agent as His Majesty may be pleased to send to the country.

The undersigned avails himself of this occasion to offer to His Excellency, M. Guizot, the assurance of his profound consideration.

(Signed)

GEO. S. MCINTOSH.

EXECUTIVE DEPARTMENT,
AUSTIN, Dec. 13, 1841.

To the Hon. SPEAKER

Of the House of Representatives:

SIR,—In compliance with the request of the House of Representatives, conveyed in their resolution of the 10th inst., I herewith transmit copies of all the correspondence, not heretofore communicated, that has taken place between this and the French Government.

(Signed)

MIRABEAU B. LAMAR.

Note from Mr. McIntosh, Chargé d'Affaires of Texas, to M. Guizot, Minister of Foreign Affairs, &c.

AUGUST 12, 1841.

The undersigned, Chargé d'Affaires of the Republic of Texas, begs leave to call the attention of his Excellency M. Guizot, Minister of Foreign Affairs, to the letter which he had the honor of addressing to him on the 4th of July last. The undersigned hopes that the interest which his Government feels in the subject to which that letter refers will be deemed a sufficient ex-

cuse for calling it to his recollection, and for respectfully soliciting an early response.

The undersigned, &c. &c.,

(Signed)

GEO. S. MCINTOSH.

M. Guizot to Mr. McIntosh.

PARIS, August 18, 1841.

SIR,—I have the honor to reply to the letter which you addressed to me on the fourth of last month, and in which, enumerating a series of injuries imputed by your Government to Mr. Dubois de Saligny, you announced you have received an order to demand his recall.

M. Saligny had already given me an account of the grievous quarrels, which, notwithstanding all his efforts to prevent, have broken out between him and the Government of the Republic.

Although the reports which he should have addressed to me on the subject have not all arrived, those which I have received, and the attentive as well as impartial examination that I have devoted to this affair, have sufficed, Sir, to convince me that, aside from the vague accusations and generally unsupported by proof, of which he is the subject, M. Saligny has unfortunately to make against your Government complaints as grave as they are legitimate. I have seen with painful surprise that the representative of France in Texas, when the object of the insults and brutalities of a pitiful fellow, (miserable), has in vain demanded several times that the Texian Government should take measures to cause the inviolability of his person and character to be respected; I have not learned with less surprise that the individual who made a sport of outraging him, having been brought to justice for the attack committed against one of the domestics of M. de Saligny, with the avowed intention of continuing to insult this Chargé d'Affaires, in the persons of his household, had found a Minister of the Republic so little penetrated with the sentiment of propriety,—so forgetful of the duties of his station, as to make himself the protector of the guilty, to become his bail, and to seek to circumvent his judges.

I have seen farther, that when, in the last instance, M. Dubois de Saligny, publicly insulted and maltreated by the man whom a scandalous impunity emboldened, the representative of France, instead of the immediate reparation which was due him,—instead of a disapprobation openly and formally expressed, has only obtained such an unbecoming reply that he found himself under the necessity of declaring that he discontinued all official intercourse with a Government which did not regard it as its first duty to cause the foreign agents accredited to it, to be respected; and how could it have been expected in effect, if it is true, that another Minister of the Republic, the same who had already constituted himself the protector of Mr. Bullock, should have publicly applauded the attack of this individual, expressing his regret only that it had not gone as far as murder?

Finally, Sir, as if all the principles consecrated among nations, had not been already sufficiently forgotten in this deplorable affair, I see the Secretary of State of Texas taking occasion of the communication by which M. Saligny had notified him of the cessation of official intercourse with the Cabinet at Austin, to declare him divested, *ipso facto*, of all the rights of diplomatic immunity and inviolability which it ought to have assured to him; thus legalizing in advance, so to speak, new outrages and new violence, which a furious man might venture to commit against the Chargé d'Affaires of the King. Thus, M. Dubois de Saligny, finding no longer at Austin, on the part of a Government which called itself the friend of France, neither the safety nor the respect to which he had a right, saw himself obliged to quit that city and the territory of the Republic.

In view of such facts, the Government of the King can only see in the conduct observed to M. de Saligny, in the strange proceedings of which he has been the object, a flagrant violation of all the rules of international law, a want of regard towards France, which was the first among the States of Europe to recognize the new Republic of Texas, and which, since that time, has not ceased to give it proofs of its benevolent sympathy. It is therefore, that far from admitting the imputations cast against M. Saligny,—imputations vague, destitute of proof, and devoid of all probability, the Government of the King considers itself on the contrary to be undeservedly injured in the person of this agent, and reserves itself to prosecute from your Government the just reparation to which it has a right.

Receive, Sir, the assurance of the very distinguished consideration with which I have the honor to be,

Your very humble and very obed't serv't,

(Signed)

GUIZOT.

Mr. McIntosh to Mr. Guizot.

SEPTEMBER 3, 1841.

The undersigned, Chargé d'Affaires for the Republic of Texas, has the honor to acknowledge the receipt of the letter of his Excellency the Minister of Foreign Affairs of his Majesty the King of the French, of the 8th of August, in reply to his communication of the 4th of July last.

The undersigned regrets that the view taken by M. Guizot of the subject matter of that communication should be so much opposed to those entertained by his Government; that what his Government charge as *specific facts* against M. Saligny, should be looked upon by M. Guizot as imputations vague and as without proof. He still more regrets that M. Guizot should have regarded the facts of Mr. Saligny's being insulted by a private individual in a private dispute, and the punishment of that offence in the only way known to the laws of Texas, as a violation on the part of the Government of Texas of the laws of

nations, and a want of respect and good feeling towards France. In making the communication of the 4th of July, the undersigned but fulfilled a duty imposed upon him by his Government, and having no facts to bring forward in addition to those contained in that communication, he can only refer the matter to his Government for such further instructions as they may think proper to give him.

The undersigned avails himself, &c., &c.

(Signed)

GEO. S. MCINTOSH.

Although there are several parts of M. Guizot's letter which might be answered without difficulty, I concluded, after mature reflection, to reply in the above short and general manner, rather than continue a discussion which could be productive of no possible good, inasmuch as the mind of the Government here is evidently made up upon the subject, they viewing it doubtless entirely through the medium of M. Saligny's communications, and would only tend to increase the bad feelings already existing on that subject; I wait therefore your further instructions.

I should have stated that before the receipt of M. Guizot's reply, I saw a report in the French journals of the day, intimating that a squadron had been ordered to the coast of Texas in consequence of the above difficulty. I went immediately to demand the truth or falsehood of the report, but met Gen. Cass the American Minister at the *poste* of the Foreign Office, who informed me that he had just seen M. Guizot on the subject, who assured him it was false.

(Signed)

GEO. S. MCINTOSH.

Letter from Mr. Jewett, District Attorney Third Judicial District, to Secretary of State.

AUSTIN, Dec. 11, 1841.

Hon. SAMUEL A. ROBERTS,

Secretary of State:

SIR,—In conformity with instructions received from your Department, I have the honor herewith to inform you of the proceedings which have been had on the two indictments preferred against Mr. Bullock of this city for an assault upon the servant of the French Minister, M. de Saligny, and for an assault upon the person of M. de Saligny himself.

The District Court for this county (Travis) commenced its regular session this week, the Hon. R. E. B. Baylor presiding.—On calling the criminal docket I announced myself ready to proceed with the prosecution against Mr. Bullock, and required him to be put upon his trial. Mr. Bullock appeared and filed affidavits for a continuance of the cases. The affidavits showing the absence of witnesses material to his defence, and being in other particulars conformable to law, were duly considered by the Court, and it was ordered that the cases be continued till

the next term. The final decision of the cases is therefore postponed until that time. In procuring this postponement, Mr. Bullock only availed himself of a privilege guaranteed to every citizen of the Republic in like cases by our Constitution and laws. I was not invested with any authority, under the circumstances, to enforce a trial at the present term of the Court.

Mr. Bullock was ordered to enter into bonds for his appearance at the ensuing term, with which order he has complied and adequate security was given. The witnesses for the Republic were also recognized in sufficient sums for their appearance at the same time.

I have the honor to be,

Your obedient servant,

(Signed)

HENRY J. JEWETT,

District Att'y 3d Judicial Dist.

Document B

*Communications from the State Department,
relative to Mission to Mexico.*²

Judge Webb to Secretary of State.

GALVESTON, June 29, 1841.

Hon. JAMES S. MAYFIELD, &c. &c.

I have the honor to hand you herewith a copy of the correspondence which has recently passed between her Britannic Majesty's Minister, at Mexico, and myself, relative to the objects of my mission to that country; and from which you will perceive that the Government of Mexico has not only refused to receive the propositions which I was authorized to make for the adjustment of differences, but has positively rejected the mediation of the British Government, in the settlement of those differences.

Upon my arrival at Sacrificios, I addressed, through my Secretary, a letter to the Commandant-General at Vera Cruz, informing him of the object of my visit, and requesting to know whether or not I would be permitted to land and furnished with passports to the city of Mexico; to which letter I received a reply, couched in terms of sufficient courtesy, saying that he was not authorized to permit the one, or grant the other. I then addressed my first communication to Mr. Pakenham, through the British Vice-Consul at Vera Cruz, and sixteen days afterwards received the answer and accompanying documents, which you will find enclosed.

It may be proper to remark that there was nothing in the de-

²Reprint of original pamphlet: *Communications from the State Department relative to Mission to Mexico. Copies of the correspondence between Judge Webb, agent to Mexico, and Mr. Pakenham, minister of England at Mexico, and the Minister of Foreign Affairs of Mexico.* [At end:] S. Whiting, printer, Austin. 12p. 13.5cm. Caption title.

portment of the authorities at Vera Cruz, as exhibited to me, which was in the slightest degree offensive; but having been placed upon my guard, by a knowledge of the extraordinary treatment manifested towards the vessel, (on board of which I was), but a short time before, while under a flag of truce, I caused enquiries to be made of the Commandant-General, to ascertain whether or not she would be permitted to remain quietly in the harbor, until such time as I should receive answers to my despatches addressed to Mr. Packenham; and was informed in reply that he (the Commandant-General) could make no pledges of any sort, farther than that he felt no hostility, either towards myself or the vessel. Under these circumstances, I deemed it most proper to leave the harbor, which I did by proceeding to the Island of Lobos, where I remained until a sufficient time had elapsed to justify the expectation of receiving replies from Mexico upon my return to Vera Cruz.

After my rejection by the authorities of Mexico, it was my intention to have proceeded at once to Tabasco and Yucatan, for the purpose of complying with your instructions in reference to those States, but while prosecuting that intention, we had the misfortune to carry away the fore-mast of our vessel, which compelled an immediate return to this place, where we arrived at a late hour last night.

As I have some doubts about the propriety of my setting out again for Yucatan and Tobasco under the instructions with which I am at present furnished, I have written to His Excellency the President upon the subject, and shall remain here until I hear from you in reference to my future movements. My Secretary, Mr. George L. Hammeken, is the bearer of my despatches, and as he is fully advised of all my views in reference to this mission, I beg leave to refer you to him for an explanation of all things in which I have not been sufficiently explicit in my written communications.

Should it be determined by the President to furnish me with further powers and instructions in regard to the states of Yucatan and Tobasco, I beg that you will cause them to be made out with as little delay as possible, as I shall await the return of Mr. Hammeken with great anxiety. I would also suggest that in such case, the commissions and letters of credence for each State should be separate; the letters of credence to be addressed to the Governor of each.

I have the honor to be with great respect,

Your obedient servant,

(Signed)

JAMES WEBB.

Judge Webb to Commandant at Vera Cruz.

SACRIFICIOS, May 31, 1841.

General IGNACIO DE MORA,

Commandant of Vera Cruz:

RESPECTED SIR:—In consequence of some negotiations held between the Government of her Britannic Majesty and that of Texas, I have the honor of informing you that I have arrived in order to confer with Mr. Packenham, with the object of arranging amicably the difficulties which at this time exist between the Republic of Mexico and Texas, and desirous of knowing whether I will be permitted, with my Secretary, to proceed on my journey to the Capital, I take the liberty of addressing you. If per-chance any other questions should suggest themselves to you, I have sent my Secretary, Mr. George Lewis Hammeken, under the protection of the English Flag, on board the packet of her Britannic Majesty, Ranger, to await your reply, whether to go on shore or on board to confer with the person whom you may think proper to send for that purpose, as should seem best to yourself.

I take this occasion to present to you the consideration of my great respect.

(Signed)

JAMES WEBB,

Agent of the Gov't of Texas.

By his Secretary, GEORGE L. HAMMEKEN.

I. De Mora to Judge Webb.

VERA CRUZ, May 31, 1841.

Mr. JAMES WEBB:

DEAR SIR:—I have informed myself of the contents of your letter of to-day, in which you have thought proper to advise me of your arrival at Sacrificios, and ask me if you can; with Mr. Hammeken, continue your journey to Mexico; upon which subject I answer that I am not authorized to permit it.

Your most affectionate obedient servant,

Who kisses your hands,

(Signed)

IGNACIO DE MORA

Judge Webb to Mr. Packenham.

ON BOARD TEXIAN SCHOONER, SAN BERNARD,

HARBOR OF SACRIFICIOS, near VERA CRUZ, June 1, 1841.

Hon. RICHARD PACKENHAM,

Her Britannic Majesty's Minister, Mexico:

SIR:—In accordance with the Convention entered into on the 14th of November last, between her Britannic Majesty's Govern-

ment and the Republic of Texas, I have been deputed by his Excellency the President of Texas to make such propositions to the Government of Mexico for the adjustment of differences, as will enable you to carry into effect the objects contemplated by that Convention, in the event that Mexico shall accept the offered mediation of Great Britain.

Upon my arrival here on yesterday, I addressed a note to the Commander of her Majesty's ship, *Comus*, a copy of which is herewith forwarded you. To this note I received a verbal reply from Commander Nepear, stating that he was compelled to proceed to sea by the first wind, but while he remained in port, he would afford me the protection asked. He also immediately despatched a boat to town, to ascertain whether or not any instructions had been received from Mexico, in reference to the reception of an agent from Texas under the Convention with her Majesty's Government; but to this enquiry no satisfactory answer was received, as it was said the Commandant of the port was absent, and her Majesty's Consul had no information upon the subject.

By the advice of Commander Nepear, I this morning despatch my Secretary to town under the protection of her Majesty's Flag, with instructions to have an interview, if possible with the Commandant of the place, and to ascertain whether or not I would be permitted to land, and proceed to Mexico; and if not—whether the flag of truce, under which I came into this harbor, would be respected, and the vessel be allowed to remain until I could communicate with you at Mexico? My Secretary, having failed to obtain the interview desired, addressed a note to the Commandant, to which I received the accompanying reply, and by which I am informed, that I cannot be permitted to proceed to Mexico. I am further informed that the Commandant verbally stated to her Majesty's Consul, through whom Mr. Hammeken's note was conveyed, that the vessel could not be permitted to remain in the harbor, but that she might return at a future day to receive the answers to the despatches which might be forwarded to Mexico. I have therefore no alternative, but to address you upon this subject, and proceed to sea, with the intention of returning in ten or fifteen days for your answers.

You will perceive that by the terms of the Convention (a copy of which, with its ratification by the Government of Texas, I have the honor herewith to forward you) that my Government has undertaken to pay one million of pounds sterling of the Mexican foreign debt, provided a treaty of peace is entered into between the two countries, through the mediation of your Government; and it is for the purpose of enabling you to offer that mediation in the most effectual manner, and to negotiate such a treaty, that I now present myself to the authorities of this country, to make such propositions for the adjustment of our differences, as it is hoped will lead to that most desirable end. My powers are very full as Commissioner, and also Minister Plenipotentiary, should I be received as such; in each of which

characters I am furnished with letters of credence to his Excellency the President of Mexico.

Herewith, I also beg leave to hand you the copy of a letter addressed by the Secretary of State of Texas to you, in reference to the objects of my mission; and also the copy of a letter from A. T. Burnley, Esq., (lately associated with Gen. Hamilton, in Europe, in the negotiation of a loan.) Mr. Burnley's letter covers one from Lord Palmerston, which, being under seal, cannot be copied. I would forward the originals of these letters instead of the copies, together with Lord Palmerston's letter, had I not been advised to retain them until I could deliver them personally, on account of the risks which a conveyance by mail involves.

I cannot believe that when the olive-branch of peace is a third time tendered to Mexico, it will a third time be refused, especially as it will now be offered under circumstances which are evidently so decidedly advantageous to her, and may be accepted without inflicting the slightest wound on her national pride. We now present ourselves rather in the character of purchasers of the country, than as conquerors; and as such, Mexico can treat with us with as little mortification of feeling as though hostilities had never existed. I therefore sincerely hope that you will have no serious difficulty in obtaining from the authorities at Mexico, permission for myself and Secretary [sic] to land at Vera Cruz and proceed to Mexico, for the purpose of entering into such negotiations as may result in the establishment of a peace, not only mutually advantageous to both countries, but which will be permanent in its character.

In compliance with what I have understood to be the desire to the Commandant of Vera Cruz, I shall proceed to sea to-morrow morning, but shall return again to this harbor as soon after the expiration of ten days from this time as the vicissitudes of the weather will permit, under the hope of then receiving from you an answer to this communication, and permission from the authorities at Mexico to proceed in the objects of my mission.

I have written to no one at Mexico besides yourself, believing that an application for my reception made by you would be much more likely to succeed than if addressed by me to any officer of the Government, and having been assured that you would do whatever was necessary to be done in reference to this matter.

I have the honor to be,

With great consideration and respect,

Your very obedient and humble servant,

(Signed)

JAMES WEBB.

Mr. Packenham to Judge Webb.

HER BRITANNIC MAJESTY'S MISSION,

MEXICO, June 10, 1841.

The Hon. JAMES WEBB, etc.,

SIR:—I have the honor to acknowledge the receipt of your letter, of the 11th inst., informing me of your arrival at Vera Cruz, for the purpose of making such propositions on behalf of the Government of Texas to the Government of Mexico as might enable me to carry into effect the objects contemplated by the Convention of the 14th November last; and it is with great concern that I have now to transmit to you the answer, contained in the enclosed copy of a note from the Minister for Foreign Affairs, which the Mexican Government have returned to my communication, announcing your arrival at Vera Cruz, and the object of your mission to this country.

This answer, you will perceive, is altogether unfavorable, as it makes known the present determination of the Government not to depart from the line of conduct with reference to Texas, which, by a note addressed to this Mission—a copy of which I also enclose you—they signified their intention to observe when the good offices of her Majesty's Government were first offered, with a view to bring about a pacific arrangement between the two Republics.

I think it necessary to observe to you that this determination has been taken by the Government of Mexico before they have had official communication of the Convention of the 14th November, 1841. In fact I have not yet been instructed by her Majesty's Government to make that communication, although by permission of Viscount Palmerston, the substance of the Convention was some time since confidently made known to them.

It accordingly occurs to me that it may, perhaps, suit the views of the Texian Government, whose policy I imagine it to be to avoid coming to extremities with this country, to allow the question to remain upon this footing for the present, and to wait for an opportunity to re-attempt negotiation under more favorable circumstances.

I have, on various occasions, taken the liberty to express to the gentlemen acting for the Government of Texas with whom I have had the honor to communicate, my conviction that it is entirely for the interest of Texas to forbear from any acts of hostility or aggression towards Mexico, so long as Mexico refrains from active hostilities against that country.

The Government of Texas, I have no doubt, possess sufficient information as to what passes in this country, to enable them to judge how far it is possible that Mexico will be able, and how soon, to undertake an expedition upon a scale to endanger the safety and independence of Texas. The longer such an expedition is postponed, the less likely it becomes that it should ultimately take place, unless Texas should, in the meantime by some act of aggression, offend the pride of the Mexicans, and lead

them to put in action the means which they undoubtedly possess, if properly directed, of causing serious annoyance to Texas. This opinion I now beg leave most conscientiously to repeat, as a sincere well-wisher to both countries.

My Commission as Mediator I consider, notwithstanding the present unfavorable disposition of the Mexican Government, to be still open, hoping that I may one day enjoy the satisfaction of se[e]ing effected an arrangement between two countries, neither of which, I am well convinced, could be otherwise than prejudiced by becoming the assailant of the other.

I shall not fail to make known to the Government of Texas any indication which I may observe of a more favorable disposition, on the part of this Government, to listen to pacific overtures; and I shall feel it my duty to attend, to the best of my ability, to any communication which the Texian Government may think proper to address to me, having relation to that subject.

You will, perhaps, have the goodness to cause to be delivered to her Majesty's Vice-Consul, at Vera Cruz, the letter from Viscount Palmerston which is in your possession, to be forwarded to me by the first opportunity.

I have the honor to be,

With sentiments of the highest consideration,

Sir, your most obedient humble servant,

(Signed)

R. PACKENHAM.

Mr. Camacho to Mr. Packenham.

NATIONAL PALACE OF MEXICO,

June 8, 1841.

Hon. RICHARD PACKENHAM :

SIR:—The undersigned has had the honor of receiving a communication of Señ. D. Ricardo Packenham, of to-day, in which he is pleased to impart to him the arrival, at Vera Cruz, of the Commissioner from Texas, for the purpose of making propositions to the Supreme Government, on the adjustment of the difficulties existing between Mexico and that Department, expressing the ardent desire of her Britannic Majesty's Government, that the opportunity now presented to conclude them, upon honorable and advantageous terms, will not be refused.

Having placed before his Excellency the President of the Republic this communication, in order that he might accord that which is most suitable to a subject apparently of so much importance, his Excellency, after a most mature and deliberate examination, has been pleased to instruct me to answer Señor Packenham, as I have the honor to do, that the Government of Mexico has had no reason to change her opinion; thereby ceasing to appreciate the question of Texas in the same manner in which she appreciated it when she consulted on this same sub-

ject with Mr. Packenham, which information is to be found in the note to that effect, which the Minister addressed to him on the 11th December, 1839.

Notwithstanding this conviction, his Excellency the President duly esteems the friendly solicitude of her Britannic Majesty's Government to bring this question to a pacific termination; and he highly regrets not being able to serve his ardent desires of obtaining it. But his Excellency the President, not being able to deviate from the principles of honor and justice which prohibit him from recognizing the dismemberment of the territory, and sanctioning the most remarkable act of ingratitude, with which it could have corresponded to a magnanimous and generous nation; usurping those rich lands where she exercised her hospitality with those who came to seek it. Besides, Mr. Packenham is not ignorant that since the commencement of the insurrection of the Department of Texas, innumerable slaves have been and are continuing to be introduced—that trade from which humanity turns with horror, and for which cause alone, even if there were no other, the Mexican Republic and its Government never would bind themselves, to an act equivalent to the sanction and recognition of slavery.

The undersigned. &c. &c.

(Signed)

SEBASTIAN CAMACHO.

Mr. Canedo to Mr. Packenham.

PALACE OF THE NATIONAL GOVERNMENT,
MEXICO, December 11, 1839.

The Hon. RICHARD PACKENHAM:

SIR,—I have had the honor of receiving the confidential note which your Excellency has addressed to me to-day, reminding me of the various conversations which we have had in consequence of the instructions the Government of her Majesty has communicated to your Excellency relative to the question of Texas. Your Excellency is pleased to manifest to me your desire to know whether any resolution has been taken by this Government, in virtue of the friendly propositions, which, in compliance with your cited instructions, you have made; and in answer, I have the honor to say to you that the Commissioner of the inhabitants of Texas will be heard by the Mexican Government under the indispensable condition, that this is not to desist from the national sovereignty over that Department of the Republic.

I am, very respectfully, etc.,

(Signed)

JUAN DE DIOS CANEDO.

Mr. Packenham to Secretary of State.

HER BRITANNIC MAJESTY'S MISSION,
MEXICO, June 10, 1841.

The Hon. J. S. MAYFIELD, etc.:

SIR,—I have had the honor to receive from Mr. Webb a copy of the letter which you were pleased to address to me on the 30th March last, mentioning the appointment of Mr. Webb as Envoy Extraordinary and Minister Plenipotentiary, to negotiate a Treaty of Recognition, Amity and Commerce with Mexico, under the friendly auspices of her Majesty's Government.

I beg leave to refer to a letter which I this day addressed to Mr. Webb, for the result of my endeavors to induce the Government of Mexico to entertain the pacific overtures of the Government of Texas, which, I am concerned to say, have been altogether unsuccessful; but I think it not improbable that, at no distant day, an opportunity may occur to re-attempt negotiation with a better prospect of success, and I shall not fail to make known to you, Sir, any indication which I may observe of such a favorable change in the councils of this Government.

I beg leave also to assure you of my entire readiness to attend to any communication which you may be pleased to address to me connected with the object of effecting an amicable arrangement between the two Republics.

I have the honor to be,

With sentiments of the highest consideration,

Sir, your most obedient and humble servant,
(Signed) R. PACKENHAM.

Judge Webb to Mr. Packenham.

TEXIAN SCHOONER, SAN BERNARD,
HARBOR OF SACRIFICIOS, June 16, 1841.

The Hon. RICHARD PACKENHAM, etc.:

SIR,—I have the honor to acknowledge the receipt of your communication, of the 10th inst., in answer to mine of the first, and by which, and the documents accompanying it, I am informed of the determination of the Mexican Government to listen to no overtures of pacification from mine, predicated upon the separation of what it terms the Department of Texas from Mexico.

I can but regret this determination, as I fear it will lead to a state of things which every philanthropist must deprecate, and which my Government has heretofore been most anxious to avoid. That the authorities of Texas have sincerely desired to pursue a pacific policy towards Mexico, is abundantly evinced in the repeated efforts which have been made to settle by amicable negotiations the differences existing between the two countries, and especially in prosecuting those efforts under

the most discouraging circumstances, and at times, too, when, had they been disposed to renew hostilities, the internal feuds and external difficulties of Mexico, afforded the most inviting opportunities of doing so.

You are, no doubt aware, that repeated overtures have been made by the Federalists of the northern and southern provinces of Mexico, accompanied by the most alluring offers, to induce the people of Texas to unite with them in a war against their Government, and to make common cause in forcing an acknowledgement of our and their independence; and you are, no doubt, equally aware that all of these overtures have been rejected on the part of my Government. This course was pursued by us under the impression that Mexico, appreciating the motives of our forbearance, and perceiving the amicable spirit which Texas was disposed to cultivate towards her, would change her policy in reference to us,—a policy, which, without incurring the imputation of boasting, we think we may confidently assert, can never result in any benefit to her.

What course my Government will feel itself bound to pursue, in reference to this controversy in future, I am unprepared to say; one thing is certain,—having voluntarily made three distinct efforts for amicable negotiations, she can never make a fourth, unless invited to it. Your suggestions, of a continuance of the pacific policy heretofore adopted, shall be duly made known, and, I have no doubt, will have great weight;—but the people of Texas generally have received so much annoyance from the disturbed condition of her frontier, and from the repeated, the hitherto unmeaning threats of invasion, that they would decidedly prefer an active and energetic prosecution of war to the state of supine and sullen hostility which has existed between the two nations for the last five years; and, although the Government might be disposed to longer forbearance, I think it possible that so general an expression of public sentiment may exercise an influence on the public councils which can no longer be resisted.

The communication from Viscount Palmerston, to which I referred in my last, I have now the honor of enclosing to you,—though, from the letter of Mr. Burnley, I presume it cannot, in the present posture of affairs, be rendered available. I have also the honor of enclosing to you the original letter of the Secretary of State of Texas, to the copy of which, heretofore forwarded, I have received your reply, addressed to that officer.

I cannot close this communication, without tendering to you my sincere thanks, as well as those of the President of Texas, for the many acts of kindness and friendship which you have exhibited towards our infant nation. Be assured, Sir, they are all fully appreciated by the Government and people, and will long be remembered by them.

I have the honor to be,

With great respect and consideration,

Your very obedient servant,

(Signed)

JAMES WEBB.

Document C

*Report of Van Ness and Morris Secret Agents
to General Arista*DEPARTMENT OF STATE'
AUSTIN CITY June 24th 1841

GENTLEMEN,

Herewith you will receive a letter from the President directed to General Mariano Arista, Commanding the Northern Army of Mexico, which empowers you to visit the Headquarters of said Army for the purpose of coming to some understanding with its commander, upon the subject of the irregular and brigand border warfare which has unhappily for so long a period desolated our western frontier, stripping our citizens of their hard earned property, depriving them of their liberty, and even in many instances of their lives.

The President from the very commencement of his administration, down to the present time has always kept one object steadily and permanently in view, which was to afford all the protection in the power of the Government to give to our widely extended frontier, and to keep as many channels for a safe and lucrative trade open to the enterprise of our citizens, as the slender means in his power would warrant him in undertaking. In pursuance of this policy he always regarded the trade to the Northern States of Mexico as of immense importance, not only to our entire western frontier, but to the whole country at large; and has never omitted an opportunity to promote it by all honorable means.

A circumstance has recently occurred, which induces the belief in the mind of the President, that he may now interpose with effect, and establish on a firm and he trusts a lasting footing a safe and friendly commerce with that portion of the Mexican territory bordering on and to the westward of the Rio Grande. Informal overtures have been made by the Commanding General of the Army of the North, which the President could not entertain for reasons which were assigned to the bearer of the propositions, and which to his mind, (the Presidents) seemed conclusive, to say nothing of other objections which might have been urged. But altho he could not for a moment listen to any propositions coming from an enemy, for the invasion of our soil under any pretext whatever; yet as the Mexican Genl seems, if the Verbal assurances of his agent may be trusted, to manifest a willingness on his part to put a stop to the miserable system of robbery which has been harrassing and injurious to our citizens it does not become the Chief Executive of a brave and generous people to refuse his cooperation. He is not however willing to trust anything to chance, but would satisfy himself by reports of his own

⁴Garrison, *Diplomatic Correspondence*, II, 748, 749-51, 767, 768, 769-77; also in Records, Department of State, Letter Book No. 41, pp. 548-55; Book 54, pp. 35-6, 36-7. The original documents are in *Diplomatic Correspondence with Mexico*.

agents, how far he may safely rely upon the assurances of Genl. Arista and what are the steps he proposes to take, and the means he proposes to use, to accomplish the end in view. To perform this duty, you have been selected, and that you may not be at a loss as to the exact nature of the service required, or, the extent of the powers confided to you, it is particularly enjoined on you, to observe the following instructions, which you are to regard as secret.

1st. You are not to make or listen to any propositions from any quarter whatever, which would commit this country in the slightest degree in any of their domestic wars or revolutions.

2d. You will give no assurances on the part of this Government that Mexican Troops will be permitted to invade our territory, either under the pretext of chastizing the savages or any other.

3d. You will in no manner interfere in any political movement in the country, nor intermeddle in any way in their domestic Government.

In short, you will scrupulously confine yourselves to the single object of your Mission, the prevention of robbery and Murder, and the opening of a safe trade to the border river. This much, humanity requires, and the interests of the country demand. You will make a faithful report to this Department of all the steps you may think proper to take in this business, giving at the same time all such general information as you may think will be of use; taking particular care to keep your Mission and the object of it *entirely secret* until after you have accomplished the purpose for which you go.

The President relies greatly on your address and discretion in the management of this affair, and expects that nothing will be done which will in the remotest degree reflect upon the honor of the Nation, or which would be likely when known, to throw any impediments in the way of the treaty which we are now seeking to establish with Mexico.

I have the honor to be

Your Obedient, humble Servt

SAML A ROBERTS
Acting Secty of State

To C. VAN NESS and
JOHN D MORRIS Esqrs

EXECUTIVE DEPARTMENT
AUSTIN June 24th 1841

To GENL. ARISTA

SIR, The Government of Texas has witnessed with regret the sectional and border war now existing and which has existed several years past on the adjoining frontiers of Texas and Mexico, and which of late divested of almost every feature of a National contest between two countries, has become little other than a system of predatory incursion and foray, attended with no other results than the pillage and ruin of exposed and un-

offending citizens and settlements. This state of things is not only destructive to the interests of important sections of both countries, but is disreputable to the character of enlightened and honorable people, and should not be suffered to continue any longer. Degrading the profession of arms into robbery and murder, this species of warfare can only lead to crime and individual sufferings, without tending in the least degree towards the adjustment of the difficulties between the two nations. Besides this a negotiation is now going on in Mexico, with a fair prospect of a speedy and an honorable settlement of our National quarrel by a treaty of permanent peace,—a consideration sufficient of itself to induce a suspension of all hostilities for the present, and more particularly for the abolishment of a petty and provoking mode of warfare, which is calculated to engender personal feuds and revengeful feelings which may linger upon the border even after peace has been established. Should these negotiations fail, and either party shall choose to enter again the arena of war, the contest ought to be a *National* one and should be conducted in a manner consonant with the character of the contending parties. Texas on her part, will never vary from the dignity and humanity belonging to civilized warfare, unless driven from it by some intolerable conduct of her adversary. Believing that you are actuated by the high and honorable feelings which always belong to true heroes, and that it is only necessary to call your attention to the evils alluded to, to secure your co-operation in putting an end to them, I have appointed two gentlemen of honor and talents, Cornelius Van Ness and John D. Morris Esqrs to make known to you the feelings and views of this Government, and have authorized them to enter into any arrangement with you which might place the relations and intercourse between the two frontiers (even though hostile) upon a higher and more honorable footing, and which while advancing the interests and ameliorating the situation of many, will not compromit the dignity or character of either nation. I have also instructed these gentlemen to refrain most scrupulously from the least interference in the domestic or local affairs of your Country, but devote their attention exclusively to the object of their Commission.

Respectfully Yours,

MIRABEAU B. LAMAR

Passport for Van Ness and Morris

MIRABEAU B. LAMAR, President
of the Republic of Texas.

To all who shall see these presents, sends Greeting,

Know Ye that having confided to our citizens Cornelius Van Ness and John D. Morris Esquires the bearers hereof, special matters of state, to be made known by them to Genl. Mariano

Ariste, commanding the Northern army of Mexico,—I have granted them this safe conduct, and I do especially enjoin upon all the citizens of this Republic, and request those of Mexico to permit them freely to pass and repass to and from the head quarters of said army.

In witness whereof I have caused the great seal of the Republic to be hereunto affixed.

(L S) Given under my hand at the city of Austin the 24th day of June in the year of our Lord one thousand eight hundred and forty one and of the independence of Texas the sixth.

MIRABEAU B. LAMAR

SAN ANTONIO Sept. the 13th. 1841'

Hon. SAMUEL A. ROBERTS
Acting Secty. of State.

DEAR SIR

Your communication sent by the hands of Major Garharaty suggesting the necessity of the presence of either Mr. Van Ness or myself, "immediately" at Austin has just been received and we regret extremely that its call cannot be so promptly responded to as you seem to wish and we would desire.

As you are aware, our court is now in session in which we both have many cases, of importance, which cannot be neglected but at great loss to ourselves and clients. My own disposition, and in fine many other circumstances render it utterly impossible to leave town at present.

We however hope that this communication which will be sent by Mr. Chevallier will be all sufficient to enable you to treat fully with the Commissioners from Yucatan and enter into any negotiation, which may be deemed fit with that Gentleman.

It is not my intention to enter into a full detail of all the transactions connected with our mission for time will not allow, and we shall be in Austin so soon as the Court adjourns at this Place, which will be on friday or saturday next, when a full exhibit of our correspondence and communications with Gen. Arista will be made. I only deem it necessary at this time to state that no treaty or stipulation has been entered into by Gen. Arista, with us, which can in the slightest degree clash with any arrangement which may now be made with the commissioner from Yucatan—whether of a hostile or pacific character towards the government of Mexico, and that the Republic

¹Endorsed: John D. Morris 13th Sept 41 Recd 18th Sept Relative to his Mission to Arista

of Texas, so far as our Mission is concerned, is perfectly free and open to pursue any course which it may deem fit towards that Country. No stipulation has been entered into restraining the movements of Texas in any manner whatever, and so far we stand in the same position towards Mexico, which we have always occupied.

I will add in conclusion from many circumstances which came within the scope of my observation, that whilst Mexico has not the most remote idea of ever invading Texas Yet she has no stronger inclination to recognize our independence than when Santa Anna first marched against us with his invading army.

With the highest regard I remain Your friend and Servt.

JOHN D. MORRIS

SAN ANTONIO, 30th. of Sep. 1841.

To the Hon. SAMUEL A. ROBERTS
Acting Sec of State

SIR—

In compliance with your request that a full and correct statement be made of our acts and proceedings whilst acting as commissioners of this government, with General Arista, we respectfully submit the following statement.

We left San Antonio with Dr. Rafael Uribe, the Commissioner sent out by Arista, and on the tenth day afterwards, arrived at the town of Guerrero, situate ten miles [from the border] on the west side of the Rio Grande. Here being received and treated with the most marked attention, we determined to remain a few days until our horses should be sufficiently recruited for the travel to Monterrey, at which place we were informed Arista was then quartered. During the stay at the above mentioned place, a communication was received by Mr. Uribe from Gen. Arista, the purport of which inasmuch as we have no copy, you can readily conceive from the following note, which we addressed to Mr. Uribe.

[July 18, 1841.]

To Dr. RAFAEL URIBE—

SIR—

We have been informed this morning by Col. J. N. Seguin that you have received a communication from Gen. Arista, expressing some surprise that he (Col. Seguin) should have visited this frontier in the character of a commissioner from the Republic of Texas, and requiring him not only to communicate to you the object of his mission, but to remain here until further intelligence from Gen. Arista should be had.

Of the object of Col. Seguin's visit we presume he will himself inform you. That he is charged with a commission from the Gov. of Texas, is an error, for the undersigned as you will

see by the accompanying passport are the bearers of that Commission.

We do not hesitate to say that the Communication of Gen. Arista has surprised us, for with every confidence in his well established Character for ability and honor, we would not otherwise than suppose that the same courtesy and protection extended in Texas to his Commissioner would have been reciprocated to us, nor do we yet doubt it, when he should be correctly informed upon the matter.

Gen. Arista cannot for a moment presume that we have in view or intend to broach the question of the recognition of the independence of Texas, or that of peace between the two Governments. These are subjects alone for the consideration of the high powers of the Nation. The business entrusted to us by the Gov. of Texas relates exclusively to the affairs of the frontier under the Command of Gen. Arista and will be laid before him at such time and place as he may see fit to appoint. Far would it be from us or from the Government we represent to propose to Gen. Arista or expect of him aught that would be inconsistent with or in the least compromit the high character he sustains as an Officer of the Mexican Government, and we cannot but regret that he should have been induced by an erroneous impression to delay a more immediate and direct communication with him. When he shall facilitate to us the means of a fair understanding and full exposition of our instructions, he will find that any propositions we may make will be within the scope of his authority dictated by honor, and not only compatible, but consequent to a state of honourable hostility. In the meantime we will await at this place further intelligence from Gen. Arista.

We will here take occasion to say that the rumours of the approach of a Texan force, to attack this frontier are entirely groundless. Nor will any party authorized by the Government of Texas make an exhibit or commit any act of hostility during our visit. Should any depredations be committed, we can assure you that this will proceed from unauthorized banditti.

With the highest regard we remain

Your Obt. Servts.

C. VAN NESS
J. D. MORRIS

Before receiving a reply to the above communication, and whilst we were still in Guerrero, Col. Jose Maria Carrasco, an officer of the Mexican army, arrived at that place bearing despatches from Gen. Arista, together with letters written by Arista to Carrasco. In which after enjoining upon Col. Carrasco, to treat the Texan Commissioners, with the most marked attention and politeness, he authorizes him to enter into a formal negotiation with us, ascertain the object of our mission and give us our final answer—expressing at the same time his full confidence in the skill and ability of Col. Carrasco and his

intimate acquaintance with his (Arista's) plans in relation to this Country. Col. Carrasco waited upon us at our quarters, and after a long and on his part, as it seemed to us, very confidential communication, he desired that we should reduce to writing the main features of our mission, that we might more fully understand each other, which was done.

Before giving you those written communications, I will premise by a short history of the impressions made upon me by repeated conversations with Colonel Carrasco.

He is a young Officer of great popularity and promise in the Mexican army, and was engaged in the past year in negotiating the treaty with Canales and the Federals, and is suspected by many of being strongly inclined to the liberal side. He told us that the whole country North of the Sierra Madre was then and had been in a state of violent Commotion and agitation, that the federal cause far from being smothered and destroyed by the events of the past year had only been depressed for the moment, in order that it might break out in a form which would give a greater guarantee of success, and from many observations which dropped from him, from the high stations, which Canales and Cardines [Cardenas] now occupy, both as officers of that country, and in the estimation of Gen. Arista our conclusion was that the treaty with Canales was simply an arrangement between him and Arista, that the federal cause which was then rather desperate, should be depressed for a while again to rise at a more favourable opportunity, under the guidance and with the assistance of Gen. Arista. Such are our impressions in relation to that treaty, but whether the result contemplated by the Federalists in its negotiation will ever be accomplished is, so far as I could ascertain a doubtful matter. The two principal are prominent characters now in Mexico, are Gen. Santa Anna and Gen. Arista, both men of much military fame, both men of unbounded ambition, both aiming at the presidential Chair, and two more violent opponents both personal and political, perhaps never lived. It is thought that the power and influence of Santa Anna even by the friends of Arista, is much greater than that of Arista, and that should no unforeseen event take place, that he will be the next president and of course Arista be immediately crushed. But in the many changes, and revolutions which almost daily transpire in the Country, Arista's chance with but one single opponent is considered to be good. Such is the position in which Arista stands, with but one single opponent to the presidential chair, and this peculiar position may account [for] certain matters in relation to our mission which might be otherwise difficult to explain. Col. Carrasco unhesitatingly declared, that he himself was a Federal, and Arista would head the party, in the revolution, which would break out at the very first moment when a favourable opportunity presented itself—that he was most anxious to conciliate the friendship and perhaps assistance of the Texans, etc. etc.

We were constantly enjoined to the greatest secrecy whilst treating with both Carrasco, and Arista, and great fears seemed

to be apprehended least something connected with our mission might transpire, and we were requested by Col. Carrasco and Gen. Arista in our written communications, which would of course be transmitted to Mexico to be as mild and conciliating as the nature of things would permit, and by the former that it would be impossible openly and publicly to concede to our propositions, but that whilst a secret negotiation might take place in which all our propositions and plans might be carried out, Still that the answer which appeared to the world, and more especially that which would be sent to Government authorities at Mexico, should contain a flat and positive refusal of all our propositions. (By the way it is difficult that a people like ourselves who have always been governed in an openhanded way, should comprehend the Mexican mode of doing business, where every thing is carried on in the dark and where no public measure is ever adopted, but one of duplicity and deceit.) In a few words I will attempt to explain. The Supreme authorities in Mexico, for many reasons are most inveterately opposed to any thing like conciliation with Texas, and even the favourable reception of any Texian in whatever capacity he might go, would be considered as a high crime in the eyes of that Government. Gen. Arista, or rather his agent Col. Carrasco, was anxious to conciliate, and to accede to our propositions, but at the same time wishes to hoodwink his government. He therefore privately entered into an agreement with us, and publicly declared his utter refusal to comply with our propositions. The truth is the whole Mexican country is in a perfect ferment, and on the eve of a great revolution.

Arista is still doubtful as to the probable result of this impending revolution, and with a fair prospect of the Presidential chair on one side, should he adhere to the Central cause, and the absolute certainty of his being elevated to the highest station in the nation should he espouse the Federal cause, and in case of their success. In this state of affairs Arista is halting, as to his decision, he is privately conciliating the Citizens, all of whom with but few exceptions belong to the Federal party, and inducing among them the belief that he inclines to their side, whilst all his public acts which he knows must reach to Government, would declare him the most uncompromising, and devoted Central. Hence arises the unmitigated abuse of Texas and the Texans, which daily emanates from all the newspapers, and more especially that one which is paid and supported by himself, hence his refusal to accede to our propositions, and hence the great popularity which attaches to him amongst the liberal party on the frontier and his polite and kind reception and treatment of the Texas Commissioners on that frontier.

You will find in the Copy of our Communication, to Col. Carrasco which immediately follows, the propositions which are made by us.

GUERRERO July 25th. 1841.

Col. CARRASCO

In compliance with your wishes as expressed in the interview of this morning, we will proceed to communicate to you frankly and explicitly the business entrusted to us by the President of Texas.

The Government of Texas has witnessed with regret the sectional and border war now existing and which has existed several years past on the adjoining Frontiers of Mexico and Texas, and which, of late, divested of almost every feature of national contest between the two countries has become little better than a system of predatory incursions and foray, attended with no other results than the pillage and ruin of unoffending citizens and settlements. This state of things is not only destructive to the interests of important sections of both Countries, but is derogatory to the character of enlightened and honourable people, and should not be allowed to continue any longer. Degrading the profession of arms into robbery and murder, it can only lead to crime and individual suffering, without tending in the least degree towards the adjustment of the difficulties between the two nations. When either party shall choose again to enter the arena of war, the contest ought to be a national one, and should be conducted in a manner consonant with the characters of the contending parties. Texas on her part will never vary from that course unless driven from it in self defense by some intolerable conduct of her adversary. Entertaining these views and believing that Gen. Arista is actuated by the high and honorable feelings which always belong to a soldier and a gentleman, and that it is only necessary to call his attention to the evils alluded to, to secure his co-operation in putting an end to them, we now propose to you a suspension of all hostilities for the present, or at least the abolishment of that petty warfare, which is calculated to engender personal feuds and revengeful feelings that may linger upon the border long after peace has been established. Should we meet with the same worthy feeling which has induced our visit and our suggestions [be] considered in a spirit of justice and liberality we presume some arrangement could be entered into which would place the relations and intercourse between the two frontiers (even though hostile) upon a higher and more honourable footing; and which while advancing the interests and conciliating the situation of many, will not compromise the character or dignity of either nation. War open and honourable war, we neither shun nor invite; but preferable and far more creditable it is, than the species of hostility now conducted. If hostile let our animosity be exhibited in a manner worthy of the advancement of the age, in which we live.

And we must take occasion to say that unless some measures are adopted which will relieve our border settlements from the continued apprehension they are under, Texas will be forced to take retaliatory steps. Self defence and the imperious calls

of her suffering frontier will compel her to adopt that course, nor do we use this language as a menace, but in complying with our instructions. At the same time that we propose to avoid the necessity of such an event, we deem it our duty to apprise you of the consequences that will inevitably result from an adherence to the system hitherto pursued.

You cannot but be aware that even at the present time, a considerable commerce is carried on between the inhabitants of the two frontiers, and notwithstanding the vigorous efforts which have been made by the authorities both military and civil to put an end to this trade, it continues to exist. That it is beneficial to both countries cannot be denied, nor do we believe it possible effectually to check it unless at an enormous expense and trouble— an expense entirely beyond any benefits to be expected. By authorizing that commerce and protecting, instead of persecuting it we entertain no doubt but that results of the most important character could be realized by you. And as it *must* exist why not place it upon that footing that will enable you to derive the great benefit which must necessarily arise from it.

Such sir, are the propositions which we make on the part of our Government and for their complete fulfilment should they be conceded to by you every effort will be made on our part. But should you deem the course we propose to be unwise and impolitic, we will console ourselves during the evil consequences which must arise, with the knowledge that every thing has been done on our part to prevent them. Such an event we do not however for a moment contemplate, and shall remain, until convinced by your reply, that matters so evidently beneficial [to] the Frontier of Mexico, will be immediately adopted.

We have etc etc

C. VAN NESS and J D MORRIS

In answer to the foregoing we received as we had been led to expect from our consultations with Col. Carrasco, a note the original of which is herewith transmitted, expressing his inability and unwillingness to enter into any negotiations upon the subject. But an absolute verbal pledge that so soon as the matter could be secretly arranged, the ranging parties who are now stationed on the frontier to intercept traders, and by whom our frontier has been continually harrassed, should be removed, every effort should be made to prevent any hostile movements by the citizens and that so far as they were concerned the trade should proceed free and uninterrupted.

As to the proposition in relation to the cessation of hostilities, we found no difficulty upon that point. But on the subject of the trade we found him difficult to persuade. He stated that during the last two years, the trade from the frontier limited and crippled as it had been, had reduced the Government revenue to a large amount, that the town of Matamoras which up to that time had been a flourishing and improving city had dwindled away to almost nothing and that very little more than one

fourth of the revenue formerly accruing from the Customhouse at that place could now be obtained, and that hence the operations of the army had been much restricted for their principal support had been derived from this source. And it does seem to me that there is no course which this government can now pursue so well calculated to annoy and distress the Central party, on that frontier as an encouragement and promotion of the Contraband trade. For at the same time that we are ourselves receiving an immense benefit, our friends too are on the other side reaping a harvest, whilst the strength and resources of the Mexican army are being curtailed to a large amount.

We however eventually prevailed upon Col. Carrasco to concede this point, and started on our way to Texas. We had recrossed the Rio Grande, when we were overtaken by an express from Gen. Arista, bearing passports and a note requesting us to proceed immediately to Monterrey.

An escort of eight men we found in readiness at Guerrero and in five days reached Monterrey where we were received by Gen. Arista with the most marked attention, and politeness.

The following is a copy of a communication which we sent to Gen. Arista after our arrival.

MONTERREY August the 6th, 1841

To H. E. DN. MARIANO ARISTA

SIR

We presume that ere this you have received the note directed by us under date of 25th ult to Col. Dn. Jose Ma. Carrasco, communicating to him the subjects encharged to us by the Govt. of Texas.

We will now respectfully call your attention to that note, believing that it is unnecessary to add anything to the points therein suggested. And although the answer of Col. Carrasco was different both in tone and tenor from what as friends of Justice and humanity we had expected, we must be excused from any reply.

While we may be fully sensible of the unjust and incorrect grounds he assumes, yet as it is not our purpose to engage in an angry and recriminating discussion, which far from tending in the least towards the accomplishment of our views, would not otherwise than aggravate existing evils, we will without further comment submit the propositions to your enlightened judgment. None but sentiments of the noblest Character and a disposition to avoid if possible an exterminating warfare, which continued and repeated aggravations and injuries are fast bringing on have induced the President of Texas to make this appeal.

What were the causes or origin of the present unfortunate state of things on our adjoining frontiers, it is useless now to enquire. Suffice it to say, that that crisis has arrived, which requires the immediate and remedial influence of intelligence

and chivalry, or the most disastrous effects of unbridled and revengeful passions will be felt upon the border. To avoid, if possible, this result, is our present purpose and that our efforts will be reciprocated we will not permit ourselves to doubt.

We remain with the highest respect

Your Obt. Servts.

C. VAN NESS
J D MORRIS.

In answer to the above communication, an answer was handed us by Arista, the original of which inasmuch as I have no correct translation, is herewith transmitted, from which you will perceive that he declares his inability, as an officer of the Mexican Government to entertain any conversation with us on the subject set forth in our Note. We had however long and confidential conversations with Gen. Arista, in which he stated that the regular troops ranging on the frontier had always received his express orders, not to pass the Rio Nueces, which he alluded to as our boundary; and never to molest any unoffending citizens, and that these orders should be enforced. But he said that for his own protection he should be compeled to use every means in his power to put a stop to the trade. He informed us, that at present, and for a long time to come, no hope need be entertained by Texas of a recognition of her independence by Mexico, not only on account of the inveterate animosity entertained towards us, but because a Texas Campaign was always a sure means of raising money, when required by the Government. But that we might be well assured that no hostile operations would or could be made against Texas for the present.

I was particularly struck with one thing that whilst every newspaper and public Gazette in the whole country were turning with abuse against the Texas robbers, as we are called, and urging the Government and people to unite and restore the honor of the Mexican arms lost at San Jacinto, not one word was ever said about Yucatan and Xalisco, two provinces now in a state of open revolt.

During our sojourn, some twelve days, in Monterrey, we received every attention from Arista, his officers, and all the people, and when we departed were escorted as far as the Rio Grande by an officer and eight soldiers.

I feel no hesitation in believing that in a very short time there will break out a terrible revolution throughout the whole of Mexico, and the result will be the creation of a government at first purely democratic.

With this slight history of our transactions and the impressions made by our observations in that country,

I remain Your Obt. humble Servt.

JNO. D. MORRIS.

I feel it further incumbent upon me to add, that whilst we were in Monterrey two Mexicans who had been taken by a party of Texans near Goliad, and made their escape, came into town. The occurrence produced a great excitement among the liberal party, the friends of Texas, and two Americans, Drs. Tower and Cottle were in a day or two afterwards placed under arrest. The Effect of hostile movements on our part upon the frontier could so far as I could perceive result in no beneficial effect, but would render many who are now firm friends, in self defence, our most inveterate foes. Could Matamoros be destroyed, good might result for these all are Centrals, and all most bitter enemies to Texas.

Ys etc.

JNO. D. MORRIS

Army of the North,
Comdcy Genl.
private,

. MONTER[R]EY Augt 18th 1841'

Messrs VAN NESS & J MORRIS

ESTEEMED SIRS

When I consented to Your arrival at my head quarters it was in consideration of Your having protested in a note to D Rafael Uribe dated 18th ult. that the subject of Your Mission was entirely foreign to the question existing between the supreme Govt. and her revolted Colonies,

I perceive in Your note of yesterday You touch upon points tending doubtlessly to that subject, and which I cannot investigate, my answer therefore must be confined to the following remarks,

The question alluded to is of a domestic nature; there can be no doubt that Texas belongs to Mexico, and that the inhabitants of that territory have rebelled against the legitimate Govt. It is not to be presumed that in this case the rules and forms observed by diff[e]rent nations at issue with each other, at all exist, much less than international laws be recurred to,

Upon this principal then no relations or treaty whatever can be entered upon which does not have for its basis *the subjection of that country to the Govt of Mexico*

I assure You, Nevertheless, that the Genl. who commands the Mexican troops on this frontier, is acquainted with the laws of war, & acting conformably therewith, with the instructions of his Govt. and with the spirit of the age, can duly appreciate the laws of humanity, and never attacks the innocent citizen, particularly as he is persuaded that in Texas there are many pacific persons who heartily desire to return to obedience to the Republic.

I see from what has been written & said that nothing can be agreed upon relative to this subject; that hostilities must continue, and that perhaps the day is near at hand when this

⁸See Garrison, *Diplomatic Correspondence*, II, 776-7. Also Manuscript Diplomatic Correspondence with Mexico.

question will be settled in the manner in which, for the honor of their country, all Mexicans desire,

As I consider our conferences at end, You can return to Texas, assured of Your personal safety, and of the private esteem & friendship of Your

Humble & obdt servant

MARIANO ARISTA

Document D

*Containing copies of the Correspondence between the Secretary of State and Colonel Peraza, Special Commissioner from the State of Yucatan.**

Col. Peraza to Secretary of State.

AUSTIN, 11th September, 1841.

To the Hon. SAMUEL A. ROBERTS, etc.:

EXCELLENT SIR— I have the honor to enclose an official communication from the Governor of Yucatan, in answer to one from his Excellency the President of this Republic, under date of the 20th July last.

The sentiments manifested in this communication by the Governor of Yucatan, are in every respect reciprocally felt, and his Excellency wishing to manifest more explicitly their feelings and wishes, to cultivate and draw nearer our relations with the Government and people of Texas, have sent me to treat with the Government of this Republic, on such points as may be of common interest; not only as regards the policy, but also for the aggrandizement and good of both countries.

I wish, according to the instructions of my Government, to repeat personally to his Excellency the President of this Republic, the sentiments which animates the Governor of Yucatan, and would therefore request his Excellency to fix a day and hour on which I can have the honor to present my respects.

I avail myself of this opportunity to offer to your Excellency the testimony of the high consideration, with which I have the honor to be,

Your obedient servant,

(Signed)

MARTIN F. PERAZA.

Governor of Yucatan to President of Texas

MERIDA, August 24th, 1841.

To his Excellency the PRESIDENT OF TEXAS:

EXCELLENT SIR—This Government, its subaltern authorities and people, who have dispensed to Commodore Moore, of the

*Reprint of original pamphlet: *Correspondence between the Secretary of State, and Col. Peraza, special commissioner from the State of Yucatan.* G. H. Harrison, printer, 12p. 19.5cm.

squadron of your Republic, the distinctions with which he was treated while in the ports of the Peninsula, were actuated by a simultaneous feeling of sympathy.

By the expressive note of your Excellency, dated the 20th of July, in which mention is made of your feelings of satisfaction for those acts, has been a source of pleasure to me, and will be augmented, should an occasion offer for reciprocating them. To prove more clearly that Yucatan wishes to draw closer its relations with the people of Texas, and unite with them to sustain the cause of liberty which has been proclaimed against the oppressive Government of Mexico, the communication of your Excellency has been ordered to be published in the newspapers of this State, in order that it may be known to the people, that the ports of the Republic of Texas are opened by its Government, as manifested by your Excellency, to the vessels and commerce of this State, under the guarantee that they will be treated the same as the most favored nations; and those of Yucatan, in reciprocity, are open and free to the flag and commerce of Texas, under the same securities, without restricting itself to dispense with any other consideration, even more extensive.

Colonel Martin Francisco Peraza will be the bearer of this communication, and is authorized and has ample instructions from this Government, to solicit and make arrangements with the Government of Texas, to the end that they may assist this, and send the squadron, that they, united with the armed vessels of Yucatan, may operate against the naval force which the Mexican Government is preparing; and furthermore, as soon as the Congress of Yucatan assembles, (which will be the first of September,) I shall provide for the necessary instructions, in order that the same Col. Peraza may treat and establish with the Republic of Texas relations more positive, permanent and specific, of friendship and commerce, and to enter into all the negotiations and arrangements which will be for the mutual benefit, and that will tend to sustain the respective rights of both territories, until they are acknowledged by those who are now our enemies.

In addressing your Excellency, under such flattering motives, I have the honor to offer you, the assurance of my personal esteem.

God and Liberty.

(Signed)

MIGUEL BARBECHAN.
Deputy Governor of Yucatan.

Secretary of State to Col. Peraza.

DEPARTMENT OF STATE,
AUSTIN, Sept. 13, 1841.

To COL. MARTIN F. PERAZA:

SIR—Your note of the 11th instant, enclosing a communication from the Governor of Yucatan to his Excellency the Presi-

dent, was placed in my hands upon my return to Austin; last evening. I have hastened to lay them both before the President, and hope soon to receive particular instructions concerning the matters touched upon in these communications.

In accordance with a wish for a private and personal interview with the President, he has instructed me to say, that he will see you today, at the hour of eleven o'clock.

I avail myself of this occasion, to tender to you assurances of my distinguished consideration.

(Signed)

SAM'L A. ROBERTS,
Sec'y of State.

Secretary of State to Col. Peraza.

The undersigned Secretary of State of the Republic of Texas, presents his compliments to Col. Peraza, and informs him that the bearer of this note, Mr. Maury, will wait on him for the purpose of conducting him to the office of the undersigned, at half past ten o'clock, whence the undersigned will accompany Col. Peraza, for the purpose of introducing him to the President.

As the interview is to be a private one, all ceremony beyond a simple introduction, will be dispensed with.

(Signed)

SAM'L A. ROBERTS,

AUSTIN, 13th Sept., 1841.

Col. Peraza to Secretary of State.

AUSTIN, Sept. 16, 1841.

HON. SAMUEL A. ROBERTS, etc.:

The undersigned has the honor to inform the Hon. Secretary of State, Mr. Roberts, in order that through him it may be communicated to his Excellency the President, that one of the principal motives that influenced his Excellency the Governor of Yucatan, to send him near the Government of this Republic, without awaiting the assembling of Congress, to obtain, as he desires their legal sanction to enter upon and establish relations of amity, navigation and commerce, and others which are for the mutual benefit of the two people, was to inform this Government, that the Government of Yucatan has received information through her agents, that the Central Government of Mexico is preparing, by advice of Gen. Santa Ana, to send an expedition of three thousand men against Yucatan, and that the landing of this force would be protected by an eighteen gun brig, and two schooners of five guns each.

The Governor of Yucatan does not apprehend that this expedition can be effected immediately, but he thinks it very probable that a small squadron will be on the coast of Campeachy and Sisal, to obstruct their commerce; and he is persuaded of the insufficiency of our maritime forces to resist it. According to information, they were to commence arming the brig at Vera

Cruz, the latter part of August, and the two schooners are expected to arrive at that port in the course of the present month, conducted by a Mexican naval officer, who was sent to Baltimore for the purpose of procuring them, so that it is probable that in the proximate month of October, they will be ready to go to sea.

The Government of Yucatan, which is firmly resolved, in all events, to defend the principles which she has proclaimed, has made the necessary provisions for the defence of the interior, and also provided for the arming of two or three vessels to guard her coast; but doubting the competency of this measure, in itself, to ensure, in any event, a beneficial result, and relying upon the amicable disposition, which the President with equal frankness and generosity manifested to the Government, in his last communication, protesting a willingness to enter into such negotiations and treaties, as might be of mutual utility, and produce a full recognition of the respective rights of the two countries by their common enemy—he desires that Texas contribute, on her part, for the accomplishment of this object, three or more vessels of her squadron, which combined with those of Yucatan, may impede the sailing of the vessels of the Central Government, or effectually oppose them whenever they may encounter.

I would be offering, an insult to the well known wisdom and intelligence of the cabinet of Texas, were I to occupy myself at present in detailing the causes which make it their policy to aid a friendly people, who ask it to oppose a natural and common enemy, and one which has repeatedly renounced the pacific and just means which have been tried to enter into those national philosophical arrangements which the enlightened age in which we live demands. I will, therefore, merely say to the Hon. Secretary of State, that I am fully authorized by my Government, to contribute to the removal of any pecuniary obstacles which might, perhaps, for the moment, embarrass that of Texas, in putting her vessels in action; and for this purpose and object, his Excellency the President, can, at option, dispose of eight thousand dollars in Galveston or New Orleans, and count upon the Treasury of Yucatan for the same amount monthly, so long as the Government may deem necessary for the squadron to continue in united and active operations against the forces of the Central Government, in any part of the Gulf where the case may require.

If the Governments of Texas and Yucatan should agree upon the expediency of laying a formal blockade upon the ports of Mexico, or of making maritime reprisals, the product of this, will be divided between the two Governments, in proportion to the expenses they may have respectively incurred; and if the occupation of any Mexican port or ports, should be effected by land forces, the product of its custom houses, or any other product pertaining to the Central Government, will also be divisible between Yucatan and Texas, saving the costs of the enterprize, which will fall to whichever it may correspond.

The points embraced in this note, I conceive should be separately treated upon, but for the sake of brevity, I have determined to submit them in general, to the consideration of his Excellency the President, before whom I hope the Hon. Secretary of State will be pleased to lay them, and communicate to me the result, for the intelligence of my Government, as soon as possible.

In conclusion, I have the honor to repeat to the Secretary of State, the high consideration and regard, with which I have the honor to be,

His ob't serv't,

(Signed)

MARTIN F. PERAZA.

Secretary of State to Col. Peraza.

DEPARTMENT OF STATE,
AUSTIN, Sept. 27, 1841.

COL. MARTIN F. PERAZA, etc., etc.:

SIR—The undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of your communication of yesterday, which, in compliance with your request, as well as from the important character of the communication itself, he immediately submitted to his Excellency the President.

The President fully appreciates the motives assigned by you, which induced the Governor of Yucatan to send you near this Government, previous to the assembling of the Congress of Yucatan. Although the State of Yucatan is yet, strictly speaking, one of the United Mexican States, never having, so far as this Government is informed, formally and solemnly declared her separate national independence [*sic*]; the President notwithstanding, trusting entirely to the repeated verbal assurances, you have given to him and to the undersigned, that it was the fixed and unalterable resolve of the people of Yucatan to throw off the yoke of the Central despotism of Mexico, and to establish for themselves an independent Government during the sitting of Congress, now in session in Yucatan, receives the propositions contained in your communication, as frankly as they are made.

Love of liberty and hatred of oppression, are the leading characteristics of the people of this country. To a call upon their philanthropy, they are never deaf. When, therefore, you tell us that you have reasons to apprehend that the same despotism which for a time waged so savage and relentless a war against us, is preparing to attack the newly established liberties of your country, we cannot hesitate to co-operate with you, in preparing to repel that premeditated attack, by sending such a portion of our naval force to sea, as may be deemed adequate to the service required of it.

That this Government may derive incidental advantages by sending its navy to sea, to cruise against the commerce of its enemy, is not denied; but that these advantages will afford a just equivalent for the heavy expenses of keeping our navy

at sea, and for the shock such a step may give to our national credit abroad, and the loss we may thereby suffer, the undersigned apprehends it is equally unnecessary for him to deny.

The President, therefore, in accepting the pecuniary aid offered by Yucatan, on the terms proposed in your communication towards the support of the navy, so long as it continues to co-operate with that of Yucatan, only discharges a duty towards his Government, which a rigid and economical expenditure of the public money demands.

In your communication you propose—

First, "To contribute eight thousand dollars (\$8,000) either at Galveston or New Orleans, to aid in putting three or more of our vessels in action.

Second, "To contribute the like sum of eight thousand (\$8,000) towards the support of said vessels, each and every month they may co-operate with those of Yucatan.

Third, "To divide between the Governments of Texas and Yucatan, such sums as may be received from captures by sea, or from the custom houses or other public offices, or property belonging to the Central Government, of such towns and cities as may be occupied by said forces during the period our vessels may co-operate with those of Yucatan; in proportion to the expenses they may respectively incur, first deducting the actual expenses of the enterprize."

With the principles contained in these three propositions, the President is entirely satisfied; but as difficulties might hereafter arise in settling the respective rights of the two Governments, under the last proposition, owing to the too general terms in which it is expressed, the undersigned has been instructed, taking your propositions as a basis, to state specifically the terms upon which the President will feel authorized to afford to the Government of Yucatan, the aid which she demands. They are as follows, to-wit:

First, The President will send out to the coast of Yucatan, with all convenient despatch, three or more armed vessels of the Texian navy, with orders to co-operate with the sea and land forces of the State of Yucatan, to prevent the landing of troops, military stores, etc., by the Central Government of Mexico on the territory of Yucatan; and to make captures by sea, of the enemy's property, i.e., the property of the Government, or of the citizens of the Central Government of Mexico.

Second, All captures made by Texian vessels, shall be taken into Texian ports for adjudication; and all captures taken by Yucatan vessels, shall be taken into Yucatan ports, for the like purposes.

Third, After adjudication and condemnation of prizes taken either by Texian or Yucatan vessels, all the expenses attendant on the adjudication and condemnation shall be first paid; next, the prize money of the officers and crew is to be paid; after deducting which, the remainder is to be *equally* divided between the Governments of Texas and Yucatan; and all money derived from the seizures of cities, towns, custom houses, and property

belonging to the Central Government of Mexico, is also to be equally divided between the Governments of Texas and Yucatan.

Fourth, To aid Texas in equipping her vessels for sea, and for their support while at sea and co-operation with the naval and land forces of Yucatan; Yucatan will be required to contribute eight thousand dollars in advance, in New Orleans or at Galveston, at the option of this Government, and to pay the like sum of eight thousand dollars, at the expiration of each and every month thereafter, to the commander of the Texian squadron, as long as the said squadron continues to co-operate with the forces of Yucatan. It being always understood, that the moneys thus advanced by the Government of Yucatan, to aid in fitting out and supporting the Texian squadron at sea, is to be regarded as her proportion of the expenses which will be incurred by the two Governments in their joint operations against the Central Government of Mexico, and will not be construed as forming a part of the expenses incurred in making separate and individual captures, either at sea or on land.

The foregoing, it is believed by the undersigned, embraces substantially, the propositions made in your communication, except, perhaps, one or two immaterial particulars, which were added for the purpose of greater certainty in construing the agreement. If they are such as you are authorized by your Government to sanction, and if they meet with your approbation, as soon as you signify this fact to this Government, the necessary orders will be immediately given for carrying them into effect.

I avail myself of this occasion to renew to you, assurances of my high regard and distinguished consideration.

(Signed)

SAM'L A. ROBERTS.

Col. Peraza to Secretary of State.

AUSTIN, 17th Sept., 1841.

HON. SAMUEL A. ROBERTS, etc.:

SIR—The undersigned has the honor to inform the Secretary of State of this Republic, that he has read and deliberately considered the fourth article terminating his official note of yesterday, reassuming the propositions or basis of mine of the 15th, and having no observations to make upon them, they being conformable to the spirit of my instructions, they are sanctioned on my part, in the name of my Government, which is pledged to their most punctual and religious observance.

Persuaded as I am, that it is the interest of Texas, as that of Yucatan, to evince to the Federalists of Mexico, at this time subject to the Central Government, the desire of the two Governments to favor, and even contribute efficaciously and positively to the triumph of the principles, I deem it proper to propose to his Excellency the President, the following article, which may be denominated fifth of the treaty, four already approved, should it meet his Excellency's approbation.

"The Governments of Texas and Yucatan, will instruct the respective commanders of the maritime and land forces, that where it should be necessary for them to evacuate any port, city or point, whatever, which they might occupy within the territory subject to the Central Government of Mexico, they deliver it into the hands of the armed Federalists, if there should be any, or to the citizens of any denomination whatever, who may be declared enemies to Central Government."

As I suppose there will be no inconvenience to the adoption of this article, as it offers no contradiction to any of the former which have been approved, the Secretary of State can, in consequence, extend the necessary orders at the foot of his note, for carrying them into effect.

So soon as the Secretary of State will honor me with his notification of having given said orders, I desire immediately to return to Galveston, to await in that port, or in New Orleans, the further orders of my Government.

With the highest consideration and respect, I have the honor to be,

Your ob't serv't,

(Signed)

MARTIN F. PERAZA.

Secretary of State to Col. Peraza.

DEPARTMENT OF STATE,
AUSTIN, 18th Sept. 1841.

To COL. MARTIN F. PERAZA.

SIR—The undersigned Secretary of State of the Republic of Texas, has the honor to acknowledge the receipt of your note of this date, in which the propositions that the undersigned had the honor to make to you in his communication of the 17th instant, were by you formally acceded [*sic*] to, on the part and in behalf of the Government of Yucatan.

This being done, the President has this day given orders, in conformity with the stipulations and agreements which have been mutually made between the two Governments, for three or more vessels, to proceed with as little delay as possible, to the port of Sisal, when it is expected the Government of Yucatan will furnish the commander of the squadron with such information as will enable him to operate to the advantage of Yucatan.

The undersigned has noted that part of your note, which relates to the manner of disposing of the cities, towns, etc., that may fall into the hands of the Texian squadron, and has the pleasure to inform you, that the instructions suggested by you to be given to the respective commanders of the Texian and Yucatan forces, have already been given by this Government to Commodore Moore.

It is hoped that the action of Commodore Moore, who will personally command the squadron, will be such as to give entire satisfaction to the Government of Yucatan. His orders have

been made out in strict conformity with the agreement which has been entered into between the two Governments. I need scarcely assure you, that every part of this agreement will be most faithfully observed on the part of this Government.

I avail myself of this last occasion, to assure you of the high regard and consideration, with which I have the honor to be,

Your obedient servant,

(Signed)

SAM'L A. ROBERTS.

Document F

Contract with W. S. Peters and others

Contract No. 1.

August 30. 1841.*

Whereas, by the fourth section of an act of Congress, passed the fourth day of January A.D. Eighteen hundred and forty one, entitled "An act granting land to Emigrants," the President of the Republic of Texas is authorized to contract with W. S. Peters, Daniel S. Carroll, Alexander McRed, Rowland Gibson, Robert Espie, William H. Oldmixon, Daniel Spillman, Robert Hume, John Salmon, W. Byrne, Henry Richards, Robert D. Stringer, W. C. Peters, John C. Brausamer, John Peters, William Scott, Phineas J. Johnson, H. S. Peters, Timothy Cray, and Samuel Browning, collectively for the purpose of Colonizing and Settling a portion of the vacant and unappropriated lands of the Republic"—Now therefore this Contract and agreement made this thirtieth day of August A.D. Eighteen hundred and forty one, betwe[e]n Mirabeau B. Lamar, President of the Republic of Texas, On the part of said Republic of the first part, and W. S. Peters, Daniel S. Carroll, Alexander McRed, Rowland Gibson, Robert Espie, William H. Oldmixon, Daniel Spillman, Robert Hume, John Salmon, W. Byrne, Henry Richards, Robt D. Stringer, W. C. Peters John C. Brausamer, John Peters, William Scott Phineas J. Johnson, H. S. Peters, Timothy Cray, and Samuel Browning of the second part, Witnesseth—

That for and in Consideration of the grants and privileges, rights and immunities hereinafter mentioned; the said parties of the second part, contract and agree, to introduce or cause to be introduced, a Colony of six hundred famil[i]es, within three years from the date of this contract, and to have the same settled within the limits of the tract of land hereinafter specified, and set apart for said parties of the second part; all of which said famil[i]es are to be free white inhabitants of a foreign Country, and to reside within said limits.

In Consideration whereof, the said party of the first part hereby designates, assigns and Sets apart for the use of the said parties of the second part and for the Settlement of said Colony the following described tract of land— to wit:— Commencing on the East bank of "Big Mineral" creek at the point

*Archives, General Land Office. Endorsed: Peters' Colony (1) Copy of 1st Contract—August 1841.—

where said creek empties into Red river, Thence due south to the southern boundary of Fannin County. Thence West, along said boundary line twenty two miles,— Thence due North to Red river, Thence down the southern bank of said river with the meanders thereof to the place of beginning.

And the said party of the first part, further contracts and agrees in behalf of the Government of Texas, to give and to grant to each family so introduced by the said parties of the second part, who shall reside within the said described limits, Six hundred and forty acres of land, to be located in a square, within said limits; and to each Single Man over the age of seventeen years, so introduced, three hundred and twenty acres of land, each of which said grantees shall be entitled to receive from the Government of Texas a full and absolute title to the same, whenever they "Shall have built a good and comfortable cabin upon it, and shall keep in cultivation under good fence, at least fifteen acres on the tract" for which they are to receive title.

And the said party of the first part, further Contracts and agrees, to allow the said parties of the second part, as "a compensation for the Services, and in recompense of their labor and expense, attendant on the introduction and Settlement of the famil[i]es introduced by them, a premium of ten Sections of land for every hundred famil[i]es; and in the same ratio of half sections for every hundred single men so introduced and settled;" but "No fractional Number less than one hundred, will be allowed any premium," which said premium lands must be selected from the vacant lands within the limits of the tract of land above designated and set apart for the settlement of the said Colonists

And the said party of the first part, further Contracts and agrees, in behalf of the Government of Texas, to give and to grant to each Settlement of one hundred families, made under the provisions of the afore recited act, and in conformity with the conditions of this contract, one section of six hundred and forty acres of land—each of which said sections shall be located as near the centre of the settlement receiving the same as may be practicable, and shall be used by the said settlements "to aid and assist them in the erection of buildings for religious public worship."

And it is hereby mutually agreed by the said parties to this contract, "that all legal grants and surveys that may have been already located within the boundaries designated," or that may hereafter be made previous to the first day of November next, "Shall be respected; and any locations made by the said parties of the second part or their emigrants, on such grants and surveys shall be null and void."

And it is further agreed between the said parties to this Contract, that all lands lying within the limits of the tract

which has been designated and set aside for the said parties of the second part, which shall not be appropriated according to the terms of this Contract, to the emigrants, or for premium, or for Church lands, Shall after the expiration of three years, revert to, and remain the sole property of the Government of Texas, as a part of the public domain.

And it is further agreed between the parties of this Contract; that unless the parties of the second part Shall have two hundred families, that is to say, "one third of the whole number of famil[i]es which they have contracted to introduce, within the limits of the Republic, before the expiration of One Year from the date of this Contract," then the said parties of the second part shall forfeit all the lands and immunities, rights and privileges of whatsoever kind, name and nature, that they may have previously acquired by virtue of this contract. But no forfeiture on the part of the parties of the second part, shall in any manner prejudice the rights of such families and single persons as they may introduce, who shall be entitled to their respective quotas of land in the same manner as if the parties of the second part, had completed [*sic*] their Contract.

And it is further agreed between the parties to this Contract, that the following shall be the definition of the word "family" as it is used in this instrument—namely: First, *a man and his wife*. Second, *a widower and two or more children— if males, under the age of seventeen years—if females unmarried*. Third, *a widow and two or more children if males under the age of seventeen—if females, unmarried*. Fourth *two single men over the age of seventeen years— either of which four classes shall be considered as constituting a family in the construction of this Contract*.

And it is further agreed between the parties to this contract, that the said parties of the second part, Shall not be permitted to introduce any emigrant who has been guilty of any atrocious crime, or who is of bad moral character— nor shall they, nor any of the families or persons introduced by them, be permitted to sell or give any spirituous or intoxicating Liquors to any Indian or Indians: nor shall they furnish them in any manner with powder, lead, fire arms, or with any other kind of Warlike weapons; upon pain of forfeiting, upon conviction thereof, all the lands they may have acquired by virtue of this Contract.

And it is further agreed between the said parties to this Contract, that if it shall be found to conflict with any of the provisions of the act aforesaid, it shall, so far, be considered null and void, and the act shall govern the construction to be placed upon it; but this shall not be considered as extending to, or affecting any other part of this Contract that may be consistent with said act, which shall be and remain in full force.

In witness whereof, we have hereunto set our hands and

affixed our seals at the City of Austin, on the day and year aforesaid.

MIRABEAU B. LAMAR.
PHINEAS J. JOHNSON,
SAMUEL BROWNING.
H. J. PETERS
Per Att'y SAMUEL BROWNING

SAML. A ROBERTS
actg Secretary of State
Per Att'y SAMUEL BROWNING

Document G

DEPARTMENT OF STATE"
AUSTIN, Oct 12th. 1841.

Hon. SAML. A. ROBERTS
Scty of State.—

SIR,

In accordance with your request, I herewith submit you a statement of printing done for this Department since the adjournment of the fifth Congress, and which has been received.

200 Copies of the laws of the fifth Congress from J, W, Cruger, (and the requisite number have been distributed to the civil Officers throughout the Republic)

500 copies of Journals of H of Repr from J. W. Cruger

500 copies of appendix to Journals of the House of Representatives from Saml. Whiting.

500 copies of the Constitution in Spanish and the Presidents address to the Citizens of Santa Fé in English and Spanish from S. Whiting.

The Journals of the Senate (500 copies) printed by Mr. Cruger are ready for delivery, but in consequence of their not corresponding with the record copy of the Senate, they have not been received by the Department,— It would be proper here to remark that the printed copy agrees (so far as examined) with the copy made by one of the Clerks of the Senate.— It has therefore been thought proper to let this matter lay over for the action of the Senate, for them to say whether or not they should be received.

I would also here remark, that for *some cause* the journals of the House of Representatives were not ready to deliver, nor were they received by the Dept. until late in the month of September.

The appendix to the Journals of the House of Representatives was ordered to be printed by the Hon. James S. Mayfield, then Secretary of State, and a contract for the work made with Majr. S. Whiting on the 22nd March (see copy of contract accompan[y]ing,¹² —On account of said work there has been paid the amount of \$437.50/100 par funds. equal to in promissory

¹¹Department of State, Record Book No. 41, pp. 245-246.

¹²The contract is not with the report.

notes at 4 for 1. \$1750.— leaving a balance yet due Mr. Whiting of \$666.50/100 par funds.

For printing the Constitution in Spanish and the Presidents address to the Citizens of Santa Fé in English and Spanish, the cost of which was \$420. par funds, the Department is yet indebted to Mr. Whiting.

Accompanying is a copy of a letter from Geo K, Tuelon, Agent for Mr. Whiting, with an account for books bound under the "Act regulating the distribution of the laws and Journals" approved 5th Feby 1840." —In order to preserve in good order the original acts passed by Congress, each of the two last sessions have been bound, making four large books, (for which purpose there was no appropriation made) and which you see is charged in this account as equal to 90 volumes of Journals, which have not been bound.

The Journals of the House of Representatives being so large, and the inner margin so narrow that it was impossible to stitch them together in the usual form, we therefore had to make an extra allowance to the binder to have them sewed, which has cost one hundred and twenty dollars par funds, equal to 12 1/2 cts per copy, which amount is yet due Mr. Marson, the binder.

With regard to printing the Spanish translation of the laws, there has not been much done since the adjournment of the last Congress, that we have been apprized of. The appropriation then made of \$10,000 was paid to Messrs Cruger & Moore for arrearages due for said printing.— Since the adjournment of Congress Col. Mayfield made a contract with Mr. Wm. Seeger for translating the laws of the fourth & fifth congress, upon the same terms of the Contract with Mr. S, P, Andrews (a copy of which was furnished the last congress, see appendix page 30)¹³ how Mr Seeger has progressed with the translation I know not,— This Department recently received a letter from Mr. Cruger in which he says he made a contract with Col. Mayfield for printing this translation when he Col. M. was in Houston, but a copy of the contract has not been furnished the Department.

I would suggest the importance, of Congress requiring *all* the public printing to be done at the Seat of Government where it may be directly under the supervision of the Dept. having it done. This suggestion has been brought more forcibly to my mind, by the inconvenience, trouble and long delay attending the printing of the laws of the fourth and fifth Congress, which was done in Houston on the "Telegraph Power Press", and which has caused so long an erratta appended to the acts of these sessions; as well as the incorrect manner in which the Journals of the Senate are printed,—besides if done here they

¹³The letter is not with the report.

¹⁴House Journal, Fifth Congress, Appendix, 30-1.

could be distributed at an early day after the adjournment of Congress

I have the honor to be

Your Obt Servant

JOS WAPLES
Chief Clerk Dept State

Document H

DEPARTMENT OF STATE¹⁵
AUSTIN, October 26th 1841.

J. W. CRUGER Esqr

SIR—

Having for the first time, been informed by you yesterday morning that Mr. Mayfield, while in Houston in May last had entered into a contract with you for the printing of 200 Copies of the Laws of the fourth & fifth Congress, into the Castillian Language, I have taken the earliest opportunity of notifying you of my determination to disavow said contract—for the reasons—

First—There is no appropriations for the work.

Second—The number of copies greatly exceeds any possible demand, that will be made for them being nearly equal to every person speaking the Castillian Language in the Republic

Third—The price charged for the work is too high, being about double the price charged for printing our laws in English, so that to distribute the laws to the few Mexicans in the Country it will cost just double the same we pay for distributing the same laws in English.—The session of Congress too, is so near at hand that no serious injury can result from the course I thought it my duty to adopt, for the purpose of saving what I consider a useless expenditure of a large sum of money.—If the Congress sees proper to continue this work, they will of course do so, but I [doubt] very much if they will, in the present exhausted condition of the Treasury, authorize the expenditure of seventy five thousand dollars for this purpose, which is about the sum it would now cost in our Treasury notes to translate and publish the laws of the two last sessions, you will therefore consider your contract at an end.

I am Sir

Your Obt Servt

SAML A. ROBERTS

¹⁵Department of State, Record Book No. 41, p. 248. Also in pamphlet *Report of Secretary of State*, Printed by order of the House of Representatives, G. H. Harrison, Printer. In Masonic Library, Waco.

HOUSTON August 17th 1841"

DEAR SIR

Your favor of the 11th Inst was received by last evenings mail I will, forward you by next mail my a/c against the Dept. I forward you by this mail the relief laws of 1840, & trust they may reach you in safety— In regard to the copy of the journals—I forwarded immediately on the receipt of your letter by private conveyance to Mr Wing— you can obtain them by calling on Mr Wing as he some time since acknowledged the recpt I would here remark relative to the errors that you may find— that I was authorized by Mr. Mayfield—(while in this city) when I complained to him of the imperfections of the copy—to correct the same being careful not to change the vote of any of the members as he said he was aware that the copy was bad etc we accordingly proceeded with the work doing the best we could— I trust that the Dept will not any longer refuse the receiving of them— for you as well as the Chief Clerk of the House both complained of the style and bad copy at the time I recvd it— We shall complete the Laws as translated by Mr Andrews in about three weeks— we will then be prepared to proceed with our new contract for the publication of the translations of Mr Segar— please write me upon the Subject by return mail—

To J WAPLES chief Clk State Dept.

Your sv
J W CRUGER

HOUSTON August 25th 1841"

To the Honble SECTY OF STATE

DEAR SIR

Enclosed I transmit you a statement of my a/c with the State Department (on account of the Government) for the printing of the Laws & Journals of the Senate of the 5th Congress—balance due me (after deducting the return of sale of \$6000, in bonds received from the Honbl Jas. S. Mayfield Secty of State) of \$1200.00 par money \$700,00 on Laws & \$500.00 on Journals of Senate— I would here remark that at the time I received the payment from Col Mayfield of \$6000,00 in Bonds— we were unable to fix any value on them as there were no purchasers for them in the city— and constantly fluxuateing in New Orleans— So we left the value to be settled for on final settlement— I immediately forwarded the Bonds to the Texas Consul New Orleans who returned sales to me at 23 ¢ on the dollar being the highest price he could obtain in the city— and higher than it has been at anytime since—believing that that the Honbl Secretary is aware that printing was done at cost he will make such allowance as reason and justice demands— I believe he will readily admit that the criterion of the value of Texas money at the market price of New Orleans— Mr Wing is authorized to receive all

¹⁰Domestic Correspondence. Addressed: To the Honbl Secretary of State Austin
Endorsed: J. W. Cruger 17 August/41

¹¹Domestic Correspondence. Endorsed: J. W. Cruger August 25th 41 Recvd 31st Augt.

monies due on the publication of the Journals of the House of Representatives Please inform me by return mail whether the a/c forward will be paid— I believe the appropriation for the Laws is more than sufficient to meet the cost of publication

Your Obt Sevt

To the Honbl S M ROBERTS Secty of State

J W CRUGER

HOUSTON Sept 22d 1841¹⁸

DEAR SIR

I received your letter of the 29th ult and was not a little surprised that you had fallen into an error relative to my contract— If you will examine that instrument, you will find that it contains two distinct propositions; one for the printing alone, at \$8.00 per Octavo form of 250 copies, and one, to meet all the expenses of the work, at ½ cent per page— The latter, was intended to embrace the expenses of folding & stitching, etc, and if you will make a calculation of the rates of folding & stitching, as allowed Mr Whiting (last Winter) you will find, that it will amount to a sum somewhat less than the difference betwe[e]n these two propositions. This was explained to Mr Mayfield and he willingly made the requisite allowance, The government is a gainer by the measure, But if you wish me to make out my bill at \$8.00 per Octavo form of 250 copies and allow the usual rates for folding and stitching (which is admit[t]ed by all printers as a separate and distinct charge) I am willing to do so. I supposed Mr Waples was aware of this, and would have explained it to you— Your own good sense and candor, however will at once discover the error and I have no doubt, your sense of justice will rectify it. With regard to the value of the bonds you must be aware that in Houston I could not have sold even \$2000, for specie or its equivalent for the simple reason, that there was little or no specie and few purchasers here at the time I received them. I had payments to make in New Orleans for printing materials and I made a remittance to meet my debts. It would be hard indeed If I were compelled to pay debts thus contracted in Bonds at 23 ¢ on the dollar and allow the Government 25 or 30 ¢ Is there any justice or equity in this?

I contracted with Col Mayfield then Secty of State for the printing of the Laws in Spanish, I am now prepared to go on with the fullfilment of my contract— He informed me that Lt Segar had contracted for the translation. Mr Segar is now in your city— So that you will be able to inform me at what time the copy can be furnished

Your Ob Servt

J. W. CRUGER

To Honbl. S. A ROBERTS Secty of State

¹⁸Domestic Correspondence. Addressed: Saml A Roberts Secty of State Austin
Endorsed: J W Cruger 22d Sept 41 Recd 28th Sept.

Document I

AUSTIN Octr. 27— '41¹⁹To the HONL. S A ROBERTS
Secy of State

SIR

In compliance with your request herewith you have the calculation of the expence of each item of Printing &c of 2000 Copies of the Translation of Laws in the Spanish Language say 330 Pages—

Composition of— 629.000 Ems.	\$394.00
Ink & wear & tear of Type &c	107.00
Press work of 43 forms of 8 Tokens in each	324.00
87 Reams of paper @ 6\$ pr ream	522.00
Folding & Sewing	320.00
Thread Twine Glue Paste &c 10 prct.	32.00
	<hr/>
	\$1,699.00

Sixteen Hundred & Ninety Nine dollars covering all expences & being the actual cost of furnishing the work complete of 2,000 Copies of the Laws in Spanish of 330 Pages each, I would here remark, that I could be well pleased & satisfied to contract for such work at an advance of one hundred pr cent on the price named, on refering to a copy of the Proposals sent to David G. Burnet (at his request he then acting as Secy of State at Houston) for the Printing of the Laws in Spanish & which he gave to Messrs. Cruger & Moore 1 ½ pr ct less than the Terms which I, offered, an error of no small magnitude was made. the 113\$ pr form of 8 pages I had calculated in Texas money, wher[e]as it was written in par money, making a difference of at least 60 pr. ct. in favor of C & Moore for the mistake inadvertently made by me. On making the calculation you will perceive that 113\$ Texas money worth 40cts on the dollar would have given me a profit.—

Very respecty

Yr mo ob. Svt

SAML WHITING

Document K

HOUSTON Augt 12th 1841.²⁰Mr. SAML. A. ROBERTS
Acting Secy of State Austin

SIR

I respectfully beg leave to call your attention to the following. The Messrs. F. De Lizardi & Co. of London through their highly respectable House in New Orleans, have lately forwarded

¹⁹In Public Printing Papers. Endorsed: Sam Whiting Oct 27th 41.²⁰Diplomatic Correspondence of the Republic of Texas. Endorsed: F. Gassiot August 12th 1841 Recd 23d Augt 41

me certified documents in support of a claim which they have against the Government of Texas for spoliation committed on property belonging to British Subjects by the Texian Vessels of War called the Brutus & Invincible. The aggression complained of, took place, on the Coast of Yucatan in the Autumn of 1837 on the British Schooner the "Little Pen" and part of her Cargo—the said Schr having been previously wrecked on her voyage from Liverpool to Yucatan on a Shoal called the "Alacranes".

As the whole subject has been lately introduced by her Majesty's Government to the attention of the Texian authorities in this Country, and as those Authorities have expressed their willingness to investigate the aforesaid Claim, I think it unnecessary at this time to go any further into the merits of the case, my object being principally to inform the Government that all the papers relating thereto and in support of that Claim are now in my possession and ready to be submitted in order that a full & fair investigation may at once be had on the subject. I have therefore to request that you will lose no time to lay this Communication before his Excellency the President, and inform me of the Course the Government intends to pursue thereon.

In conclusion, I would Respectfully Suggest the appointment of a Commission either here or at Galveston before whom the whole facts could be presented for investigation— this mode, it appears to me would be the best and the promptest the Government could adopt—

I am Sir with the greatest Respect

Your Most Obt Svt

F. GASSIOT.

DEPARTMENT OF STATE²¹
AUSTIN 23rd August 1841.

MR F GASSIOT.

SIR: Your letter of the 12th inst upon the subject of an alleged claim of the Messers F D Lizardi & Co of London, upon this government for "spoliations committed on property belonging to British Subjects by the Texan Vessels of War, called the Brutus and Invincible" has been received.

In the communications which passed between the accredited agent of this Government and Lord Palmerston on this subject, and to which allusion is made in your letter, it was distinctly stated by the Texan agent, that whenever sufficient *proof* was furnished to this Government of the justice of the claim of Messers Lizardi, and the exact amount due them (if any) the demand would be liquidated with as little delay as possible—I am now instructed by the President to repeat to you the same assurance.— You inform me that you have in your possession the proof upon which the claimants rely to substantiate their demand; but that you are also fully authorized by said claimants to make the settlement for them, is not stated.— If you are, and

²¹Correspondence State Department, Letter Book No. 1, 1836-1842, p. 225.

will exhibit your authority to this Government, steps will be immediately taken to investigate the matter, and if any thing is found to be due to the Messers Lizardi & Co. Congress, which will convene in November, will doubtless make the necessary appropriation.

Your suggestion that a commissioner should be appointed to set at Houston or Galveston, to conduct the investigation, cannot be adopted for many reasons the demand must be made at the Seat of Government.

I have the honor to be

Your Obt. Servt

SAML A ROBERTS
Acting Secy of State.

HOUSTON, Septem[be]r 16th 1841.^a

Hon SAMUEL A ROBERTS &c. &c.

SIR:

Your communication under date of the 23rd Ultimo on the subject of the claim of the Messers F De Lizardi & Co. of London, has been received and its contents duly noted.

In reply and agreeably to your request requiring me to exhibit my authority for the settlement of said claim, I have the honor herewith to to [sic] enclose two power's of attorney which I hope on inspection will be found ample and sufficient.— The other papers, that is to say, the proofs substantiating the claim itself will be forwarded so soon as I can have notarial copies taken of them.—

A long time has elapsed since the spoilations complained of have taken place, and the Messers Lizardi are exceedingly anxious to have the matter settled. It is therefore with the greatest pleasure I perceive the kind feelings and the liberal disposition manifested by His Excellency the President in regard to the alledged grievances, and I have no doubt the proofs of the actual injury committed and which I shall have the honor to forward you in a few days will be found so just and at the same time so strong and so clear as will at once terminate affair according to the broad National principles of honor and justice, and in time to have the result submitted before the Hon Congress in November next.

You will please inform me when and in what manner the investigation is to take place, and whether my presence at Austin will be necessary or if it can be conducted by correspondence.— to either of the two modes I will cheerfully acquiesce, although the peculiar situation of my business at this time will not permit me to be too long absent from the place.—

^aCorrespondence State Department, Letter Book No. 41, Foreign Letters, 1836-1841, pp. 547-8.

On your last despatch I was charged \$2 postage— I would respectfully ask whether it is not usual in cases to have the postage free.

I have the honor to be

Your most Obt Servt

F. GASSIOT.

HOUSTON Oct. 6th 1841.²

Honl. SAMUEL A. ROBERTS
Sec. State

SIR

Yours bearing date September 29th came to hand this morning— I am sorry that so much delay is involved in my negotiation with the Government of Texas, on a matter which should have been settled long ago— as far as my agency is concerned, I have already furnished the Department of State, with the highest evidence of my Procuratorship which I can command— Under the laws of Louisiana (in which State the Messrs Lizardi reside) original acts remain in the office of the Notary, before whom they are passed for record, and *Copies* alone are issued as evidence of Authority— The object of such registration is I presume to guard against possible loss—another reason, is to provide for a contingency which in this case has really happened—to wit— the absence of the Principal— Mr. Gordon being at this time in Europe— The document, sustaining the claim, I shall forward by next mail, and in the mean time shall call upon the Messrs Lizardi for all further necessary instructions, enclosing them a copy of my Correspondence with the State Department of Texas.

As regards the general view which you take of "Originals", I must say if the Department insists upon that novel position, a difficulty will be created which will do away the necessity of prosecuting the claim any further— The Captains Protest, the evidence of Captors, &c and all corresponding documents, are on file in the office of the British Minister in Mexico, and as a matter of Course, their value as testimony can only be secured by *Authenticated Copies*— Such I have been informed & believe has been & is the Commercial and Diplomatic usage of all other nations, and I hope that the Texian Government will be slow to modify or set aside such a broad and acknowledged national principle which is fundamental in the assertion and Security of private rights— I hope therefore that the official assurances of Genl Henderson and General Hamilton to Lord Palmerston, "that the whole matter would be brought to a speedy issue", will be met by a corresponding activity at the Department in Austin so soon as the documents substantiating the claim shall have been received—

²Department of State, Letter Book No. 41, p. 556; Diplomatic Correspondence of the Republic of Texas. Endorsed: F. Gassiot Oct 6th 1841 Recvd 12th Oct

As regards "Charges of Postages", I have only to say, that it is contrary to all acknowledged Diplomatic usages, and in direct opposition to an expressed Texian Statute on that subject—

I am Sir With the greatest respect

Your Most Obt. Svt

F. GASSIOT.

HOUSTON Oct 18th 1841.²⁴

Honl. SAML. A. ROBERTS
Secy of State Austin

SIR

Referring you to my letter of the 6th inst. on the Subject of the Claim at present pending between the British and Texian Governments, I have now the honour to cover to the Department of State a Bundle of documents relating to said claim, and in order that you may clearly comprehend them, I proceed to explain their order as clearly and as concisely as the case will admit—

Document A Page 1 is a declaration made before the Captain of the Port of Campeche, by the Patron Antonio Ramirez, and the Boatswain Pablo Martinez relating to the Capture of the *Mexican Coaster* Abispa, by the Texian Vessels of War the Brutus & Invincible when on her voyage to Campeche from the Wreck of the British Schooner "Little Penn" with part of the cargo saved from the said Schr and farther the *proceedings* of the Commandant of the two aforesaid vessels on board the wrecked British Schooner, for the span of two days, during which it appears he carried off every thing remaining on board of said Schooner

Page 3 & 4 are translations of the above document A into English—

B is the Protest of David Pugh, the master of the Little Penn, before a duly Comd Notary in Campeche, against the outrageous proceedings of the officers & crew of the two aforesaid Texian Vessels of War—

C—is the result of the Sale by Auction authorised by and made in presence [of] the District Judge, of the goods saved from the "Little Penn" and brought to Campeche by the Coaster *Paz* which with the Abispa, afterwards captured by the Brutus & Invincible, had been chartered by Capt. Pugh to proceed to the wreck for that purpose—

D Shows the Protest duly made according to law, by Capt. Pugh and his crew, of the loss of his Vessel on the Shoal called the "Alacran" and before the proper authorities in Campeche—

E exhibits the Statement submitted to her Majesty's Government. by Messrs F. De Lizardi & Co of London, on account of the underwriters for compensation for losses sustained by the plun-

²⁴Diplomatic Correspondence of the Republic of Texas. Endorsed: F. Gassiot 18th October 1842 The enclosures cited in this document have not been found.

der of the British Schooner "Little Penn", E. Pugh Master, when wrecked on the "Alacran" Shoals, by the Texian vessels "Brutus & Invincible" on or about the 30th June 1837. and amounting to £ 2925.7..5..

F Shows the specification and declared value of the cargo of the "Little Pen" as taken from the Policy of Insurance No. 175, dated 20th May 1837.

G is the abstract value of an Invoice shipped by Thomas Hebert Esqr on board the "Little Penn" consigned to Don Pablo Sastro & amounting to £ 4040.5..2.—

H Shows the a/c Sales by Auction and the *Nett Proceeds* of the goods saved from the "Little Penn" and landed at Campeche by the Mexican Coaster the *Paz* £7.530.1.6.

I is the translation of the same document into English—

K Shows the value of an abstract Invoice of goods, shipped by Thomas Hibbert Esqr on board the "Little Penn" and consigned to Don Pablo Sastro, amounting to £ 329.19.2

L is the certificate of Een C. Mackintosh, her Majesty's Pro-Consul for the City of Mexico, declaring the above to be *Copies* of 11 original documents exhibited to him by the Hon[orabl]e Richard Packenham, Her Majesty's Minister Plenipotentiary, residing in Mexico, and to agree respectively with said original Documents—

B. C. & D. are translations of Spanish documents B. C. & D. made here by Major Thomas G. Western, translator—

Having thus briefly directed your attention to the order of the several documents substantiating the spoliations complained of, I shall *forbear* to say one word more on that subject, leaving the proofs presented to the Department to *speak* for themselves— they are as strong and as clear as they can possibly be, and I presume their authenticity will not be questioned or made a pretence for delay— The Government is now placed in possession of all the papers & documents relating to the pending claim, and I therefore request of you, without loss of time, to lay the subject before his Excy the President, in order that an immediate investigation can be had, and which I trust will be conducted throughout according to the principles and dictates of National honour and justice, rendering ample atonements for the injury committed by full indemnity to the parties aggrieved.

I am Sir, with the greatest Respect,

Your Obt. Svt

F. GASSIOT.

Document L

DEPARTMENT OF STATE*
AUSTIN, Oct 28th 1841.

To the HON. SAML. A. ROBERTS
Secty of State.

SIR—

Since the last report of the Chief Clerk of this Department as the Head of the Patent Bureau— I have granted and issued eight patents to inventors and two copy rights to authors.—

Viz—

To David B, Welding a patent for an improved vibrating shingle machine.

To Jonathan Golding a patent for improvement in the coupling plough.

To John Price a patent for a lamp or Burner

— do do " " " an improvement in cotton press.

— do do " — — chimney.

— do do " — — Mill-dam.

— do do " — — a Texas Tonic

To B. Durand, a patent for a double and single Plough

To Anthony B. Shelby a copy Right for digest of the laws of the Republic of Texas,

To Anderson Hutchinson a copy Right for "Code of Texas, an organic compilation of the Constitution and public decrees, ordinances and statutes that have been and are now operative in the Republic &c &c

The original inventor or author has in each case applied in person and complied with the requisitions of the law, authorizing the issuing of "Patent Rights to inventors".

The amount received by me since the last report for patents has been three hundred dollars in Texas promissory notes, which amount I have now in hand—The law creating the Office, and placing the chief clerk of this Department as the head thereof, allows an additional salary of five hundred dollars per annum—The last Congress made no appropriation for the payment of this additional salary, therefore I have not yet paid this sum into the Treasury, believing that it was accidentally overlooked, and that the ensuing Congress will not require it to be paid over but will authorize the payment of two hundred dollars more, the balance of said salary which will be due at the expiration of the year.

Numerous applications have been made by aliens (original inventors) and their agents for patents for discoveries and inventions, all of which have been rejected.— I would suggest the propriety, (as a patent office has been opened,) of granting the privilege [*sic*] to such to obtain patents, upon certain restrictions,— that they should pay double or treble the amount for a

*State Department, Record Book No. 41, pp. 247-248.

patent Right that Citizens or those intending to become citizens pay—that they should comply with the act now in force so far as regards the time such invention or discovery has been in use,— That the original applicant (alien) should produce a certificate properly attested in the Country where he resides that said discovery or invention is his own, or if the application is made through an agent he should together with such certificate produce a proper authority as such agent,— a law of this kind would not interfere with the objects contemplated in the act now in force, and would produce a small revenue, at least sufficient to pay the expenses of the Bureau.

I have the honor to be

Your Mo. Obt Servt

JOS WAPLES
C. C. Dept of State

Document

*Letters of Secretary of State
to Commissioners to Santa Fé*

DEPARTMENT OF STATE,²
AUSTIN, April 14, 1840.

To CAPT. WM. G. DRYDEN, JOHN ROWLAND and WILLIAM WORKMAN, Esqs., Commissioners.

GENTLEMEN:— It being the intention of his Excellency the President, shortly to send an expedition to Santa Fé of the Rio del Norte, for the purpose of exploring the best route, and opening a communication with the inhabitants of New Mexico, on this side of the Rio del Norte, he has instructed me to solicit your aid in communicating with the people of the country and town of Santa Fé, and explaining to them the objects of the expedition. This Republic claims the ancient boundary of Texas, from the mouth of the Rio del Norte to its source, and is solicitous that the civilized inhabitants within its whole limits, should be organized under a government of laws, securing life, liberty and property: should the inhabitants of the North quietly and peaceably organize under our constitution and laws, you can give them the fullest assurance of equal protection and equal rights, privileges and immunities—that they will be protected in the enjoyment of their religion, without molestation, or insult to its rites—that there will be no contributions nor forced loans levied, but that taxation for the support of Government will be uniform throughout the whole Republic, and determined with certainty, not at the will of any officer or officers, but by the representatives of the people themselves, and that none can be imposed or required in any other mode. You can assure them, that since the battle of San Jacinto, and the defeat and capture of Santa Ana, the progress of improvement in the strength and resources of

²Reprint of original pamphlet: *Letters of Secretary of State to Commissioners to Santa Fé.* G. H. Harrison, Printer.

the Government, has been continued uninterrupted. That the people are happy under the administration of laws of their own making— that they are free from all internal commotions, and secure against foreign invasion— that with harmony of action, the interests of the North and the South will become one and the same—that a relief from a heavy and oppressive impost duties, will enable them to purchase such articles of merchandize as they may require, at a much cheaper rate than heretofore— that the South will be a good market for all their surplus products—that it will be a short and commodious channel of commerce with the European merchants.

To the inhabitants of the country known as Pueblo Indians, if they are cultivators of the soil, professing the Christian faith in any form, you may say, that they can either come under our laws, as citizens, with full and equal privileges, or they can be protected in the free enjoyment of their possessions of land, property and customs, bound only to peace and good order, in their relations with the Government. Should it be objected that Indians, under our Constitution, cannot enjoy the rights of citizenship in the fullest sense of the term, you are authorized to reply, that the term "Indian," as used in our Constitution, does not embrace civilized Indians, but applies to the barbarians only; as by way of illustration, many of our citizens of San Antonio county are of the Indian race; but they are civilized, and enjoy equal privileges, and some of them have filled high offices, and some are now members of Congress, and in other offices of honor, trust and profit. Your acquaintance with the moral condition of the village Indians, and with our laws, will enable you to determine what position it would best suit them to occupy.

It is intended that the expedition shall reach Santa Fé, at farthest, by the middle of August. It will be military essentially in its character, but it will be attended by Commissioners, authorized to propose and carry out the views of the Government on the principles I have above expressed. The expedition will be prepared to make a survey of the route. geological, mineralogical and topographical [*sic*], and very beneficial results are anticipated.

The President is happy in the fortunate circumstance of one of your number being able to speak from his own observation of the operations of our institutions. He will be enabled to inform his associates and others, of the result of his experience, and of the salutary influence of our laws. You may assure all the inhabitants, that they will be protected in all their rights of property, and every possible caution taken to prevent any kind of inconvenience or annoyance in the enjoyment of them. The President instructs me to inform you, that your services will confer an essential obligation, and will be appropriately acknowledged by this Government.

Accept, Gentlemen, the assurances of the great respect, with which I have the honor to be,

Your very obedient servant,

ABNER S. LIPSCOMB,
Secretary of State.

Document

Containing copies of instructions from the Department of State to the Commission who were despatched to Santa Fé.

DEPARTMENT OF STATE,
AUSTIN, June 15, 1841.

To WILLIAM G. COOKE, ANTONIO NAVARRO, RICHARD F. BRENHAM and WILLIAM G. DRYDEN, Commissioners, etc.

GENTLEMEN:—Herewith you will receive a Commission, appointing you Commissioners on the part of the Government, to accompany the military expedition about to depart for Santa Fé, and of which you will have the chief direction.

This expedition has been organized by the President for the purpose of opening a communication with that portion of the Republic known as Santa Fé, and of closely uniting it with the rest of the Republic, so that the supremacy of our constitution and laws may be asserted equally over the entire tract of country embraced within our limits; but as that portion is inhabited by a people, strangers to our institutions and to our system of Government, speaking a different language, and deriving their origin from an alien source, whose religion, laws, manners and customs, all differ so widely from our own—the greatest circumspection will be necessary, in making known to that people the object of your mission, on your first arrival at Santa Fé, and subsequently in conducting your intercourse with them.

The great object of the President is to attach the people of the district of Santa Fé to our system of Government, to create in their minds a reverence for our Constitution, and to spread among them a spirit of liberty and independence, which will alone qualify them for good citizens, under a Government, the very existence of which, depends upon the will of the people. To this end you cannot exercise too much caution in the conduct, conversation and general deportment, not only of yourselves, but of the military command which accompanies you. That you will meet with narrow prejudices in the minds of some, and stubborn opposition from others, is not unlikely—it is even to be expected—but it is believed that patience and forbearance on the part of the Commissioners, and an uniform gentleness of behaviour, will conciliate at first their good will, and afterwards secure their confidence and esteem, more effectually than any other mode that could be adopted. Upon this head of your instructions, much more might be said, but from the complete knowledge which you possess of the views of the President, and from the

very great confidence which he reposes in your wisdom and discretion, it is deemed unnecessary.

Upon entering the city of Santa Fé, your first object will be to endeavor to get into your hands all the public property. You will, in all probability, find this the most delicate and difficult of all your duties to perform. Should those interested with the care of public property, hesitate or refuse to comply with your demand of possession, you will try all gentle means before resorting to force—persuasion and argument are some times as powerful as the sword—and it becomes us to avoid, if possible, the shedding of blood. The people of Santa Fé are our fellow citizens; and it cannot be long before they will be fully incorporated with us; partaking of all the advantages and benefits which we enjoy, under our form of Government. Thus there is a double motive presented for persuasive and conciliatory measures. If they can be brought with their own free will and consent, to submit quietly and cheerfully to an incorporation with us, acknowledging themselves a constituent portion of the Republic, and setting into operation our constitution and laws, then may we confidently expect of them, fidelity and patriotism; but if they are awed into submission by threats, and still worse if they are driven to it by the application of military power, the disastrous consequences that must inevitably follow, cannot well be foreseen. Too much care, therefore, cannot be used in this first step—the mode of effecting this portion of your duty, must of necessity be left mainly with yourselves—difficulties and emergencies will arise which cannot be anticipated, and upon which, therefore, no special instructions can be given. Some of the arguments, however, which you will urge upon their consideration, are these:

First. You will assure them of the protection of the Government in the enjoyment of life, liberty and property: of the trial by jury; of their entire freedom from all forced loans, and from all taxes levied without their consent; of the liberty of speech and press; of religious toleration; and in short, of all the political privileges contained in the bill of rights and constitution. On the other hand, you will place before their eyes, the folly of offering resistance, when it cannot possibly avail them: contrast Mexico, feeble, distracted, and continually torn by civil wars and revolutionary movements, with a load of debt and no means of paying; with the advantages enjoyed by Texas; tell them of the great increase in our population since the revolution; show them the limits of the country upon the map, and tell them with these limits published to the world, we have obtained the acknowledgement of our independence by the United States, England, France, Belgium and Holland; and assure them of the unalterable determination of this Government to assert and maintain its jurisdiction over every inch of its soil, and of its ability too, to carry its resolve into execution. In making known this determination of the Government, you should be particularly careful not to arouse the jealous pride of the people; and to avoid this, you must keep constantly before their minds, the fact, that they are

invited to share equally with us, all the political rights which we ourselves enjoy. It is believed, in fact, that this is the hinge upon which the success of of [*sic*] your negotiations will turn. Let them be convinced that the equality which we promise, is not imaginary; let them feel and understand, that they are really to be freemen; that they are to be citizens of a Republic, in whose government the voice of each one of them, will be as potent as that of the highest in our land; that their representation in our legislature, will be in proportion to their numbers, which will ensure to them, an equal participation in the making of laws for the future, and of repealing such as are now in force, and which may be obnoxious. Besides these, many other arguments of a similar nature, will readily suggest themselves, all of which should be studiously arranged, to aid you in the accomplishment of your object.

In case all obstacles are overcome, you will, after taking possession of the custom house, books, money, etc., appoint such persons to conduct the public business, as in your discretion you may think proper, except such officers as may be appointed by the President prior to your departure from this city. In making these appointments, the President instructs me to say, that you will restrict yourselves to the citizens of Santa Fé. To appoint our own citizens to fill the public offices among them, would excite in their minds distrust and opposition at the very outset, which would soon turn to bitter hate and open revolt; whereas, if the appointments are confined to their own citizens, and skilfully managed, it is believed that they will be turned greatly to the advantage of the Government; an opportunity to promote the public interest, which it is confidently expected will not be overlooked.

If after you have arrived there, and made yourselves familiar with the condition of the country, the character of its inhabitants, etc., you think it adviseable [*sic*], taking all things into consideration, you may recommend, and even urge them, to select from their own citizens, delegates, not to exceed three in number, to be sent to our seat of government, during the session of the next Congress, who may from their own personal observation, examine into the operations of our system of government, and report to their constituents on their return. Although these delegates will not be entitled to a vote on the floor of Congress, they will undoubtedly be permitted to occupy seats on it, and to speak on any subject that may concern them. It is true that no instance of the kind has occurred in the history of the Government, but from the nature and genius of our institutions, I think you can run no risk in assuring them, that these privileges will be accorded to them.

One of your Commissioners, Col. William G. Cooke, will be commissioned to reside at Santa Fé, with the title of Resident Commissioner, and will be specially instructed in his duty.

The foregoing instructions are all based upon the supposition that no force will be opposed by the citizens of Santa Fé, to your reception in the capacity in which you go. If, however, our ex-

pectations should not be realized, the President, anxious as he is to have our national flag acknowledged in Santa Fé, does not consider it expedient at this time, to force it upon that portion of the Republic. If the Mexican authorities are prepared to defend the place with arms, and if you can satisfy yourselves, that they will be supported by the mass of the people, no good result can come from risking a battle; for if our arms are successful, a strong military force would be necessary to hold possession of the place, the cost of keeping which, to say nothing of other objection equally forcible, would of itself be sufficient; and if they are unfortunate, the evils that would flow from it, are sufficiently apparent. In this case, therefore, you will not be authorised to risk a battle.

But if you are opposed by the troops of the Government of Mexico only, and the people are with you, or indifferent as to the result, the only question for your consideration will be, your ability to beat them, of which you and the military officers composing the command, must be the sole judges. But in whatever manner you may get possession of the city, it seems highly probable, that a part of the military command which will accompany you, ought to remain there, after you have left; you will be authorised, therefore, to detach such a portion of it, as may be willing to volunteer for the service, to be placed under the command of Brevet Brigadier General McLeod, to whom you will give such instructions as may seem to you best calculated to promote the interest of the country, and the object of the expedition.

The military detachment will be left subordinate to the civil authority of this Government, which will be confined to its Commissioner, Col. Wm. G. Cooke, and will at all times be subject to his orders.

You will distinctly understand the position assumed by the Government to be, its right of jurisdiction. In all your negotiations, therefore, you will not be permitted to entertain any proposition for a treaty, which brings that right in question. Policy undoubtedly requires that they should be assured, there will be no attempt on our part to change or modify their municipal law, without first obtaining their express consent: but patriotism as certainly requires, that at the very time of giving this assurance, the right of Congress to do so, shall be most emphatically asserted.

As valuable as their trade is considered, and solicitous as the President is to open its advantages to the citizens of this country, he yet owes a paramount duty to the Constitution; and has directed me to instruct you, that you are to make no arrangement, stipulation, or agreement whatever, with the inhabitants, for the admission of Texian goods into that district of country, by which Texian citizens will be required to pay any duties to them. We claim the jurisdiction, and consequently the right to demand the revenue—and if we cannot enforce our right, we must at least do nothing to impair it. But it is believed that they will not only be willing, but glad to have the Texian tariff sub-

stituted for the more onerous one of Mexico; and for the purpose of making it more acceptable to them, the Collector of the Customs will be specially instructed by the Secretary of the Treasury to modify it in such a manner as will accomplish this end. The object of the expedition being to conciliate the people of Santa Fé, to incorporate them with us, and to secure to our citizens all the benefits arising from the valuable trade carried on with them, it may be necessary to diminish the tariff to a still lower rate to effect this object; but nothing short of necessity will justify any interference with the rates established by Congress; and of this necessity, the Collector of the Customs must be the judge.

The route to be pursued, both going and returning, will be left to your own determination; and if you should find it expedient or necessary, to visit any of the Mexican towns within our limits, while you are absent, you will do every thing in your power to cultivate a friendly feeling with them, and to create in their minds impressions favorable to our laws and institutions; and if any of them should be desirous of organizing under our Government, you will consider the foregoing general instructions as equally applicable to any such case.

Thomas Falconer, Esq., will accompany the expedition [*sic*] as Historiographer, and from his labors, the President anticipates large and valuable accessions to science. In fact, a scientific exploration of the country, is second only in importance to the great national interests with which you are more especially charged; and it is therefore expected, that every facility in your power, will be constantly afforded him, to enable him to give such an account of the intermediate country and its scientific capacities, as will enable the Government to form a correct estimate of its value and extent, and the uses to which it may be best applied.

The position w[h]ich Mr. Falconer will occupy, will be that of an invited guest. He will receive the same rations, &c., as are furnished for yourselves, and will be allowed transportation for such additional stores as he may think proper to lay in on his own account. He may also take with him an assistant—he will be entitled to transportation and subsistence, and neither of them will be subject to military orders.

You will take pains to procure all books, manuscripts, maps, charts, &c., that you may have an opportunity of obtaining, which will serve to add to, or illustrate the history of this country, or of this continent, will in any way contribute to the advancement of science and general knowledge.

As a part of these instructions, a copy of those given by this Department to William G. Dryden, John Rowland and William Workman, Esqs., Commissioners on the part of this Government to Santa Fé, appointed in April, 1840, is attached. Whatever those Commissioners have promised in the name of this Government, within the scope of their authority, and not inconsistent with their instructions, you will be authorised to repeat; but if you find they have not made the explanation of the meaning of

the term "Indian," in the Constitution, in the manner they are directed to do, by their instructions, it is thought advisable that it should not now be done, unless it is absolutely necessary to the success of your mission; and even then, candor requires that you should distinctly state to them, that the construction given by the President is not, and cannot be conclusive upon the other Departments of the Government. Should this subject be pressed upon you, it will require much nicety, and tact, to make such an explanation, as will be satisfactory to them, and consistent with the letter of the Constitution.

It is deemed unnecessary to instruct you, that no deception of any kind must be practised upon any of the people with whom you have intercourse. Your own high sense of honor, as well as the honor and reputation of the Government, which is in your keeping, forbid the idea.

A full and faithful report of what you shall do, under your Commissions, will be expected from time to time, if you have an opportunity of sending it, and a complete history of the expedition on your return.

I have the honor to be,

Your ob't servant,

(Signed)

SAM'L A. ROBERTS
Acting Secretary of State.

DEPARTMENT OF STATE,
AUSTIN, June 15, 1841.

To COL. WILLIAM G. COOKE, Resident Commissioner, etc.

SIR:— A Commission is this day drawn up, in which you are named one of a Joint Commission on the part of this Government to conduct the expedition which is now being fitted out for Santa Fé. These Commissioners have been vested with certain powers which are particularly enumerated in my letter of instructions to them of this date, which accompanies that Commission.

In order that the policy of the Government may be fully carried out, it will in all probability be necessary that some one shall remain in Santa Fé, after the Commissioners who are joined with you, shall have left that place, and that this Commissioner should be clothed with the same authority that has been conferred upon them; accordingly a separate Commission has been made out, appointing you the Resident Commissioner on the part of this Government, at Santa Fé, whose official duties will only commence when the Joint Commissioners shall have departed, or resigned into your hands their authority.

The duties which will then devolve upon you, are many of them to be found in the letter of instructions addressed to the Joint Commissioners, a copy of which will be furnished to you, and which you are to regard as a portion of your instructions as Resident Commissioner. But as many cases must arise which

are not covered by those instructions, this additional letter becomes necessary.

Under the instructions already given, you cannot be called upon to exercise the functions of your office, as Resident Commissioner, until after the Joint Commissioners have taken possession of the town of Santa Fé—organized the Government in accordance with their instructions, and established the Government appointed by the Government, in their respective offices. It is only necessary, therefore, to instruct you as to the powers that will be conferred on, and the duties expected of you, after you are left sole Commissioner.

A people suddenly transferring their allegiance from one Government to another, where no treaty stipulations have taken place between the two Governments, for the purpose of settling difficult points which will necessarily arise in the administration of their laws, will, without the exercise of great wisdom and moderation, speedily find themselves plunged into anarchy and confusion in every department of their Government, but more than all in the judiciary.

To guard against such anticipated evils, as far as may be, and to provide the best remedy for such as cannot be avoided, will constitute your principal duty. We are not sufficiently informed, either as to their laws or mode of administering them, to instruct you particularly and specifically what innovations you will be allowed to make, in every possible case that may be presented—general instructions only can be given, which will serve you as a guide, and to which you are expected rigidly to adhere.

Of these the chief are—

First. You will not be permitted, either directly or indirectly, to make any alterations whatever, (except such as are herein-after particularly mentioned) in any of the laws of that country, nor in the mode of their administration.

Second. The tribunals, as now constituted, will remain inviolate, save only the removal of such functionaries as hold their offices directly from the Supreme Government of Mexico, and in whose appointments the people of Santa Fé have had no voice; even these, you will in all cases retain, unless their removal is formally demanded by a written petition from the people, in which case no discretion will be allowed you.

Third. All officers, whether retained or appointed by the Joint Commissioners, or by you, must take and subscribe an oath of allegiance to this Government, and those who are retained, must receive anew their appointments from the Joint Commissioners, or from you.

Fourth. All questions originating in the Courts of Law, or in any of the Civil Departments of Government, which have heretofore been determined by the Governor, will, until further provisions is made, be determined also by you; and all appeals, that by their laws, lay from any of their courts of justice, to the higher courts in Mexico, or to the Supreme Government thereof, will, except in criminal cases, be disallowed; and the decision of the highest court of the country to which, by their laws, any ap-

peal may be taken, shall be final and conclusive, until further provisions is made by Congress; but in all criminal cases, the same power to pardon that is now vested in the Governor of that province, or in the Chief Executive of Mexico, may be exercised by you.

Fifth. It will be important to put the country as soon as possible in a state of defence, and for this purpose, unless the measure is found to be unpopular with the people, you are instructed to organize, as rapidly as possible, the whole country under our militia system, ordering elections at proper times for military officers only, and you will do all in your power to foster a military spirit in the people, so as to prepare them to repel any attack which Mexico may hereafter make upon their liberties.

The Collector of the Customs will be charged exclusively with the financial, as you will be with the political department. He will receive from the Secretary of the Treasury special instructions in regard to the modification of the tariff, which will be conclusive on you also; and you will at all times lend him all the aid in your power, to carry into effect such modifications as he may tender them. When he is inducted into office, all the money and public property will be handed over to him; and over neither the one nor the other, will you be permitted to exercise any control. Reasonable requisitions for the subsistence of the military force, and the necessary contingent expenses for the civil department, will be paid by him; but of their reasonableness, he must be the sole judge, as he will be held responsible to this Government, for every useless and extravagant expenditure of the public money.

The foregoing instructions, as well as the instructions to the Joint Commissioners, are all grounded upon the broad principle, that not a single alteration or innovation, should be made in the laws, usages, or customs of the people of that country, which the change in their government does not render absolutely necessary. Nor any rights or privileges, power or authority, conferred either upon you, or upon the Joint Commissioners, which are not also absolutely necessary for the purpose of conciliating the people of that province, and of firmly uniting them with the rest of the Republic. In short, no alteration whatever will be made, either in the municipal law, the modes of procedure in their courts, or in conducting their public affairs, which do not, of necessity, follow from the new position in which they will be placed, by the change in their Government. The object of this Government is only to provide a substitute, for that which of necessity will be taken away—to go beyond this, will be to transcend both the spirit and letter of your instructions, and to disregard the pledges already given, and now repeated by the President, in his letter to the people of that country—Congress only can make and unmake laws—but even Congress can make no laws that will be binding upon them, until they, in common with every other citizen of this Republic are fully represented in that body. All this you will continually bear in mind, and such emer-

gencies as arise, not anticipated in either letter of instructions, your decision will be framed so as to accord with this principle.

You will lose no opportunity of communicating with this Department; and as far as possible, will keep it informed of all your official acts. You will also take pains to collect and transmit to this Department, such statistical information as may be relied on, concerning the inhabitants of that portion of New Mexico which falls within our limits—stating particularly what portion of them are Indians, what mixed blood, etc.; the number of towns, their population, trade, wealth, etc., will also constitute a part of your inquiries; as will, also, the modes in which they are governed, especially if by any separate or peculiar code.

Upon a full review of all the instructions that have been furnished to you, you cannot fail to be struck with the large discretion with which you have been invested. Gubernatorial [*sic*] authority has been unavoydedly placed in your hands—power has been given, which, if misapplied, would render nugatory every effort to accomplish the object of your mission; and a latitude has been allowed you, in construing your instructions, which opens a wide door for good or evil—with the utmost care and circumspection, this could not be avoided, without depriving you of all efficiency in your office, and rendering the whole enterprise useless and valueless.

The weight of the responsibility which will, therefore, rest on you, will be very great—that you will prove yourself fully equal to it, I doubt not; but nevertheless you cannot exercise too much caution. Let it be an established maxim with you, to *undo* as little as possible, and to shape all your acts after models drawn from our own institutions.

I have the honor to be,

Your ob't servant,

(Signed)

SAM'L A. ROBERTS,
Acting Secretary of State.

OFFICIAL REPORT.

ALLENDE STATE OF CHIHUAHUA,²⁷
MEXICO, Nov. 9th, 1841.

To the SECRETARY OF STATE,
of the Republic of Texas:

SIR In accordance with our instructions, we avail ourselves of the first opportunity that has occurred since our departure from Austin, on reporting our situation, together with the progress and circumstances attending the expedition upon which we embarked. It is with regret that we are under the necessity of detailing occurrences so little anticipated by our Govt and so disastrous to the expedition in which we engaged: but a sense

²⁷In Santa Fe Papers. Printed in *The Morning Star*, June 11, 1842; the *Telegraph and Texas Register*, June 15, 1842; *The Northern Standard*, August 27, 1842.

of duty in obedience to our instructions urges to adopt the earliest means of conveying to you a correct account of the causes which led to the defeat of the Santa Fe Expedition. Our present circumstances compel us to be brief in the narration.—

After many unexpected delays and embarrassments, that retarded our march beyond the time anticipated for our arrival in Santa Fe, we at length, on the 29th August, reached a point on the Palo Duro a tributary of Red River beyond which there was apparently no further means of progressing with the wagons accompanying the command. Previous to this time, on the 11th Mr Howland our guide, was sent forward with two men, bearing a communication to Mr. Dryden our colleague in Santa Fe, we being at the time under the impression that we were within one hundred miles of that city—judging from the information of a Mexican whom we had also employed as a guide, who was a native of Toas and appeared to be familiar with the country through which we were passing. A few days after the departure of Howland the Mexican suddenly deserted in company with a private an Italian named Brignoli. On our arrival at the Palo Duro the Commissary reported but five days rations of beef, other rations exhausted—the country in advance of us appeared impassible for wagons—and Indians in large numbers had made their appearance in the vicinity of our camp. Under these embarrassing circumstances, when further progress with the entire command and train seemed impracticable, it was concluded that the undersigned, a majority of the Commissioners should proceed forward with one third of the escort to the nearest settlements to procure supplies and guides to furnish and conduct the troops into New Mexico. We left camp accordingly on the 31st August, with 75 soldiers, under the command of Capt Sutton who, with merchants and others, formed a body of 97 men. It was our expectation on leaving camp that we should arrive at settlements or strike a road that had been described to us leading to San Miguel, in five days march—but we saw no human being nor any sign of civilization until we reached the Moro a bra[n]ch of Red River, on the 11th Sept, where we met with some Mexican traders they informed us that we were about 80 miles distant from San Miguel, and that there was a wagon road leading from that place to within a short distance of our camp. We immediately sent back two of them with orders to Genl. McLeod to destroy the baggage wagons and follow us with all despatch. We continued our march, and on the 14th Mr. G. Vanness our Secretary, was despatched ahead to San Miguel to communicate with Mr. Dryden whom we expected to meet there & to gain some information respecting the condition of the country—he was also directed to make arrangements for procuring supplies,— he was accompanied by Maj. G. T. Howard Capt W. P. Lewis, Mr. Fitzgerald, a merchant of San Antonio and Mr. Kendall of New Orleans. Our horses being worn out with long marches we could advance but slowly. On the 15th we arrived on the Pecos, at a settlement called Anton Chico, twenty miles from San Miguel. Several hours after our arrival at this place,

we were visited by a Mexican officer, (Capt Salazar) who had just arrived at a ranch on the opposite side of the river, with seventy armed men—he informed us that the Governor of New Mexico was advancing towards us with a large force, and had ordered him to intercept our march, ascertain our business in the country and require us to lay down our arms— we declined holding any communication with him in regard to the object of our visit, but informed him that we came with no hostile intentions toward the citizens of the country and positively refused to lay down our arms. We concluded however to remain at Anton Chico until we received some intelligence from Mr. Vanness, who the officer informed us, had proceeded on to meet the Govr. attended by an escort. On the 16th we had another interview with the officer, who was told that unless we received some information from Mr. Vanness by the next morning we should proceed to San Miguel— he agreed to dispatch a courier instantly to Mr. Vanness, with a communication requiring his return— and said that on the following day he would cross the river with his men & encamp in our vicinity as an evidence that he was friendly disposed towards us. Up to this time no event had occurred that could justly excite feelings of hostility against [us] among the people we had met who had been treated by our men with the utmost courtesy, the provisions we had received had been paid for at double their customary value. On the 17th, the Officer called on us again with an express from the Governor requesting us to pause until the arrival of that functionary or to go on without our arms— he stated that the Govr. was advancing at the head of five thousand men and would be at Anton Chico the next day— he left us and about 1 oclock, P. M. commenced crossing the river about half a mile below us, after crossing he marched up and took a position in our front without [*sic*] about three hundre[d] men. The manner of their march and the position they assumed caused us to suspect their intentions and Capt Sutton was ordered to put his men in order for battle— We were at this time in a very strong position in a ditch on the bank of the river, from which we could have successfully repelled an attack of a thousand men so long as am[m]unition lasted. About an hour after the officer above mentioned had taken his position, another body of troops under the command of a Colonel crossed the river above us, & formed a junction with the first party, making in all about six hundred men. There was no longer any doubt as to the intention of the Mexicans and we were momentarily expecting a conflict, when Capt Lewis galloped over to us in company with Don Manuel Chavis kinsman & confidential agent of the Governor with authority to demand our surrender upon the following terms— That we should immediately give up our arms & remain at Anton Chico as prisoners of war on parole, until such time as supplies could be obtained for the subsistence of our troops in returning to Texas— that on no condition could we be allowed to proceed further into the Mexican territory, but that as soon as provisions were procured we should

be escorted beyond the frontier, where the arms, horses & private property of the officers & men should be restored to them.—

These terms were offered by Mr. Chavis, with the most solemn pledges for their fulfilment, seconded by the assurances of Capt Lewis in whom at that time we reposed the utmost confidence. Capt Lewis informed us that he had proceeded with Vanness & Howard in the execution of our orders— that on the road beyond San Miguel they were suddenly surrounded and taken prisoners by a large party of rancheros, were all tied and about to be shot, when some *explanations* he (Lewis) made, caused the Mexicans to desist from their purpose and conduct them on to the Governor who was rapidly advancing. On meeting his Excellency Capt. Lewis was released on parole & sent back to us with Mr. Chavis when they arrived just in time to prevent bloodshed. Capt Lewis stated that the people of the country were all arrayed in arms and greatly exasperated against us, in consequence of the false reports circulated among them in regard to [the] object of the expedition, by the deserter Brignoli who had been several days in Santa Fé— that he had left the Governor in twelve miles of Anton Chico with two thousand troops, better armed and disciplined than any he had ever seen, his numbers augmenting hourly by the accession of militia and that in twenty four hours we should be surrounded by more than four thousand men. He also stated that Mr. Dryden had left Santa Fe some time previous— that Howland had arrived in the city with his two companions (Baker & Rosenberry) and after remaining a few days, had disappeared under circumstances that excited the Gov's suspicions & caused them to be pursued— that it was utterly impossible at that time to conciliate the minds of the people in our favour and the only means of saving the lives of the whole party was an immediate surrender & acceptance of the terms proposed by Mr. Chavis.

Under these circumstances— without provisions for our men, our horses broken down by long & weary marches, deprived of any hope of aid from our main body by a distance of two hundred miles, with an enemy before us with more than five times our numbers & should we be victorious in the present fight of which we had no doubt, the prospect of being attacked by several thousand fresh troops in less than twenty four hours— in this situation and considering that we were specially instructed to avoid hostilities should the people themselves be opposed to us, we concluded the best and most prudent course we could adopt was an acceptance of the terms proposed, and consequently we surrendered. We soon had to experience a new illustration of Mexican falsehood and treachery; for we had scarcely yielded our arms, when the conditions of our surrender were violated, and in fact not one single article of the capitulation was respected— except the sparing of our lives and that only after a whole night's deliberation in council. Governor Armijo arrived at Anton Chico on the 18th attended by *near one thousand* men as indifferently armed and as little like soldiers in appearance and movement as could easily be imagined— tho we made several

efforts, we never succeeded in obtaining an interview or having any communication with the Governor. Our arms, horses, & private property were distributed among the Mexican soldiers, and instead of being permitted to return to Texas, we were hurried off on the 19th escorted by several hundred Mexicans and Indians, on the road to the City of Mexico. On the same day the Governor departed at the head of his troops & accompanied by Lewis for the purpose of attacking Genl. McLeod or as we apprehended of practising upon him the same scheme of deception that had been so successful with us.

It was with reluctance that we admitted suspicions of the integrity of an officer with whom we had associated so intimately & trusted so implicitly as Capt Lewis— but his treachery is now made manifest & placed beyond a doubt— we discovered that he had not only been guilty of falsehood in his representations of the conditions of the Country and the character & number of the Gov's troops, but he had been released from all restraint with a passport to travel where he pleased in the country, and a license from his Excellency to introduce any amount of goods into N. Mexico— His own admissions after our surrender, the intelligence we received from Mexicans & the change in his deportment toward ourselves were conclusive evidence to us that we had been duped by a *traitor*, and that Lewis had purchased his own safety at the expense of our liberty, his country's interest & his own honour. This opinion was confirmed at Chihuahua where we learned that Gov Armijo had mentioned the treachery of Lewis in an official despatch.— On the morning of our departure from Anton Chico, we were informed that Howland & his companions were overtaken a few days previously in the mountains attempting to make their way to us, and captured after killing a Mexican— they were taken to San Miguel and shot on the 19th. Had Howland succeeded in making his way to us before Lewis arrived, our Expedition would have terminated differently. We were informed that Howland was offered his life on condition that he would co-operate in the villiany of Lewis, but he refused the base proposal with scorn & contempt & died a brave and honourable man.— his best eulogy is the manner of his death. We have no time to recite to you the privations and indignities we have endured together with the soldiers who have frequently on the march been treated with great brutality— We are now on our way to the city of Mexico, entirely uncertain as to the fate that awaits us. We know nothing concerning Vanness & his companions except that they were imprisoned on their arrival at Santa Fé— no respect was paid to Mr. Kendall's passport.— Mr. Dryden was arrested in Chihuahua immediately on the reception of the documents taken with us in consequence of his name being in the commission & instructions. Messrs. Rowland and Workman left N. Mexico several months since for California—orders have been sent to that country to kill them whenever found— this order has been given in consequence of a copy of the instructions sent last year to N. Mexico, being found among our papers.—

We were informed yesterday that a courier had arrived from Santa Fé bringing intelligence of the surrender of Genl. McLeod with 182 men to Gov Armijo— Genl. Mc[Leod], Mr. Navarro, three captains & surgeons are said to be now on the route to Mexico & will overtake us in a few days— We know nothing of the circumstances or conditions of the surrender but suspect it to have been influenced by the agency of Lewis.— We here deem it proper to state that during our stay in the City of Chihuahua we were treated with great kindness by the Governor & citizens—and we are much indebted to the Americans & other foreigners residing there for the hōspitality they manifested to us and the men. Whilst in that city we obtained from Dr. Henry Connelly \$1399 00 on the credit of our Govt. for the purpose of supplying the men with clothing subsistence & transportation. Prisoners in this country, as far as our observation has extended, depend entirely on the charity of the people for subsistence as the Govt. makes no provision for their support. On our arrival at the City of Mexico we shall be obliged to call upon some of the friends of our Govt. for the means of subsisting & clothing the men, and we therefore respectfully suggest that Congress be recomme[n]ded to make an appropriation to supply their necessities—

We have thus endeavored to give you an outline of the events that have brought [us] to the situation in which we are now placed, in order to correct the fabulous statements put in circulation by the Mexican Authorities concerning us, and that our Govt. may adopt such measures as its judgement may dictate for our relief— Our present condition & the uncertainty of conveying intelligence from this country precludes us, from presenting at this time a more comprehensive account of the Expedition, or transmitting to your department, such information as we have obtained in regard to this Country.—

We have the honour to be,

Very respectfully, Your Obt. Servts.

RICHARD F. BRENHAM
WM. G. COOKE.

ANNUAL REPORT
of
THE SECRETARY OF THE TREASURY
NOVEMBER, 1841

ANNUAL REPORT
OF THE SECRETARY OF THE TREASURY

TREASURY DEPARTMENT,¹

CITY OF AUSTIN, October 1st, 1841.

To His Excellency M. B. LAMAR
President of the Republic

SIR:

I have the honour to submit the following annual report of the condition of the Treasury Department of the Government also the accompanying Documents; containing the Reports of the Comptroller and Treasurer. By law the Auditor and Commissioner of Revenue are not required to make their annual Reports until the 1st of December at which time their Reports will form the subject of a separate communication from this Department.

The disbursements of the current expenses, Interest on Funded Debt and Interest on Promissory Notes redeemed, made by the Treasurer for the year ending September 30th 1841 amount to \$1,176,288.72 of this sum One Million one hundred and seventy one thousand five hundred and twelve Dollars and seventy two cents was in 8% Bonds, Promissory notes and Change notes of the Government and four thousand seven hundred and seventy six Dollars in the funds received from Messrs Hamilton and Burnley Commissioners appointed to negotiate a Loan of Five Million of Dollars.

Revenue.

The Revenue collected and paid into the Treasury for the fiscal year Commencing October 1st 1840 to September 30th 1841, is as follows,

From Customs	151,990.45	
Direct Taxes	179,503.91	
Land Dues	36,238.53	
Licenses	42,686.37	
Public Domain	29,033.09	
Patents for Land	2,734.00	
Fines	271.00	
Rent of Public Buildings	30.00	
Stamped Paper	12.00	
Donation	107.32	442,606.67
<hr/>		
The amount of Revenue received prior to October 1, 1840		903,052.01
Amount in the hands of Collectors of Customs as per Returns to 30th of June 1841, including balances due from 1840.....	229,858.29	
Probable amt. to be collected from Customs for yr endg. 30 Sept. 1841.....	50,000.00	
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¹From the original report. Endorsed: Report of the Secretary of the Treasury. Read first time & referred to the Comt on Finance Novr 3rd 1841. The report was printed in the *Austin City Gazette*, November 24, 1841, and December 1, 1841; and the *Telegraph and Texas Register*, December 15 and 22, 1841.

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Net amount due on assessment of D[i]rect Taxes as per Returns received.....	279.858.29	1.345.658.68
Probable amount due from fourteen counties from which no Returns have been received.....	387.387.52	
Amount in the hands of Receivers of Land Dues and Collectors of Licenses, as per Returns re- ceived	70.000.00	
Amount of Fines assessed and partly in hands of Collectors	33.179.50	
	33.236.85	

Total Revenue since the organization of the Government to September 30th. 1841.....		803.662.16
		<u>2.149.320.84</u>

Public Debt.

The present liabilities of the Government of which
there is any evidence in this Department may
be comprized as follows,

1st Promissory Notes.		
The amount deposited with the Treasurer up to September 30th 1840, is.....	4.565.894.53	
Amount from October 1st 1840 to September 30th 1841	33.915.00	

2nd 8% Government Bonds		4.599.809.53
Amount deposited with the Treasurer up to September 30th 1840, is.....	100.000.00	
From October 1st 1840 to September 30th 1841....	749.900.00	

3rd Change Notes		849.900.00
Amount deposited up to September 30th 1840, with the Treasurer is.....	36.230.00	
Amount from October 1. 1840 to September 30 1841	81.900.00	

Amount reissued previous to September 30th 1840, after having been received in Revenue....	331.442.84	
Amount from October 1. 1840, to Sept. 30. 1841.....	293.828.37	

Total		625.271.21
From which is to be deducted the amount in the Treasury September 30th 1841, unexpended....	9.419.10	6.193.110.74
Amount redeemed in collection of the Revenue and paid into the Treasury to Sept. 30th 1840....	236.648.00	
Amount redeemed in Collection of the Revenue and paid into the Treasury from October 1st 1840 to September 30th 1841.....	4.100.00	
Amount of Old Bills redeemed to September 30th 1840	738.801.00	
" of Old Bills from October 1st 1840 to Septem- ber 30th 1841.....	33.638.00	
Amount Funded under Act of 5th of February 1840, in the 10% fund, previous to July 1st 1840	767.200.00	
Amount Funded in the 8% fund previous to September 30th 1840.....	22.300.00	

1.812.106.10
4.380.994.64

Besides there must be made the following deductions:

Amount in the hands of Collectors of Customs and due on Bonds for duties to June 30th 1841..	229,858.29
Probable amount collected for year ending Sept. 30th 1841	50,000.00
Amount in the hands of Receivers of Land Dues and Collectors of Revenue from Licenses as pr Returns received	33,179.50
Amount in the hands of Collectors due on assessment of Fines	5,760.95
Amount due on assessment of Direct Taxes	\$387,387.52
Probable amount due from 14 counties from which no returns have been received	70,000.00

457,387.52 of

which are supposed to be in Promissory Notes

291,435.75

610,234.49

Shewing the probable amount in circulation on the 30th September 1841. to be.....

3,770,760.15

Audited Drafts, Warrants and Interest

Amount of Civil Naval & Military to Sept. 30th 1840	5,702,081.55
* Interest on Promissory Notes do do	98,429.25
* Interest on Funded Debt. do do	118,809.78

5,919,320.58

Amount of Land Scrip funded to September 30th 1840	66,400.00
* Certificates of Stock do	13,948.32

80,348.32

Amount of Military from October 1st 1840 to Sept. 30th 1841	527,885.55
* Civil and Naval do do	656,677.26
* Certificates for Military do do	18,765.56
* Certificates for Civil and Naval do do	24,060.64
* Interest on Promissory Notes do do	8,145.80
* Certificates for Interest do do do	213.89
Amount of Interest on Funded Debt.....	29,290.00

1,265,038.70

7,264,707.60

Of this Debt there was paid by the Treasurer previous to September 30th 1840.....	4,564,055.71
and during the year ending September 30, 1841.....	1,176,288.72
Invested in the 10% Stock fund up to September 30th 1841	802,451.68
Amount paid into the Treasury in Collection of Revenue previous to September 30th 1840.....	334,879.34
Amount from October 1st 1840 to September 30 1841	111,040.30

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Amount in the hands of Collectors of Direct Taxes and Balances due on assessments	387,387.52	
Probable amount from 14 counties....	<u>70,000.00</u>	
	457,387.52 of	
which estimated to be in Audited Drafts.....	165,951.77	
Land Scrip invested in the 10% Fund.....	66,400.00	
Certificates of Stock to Swartwout & others.....	<u>13,948.32</u>	
		<u>7,235,015.84</u>
Balance of Audited Paper remaining out.....		<u>29,691.76</u>

Funded Debt.

Amount of Audited Drafts funded to September 30th 1841	802,451.68	
Amount Promissory Notes in 10% Stock funded previous to July 1st 1840.....	767,200.00	
Amount do of 8% Stock to September 30th 1841....	22,300.00	
Amount Land Scrip funded in the 10% Stock.....	66,400.00	
Stock issued by Act Congress to Saml. Swartwout & others	<u>13,948.32</u>	
		<u>1,672,300.00</u>

Five Million Loan

Amount received from James Hamilton and A. T. Burnley Commissioners appointed to negotiate a Loan of five Millions of Dollars—to Sept. 30th 1840	305,261.00	
Amount received do. to Sept. 30th 1841.....	<u>4,776.00</u>	
		<u>310,037.00</u>

Recapitulation

	Amount	Total
Amount of 8% Government Bonds in Circulation..	849,900.00	
" Promissory Notes in circulation	2,802,730.15	
" Change Notes Do	<u>118,130.00</u>	
		3,770,760.15
Amount on a/c of Five Million Loan.....		310,037.00
" Funded Debt.....		1,672,300.00
Balance of Audited Paper in circulation.....		<u>29,691.76</u>
		<u>Aggregate \$5,782,788.91</u>

From the foregoing statement it will be seen that the Public Debt as far as the Department is informed is Five Million seven Hundred and eighty two thousand, seven Hundred and eighty eight Dollars and ninety one cents. To which should be added the cost of the Navy including the Zavalla, also the probable amount of unliquidated debt of every description. The Naval debt was originally Three Hundred and seventy thousand Dollars but owing to the failure of the Government to meet it at maturity, by agreement double that amount in ten per cent Bonds was issued to cover the claim, circumstances of

recent occurrence have induced the conviction that the vessels or a portion of them were not built according to contract and it belongs more properly to Congress to determine whether the full amount of those Bonds shall be added to the permanent public debt of the Nation when the consideration for which they were executed has partially failed. The Bonds principal and interest amount, to about One Million of Dollars at this time.

The amount of floating, unliquidated debt cannot be ascertained. There was no appropriation to meet it and the Department was compelled from necessity to refuse to issue Auditors certificates to satisfy such claims, inasmuch as they are receivable for a greater part of the public revenue, and would in all likelihood have absorbed that portion for which they were receivable—a half a million of Dollars would be amply sufficient to cover all claims of that description, which would swell the Public debt to Seven Million two hundred and eighty two Thousand seven Hundred and eighty eight Dollars ninety cents or say in round numbers \$7,300,000. The question arises what plan shall be adopted to extinguish this debt, and meet the current expenses of the Government? The subject is one of much difficulty and embarrassment, and involves so much conflict between the rights of the creditors and the interests and necessities of the Government, that there is but little prospect of suggesting such a plan as will unite the wishes or satisfy the expectation of all parties interested.

To repudiate the public debt altogether as suggested by many, would justly stigmatize us as a people in the eyes of all enlightened Foreign Nations. To meet all our engagements fully and promptly is entirely out of our power necessity compels us therefore in some measure to do violence to our own sense of Justice as well as the rights of our creditors in adopting a compromise which shall guard those rights as far as we can, consistently with the successful administration of the Government. While public faith which should be held sacred if possible at all times would seem to require the payment of our engagements to the "uttermost farthing" Still it should be borne in mind that we have not received full consideration for our liabilities and if under the imperious circumstances of our situation we can only afford a liberal reimbursement to our creditors of their investment, *strict* justice will have been attained.

I would respectfully suggest the following plan as most likely to give general satisfaction to all parties.

Supposing the public Debt to amount to Eight Millions of Dollars, which is hardly within the range of probability, I propose that the whole of it be funded in one consolidated fund payable in twenty years bearing an interest of two and one half per cent per annum at its nominal value, making no distinction in the character of the liabilities, whether unliquidated claims, audited certificates, promissory Notes, interest Bonds or funded debts, except to compound the interest which may be due on the two latter. It is true that there is some difference in the

market value, but there is no difference in the consideration for which they were created and the obligation is alike to pay them all. The plan proposed would yield an interest equal to Fifteen per cent within a fraction upon the average market value of our liabilities at this time estimating that to be sixteen cents in the Dollar which makes the exchange proposed so highly advantageous to the holders of the debt, as to insure their acquiescence, if they are assured that the interest will be punctually paid.

The interest on the above fund would amount to two hundred thousand Dollars annually. The expenses of the Government could not exceed one hundred and fifty thousand Dollars in par funds if administered with due regard to economy, making a total of Three hundred and fifty thousand Dollars to be met by the Revenues which are amply sufficient. From the returns in the Office of Commissioner of Revenue for 1840, those of 1841, being as yet incomplete, It is ascertained that there are upwards of Twenty Millions of acres of Land assessed for taxation in the Republic, fixing the *minimum* value at fifty cents per acre would make ten millions of Dollars which at one half per cent would yield an income of Five Hundred thousand Dollars, suppose from any causes whatever, only one half is collected and paid into the Treasury, there will be Two Hundred and fifty thousand Dollars.

Suppose the value of the Imports into the Republic to be sixteen hundred thousand Dollars an advalorem duty of 33 $\frac{1}{3}$ per cent would yield an income of \$533,333. gross, deduct 33 per cent which is more than sufficient for the cost of collection there will be \$355,000. nett from that source. From Land Dues, Licenses, &c \$75,000, making in all \$685,000. from which, after deducting the interest of debt and expense of the Government there will be left \$335,000. surplus, \$235,000 of which may be held subject to the occasional and contingent expenses of the Government, the remaining \$100,000, with a compounding accumulation of 25 per cent per annum applied to the extinguishment of the principal of the debt would effect its entire payment in Fourteen years or a fraction Less.

In making the above estimates of Revenue especially from Imposts no reference was had to most of the eastern counties and those on Red River nor to the District of Santa Fé, the former of which has heretofore paid but little duties from the want of efficient Laws to coerce payment, the latter from the best information to be had has never paid annually less than Two hundred thousand Dollars to the Government of Mexico. A large amount is also due from the Collectors and Receivers of Revenue which could be made more or less available by the enactment of rigid and summary laws for the collection of it.

Every exertion has been made by the Department, sanctioned by the present laws to enforce a prompt and punctual payment of the various Public Dues, but without much success, and the conviction is irristible [*sic*] that the failure is mainly attributable to the Laws themselves, The citizen is invited to a remissness,

in his duty by the impunity which the relief laws always afford as also by the uncertainty of the Governments receiving the contributions of those whose patriotism prompt them to pay. Nothing short of a thorough and radical reorganization of the internal revenue system, upheld and sustained by rigid and unalterable laws can ever command the respect and obedience of the citizens or officer.

While our population has been increasing with a rapidity beyond any reasonable calculation, an examination, of the subject will show that our income has *not* increased in a corresponding ratio. The list of Delinquent tax payers in the wealthiest counties has enlarged to an enormous extent, and there is evidence of a *general* disinclination on the part of citizens to meet the demands of the Government. Many causes no doubt lend their aid to produce this state of things but the prime reason is to be found in the inefficient and impracticable mode adopted for the assessment and collection of the direct taxes, and the want of laws sufficient in potency to coerce the payment of the original tax as well as its transmission into the vaults of the Treasury from the hands of the Collector. The facility with which the legislative branch of the Government has heretofore passed relief laws has afforded persuasives to the citizens to neglect so important a duty. The conciseness necessary in a general report from the Department prevents minuteness of detail I therefore give the outlines of a plan for the collection of direct taxes leaving to the people's representatives its elaboration.

Assessors.

The present mode of appointing assessors and defining their duties requires one to be appointed for each County whose duty it is to assess the whole personal and real property within the limits of the County together with such other incidental duties as make it extremely [*sic*] laborious and tedious. The result is, that from the great territorial extent of our Counties, and the sparseness of the population, the Officer is frequently unable to acquire such information about the titles (and value of land and especially of *absentees*) as to enable him to do his duty properly. I would propose that the County Court annually select one of the two magistrates in each Beat as they may think most capable whose duty it shall be to assess the taxable property of his Beat with authority to coerce the negligent and punish the recusant, and return his list to the County Clerk under oath, whose duty it shall be to make out three lists of the whole County designating the property and person in each separate [*sic*] Beat, one of which list should be forwarded to the Treasury Department, one given to the tax Collector and the other filed in his office, Should the Assessor refuse to perform the duties incident to his office after having qualified and given the necessary Bonds, let the County Court appoint another who shall discharge the duties and receive what the first Assessor forfeited for his non performance—

Collectors.

Collectors should be appointed by the county court, whose duty it should be to collect the taxes as assessed above and make return of the Delinquents to the court when in full session and specify the Beat in which each Delinquent lives no release to be had from the Collector until the magistrate of that Beat is present and affirm that the delinquent is unable to pay. The Collector to make returns monthly under oath of all the monies collected by him during the month to the Clerk of the Court whose duty it should be to file them away, and keep them securely, and if at any time the Collector fails or refuses to pay over the money on application of the agent or officer of Government appointed to receive it the agent should have power to sue out execution against him and his securities from the Clerk, by making oath of his indebtedness, and collect the money forthwith without the privilege to the Defaulter, of the usual restraining writs from the Judiciary. All collecting and disbursing agents should be by *law* declared out of Office the first moment they are discovered to be in Default and disfranchised from all civil political rights not *specifically* guaranteed to them by the Constitution. Nothing short of such a course adopted towards them will arrest that species of crime in this Republic whose annals furnish more cases than any other Country known upon earth, considering its age as a nation and the limited extent of its means.

Fiscal Agents.

I would further recommend that the Republic be laid off into three Divisions and the President with the consent of the Senate appoint a Superintendent of Finance or *Fiscal Agent* for each division with liberal salary whose duty it should be to reside in the Division to which he shall be appointed. It should also be his duty to supervise the assessment and collection of the taxes, to collect Land dues, Licenses, settle fee Bills with the Clerks and District Attornies under instructions from the Head of the Treasury Department, to examine delinquent lists of every description with authority to proceed in the shortest and most exemplary manner against all Defaulters and their securities, to make returns quarterly to the Treasury Department of all matters under his supervision. The efficient organization of such an agency would relieve the Government of much expense in the employment of Clerks and make the Collection of the revenue more profitable to the Collectors as they would avoid the very heavy expense of travelling to the seat of Government and often remaining for days before they can effect a settlement, and if active and vigilant as they should be they would insure the collection of at least one half more of the taxes than is now paid under the present system. I will now ask your Excellency's attention to the subject of

Taxation.

I propose in the first place to tax all lands whether patented or otherwise one half of one per cent, fixing the minimum value of land at fifty cents per acre, requiring all owners of land either in person or by agent to give in such lands for taxation in the counties in which they reside, under penalty of forfeiture of ownership, provided that the notification to present such property for taxation shall be of the most public character possible, Observation of the actual business of the Treasury Department and examination of the various returns, proves that the large landholders of the Country pay but a small proportion of the amount properly incumbent upon them, and that the burthen of supporting the Government lies unequally and weighs heavily upon the poorer classes of the population, the laborers and productives of the Country. The large monopolies of land existing prevents the settlement and the consequent increase of cultivation which would give strength and wealth to the body politic. To operate against this, I would propose, that the taxation of that species of property should increase in a ratio with the amount held by any single individual or company, so that the accumulation in few hands, operating adverse to the public interest in one way should be made to contribute to it in another, and thus balance its own weight of evil. Fixing then the maximum quantity at a league and labor on which the general tax of one half per cent shall be laid, I would increase the tax in the following ratio, viz: on any quantity over one league and labor and under three leagues $\frac{5}{8}$ per cent, over three leagues and under ten $\frac{3}{4}$ per cent, over ten Leagues and under twenty one per cent, twenty leagues and upwards 2 per cent, whenever sales of lands shall take place for default of taxes the amount of such taxes and costs should in all cases be bid by the sheriff of the County in which such land may be sold and in case they are struck off to him for want of a higher bid, they shall become the property of the counties in which they lie and constitute a literary fund for the establishment of common schools in said counties, said land to be still subject to the ordinary annual tax which is to be paid from the County Treasury. Provided that in all cases, the counties are to have the privilege of accepting or rejecting such lands as may be thought proper by authorities that may be appointed for the purpose All land not so accepted to revert to the public domain and be subject to re-entry and location.

Personal Property

Personal property to be subject to a tax of one half per cent with the exception of Slaves which should pay a tax of $\frac{3}{4}$ per cent in consideration of the privilege that species of property enjoys in its exemption from execution by the law of last Congress, a law which I trust will remain upon the statute book and which finds its sanction in an enlightened policy as well as humanity. Before closing the subject of taxation there

is an evil to which the attention of Congress should be called, viz: the power claimed by the Judiciary to issue writs of injunction to restrain the collection of taxes due the Republic, a power not sanctioned by any code of law and directly at war with the best interest of the Government, and destructive of the means of supporting the very Judiciary which exercises it.

Imposts.

I would recommend that the introduction of all Farming utensils for actual use Books and Medicines be permitted free of duty, and that a duty of 33 1/3 per cent ad-valorem be placed upon all other articles without any discrimination whatever. Heavy impost duties not only tend to develop the resources of a nation and render it independent in war or prosperous in peace but they are a salutary check upon the spirit of inordinate credit and speculation the most baleful consequences of free trade. Texas has within herself all that is necessary to individual comfort or National independence and while I would deprecate laws that would create and foster particular interests at the expense of the community generally, still it is deemed politic to make such general enactments as will arrest the balance of trade which is so heavily against us and afford to every interest in the Republic an equal participation in the benefits of restriction.

The law passed at the last session of Congress appointing the sheriffs of certain counties on our Eastern Frontier Collectors of Imposts duties has not been carried out. A copy of the law was sent by the Department to each of the Counties and the necessary instructions given, but few of the Officers have as yet executed their bonds and the Department deemed it impolitic to suspend the former mode of collection until the substitution of another was more complete. Heavy penalties against the sheriffs who fail or refuse to comply with the requisites of the law, and high inducements offered for information against smuggling cannot fail to attain the ends desired— a sufficient sum of money should be appropriated to defray the expense of examining the different Custom Houses, the usual mode of making returns do not afford conclusive evidence of the correctness of the Officers, nor is the Head of the Treasury Department competent to say precisely what expense is actually necessary without such examination, The reenactment of the law allowing pay for Consular Certificates would relieve the Government of considerable expense while, it would bear but lightly on the individuals importing goods— I would earnestly recommend the imposition of heavy Tonnage duties on all sail and particularly Steam vessels entering our ports. By stipulation with Foreign Nations between whom and this Republic treaties have been negotiated we are allowed to impose such Tonnage duties as we impose upon our own vessels and when it is observed that the Commerce of the Country is carried on mostly in foreign bottoms, the policy of the duty must be obvious— The suspension of the duties heretofore in relation to the vessels of the United

States with whom we have the largest trade having not been attended with mutual or equivalent advantages I would urge the prompt withdrawal of the suspension.

The next subject to which I beg your attention is the Currency. The vital importance of a change in its character must strike the most careless observer. No expedient heretofore adopted has produced any favorable change. The laws which usually regulate currency, seem to be of no avail here, economy in the administration of the Government has no effect, for while the expenses of this, fall short of those, of the preceding year by a Million of Dollars, and for the first time since the organization of the Government there has been no new emission of promissory Notes still the tendency of our paper is downwards, and the continuation of the present policy for a much longer time will result in the inevitable dissolution of the Government. Gold and Silver alone form the corrective. The change at first will operate heavily upon the people, but the evils to be avoided the benefits to accrue from its substitution for our present worthless paper are so great that policy as well as patriotism will aid and sustain them under the trial. Confidence in us with foreign Nations, will be restored, trade will settle upon a firm and regular basis, and emigration soon fill up our fertile but wild lands with an industrious and desirable population, an examination into the history of the different countries of the world prove conclusively that *Specie* is the only certain basis of sound and regular commerce the only currency that can prevent those expansions and contractions of trade, which result so disastrously to the many for the benefit of the few. In former ages Venice, Genoa and Holland, in latter times France and the Island of Cuba our near neighbour prove the truth of the position. For while a general convulsion in commerce is unknown in their history England, who boasts that the "Sun never sets upon her dominions" and the Sails of her ships whiten every sea reaps the bitter fruits of a paper currency in the ruin and downfall of her commercial citizens each returning half dozen years, with one sixth of her population upon the poor rates, The present deplorable condition also of our neighbour, the United States should furnish us an instructive warning—

The peculiar situation of our frontier counties and also the absence of any foreign exports in some of the interior ones render it necessary for the present to issue Treasury Drafts which should be receiveable [*sic*] for all dues except Imposts and Licenses *they* being predicated upon and indirectly connected with the exports of the Country should be paid alone in specie, which transfered to the vaults of the Treasury and disbursed to meet the expenses of the Government will cause a general circulation of it through the Nation and afforded every Citizen an opportunity of supply. The Head of the Treasury Department should be instructed to cancel one third of the drafts annually until the whole is extinguished by which time the supply of metal will be sufficient to meet the requisi-

tions of the Government and the wants of the Citizens. The amount estimated as necessary to be issued cannot exceed Three Hundred thousand Dollars (The Collectors should be bound to account in the same funds they receive which might be insured by requiring them to give a receipt at the time of collection, specifying the kind of money paid by each individual.)

The next subject to which your attention is asked is the accounts of the late Foreign Agents every exertion has been used to effect an adjustment of them but with only partial success. Mr Bryan Consul of the Republic in New Orleans was appointed to settle with David White Esq of Mobile and has recently informed the Department that he has been unable to bring him to a settlement. Mr White in 1836 was appointed agent on the part of the Government to receive from M. B. Menard and others the Sum of Fifty Thousand Dollars in Bills of Exchange on New Orleans as a consideration for a quit claim deed from the Republic to said Menard and associates for a League and labor of Land on the Island of Galveston. The deed to be executed whenever the agents receipt was obtained, Mr White it seems gave a receipt for that amount in Bills of Exchange on *Mobile* which is on file in the Treasury Department and the deed was executed to the supposed purchasers, upon what authority the archives of the Land Office do not show— The law further says that in case the Bills of Exchange are not paid the agreement is to be null and void. The Agent White now says when called on for the money that he has not received a cent of it. Acting under the *special* power of Attorney created by the law he was not authorized to take Bills on Mobile instead of New Orleans his acts to be valid must conform to the strict letter of the law. Mr White is said to be a partner in the property as a stockholder in the company which now holds the property and the time of his becoming such is a question of some importance. As it is a principle well settled in Law that a person cannot be the agent of one party and the secret partner of the adverse party at one and the same time. The value of the property is considerable and steps [*sic*] should be taken to render it available to the wants of the Government unless Mr White and his partners promptly pay a valuable consideration for it.

From an examination of the accounts and vouchers of T. Toby and Brothers as furnished by themselves there appears to be a balance against them of about Two Hundred Thousand Dollars— in favour of the Republic. Their attention has been called to the subject but as yet there has been no response, There is but little prospect of getting the debt.

Upon settlement with Wm Bryan late agent there appears to be due him something upwards of ten thousand Dollars. Mr Bryan insisted upon returning the Land Scrip unsold which would have made his claim near fifty thousand dollars but the Department thought proper to leave so important a matter to Congress and charge him with it fifty cents per acre

The laws in relation to the keeping, guarding and boarding

of prisoners need much revision, They are not sufficiently explicit and different constructions being placed upon them by the sheriff render settlements unsatisfactory and difficult. A common jail or Penitentiary would not only relieve the Government of a very heavy annual expense, but have a happy effect in improving the morals of the Country and under judicious management would soon prove a source of revenue.

By the law defining the duties of the Offices of the Treasury Dept. The Secretary of the Department is required to publish in the Newspapers of the Republic a list of the delinquent taxpayers in each County. The contingent fund of the Department was insufficient to defray the expense and resort was had to credit, An appropriation is necessary to cover the expense. The want of clerical force in the Office of Commissioner of Revenue rendered it necessary to employ the public Newspapers as a medium of communication to the sheriffs and clerks also, for which an appropriation will be asked. The house assigned to the Secretary of the Department by the Executive under the authority of the law as a residence required improvements and repairs to render it habitable which has been done in the cheapest manner possible and paid for out of the lot fund, rent will be cheerfully paid for the premises if required—

I have the Honour to be your most

Obedient Servant

JOHN G CHALMERS
Secy Try

Report of Comptroller

TREASURY DEPARTMENT
COMPTROLLERS OFFICE October 1st 1841.

Hon. JOHN G. CHALMERS
Secretary of the Treasury

SIR:

Herewith I hand you the annual report of the Comptrollers Office for the year ending September 30th 1841, with the amount of debt previously acknowledged, that has received its supervision; also, the amount assumed during its non-existence, and the amounts incurred by the Treasurer and Stock Commissioner in payment of interest on Government liabilities; and also the amount of drafts drawn by the General Council (taken from the proceedings of that body) the accuracy of which this Office cannot vouch, being possessed of no other data, and which is mer[e]ly included in this report, for the purpose of condensing and exhibiting the domestic debt from the source it should appear.

Several of the Government creditors, have made application

^{Endorsed}: No. 2. Report of the Compt Refered without reading Novr 3rd 1841

for the adjustment of their claims, created previous to the present year. They have not been settled, on the grounds that no general provisions were made by appropriation for their liquidation; & the cancelling of all appropriations by the last Congress, that were made prior to it, have been viewed as being the intention of the Legislature, to refuse settlement in any way until such time as the Government would be better able to satisfy her creditors.

Under this construction we refuse to issue Auditors Certificates, they being receivable in payment of a greater part of the National revenue, and had they been issued in all cases, when claims have been presented, they would have absorbed entire that part of the revenue for which they were receivable, and the only alternative for the support of the Government, would have been a new issue of Promissory Notes which would add to their further depreciation.

In justice to those creditors who hold claims against the Government I would recommend the issuing of Certificates, acknowledging the debt, redeemable at such time as the Government might think expedient, and not receivable in any way in payment of Government dues.

The accounts of the different disbursing officers when settled by the Auditor, have been submitted to this Office for approval, and if found correct a certificate to that effect has been given; but no account of the debts and credits has been kept other than of the money received directly from the Treasury. It has been my wish to keep all the information of those accounts in the possession of this Office; but, owing to the long and tedious settlements with the Army and Navy Officers, (and not done heretofore by my predecessors) necessarily render its execution with the present clerical force allow[e]d unfeasible.

The adjustment of the army accounts being nearly completed, it will relieve the Office of a considerable labor and I think hereafter it will be practicable with the present number of Clerks, to perform that business in a manner which will prevent any errors or omissions occurring in the Auditors Office, which is likely to happen, when so many voluminous accounts are kept.

I would call your attention to the Law regulating the safe keeping and maintenance of Criminals, as regards how far the Republic is liable for the expense attending the same. Large bills are presented for the rents of houses as jails, and very frequently, accounts are presented for services as guard. By reference to the Law you will perceive that each County is required to have a jail and to keep the same in repair at the expenses of the County; the same law provides that, all expenses which may be incurred for the safekeeping of Criminals in the several Counties, shall be paid by the Republic; you perceive it admits of two constructions.

It has been the custom however, only to allow the amount that might be incurred by a guard, when the Criminals release

by force was anticipated; rent of house as jail has in all cases been refused.

This interpretation causes frequently complaints against the accounting Officers, while they are, as they conceive in an honest discharge of their duties. Further Legislation remedying those defects would repair the frequent misunderstanding which arises, and at the same time would save the Government the expenses and Congress the trouble, which yearly occurs, by application for relief on the rejected items.

The Stock created by Act of June 7th 1837, is in the same condition, as at the last annual report of my predecessor, and his suggestions are again urged; that measures should be taken to ascertain the true condition of the respective accounts of the Stockholders; this can only be ascertained by examining anew the entire stock and making the books of this Office agree with those of the Stock Commissioner. On this plan the Stock Commissioner & myself commenced by calling over the Audited paper funded and comparing it with the Books, and examining the transfers to see if the corresponding amounts were issued to the assets paid in and if the transfers were properly made, but business immediately connected with my Office required my attention and precluded its final execution. I would remark that several discrepancies were found in the course of our examination.

The only revenue accounts supervised by the Comptroller are those of the Collectors of Customs, and for the sale of lots in the City of Austin. The Law organizing the Treasury Department makes it the duty of the Commissioner of Revenue to obtain the sanction of the Comptroller to all accounts, before recorded on the books of his Office, nevertheless, the only settlements that have been inspected by me are those alluded to; for the reason that a fault exists in the Law, by not providing this Office with the necessary checks, which renders the examination of the Comptroller, to any but those; nothing more than to scan the additions, which has been considered useless. I would suggest the amendment of the Law so as to remedy the deficiency, when the examination by this Office will be of some avail.

There still remains a small amount of Stock to be issued, under the Act of February 5th 1840. "For the redemption of Promissory Notes" which were deposited before the repeal of the Law, and will be executed on application of the individuals so depositing or their legal representatives when applied for.

The appropriation of last Congress for the payment of the Officers and Men of the Navy being inadequate, some evidence of the balance due was required by those disbanded in compliance with the act of Congress. Certificates signed by the Treasurer and countersigned by the Comptroller were issued for that purpose.

They are phrased in such a manner as to prohibit them being received for Government dues, and are made redeemable at such time as Congress may think expedient.

Annexed to this report is a statement of National debt as exhibited in part, by the Books of this Office and from the source whence paid. The amount of drafts executed by authority of the General Council is as correct, as could be obtained from the Journals of that body, for several claims were allowed by them and no amount specified; of such no account could be made.

The amount of Interest on Promissory Notes, being paid by the Treasurer, prior to December 13th 1839, was obtained from him; also, the interest on Funded Debt, was paid by warrants signed by Stock Commissioner and countersigned by the Secretary of the Treasury, prior to March 1st 1840, the amount of which was procured from the Stock Office.

The Stock to Samuel Swartwout and others was issued by authority of Congress but without the Government's receiving therefor any of its liabilities, consequently, it must be considered as forming a part of the National debt.

By act of Congress May 18th 1838, the holders of land scrip sold by Toby and others in the United States, were authorized to fund the same at fifty cents per acre; the amount thus funded is included in this statement.

The certificates issued during the present year for the balance due the Officers and Men of the Navy, are not included in this Statement of the National Debt, for they cannot be considered legitimate claims against the Government until sanctioned by Congress.

The several tabular statements from A. to G. appended to this report are respectfully submitted.

JAMES B. SHAW
Comptroller

A

Statement of the amount of Warrants drawn on the Treasury, the amount of Certificates issued for the payment of which no money is appropriated, and the amount of Promissory Notes on which interest has been paid from the 1st of October 1840 to the 30th September 1841.

MILITARY

Months.	Year.	Amt of Certificates issued each Month.	Amt of Warrants. drawn each Month.	Aggregate of Warrants & Certif.
October	1840.....	120.....	84.754.43	84.874.43
November	".....	676.20	84657.86	85.334.06
December	".....	507.87	75.330.86	75.838.73
January	1841.....	880.34	4.432.35	5.312.69
February	".....	219.....	123.396.26	123.615.26
March	".....	5.290.....	600.....	5.890.....
April	".....	7 005.51	21.867.35	28.872.86
May	".....	3,014.64	41.778.20	44.792.84
June	".....	343.50	49.440.10	49.783.60
July	".....	149.50	37.096.98	37.246.48
August	".....	100.....	1.986.....	2.086.....
September	".....	459.....	2.545.16	3.004.16
		18.765.56	527.885.55	546.651.11

JOURNALS, REPORTS AND SPECIAL LAWS

CIVIL AND NAVAL

Months	Year.	Amt. Prom'y Notes on which Int. has been paid	Amt. of Certificates issued each Month	Amt of Warrants drawn each Month	Aggregate of Warrants & Certifis
October	1840.....	2.101.....	893.83	37.704.88	38.598.71
November	".....	15.825.....	1.396.68	51.899.93	53.296.61
December	".....	5.842.....	10.053.33	63.387.80	73.441.13
January	1841.....	3.689.....	4.793.40	32.778.34	37.571.74
February	".....	11.940.....	1.192.47	107.492.30	108.684.77
March	".....	.....	.....	85.579.53	85.579.53
April	".....	.....	.....	150.393.63	150.393.63
May	".....	.....	2.092.68	25.447.59	27.540.27
June	".....	5.955.....	189.31	21.782.45	21.971.76
July	".....	.....	1.224.60	33.184.65	34.409.25
August	".....	.....	893.66	19.838.45	20.732.11
September	".....	.....	1.330.68	35.333.51	36.664.19
		<u>45.352.....</u>	<u>24.060.64</u>	<u>664.823.06</u>	<u>688.883.70</u>

A

INTEREST ON FUNDED DEBT.

October	1840.....	6.226.86	
November	.....	12.005.....	
December	.....	2.055.....	
January	1841.....	1.460.....	
February	.....	<u>7.458.14</u>	29.185.....
March	.....	.....
April	.....	.....
May	.....	.....
June	.....	.....
July	.....	.....
August	.....	.....
September	.....	.....
		Aggregate	<u>29.185.....</u>

RECAPITULATION.

	Amount.	Total
Warrants drawn for Military.....	527.885.55	
Warrants drawn for Civil & Naval.....	664.823.06.	
Warrants drawn for Interest on Funded Debt.....	<u>29.185.....</u>	1.221.893.61.
Certificates issued for the Military.....	18.765.56	
Certificates issued for Civil & Naval.....	<u>24.060.64</u>	<u>42.826.20.</u>
Aggregate of Warrants & Certificates		1.264.719.81.

JAMES B. SHAW
Comptroller

B

Statement of the appropriations made by Congress as entered on the Books of the Comptroller, exhibiting the amount drawn on each from 1st of October 1840 to 30th of September 1841. and the unexpended balances.

Date of the Appropriation	For what purpose Appropriated	Amt. of the Appropriation	Amount Drawn	Unexpended Balances
	Unexpended balances of Appropriations made anterior to Fifth Congress.			
	Civil List & Civil Contingent.			
	Legislature			
Feb'y	3. 1840	Senators pay and Mil[e]age.....	8.265.....	8.265.....
"	" "	Representatives pay and Milage.....	23.189.....	23.189.....
"	" "	Clerks of the Senate.....	4.530.....	2.691.....
"	" "	Clerks of the House of Representatives.....	1.530.66	1.530.66
	Contingencies			
Feb'y	3. 1840.	Contingent Expenses & printing for Senate.....	756.82	756.82
"	" "	Contgt. Expenses & printing for House of Reps.....	7.736.71	1.736.71
	Executive			
Feb'y	3. 1840.	Compensation of the President.....	3.933.34	3.933.34
"	" "	Compensation of the Vice President.....	1.166.66	1.016.66
"	" "	Do of Presidents Private Secty.....	903.43	811.16
"	" "	Contingent Expenses of Presidents Office.....	105.75	105.75
	State Department			
Feb'y	3. 1840.	Secretary of State.....	1.166.72	1.166.72
"	" "	Clerks in State Department.....	2.860.65	2.065.72
"	" "	Contingent Expenses of State Department.....	1.777.21	1.721.60
"	" "	Translating & Printing Spanish Laws.....	5.595.52	5.595.52
	Treasury Department			
Feb'y	3. 1840	Secretary of the Treasury.....	1.118.13	1,114.97
"	" "	Comptroller	845.74	784.71.
"	" "	First Auditor	750.01	750.01

1.839.....

150.....
92.27

794.93.
55.61

3.16
61.03.

Date of the Appropriation			For what purpose Appropriated	Amt. of the Appropriation	Amount Drawn	Unexpended Balances
"	"	"	Second Auditor	674.70	674.70	
"	"	"	Treasurer	1,041.67	958.33	83.34
"	"	"	Stock Commissioner	856.57	823.62	32.95
"	"	"	Commissioner of Revenue.....	1,138.92	833.50	305.42
"	"	"	Clerks in Treasury Dept & Bureaus.....	15,211.93	13,355.18	1,856.75
"	"	"	Assessors and Collectors of Taxes.....	14,427.92	6,445.96	7,981.96
Contingencies						
Feby	3.	1840.	Office of the Comptroller.....	6.06	6.06	
"	"	"	" " " First Auditor	100.66	100.66	
"	"	"	" " " Second Auditor	49.84	49.84	
"	"	"	" " " Treasurer	10.76	10.76	
"	"	"	" " " Commissioner of Revenue.....	278.96	278.96	
"	"	"	Stock Certificates Engraved.....	1,000.....	375.....	625.....
War Department						
Feby	3	1840.	Secretary of War.....	1,096.31	1,091.37	4.94
"	"	"	Clerks in War Department.....	2,220.59	2,220.59	
"	"	"	" " Office of Pay Master Genl.....	546.63	208.33	338.30
"	"	"	" " " Adjutant General	649.74	649.74	
"	"	"	" " " Quarter Master General	833.36	833.36	
"	"	"	" " " Commissary General	1,250.01	1,116.90	133.11.
"	"	"	" " " Colonel of Ordnance	1,041.66	1,041.66	
Contingencies						
Feby	3.	1840	Office of the Secretary of War.....	1791.13	901.94	889.19
"	"	"	" " " Paymaster General	261.75	261.75	
"	"	"	" " " Adjutant General	338.12	338.12	
"	"	"	" " " Qr. Master Genl. & Extra Clerk hire.....	1,990.99	1,507.48	483.51
"	"	"	" " " Commissary Gen. " " " hire	1,360.09	515.60	844.49
"	"	"	" " " Colonel of Ordnance	1,282.....	1,282.....	
Navy Department						
Feby	3	1840	Secretary of Navy	1,043.38	971.98	71.40.
"	"	"	Clerks in Navy Department.....	1,486.80	1,486.80	

B—Continued

Date of the Appropriation		For what purpose Appropriated	Amt. of the Appropriation	Amount Drawn	Unexpended Balances
Post-Office Department					
Feby	3. 1840	Post Master General	937.78	889.72	48.06
"	" "	Clerks in General Post Office.....	1,536.66	1,333.81	202.85
General Land Office					
Feby	3 1840.	Commissioner of the General Land Office.....	1,491.68	1,480.35	11.33
"	" "	Clerks in General Land Office.....	5,911.44	2,299.96	3,611.48
"	" "	Contgt. expenses & translating for Gen Land Off.....	397.20	397.20	
"	" "	Making County Maps.....	6,465.	6,400.....	65.....
"	" "	Running County Lines	4,456.25	1,078.50	3,377.75
"	" "	Surveying Land Scrip	3,805.81.	619.02	3,186.79
"	" "	Commissioner of Patents	208.33.	166.66	41.67
"	" "	Superintendant of Offices & Porters.....	1,180.....	1,150.45	29.55
Interourse with Foreign Nations					
Feby	3. 1840	Foreign Ministers, Secty of Legations &c.....	23,655.73	3,876.....	19,779.73
Judiciary					
Feby	3. 1840	Chief Justice of the Supreme Court.....	4,548.60	1,555.50.	2,993.10
Jan'y	21 "	Reporters of decisions of Supreme Court.....	1,000.....	250.....	750.....
Feby	3. "	Seven District Judges	16,136.50.	6,207.96.	9,928.54
"	" "	Seven District Attorneys.....	12,138.91	2,531.....	9,607.91
"	" "	Attorney General of Texas.....	1,000.....	1,000.....	
"	" "	Contgt. Expenses of Attorney Genls. Office.....	309.....	309.....	
"	" "	Sheriffs fees	10,760.23	1,847.85.	8,912.38
Military					
Pay Department					
Feby	3. 1840	General Staff	31,316.20	3,683.....	27,633.20
"	" "	First Regiment of Infantry.....	133,873.40.	105,606.39	28,267.01
"	" "	First Regiment of Cavalry.....	46,904.....	46,904.....	
"	" "	Three additional Companies of Cavalry.....	26,538.....	13,096.....	13,442.....
"	" "	Extra rations to Officers Command'g Depts, Posts &c.....	2,692.80.	552.....	2,140.80.
Subsistence Department					
Feby	3. 1840	For Subsistence	38,150.47	38,150.47	

Date of the Appropriation		For what purpose Appropriated	Amt. of the Appropriation	Amount Drawn	Unexpended Balances
Quarter Masters Department					
Feby	3. 1840.	For Fuel	8.000....	8.000....	
"	" "	" Forage	26.520....	26.520....	
"	" "	" Stationary	2.000....	2.000....	
"	" "	" Camp & Garrison	8.127....	8.127....	
"	" "	" Horses for 12 Companies.....	7.200....	7.200....	
"	" "	" Freight & Insurance on Clothing.....	5.000....	5.000....	
Special Objects					
Feby	3. 1840.	Monies due on Genl Rusks & others Campaign's.....	8.892....	8.892....	
Medical Department					
Feby	3. 1840.	Medicines, Instruments, Stationary &c.....	3.000....	3.000....	
Indian Agents					
Feby	3. 1840.	Cushattees and Alabamas	1.800....	1.800....	
Naval					
Feby	3. 1840	Navy Officers Seamen & Marines Pay.....	4.472.89	4.472.89	
"	" "	Navy Provisions	3.000....	3.000....	
"	" "	Building Store House at Navy Yard.....	5.000....	5.000....	
Miscellaneous					
Feby	3. 1840	Contgt Executive Fund	7.410....	6.450.75	959.25
Jan'y	29 1840	Detection of Fraudulent Land Certificates.....	14.465.98	5.788....	8.677.98
Feby	3. "	Fire Proof Safes	1.300....	303....	997....
"	" "	Finishing Public Offices.....	259.39	9.87	249.52
"	" "	Interest on Funded Debt	63.768.22	29.185....	34.583.22
Jany	14 "	For Relief of David F Webb.....	750....	200....	550....
"	7 "	" " Joseph Cecil	1.000....	96.00	904....
"	14 "	Record'g Field Notes of Surveys of Harrison County.....	1.161....	1.161....	
Feby	5. "	Regulating distribution of Laws and Journals.....	2.000....	2.000....	
May	21. 1838.	Pension to Mary Millsapps & Family.....	300....	300....	
Decr.	18 1837	Relief of the family of Erastus Smith.....	540.66	540.66	
Jany	24 1839	Civil List & Civil Contingent for 1839.....	7.197.71	6.330.02	867.69
"	" "	One Million Appropriation	67.041.79	8.743.17	58.298.62
"	26 "	Surveying Harbours	18.800....	18.800....	
"	24 "	National Library	9.700....	281.50	9.418.50

B—Continued

Date of the Appropriation	For what purpose Appropriated	Amt. of the Appropriation	Amount Drawn	Unexpended Balances
Appropriations having no specific Amt. Appropriated				
Jan'y 21 1839	Surveying & Advertising City of Calhoun.....		140.....	
" 26 "	General System of Education.....		2,701.65	
" 14 1840.	Surveying reserve for Cushattees & Alabamas Ind[ia]ns.....		412.80	
May 16 1838	Interest on Government dues.....		8,767.30	
Appropriations made by Fifth Congress.				
Civil Lists & Civil Contingent.				
Legislature				
Feb'y 5 1841.	Senators Pay and Milage.....	16,900.....	3,720.....	13,180.....
" " "	Representatives Pay and Milage.....	48,400.....	9,688.....	38,712.....
" " "	Pay of Members & Officers of 5th Congress.....	5,790.98	5,790.98	
" " "	Chief Clerk to House of Representatives.....	2,500.....	1,738.98	761.02
" " "	Pay of Clerks, Sergt Arms &c of Congress.....	8,000.....	3,259.99.	4,740.01
" 4 "	Relief of Clerks, Doorkeeper &c of Congress.....	8,298.....	8,298.....	
Decr 24 1840	Clerks &c to House of Representatives.....	3,000.....	3,000.....	
Contingencies				
Nov. 12 1840.	Contgt. Expenses of Congress 5th Session.....	5,000.....	5,000.....	
Decr. 12 "	Contgt. Expenses of Congress 5th Session.....	5,000.....	5,000.....	
Feb'y 5. 1841.	Contgt. Expenses & Printing for House of Reps.....	6,000.....	6,000.....	
" " "	Contgt. Expenses & Printing for Senate	4,000.....	3,804.98	195.02
" " "	Printing Journals of 5th Congress.....	10,000.....	9,838.....	162.....
Decr 29 1840.	Contgt. Expenses of Congress & Depts of Govt.....	15,000.....	15,000.....	
Executive				
Feb'y 5 1841	Compensation of the President.....	10,000.....	5,748.13.	4,251.87
" " "	Compensation of Vice President.....	3,000.....	641.66	2,358.34
Jan'y 18. "	Addl. pay to Vice President while Actg. President.....	2,273.96	2,273.96	
Feb'y 5. "	Presidents' Private Secretary	2,500.....	1,462.31.	1,037.69

Date of the Appropriation			For what purpose Appropriated	Amt. of the Appropriation	Amount Drawn	Unexpended Balances
Contingencies						
Feby	5	1841	Contingent Expenses of Executive Department.....	1.000....	999.82	.18
"	"	"	Contingent Executive Fund	10.000....	9.689.57	310.43
Department of State.						
Feby	5	1841	Compensation of Secretary of State.....	3.500....	1.605.33	1.894.67
"	"	"	Clerks in State Department.....	8.000....	5.741.68	2.258.32
Contingencies						
Feby	5	1841	Contingent expenses of State Department.....	1.500....	1.445.76	54.24
"	"	"	Translating & printing Laws in Spanish.....	10.000....	10.000....	
"	"	"	Printing Advertisements, Proclamations &c.....	1.000....	532.50	467.50
"	"	"	Printing Laws of Fifth Congress.....	15.000....	11020....	3.980....
"	"	"	Expenses in Printing Laws of 4th Congress.....	3.380....	3.327....	53....
Treasury Department						
Feby	5	1841.	Compensation of Secretary of Treasury.....	3.500....	1.999.98	1500.02
"	"	"	" " Comptroller	2.500....	1.666.66	833.34
"	"	"	" " Auditor	2.500....	1.667.75	832.25
"	"	"	" " Treasurer	2.500....	1.778.61	721.39
"	"	"	" " Commissioner of Revenue	2.500....	1.562.51	937.49
"	"	"	" " Clerk of Stock Office	2.500....	1.738.61	761.39
"	"	"	" " Clerks in the Office of Secty Treasy.....	6.900....	4.757.95	2.142.05
"	"	"	" " Clerks in the Comptrollers Office.....	4.700....	3.137.02	1.562.98
"	"	"	" " Clerks in the Auditors Office.....	6.900....	4.392.82	2.507.18
"	"	"	" " Clerks in the Treasurers Office.....	2.500....	1.664.89	835.11
Contingencies.						
Feby	5	1841	Contingent Exps. of Sec Treasy Office.....	1.500....	1.493.58	6.42
"	"	"	Contingent Expenses of Comptrollers Office.....	1.000....	758.89	241.11
Feby	1841		Contingent Expenses of Auditors Office.....	1.000....	849.86	150.14
"	"	"	" " Treasurers Office	1.001.61	1.001.61	
"	"	"	" " Comr. of Reve. Office	1.000....	1.000....	
"	"	"	Stationary Promy Notes &c heretofore engraved.....	11.000....	11.000....	
"	"	"	Assessors and Collectors of Taxes	15.000....	1.925.79	13.074.21

B—Continued

Date of the Appropriation		For what purpose Appropriated	Amt. of the Appropriation	Amount Drawn	Unexpended Balances
War Department					
Feby	5. 1841	Compensation of the Secretary of War.....	3.500.....	2.333.31	1.166.69
"	" "	Clerks in War Department	11.300.....	7.436.86	3.863.14
Contingencies					
"	5. 1841	Contingent expenses in War Department.....	2.500.....	2.500.....	
"	" "	Contingent expenses in Pay Masters Office.....	500.....	441.50	58.50
Navy Department					
Feby	5. 1841	Clerk in Naval Bureau	2.500.....	1.666.67	833.33
"	" "	Pay of Seamen Officers & Marines for 1840 & '41.....	50.000.....	50.000.....	
"	" "	Provisions Stores & Clothing for Navy, 1840 & '41.....	50.000.....	50.000.....	
Post Office Department					
Feby	5, 1841	Clerks in Post Office Bureau.....	2.500.....	1.704.25	795.75
"	" "	Transportation of Mails	50.000.....	48.682.49	1.317.51
General Land Office					
Feby	5. 1841	Commissioner of the General Land Office.....	3.000.....	2.066.66	933.34
"	" "	Clerks in General Land Office.....	11.300.....	7.564.39	3.735.61
Contingencies					
Feby	5. 1841.	Contingent expenses &c of Genl Land Office.....	30.000.....	25.526.04	4.473.96
"	" "	Draughtsman County Surveyors &c.....	15.000.....	11.738.97	3.261.03
"	" "	Advance to Comr for detection of Fraud. Land Certifs.....	1.500.....	1.500.....	
Intercourse with Foreign Nations					
Feby	5. 1841.	Charge de affairs, Secty of Legations &c.....	14.000.....	1.000.....	13.000.....
"	" "	Contingent expenses of Foreign Legations.....	1.500.....	734.....	766.....

Date of the Appropriation		For what purpose Appropriated	Amt. of the Appropriation	Amount Drawn	Unexpended Balances
Judiciary					
Feb'y	5. 1841.	Chief Justice of the Supreme Court.....	3,000.....		3,000.....
"	" "	Seven District Judges	21,000.....	4,514.11	16,485.89
"	" "	Fees to Clerk of Supreme Court.....	1,000.....	11.....	989.....
"	" "	Fees to Clerks of District Courts.....	5,000.....	1,640.35	3,359.65
Feb'y	5. 1841.	Justice's Fees	500.....		500.....
"	" "	Sheriffs Fees	15,000.....	481.35	14,518.65
"	" "	Witnesses Pay & Milage.....	1,000.....	372.50	627.50
"	" "	Attorney General	3,000.....	1,686.60	1,313.40
Contingencies					
Feb'y	5 1841	Contingent Expense of Supreme Court.....	1,500.....	1,500.....	
"	" "	Contingent Expenses of Atty Genl Office.....	500.....	411.08	88.92
Military					
Novr.	23. 1840	Running boundary line between Texas & U. S. (par).....	10,000.....		10,000.....
Decr	12 "	Beef for Expedition under Gen. Morehouse.....	10,000.....	10,000.....	
"	24 "	Transportation of Amunition to San Anto & Spy horses.....	4,000.....	4,000.....	
Feb'y	5 1841	Spies & Volunteers for frontier Service.....	75,000.....	36,899.10	38,100.90
"	" "	Supplies in & for & Services in Army in 1838-39-40.....	20,000.....	19,988.61.	11.39
"	" "	Pension and Annuities	5,000.....	196.....	4,804.....
"	" "	Medicines for the Army in 1838.....	1,600.....		1,600.....
Feb'y	5. 1841	Engineers for running Military Road of Red River.....	5,000.....	5,000.....	
"	1 "	Supplies for the Command of Col Wm. G. Cooke.....	8,000.....	7,410.....	590.....
Miscellaneous					
Feb'y	5 1841	Heads of Depts Bureaus & Clks not provided for.....	3,000.....	2,948.73	51.27
"	" "	Purchase of Muskets of Wm Kirchburg (par).....	2,450.....		2,450.....
Jany	4 "	Relief of Post Master General & heads Bureaus.....	500.....	500.....	
"	23 "	" " Cyrus Campbell	64.12		64.12
"	25 "	" " M. Hunt & J P Henderson (par).....	5,555.55		5,555.55
Novr	17 1840	" " John G. Todd late Navy Agent.....	3,469.84	3,469.84	
Feb'y	1 1841	" " J. B. Ransom	1,128.....	1,128.....	
Jany	5 "	" " M. B. Lewis	700.....	700.....	
Decr	24 1840	" " Joseph Cecil	1,000.....	1,000.....	
Jany	22 1841	" " Samuel Hewes	1,946.67	1,945.67	

JOURNALS, REPORTS AND SPECIAL LAWS

B—Continued

Date of the Appropriation		For what purpose Appropriated	Amt. of the Appropriation	Amount Drawn	Unexpended Balances
Jany	28 1841	" " James W. Smith.....	1.098.....	1.098.....	
"	25. "	" " Wm. S. Wallace.....	950.....	950.....	
Feby	4. "	" " George Wheelwright.....	4.137.59	3.109.09	1.028.50
"	5 "	" " John D. Swain & G. W. Fulton.....	3.061.91	2.830.58	231.33
Feby	5 1841	Relief of George W. Logan.....	260.....	260.....	
"	4 "	" " Ellen Cash.....	800.....	800.....	
"	" "	" " Jeremiah Strode.....	570.....	570.....	
"	" "	" " William W Allsbury.....	313.50	313.50	
"	5 "	" " James Pennoyer.....	41.355.12	41.355.12	
Decr	24 1840	" " Freeman George.....	211.20	211.20	
Appropriations with no Amt. specified					
Decr	31 1840	Relief of M B Shackelford & Wm Isaacs.....		190.....	
Feby	5 1841	Addl pay to heads of Depts, Bureaus & Clerks.....		8.271.26	
"	5 "	Pay to District Judges for 1840.....		2.875.....	
Appropriations by Executive Order					
March	24 1841	For Disbanding Regular Army (By Order).....		65.756.31	
"	" "	" Santa Fé Expedition (By Order).....		81.158.30	
"	" "	" Extra Clk hire Treasy Dept (By Order).....		2.241.....	
Aggregate.....			1.555.657.58	1.221.893.61	506.277.59

JAMES B. SHAW
Comptroller

C.

Statement of Funded Debts, Created by Act of Congress of February 5th 1840.

Amount of Certificates of 10 per cent Stock, issued since the last annual report of this Office, for the redemption of Promissory Notes, deposited prior to July 1st 1840.....	203.900.....	
Amount issued as Reported October 1st 1840.....	563.300.....	
	767.200.....	
Amount of 10 per cent Stock, issued since October 1. 1840, for Audited paper, funded prior to the repeal of the Law.....	7.100.....	
Amount issued as Reported October 1. 1840.	38.200.....	
	45.300.....	
Amount of 8 per cent Stock, issued for the redemption of Promissory Notes.....		22.300.....
	Aggregate	\$ 834.800.....

JAMES B SHAW
Comptroller

D.

Statement of Change Notes countersigned by Comptroller, agreeable to an Act of Congress, Approved February 5th 1840.

Number	Letter	Denomn.	Amount	Total.
From 3800. to 5.300.....	A	\$3	4.800.....	
" 3800 " 5.300.....	A	2	3.200.....	
" 3800 " 5.300.....	A	1	1.600.....	
" 3800 " 5.300.....	B	1.	1.600.....	
				11.200.....
From 1 to 10.000.....	A	\$3	30.000.....	
" 1 " 10.000.....	A	2	20.000.....	
" 1 " 10.000.....	A	1	10.000.....	
" 1 " 10.000.....	B	1	10.000.....	
				70.000.....
From 1 to 100.....	A	\$3	300.....	
" 1 " 100.....	A	2	200.....	
" 1 " 100.....	A	1	100.....	
" 1 " 100.....	B	1	100.....	
				700.....
Amount issued from October 1, 1840 to September 30th 1841.....				81.900.....
Amount issued as pr last annual Report of this Office.....				26.600.....
Aggregate.....				\$108.500.....

JAMES B SHAW
Comptroller

E.

Statement of Certificates signed by the Treasurer and Countersigned by the Comptroller, to pay the Officers and Men of the Navy.

Date		Number	Denomn	Amount	Total.
April	23 1841	From 1 to 1150.....	\$50	57.500.....	
"	" "	" 1 " 2300.....	25	57.500.....	
				Aggregate	115.000.00.
				JAMES B SHAW Comptroller	

F.

A List of Clerks in the Comptrollers Office, reported in compliance with the 20th Section of the Law "Defining the duties of the Officers of the Treasury Department.

		Salaries
Wm H Abell	Chief Clerk	2.500.....
J. S. Bond	Assistant Clerk	2.200.....

The duties of the Chief Clerk are to keep an account with the Appropriations, to report monthly to the Secty of the Treasy. all warrants drawn and all Certificates issued, to report to the Treasurer when Appropriations are exhausted, to examine the accounts of all Disbursing Officers, also the accounts and returns of the different Revenue Officers, as submitted by the Comr. of Revenue.

The duties of the Assistant Clerk are, to draw warrants on the Treasury and Certificates when no money is appropriated, to keep Registers of the same, to cancel liabilities funded and Audited, to Register Certificates of Stock, Change Notes &c, to Record Letters, to keep book of Defaulters and examine the same previous to drawing Warrants, to keep a Transfer Book of the Old Stock, also to Record Accounts Current of Custom House Officers.

JAMES B SHAW
Comptroller

G.

Statement of the Debt of the Republic, as appears from Books of Comptroller.

Amount of Civil, Naval & Military Drafts.....	526,761.11
" of " " " while there was no Comptr. (as pr. Auditors Books).....	340,385.77
" of Civil and Naval to October 1. 1841.....	2,925,371.84
" of Military Do Do	3,252,531.55
" of Interest paid on Promissory Notes by the Treasurer.....	43,872.90
" of Interest paid on Funded Debt by Stock Commissioner.....	88,247.16
" of Drafts drawn by General Council (about).....	6,980.06
" of Stock issued to Saml. Swartwout & others.....	13,948.32
" of Land Scrip funded pr Acts of Congress May 18. 1838.	66,400.00
Aggregate Debt.	\$ 7,264,498.71

JAMES B SHAW
Comptroller

TREASURY DEPT.
TREASURERS OFFICE, AUSTIN
Sept 24th 1841

Mr. JAMES B SHAW
Comptroller

SIR

Below you have a Statement of the Amount of Old Issue Prom'y Notes bearing 10 pr ct Interest, and the amount of Interest paid on the same, redeemed by the Treasurer prior to December 14th 1839, as shown by the books of this Office

When redeemed	Principal	Interest	Total Prin'l	Total In't
September 30th 1839.....	411,814 50	41,181 50		
October 31st "	7,149 00	714 90		
November 30th "	19,765 00	1,976 50	438,728 50	43,872 90

JAMES H RAYMOND
Actg Treasurer

Report of Stock Commissioner

Statement of Interest on the Funded Debt of the Republic of Texas, for the Year Commencing on the 1st October 1840 and Ending on the 30th Sept 1841. Payable in Gold or Silver'

10 per Cent Fund	Payable 15th Decr 1840	Payable 1st Mch 1841	Payable 15th June 1841	Payable 1st Sept 1841	Total
Promissory Note Fund \$745.900 funded to 30 June/40	37.295.00		37.295.00		74.590.00
Audited Paper Fund \$ 44.300 funded to 12 Jan'y 1841		2.215.00		2.215.00	4.430.00
					<u>\$79.020.00</u>

8 per Cent Fund	Payable 15th April 1841.	Payable 15th Oct 1841	Total
Promissory Note Fund. Amt funded to 12 January 1841. \$11.200 Certificates not issued.....	448.00	448.00	896.00
			<u>\$79.916.00</u>

STOCK COMMISSIONERS OFFICE
January 12th 1841

CHARLES DEMORSE
Stock Commissioner

*Financial Papers. Endorsed: From James H. Raymond actg. Treasurer Amt. Interest on Old issue P. N 1841
*Financial Papers. Endorsed: Estimate of Interest on Stock Funds and Govt. Bonds.

<p>To amount of Government Bonds and Promissory and Change Notes, disbursed on appropriations, as per monthly statements,.....</p> <p>" Amount of Promissory Notes disbursed in redeeming Promissory Notes of the old issue, audited and cancelled,.....</p> <p>" Amount disbursed on drafts of the Post-Master-General from the amount subject to his order,.....</p> <p>" Amount of audited paper received from revenue not re-issuable, registered and cancelled, and deposited with the Secretary of the Treasury,.....</p> <p>" Amount of Promissory Notes of the old issue received from Revenue, not re-issuable, registered and cancelled and deposited with the Secretary of the Treasury,.....</p> <p>" Balance,.....</p>	<p>\$386,376 74</p> <p>18,924 00</p> <p>25,744 91</p> <p>67,331 14</p> <p>2,197 00</p> <p>5,722 56</p>	<p>By amount of disburseable funds, received from D.P. Barhydt, late acting Treasurer, being the balance in his hands at the close of the last quarter,.....</p> <p>" Specie received from D.P. Barhydt, late acting Treasurer, having been turned over by A. Brigham, former Treasurer,.....</p> <p>" Special deposits received from D.P. Barhydt, late acting Treasurer, having been turned over by A. Brigham, former Treasurer, to Barhydt, being and belonging to succession of D. Veuve,.....</p> <p>amount belonging to succession of Joel Hill,.....</p> <p>" Special deposit received from D.P. Barhydt, late acting Treasurer, being the amount deposited with him and in his hands at the close of the last quarter,.....</p> <p>" Promissory Notes rec'd from A. Brigham, former Treasurer, of the public monies, in his hands,.....</p> <p>" Amount of Government Bonds, and Promissory and Change Notes received from the Secretary of the Treasury for disbursement,.....</p> <p>" Promissory Notes received from Young Coleman, Administratrix of Peter Aldrich, deceased,.....</p> <p>" Am't revenue for Fines, per monthly statements,.....</p> <p>" " " Licences, " ".....</p> <p>" " " Customs, " ".....</p> <p>" " " Land Dues, " ".....</p> <p>" " " Direct Taxes, " ".....</p> <p>" " " Galveston Lots, " ".....</p> <p>" " " Stamped Paper, " ".....</p> <p>" " " Austin city and out Lots, " ".....</p>	<p>\$19,414 00</p> <p>17 43</p> <p>722 44</p> <p>85 10</p> <p>283 25</p> <p>1,437 02</p> <p>264,615 00</p> <p>548 88</p> <p>31 00</p> <p>28,057 75</p> <p>41,113 78</p> <p>13,541 23</p> <p>123,543 07</p> <p>257 88</p> <p>12 00</p> <p>12,616 52</p>
<p>Aggregate, \$506,296 35</p>	<p>Aggregate, \$506,296 35</p>	<p>By balance remaining in the Treasury,</p> <p>in specie and on special deposit,..... 1,657 10</p> <p>In Promissory and Change notes for disbursement,..... 4,065 46</p>	<p>5,722 56</p>

TREASURER'S OFFICE,
Dec. 31st 1840.

Examined and admitted to settlement for the above balance of five thousand seven hundred and twenty-two dollars, fifty-six cents.

TREASURY DEPARTMENT, January 1st, 1841.

(Signed) J. W. SIMMONS, Treasurer.

(Signed) W. SEVEY, Act'g Sec'y Treasury

*Reprint of original pamphlet: Annual Report of Treasurer of the Republic of Texas, for 1841. By order of the House of Representatives. Austin: S. Whiting, public printer Congress avenue, 1842 10 p 19 5cm.

Republic of Texas, in account with J. W. Simmons, Treasurer, for the quarter ending March 31, 1841.

DR.

CR.

To amount of Government Bonds, Promissory and Change Notes, disbursed on appropriations as per monthly statements,	\$392,201 48	By amount of Promissory and Change Notes on hand for disbursement, at the close of the last quarter,	\$4,065 46
" Amount disbursed in redeeming Promissory Notes of the old issue, audited and cancelled,	14,714 00	" Specie and Special Deposites—	
" Amount of audited paper received from revenue not re-issuable registered and cancelled and deposited with Secretary of the Treasury,	12,255 58	Amount of Specie,	\$17 43
" Amount of Promissory Notes received from revenue not re-issuable, audited and cancelled and deposited with Secretary of the Treasury,	606 00	" belonging to succession of D. Veuve,	722 44
" Amount of Promissory Notes received for which Bonds were given, registered and cancelled and deposited with the Secretary of Treasury,	1,425 00	" " of Joel Hill,	85 10
" Amount replaced to the credit of the Post - Master - General, being taken from deposite account and paid on appropriations last quarter,	32,225 64	" " of P. Aldrich,	548 88
Balance on hand,	137,472 47	" " of W. Abom,	283 25
Aggregate,	\$590,900 17		1,657 10
		" " of Bonds, Promissory and Change Notes from the Secretary of Treasury for disbursement,	526,976 48
		" Am't revenue rec'd for Fines per monthly state'ts.....	95 00
		" " Licenses, " "	4,666 95
		" " Customs, " "	28,816 91
		" " Land Dues, " "	11,957 82
		" " Direct Taxes, " "	4,735 02
		" " Land Patents, " "	4 00
		" " Galveston Lots, " "	162 47
		" " Austin city and out Lots, " "	7762 96
		Aggregate,	\$590,900 17
		By balance remaining in the Treasury, in Specie and Special Deposites,	\$1,657 10
		" Promissory and Change Notes for disbursement, ..	135,815 37
			137,472 47

(Signed)

J. W. SIMMONS,
Treasurer.

TREASURER'S OFFICE, March 31st, 1841.

Examined and admitted to settlement for the above balance of one hundred and thirty-seven thousand four hundred and seventy-two dollars and forty-seven cents.

TREASURY DEPARTMENT, April 1st, 1841.

(Signed)

J. G. CHALMERS,
Secy of Treas'y

340 JOURNALS OF THE SIXTH CONGRESS, REPUBLIC OF TEXAS

Republic of Texas in account current with J. W. Simmons, Treasurer, for the quarter ending June 30, 1841.

DR.		CR.	
To amount of Bonds, Promissory and Change Notes disbursed on appropriations, as per monthly statements,	\$237,699 29	By amount of disbursable funds on hand at the close of the last quarter,	\$135,832 80
" Amount of Promissory Notes bearing interest, returned to Treasury Department, as per receipts of Secretary of Treasury,	3,005 00	" Special Deposites—	
" Amount of Certificate for interest on old issue, received from Revenue, and deposited with Secretary of Treasury,	144 84	" Am't belonging to succession of D. Veuve,	722 44
" Amount of Promissory Notes of old issue received from Revenue, not re-issuable, registered and cancelled, and deposited with Secretary of Treasury,	1,254 00	" " " of Joel Hill,	85 10
" Amount of Audited Paper, received from Revenue, not re-issuable, registered and cancelled, and deposited with Secretary of Treasury,	12,722 58	" " " of P. Aldrich,	548 88
" Amount of Special Deposites,	1,639 67	" " " of W. Abom,	283 25
" Balance,	12,127 29	" Am't revenue rec'd for Fines, per monthly state'ts,	1,639 67
Aggregate,	\$268,592 67	" " Licenses, " "	9 00
		" " Customs, " "	6,052 32
		" " Land Dues, " "	59,284 36
		" " Donations, " "	7,510 25
		" " Direct Taxes, " "	10 95
		" " Land Patents, " "	18,603 32
		" " Rent of public buildings, " "	945 00
		" Amount of Promissory and Change Notes rec'd from Treasury Department for disbursement,	30 00
		Aggregate,	38,676 00
		Aggregate,	\$268,592 67
		By balance remaining in the Treasury—	
		" In Special Deposites,	1,639 67
		" In Specie,	17 43
		" In Promissory and Change Notes for disbursement,	12,109 86
			13,766 96

TREASURER'S OFFICE,
June 30, 1841.

(Signed)

J. H. RAYMOND,
Act'g Treasurer.

Examined and admitted to settlement for the above balance of twelve thousand, one hundred and twenty-seven dollars, twenty-nine cents.
TREASURY DEPARTMENT,
July 1, 1841.

(Signed)

J. G. CHALMERS,
Secy of Treas'y.

CR.

To amount of Bonds, Promissory and Change Notes disbursed on appropriations, as per monthly statements,	\$117,866 42
" Amount of Promissory Notes bearing 10 per cent. interest, received from revenue, registered and cancelled and deposited with the Secretary of Treasury,	564 00
" Amount of Audited Paper received from Revenue, registered and cancelled, and deposited with the Secretary of Treasury,	18,517 11
" Amount of Certificate for interest on old issue Promissory Notes, received from Revenue and deposited with the Secretary of the Treasury,	69 05
" Amount of Promissory Notes paid Secretary of Treasury on his receipt to replace the amount borrowed from the Stock Office, June 29th, as per Deposit Warrants, Nos. 613, 614, and 615,	9,851 00
" Amount of Special Deposites,	1,639 67
" Balance,	9,419 10
Aggregate,	\$157,926 35

By amount of disburseable funds on hands at the close of the last quarter,	12,127 29
" Special Deposites—	
Am't belonging to succession of D. Veuve,	722 44
" " " of Joel Hill,	85 10
" " " of P. Aldrich,	548 88
" " " of W. Abom,	283 25
	1,639 67
" Am't revenue rec'd for Fines, per monthly state'ts,	137 00
" " Licences, " "	3,054 35
" " Customs, " "	22,775 40
" " Donations, " "	13 37
" " Direct Taxes, " "	32,255 76
" " Land Dues and Patents, " "	6,235 97
" " Austin city and out Lots, " "	8,233 26
" Amount of Bonds, Promissory and Change Notes received from the Treasury Department for disbursement,	62,246 12
" Amount of Treasurer's Due Bills out as cash,	7,262 16
" Amount of Promissory Notes of old issue, bearing 10 per cent. interest, which were not turned over to Secretary of Treasury, as reported in the March and June quarterly reports,	1,946 00
	Aggregate, \$157,926 35

By balance remaining in the Treasury—	
" In Special Deposites,	1,639 67
" In Specie,	17 44
" In Bonds, Promissory and Change Notes for disbursement,	9,401 66
	11,058 77

TREASURER'S OFFICE,
Sept. 30, 1841.

Examined and admitted to settlement for the above balance of nine thousand four hundred and nineteen dollars and ten cents.

TREASURY DEPARTMENT

(Signed)

J. H. RAYMOND,
Act'g. Treasurer.

(Signed)

JOHN G. CHALMERS,
Sec'y of Treasury.

STATEMENT

From the Treasurer's Report, for the fiscal year 1841, (from 30th September 1840, to 30th September 1841.)

RECEIPTS.

Amount in Bonds, Promissory and Change Notes,	1,225,982 87	
Amount in Audited Certificates and Drafts,	111,040 30	
Add Treasurer's Due Bills out as cash,	7,262 16	
Add cash on hand Oct. 1st, 1840,	20,522 22	
	<hr/>	\$1,364,807 55

EXPENDITURES.

Amount disbursed on Warrants,	1,134,143 93	
" Paid on Drafts of Post-Master-Gen'l	57,970 55	
" Paid on Treasury Dep't receipts,	12,856 00	
Add amount of Audited Drafts and Certificates, delivered to Secretary of Treasury per quarterly state'ts,	111,040 30	
" Amount of old issue Promissory Notes cancelled and delivered to Secretary of Treasury per quarterly statements.	37,738 00	
" cash on hand, Oct. 1st, 1841,	11,058 77	
	<hr/>	1,364,807 55

STATEMENT

Of the names of the Clerk employed in the Treasurer's Office during the fiscal year 1841.

NAMES.	SITUATION.	TIME EMPLOYED.	AMT. PAID
D. P. Barhydt, Chief Clerk, from		Oct'r 1; to Feb'y 7,	\$925 00
W. C. Bevens, Ass't " "		Oct'r 1 to March 1,	958 32
John E. Jones, Chief " "		Feb'y 8 to May 31,	868 04
S. Z. Hoyle, Ass't " "		March 21 to March 30,	67 32
J. H. Raymond, Chief " "		June 1 to Oct. 1,	954 46
		Aggregate,	<hr/> \$3,773 14

TREASURER'S OFFICE,
Oct. 1st, 1841.

I certify the above to be a correct statement according to the Register of this office.

J. W. SIMMONS, Treasurer.

Annual Report of the Auditor, 1841

TREASURY DEPARTMENT^a
AUDITOR'S OFFICE, 9th Decr. 1841.

To

The Hon JOHN G CHALMERS
Secy of the Treasury.

SIR:

In accordance with the 3rd section of "an act defining the duties of the Officers of the Treasury Department" I have the honor of transmitting herewith my annual Report to the 30th Sept^r ulto inclusive, and respectfully beg leave to call your attention to the remarks therein set forth. You will perceive that Col. E. Morehouse is still charged with the five hundred dollars remitted to Capt. Morgan; as an act of justice to Col. Morehouse I think the Auditor should be authorized to pass the same to his credit.

During the present year the Auditor was compelled to refer to many of the Navy accounts, from which he ascertained that many of them had never been finally acted upon, by the late second Auditor, and many that had been finally settled by *himself*, had not as the law requires been submitted by him to the Comptroller; consequently I deemed it my duty to re-examine such as had not been referred to the Comptroller and transmit them for his approval, and so soon as they receive the signature of that officer, a special report will be made to you respecting them. In making this report I cannot refrain from suggesting the propriety of some immediate steps being taken by Congress to establish accountability, as no special law has been made to guide disbursing officers in their various duties,— The law defining the duties and pay of Sheriffs is very inexplicit, and I think requires many changes, both for the protection of the Govt. and the individuals concerned, as it now is dissatisfaction prevails in almost every instance when accounts of those officers are presented for settlement, and can only be prevented by a remodeling [*sic*] of that statu[t]e.— I therefore hope that you will take the Subject into consideration, that the many difficulties now existing may be obviated.

The necessary delay in making my report originated from the want of information from the Quarter Master's Department and returns from the Comptroller, which I hope will be a sufficient excuse for my Report not being sent in in due time.

I have the honor to be Very Respectfully

Your Obt Servt.

CHARLES MASON Auditor

^aAuditor's Reports, 1839-55, pp. 45-51.

Statement of the names of such officers and others as stand charged on the books of the Auditor, up to 30th Septr 1841, made in accordance with the 3rd Section of an Act defining the duties of the officers of the Treasury Depart. Approved 5th Feby. 1840.

Maj. Wm. J. Jones late Pay Master of Militia..	20.000.00	Recd from the Treasy. in accordance with an act of Congress apprd. 16th Nov. /38, for the disburst. of which no vouchers have been returned. Notified in March 1840—No answer—Reported to Comptroller.
K. H. Douglass, late Brigr Genl.	10.000.00	Received from the Treasury of the Republic in 1838, by order of Maj. Genl Thos. J. Rusk—no returns—Reported to Comptrolled in 1840.
J. D. Thomas, late Qr. M. of Militia	10.000.00	Received from Collector of Customs at San Augustine in 1838, in accordance with an act approved 7th Nov. 1838. A report of his disbursements were made in 1839, and suspended, the vouchers not being such as the law required.
Genl. E. Morehouse late Brigr. Genl.	10.500.00	Of this amount \$500.00 was drawn from the Treasury in 1839. for recruiting purpose, and transfered by him to Capt Morgan, whose receipts are on file in this office, but not in favor of Col. Morehouse; which amount has been passed to the credit of Capt Morgan while there is no charge against him. And \$10 000.00 received from Col. William L. Cazneau Comy Genl of Sub. on the 28th Decr. 1840. in accordance with "an act to authorize the raising of a Corps of volunteers to dislodge the hostile Indians on the upper Brazos River," Approved 12th Decr. 1840.—No Returns—notified.
William S. Fisher late Lieut. Col	1.092.00	Balance on account remaining unsettled since 30th Septr. 1840. Reported to Comptroller.
Capt. Saml. W. Jordon	16.65	Balance of amount received from the Treasury in 1839, for paying the Troops on the Colorado.—Reported to Comptroller in 1840.—Since dead.
Col. H. McLeod late Adjt Genl	1.303.49	Balance on his account remaining unsettled since 31st March 1841.—Reported to Comptroller.
Col Wm. G. Cooke late Qr M Genl.	23.171.96	Of this amount \$17.227.96, is a balance on account of Quarter Master's Department. and \$5944.00 on account of Santa Fe Expedition.

Maj. H. Landers, Comy.	5,031.00	Of this amount \$5000.00 was drawn from the Treasy. in June 1840. for disbursement in subsistence Dept. by Maj. Landers then acting Comy. Genl. for which no returns have been made. & \$31. on account of Santa Fe Expedition—Notified—no answer. Reported to Comptroller and Stoppage ordered.
Col Wm L Cazneau Qr M Genl & actg. Comy. Genl Sub.	139,249.49	Of this amount \$87,427.99 is a balance on account of Subsistence Department, for which vouchers amounting to \$62,471.08 have been returned to this office. \$22,439.53 of which were admitted by the Auditor, and are now before the Comptroller, & \$40,031.55 hypothecated in New Orleans for the purchase of supplies and subsequently sold, but in consequence of the supplies being lost at sea "a settlement has been retarded, until a return of the proceeds of the insurance could be made, which have been filed, but too late for a settlement prior to the annual Report. And \$51,821.50 on account of property purchased by him for the Santa Fe Expedition, for the transfer of which he has made returns, but not in time to be examined.
W. D. Redd late Captain	700.00	Of this amount \$400.00 was received from Col Fisher, and \$300. from Capt Morgan for recruiting purposes in 1839—no returns—Stoppage ordered and reported to Comptroller—Since dead.
Capt. M. Moran late acting Qr. M.	2,048.62	Balance on his account as acting Qr. M. remaining unsettled since 31st March 1841, \$2000.00 of which was advanced him by Col Wm G Cooke Quarter Master Genl for disbursement in 1839, the vouchers for which not being such as the law required were returned to the Quarter Master Department. Reported to Comptroller.
Col. Wm. Lawrence	200.00	Amount of order on Geo W. Poe late Pay Master Genl. which was accepted and audited in favor of the assignee, and charged to Col Lawrence in 1840.—Reported to Comptroller.
Capt. J. H. Weihl	415.00	Of this amount \$350.—was received from Capt. Benj. I. Gillan for recruiting purposes in 1840, and \$65.00 on account of ordnance Department. Stoppage ordered in Feby 1841— Reported to Compr.

Capt J. S. Sutton	1.026.00	Subsistence &c. furnished Capt Sutton for the use of the Santa Fe Volunteers under his command.
Thos. J. Rusk, Wm. Hart & E B Nobles, committee &c...	1.656.00	Public property placed in the hands of Capt G. K. Black, and his company, to be accounted for by said Committee in accordance with a joint resolution of Congress apprd. 5th Feby. 1840. Notified—no answer—Reported to Comptroller in 1840.
E. S. Jones, late Lt.	41.09	Ordnance & Quarter Master's Department—Reported to Comptroller Decr. 1840—Since stricken from the roll.
Maj. H. L. Grush, Qr. M.	15.187.18	Of this amount \$12.787.18 is for drafts drawn on Quarter Master Genl. for subsistence of the army in 1840, and \$2400. on account of Santa Fe Expn. returns made to the Qr M Genl & unexamined by that officer.
Capt. P. J. Pillans	238.42	On Settlement with Capt. Pillans there was a balance against him of \$367.64 par funds, for which he paid to the Secretary of the Treasury that amount in promisory Notes of the Govt. it however was passed to his credit only for the equivalent in par funds
Lieut Saml Ellison Asst. Qr. Master	780.32	Balance of \$1200.—received from Lt Theo. Sevey, asst. Qr M. first Quarter 1841,—No returns.
Maj R. S. Neighbours Acting Qr. M.	2.760.00	Of this amount \$2000. was drawn from the Treasury on the 8th of January 1841, for disbursement on account of Quarter Master Department, the returns for which have been made but not yet examined. and \$760.00 drawn from Treasury at different times during the quarter ending 30th June 1841, by order of the President, for disbursements made by Maj. Neighbours on account of Santa Fe Expn Vouchers for which are on file in this office, but cannot be passed to his credit until an Appn is made by Congress authorizing it.
Capt. M. Caldwell	3.517.35	\$ 6.30 of this amount is for property furnished him by Qr. M. Department; for which a Stoppage was ordered, & \$3511.05 on account of Santa Fe Expn.
Maj V. Bennett Qr Master	3.424.27	This amount stands charged to Maj. Bennett, on account of property placed in his hands for the use of the Santa Fe Expn.

Capt. Mark B. Lewis	7.135.50	Of this amount \$10.50/100 is a balance of \$1500.00 advanced him by Col. J. Snively Pay Master Genl. in 1839, for the payment of Bounty, & \$7125.00 on account of Subsistence furnished Capt Lewis for the volunteers under his command in a late Campaign against the hostile Indians; his returns were made to this office, but not having been examined by the Quarter Master Genl. were referred to that Dept as required by law.
Richd. F. Brenham Comr to Santa Fe	500.00	Advance on salary as commissioner.
F. A. Whitaker, Surgn.	320.00	Medical Stores for Santa Fe Expedition.
Col. P. H. Bell Adj. Genl. of Militia	1.200.00	Drawn from Treasury pr requisition on the 1st September 1841 out of the Executive contingent Fund.
Hamilton P. Bee Clerk to Boundary Line Com.	383.26	Balance of \$7276.64 received from A S Lipscomb late Secy. of State, to be handed over to G. W. Smith to defray the expenses of running & marking the Boundary Line between Texas and the United States.
Genl. M. Hunt	3.288.49	Balance of \$5000. received by Genl Hunt to defray the expenses of running the Boundary Line between Texas and the United States.
Com. E. W. Moore	113.493.19	Of this amount \$96.320.34 was drawn from Treasy pr requisition on the 19th April 1841. for disbursement on account of the Navy, and \$15 000. received from Augts Seeger chief clerk of Naval Bureau first quarter 1841, for the survey of the coast and harbours of Texas, and \$2172.85 a balance of \$15.000, received from Genl. Anaya at Tobasco. Com. Moore has returned vouchers amounting to \$72.922.96/00. of which \$ 5267.27 was suspended being illegally disbursed, and the balance \$67.655.69 admitted by the auditor and is now before the Comptroller. Leaving a balance against him on the 30th June of \$40.570.23. Com. Moore has notified the office that he could not forward his accounts up to 30th September, until his return from New Orleans.
Hon. James S. Mayfield late Secy. of State	29.226.50	Balance of amounts drawn from Treasury at different times for disbursement in State Department, for printing, paying Mail contractors &c.—notified.

N. Smith, late Naval Store-Keeper,	233.97
Joseph Waples Chief Clerk Dept of State..	900.00
John E Gibbons late Lieut in the Navy.	14.24
Thruston M. Taylor Lt Texas Navy	1500.00
A. J. Yeates & M. B Menard	779.75
N. McArthur	800.00
Augs Seeger, Chief Clerk N. Bureau	4400.00
	<hr/>
	\$416.533.74

Balance charged to him on final Settlement, being for property received and not accounted for.—Notified,—he states the above named property has been legally disbursed, and that he will endeavor to obtain the necessary vouchers.

Balance of amounts drawn from Treasury at different times for disbursement in paying, Charge d'affairs, Secretaries of Legation &c.

Balance of \$1000. received from P. W. Humphreys chief clerk Navy Department in 1839,—out of Service.

Balance of a draft of \$6000.00 drawn in his favor to the debet of W. T. Brannum Navy Agent, charged to him in accordance with an order from the Hon. Secretary of the Navy, of the 24th Oct./39.—Notified within the last few days the Auditor heretofore supposing he had been notified by the late Second Auditor.

Balance of \$1059.75 advanced them by Thos Toby & Brothers in 1837.

Balance of \$1700.00 advanced him in May 1840 for work contracted to be done on public offices,—notified—no answer—Reported to Comptroler.

Of this amt. \$600.00 was drawn from Treasy in Feby/41, for Transportation to and from Galveston under orders, for which vouchers amounting to \$550, have been returned, but suspended there being no appn., \$3800, drawn from the appn. for the survey of the coast & harbours of Texas. which amount has been forwarded to Com. Moore, the necessary receipt for which has not been obtained by Mr Seeger, & consequently stands charged to him.

Treasy Depart. Auditors Office, Decr. 9th 1841.

CHARLES MASON
Auditor

TREASURY DEPARTMENT
AUDITORS OFFICE, Decr. 31st 1841

F R LUBBOCK Esqr
Comptroller.

SIR

In accordance with an act of Congress defining the duty of the officers of the Treasury Depart. I have to report the following persons who stand charged on the books of this office and have failed to render their accounts for settlement within the time prescribed by law.

Genl. E Morehouse	10 000.—
Lt. Saml Ellison	780.32
Jas. S. Mayfield late Secy of State	29 226.50
Messrs Cruger & Bonnell	513.—

Very Respectfully

Your Obt Servt

CHARLES MASON Auditor

Statement ex[h]ibiting the receipt and disbursement of \$25 000 received from Genl Anaya, Comdg. Federal Forces at Tabasco

To Amt recd from Genl Anaya by Com. E. W. Moore as pr notification from Naval Bu- reau 25th May 1841	15000.....	By Amt. turned over to pr. N. Hurd by Com. Moore in 1840 as pr recpt	12827.15	
To Amount received by Com- mander J. T. K. Lothrop	10000.....	By Two thousand dollars turned over to Jas Webb Minis- ter plenepotentiary to Mexico, for which he deposited with Com. Moore the sum of \$900. N.O. funds & \$4000. in Texas 8 ¢ bonds to be held by him until the said \$2000. in Specie is returned	2000.—	
		Balance to be accounted for by Com Moore.....	172.85	15000.—
		By amt turned over to purser Maury by Comdr J T K Lothrop on the 2nd April 1841		10000.—
	25000.....			<u>25000.—</u>

TREASURY DEPARTMENT

Auditors Office, 3rd Jany. 1842.

I certify the above statement is correct according to the evidence on file in this office.

CHARLES MASON Auditor

A STATEMENT SHOWING THE AMOUNTS ASSESSED IN THE
TREASURY DEPARTM'T BY THE VARIOUS SHERIFFS, ON
ON FILE IN THIS OFFICE,] FROM THE YEAR 1837 UP

Counties.	Assessments 1837.	Amounts paid, 1837.	Assessments, 1838.	Amounts paid, 1838.	Assesment, 1839.
Austin	6,204 85	310 24	5,169 74	258 49	5,279 05
Bastrop	1,815 93	1,587 79	2,774 43	2,307 32	5,104 55
Brazoria	19,146 27	18,208 62	19,793 61	16,306 26	24,015 55
Bexar	2,592 18	1,846 89	.....	.....	.....
Colorado	2,014 05	2,014 05	1,978 44	1,953 06	3,542 29
Fannin .....	.....	.....	600 05	440 24	407 58
Fayette	385 69	385 69	1,336 48	1,292 43	3,168 86
Fort Bend .....	.....	.....	4,783 24	4,776 16	7,335 83
Galveston* .....	.....	.....	293 15	14 66	.....
Goliad .....	.....	.....	.....	.....	.....
Gonzales	258 54	248 54	696 88	666 04	2,834 84
Harris	9,642 44	9,642 44	.....	2,598 69	7,359 68
Harrison .....	.....	.....	.....	.....	.....
Houston	1,167 63	1,167 63	1,147 65	1,104 45	2,447 33
Jackson	2,476 86	1,989 07	1,864 75	1,864 75	2,030 27
Jasper	1,595 09	1,595 09	1,308 31	1,308 31	2,049 52
Jefferson	1,551 23	1,464 06	1,450 52	1,450 52	2,229 83
Liberty	3,416 00	3,416 66	4,230 23	2,022 41	5,828 71
Matagorda	7,543 94	7,200 85	6,333 42	2,759 00	6,871 19
Milam	2,592 68	1,419 70	992 65	.....	1,103 36
Montgomery	402 57	402 57	3,322 43	3,088 24	5,791 94
Nacogdoches	10,866 98	10,263 50	8,324 61	8,283 65	18,371 37
Navosoto .....	.....	.....	.....	.....	.....
Panolo .....	.....	.....	.....	.....	.....
Red River .....	.....	.....	2,804 97	1,534 40	1,092 50
Refugio .....	.....	.....	.....	.....	.....
Robertson .....	.....	.....	1,140 06	1,106 88	2,668 18
Sabine	1,089 82	54 49	1,638 75	81 94	3,374 13
San Augustine	4,248 44	4,248 44	4,614 31	4,382 14	10,135 78
San Patricio .....	.....	.....	.....	.....	.....
Shelby	1,306 63	844 33	713 10	381 73	2,349 26
Travis .....	.....	.....	.....	.....	.....
Victoria .....	.....	.....	108 45	108 45	2,182 01
Washington	8,813 70	7,457 26	4,665 03	2,663 31	5,650 75
	\$89,131 52	\$75,767 91	\$82,085 26	\$62,753 73	\$133,424 36

*Over paid \$541 23.

Treasury Department—Office Com. Rev.,
June 15, 1841.

To Hon. J. G. CHALMERS, Secretary [*sic*] of the Treasury.

From the *Texas Sentinel*, Aug. 12, 1841.

DIFFERENT COUNTIES, AND THE AMOUNTS PAID TO THE ACCOUNT OF DIRECT TAXES, [SO FAR AS RETURNS ARE TO 1841, (INCLUSIVE.)

Amounts paid, 1839.	Assessment, 1840.	Amounts paid, 1840.	Assessment, 1841.	Total assess- ments.	Total am't paid in by Sheriffs.	Amount of De- linquency.
5,140 86				16,653 64	5,709 59	10,944 05
3,924 83	6,205 61	244 11	6,425 13	22,325 65	8,064 05	14,261 60
11,054 31	14,243 53	1,600 00		77,198 96	47,169 19	30,029 77
	15,004 55	6,651 88		17,596 73	8,498 77	9,097 96
3,491 94	5,117 88	3,012 65	2,870 42	15,523 08	10,471 70	5,051 38
227 30	1,757 64	1,412 61		2,765 27	2,080 15	685 12
2,684 30	10,204 26	4,546 11	6,270 01	21,365 30	8,908 53	12,456 77
6,398 88	7,457 34	5,129 80	9,135 52	28,711 93	16,304 84	12,407 09
5,050 78	5,682 40			5,975 55	6,516 78	
2,812 97	11,859 27	2,056 70		15,649 53	5,784 25	9,865 28
377 98	13,009 23			30,211 35	13,619 11	16,592 24
	12,290 84		917 46	13,208 30		13,208 30
122 37	9,338 95	5,434 24	5,676 46	19,778 02	7,828 69	11,949 33
1,832 74	4,000 11	223 97	3,716 64	14,088 63	3,920 53	8,168 10
2,020 32	3,474 42	1,169 46		8,427 34	6,093 18	2,334 16
2,191 49	5,458 84	1,876 85	3,691 93	14,382 35	6,982 92	7,399 43
3,156 91		24 00		13,474 94	8,619 98	4,854 96
343 56	6,837 01	5,622 61		27,585 56	16,010 77	11,574 79
984 76	19,030 68		4,671 34	28,390 71	2,404 46	25,986 25
4,065 94	10,079 16			19,591 10	7,556 75	12,039 35
15,468 95	14,959 34	4,193 75	18,248 89	70,771 24	38,209 85	32,561 39
			1,120 94	1,120 94		1,120 94
			4,156 96	4,156 96		4,156 96
3,017 04	16,822 00	12,306 56		20,719 47	16,858 00	3,861 47
	8,070 35	696 41		8,070 35	696 41	7,373 94
2,690 43	21,139 59	3,094 19	4,652 31	29,600 14	6,891 50	22,708 64
2,826 53	3,833 80	1,258 81		9,936 50	4,221 77	5,714 73
8,722 93	7,348 34	1,000 00		26,346 89	18,353 51	7,993 36
1,518 54				4,368 99	2,744 60	1,624 39
	7,048 60	3,564 01		7,048 60	3,564 01	3,484 59
2,182 01	11,277 83	3,383 78	4,107 88	17,676 17	5,674 24	12,001 93
282 54	7,358 04			26,487 52	10,403 11	16,084 41
\$92,591 21	\$258,909 61	\$68,502 50	\$75,661 89	\$639,212 69	\$302,161 24	\$337,592 68

E. L. STICKNEY,
Com. of Revenue.

REPORT
of the
SECRETARY OF WAR.

September 30, 1841.

REPORT

WAR AND NAVY DEPARTMENT,
CITY OF AUSTIN, Sept. 30, 1841.

To His Excellency the PRESIDENT of the Republic of Texas:

SIR:— In discharge of official duty, I herewith submit to your Excellency, a Report, touching the administration of the various departments over which I have had the honor to preside; together with a separate report of the several Heads of Bureaus, connected with said Departments, marked from A to D.

Complicated as have been the duties devolved by the last Congress, on the War Department, they have been conducted and performed, I trust, through the aid of diligent, faithful, and intelligent Chiefs of Bureaus, in a manner satisfactory to the nation. And I cannot forbear, on this occasion, the expression of my grateful acknowledgements to those with whom I have been associated, in the performance of these multiplied and complicated duties.

Although at the first view of the subject, it might appear to superficial observers, that very little was necessary to be done, inasmuch as very little was given to accomplish anything; yet, to be more observing, reflecting, and well-informed, it will be apparent, that when order has been reduced to chaos, those employed to labor in the chaotic mist, will have their labors multiplied an hundred fold. Such, unhappily, for the nation, is the present military condition in which we are placed. We are still engaged in war with semi-barbarian Mexico, numbering a population of eight million; her settled border within ten days march of our Capitol. We are also environed by numerous hostile Indians, who at will, make incursions upon us.—The archives of the nation are here, on the extreme frontier, equally exposed to Mexican invasion, or Indian aggression. These are lamentable facts, to which I am impelled by a sense of duty and feelings of patriotism, to call the attention of your Excellency; and I should be wanting in respect, to suggest a remedy for the dangers to which we are exposed, as it cannot fail to present itself to your mind.

The Act approved on the 21st of December, 1838, authorizing a regular force for the protection of the frontier, was not repealed by the last Congress. We had in the field at their last session, about five hundred and forty regulars, well appointed and disciplined, which number, had they been supported and judiciously disposed, would have given ample protection to our frontier settlers. No appropriation, however, was made for their support; and as a matter of necessity, (not choice) they were disbanded. Thus, taking out of the hands of the Executive Department of the government, the defence of the frontier, and placing it in the hands, and under the direction of the Chief

¹Reprint of the pamphlet: *Report of the Secretary of War, September, 1841.* Texian office—Austin. The original is endorsed: Report of the Secretary of War & Navy To the 6th Annual Congress Read & referred to Committee on Military Affairs.

Justices of the frontier counties. The success of the plan has been tested by experiment. No comment, therefore, is necessary from this Department.

The issues of certificates for donation and bounty lands, in consideration for military services, has been continued in accordance to law, up to this date. Four million fifteen thousand five hundred and eighty, (4,015,580) acres bounty land, have been issued, to the 1st of October, 1841. Twenty-five thousand one hundred and twenty (25,120) acres of said lands have been cancelled, and duplicate certificates issued for the amount, in accordance with an Act of Congress, approved February 5th, 1840. Seven hundred and twenty-six thousand four hundred (726,400) acres of donation lands have been issued; of which three thousand eight hundred and forty (3,840) have been cancelled, and duplicates issued, in accordance with the above recited Act. It will, therefore, be seen that issues for donation and bounty lands, have amounted to 4,741,980 acres; and that 28,960 acres have been cancelled; leaving a clear issue of 4,713,020 acres; which will more fully appear by reference to detailed reports, numbered 15 and 16².

I must be permitted again to call the attention of your Excellency to the continued disorganized condition of the militia of our country. When we seriously contemplate the circumstances in which we are placed as a nation, and combine with these reflections the fear that we have no other means of national defence, save that derived from the chivalry and patriotism of the militia of the country; too much exertion cannot be made, too much care cannot be bestowed, in placing them in the best possible condition for efficient action, either in defensive or offensive military operations. It is known to your Excellency, as well as to the nation at large, that we can make no reasonable calculation, as to the time of attack, by any one of our enemies. Indeed, sir, the hostile Indian tribes are making almost daily incursions upon us, plundering our property within the capital of the Republic, and most cruelly butchering our citizens, almost within hearing of their expiring cries.

The merciless Indian savage is, if possible, eclipsed in cruelty by our semi-barbarian Mexican foe; who are at this time engaged in the work of murder, plunder and rapine, desolating in their bloody career, the fairest portion of our Western frontier. To the militia, alone, must we look for aid, and for succor. It is most true, that they are prompt and willing instruments in the hands of Government. They have been ever ready, when called on, to give their aid in repelling the enemies of their country. But, unfortunately, their zeal has been disappointed, their patriotism defeated, for want of that sort of organization which would give efficiency to their action. We have a hardy, active, enterprising and fearless population. They will bear honorable comparison with the people of any age or country, for their willingness to enter into, and their ability to prosecute

²Reports numbered 15 and 16 have not been found.

active and sanguinary war. Without system, however, one half of their strength is paralyzed.

The plan hitherto adopted for organizing the militia, has proved totally abortive. Your Excellency will, therefore excuse the liberty I take, in recommending the substitution of a different plan. This important duty has heretofore been confided to the Chief Justices of the respective counties, without the slightest obligation on their part to perform the duty. Although many of them have evinced a disposition to aid in the important work, and have given their attention to the matter, little has been done towards its accomplishment. Or, should it be presumed that the qualifications rendering an individual eminently useful in the character of Chief Justice of a county, qualified him also for detail military arrangements. Such, nevertheless, seems to have been the presumption, and it now remains for your Excellency, after [sic] nearly three years' experience, to determine whether it is well founded. Your Excellency is entitled to my experience; and the impressions resulting therefrom—having served about eighteen months, as Secretary of War, under your administration of the military affairs of this nation. I therefore, frankly state, that in my judgment, we shall never have an organized military force, made up of the ostensible strength of the nation, upon the present plan for organization. It is, also, my official duty to suggest a mode by which this important object may be consummated. I then, unhesitatingly recommend the appointment of some competent and responsible individual, (and were I authorized to nominate such an individual, I should fix on the present Adjutant General of Militia, Col. P. H. Bell,) with orders to visit the several counties of the Republic; ascertain their military strength, classify and arrange them into battalions, regiments, and brigades; reporting to each Brigadier General, the strength of his brigade, and to the War Department, the whole strength of the nation, with the classification for order of service. The cost attending this plan for organizing the militia, would be comparatively small, when contrasted with the importance of the work. The Executive would be relieved from all embarrassment, in making calls on any and every emergency; and those calls would be promptly answered. Without some such arrangement, we, as a nation, are as defenceless as a scattered multitude, each looking to himself. I cannot dismiss this subject, without assuring your Excellency of my sense of its importance, and the necessity, in my judgment, of prompt action upon it.

I herewith transmit for the information of your Excellency, the principal Military movements since my last annual report, with the exception of those sent into the Hon. Congress, during its last session. Numbers from 1 to 11, inclusive, contain Reports of various engagements had during the last year. Document No. 12, contains Letters relative to the capture of Col. Dimitt and other citizens by the Mexicans; who still remain in captivity. Said Letters also contain charges against Messrs. Aubrey & Kinney of Corpus Christi. Document No. 13, orders

issued to Col. Bell, with regard to Western difficulties. No. 14, Report of Col. Bell. Document No. 17, Report of Engineer, and the Military road between Austin and Red River, authorized to be surveyed and located by Act of Congress, approved December, 1838, with accompanying Map,³ showing the routes travelled in going and returning, as also the route recommended by the Engineer.⁴ The garrisons or stations proposed to be established by the above quoted Act, and said route, have been defeated—the last Congress making no appropriation to carry out that object. Or was it possible therefore, to carry out in good faith, the contract entered into with the Regular soldiers, enlisted under the provisions of said Act; as will more fully appear by reference to the Act touching this subject. The unintentional injustice done the Regular soldier, will I trust receive the early attention of Congress. They have received from this Department, an acknowledgment of the justice of their claims to one hundred and sixty acres of land, if surveyed to them in the vicinage of the contemplated garrisons or posts; or two hundred and forty of any other unappropriated land within the Republic. No authority has been given the War Department to issue to them certificates for the land promised.

We have been under the necessity, during the last year, to make frequent calls on the Militia for the protection of both the North-eastern and North-western frontiers. No provision was made by the last Congress for the pay or subsistence of such troops, when called into actual service. They have nevertheless obeyed the calls with alacrity, and given partial protection to the more exposed frontiers. Provision should be made for their pay and subsistence. A statement of the amount necessary for this purpose, will be made out, and submitted to the Hon. Congress.

By Act of Congress, approved 18th January, 1841, abolishing the Ordnance Department, and devolving the duties of Colonel of Ordnance on the Secretary of War, with an additional clerk has been attended with most embarrassing difficulties. No appropriation was made for the pay of said additional clerk, or the men necessary to guard and keep in a state of preservation, the arms on hand. In this section of country, it is extremely difficult to command laborers, (notwithstanding the high price of labor) for any length of time, or with any certainty of their continuing the time contracted for. With these embarrassments immediately before us, we thought it advisable to retain a sufficient number of the Regular troops to perform that duty until the meeting of the ensuing Congress; who, we trust, will better arrange this important matter. There has been deposited in the arsenal, located at this point, the arms and munitions of war, destined for the defence of this Nation. It has been before remarked, that no point within the limits of our Republic, was more exposed to Mexican or Indian attack than this; yet,

³The Map accompanies the Copy of the Report sent by His Excellency to the House of Representatives. The foregoing is a note in the report itself.

⁴The map does not accompany the report. It is in the General Land Office.

wonderful to tell, not a man was employed, or a dollar appropriated, for the safe keeping of these valuable stores. That they have been preserved up to the present time, is true; but that preservation should be placed to the account of good fortune, rather than to means in our hands for protection. I therefore solicit the particular attention of your Excellency to this subject, as the amount of national property involved, is of weight to the nation, and as its loss would be irreparable, with our present means.

In disbanding the Army, it was fair to conclude, that of the number, a few invalid soldiers, (either from disease, or wounds received in the service) would be found. We have been fortunate in this particular. On the return of Col. Cooke's command from the road expedition, there was only one soldier whose infirmities rendered governmental aid necessary. Independent of the common dictates of humanity, the clearest principles of justice entitled him to support until he was in a condition to provide for himself. We therefore assumed the responsibility of making such provision.

It is not without regret that I have to acknowledge the difference of opinion existing between your Excellency and the head of this Department on the subject of our Western military operations. The territory claimed by us extends to the Rio Grande. Our citizens have been authorized to locate and settle within this territory. Many have availed themselves of this authority, without the aid or protection of Government. Invasions of this section of country have been of daily occurrence. Our Mexican enemy have no restraints upon their action. Under pretence of a licensed trade, they enter and depart, unmolested, with the profits of their traffic; thus presenting to the world an anomaly in the prosecution of border war—free trade between belligerents—free interchange of commodities, between men in arms against each other; a facility, I think, never before given or practised, but by the most adroit and skilful spies. This state of things is not the most material disadvantage, under which our Western fellow-citizens have been laboring. The authorized Central Troops of Mexico, invade at will, for the purpose of murder and plunder; whilst our Troops are not permitted to enter their territory, either for purposes of revenge or reprisal. A border war prosecuted on this plan, cannot fail to be disastrous to the restrained party. We know this fact, from the repeated complaints of our Western fellow-citizens, and their continued and loud demands on the Government for permission to prosecute this border war on equal terms with the enemy. My order of date the 14th of July, (issued in your Excellency's absence from the seat of Government,) was intended to place the belligerents in a fair field for action, and to give to our citizens fair play. On your return, the order of the 14th of July was countermanded by your order, of date the 14th of August following. This recession of the orders of the 14th of July, has been attended with consequences fairly to have been anticipated. The murder of our citizens, the

violation of our women, and the sacking of our towns. If this state of things is to continue, I would most earnestly advise my brethren of the West, to abandon that frontier, as in a contest so unequal it cannot be sustained.

In my report of last year, it was suggested to your Excellency that in the opinion of this Department some provision should be made for two friendly tribes of Indians, (Lipans and Tonkewas) who are now under the protection of Government. Their services, at all times, have been at our command. We have ever found them, side by side with our Troops, baring their breasts and nerving their arms, in deadly conflict with our enemies.—Such services entitle them, (although our dependents) to gratitude and sympathy. Unfortunately for this race of men, it is only in the tented field, or on the battle plain, that they are fit associates for the white man. No example can bring them to habits of useful quiet life. Their residence with us in peaceful times, is fraught with serious inconvenience to the settlers, and no little danger to themselves. Without being subjects of jealousy, they are on all occasions, the objects of suspicion,—no robbery can be committed, no murder perpetrated, that suspicion cannot find there a resting place. Under these circumstances, they should not be permitted to mingle with us. I would therefore recommend, that provision be made for the above named tribes, by the assignment of lands for their accommodation, without the range of present settlements; and that a trusty agent of Government be appointed to each tribe, whose duty it should be to facilitate their limited commerce, administer to their wants, and cultivate their friendship. By the adoption of this course of policy, I have no doubt that the measure of Indian happiness would be greatly increased; and at the same time, our frontier settlers relieved from all cause of complaint against them. They are useful friends if properly cultivated; but can be made formidable enemies if forced from our protection. Adroit spies, active and persevering in their nature, with full knowledge of our exposed frontier,—need I ask, what aid could be rendered to our Mexican or Indian enemies! To this subject, I solicit the serious attention of your Excellency, with the hope, that it will be presented to a co-ordinate branch of the Government, in its proper point of view.

The expedition organized and despatched for Santa Fe by your Excellency, was, when last heard from, progressing well. Since leaving the settlements on Red River, no opportunity has been afforded of communication with them, or can we calculate on receiving intelligence until their arrival at the point of destination. The most sanguine anticipations are entertained on the subject of this mission. In whatever point of view it may be regarded, the importance of the measure cannot fail to be strongly impressed. Claiming as we do that section of country, with a population of from twenty-five to thirty thousand souls, justice to them, (were there no other considerations) imperiously demanded a prompt and distinct understanding of

the relations between us. In the present distracted condition of revolutionary Mexico, it is difficult for the people inhabiting the territory of that ill-fated country, to determine on the Government to whom they owe allegiance, or the authorities by which they are bound. Such we have been informed, are the circumstances in which our fellow-citizens of Santa Fe are at present involved. We have also been informed of their earnest desire to be availed of the blessings of our Free Institutions, and to come under the government of our system of Laws; (See accompanying Letters, addressed to your Excellency, from Wm. G. Dryden, of the city of Santa Fe—No. 18.) In justice, in right, these privileges cannot be withheld. The people of Santa Fe have Constitutional claims on this Government, which, in my opinion, have been too long postponed.

Independent of all this, I have no doubt your Excellency's mind has been directed to the political and commercial advantages necessarily accruing to this Republic through a prompt and distinct understanding with those people. The trade now centered at Santa Fe amounts to between three and four millions of dollars,—equal to the whole amount of our imposts on the coast frontier. The duties upon three or four millions of imposts, at the rate of ten per cent. ad valorem, in par funds, (the only currency known to that section of country,) would be equal to the payment of our whole civil list. This consideration alone, should have urged us to a prompt understanding.

The political effects resulting from the diversion of a branch of trade so valuable, through our own ports and country, has not failed to attract the attention of your Excellency. Texas, in her present growth must have a large balance of trade against her. This state of things will continue, until she can find out some new and practicable sources of commerce. Her productive labor, (limited as she is in population,) will not in thirty years materially lessen this balance. Our coast towns, dependent as they are on the intrinsic resources of the nation, must languish, their resources not being sufficient to sustain them,—our exports amounting to less than one million of dollars—a small amount of business for one active mercantile house.

Add to all this, the great danger, through our neglect, of the people of Santa Fe placing themselves under the protection of some other power. The United States, England and France, are all aware of the value of this trade. They have had an eye fixed upon it; and would adopt any means by which it could be secured. This, of itself, is a sufficient reason for the action taken by our Government on this important subject.

By Act of Congress, approved on the 18th of January, 1841, the office of Secretary of the Navy was abolished, and the duties assigned to the Secretary of War, with authority to employ a Chief Clerk to superintend that Department. Herewith will be found the Report of the Chief of that Bureau, with accompanying documents; showing the services performed for

the past year, as well as the condition of the Navy, up to this date.

The appropriations for the last year, (owing to the depreciation of our currency,) will be found to fall far short of the necessary expenditures. Indeed, the amount appropriated, was insufficient to keep in a state of preservation our armed vessels. I would, therefore, most respectfully suggest for the consideration of your Excellency, the propriety of disposing of a part of our naval force, and retaining only such part as can be actively employed, either in offensive or defensive naval operations. In the crippled state of our fiscal resources, the cost attending vessels of war, laid up in ordinary, is onerous and oppressive, it is a tax on the Government, for which no return is made, and should therefore be dispensed with as soon as possible.

Another matter connected with our naval armament, will, I have no doubt, attract the early attention of this government. By report of the Commandant of our navy, it would seem that the vessels constructed in the city of Baltimore, for this government, were of unsound materials, in violation of the contract between the parties. If this be true, (and I cannot doubt it, having full faith in the Commandant who makes the report,) some immediate steps should be taken by our government, (one of the contracting parties,) to defeat this unhallowed [*sic*] fraud.

The position in which Yucatan stands with Central Mexico, renders her cause common with the one in which we are engaged. Our fleet has already rendered her partial service, and will do more, if she can contribute to the outfit. Our cause being common, policy clearly dictates the propriety of an union of our energies, in order to bring about a speedy and desirable issue.

I have the honor to be,

Respectfully, your ob't serv't,

B. T. ARCHER,
Secretary of War and Navy.

A.

Report of Chief Clerk of Naval Bureau

NAVAL BUREAU AUSTIN¹
Oct 1st 1841.

Hon B. T. ARCHER
Secty of War & Navy

SIR:

In accordance with your instructions, I have the honor to make the following report of the Naval Department of this Govt.; to the Bureau of which you have been pleased to appoint me Chief Clerk.

¹Endorsed: Report of Chief Clerk of Naval Bureau 1841. Second endorsement: Report from Navy Department. Oct. 1, 1841. Naval Bureau Referred to committee on Naval affairs without reading Novr 12. 1841. A.

The Hon Secretary of War and Navy is doubtless aware, that by order of His Excellency the President of the 20th of June 1840, for a copy of which, see Document A. herewith accompanying:— The Squadron consisting of the Ship of War Austin, Steam Ship Zavala, and the Schooners San Jacinto, San Bernard, and San Antonio, proceeded to sea, to await the answer of Mexico, to our Agent then at her Capital:— For a full, and detailed Report of the operations of the Squadron, I have the honor to refer you to a copy of the Report of Commodore E. W. Moore with its accompanying documents, which will be found herewith, Marked B. It will be seen by a reference to this Report, that nothing of great moment occurred during the cruise;— except,— 1st;— the unprovoked hostility of the Mexicans towards our Squadron, as evinced in their wanton attack upon our boats off the Bar of Tampico, while peaceably engaged in procuring water for the Austin:— Secondly;— The loss of the Schooner of War San Jacinto at the Arcas Islands, a detailed report of which, will be found in a document appended to the before mentioned official report of Commodore Moore;— from which, it appears that many of her timbers were decayed, although at the time of her wreck, she was scarcely eighteen months old. And thirdly;— the co-operation of Commodore Moore, with the Federal Mexicans of Tobasco, and Yucatan, for which service it will be seen, twenty five thousand dollars in specie, have been paid;— one half of which amount it is supposed should enure to the Officers, and Seamen of the Navy, in accordance with the laws governing the disposal of prize money, in which light, this amount may be viewed; as it was confidently expected, at the time the arrangement between General Anaya and Commodore Moore was made, that the City of Tobasco, (or San-Juan-de Bautista,) would have made a vigorous resistance against the combined forces of the Federalists, and Texas; which, from their fortified situation they were very well able to make. The sequel shews, that no resistance was offered, the fortresses having capitulated to a very inferior force, before the arrival of the Squadron, but *not* before it was known at the City, that our vessels were already under-weight for their town, which is situated some ninety miles in the interior, and upon the River Tobasco. The amount received for this co-operation, has been placed in the hands of the Purser of the Ship of War Austin, and will be, or has been, by him accounted for, to his proper accounting-officer, the Auditor of the Treasury.

Lieutenant Alexr Moore Commanding the Schooner of War San-Antonio, fell in with, and captured, (in obedience to the orders of his superior) the Mexican Schooner "Ana Maria", which vessel was sent in, to the Port of Galveston, there legally libelled, condemned, and sold. The affair is supposed to be still in the hands of the Judiciary, as no report of the final adjustment of the case, has been reported to this Bureau.

Since the creation of this Bureau, which occurred on the 21st of January last, upon the abolition of the Navy Department.

The Navy has been, with the exception of the Ship Austin for harbor service, and the Schooners San-Antonio, and San-Bernard for sea service;— in ordinary. The Schooner San-Antonio has been, and is at this time, engaged in carrying out the Requisitions, and intentions of a law Approved on the 26th of Jany 1839, Authorising and requiring the Survey of the Coast and Harbors of Texas;— for which purpose, the unexpended balance of an appropriation, made at that time, for that purpose has been drawn. Commodore Moore has surveyed the Bar and Pass of the Sabine, for a report of which, see Document C. herewith accompanying:— He has also nearly completed that of Galveston Bar, and anchorage; which, when united with previous reports on the same subject, will shew a delineation of our Coast, as far West, as Pass Cavallo;— with the depth of water upon the Bars— Sailing directions for entering Harbors;— and every information contemplated by the Act of Congress before-mentioned; in the accomplishment of which, much praise is due to the abilities, and exertions of Com[modor]e Moore, and the talented Officers subordinate to him.

In obedience to your orders the San-Bernard proceeded to sea on the 14th of May last, having on board, the Hon: James Webb, the Minister from this Government to that of Mexico:— For a report of the cruise of this vessel, while under those orders;— I would respectfully refer the Hon Secty., to Document Marked D. herewith accompanying.

Commander Lothrop, Commanding the Steam Ship Zavala reports that some repairs are absolutely necessary upon that vessel, the cost of which, will not fall short of four thousand dollars, par funds. Commodore Moore unites with Commander Lothrop in speaking of the Zavala in the highest terms;— both are of opinion, that she is one of the most efficient vessels, attached to our Navy. By a reference to the Report of Commander Lothrop, being Document W. of the Report of Commodore Moore Marked B.— it will be seen that the highest confidence is felt in her abilities as a Steamer, and a Man of War.

The Hon Secretary of War and Navy is aware, that there is not at this time in the Naval service, a single commissioned Officer, they are provided simply, with their Acting Appointments derived from the Navy Department:— And it has doubtless suggested itself to the Hon Secretary, that all who are attached to the service, are most anxious that the Honorable Senate should ratify by its confirmation the legality of their appointments:— And the opinions of those who are acquainted with this meritorious class of our citizens, concur in the belief that they are worthy of this mark of consideration from that Honorable body. It can be said without fear of contradiction, that a more gallant, brave, and deserving body of officers have never been congregated in *any* Navy, of whatever nation, or of whatever age of formation.

The Law of Congress decreasing the number of Officers and Seamen in the Naval service, has been carried out agreeably

to its tenor, with the exception of the number of Officers necessary to carry on the Survey of the Coast. The appropriations have however been found insufficient for the payment of Officers and men, owing to the depreciated state of the currency. An estimate of the deficit will be laid before the Hon: Congress with the annual estimate for Naval purposes.

I have the honor to be

Very Respectfully Your Obt Servt

AUGUSTUS SEEGER
Chf Clk of Naval Bureau.

Copy.

GALVESTON 20th June 1840.*

Commodore E. W. MOORE
Texas Navy.

SIR:

You will, with all convenient dispatch, proceed with all of the vessels under your command, which are manned and equipped for service, to some safe anchorage not far from Vera Cruz:— You will avail yourself of the first safe opportunity of sending in the dispatches committed to your care, for Richard Pakenham Esqr Her Britannic Majesty's Minister at Mexico to the care of the British Consul at Vera-Cruz:— You will cause one of the vessels under your command, to stand off, or on Point Maria-Andrea, for thirteen days after the dispatch has been delivered at Vera-Cruz, for the purpose of receiving such communications as may be sent out to you from Mr Treat the Agent of this Govt. in Mexico. Should these despatches be for this Government, you will forward them immediately by one of the best sailing vessels under your command. Should you receive a despatch from Mr Treat informing you that he had failed in his negotiations, you will in that event be authorised to cruise against the Mexican vessels, and make prizes of them, taking care to avoid all collision with neutral powers; always respecting the principle, that a Neutral Flag protects the cargo. You will be particular to avoid all offensive means, and not shew yourself before Vera-Cruz or any other Mexican Port, until after you have heard from Mr. Treat:— Should you not hear from Mexico, after waiting the term before mentioned, you will wait at some safe and convenient place, and send to this Government, for further instructions:— You will not commence hostilities unless you should be informed by Mr. Treat, of the failure of his negotiations:— If you should be attacked, you will of course be at liberty to defend yourself, and the honor of your Flag, by destroying, or capturing the enemy's vessel, whether public, or merchantman. It is the object of this Government to avoid all hostilities with the Mexican Govt.

*Endorsed: Document A. Accompanying the Report from the Naval Bureau.

until Mr. Treat can be heard from, and until you receive orders from this Government, unless you should be informed by Mr. Treat that his negotiation had failed, and you are expected to use every precaution to avoid defeating the views of this Government.

You will endeavour to ascertain the condition of the State of Yucatan, and the disposition of those functionaries administering their Government, whether friendly or otherwise to us, any manifestations of friendship from them you will reciprocate.

In the event of hostilities, such captures as you may make, you will send into Galveston, or Matagorda for adjudication as early as convenient.

(Signed)

MIRABEAU B LAMAR

Copy.

TEXAS SLOOP OF WAR AUSTIN'
MOUTH OF TOBASCO RIVER
December 24th 1841.—

Hon LOUIS P COOKE
Secty of the Navy.
Austin

SIR:

I have the honor to report that since I last wrote, (by the San-Jacinto 28th August) that on the following morning, (Aug 29th) we arrived off the Brassos de Santiago;— stood in, within a mile and a half of the village, and the next day ran down off the Mouth of the Rio. Bravo del Norte, at which place two Mexican Flags were shewn, stood off, and on, until the afternoon of the 1st Sept, when we stood to the Nd, and anchored *seventeen* miles north of the Brassos, about a mile and a half from the shore;— sent the Top-gallant-masts on deck to over-haul the rigging, and sent boats on shore for fire-wood:— On the evening of the 3rd Septr got underway, and on the following morning fell in, with the Schooner Commanche of New-Orleans, and from the Brassos de Santiago that morning;— the Captain came on board and politely loaned me, a printed copy of an Address by Genl. Arista to his army, a copy of which, with a translation is herewith enclosed marked A:— Got close in, to the Mouth of the of the Rio del Norte on the forenoon of the next day, when from *three*, to *five* hundred troops shewed themselves, but they would not fire at us, altho' we were not more than one thousand yards from the beach.— Not finding any orders, as I had reason to expect from the tenor of my second letter of instructions from the Honble A S. Lipscomb, dated 23rd June; at sunset (5°) shaped our course for Point Mariandrea, off which place we arrived on the morning of the 12th Sept, blowing at the time a Gale from the Northd, on the 14th fell

¹Endorsed: Document B. Accompanying the Report of the Naval Bureau. Document B cites enclosures A-Z, A2. Those not copied have not been found.

in with the San-Bernard, when I was informed by Lieut W. S. Williamson, that he had put my letter of 26th August for Mr Treat, on board of a Spanish Brig the afternoon previous, and as the Brig was still in sight, and Lieut Williamson had been informed by the Captain of an American Brig from Vera-Cruz, that the Captain of a Columbian Schr had been imprisoned for taking letters in, from this vessel for the French Minister at Mexico, and French Consul at Vera-Cruz, from the French Consul at Campeche, which letters were put on board the Columbian Schooner within about six miles of the Port; this ship wearing at the time, American colours, and up to this time we had shewn none other but American, I refer you to Lt. Williamson's Report marked B:— we both made sail for the Brig, and on the morning of the 17th (the wind having been very light, and all of us having been drifted to the Sd of Vera-Cruz.) boarded her, and took the letters out, to prevent a similar occurrence as the one mentioned above with the Captain of the Columbian Schooner;— seeing at the time, two vessels at anchor at Sacrificios;— it was my intention to stand in under American colours, in consequence of the order not to appear off any of the Mexican Ports;— and send a boat on board one of them, while standing in, and before we had shewn any colours, a Pilot came off, and when on board said that a Spanish Sloop of War was expected, and that he had been sent out to pilot her in— the real object was, no doubt, to ascertain what we were, as I have never before known a Pilot to go more than a mile outside of the Reefs that form the Harbour, and we were *six*, or *eight* miles outside:— He offered to take in the letter to Her Britannic Majesty's Minister at Mexico, but as he informed me that the two vessels at Sacrificios were English Brigs of War, I at once stood in, shewing our own colours (for the first time) and sent in a boat to Her Britannic Majesty's Brig Sappho Commander Fraser with the letter, this ship being at the time, within *one third* of a mile of the Island of Sacrificios under which the Sappho was at anchor:— the Captain said he would forward the letter with pleasure;— the boat returned at sun-set, and we had not filled away more than ten minutes, when the wind hauled so that we had a dead beat to windward of about *five miles*, to clear the Shoals, which we did by half past nine o'clock, and the next morning (18th Sept) at day-light we were off Point Mariandrea when we fell in with the San-Antonio, by which vessel I received your communication of the 7th Aug. in which you say, "the Secty of the Navy does not approve of the proceedings of the Court of Inquiry held in "Galveston in June last by order of His Excellency the President" and consequently re-iterate, the order to me, to cause, "the immediate arrest of Lt Comdg Postell and send him by the "first vessel to Galveston for trial," which order, it was not in my power to execute, for that officer had gone to Galveston some time previous:— As there appears to me to be some misunderstanding on the part of the Hon Secty of the Navy in relation to the first order, bearing date 19th May, given me to arrest Lt W R. Postell; which order was counter-

manded by his Excellency the President, a copy of which I enclosed in my letter of the 18th June, in which I explained to the Department the disagreeable situation in which I was placed by that order;— and the fact that the law required, that when an officer is arrested, his charges must be given him in *twenty four* hours after: Otherwise, no matter what offence an officer may have been guilty of, he can set aside any decision of a Court Martial, upon the simple plea of illegality of the proceedings of said Court; and I feel bound to state, that my sole object was, that if Lt Postell, or any one else connected with the service, had, for one moment conceived such an idea as the one which by rumor, had been imputed to some Officers of the service:— that they should be *disgraced*, and no creeping out place left for them.

When we met the San-Antonio a Spanish Sloop of War was in sight, standing for her, and her conduct during the night had been rather strange towards the San-Antonio, Lieut Moore, taking her, when he first saw her, for this ship, fired a gun, at which he hove too, and the San-Antonio came up in the night, when several hails passed between them without an answer, two guns were fired by the San-Antonio and one by the ship;— Lt Moore did not discover that the ship was not the Austin, until within short hail, the Spaniard however *answered first*, when he was answered as the U S Schooner Woodbury;— after which the ship sent his Boat:— From the manouvering [*sic*] of the Ship afterwards, every one on board of the San-Antonio beleived the Ship intended attacking them in the morning;— it was calm, four or five hours during the day, the two Ships about five miles apart, and the Schr. within pistol shot of us, about *two* o'clock the sea-breeze came up when I made sail for the ship, and she made sail to the Sd and Ed, by six o'clock we had come up with her about *four* miles, and had dropped the San Antonio about *five* miles, when the Spaniard tacked, and we passed on opposite tacks, this ship to windward, and within short pistol shot, all clear for action; and the Spaniard *without a gun cleared away*, when I hailed him, and he gave a very prompt answer. It was the Spanish Sloop of War Liberal, formerly the Mexican Brig of War Gurrero. I mention the circumstances thus minutely, because I have since been informed by two respectable persons, that the Captain mentioned a few days after at a party in Vera-Cruz, that I passed near him, hailed him, "to hoist his colours and that he did not do it":— Which report may reach Texas, and be used to raise an excitement either against the Navy, or against me. The preceeding afternoon, before I stood in under Sacrificios, the San Bernard parted company from this Ship, for Point Mariandrea, and about 5 o'clock, we made her out, to the Sd of us; we having passed her in the night; we did not get near her that evening, and the next morning a Norther came up, which blew several days, and we met the San-Antonio and San Bernard off Point Mariandrea on the 28th Septr., when we stood in under the land, hove too, and I sent from this Ship to the San-Bernard, five weeks pro-

visions for the Zavala, and sent her the same evening to the Arcas Islands under the orders of which the enclosed is a copy, Marked C.

Haying twelve cases of scurvy on board this vessel, and very many of the crew being affected with strong symptoms of the same disease, and the standing rigging of the ship requiring some overhauling. I left at the same time for the Island of Lobos, leaving the San-Antonio to cruise off Point Mariandrea, under orders, a copy of which is also enclosed Marked D.— Ar-Roxo,) on the 1st Oct, on the same night at 11 o'clock a violent Norther came up very suddenly, on the following afternoon Oct 3rd, a Brig was discovered about four miles to the Nd of us, aground, having a signal of distress hoisted, it was near sunset, and blowing too violently to attempt to reach them that night—the next morning the Gale had abated a little—dispatched the Launch, Second Cutter, and Frances' Life Boat for the wreck, the Launch, and Second Cutter, were both driven back, and the Life boat reached the wreck at *five o'clock*, having crossed two reefs, over which the sea broke violently:— Lieut Crisp who was in her, found the passengers and crew, twenty six in number, on the eve of leaving the vessel on a Raft which they had constructed, and which would have gone to peices [*sic*], or every sould [*sic*] would have been washed off of it, in crossing the first Reef. He succeeded in dissuading [*sic*] them from the rash attempt, and as the men in the Life Boat were too much exhausted to attempt to return to the ship that night, he remained on board of the wreck, and the next morning early, reached the ship in company with the Boat belonging to the wreck—the gale having by this time abated, the rest of our boats were dispatched, and by that afternoon, all the Passengers and crew, with all their baggage, were safe on board this ship, the Brig proved to be the Mexican Brig "Segunda Fama", of, and from Vera-Cruz bound to Tampico, with an assorted cargo, a manifest of which is enclosed marked E.

They were all very much alarmed when they found that they were in the hands of Texians who they looked upon; to use their own language, as "Pirates," "Robbers," and "Cut-throats". I gave them every assurance of protection, not only of their persons, but their property, notwithstanding which, they were evidently very uneasy for several days, but when they left us, they shewed every feeling of gratitude, as the Department will see, by reference to the accompanying letter of thanks; marked F.

While at the Lobos all the sick were landed, and those with scurvy were placed in holes dug in the ground, which, together with Vermacelli [*sic*], obtained from the wreck, and Turtle from the inhabitants of the island, for which I exchanged Pork, Beef, and Bread, recruited them very rapidly and I have no doubt saved the lives of many of those who had the scurvy, as several of them could not move. I found deposited on the island, a cargo of Salt, and some small articles belonging to the Schooner Conchita, of and from Campeche, the vessels of which port

are not permitted to trade with the Central Ports:— She had gone into Tampico with false papers, as being from Ormoa, so that she might get a clearance for Vera-Cruz. On the 10th of Octr she arrived having a letter from Mr McGregor at Campeche for me, a copy of which is enclosed marked *G.* and having on board Genl. Lemos, his brother Col Lemos, the Lady of the Genl and six children:— The Genl and Col had been in prison at Matamoras for *fourteen* months for espousing the Federal cause, and was then being forced to Vera-Cruz for trial:— The Genl got on shore at the island, reached the Tent where our sick were, under the charge of Lt T. M. Taylor;— there was a Flag up before the tent, the pole of which the gray-headed and lame old man, (having been wounded at Tampico in 1829 when the Spaniards attempted an invasion,) seized, and in the most emphatic, and ardent manner, implored the protection of our Flag, stating that it was the only chance of life, and which I could not refuse:— they were accordingly taken out of the Schooner, and offered every comfort which I could give them on board this ship, which they readily and gladly accepted.

On the 14th Octr got underway leaving at the island a small boat, which I picked up on the beach to the Nd of the Brassos de Santiago, nearly new, and having on her stern, "Matilda of New-York;" I ascertained from the Capt of the Schooner Comanche, that the Schooner Matilda, lost her boat off the Brassos some time previous, and that she had left for the United States;— this circumstance I forgot to mention in its proper place; it was my intention to have got the boat on my return from Tampico, but when we passed Lobos a Gale of wind was blowing:— Arrived at Tampico and anchored on the 16th Octr, shewing the American colours, when I sent the Captain of the Brig Segunda Fama in, in his own boat, which I had repaired, with a letter to the Captain Genl at Tampico, accompanying is a copy marked *H.* and a copy of his reply marked *I.* The Mexican Schooner [blank] was outside the bar, bound in, with a cargo of Flour from Vera-Cruz. I compelled her to anchor near this ship, in order that if the Captain could not get out with a Launch, I could put the people from the wreck on board the Schr:— The Launch soon came alongside, when our own colours were hoisted, and the Schooner hailed, "that she might get underway and go in". Having on board this ship but two hundred and sixty gallons of water, and the river being so high, that the water was fresh outside of the Bar, and at least *one mile and a half* from the shore, one boat was set to work procuring it. The next day a Launch came out with fruit and other articles, and a letter from the Capt of the Brig. Accompanying is a copy marked *J.*— I received also by the Sloop belonging to the English Consul, a letter from Mr Schadter, accompanying is a copy marked *K.* and a copy of my reply marked *L.* I went on board the Sloop myself with the Box of Books:— She brought out specie for the English Packet.

On the 20th while the Boat was getting water, which she had been doing for two days previous, *three* shots were fired at

her, each of which struck so near that the men were wet with the spray. this ship was not within Gun-shot of the Fort, and it would have been rash to have run her near enough, (on account of the Bar which runs out a long way) with the wind from the quarter which it was blowing from at the time. A gun was fired in the direction of the Fort, and a signal made for the boat—the shot did not reach the shore:— from that moment, fresh life and vigor was apparent in the countenances of all on board, for we all felt that we could now do something for the country, the Navy and ourselves:— If this circumstance had occurred in the early part of the cruise, I could have captured with this Ship alone, Mexican vessels, which with their cargoes would have brought at least two hundred thousand dollars in specie; it is not yet too late for the Navy to pay for itself, and yield something to the country:— Got underway as soon as it was dark 20th Oct. and on the 28th Oct fell in with the San-Antonio, from which vessel I received the communication from the Dept. of State, for Richard Pakenham Esqr. Her Britannic Majesty's Minister at Mexico, accompanying your letter of 16th Sept:— the San-Jacinto had left a few days previous for the Arcas Islands in consequence of being short of water and left a report of the circumstance with the San-Antonio, a copy of which is also enclosed marked *M*.— not meeting the San-Bernard agreeably to the orders which had been given Lieut Williamson:— and the San-Antonio not having seen her, made me very uneasy— Stood in that afternoon, anchored and procured fresh Beef at the same place which I mentioned having landed on the 19th August:— Got underway that night, and the next morning (29th Oct) was off Vera-Cruz;— it being the day of the sailing of the English Packet, I confidently expected to hear from Mr Treat by her, as he had promised in his letter of the 21st August to write me in a week—: The Packet (the Crane) came out, passed within one hundred yards of us, and brought nothing; hailed the San-Antonio and ordered Lieut. Moore to keep to the Northd of the Port, and stop all Mexican vessels that he could:— Ran down under the Island of Sacrificios and sent the letter from the Dept of State on board Her Britannic Majesty's Brig Sappho which vessel was still there, together with a letter from the Comdr of H. B. M Brig Racer which he wrote on board this vessel while off Tampico, and proceeded immediately for the mouth of the Rio-del-Norte, in consequence of news having just reached Tampico of the advance of General Canales on Matamoras at the head of two thousand troops— seven hundred of whom, he informed me were *Texians*:— this news may have been the cause of their firing at our Boat, as it was done the next day:— I sent in by the Boat a letter to Captain Fraser, and one to Mr Treat, accompanying are copies marked *N*. and *O*. Capt F. had not time to write a reply, but sent a message that he would forward the letter with pleasure; — the Boat returned by three o'clock and as there was every appearance of a Norther it was necessary to carry sail heavily, to get to windward of the shoals before it struck us, while I am

pleased to say the Ship did, *well!* and as I have now found her sailing trim, she worked to windward and behaved as well under a heavy press of Canvass as any man could possibly wish a vessel to do. At dark the *inhuman* wretches, lit only the *lower tier* of Lanterns in the Light House, to deceive me in the distance, so that the ship might be lost on the Reefs forming the Harbour, which they knew we had to stand in for again, in consequence of Reefs and Shoals that were to the Sd, Sd & Ed, and Eastward of us— between 8 and 9 o'clock we passed the outer Reef forming the Harbour, distant not more than *three hundred yards*; the lights in the Town plain in sight from the Cabin Port, and at 11 o'clock, a few minutes before we were struck by the North-er, the *upper tier* of lights were lit;— by this time we were far enough to the Northd to clear the outer shoals with ease:— the next day passed the San-Antonio, and a Genoese Brig laying too;— this Ship under a press of sail to reach the Arcas Islands, as I had not fallen in with the San-Bernard, and consequently had not heard from, or of the Zavala, except the P. S. in Mr McGregor's letter received by the Conchita;— arrived off the Arcas on the 2nd Novr where I found the San-Bernard *still* at anchor, and the San-Jacinto on one of the Reefs that form the Harbour;— that afternoon while beating up for the Island, Lieut Williamson came out to us in consequence of signal from this ship, in the only Boat that they had between the two Schooners;— and reported that the San-Jacinto was a total wreck! I asked him if she was Bilged? and he replied that there was a hole in her, half as large as the Cabin of this Ship. The next morning we anchored outside, to the Sd. I went in to save all that could be saved, ordering our Boats to be hoisted out, and follow me in; on reaching the Schr., after fetching the pumps and examining the position of the vessel, I was very soon convinced that if a Gale did not come up, she could be got off in forty-eight hours, and repaired:— I sent back to the Ship for *two* anchors and Chain cables which I saved from the wreck of the "Segunda Fama"; the San-Jacinto being without Anchor, Kedge, or cable, having parted her only anchor in the shank, and the rocks having cut the Hawser to which was attached her only small Kedge, a gun was secured to her other Hawser and thrown overboard which was also cut by the Rocks. Accompanying is Lieut O'Shaunessy's Report.

Had two large square pumps made to gain upon the leak;— the next evening got her canted over on the Larboard Bilge, so as to get at the leak, which was on her Starboard Bow, worked at the pumps all night, and at daylight stopped the leak partially, with wads and oakum from the outside, and by caulking on the inside;— at about 8 o'clock hauled her off, and by *two*, she had but fourteen inches water in her; not being able to keep her free with her own pumps and the men being nearly all exhausted. I warped her in close to the Beach, and so she will be protected by the Reefs, unless a very heavy Gale should come on, where I had to leave her, having no plank or spikes on board, to repair her.

Lt Williamson gave me a letter which he found in a box on his arrival, which was left by Comdr Lothrop, which is hereby enclosed marked P.— enclosed is also a copy of the Report of Lt. W. marked Q, which not being satisfactory to me for the positive violation of my orders of the 28th Sept, which I have also enclosed. I suspended him from duty, and placed Lt T. M. Taylor in command of the San-Bernard and as soon as he possibly could get the vessel ready for sea, dispatched him with orders, of which the enclosed is a copy marked R, in search of the Zavala, and sailed on the same night (Novr. 6th) for Campeche, leaving Lt O'Shaunessy with the first Cutter of this Ship, all the officers of the San-Jacinto, and all the crew, except ten men, that I took on board this vessel.

Arrived at Campeche on the 8th Novr, where I landed Genl. and Col. Lemos with the family of the General; enclosed is a copy of a letter from the Genl. marked S. [blank] The crew of this vessel having been without the spirit ration, as well as Tea and Sugar, since September during a greater portion of which time the weather had been very bad, and they had necessarily been worked very hard which had increased our sick list greatly. I refer the Department to a communication on this subject from the Surgeon, marked T. I deemed it absolutely necessary to procure some of each article, that I could in Campeche, for the health and comfort of the crew, and articles to repair the San-Jacinto, and some articles which I had sent to Galveston for, and could not get, and which were indispensable;— which I did, from Mr McGregor the American Consul, with whom I have been acquainted for several years, on my account, he not being willing to take a Draft or order on the Government, as the Department will see by the copies of my letters to him and his replies, accompanying this, and marked U. The copy of the Bill I would send, but the Purser is too ill to make it out, the amount is a little short of \$430.—

Learning at Campeche, that the Zavala had suffered in a violent Norther off Tabasco Bar, which lasted upwards of three days;— I determined to go and see for myself. Sailed on the night of the 14th Novr, and arrived off the Bar of Tobasco River, on the 16th, on the same afternoon stood in for the anchorage, and struck on the bar in *nine feet* water; being to the Westward of the channel, the water was perfectly smooth, and the ship did not thump *once*, hove all aback when she went off at once. The next day, stood in, with the sea-breeze, the Bar perfectly smooth;— after sticking a short time got over and anchored in the River at Sunset.

Found the Zavala, and the San-Bernard off the Town, or village of Frontera, the latter having arrived the afternoon of the 15th Novr with the provisions for the Zavala. I refer you to the report of Lt T. M. Taylor accompanying marked V.

By the report of Comdr Lothrop which is marked W. the Department will see what injury the Zavala sustained in the Gale, and how admirably she rode it out, no person on shore thought it possible that she could ride it out, the gale was so violent, and

the sea so high that it *broke* in *ten* fathoms water. The *Zavala* has more than realised the expectations of Comdr Lothrop as a sea boat, who informs me, that he did not believe any Steamer could have stood it:— As to her capacity for carrying fuel, what I have formerly stated, Captain Lothrop fully agrees with me in.

By the correspondence between the Authorities of Yucatan and Capt L— and the Resolutions of their Congress, the Department will see that I am fully confirmed in what I stated in my letter of the 28th August in relation to the friendly feelings of the people of that State towards the Government of Texas; they are at this time talking at Merida, of recognising our Independence:— this I have from two gentlemen who arrived yesterday from that place.

On anchoring abreast of the town of Frontera, Genl. Anaya came on board, and proposed that I should go up with our vessels, and co-operate with two Yucatan vessels, a Brig, & Schr., in taking the Town. I told him, that I crossed the bar, for the purpose of attacking the town, as it was in the Hands of the Centralists, and levying a contribution:— He shewed me a letter from Genl. Gutierrez, the Comdr, offering to capitulate to him. After a considerable talking, it was finally settled between us, that if he could go along with us, and we tow one of the Yucatan vessels up, he would pay twenty five thousand dollars to me, part of it on our arrival, and the balance as soon as it could be raised, which he thought could be done in fifteen or twenty days after our arrival. I accordingly got under-way at once, in the Ship, 7 P. M. leaving orders for the *Zavala* to raise steam and follow up with the *San-Bernard* in tow. At 1 A M, the *Zavala* came up, and took the ship in tow, having Genl. Anaya & Secty, and Mr Eugene Elys the French Consul on board, he having requested of me a passage, which I of course gave him with pleasure.

The next morning we overtook the Federal Brig and took her in tow, about 3 P M, met a Courier with the intelligence that the town had capitulated:— Anchored at dark, and got under-way the next morning at sunrise:— At 4 P M, anchored off the town. Lt Col Sentmanat, to whom Genl Gutierrez had capitulated came on board;— the force under Col Sentmanat amounted to but one hundred, and forty men, and those of Genl Gutierrez, to nearly six hundred, the latter had sent a Priest to the Bar, with the offer to capitulate to Genl Anaya, who remained until this Ship had crossed, and *two hours* after his arrival at *Tobasco* Genl Gutierrez capitulated, and lost no time in getting out of the way. Salutes were fired immediately after our arrival, from the Federal Brig, the Fort, and by the Artillery in the Square, to Genl Anaya, he was on board this Ship, and on his disembarking, I saluted him, and the French Consul; both Salutes were returned from the Fort, and the next day I saluted the town *twenty one* guns, which was returned.

The day after our arrival I received from Genl Anaya one thousand dollars, which was distributed among the Officers of the three vessels, and in two days after, I received *two thousand*

more, which was placed in the hands of Purser Hurd, as was the first.

The night of our anchoring off the Town of San-Juan-de-Bautista (Novr 20) a Mutiny was discovered through Edward Thornton Captain of the Main Top on board this Ship, who fortunately got drunk;—I beleive it was arranged while the three vessels were lashed together in tow up the river, although nothing could be elicited to convict others, by the Court Martial, which I immediately convened on board the Zavala to try Thornton on Charges prefered against him by Lieut D. H. Crisp first Lieutenant of this Ship:— The Court was in session eight days, and as the proceedings are voluminous, I have not yet been able to get through them, and act upon the finding of the Court, so as to send the whole to the Department by the San-Bernard, so I wished to do. The Court has sentenced him to the punishment of Death, and in consequence of his heretofore good conduct, recommend him to mercy, and also recommend that he should be given *two* hundred lashes with the cats.

On the [blank] the San-Bernard sailed for the Bar, I expecting to follow in two or three days.

A day or two previous to the expiration of the twenty days, I called on Genl Anaya, to know if the money was ready, he assured me that he had been doing every-thing that he could to raise money, and had raised but little, and wished to know how little I could possibly do with, for the present, (as I had told him that I could not remain more than three days longer) to which I replied that ten thousand more, was the least that I could do with.— he said that he would see the Provisional Govt. (who by this time had been elected,) and give me an answer that night;— which he did, and which was, that the Governor had every disposition to assist him, but the amount could not be raised, in less than *four days*, when I told him that I would of course wait another day. In four days dropped the Zavala alongside and got ready to tow down the river, hearing nothing from the Genl, the next day I called on him; when he offered me a draft on New-York for \$3.794, and specie to make up six thousand dollars, or four thousand without the draft, neither would I take, when he rose to *eight* thousand, which I would not take, because he had promised to let me have *ten thousand* which I would not take, because he had promised to let me have *ten thousand* which I told him I must have, or I would take *none*. Efforts were immediately made to raise more, but as they said, without success, which I did not beleive. I then asked Genl Anaya *when* I might possibly expect the balance of the twenty five thousand to be on board of the Zavala at the Bar, in order that I might report to my Government, to which I could get no *satisfactory* answer; upon which I told him that unless the pledges made by him to me were fulfilled, the good feeling between the Federalists of Tobasco, and the Government of Texas would at once, be at an end, for I would protect and secure myself;— after which I left him, proceeded immediately on board and had the Guns loaded with round and grape, and primed.

That night at 1 o'clock, I received a message from the Provisional Governor, through his first Councillor (Mr Requenor) expressing his regrets, that anything should have occurred to affect the harmony and good feeling that had happily been established between the people of Tobasco and our Squadron, and the information of a Revolution being underfoot which he feared would break out that night, or the next day:— the only military man on whom he could rely was ill in bed (Col Sentmanat,) and in the event of its breaking out, the only hope was the aid of our squadron, and he requested to know, if he could call on me to assist him in enforcing the laws of the State; and hoped that I would remain *two* or *three* days if possible, to which I replied that he might rely on me, and that I would with pleasure do all that I could to assist him in enforcing the Laws, and that I would remain, if tomorrow he still thought it necessary, although it was of the utmost importance that I should dispatch the Schr. San-Bernard to Texas, which I could do by sending a canoe down to her.

The next morning Mr Requenor came on board and informed me, that steps had been taken, and that the Governor beleived that the whole matter which he had communicated to me last night would die away quietly at the same time he returned his thanks through Mr Requenor, to me, who at the same time, made an offer to bring things right between Genl Anaya and myself, by telling me that he would endeavour to raise the balance of the amount, & that the Governor was willing to give his draft for the balance, if that would satisfy me, to which I replied in the affirmative, when he went on shore & in about *three* hours returned, informing me of his great disappointment in not being able to arrange the matter, owing to Genl Anaya, who had replied to the Governor when he called on him to inform him, that the "two thousand dollars could be raised", "that it was none of his business", but a matter between myself and him, and at the same time denied having ever promised any definite amount for the services already performed by the Squadron. This at once ended the matter, when I informed Mr Requenor that I would blockade the River Tobasco and all its tributaries, and starve them into terms:— that I would write to Genl Anaya at once, and inform him of my determination, which I accordingly did, accompanying is a copy of the letter, marked X: And in about *two* hours got underway and dropped below the town, stern foremost, so as to keep the broadside of the ship presented to the town and Battery, it was after sunset, and at dark we anchored about *three* miles below the Town. At 11.30. I received a letter from Genl Anaya, accompanying is a translation marked Y. and at daylight I returned an answer accompanying is a copy marked Z. got underway after breakfast, and at sunset anchored having made but about six leagues in consequence of having carried away the Zavala's Rudder against the Bank;— Got underway the next morning, and at 1 P M got down to within ten leagues of this place, where we stopped to get wood, which had been cut for the Zavala; about two miles

above this point. I met a Schooner bound up to the town, which I took in tow, and that afternoon stopped another, also bound up— I had not permitted even a canoe to pass us, going down, and the French Consul had been kept behind us all day, he having taken an active part in favor of the Federalists and having been also present during the whole conference between the Genl and myself at the Bar, before coming up. I invited him on board the ship, but he preferred remaining behind in his canoe:— Remained at the wood pile all night, and the next morning I received a letter from Genl. Anaya, sent, after it was known in Tobasco that I had stopped the *two* Schooners, (for the Captain of one of them, was in *town*, and got down the next morning,) the great length of which, precludes the possibility of sending a copy or translation, as it is five sheets closely written, the only three paragraphs which are of any account, are the following.

“Notwithstanding all that has been said above, and to say the truth, I confess that I did tell you at the “Barra” that I would give not only \$25.000., but even more if circumstances would permit my getting it, and that it would be for the purpose of putting the Squadron in condition to commence active service in favor of the Federal cause, and to continue as you promised me;— but I repeatedly told you, that if we had plenty of money, that the Squadron should want for nothing, and that if we were short, we must suffer mutually the want;— to all of which you assented.”

X X X X X X X

“You saw that with all possible haste I established a Govt., and you know that immediately after I solicited the Govt to furnish me with money for your squadron, and to pay the expenses of the war;— that the day you wished to sail, I only had eight thousand dollars, which were placed at your disposal:— that for the \$10.000, that you had asked, there was but 2.000 wanting, which I proposed paying to any agent that you thought proper to name, as we were doing all that we could to get it:— You refused to do it, and the blame is not ours:— Neither the Government or myself could appear as robbers and get money by force, but all legal means were used and the Govt has this day informed me, that the two thousand dollars are ready:— So you see sir; that if you had had the politeness and prudence to wait, as was just, and leave an agent, we should have been saved all this disgust which you have brought on so entirely without cause.”

X X X X X X X

“Let us drop this, Commodore Moore, for I certainly feel ashamed, it is against my sentiments, and I assure you that nothing but the provocation of your insults, could have induced me to enter into this disagreeable correspondence. But let us drop it, and if possible, forget it forever. I have the pleasure of

offering myself to you with all sincerity as your friend and
Obedient Servant

(sigd)

"JUAN PABLO ANAYA"

"P S

I had forgotten to say that under the supposition that you would not object to my agents going to Texas. Should it happen that he does not arrive in time for the San-Bernard, you would oblige me by giving me a passport for a vessel, which in that case I wish to send."

After the receipt of this letter in which Genl Anaya put great stress on the evidence of Mr Elys the French Consul who breakfasted with me that morning, and to whom I shewed the Genls letter, and after some conversation with him I proposed to him that he should go up and see Genl Anaya and put him right in some additional misstatements in his last letter, as; if I, did it; it would be in strong language, and at the same time to carry a letter to the Governor enclosed is a copy marked A 2, and say to them both, that if the *ten* thousand dollars were paid, and a Government draft given me for the balance, payable in some specific time, after deducting all the Bills for the repairs of the Zavala and Fresh Beef furnished the Squadron, that I would be satisfied, and as a proof of my sincerity, I would let the two Schooners proceed, and that I would not act offensively until the day after to-morrow night, we were then about sixteen leagues below the town, and ten leagues above this place, and it was near mid-day. Mr. Ellys at once consented, and started up in a canoe, and we proceeded down, and arrived here that evening, where I found the San-Bernard with nearly all hands sick on board, we had, both on board this Ship, and the Zavala, not more than *thirty* fighting men, and most of them, had been down with the fever, many of the officers were sick myself among the number.

Mr. Elys arrived in due time with six thousand two hundred and six dollars in specie, a draft on a mercantile house in New-York drawn by Lobach & Co in Tobasco, for three thousand seven hundred and ninety four dollars, and a draft from the Acting Governor, (the Governor having resigned) in favor of Genl Anaya, and endorsed by him, to my order, for the sum of *ten* thousand dollars, which together with three thousand dollars which I had already received, and the Bills of the Squadron which were not ready, would make up the amount of twenty five thousand dollars.

I deemed it best to adopt this course, for there are many advantages to be obtained by having free and friendly access to this Harbor which is excellent, and the facilities of obtaining water, as great as can be, the River being fresh at all times, besides which, the people of the State are anxious to cultivate friendly and commercial relations with Texas.

X X X X X X X

In my intercourse with the Federalists of Yucatan, and this State, I have been guarded, and have not compromitted myself

in any manner. I have always distinctly stated to them, that any of their vessels coming out of a Central Port, or found at sea with a clearance from a Central Port, would be treated as Central vessels. This question I have been frequently asked, both here, and at Campeche, and I have always given a distinct answer. The Resolutions of the Congress of Yucatan are important and I regret that they could not have reached Austin in the early part of the Session of Congress.

The affair of saving the persons from the wreck of the "Segunda Fama" has put it out of the power of *even* the Centralists to call us "Pirates" and Robbers" any longer. I respectfully suggest the propriety of publishing in Austin, the letter of thanks from the Passengers, together with my letter to the Captain General at Tampico, and his reply to the same.

I would beg leave to call the particular attention of the Department to the *peculiar situation* of the Officers of the Navy, not one of whom has a Commission, and it will be impossible to keep efficient men, and men of proper feeling together much longer without commissions. I am pleased to say, and I do it with great confidence, that the Officers composing our Navy would do credit to any service:— They are young men without an exception of good morals, and many of them have the groundwork of excellent officers. I would respectfully suggest that the numbers, or relative Rank of the Lieutenants be left blank, to be filled, as will be determined by the examination, which it has been impossible for me to have held, up to this time, in conformity with the orders received by me, to that effect.

The Patent Repeating fire Arms of Colts Invention, have on repeated occasions been very much exposed, and they excel by far, my expectations of them, which I must say, before they have stood; very sanguine. I have known them to have been used in landing through a surf where they got wet, and two months after, I have known these arms to be fired, when at least *four fifths* of the Cylinders went off, and as a boarding arm, there is nothing to compete with them. I have made an estimate for a few more, to fill up the necessary number of small arms, for vessels of War.

The Roman Swords, (more of which are actually required) are as far superior to the old Ship's Cutlass as can possibly be imagined.

The Francis' Life Boats are of *incalculable value* and I hope that every vessel of our Navy will have at least one, we are in want of Boats, several having been lost, and they cost about *thirty* dollars more than the ordinary boat. No vessel ought in my opinion, to be sent to sea without one of them, the one on board this ship reached the wreck of the "Segunda Fama" in a gale, when the other boats were driven back, not from the superiority of her model, but because the men in her *knew* that she *could not sink* with the weight that was then in her. I have known the same Boat to come off from Point Mariandrea, through a surf, with twelve persons in her, she filled in getting out through the surf, and pulled off to the Ship, full half a

mile, when an ordinary boat of the same size would not have carried two men, and would inevitably have been driven back, and in all probability they would have been drowned.

The Cannon Locks, of E Hidden's invention, in general use in our Navy, cannot in my opinion be improved upon. We have spare ones enough for the Artillery of the Army for some time, if the Hon Secty of War thinks proper to try them.

I will go to sea as soon as the Zavala's Rudder is complete, which will take a week, first to the Arcas to get the San-Jacinto repaired, thence to Campeche, where I will not remain more than three days, and from thence will proceed direct to Galveston, as we will be out of provisions.

The time of many of the men has already expired, and on my arrival at Galveston, there will be very few men whose times will not have expired, and a Cargo of Coal is requisite for the Zavala. I can easily get a crew, by going to New-Orleans in the Ship and be off the Coast of Mexico in a short time again. I have funds enough on board, both for the men, and the coal, and some to spare for the purchase of the items of provisions which are not at Galveston, and some rigging and canvass which is indispensable; besides which, I can meet the Draft given by Captain Lothrop on the Consul at New-Orleans, which he of course protested; for Mr Bryan is only Consul for the Port of New-Orleans, and has nothing to do with the affairs of the Government in any other Port, this did not occur to Captn Lothrop at the time he gave the Draft.

I am anxious that this Ship should not enter the Port of Galveston until we are recognised by Mexico, which I think they can be *compelled* to do, by the fall.

I hope that my going to New-Orleans immediately after my arrival off Galveston will meet the views of the Department. There is a safe anchorage outside of the Bar, where I will of course remain until I receive orders from the Department: taking on board in the mean time a supply of the items of Provisions that are in the Navy Store.

I will have to leave with the Zavala, the small anchor and chain belonging to this Ship, and will have to purchase one in New-Orleans, for which I have the funds, as well as funds to pay all bills that have unavoidably accrued since the sailing of the Squadron from Galveston.

The night we left Lobos Island the Captain of the Fore-Castle Robt Steveson fell overboard, but was picked up, although it was very dark. Some-time after, during a Norther, S. O. Sawyer fell from the Fore-Top Gallant Yard and was not picked up, he was injured in the fall, as he lay lifeless on the water, as the ship passed him, and sunk as she was coming to the wind, all of which did not occupy more than three minutes. James Garret Qr Gunner, died of scurvy, he was very old. Since we have been in this river, James Malcom, O S. Chas. Hoyt Marine, James Duffues Seaman, Michl Clarke O S. Henry Rowen Landsn and Saml Edgerton Captains Steward have all died, three or four more are still ill, and I regret to

state that among them is Lieut D. H. Crisp, who I very much fear will not recover. The Purser, Mr Hurd, has been very ill, but is now recovering. I have also had a violent attack myself, which has prevented my dispatching the San-Bernard several days.

In consequence of my sickness, and my anxiety to get the San-Bernard off I have omitted some things which I will report to the Department on my arrival off Galveston.

The Department will perhaps find some mistakes in the copies of the numerous letters, which I have not been able to examine.

I am Very Respectfully &c

(Signed) E. W. MOORE
Capt Comdg T Navy

P S.

The first Cutter of this Ship returned from the Arcas last night. And Lieut O'Shaunessy reports the Schooner a total wreck, having gone to peices [*sic*] he also reports many of her timbers much decayed

(sigd)

E. W. M.

Document B. referred to in the foregoing Report.

Commodore E. W. MOORE
Capt Comdg. Texas Naval forces

TEXAS SCHR SAN BERNARD
At Sea Sepr 16th 1840.

SIR:

In compliance with your orders of the 25th ultimo, I herewith beg leave respectfully to report:— That after parting company with you, I immediately shaped my course for the River St John Angel, but owing to a continued succession of head winds and squalls, with a current setting to the Nd and Wd of two and a half knots, I was unable to make headway, but drifted off Cape Roxo and at times very near the shoals, and islands off that coast.

Upon the 30th ultimo with a more favorable wind, I was enabled to stand out to sea, and proceed on my course; when upon the 3rd instant made Point Piedras, and soon after discovering a sail in shore, made chase, and boarded her near Meridian, in Lat 20°. 11' 23", N. and Long 90°. 19', 30" W, she proving to be a Mexican Schr. from Tampico bound to Vera-Cruz. Thence continuing on my course until the 8th inst (with light winds and calms) When off Vera-Cruz I spoke and boarded the American Brig Petersburg Capt Larkins, one day out and bound to Tobasco. Capt L informed me that the Captain of the Columbian Schooner, by whom your despatches were conveyed, was imprisoned by the authorities of that place, for the violation of some of their Laws in bringing information into their country from an enemy, and that at the time of his departure, was then in confinement.

On the eve of that day a severe gale of wind accompanied at intervals with heavy rains from the Northward, commenced and continued, with scarcely any mitigation until the 11th, on which day it lulled for a few hours, when the wind shifting to the Sd and Ed enabled me to stand to the Northward.

On the 13th inst when in Lat 20°. 16" and Long 95°. 04', 30" W. I boarded a Spanish Brig from Barcelona bound to Vera-Cruz, to the Capt. of which vessel, I delivered your despatches, shewing American Colours, After which I continued my course for my cruising ground, designated by your orders of the 25th Ultimo.

Very Respectfully &c

(sigd)

W. S. WILLIAMSON
Lieut Commanding

Letter from E. W. Moore to Dn Joaquin Rivas Sayas

TEXAS SLOOP OF WAR AUSTIN
OFF TAMPICO BAR 16th Oct. '40'

SIR,

This will be handed to you by Captain Pablo Alcedan of the Mexican Brig "Segunda Fama" from Vera Cruz bound to Tampico with a Cargo of Flour and Coffee, which Vessel struck on the Reef about four miles North of the Island of Lobos on the night of the 2d. inst. during a violent gale and bilged.

This Ship was at the time, at anchor under the lee of the Island, and the next day, as soon as the Brig was discovered, every effort was made to save the lives of those on board—one of the Boats of this Ship succeeded in getting alongside of her, but not until after she had been aground about *thirty-eight* hours, and it gives me pleasure to inform you that we did succeed in rescuing from a Watery grave every soul, twenty-six in number, who was on board, and also their Baggage.

Captain Pablo Alcedan goes on shore in his own Boat (which has been repaired) manned by men from his own Vessel, for the purpose of procuring a Launch to take the Passengers, and every thing they have saved, together with his own property, on shore; and I give you this my assurance, that any Launch or other Vessel that you may be pleased to permit to come out for that purpose, will not be molested by this Vessel or any one on board of her.

Captain Pablo Alcedan will give you a list of the passengers, and I refer you to him and every other person who was on board of the Brig, as to the mode of treatment which your Countrymen whose misfortune it was to be shipwrecked, and thus to fall into our hands, have received from us, contenting myself by assuring you that they have had since they have been

⁸Document E. referred to in the foregoing report. This document is not with the report of the Naval Bureau. It is found in Garrison, *Diplomatic Correspondence*, II, pp. 714-15.

on board of this Vessel every comfort which it was in our power to give them.

I have the honor to be

Very Respectfully

Your Obt Servt

sigd.

E. W. MOORE
Comdg Texas Navy

Sr Commandante General
Dn JOAQUIN RIVAS SAYAS
Tampico.

A true Copy, JAMES W. MOORE

Letter from E. W. Moore to James Treat.

TEXAS SLOOP WAR AUSTIN'
OFF POINT MARIANDREA 25th August 1840

SIR

Your letter of the 21st inst came to hand this morning by the English Packet Brig Penguin, which Vessel left Vera Cruz yesterday afternoon; I will dispatch the Schr San Jacinto tomorrow to Galveston with your accompanying *three* despatches, and a copy of yours to me agreeably to your request.

The Schr San Jacinto has been off this place since the 30th July *but has not captured* any Vessel *nor attempted* to do so; she chased *two* Schooners some days since and on one of them standing in for the Land, with the view, as was supposed of running her on shore, the chase was instantly abandoned to prevent injury to Mexican property— I arrived off here with the Schr San Bernard in company on the 18th inst and have had, since I left Galveston, favourable opportunities of capturing *seven* or *eight* Mexican Vessels (*three* I have actually boarded) not one of which has been molested in any manner! You were, therefore perfectly safe in giving the Mexican Government the assurance that you did, and you may still rest perfectly assured, that so long as your negotiations are "*open*" and "*pending*", no Mexican Vessel will be molested by any Vessel of the Texas Navy until I receive additional instructions from my Government.

I would have written to you myself sooner but supposed that the letter from the Honble the Secretary of State had given you all the information, respecting my movements, that was necessary.

In order that you may without fail communicate with me, or with my Government through one of the Vessels, under my Command you may be certain of either finding this Ship or

*Document O. referred to in the foregoing report. This document is not with the report of the Naval Bureau, it is found in Diplomatic Correspondence with Mexico, and is endorsed: Copy of a Letter from Com. E. W. Moore to James Treat 25 August 1840

one of the other Vessels of the Squadron off Point Mariandrea within twenty miles of the Land.

I cannot see any benefit that could possibly accrue from having one of the Vessels of our Navy at anchor at Sacraficious and if it be necessary I can anchor this Ship within *four miles* of Vera Cruz without the "protection" or "hospitality" of the Mexican Government but *in defiance* of their whole force!! My instructions prevent my appearing off any of the Mexican Ports at present.

I am in anxious expectation of hearing *definitely* from you at an early date and hope most sincerely that the Mexican Government will acknowledge us at once, which it is certainly her interest to do—

I remain Dear Sir

Your Most Obedient
&Very Hble Servt

E W MOORE

To)

Mr JAMES TREAT
City of Mexico.

The above is a true Copy

E W MOORE

Document Q, refered to in Com[modor]e Moore's Report, foregoing

TEXAS SCHR OF WAR SAN-BERNARD
At Anchor Las Arcas Islands
November 3rd 1840.

E. W. MOORE Esqr Capt.
Comdg Texas Naval forces
Gulf of Mexico.

SIR,

In compliance with your orders of 28th Sept, I filled away, on my course for the Las Arcas Islands, when after experiencing a succession of calms for several days thereafter, followed by a severe gale from the Nd & Ed, which continued with but little intermission for six days, when the wind changed to the Sd & Wd (but very light) which enabled me to resume my course for this place, but owing to the lightness of the wind, and a strong head current, I did not arrive here, until about 4 P M, of the 9th ulto, with but three men for duty. Whilst running in for my anchorage, the Schr stuck upon a detached portion of the Northernwest reef, in from 6½ to 7 feet water, hoving within three fathoms of my Star-board side 2½ fathoms, the Schr struck very lightly and gradually, for nearly twice of her length, and then remained stationary for the space of nearly four hours, when she was gotten off without sustaining but little or no injury, excepting a few sheets of copper on her keel forward, and aft, which were some damaged. After getting

the Schr off, I came to the entrance of the Harbor in 4½ fathoms water, where I remained during the three days, after when, I hauled up to my present anchorage.

The Surgeon deeming it necessary for the immediate removal of the sick to the shore, I had a tent constructed upon the Island, and removed all those who were under the Surgeon's care ashore;— At which place they have been recovering very fast, and much more expeditiously than it were possible for them to have done on board; some few fresh provisions have been obtained for all hands. Upon the 4th ulto John Harrington Seaman, and on the 8th ulto John De-Hare Marine;— Died. Some seven or eight of my crew are still on shore gradually recovering from severe attacks of scurvy, and other diseases, they will all however be able to return on board soon; though not entirely recovered.

Since my arrival here, for most of the time the weather has been unusually pleasant, some ten days since we experienced a most severe Norther, without experiencing any ill effects therefrom, but remained perfectly easy & secure.

During the time that I have been at this place, several vessels have passed, near by the Island.

Whilst sick on shore, the Schr San-Jacinto came in, and anchored on my Larboard Bow, during the night she parted her ground tackle and went ashore on the reef;— since then I have been actively employed, in saving her arms, ammunition, provisions, sails and Rigging.

On my arrival here I found enclosed in a box on the Island, a package from Capt Lothrop, which package was opened by me after the San-Jacinto went ashore, for the purpose of ascertaining if possible, where she was, in order to obtain her assistance in saving that Schooner. This communication I have transmitted to you.

I would also beg leave to state, that in endeavouring to clear the Schooner off the reef upon which she struck whilst entering this Harbor, I got a kedge with a grass hawser in 7 fathoms water ahead, which hawser I was obliged to cut when she got clear of the reef, under a heavy press of sail in a squall from the Nd to Wd. Since then I have several times searched for them, but it was impossible to find them. A few nights since my cutter being moored astern, was discovered to have got adrift, owing to the splice drawing, in the painter; The night being very dark, and the gig ashore to be repaired; before signal could be made, and the gig return to the vessel, the cutter had drifted out to sea.

On the arrival of the San-Jacinto off the Harbor, having made signal for a Pilot. I sent the gig with an officer to pilot her in, which boat was stove and rendered unfit for use, She was then fast to the San-Jacinto, and on her going ashore, the boat broke loose and is now lost.

Very Respectfully &c

(Sigd)

W S WILLIAMSON.

*Report of Lieut O'Shaunessy of the loss of the Schr
San Jacinto refered to in the foregoing Report.*

Commodore E. W MOORE
Comg Texan Squadron.

LAS ARCAS ISLANDS
November 2nd 1840.

SIR:

I have the honor to report to you, that I sailed from Galveston on the 26th Septr with orders from the Secretary of the Navy to meet you off Point Mariandrea. Previous to leaving Galveston I made application to Capt J. G. Tod Comg the Station, for an anchor and chain, informing him that the vessel had but one anchor and one kedje. He then informed me that an anchor and chain had been sent down by the Schr San Antonio for the Schr San Jacinto, which put me perfectly at rest on that subject. Capt Tod recommended that when outside, I should give Mr William Oliver an appointment as acting Lieutenant, and desired me to mention it to you.

On the passage down, I encountered a heavy gale of wind from the Nd & Ed, and was compelled to heave too, for about forty eight hours, and at 1. A M. Oct 3rd in a very heavy roll, carried away the lee quarter boat, losing with it, one top-mast, & one lower steering sail:— During the latter part of the gale, there was great danger of losing the Fore-mast, on account of the stretch of the new fore-stay, which had been fitted when at Galveston, the old one having been condemned by survey owing to injuries received at the S W Pass of the Mississippi from the Steam Packet Columbia. I made Point Mariandrea on the morning of Oct 9th and fell in with the Schr San-Antonio and supplied her with provisions. The morning after, I was off Vera-Cruz, and remained at the entrance of the Eastern, & N En passages until about 4 P M, when I saw the Steam Ship Argyle getting up Steam, and shortly afterwards take a vessel in tow, out of the harbour; I then stood to the Nd & Ed and when the vessel was cast off, made sail after her, but could not overtake her. The same evening I boarded the American Schr Matilda from New York bound into Vera-Cruz. I learned from her the name of the vessel I chased, was the barque Mary-Ann bound to New-York.

Owing to a strong southerly current & calm that night; the following day, the 11th Octr the vessel had drifted much to the Sd; — and the wind hauling to the Nd and Ed we got in the bight to the leeward of Vera-Cruz, and had to carry a press of sail to get out, having the land in sight to leeward.— We had a very heavy head sea to contend with, which again endangered the fore-mast but the Schr made good weather of it, and behaved remarkably well. I cruised then, in the neighborhood of the Point, when hearing from Lieut Moore, that it was possible, I might find you at the Islands off Tuspan. I made sail for them, & returned immediately. Having had no opportunity to anchor on the coast, owing to the constant swell, and getting very short of water, I deemed it proper to

come to this place. Accordingly on the morning of Oct 20th, I delivered to Lieut Moore the dispatches for you, and also a quantity of provisions; and parted company. On the passage down here we encountered a gale from the Nd & Wd and hove too, the first, and latter parts under a close reefed main-sail, the middle part under a balance reefed mainsail. During this gale, there were great fears entertained that the fore-mast would go. On the afternoon of the 29th Octr made this Island, but too late to get in, the day following made it again, and hove too for a pilot from the Schr San-Bernard, which vessel was lying here. At 2 P M, was boarded by Midn Underhill who had been sent by Lieut Williamson to give me the direction in. I entered and came too near the San-Bernard, letting go the anchor and kedge, having the Larboard bow gun ready for letting go. When beating up for the entrance, the boat sent by the San-Bernard was cut to the waters edge, capsized, and two men in her slightly injured. At 1.30 A M Oct 31st the San-Jacinto commenced dragging, having the Anchor and kedge down, backed by one of the guns, at 1.50 her stern struck on the reef where she now lies. By 4, all the officers and men had left the vessel, at day-light, all who were able were set to work to save what was possible. I am much indebted to Lieut Williamson, for his assistance, and force furnished. Nothing could have been done to have saved her, there was not room to get under-way, and had she encountered another gale in the condition she was, the lives of all, must have been placed in jeopardy by the loss of the fore-mast, which, in the opinion of the 1st and 2nd Lts, Boatswain and myself would have happened. Through the unremitting exertions of the Officers, and men, many things have been saved, in fact nearly everything will be saved by to-morrow evening, if one or two boats can be furnished. It may be considered presumption in an officer of my grade, to comment on the merits of others, but I cannot close without recommending to your special notice Lieuts Gray, & Oliver, & Boatswain Wills, for their untiring and unceasing exertions in endeavoring to save the vessel, and afterwards in saving public property. Accompanying this, I hand you the Surgeon's Quarterly report and the Monthly Muster Rolls

I am &c

(signed)

JAMES, O'SHAUNESAY

Document W. being Comdr Lothrop's report, refered to, in the foregoing report of Comr Moore.

Commodore E W MOORE

STEAM SHIP OF WAR ZAVALA
Tobasco Novr 23rd 1840.

SIR!

In conformity with your instructions bearing date 16th August, I left the Arcas Islands on the 23rd, and arrived at Sisal on the 24th. The day after my arrival I received on board

ten cords of wood, which upon enquiry I ascertained, was all that had been prepared for me. I then addressed myself to the Commanding Officer of the place, who informed me that it was impossible for me to obtain the quantity of wood I required, without applying to the Governor of the State:— I immediately addressed a letter to the Governor, a copy of which I herewith transmit marked *A.*, in a few days I received an answer to my communication, a copy of which is herewith transmitted marked *B.*, informing me, that in all probability I would be able to obtain the wood I required, but that it was necessary to obtain the permission of Congress, which was then in session. I was accordingly obliged to await the action of Congress, which in seven, or eight days I received; accompanied with a letter from the Governor, which is herewith transmitted, Document marked *C. & D.* By them you will perceive, that I was to be supplied with the wood as soon as possible, and that the Commanding Officer of Sisal had received instructions to make the necessary arrangements to give it me, with as little delay as possible;— accordingly, some fifty men were employed cutting, and on the evening of the 16th Sept. I received the residue of one hundred and fifty cords of wood, that being the quantity specified:— For the payment of which I gave a draft on the Texian Consul at New-Orleans, in favor of the State of Yucatan, for six hundred dollars, at the rate of four dollars per cord.

On Friday the 18th September, I left Sisal, for the Arcas Islands where I arrived on the 19th, having been absent four weeks. Immediately upon my arrival at the Arcas, not finding you there, I put the Ship's company on half rations of the provisions I had left, and remained until the 28th, on which day I left for the Laguna, having on board three days rations of Beef, Bread, Rice and Beans, I left a communication for you at the Arcas, informing you of my destination, on the 29th of September, I arrived at Laguna, and succeeded in obtaining a small supply of provisions of Mr Shiels the English Consul, for the payment of which, I also gave a draft on the Consul at New-Orleans amounting to 475 Dollars. On my arrival at Laguna I had expended about eighty cords of wood, leaving 70 cords still on board, and hearing that there was a quantity cut for me, at the Mouth of the River Tobasco, by Genl Anava, I concluded to go there for it, accordingly I left Laguna, on the morning of the 3rd of October, and arrived off the Bar of Tobasco the same evening at dark; and came to an anchor in 4½ faths water, 45 fathoms chain; Weather fine, and pleasant and a smooth sea, about 8 o'clock P M a heavy sea commenced setting in from the Northd. I determined at once to get underway and return to Laguna, hoping to get into that Port on the coming morn, and ride out the expected gale in safety; but it was otherwise decreed; the sea increased with unprecedented velocity, and as I was in the act of tripping my anchor, shipped a tremendous sea, over the stern, making a clean breach over the hurricane deck, and at the same time carried away my

Rudder Pintles:— The Rudder dropped some 8 or 10 inches, but I succeeded in securing it from going farther. I then veered away again to 75 fathoms, and rigged a temporary rudder, with a Spar, and Hawser, fearing that I would lose the other entirely. I was unfortunately anchored, where I was exposed to the strong current from the River, where I was I lay in the trough of the sea. I was anchored, consequently tremendous sea, until 5 P M. The next day 4th instant, steam up for fear of accident, at which time I deemed it prudent to make an attempt to cross the bar:— The vessel up to this time had withstood the sea far better than I anticipated, and equally to the surprise of every officer on board. The false sides filled, and other parts of the vessel began to work considerably, all the Store-room on deck were stove, but my greatest fear was for the machinery, some parts of which were already considerably strained. I accordingly slipped my chain, and with all the Steam I could possibly raise with wood, stood for the Bar, the lee false sides being full of water, she keeled over so much, that the weather wheel would not take. I immediately hove overboard, the three lee-guns forward, but in a few minutes she became unmanageable, the sea drove her in shore to three fathoms water:— I then let go the larboard anchor (the flue of which was broken) and a kedge;— she swung round head to sea, and struck aft;— hove overboard all the round shot, Grape and canister that was stowed aft, in the trimming box, unbent the sails, and cut up lower, and top-sail yards, and top-mast, for fire wood, still striking at intervals.— At 9.30. cut away the Main-mast, weather squally and heavy sea running:— At one P M. lost Rudder entirely, steam up all night, and working the Engine when necessary to keep her head to sea, and prevent her going on the beach:— Continued to strike until day-light. At which time, wood being nearly expended, commenced cutting up the Saloon, weighed anchor, and put out to sea clear of the breakers. At 11 A-M. Anchored in 7 fathoms water, bar bearing S. by West, attached additional planks to the Spar used for steering, and at 2. P M. same day 5th inst. weighed anchor, and run on to the bar in 11 feet water:— The temporary Rudder then became useless, the sea driving it up under the counter, the strong current of the River, drifting her out to sea again. After making three unsuccessful attempts to cross the bar, came to anchor in 5 fathoms water, at sun-down. While on the bar, shipped many heavy seas, and having no means to fasten down the large Fire Room-Hatches, found the water in Hold up to the fire-room floors, put all hands to the pumps, with the exception of a few, with whom I got out the keel the Main-mast and set the Carpenters at work making a Rudder, at day-light next morning found the Ship free of water. At Meridian completed the Rudder and shipped it; during the morning men employed cutting up bulk-heads, berths in the Ward Room, and Steerage, berth decks forward, and ceiling for fire-wood:— At 3 P M, 6th inst, weighed anchor and stood for the bar; at 4.30. crossed the Bar in 11 feet water,

and proceeded up the River. came to an Anchor at 6 P M:—
The next morning received wood from the Frontera, weighed anchor again, and stood up the river, and came to anchor in 5 fathoms water opposite the town.

I immediately upon my arrival commenced repairing damages, made a new Rudder and shipped it, the 25th inst, found the Lower gudgeon broke, was obliged therefore to secure the heel of the Rudder with chains set up to iron ring-bolts drove into the side.

On the 11th Novr. I had received on board 72 cords of wood, and was supplied with provisions (until the arrival of the San-Bernard the day previous to your appearance off the Bar) by Genl Anaya, the bills for which, I have not yet obtained:

The Zavala has proved herself to be a superior Sea-boat, and had I not lost my Rudder, should have ridden out the Gale in perfect safety. There has been much sickness on board, since my arrival in the River. David Morgan Fireman, and William Smith Seaman died of Fever, a few days previous to your arrival.

Very Respectfully &c

(signed) J. T. K. LOTHROP
Commander.

*Document A. being refered to in the foregoing Report of
Comdr Lothrop.*

To His Excellency the
GOVERNOR OF YUCATAN.

TEXAS STEAM SHIP OF WAR
ZAVALA August 26th 1840.

SIR:

I arrived off this Port, of Sisal on the 23rd inst, for the purpose if possible, of obtaining a quantity of wood. I am in want of one hundred and fifty, or two hundred cords. The Govt. of Texas will esteem it a great favor, if the Governor of Yucatan, will so order and arrange, that I may obtain the specified quantity of wood. For the payment of which, I will give a draft on the Govt of Texas, or the Texas Consul at New-Orleans.

I have the honor to be &c

(Signed) J. T. K. LOTHROP Comdr
Steam Ship Zavalla

*Translation
of Document B. refered to, in the foregoing Report of
Comdr Lothrop.*

To the COMMANDER of the
Steamer of War Zavala.

MERIDA DE YUCATAN
27th August 1840.

SIR:

I am happy to hear of your arrival, and do not doubt but you will be supplied with the wood you require.

The bad state of the Treasury, occasioned by the enorm[ous] expenses, attending the recent political changes, prevent the Govt. from offering you, as they would be pleased to do, more considerable supplies, it not being possible, now that the Congress is in Session, to give other than those that are urgent, and of small amount, for which I have this day given the necessary orders to the Comdt at the Port, that he may inform me of the cost of the 150, or 200 cords of wood which you require, rendering Account to the Supreme power, that I may be authorised to make the payment and to receive the bill which you offer on the Texas Consul at New-Orleans.

Notwithstanding those steps, I trust that the Comdt at the Port will shew you every attention in his power, as he had previous instructions, and now others to the same effect.

With sentiments of esteem I am &c
(Signed) JUAN DE DIOS CASGAYA.

Translation

*Of Document C. referred to, in the foregoing Report of
Comdr Lothrop.*

(Seal) CONGRESS OF THE FREE STATE OF YUCATAN.

EXCELLENT SIR:

The August Congress in session this day, having heard the opinion of the Committee of Ways & means (Hacienda) have decreed as follows.

1st. That the Executive supplies the Comdt of the Steamer Zavala, with the wood he requires, using all possible economy in the purchase, to receive from the Comdr a Bill for the amount on the Texas Govt., which bill the Executive will dispose of in this Market, or in that of Campeche, and refund the amount to the public Treasury.

2nd. That the Executive manifest to the Comdr of the Steamer Zavala, and to his Govt., the sincere wishes of the State of Yucatan for the National Independence and re-establishment of Federation;— that they regret, that in future, owing to the poverty of the exchequer, they cannot make advances, of this, or any other nature.

3rd. That the Executive also manifest, that our ports are opened freely, under the formalities of our laws, to the vessels and citizens of Texas, and that the Govt of Yucatan will compel its subjects to fulfil faithfully, any contract, obligation, or compromise entered into with the subjects of Texas. Which

by order of the Congress is communicated to your Excellency, for your knowledge, and for its execution.

God and Liberty (Signed) TOMAS RUIZ, Senator

(") BUENAVENTURA PEREZ Senator

MERIDA 1st Sept 1840.
To HIS EXCELLENCY THE
GOVERNOR OF THE STATE

This is a true copy Merida
Sept 1st 1840

(Signed) JOSE JOAQUIN DE TORUS Secty

*Document D. refered to, in the foregoing Report of Comdr
Lothrop*

Translation

(Seal) To the COMMANDER OF THE STEAMER
OF WAR ZAVALA Merida 1st Sept 1840.

SIR: The delicacy and scrupulousness with which the Congress of this State examines subjects brought forward for their concurrence has delayed until now the passing of the Resolutions, a copy of which I transmit, by which you will see, that I am empowered to furnish you with the 150 cords of wood which you have asked.

To hasten the execution of this operation, I have this day given the necessary orders to the Military Comdt of the Port that he may attend to the contract; to its being put on board, and paid for, also, to receive the bill you offer against your Govt in favor of this, which you will please give in triplicate form, with the guarantee that you will pay any discount which may be required to negotiate the bill, as Yucatan and its merchants here have never had any commercial relations with the Texians, it may be difficult to dispose of it.

I refer you to the copy of the Resolutions transmitted, as by that you will see that the Govt of this country is disposed to give the most positive assurances of their feelings of friendship, harmony, and reciprocity towards Texas & the Texians and if by the actual bad state of its exchequer (Arcas) the Govt is not disposed to offer further assistance at present, they will, when order is restored in all its branches, and are in a different situation, they can go further in the demonstration with which they wish draw closer the relations with the Texians, to whom, as the Comdr. will see, they offer the best guarantee;— that they are free to visit our Coast and Ports.

The Comdr will please receive the
assurance of the consideration, and
esteem of his Obt Servt

(Sigd.) JUAN DE DIOS CASGAYA.

Copy.

TEXAS SCHR OF WAR SAN-ANTONIO¹⁰
GALVESTON BAY 17th July 1841.—

Hon B. T. ARCHER
Secty of War & Navy
Austin Texas.

SIR:

I have the honor to report my arrival here on the afternoon of the 14th inst having sounded thoroughly, and to my entire satisfaction, the Bar at Sabine Pass and ascertained the delineation of the Coast from that point, to Point Bolivar.

I found *eight feet* on the Bar at Sabine, and soft muddy bottom, softer if possible than the Bars at the Mouths of the Mississippi River,— an excellent harbour inside, over six miles in length, and varying from six hundred yards to one mile in width— the anchorage outside, I consider perfectly safe, the holding ground excellent, and the water being comparatively smooth, in consequence of the muddy bottom, extending for several miles outside of the bar.

The mud is so very soft on the Bar that I have no hesitation in saying that vessels drawing *nine* feet water, can pass the bar with ease, and perfect safety, and with the aid of Steam Tugs, vessels can be got over the bar, with a draft of ten feet. The U S. Revenue Cutter Woodbury has been in several times, and so have the Steam Packets New-York and Savannah.

The Latitude of the beacon on Texas shore at the entrance of the pass is 29°. 40' N. and the Longitude 93°, 53', 35" W from Greenwich, Variation of the Compass 7°. 43', E. I will sail again in a few days.

I am &c

(Signed)

E. W. MOORE
Comdg Texas Navy.

Copy.

TEXAS SCHR OF WAR SAN BERNARD¹¹
GALVESTON June 28th 1841.—

Com[modore] E W. MOORE
Comdg Texas Navy

SIR:

I have the honor to report, that agreeably to your orders of May 14th, I proceeded to Vera-Cruz; with the Hon James Webb, placing myself under the directions of that gentleman.

We arrived at Vera-Cruz on the 29th and came to anchor at "Sacrificios", a three days Norther we encountered off Maria-

¹⁰Endorsed: Document C.—Accompanying the Report of the Naval Bureau.—
¹¹Endorsed: Document D. Accompanying the Report of the Naval Bureau.

Andrea, will in some degree, account for our long passage, as I did not think it prudent to run in, when I could not get out again if necessary. I found in "Sacrificios" H. B. M. "Sloop Comus"—U S, "Sloop Warren", and Spanish Sloop "Le Altas". I am sorry the poverty of this Govt developed in my dress, prevented me from exchanging suitable civilities with the officers I was thus brought in contact.

The Hon James Webb having ascertained, that he could not land, and would probably have to wait ten days for an answer from "Mexico", did not wish to remain in "Sacrificios", and I recommending Cay-Lobos, we proceeded to that Isld. We found there, no inhabitants, and no remains of the Boat left by the "Austin";— but supplied ourselves with turtle, fish, and Limes. We returned to "Sacrificios" on the 15th, and found there, the French Frigate "Sabine", and the Brig "Dun-ois". On the 16th, the "Sabine's" boat despatches to the Hon Jas Webb, putting an end to all negotiations;— And on the next morning we got under weigh, and by the directions of the Hon Jas Webb, I shaped my course for "Fronteira", we encountered strong Easterly winds, with a current setting to the Wd, which prevented us making much casting, so I kept close in, with the land, hoping to be able to work up, with the land, and sea breezes. On the 19th at 5.30, P M. when about 5 leagues to the Nd of Cape "Roxa Cortida", standing to the Southd under all sail, by the wind and going 5 knots;—the head of the fore-mast broke short off, close below the trussle-trees, without any warning. The wreck hanging by one of the Futtock Shrouds. A hand was sent aloft to cut it, when every-thing fell on deck. We immediately commenced to clear the wreck, and at 9 P M. got some head sails on her, and by, and with the advice and consent of the Hon James Webb, wore ship, and shaped our course for Galveston. On examining the Mast, I can find no indications of any previous hurt;— but the heart of the wood is perfectly rotten, and the best proof I can give, that the accident is not owing to my negligence, in any way, is to produce the peice [*sic*] of the Mast, which I forward you, with this. Should the service require, I can put the trussle-trees over the remaining part of the Mast, and be ready for sea in a week; the only difference in my sail, being the "Bonnet" off the Fore-sail and Jib, and from the little experience of the Schr I have had, I am confident she would be benefitted by shortening her masts. At the same time, I would suggest, that the Fore-Mast is not sea-worthy, as I beleive [*sic*] the whole mast is rotten at the head.

Very Respectfully &c

(Signed) D. H. CRISP
Lt Comdg San Bernard.

B.

*Report of Quarter Master General and Acting Commissary
General of Subsistence*

QUARTER MASTER GENL OFFICE
AUSTIN 1st Octr 1841

SIR

In compliance with your order I have the honor to submit a report of the Quarter Masters and Subsistence Departments for the year ending 30th September 1841—

Since my last annual report from the Quarter Masters Dept which embraced 3d Quarter ending 30th September 1840, aggregate amount of Funds on hand and received from the Treasury, in accordance with appropriations made and consolidated by Congress.

One Hundred & twenty two thousand six hundred & thirty seven 22/100 dolls\$122,637.22

By Amount disbursed for the use of the Dept. and accounted for by me, One Hundred & twelve thousand three Hundred & Seventeen 64/100 Dollars...\$112,317.64

By Amount to be accounted for by Col Wm. G. Cooke late Quarter Master General Ten thousand, three hundred & Nineteen 58/100 Dollars.....\$ 10,319.58

Making the total amount of Expenditures drawn & disbursed by Col Cooke and myself, for the use of the Quarter Master Dept. up to 18th January 1841 at which time the office was abolished by act of Congress, One Hundred & twenty two thousand, Six hundred & thirty Seven 22/100 Dollars.....\$122,637.22

Amount to be accounted for since my last annual report from the Subsistence Department— Eighty Seven thousand, four hundred and sixty seven 28/100 Dollars\$ 87,467.28

And disbursed as follows,
Expended by me for the use and on account of the Subsistence Dept. during 4th Quarter ending 31st December 1840. Sixty Six thousand, four hundred & Eighty Six 57/100 Dollars.....\$ 66,486.57

Amount paid by me to Brigr. Genl. E. Morehouse for the purchase of supplies for subsistence of the force raised by him, for Expedition against Indians on upper Brazos. Ten thousand Dollars.....\$ 10,000.—

Amount of Expenditures made by me
in 1st Quarter 1841 out of funds appro-
priated for subsistence of Regular Army
and Volunteers— Ten thousand three
hundred & forty Eight 60/100 Dollars..\$ 10.348.60

Leaving a ballance on hand to be ac-
counted for, Six Hundred & thirty two
11/100\$ 632.11

Making Eighty Seven thousand, four
hundred & sixty seven 28/100 Dollars... \$ 87.467.28

Being the total amount of all appropriations made by Con-
gress for the use of this Department during my administration
of the Same.

I have since the 9th February last, at which time it was found
necessary to order me into service, performed the duties in the
Quarter Masters & Subsistence Departments, as Quarter Master
General & Actg Commy Genl Subsistence—

All appropriations having been ex[h]austed previous to that
date, no *cash* passed thro' my hands, but, in order to carry out
the disbandment of the Army, it was also found absolutely
necessary to furnish the *troops* with subsistence and sufficient
transportation to enable them to reach this place, for which,
and for the purpose of securing the public property, transport-
ing am[m]unition &c, purchases were made and accounts ap-
proved by me against the Quarter Masters & Subsistence Depts,
as follows:

Audited, & paid by the Treasurer Nine-
teen thousand and fifty two 29/100
Dollars\$ 19.052.29

Paid by the Pay Master Genl. Eleven
thousand Six hundred & forty nine
74/100 Dlls\$ 11.649.74

Audited, & paid by the Treasurer for
the Expedition under command of Capt
M B Lewis against the Indians on
upper Colorado, Seven thousand one
Hundred & twenty five Dollars.....\$ 7.125.—

Amount of Contracts and Expenditures
in fitting out the Santa Fe Expedition,
for the Quarter Masters, Subsistence,
& Medical Depts, which were Audited &
paid, by the Treasurer, the purchase
and issue of every article of which was
made by myself Seventy Eight thousand
four hundred and twenty one 51/100
Dollars\$ 78.421.51

Making the total amount disbursed from the Treasury & Pay Dept for the Quarter Master & Subsistence Depts from the 9th Feby. 1841 to the present date— One Hundred & Sixteen thousand two hundred & forty Eight 54/100 Dlls..... \$116,248.54
 Of which there is charged to the men under command of Brevet Brig. Gnl H McLeod, Santa Fe Pioneers and to be deducted from their pay—
 Seventeen thousand, two hundred & ninety 04/100 Dollars \$ 17,290.04

The amount of claims against the Quarter Master, Subsistence and Medical Dept, for the Regular Army & authorised Expenditures of Volunteers & Militia, the Appropriation being exhausted, Seventy thousand Dollars. \$ 70,000.—

All of which is Respectfully submitted

By Your Obt Svt
 WILLIAM L CAZNEAU
 Qr Master Genl & Actg.
 Comy. Genl Sub[sistenc]e—

To the
 Hon BRANCH T. ARCHER
 Secretary of War & Navy

C.

Report of Paymaster General

PAY DEPARTMENT¹²
 AUSTIN September 30. 1841

SIR

I have the honor of forwarding to you a statement of the transactions of this Department from the 30th. day of September 1840 to the Close of the present fiscal Year,

From the accompanying statement it will be seen, that the funds received by this Department to include the 30th September 1841 for the payment of the Army, Militia, spies and Minute Men ammounting to One hundred & forty seven thousand Eight hundred & three dollars and fifty Cents, the balance reported in hand in my last Annual report amounting to twenty thousand seven hundred & fifty two dollars, and Ten thousand five hundred & four dollars and seventy five Cents received from several Officers of the Army for balances due the Government, making in all One hundred & Eighty One thousand, sixty dollars and twenty six Cents, all of which was applied to the settlement of the public accounts And which will be seen by refference to the subjoined statement.

The Amount received from the Treasury so soon after the

¹²Endorsed: Pay Master General's Report. C.

close of the past fiscal Year, appears large, but when it is recollected that five Companies of Regular Infantry including the field and Staff, having had their pay due from the 1st July 1840, and which were absent on remote service (on the Military Road) where they could not possibly be paid without great inconvenience, until their arrival at this place, which, however, was done as early as practicable, thereafter,

The balance to complete the payment of the Army to the date of their disbandment was drawn out of the un[e]xpended balance of the Appropriations for the Year 1840, upon Executive Orders as well as six thousand three hundred and four dollars and twenty five Cents, which was applied to the payment of the Militia for 1841

The several Companies of Militia having rendered Service in the Years 1840 & 1841 and having received no remuneration — — in Consequence of the Honl. Congress failing to make an appropriation for that purpose has caused considerable dissatisfaction. I must therefore respectfully request that the Honl. Secretary of War will direct the attention of the next Congress to this important subject.

The Muster Rolls of the Militia have not yet been received at this Office, but so soon as they are, I will make out Estimates and forward them to Your Department.

I have the honor to be with high respect

& Esteem Your Obt Svt

J SNIVELY Pay M Genl.

Honl BRANCH T ARCHER
Secy. of War & Navy

STATEMENT

Of funds received from the Treasury by Order of the Secy of War
for the payment of the Army, Militia, Spies and Minute Men since
the 30th. September 1840, to the 30th September 1841.

Amount of funds drawn from the [Treasury?] for the Year commencing 30. Sep 1840

Army for 1840	Army for 1841	Engineers M. Road	Spies & M Men	M & Volunteers 1841 Executive Orders	Collections from several Officers	Bal. on hand 30. Sep. 1840	Total Amt Recd.
58.355.50	42254.25	5000.00	35.904.00	6292.76	10.504.75	22752.00	181.060.26

Amount Expended from 30th Sepr 1840, to 30th Sepr 1841.

Army for 1840	Army for 1841	Engineers M. Road	Spies & M Men	M. & Vol. 1841 Executive Orders	Militia & Vol. for 1839	Relief Law & J. Cecils Pension	Total Amt. Expended
66313.13	45693.11	5000.00	37896.00	6304.25	14900.00	5250.00	181.446.49

J. SNIVELY
Pay Master Genl

[Endorsed:] Annual Report for 1841

JOURNALS, REPORTS AND SPECIAL LAWS

D.

Report of Clerk Ordnance Department.

ORDNANCE DEPARTMENT¹³
8th September 1841

To the

Honorable BRANCH T. ARCHER
Secretary of War & Navy

SIR

Herewith I have the honor to transmit to you, the Quarterly Returns of Ordnance and Ordnance Stores, for the fourth Quarter of 1840 and the first and Second Quarters of 1841,¹⁴ together with Copies of letters from Messrs. Tryon, Son & Co of Philadelphia, and an Invoice by Alden A. M [Jackson,] Esqr Collector at Galveston, of Ordnance and Ordnance Stores in the public store at the Custom House, also an abstract of receipts and issues of Muskets.

Of the fifteen hundred stand of muskets Contracted for by this Government with Messrs Tryon Son & Co., eight hundred and sixty have been paid for, and received at the Arsenal, except one hundred that are in the public store at the Custom House at Galveston, and by reference to one of their letters to Col. Hockley, dated 29th March last, you will perceive that the remaining six hundred and forty were finished and forwarded to Mr. V. Libeau, their agent in New Orleans, to be delivered to this Government as soon as they are paid for, the cost of which amount to *Eight Thousand Two hundred and ninety seven 15/100 Dollars*, exclusive of interest to which they seem to consider themselves entitled, as will appear by their letter, one to The Honorable David G. Burnet, dated 29th April and the other to Col. Hockley, dated 3rd June last.

Six six pounder brass Guns were received last fall at Galveston, from Springfield Massachusetts, two of which were issued on their way up here last Spring, to the Artillery Company at Houston, Commanded by Captain J. Moreland, and one subsequently to the Santa Fe expedition together with ten and a half sets of the new Artillery harness.— The other three are in battery at the Arsenal with the Twinsisters and other Ordnance, all in good order; but the artillery Carriages and wheels suffer materially from Continual exposure to the weather, and will eventually be rendered useless unless sheds are erected for their protection.

The one hundred muskets (five cases) before alluded to, and Two hundred and fifty Jinks, patent Carbines (thirteen cases) with some Ordnance stores, are in the public store at the Custom House at Galveston, as will be seen by the accompanying Invoice. The abstract shows the number of muskets on hand at the arsenal, one hundred and seventy nine, and relative to the two

¹³Endorsed: Letter To The Honble Secretary of War & Navy .

¹⁴The reports for the first and second quarters of 1841 have not been found.

hundred and sixty muskets missing, I have little to say further than, that a good many of them, must have been carried off by deserters.

I have the honor to be very respectfully
Your most obt Servt.

DAVID ROSS
Clerk Ordce Dept.

*Abstracts of Muskets*¹⁵
received, issued and remaining on hand at Arsenal in 1840-41

	Muskets	Muskets
Received from Tryon Son & Co. of Philadelphia		760
Issued to the regular Army during the third Quarter of 1840	240	
Issued to the regular Army during the fourth Quarter of 1840	197	
Total issued to the Regulars.....	<u>437</u>	
Returned by the regular Army the first Quarter of 1841.....	91	
Returned by the regular Army during the Second Quarter of 1841.....	19	
Received for detachment from Post Galveston for Ordnance duty.....	7	
Remaining at Post Galveston.....	9	
Left at San Antonio as pr Major Neighbors Invoice of Ordce Store left there	4	
Returned as pr Captain J. Goodall's return for June; but for which there is no Invoice.....	67	
		<u>197</u>
Total reced		197
Missing.....	240	<u>240</u>
		520
Issued to Santa Fe expedition, & others during the first Quarter of 1841	81	
Issued to Santa Fe expedition, & others during the Second Quarter of 1841	148	
Issued to Santa Fe expedition, & others during the Month of June 1841	92	
On hand at the Austin Arsenal.....	179	<u>500</u>
		<u>20</u>
Missing ..	20	
Carried down ...	<u>240</u>	
Total missing	260	Muskets

¹⁵Endorsed: Abstract of the receipts & Issues of muskets in 1840 & 41.

Recapitulation

Total received		760
Total issued & out on service at present.....	321	
" on hand at the Arsenal.....	179	500
		<hr/>
Total missing.....		260 muskets

Report of the Colonel of Ordnance.

ORDNANCE DEPARTMENT,¹⁸
4th January 1841.

To His Excellency
DAVID G. BURNET
President of the Republic,

SIR

In obedience to your order requiring a statement of the liabilities of the Government for arms contracted for in the United States, I have the honor to reply.— That an order was issued by the late Honorable Secretary of War bearing date 29th May 1839, and another dated 7th June of the same year, directing the Colonel of Ordnance to contract with Messrs Tryon Son & Co. in the first for Five hundred Muskets and the second for One Thousand, making together Fifteen hundred Muskets— Which was accordingly done, and the contract closed at Twelve dollars each.—

During the month of May of the same year experiments were made by order, with the different manufacturers of revolving rifles and other small arms differing from the Common Musket — This resulted in the recommendation of Jinks rifle with some alterations— And Two hundred and fifty were accordingly ordered— they will cost Twenty-three dollars and Eighty cents each.

The Arms first mentioned would have been delivered long since, but for the Epidemic which prevailed throughout the United States during the year before mentioned.— Messrs. Tryon Son & Co. asked for further time to complete their contract which was granted.— The rifles ordered from Mr. Jinks factory have been ready, and in New Orleans since Augt. last.— Capt. Pennoyer has advanced Fourteen hundred dollars for the Government on account of that order.

The payments & liabilities of the Government will then stand, thus:—

.Payments for Tryon's Muskets,		
43 Cases 860 muskets received and paid for,.....		11161.15
		<hr/>
To be paid for.—		
32 Cases 640 Muskets (Tyron's.)		8414.90
13 Cases 250 Rifles, (Jinks)		6401.14
		<hr/>
Amount still due, Dollars,		14.816.04

¹⁸Endorsed: Report of the Colonel of Ordnance. No 55 Jan'y 4, 1841.

This amount may be slightly augmented by contingent expenses such as storage &c. &c. (the Government having neglected complying with its part of the contract, not having promptly received and paid for Jinks rifles.)—

In answer to your enquiry as to the necessary stores &c required by this Department for the current year, I have the honor to enclose a Copy of the estimate which accompanied my report to the Honorable Secretary of War.— This your Excellency will perceive includes *all* which will be required— the special inquiry to which I have been directed is answered by the following extract from that report, viz:—

3.500 Kegs Gun powder, Cannon, Musket & rifle,	dollars,	19250.00
1.000 Pigs Lead 60.120 lbs.....	.....	3156.30
50.000 Flints .....	.....	225.00
	Dollars—	<u>22.631.30</u>

I must solicit the patience of your Excellency for the purpose of another extract from that report in as much as it has not been printed and probably not seen by you.

Extract.

The necessary expenses of the current year will depend intirely [*sic*] upon the action of Congress as regards the Department.— if an Armory of construction be decided upon— the necessary buil[d]ings, Machinery &c. will require a liberal appropriation— Drawings and plans with a view to that object have been prepared, and are now in this office and held subject to orders.—

The Estimates of Cost, will depend much upon the location of the works— the power— and the style of architecture.—

Should it be deemed necessary to continue an Armory for repairs of Artillery and small arms *only*, a comparative small amount of appropriation, say Eight Thousand Dollars par money, exclusive of the cost of public buildings, will be required.

I have the honor to be Very respectfully

Your most Ob't. Sev't.

(Signed) GEO. W. HOCKLEY
Col. Ord.

(Copy)

PHILADELPHIA 29th March 1841¹⁷

SIR

We had this pleasure on the 4th instant with Invoice and Certificates of inspection of one hundred muskets and accompaniments.

¹⁷Endorsed: Copies of letters from Messrs Tryon Son & Co of Philadelphia

We again annex Invoice and Certificates of inspection for one hundred (more) muskets and appendages which now completes our contract with your Government, leaving now unsettled for, six hundred and forty-muskets amounting to *Eight Thousand two hundred and ninety seven 15/100 Dollars* (exclusive of Interest) and we would respectfully suggest if you do not conceive us fairly entitled to interest, say from one month after date of each Invoice, the amount it is true is small, and compared with the inconvenience and sacrifices we have been compelled to make in consequence of not having received our remittances regularly is comparatively nothing, we trust however that should we be favored with the expected contract for Rifles & we will be enabled to extend the time of payment, to your better convenience.

Hoping soon to hear from you on the subject of a continuance of your favors, and also with the pleasing information of this (late) Contract being finally adjusted. We remain

very respectfully
Your obt Servts
(Signed) TRYON SON & Co

Col GEO. W. HOCKLEY
Col of Ordnance
Texas

PHILADELPHIA March 26th 1841

Invoice of Muskets manufactured by Tryon Son & Co of Philada Pa for Government of Texas.

5	G	20 Muskets	\$12	240.00	
	Y	20m			
		# 71.72.			
		73.74.75			
		3 Ball Screws	15c	45	
		Care of 3 Screw drivers	25	75	
		V. Libeau 3 Moulds	35	1.05	
		New Orleans 3 Spring vices	30	90	
		La 3 Wipers	15	45	
		Cases		4.50	
5	Cases	at each	\$248.10	\$1240.50	
	Cash paid	freight to New Orleans		7.88	
	"	" Insurance on \$1400.			
	"	at 2 pr ct	28.00		
	"	Policy	1	29.00	
	"	Inspection		20.00	
	"	portorage		1.25	
				<u>\$1298.63</u>	

Philadelphia March 26th 1841

I do hereby certify that I have proved inspected and passed one

hundred muskets with the proportion of Spring vices, ball screws, Screw drivers, moulds & wipers complete, manufactured by Tryon Son & Co Phila. Pa. for Government of Texas, and that they are equal in quality to those made for the U. S. and in accordance their Contract for the same

Signd J. G. ZLEGAL late United States Inspector

(Copy)

PHILADELPHIA June 3rd 1841

Hond SIR

We are in receipt of your kind favor of the 9th April last. the letter you mention as having written us on the 19th December has never been received by us, the last letter received from you was under date of the 19 September 1840 in reply to ours dated 3rd August, since which we addressed you on the 20th October, 18th November, 14th December, 26 December, 4th March and 29th March.

We much regret that we did not receive yours of the 19th December as it would have been a Satisfaction even under our disappointment to have known what we had to depend upon.

On the 29th April last we addressed a letter To His Excellency David G. Burnet the President, and on the 24th May one to the Hon. Secretary of War on the subject of our contract. Both letters were similar and of which we now annex a Copy. Permit us to thank you for the kind offer of your services in our behalf, in order to bring this (to us) unfortunate business to a favorable issue, which we presume you could best accomplish by bringing the subject before your next Congress. Not doubting, as you observe but that they will do us Justice. We think it unnecessary for us to move further in the affair at this time, believing that your Statement of the facts of the case would be more in point at present. Should you however think differently on the subject please advise us.

You will perceive in the Copy annexed we mentioned the allowance of interest which we think we are fairly entitled to, in fact it would be even a poor compensation for the disappointment we have experienced.

Hoping soon to hear from you with favorable tiding We
Remain

very respectfully

Your obt Servts

(Signed)

TRYON SON & Co

Col. GEO. W. HOCKLEY

(Copy)

PHILADELPHIA April 29th 1841

Hond SIR

On the 3rd April 1840 we entered into Contract with Col G. W. Hockley of the Ordnance Department on behalf of the Govt of Texas for the manufacturing & furnishing of 1500 Muskets and accompanymnts to be delivered in parcels of 100 & to be paid for on delivery of each shipment. For the strict performance of our part of the Contract we made every exertion & trust have done so to the satisfaction of your Govt. You will perceive however by the annexed statement that the payments have not been made to us with a corresponding regularity, which has placed us under some pecuniary embarrassments from which we respectfully ask you to release us. we would here beg leave to state that the prices at which we furnished those arms are the same as paid by the United States on their heaviest contracts for thousands per annum. the profits caused by competition consequently low, & would therefore suggest if in your opinion we are not entitled to receive interest on the respective Invoices after a reasonable time for payment, we must beg you to excuse us for addressing you on this subject, our desire to have an early remittance has prompted us to do so. Permit us to observe that it will not only afford us pleasure but will esteem it a particular favor to be continued in the employ of your Government for any description of Arms but more particularly for the manufacture of Rifles. We annex Statement, Interest you will perceive is not included.

Invoices and bills of Lading were regularly forwarded to Col Hockley as also to your Consul W. Bryan Esqr at New Orleans, on every shipment

Very respectfully

Your obt Servts

(Signed)

TRYON SON & Co

His Excellency
DAVID G BURNET
President of the
Republic of Texas

1840			
October 13.	To	Mdse	1811.39
Novr 14	"	"	1296.00
Decr 11	"	"	1296.25
1841			
Jany 23	"	"	1296.25
Feb'y 27	"	"	1298.63
March 26	"	"	1298.63
			<hr/>
			\$8297.15

(Copy)

*Inventory of Stores and Munitions now in the Public Stores
Galveston belonging to the Ordnance Department, viz¹⁸*

received

Novr 9, pr Schooner Jew tree from New Orleans,
6 Boxes lead
1 " Merchandize
2 Bundles wire
1 Demijohn oil
1 Box tallow
27 Bars Iron
6 Bundles Do.
3 " Steel
200 Kegs Powder

Novbr 9, pr Schr Florida from New York
2 Boxes Sabres

1841

Jany 20, pr Steamer New York from New Orleans
5 Boxes Muskets

April 17, pr Steamer Neptune from New Orleans
13 Boxes Jink's Patent Carbines

GALVESTON 17th April 1841

(Signed)

ALDEN A. M. JACKSON
Collector

Copy

[*Reports of Various Military Movements in 1841*]

CITY OF AUSTIN, April 2nd, 1841.¹⁹

To the Hon B. T. ARCHER,
Secretary of War,

SIR:— I have the honor to report that the Company of Minute Men, under my command, was organized on the 28th. ulto. On the 29th, I sent Lt. Newcomb and two men to reconnoitre Brushy, who returned the following day and reported a fresh trail of Indians leading towards Austin. A portion of my men were soon mounted, and accompanied by some Volunteers, were in immediate pursuit. We were unsuccessful in finding these Indians; but discovered the trail of the party who had stolen Capt. Brown's Horses a few nights previous. We followed this trail, and succeeded in gaining their vicinity undiscovered a few miles above the Peirdinalis [*sic*] River.

Here I ordered a halt for the purpose of refreshing our horses, having travelled about sixty miles in twenty four hours,

¹⁸Endorsed: Copy of Alden A. M. Jackson Esqr's Invoice of Ordnance & Ordnance Stores at the Custom House at Galveston.

¹⁹Endorsed: Report of Geo. M. Dolson, Capt. Travis Co. Minute Men April 2nd 1841. No. 1.

over a mountainous country. I sent out my Spies, mounted upon the best horses; who returned, bringing into Camp three of the enemy's Caballado, and reporting fresh signs in the Colorado bottom. At midnight we were in our Saddles, and again upon their trail, with the hope of discovering their Camp, and attacking them at dawn; but the darkness of the night prevented. Having halted again for a short time, we continued our route. At day break we discovered their horses, and a few minutes afterwards, found ourselves upon their Camp. The action commenced on the part of the Indians, by a rapid report of Rifles. We immediately charged, and drove them from their Camp. Twice they rallied, under orders of their Chief, who acted with considerable bravery; but nothing could stop the impetuosity of my men, and the Indians broke in every direction, leaving us in possession of the Camp. The nature of the ground would not admit the operation of Cavalry, but we pursued them a short distance on foot. They were suffered to escape however, bearing off their wounded, the number of which could not be ascertained, and leaving their Chief and seven others dead on the field. We returned from the chase, burned their Bows & Arrows, and destroyed the Camp. We arrived in Town last night, bringing the horses that had been stolen from Capt Brown.

I am happy to say, none of my men were wounded. I myself, received in the commencement of the chase, one shot in my breast, and one in my thigh. My horse was also shot through the Neck. After being shot, I continued the chase on foot, until so completely exhausted, I could neither proceed farther, or command my men. At this Instant, Capt Daniels came gallantly to my aid, and called to the men, "for God's sake not to permit the charge to end." At this, I was satisfied, and desisted from farther effort to proceed. The men under Captain Daniels, continued the charge until the Indians were dispersed.

The Indians numbered about thirty five— the men under my Command, as follows:

Minute Men— Lt. Newcomb; Privates —H Reinhart, J. W. Ladd, Wm. Gipson, H. W. Clark, D. R. Webb, Joshua Holden, J. M. Shockley, J. W. Harrison N. H. Watrous & C. R. Sassaman. Volunteers— Brigr. Genl. Morehouse, Col. L. P. Cooke, Powhattan Archer and Mr. Gates. Travis Guards— Capt Daniels and Lt Forster.

Verry [*sic*] respectfully

GEO. M. DOLSON
Capt Minute Men.

Copy.

SAN ANTONIO, 14th. April, 1841.²⁰To the Hon. B. T. ARCHER,
Secretary of War,

SIR:— I joined my company with that of Capt Antonio Perez, and proceeded as directed in your orders. Shortly after leaving Bexar, I was informed of considerable robberies having been committed upon Traders returning from Bexar with goods, by two parties which had been infesting our frontier, one under Agatone with thirty men and the other under Ignacio Garcia with twenty five men. I endeavoured to intercept these parties before they could return to Laredo, but they reached that place one day before I arrived in the vicinity. In the mean time two men were dispatched from Bexar, giving information of my Company being out. About ten miles this side of Laredo, on the 7th Inst, Garcia with his party of twenty five men & fifteen Regular Cavalry, were discovered; they had come out to meet us. They rode up to us, sounding a Bugle, and made an immediate attack, firing upon us and ordering us to surrender, saying they had a large force. I ordered my men to dismount and tie their horses, which was immediately done and a few shots returned, killing one of the enemy and wounding another. The enemy then rode off a short distance and endeavoured to surround us.

Thinking it not advisable to leave our position till it could be ascertained whether the enemy had any other force than that which showed itself, I directed two men to ascend a hill near by to see if any more of the enemy could be discovered. During this time the enemy took a strong position upon an eminence, and dismounted. The two men returned and reported that no more of the enemy could be seen. We then mounted and advanced slowly until within about two hundred yards of the enemy; and having again dismounted and tied our horses, we made a charge, and the enemy gave way; we mounted and pursued for a few hundred yards, when the enemy rallied, posted themselves, and again dismounted; we also dismounted at the distance of about one hundred yards, the enemy firing upon us continually; we instantly charged on foot, putting the whole of the enemy to flight, driving them from their horses, except the Captain (Garcia) & three men, who made their escape on horseback, the enemy leaving two men dead at this place. Our men immediately sprung into the Saddles of the enemy and pursued them, and upon being overtaken, they threw down their arms and called for quarters. We took twenty five Prisoners with all their arms, ammunition &c., and twenty-eight horses, with their saddles, Bridles &c. The enemy left three dead and three severely wounded; several others were wounded early in the action and taken off. None of our men were injured. Our force consisted of thirteen Americans and twelve Mexicans.

²⁰Endorsed: Report of Jno. C. Hays, Capt. Spy Company, San Antonio, Apl 14, 18/41 No. 2.

Upon making enquiry among the prisoners respecting the position of Arista, it was stated by Edward Flores, an intelligent man, that Arista was at Matamoros or in its vicinity, with about two thousand men; that they were drying Beef all over the country for a Campaign, said to be to operate against the Indians.

Verry respectfully

JOHN C. HAYS
Capt Spy Company

Copy.

ROBERTSON COUNTY,
FRANKLIN, April 16th, 1841.²¹

To the Hon. BRANCH T. ARCHER
Secty. of War,

SIR:— I beg leave to report that the Company of Minute Men, under my command was organized on the 29th of March; and upon the evening of the month of April, I received information that our Indian enemy had killed Mr. Stephen Rogers Jr., and had driven away eight head of horses from the easterly side of the Navasoto River. I immediately collected 25 of my men, and by a forced march, was enabled to come up with two of them about eleven o'clock A.M. of the 11th Inst, at the distance of two miles, moving the stolen horses in charge. I immediately gave chase at full speed for the distance of seven miles, and was enabled to recover all of the horses back, and take one from the enemy.

I am sorry to say that, from the jaded situation of our horses, and the start which they had, they were able to elude us. While we must regret their escape, it affords me pleasure, that from the perseverance manifested on the march, and in the chase, by every man under my command, to believe that nothing is wanting, on the part of this command, but a fair opportunity, to sustain that character for Chivalry, which is always anticipated from Texan citizens.

I have the honor to be

Your Obt hbl. Servt

ELI CHANDLER
Capt Robertson County
Minute Men.

²¹Report of Capt. Eli Chandler Robertson Co. M. Men April 16th 1841. No. 2.

Copy.

ROBERTSON COUNTY MINUTE-MEN²²
 HEAD QUARTERS, FRANKLIN,
 26th. May, 1841.

To the Hon. BRANCH T. ARCHER
 Secretary of War,

SIR: I have the honor to report, that on the 16th. Inst. I received information from my Spies that they had accidentally met Messrs Hardestry and Porter, who had been dispatched by Col. Thos. I. Smith & B. J. Chambers (who were on a Surveying Expedition) to inform me that they had discovered the appearance of a body of Indians on Pecan Creek, a tributary of Trinity River, at the distance of about one hundred miles from this place. I forthwith took up the line of march, with forty five men of my command, and was joined on the march by Messrs. Thos. I. Smith & Mr. Branch, (both of Milam County) B. J. Chambers, C. M. Winkler, Jno. Copeland, F. Flint and M. M. Ferguson, as Volunteers, making the aggregate force fifty three.

On the morning of the 20th. by travelling all the preceding night, I was able to gain a position in the neighborhood of the supposed Indians, and believing we had not been discovered, I concealed my men, and dispatched reconnoitring parties, which resulted in Lt Love's reporting his having found, down the Creek a few miles, a deserted Village, which had been visited within a few days by the enemy. But the lateness of the hour induced me to remain until the dawn of the next morning; at which time we took up the line of march for the deserted Village—

Having proceeded about five miles, we discovered, at the distance of 300 Yards, eight or ten of the enemy, who we immediately gave chase—pursued them about three miles (in a contrary direction, as we afterwards ascertained from their Village) but by their superior knowledge of the woods, they evaded us. I then retrograded to hunt the deserted Village, which we found—containing 28 Lodges, and also a trail, which we pursued. At the distance of one mile, we discovered our former foe, on the same trail— I immediately charged with all my force at full speed, on the path, which ran on a ridge not more than 3 or 400, yards wide, inclined on each side, by two Creeks running nearly parallel, and on each side of which was an extended bottom, grown up with underwood so as to be impassible for hors[e]men, a distance of about five miles, which brought us up with the enemy's new Village, without our overtaking them. But continuing directly through the Camp, thereby alarming men, women and children, who all fled before we could get within Gun shot distance, to almost impenetrable thickets; abandoning every vestige of their property. I had dismounted my men, leaving the captured party and our horses under charge of Lt Love and a detachment, and commenced scouring the bottom, and succeeded in collecting some property;

²²Endorsed: Report of Capt. Eli Chandler Robertson Co. M. Men. May 26th 1841.
 No. 4.

and had a few shots from the enemy, which were returned with effect. During my absence Lt Love received a few shots which were promptly returned with effect.

I have only to report Col. T. I. Smith slightly wounded in the hand— three of the enemy killed, some wounded, and 9 Mules, 23 head of horses, some Powder, Lead, Axes, Peltry &c. &c. taken; all of which we estimate worth three thousand dollars.

After burning their Village, and destroying every thing that could be useful, which we could not transport, I took up the line of march for this place, and arrived last night all well.

Too much praise cannot be given to those gentlemen, who give us this timely information; while, with feelings of pleasure, I add that every man did his duty as a citizen and Soldier.

I have the honor to be

Yours Respectfully

ELI CHANDLER
Capt Robertson County
Minute Men.

Copy

CITY OF AUSTIN, June 2nd, 1841.²³

Hon. BRANCH T. ARCHER,
Secretary of War & Navy,

SIR:— At the date of my communication on the San Sabba, I was undetermined whether to leave the Nueces and Rio Frio entirely and move in the direction of the Moras, or occupy the passes between the head waters of the San Sabba & those streams, and detach the Troops in small parties in pursuit of the Indians, which, from every evidence it was possible to gain, had broken up their Camps, and scattered, either for the purpose of finding game more plentifully, or of eluding pursuit — The smokes and trails of hunting parties passing through the Country in various directions, and the certainty of being able to intercept them by such a disposition of the force, and the great improbability of finding a body of sufficient strength to require the presence of all the troops at any one point, induced the adoption of the latter plan.

The Lipans, who had been sent to the head of the Yano to ascertain if any fresh trails were in that vicinity, returned with the intelligence that they had discovered a small party of Comanches near the Road. Capt Bugg was ordered to push on in pursuit with twenty men, and in a short time came up with them, and killed three. Lt. Gilispie, on the same day, was detached with ten men in pursuit of another party, with which he came up, but in consequence of their abandoning their horses and taking to the Mountains and Cedar brakes, failed to kill any of them. Capt. Green, with twenty men and four Lipan

²³Endorsed: Report of M. B. Lewis, commanding expedition against the Indians — June 2nd, 1841. No. 5.

Spies, on the following day, commenced pursuit of a party the Indians had found the trail of, and after following upwards of sixty miles, (forty of which was over the Mountains without water) overtook them in the Vall[e]y of the Nueces; they discovered him however, in time to make their escape, with the exception of one, which was killed. The Captain lost no time in examining the Country for other parties, and in the evening of the same day, killed another Indian and captured a Prisoner. It was impossible to kill the whole of any party that was found; and it was evident from the signal smokes that were rising in every direction, that those who had made their escape, had given the alarm, which would render all further pursuit fruitless. Considering it useless to remain longer in search of them, the Volunteers commenced their march for San Antonio, from the Nueces on the 21st of May.

About twenty miles above the Presidio Road on the Nueces, a trail was found by the Lipans, which appeared to have been made by three or four hundred horses, and from its appearance, to be about fifteen days old.

It was my impression, from the size of the trail, and its course when first discovered, that a large body of Comanches had concentrated for the purpose of attacking the settlements on the San Antonio, but upon following it to their first Camp on the River, it was ascertained to be a body of Cherokees. Their route continuing down the east bank of the River, induced the impression that it was their intention, either to unite with a party of marauding Mexicans, which have for some months past, infested the main road from the Rio Grande to San Antonio, or make a descent upon the Frontier, at some point least protected. With the hope of being able to overtake them before much mischief could be done, if such was their design, preparations [*sic*] were made for a force march; but upon moving a short distance on the trail, the Lipan guides reported them to have crossed the River and gone in the direction of the Town of Presidio, which place, I learned from some Mexicans at San Antonio, they reached about the middle of the month of May. From the size of their Camp, there must have been two hundred & fifty, men, women and children.

Upon reaching San Antonio the numerous reports of Indians in that vicinity, induced a delay of a few days at that point, to ascertain if they were true. On the evening of the 28th. from sixty to eighty made their appearance near Town, and killed a Mexican and drove off some Cattle. As little time as possible was lost in collecting the Volunteers together, and being joined by Majr. Howard with a Company of Citizen Volunteers, pursuit was commenced, and the Indians so closely pressed by Majr Howard and Capt Green, who had been detached at the Leon, with a portion of the Command to check them until the main force could come up, that they killed most of their Horses, and by taking to the bottoms of the Creeks, eluded further pursuit.

In submitting to your consideration, a brief statement of the

operations of the Volunteers composing the Command, I have every Confidence that justice will be done the efforts which have been made to render their services beneficial to the Country.

Most respectfully

Your Obt Servt

MARK B. LEWIS
Com'dg. Vols.

Copy

BOWIE COUNTY, 5th. June, 1841.²⁴

Hon. B. T. ARCHER,
Secty. of War.

DR. SIR:— By order of Genl. Edward H. Tarrant, Brig. Genl. of 4th. Brigade, Texas Militia, I communicate to you the following facts relative to an expedition which he has lately completed against the hostile Indians.

On the 14th. of May he left Fort Johnson, above Coffee's station, with one Company of men commanded by Capt. Jas. Bourland. Owing to late depredations by the Indians of a more frequent and daring character, and learning that the Village of the Indians had lately been discovered, on the headwaters of the Trinity River, he determined, with the small number of 69 men, if possible, to find the Indians and attack them.

We marched five days in a direction a little south of west, passing through the lower cross Timbers, and crossing the head branches of the middle fork of the Trinity. On the fifth day we entered the upper cross Timbers and changed our direction a little more south. On the 19th, we discovered tolerable fresh sign—we had every reason to believe there were Indians in the vicinity—We soon found two Villages, which we found to be deserted—the Indians at some previous time, had cultivated corn at these Villages. There were some sixty or seventy Lodges in these two Villages. They were on the main western branch of the Trinity.

They, being situated on high Benches of the Mountains, General Tarrant deemed it imprudent to burn the Villages, for fear of giving alarm to the Indians; from such elevated positions, the smoke could have been seen for many miles—but they were, in a great measure, destroyed with our Axes. We changed our course south east, following the course, for some distance, of the main western branch of the Trinity; and on the 21st we crossed the high divide, and camped that night on the most eastern branch of the Brazos, Finding no Indian sign. Here, we changed our course east until we again struck the Trinity, intending to scour the western branch to its mouth. On the 24th. we came to the Ford of the Trinity, where Gen'l Rusk and Dyer charged the Kickapoo Camp in 1838, in sight

²⁴Endorsed: Report of Brig. Gen. Tarrant's expedition against the Indians on the Trinity and Brasos—by Wm. N. Porter, Act'g Brigade Inspector. June 5th 1841. No. 6.

of the lower cross Timbers. Here we recrossed the Trinity from the eastern side to the western, and upon the high Prairies one mile from the ford, we found very fresh sign of Indians—The Spies were sent ahead and returned and reported the Indian Village in three miles. We arrived in 3 or 4 hundred yards, and took up a position behind a thicket. The men were ordered to divest themselves of their Blankets, Packs, and all manner of incumbrance, after which, the line was formed, and the word given to charge into the Village on horseback; and it was taken in an instant, the Indians scarcely having time to leave their Lodges before we were in the Village; several were shot in attempting to make their escape. Discovering a large trail, leading down the creek, and some of the Indians having gone in that direction, a few men were left at that Village, and the rest at full speed took their course down the creek, upon which the Village was situated— Two miles from the first Village, we burst suddenly upon another Village; this was taken like the first— there was another Village in sight below— many of the horses having failed, the men ran towards this Village on foot; but the Indians having heard the firing at the second Village, had time to take off the Guns & ammunition, and commenced occasionally to return our fire. From this time there was no distinction of Villages, but one continued Village for the distance of one mile and a half, only separated by the creek upon which it was situated. We had now become so scattered that Genl. Tarrant deemed it advisable to establish some rallying point to which smaller parties should be expected to rally— We marched back to the second Village, and the rearguard with the Packs &c., having come up, the General chose this as the position— From this point Capt Jno. B. Denton, aid to Genl. Tarrant, and Capt. Bourland took each, ten men for the purpose of scouring the woods. The parties went different directions, but formed a junction one mile and a half below the 2nd Village— From this point they intended to return, but discovering a very large trail— much larger than any we had seen, one end of which led over a Mountain west, the other East, towards the Main Trinity, crossing the creek upon which the Villages were situated— they were compelled to cross the creek at the lower end of a bend which was formed like a horse-shoe They turned to cross the creek, perceiving through the timber, what appeared to be a village still more large than any they had heretofore seen; but just as the head of the two detachments were on the eve of entering the creek, they were fired on from every direction, by an enemy that could not be seen. At the first fire Genl. Tarrant's aid, Capt. Denton was killed, and Capt Henry Stout severely wounded— Capt Griffin slightly; the clothes of many others were pierced with balls, but fortunately, no one else touched. Situated as they were, it was impossible to maintain their position, being fired at from almost every quarter, and unable to see the enemy. In this situation the men did the best they could—dismounting—some of them raising the yell, and making

every demonstration, as though they intended to charge the creek. The Indian yells and firing soon ceased, and both parties left the ground. It was not the wish of General Tarrant to take any Prisoners. The women and children, except one, we suffered to escape, if they wished, and the men neither asked, gave, or received any quarter.

From the Prisoners who we had taken, we learned that at those Villages there were upwards of one thousand warriors, not more than half of whom were then at home; the other half were hunting Buffalo, and stealing on the Frontier. Here is the *Depot* for the stolen horses from our frontier, and the home of the horrible Savages who have murdered our families. They were portions of a good many tribes— principally the Cherokees who were driven from Nacogdoches County— some Creeks and Siminoles, Wacos, Caddoes, Kickapoos, Anadarcas &c. We counted 225 Lodges, all in occupation, besides those that they could see the glimpse of through the Trees, in the main Village— They had about three hundred acres in corn that we saw; and were abundantly provided with ammunition of every kind. They had good Guns, and had moulded a great many bullets— each Lodge had two or three little Bags of Powder and Led tied up in equal portions; and at one Lodge (a sort of Black Smith Shop where we found a set of Black Smiths Tools) we found over a half Bushel of moulded Bullets — we also found some Sergeants Swords, Musket flints, Rifle and Musket Powder, Pig Lead and Musket Balls, which we supposed they must have taken from the place when the Regular Army buried a portion of their ammunition. They had all manner of farming utensils of the best quality, except Ploughs— In some of the Lodges we found Feather Beds & Bedsteads.

We felt convinced if the Indians could ascertain the smallness of our numbers, they might, with so great a number, by taking the advantage of us at the crossing of the creeks, with such immense thickets in their bottoms, which we were compelled to cross, if not defeat, at least cut off a great many of our men; and if we had remained at the Village all night, it would have given the Indians time to have concentrated their forces, ascertain our numbers, and with ease have prevented our crossing a stream of the size of the Trinity. It was deemed advisable therefore, to take up the line of march and cross the Trinity that night. At 5 o'clock, with our poor dead companion tied across a horse, we left the Village— marched twelve miles back on the trail we came— crossed the Trinity and camped in an open Prairie. The next morning 25 miles from the Village, we buried our friend; and in five more days we arrived in the settlements

We had one killed, one bad, and one slightly wounded. The Indians had twelve killed, that we counted, and a great many more must have been killed and wounded, from the quantity of

blood we saw on their trails and in the thickets where they had ran.

We brought in six head of Cattle, 37 horses, 300 lbs of Lead 30 lbs Powder, 20 Brass Kettles, 21 axes, 73 Buffalo Robes, 15 Guns, 13 Pack Saddles, 2 Lady's Saddles and 3 Swords, besides divers other things not recollected.

I am, with great respect

Your Obt Svt

WM. N. PORTER
Actg. Brigade Inspr.

Copy

NACOGDOCHES²⁵
13th. June, 1841.

To his Excellency
MIRABEAU B. LAMAR.

SIR:— I have written a communication of the same date with this, but since the sealing of the same, I have received information from Majr. Gage who was in pursuit of the Indians mentioned in that letter.

He followed until his horses gave out— he then pursued on foot— Discovered eight Indians, 8 or 10 miles east of the Trinity, He followed them to the River in ambush, and when the Indians attempted to cross the river, he charged upon them, killing seven out of eight of the Indians, without the loss of a man, killed or wounded. They were making their way directly in the course of the Village discovered by General Tarrant— The fight took place about fifty or sixty miles north of Fort Houston.

It is believed by the men, that the balance of the fifteen Indians that was first discovered and fired on by the Spies, were killed at that time; as they could not discover the trail of but eight, from that place.

Your Obt Servt

JAMES SMITH
Brigr. Genl. Com'dg.
3rd Brigade T. M.

By P. S. HOLLINGSWORTH Aid

Copy

FRANKLIN, June, 19th, 1841.²⁶

To

the Hon. B. T. ARCHER
Secty. of War & Navy,

SIR:— I hasten to communicate to you, the result of an expedition made by the Company of Robertson County Minute men, under my command, since my report of the last date.

²⁵Endorsed: Letter from Brig. Genl. Smith, to his Excellency the President. Nacogdoches, June 13th 1841. No. 7.
²⁶Endorsed: Report of Capt. Eli Chandler, Robertson Co. M. Men. June 19th. 1841. No. 8

Being convinced of the necessity of active and energetic measures, on my part, to prevent a descent of Indians upon the frontier settlements, I took up the line of March on Friday the 4th. Inst, with a command of forty-one men— proceeded up the Brazos to the Cross Timbers— entered and marched under cover of the same, to the divide between the waters of the Brazos & Trinity Rivers— proceeded up said divide in a northerly direction, to near the North west boundary of said Cross Timbers, and encamped on the night of the 8th day, having for three days previous, discovered considerable Indian trails. Next morning we took up the line of march about 7 o'clock A. M. About 9 o'clock A. M.; we discovered, and succeeded in capturing a Mexican. After being disarmed, he informed me that we were in about four or five miles of an Indian encampment, which he would take us immediately to. Believing that I had been discovered at that place, by a hunting party of Indians, and having some heavy Packs, I ordered them left with a guard of seven men, and proceeded with all possible speed to the encampment, capturing two women before reaching it. The Camp being deserted, I pursued the trail until 3 o'clock P. M., capturing eleven more prisoners— making in all 24 Prisoners —7 women, 6 children and 1 Mexican— At this time I was informed by one of the Prisoners, that on that day a party of sixty Warriors were to meet at that place for a large hunt. I proceeded immediately back to the encampment— took possession of all their Camp equipage, Axes, Hoes, Powder & Lead, and sixteen head of horses. Here we left an aged Ionie woman with instructions to tell her people that we wished them to come in, and bring with them the Americans they had with them, with a white Flag, and they should have their prisoners, and we would talk with them, and wished to be brothers &c. &c. We took off but little of their camp equipage, and burned none, to show them that we only wanted peace.

I then proceeded immediately to where I had left my baggage, where I arrived about 6 O'Clock P. M. The party of Warriors above spoken of, to the number of sixty, had arrived early in the day, and attacked my baggage guard. They retreated a short distance, to a Ravine— took their position, and by their union and valor, succeeded in driving back the enemy, with the loss of their Chief and one other killed. The whole number of Indians killed, were four, and three or four wounded. None of my command received the slightest injury from the enemy.

My command being small, and having the Prisoners to guard, I abandoned further pursuit, and took up the line of march for this place, where I arrived on yesterday, the 18th. Inst., with my men and Prisoners all well. I am informed that there was a white Boy at the encampment, nine or ten years old, but being put on a good horse, he succeeded in making his escape without being discovered by any of my Command.

I shall retain the Prisoners under guard, subject to the order of your Department; and any instructions you may wish

to give relative to them, you will please give immediately. Among the Prisoners are two Shawanee women, two Ionie women, who have Shawanee husbands, and two other Ionie women. One of the Shawanee women has four sons, who were at the encampment, and, from all the circumstances, I am of opinion that some of the Indians will be in, in a short time; and in such an event, I would like to have some instructions from your Dept, what course to pursue in relation to them.

I cannot refrain from stating, that two much praise cannot be awarded to each of the above command, for the gallant manner with which they kept up the charge from 9 o'clock A. M. to 3 P. M; and instead of the excessive heat, unparalleled thickness of the woodlands, and unevenness of the Country over which they moved, opposing a barrier to be overcome by their Commander, strict orders to abandon further pursuit, were in every instance, necessary.

I have the honor to be

Yours, with Esteem

ELI CHANDLER

Capt Com'dg.

Robertson Co. Minute Men.

Supplement

FRANKLIN, June 19th, 1841.

To the Honorable

SECRETARY OF WAR & NAVY.

SIR:— Permit me to present for your consideration, the following items connected with my Report of this date.

The Mexican Prisoner taken is a young man of smart intelligence— speaks the english Language quite well— states that he has been living among the *Chocktaus*— was among these Indians trading— says they were principally Ionies, some Shawanees, a few Wacoos; that the Wacoos and Cherokees live not far distant —That the Tywacconies, Caddoes, Kickapooos &c. are all making Corn between the Brazos and Trinity Rivers— That many of them live at what is called the Big Bend Village on the Brazos, which he says is about twenty miles above where the Americans were last winter. That all the different Tribes talk of getting together, and living at one place— That there is some little talk among them of making Peace with the Americans— That they are generally nearly destitute of provisions; and have great difficulty in obtaining the same— that they say they obtain their large quantities of Lead by finding it buried in the upper Country— Says he can take us to several encampments.

I expect to make another Expedition, so soon as my horses recruit, if circumstances should indicate the same.

I have the honor to be

Your Obt Servt

ELI CHANDLER

Copy

SAN ANTONIO, 1st July, 1841.²⁷

To the Hon.
SECRETARY OF WAR,

SIR:— I have the honor to inform you, that I have this morning returned from an Expedition, in pursuit of a party of Indians that had been committing depredations, and driving off Cattle from the vicinity of this place.

On the 27th ulto, I set out with a Company consisting of about 35 men, and took the trail, which led us in the direction of the Cannon de Ubalde. When within two miles of the entrance into the Cannon, we came upon a party of ten Indians, on their way from the main Camp, to the vicinity of this Town. I immediately attacked them, and succeeded in killing eight and taking the remaining two Prisoners, capturing all their horses and property.

I would have continued on to the main Camp, but as my horses were much jaded, and the Camp more distant than I expected, I concluded to return, and after recruiting, proceed to the encampment the situation of which I have now ascertained. But one of my command was wounded— Mr. Miller, and he not severely.

My Company consisted of sixteen Americans—in addition, I was aided by Capt Flores, with about 20 Mexicans.

I have the honor to be

Your Obt Servt

JNO. C. HAYS
Captain

Copy

FORT BRYANT, August 12/41.²⁸

To the Honorable
SECRETARY OF WAR,

DR. SIR:— Agreeable to appointment with Capt Chandler, from Robertson County, the Milam County Minute Company met the Robertson Company on the 26th July 1841, at the Ionie Village on the Brazos, and were also joined by Majr. Lewis, Mr. Archer, Mr. Landers and several other Gentlemen from Austin City. Capt Chandler took command by consent of parties, and we proceeded slowly up the Brazos, having to contend, and tarry with sickness daily. We passed several evacuated Towns of the enemy in the Cross Timbers and our Spies used every exertion to ferret out the grand Village, but without success. On the 3rd August, being encamped in the upper edge of the Cross Timbers, and anxiously waiting for the return of our Spies, to commence retrograde movements, our provisions being exhausted, when a few Indians made their

²⁷Endorsed: Report of Capt. Jno. C. Hays. San Antonio, July 1st. 1841. No. 9.
²⁸Endorsed: Report of Capt. G. B. Erath, of Milam Co. Minute Men. August 12, 1841. No. 10.

appearance about Camp. I was detached with twenty men, in pursuit; and in search of the trail, divided my party, leaving some men with Capt Love of Robertson County on the left. My men, in the mean time, discovered the Trail, and I pushed forward on the same, when I was fired on by a party of Kickapoo, or Cherokee's, from behind a cliff of rocks, which secured the enemy completely, being only on one side possible to ascend it, with the utmost difficulty; which passage was defended bravely by the Rifles of the enemy. Their first fire killed one of my men— Capt A. T. Smith Milam Co.— and *their* balls grazed several others, without injury. I formed in a little grove of timber, and returned the fire; which was kept up for half an hour, during which time we suppose to have killed two Indians and perhaps wounded others. At that time Capt Love arrived, and another reinforcement came up from Camp— A charge then was made, and the Bluff carried. The Indians left the ground, carrying with them their dead. The mountainous situation of the country, made pursuit impracticable; and after burying our dead man, we commenced our return through the Cross Timbers. The 7th of August, I separated my company from Capt Chandler's, and returned to the settlements by way of the Bosque, finding no sign of the enemy on our return.

We still feel convinced that a strong Village exists on the Brazos, but that only a well fitted campaign, can capture it.

The toils and sufferings of the Company were greater than usual, and the perseverance & vigilance of the men, highly commendable. The distinguished character of the gentlemen from Austin is too well known to need *excelling* any further. They have gained the highest esteem of the Company. Remaining yours, with high esteem.

G. B. ERATH
Capt. Milam Co. M. Men.

Copy

SAN ANTONIO, 13 Augt, 1841.²⁹

To B. T. ARCHER,

SIR:— I feel it my duty to report to you the success of another Expedition, which, however good or bad may be its final result, I flatter myself has exerted a verry [*sic*] beneficial influence upon the situation of our exposed settlements.

About the 12th. July I left this place with about fifty men,— twenty five of our citizens, some ten or fifteen from Gonzales, and the like number of the Lipans and Tonkewas. I proceeded to the point upon the Rio Frio where I had so successfully engaged the Comanches some time previously, and where I had been informed they were still encamped in a considerable body: I found that they had taken fright at the dreadful fate of their companions, and had fled, after having murdered

²⁹Endorsed: Report of Capt. John C. Hays. San Antonio, Aug. 13th 1841. No. 11.

some Prisoners then in their Camp. I followed on their trail, which led me through the rugged passes at the head of the western branch of the Rio Frio. We pursued at a great disadvantage, the Indians having designedly picked the worst road possible, and burned the whole Country. Our Horses and Men were much starved and worn down by the time we had reached the head waters of the Llano, where we discovered from the freshness and extent of the trails, there was a large encampment. Within a few miles of the Camp our Spies took fright at the signs of the times, and purposely led us from the main trail upon a smaller one, some eight miles below; where, next morning, we were discovered by a party of hunters, who fled to give the alarm. We pursued as fast as the condition of our horses would admit— About a mile this side of the Camp we were met by about fifty Warriors, who came to cover the retreat of the families— A running fight ensued between these and a few of our best horses; which lasted some two hours, over six miles of rugged Country, which entirely wound us up, to the no great displeasure of the Indians. In the fight we had one man wounded in the hand & breast; and from the bloody saddles upon the trail, and other sign, we must have killed and wounded some 8 or 10 Indians. We fought at great disadvantage, the number of the enemy enabling them to carry off the dead and wounded. In the camp we found a Mexican Prisoner swinging by the heels, and shot and lanced to death

There were apparently about two hundred Indians, with about six hundred head of horses. There appeared to be another large Camp in the direction of the head of the San Sabba, and one upon the head of the Gaudaloupe [*sic*]; but, in our plight, pursuit was useless— I turned towards Bexar where I arrived on the 4th. of August. The whole Country upon the Llano, Pierdenales and Guadalupe has been burned, apparently to afford grass for a full Campaign against us.

I cannot close this communication without mentioning the service and bravery of Demacio (a Mexican) and Flacco (a Lipan). I truly regret that I cannot give a more favourable account of a Campaign which cost us much fatigue and deprivation.

I am most respectfully

Yours &c.

JOHN C. HAYS
Capt Com'dg.

Copy

VICTORIA, July 2nd, 1841.³⁰

To the Hon. BRANCH T. ARCHER
Secretary of War & Navy.

SIR:— In accordance with a requisition made by the Sheriff of this County and Refugio, I proceeded in company, with some

³⁰Endorsed: Letters with regard to Western disturbances—the capture of Col. Dimitt and others, &c. &c. No. 12.

forty citizens, to the Nueces, for the purpose of arresting the Marauders, who have for some time past, infested our Frontier.

Our party was composed of Citizens of this County, Refugio and San Patricio. We reached the Nueces on the 23rd ulto., and there learned, that a short time previous, a Mexican had been to Kinney's Ranch, and stated that a party of three hundred Soldiers were within thirty five miles of that place, under the Command of Col. Verial. He stated that the Troops were in search of Robbers and had succeeded in surprizing a party of *ten*, and had killed them all but one. The bodies of these men were found by our party. It appears that they (the Robbers) had, a short time before, killed a party of Traders and Robbed them of several hundred dollars, a Lot of Blankets, Pelonceas &c. This party of Americans were led by a Mr. Yearby, who formerly resided at Austin.

We learned also from some Mexicans recently from Comargo, that Owensby, with about fifteen men had been surrounded by two or three hundred Mexicans, and that eight or nine of his men were killed and himself & five others taken Prisoners. Vereal with his command had returned to the Rio Grande, before our arrival at the Nueces.

It appears from the statement made by the Traders, who have visited our Country of late, that it is the settled purpose of the Mexican authorities, not only to assert, but to *maintain* the Control of the Territory between the Nueces and Rio Grande. I learn from a credible source that the Mexican Mail (Mail) passes weekly between Kinney's Ranch and Matamoras.

Respectfully

Your Obt Servt

JOHN T. PRICE

Copy

LAMAR, REFUGIO Co. July 8th, 1841.

Hon. BRANCH T ARCHER,
Secretary of War,
Austin,

SIR:— I feel it my duty to inform you, that on the 4th Inst. a detachment of Mexican Cavalry, acting under orders from General Ampudia, came to the Trading establishment of Mr. Phil. Dimitt and Mr. Jas. Gourlay, on the Corpus Christi Bay, and captured & carried off, as Prisoners, Mr. Dimitt, a Mr. Boyd and two other persons that were in their employment. They also plundered the Establishment of all the Merchandize, Money, and everything valuable, amounting to several thousand Dollars; and waited twenty four hours for the arrival of Mr. Gourlay, who happened to be at this place with his family, and whom they were anxious to catch.

There is a singular circumstance connected with this business, namely: that the Ranch and Trading Establishment of Messrs Kinney & Aubry, a short distance from Dimitt's, re-

mained unmolested; and that the officers of the party who captured Dimitt, were at the above Ranch, where they appeared to be on intimate terms, previous to their going to the latter place (Dimitt's)

There are many reports in circulation respecting the connection of Messrs K. & A. with the Mexican Govt.; but as I know them only on common report, shall refrain from giving any statement of them—referring you, however, to Mr. Thompson, the bearer of this, for what he knows on the subject.

This affair, my dr. Sir, calls aloud for prompt and energetic action on the part of the Government. At the moment when negotiations for Peace are progressing, and Commissioners are actually at our Seat of Government, a Mexican Army—say 300 men—are marched into our Territory, and some of our best citizens carried off captive, and a large amount of property plundered and carried off as the Spoils of the enemy.

With consideration of the

highest respect, I remain &c

JAMES W. BYRNE.

Copy.

LAMAR, 8th. July, 1841.

Hon. BRANCH T. ARCHER,

DR. SIR:— On Sunday the 4th. Inst. a party of Mexican Cavalry under the command of Capt Sanchez, aid-de-Camp to General Ampudia of Matamoras, came to where Capt P. Dimitt and myself are situated, at the "Flour Bluff", on Corpus Christi Bay, and Robbed us of everything, amounting to nearly \$6.000. They took Capt Dimitt as a prisoner to Matamoras; and at the same time, they had an order to take me, but being obliged to come to Lamar (where my family resides, on some business I did not get back to Corpus Christi until the day after the party left; by which means, I escaped being made a prisoner also.

Mr. William Thompson, who was in the employ of Capt Dimitt at the time the robbery was committed, leaves to-day for Austin, for the purpose of denouncing to this Government some *traitors*, who were the cause of the late transaction; and whatever Capt Thompson says, full faith and credit should be given. He is a man of strict veracity, and an eye-witness to the whole transaction. They also took, as Prisoners to Matamoras, James C Boyd & Stephen W. Farrow, both Texan citizens— the former an old Soldier, who has been in every Battle, with the exception of the Alamo, that has been fought in Texas.

I have the honor to be

verry respectfully

Your Most Obt Servt

JAMES GOURLAY Jr.

Copy

VICTORIA, 10th July, 1841.

Hon. B. T. ARCHER

DR. SIR:— We have received undoubted information, that a party of Mexicans have taken some of our best citizens, on the Southern Frontier— Capt. Dimitt, Mr. Gourlay and their Comrades had taken Merchandize to Corpus Christi Bay, for sale, some few Miles from Kinney's— I am told the amount of their stock was seven or eight Thousand dollars, which has been taken by the Mexican Government.

The citizens here, take great interest in favor of Capt Dimitt, and would like to have the sanction of the Government to go to his rescue; and should it not be obtained, they will go on their own responsibility. I write these few lines to you, to let you know, what the people think here. I have no doubt that Kinney is acting a double part.

I am yours respectfully

J. WRIGHT.

At a Public Meeting of the citizens of the Town of Victoria, convened at the House of Mr. Chas. Vincent: this day the 10th. Inst. Thos Newcomb Esqr. was called to the Chair, and J. T. O'Reilly appointed Secretary: The chair, in a very neat and appropriate address, explained the object of the Meeting, and enlisted the feelings of those present, in behalf of our Citizens, Capt P. Dimitt, James Boyd and others, of the Republic of Texas, who whilst peaceably employed in mercantile pursuits on Corpus Christi Bay, were forcibly abducted, by an armed body, under the Command of a Mexican Government Officer, and taken on to Matamoras. Whilst all their property, and that of Mr. James Gourlay, was pillaged; to a considerable amount. His remarks were closed by reading the affidavit of Mr. Wm. Thompson, who was an eye witness to the said transaction and escaped under plea of severe indisposition; also a letter from Mr. James Gourlay at Lamar, confirming the above.

The following Preamble and Resolutions were offered by Majr. Roman, and adopted:

Whereas it has been communicated to us, that our patriotic fellow-citizen, Capt. P. Dimitt, and his Companions, have been treacherously taken into Captivity, by the Mexicans whilst quietly engaged in their mercantile pursuits, within the Republic of Texas, under the pretext that they were upon the Territory of the Mexican Government;

Therefore, *Be it Resolved:*

That we look upon the act with great indignation, and such a one as should not be tolerated by any Texan possessing the feelings of a patriot.

Resolved, that we will cheerfully aid our Government in the maintainance of her Jurisdiction over the Territory between the Nueces & Rio Grande.

Resolved, That unless Capt Dimitt and his Companions are forthwith released from incarceration, and saf[e]ly conducted to the place from where they were taken, and their property restored, we are ready at the call of the Govt., to retaliate the injury to our utmost ability.

Resolved. That we consider it the duty of our Govt. to give protection to such of her citizens as are true to her cause, and to retaliate upon the enemy who should dare molest them.

Resolved. That we believe it the duty of our Govt. to adopt such measures as will prevent the residence, on our western border, of any person whomsoever, claiming the protection of, and owing allegiance to the Govt of Mexico.

Resolved. That a Committee of three be appointed, to make a proper representation of this Meeting to the Secretary of War, and also to forward to him the foregoing resolutions.

Agreeable to the above resolutions, on motion of Col. Charles M. Creaner, a Committee of three, embracing Majr. Roman, Capt. Price and A. S. Cunningham Esqr., were appointed to investigate the cause of the Meeting, and after obtaining all satisfactory information, to make a suitable and impartial Report to the Secretary of War.

On motion, the Chair and Secretary were added to the above Committee. On motion of A. S. Cunningham Esq. Col. A. S. McDonald was also added to the Committee above named.

After an address from the chair, complimentary to the citizens for their attendance, the Meeting adjourned.

THOS. NEWCOMB Chairman

J. T. O'REILLY Secretary
VICTORIA July 10th. 1841.

Copy.

To the Hon. BRANCH T. ARCHER,
Secty of War & Navy.

SIR:— The Memorial of the undersigned, a Committee chosen and appointed by a public meeting of the Citizens of Victoria, this day, to draft a Memorial to Your Department, embodying the sense of the Meeting on the subject of the capture of Philip Dimitt, J. C. Boyd, Stephen W. Farrow and Henry Graham, and of the destruction of their property by an armed force of Government Troops of Mexico, respectfully represent:

That the Committee have carefully investigated the evidence bearing upon the subject, and are clearly of opinion that Philip Dimitt was following the lawful business of a Merchant, on Corpus Christi Bay, about fifteen Miles South East of the establishment of Kinney & Aubry, and about twenty five miles south east of the Mouth of the Nueces River (on the Bank of Corpus Christi Bay): that James Gourlay, of Lamar, and Stephen W. Farrow were pursuing the same lawful business: that James C Boyd and Henry Graham were attendant upon, or in their employment and that they— that is, Dimitt, Boyd

Farrow and Graham, were seized and made Prisoners of by a Mexican armed force, on the 4th. of July Inst, and their property taken away forcibly; and it further appears from the evidence submitted to them, that no disturbance was offered to the Ranch of Kinney & Aubry or to any person connected with their establishment, or in their employment. This circumstance in connection with others previously communicated to your Department, have induced a suspicion as to the fidelity of these persons to our Government.

We would further state, that it appears manifest to us, that the Mexican authorities are enforcing an open and avowed adverse occupation of the Territory lying west of the Nueces River; and we would respectfully suggest, that the time has arrived when it is imperative upon this government to assert her claim to the said Territory by a sufficient force, and occupation thereof; and that Government should adopt instant and energetic measures for the release of our patriotic and unfortunate fellow citizen, Capt Dimitt and his associates, and the restitution of their property.

We would also respectfully, but most earnestly, recommend, that an immediate retaliation be made on the exposed Frontier of the enemy; and that they be reminded by proper action on our part, that such assumption, and such outrage, will not be tolerated. We also respectfully suggest that a sufficient Militia, or Volunteer force should be immediately authorized to effect that object, and remove from the western border of the Republic, any individual or individuals, who losing sight of their proper character as Texan Citizens, admit the dominion of Mexico on any portion of the soil of this Republic, or pay allegiance to the sovereignty of Mexico, whilst residing in, and claiming the benefits of our Government.

We earnestly hope that our communication will meet with a prompt response; and that orders will be given as the emergency of the case renders necessary.

Respectfully

VICTORIA 10th July 1841.

RICHD ROMAN
JNO. T. PRICE
A. S. McDONALD
A. J. CUNNINGHAM
J. T. O'REILLY
THOS. NEWCOMB

Copy

GONZALES, 13th. July, 1841.

Hon. B. T. ARCHER
DR. SIR:

I am barely able to sit up from indisposition, but I must be sick indeed when I am too much so, to ask for the release of a friend in Captivity. Capt P. Dimitt is such in Matamoros. The particulars you will learne [*sic*] by the bearer. I pray you, in

God's name rescue him if you can, and the benedictions of Millions of freemen will bless the act, and a weeping and desponding wife, and six helpless children, will breathe the holiest prayer ever uttered for your happiness; but I need not say so— I know you will rescue him if you can.

The sentiments of the people will be unanimously with you; and any expense will most assuredly be paid by Congress— This county would turn out, in my opinion, nearly en masse, for this object. I am so weak I cannot write more.

Your friend

J. W. ROBINSON

Copy

VICTORIA, July 28th, 1841.

To the Hon. B. T. ARCHER
Secty. of War & Navy,

SIR:

At the request of the Committee of this place, to whom your communication of the 14th. Inst. was addressed, I ordered Capt C. M. Creaner of the Minute men, to accompany the Sheriff, and aid in the execution of the warrant against Aubry & Kinney. He was also ordered to make seizure of the enemy and their goods, to such extent as might be in his power, in accordance with the authority of your communication—

I herewith send you his report, by which you will learn what he has effected in the way of reprisals. The persons and property captured, are held subject to the order of the Government— I wish to be informed what disposal to make of them.

You will please excuse me for suggesting, that if the government determines that the property should be restored to Traders and they released, that some assurance from you would be necessary that the Captors should be properly compensated.

Verry respectfully Your Obt Svt

A. S. McDONALD
Col. 5th Regt. 1st Brig. T. M.

Copy

VICTORIA, 28th. July, 1841.

Col. A. S. McDONALD,

SIR:— In accordance with your Order, I accompanied the Sheriff with my Command, to aid in executing the process against Aubry & Kinney. We arrived at their Establishment on the 23rd Inst and found there, ten Mexican Traders, with a small Cavayard of horses, recently from the Rio Grande.

We made prisoners of the Traders and have brought them, with their horses to this place.

On my return, I learned that a party of seven Traders had just passed the Mission, going eastward, with a number of

Mules and a few horses. I immediately detached a party from my Command, for their capture, which was accordingly this day effected.

The Traders and their property are now held subject to such disposal as you may order.

Respectfully
Your Obt Servt
CHAS. M. CREANER
Capt Minute-Men
VICTORIA COUNTY

Copy

WAR DEPARTMENT
AUSTIN, 25th. Sept, 1841.³¹

To Col. P. HANSBROUGH BELL,
Adjutant Genl. Militia.

SIR:— Verbal intelligence has just been received by this Department, that a party of Mexicans had attacked and robbed Refugio, at night, on Saturday the 18th. Inst. You are hereby ordered to enquire into the affair, and report upon the same to this Department. The Government, having every confidence in your wisdom, discretion and valor, renews the orders given to you on the 30th. ulto., with the additional instructions, that you will take whatever steps you deem necessary for the future protection of Refugio and the other exposed Towns & settlements on the western frontier—

You are hereby further ordered to report to the Government, as early as practicable, your opinion, as to the influence which the Trade no[w] carried with the Mexicans upon the Rio Grande, has in producing the difficulties arising in the west— and whether said Trade should be closed, or still continued.

It is the object of the Executive to clear the Country of its enemies, and to repel them when, and wherever they make their appearance; and for this purpose you are invested with full powers to raise whatever Force is necessary to this end— to appoint your own Quarter Masters, and other officers, and to give receipts for such supplies as you may procure for the support & subsistence of your force. But whilst the Executive is thus anxious to give protection to the west, he does not wish you to prosecute any war beyond the limits of our own Territory. To invade Mexico at this time, and push a war on the west of the Rio Grande, is a measure fraught with too many important consequences, in his opinion, to this Country, to justify his ordering it without consulting the Congress of the Nation upon its propriety and policy.

By Order of the President.

B. T. ARCHER
Secty of War & Navy

³¹Endorsed: Order issued to Col. P. H. Bell, Adjt. General of Militia, relative to difficulties on the Western Border. Sept. 25th 1841 No. 13.

Copy—

CITY OF AUSTIN, 4th. Octr, 1841.³²

Hon. BRANCH T. ARCHER,
Secretary of War & Navy,

SIR:— I have discharged the duty assigned me by an Order from your Dept. dated 30th. August, with as much promptness as was practicable, from a desire to ascertain with certainty the true state of that portion of the south western frontier embraced by your order, and as would enable me to suggest what might, to my mind, seem the best and most practicable measures to be adopted for the evils existing there. I have the honor to report the result of my observations.

Whilst I have the satisfaction to announce to you that the sum of the evils on the frontier, complained of from time to time to your Department, is far less, and of a character less aggravated than has been repeatedly represented to you; it is nevertheless true, that the condition of the western frontier is at this time such as to ask from your Department a serious consideration. I have visited all the settled portions of the South western Frontier— Victoria, Lamar, Live-Oak Point, New Labahia, San Patricio, Le Pantilan, Corpus Christi and other points— Information has been sought and obtained from various channels, such as was believed would be satisfactory to your Department; and from the best conclusions which I may draw, I can state that no bodies of the common enemy, nor of our Indian enemy, have for some time past, nor do at this time infest our western border, if we except about one hundred and fifty or two hundred armed men (Vicinas) under the Comd. of a Mexican Colonel (Varial) stationed on the Little Colorado, at the three principal crossings of that Stream, for the double purpose of giving security to Varial's Ranches, and of intercepting the Trade between the two countries.— From the apparent willingness of this Officer to remain at, and maintain his present position, it is evident that his operations are intended to be altogether of a defensive character. This I learnt from sources entitled to confidence. There are likewise several parties of Mustangers, from fifty to one hundred, ranging chiefly on the Palo-Blanco, Santa Rosa, and the Las Ulmas, streams from sixty to a hundred miles south of San Patricio These parties, though hostile to, and injurious to the Trade, do not excite any serious apprehensions, or threaten any danger to the citizens of the west. But there are other bodies of armed men, Commanded by Agatone, Rimeras and others, of a different character; and whose frequent attacks upon our citizens have, and do yet excite the most serious alarm. There is little doubt but that they are Commissioned by the Commander of the Mexican Frontier, for the expressed and ostensible purpose of intercepting and breaking up the existing Trade, and indeed to stop all intercourse with the Rio Grande; but they are held to no responsibility for Plundering

³²Endorsed: Report of Col. P. H. Bell, relative to Western difficulties. Oct. 4th 1841. No. 14.

or butchering Texan citizens in their lawless excursions. They are equally the terror of all Mexican Traders and our citizens upon the Nueces, of the Peninsular, Lamar, Copano, the Mission and San Antonio Rivers—indeed the Guadalupe does not claim any exemption. Their object is plunder; no matter when, or where found; and there is no sacrifice that they will not make, but that of their own cowardly blood. Our citizens have too often witnessed their success. The very late abduction of six of the citizens from the Mission; the plundering and destruction of their property, calls for immediate and signal retribution.

The citizens of the west are united in opinion that some strong and decided movement should be made towards visiting upon these daring hordes, a just resentment, and of driving them beyond the Rio Grande; and they express a willingness to give a hearty response to any call which you may make upon them. But they are, unfortunately divided as to what are the proper means for attaining an object which is of equal interest to all, and what should be the orders which are to allow and direct their operations on the Western Frontier. The tenacity with which the respective parties adhere to their opinions, presents a serious obstacle to a prompt and decisive movement.

The material point of difference seems to be, that a portion of the citizens ask for, and require the most unrestricted orders, such as would licence the interruption, and indeed the breaking up the Trade, and of expelling all Mexicans residing on, and east of the Rio Grande, and appropriating their property as an indemnity. To use their own language, they would "rake down every thing west of the Nueces, and pay themselves"—for this purpose some would cross the Rio Grande. It is but justice to state, that many of this class, who use such strong and sweeping declarations, are of the most experienced and respectable citizens; and this strong resentment is felt, and expressed, from repeated depredations of Marauders—Others desire substantially, the same privileges, with some modifications; and there are, I believe, a much larger portion of the citizens who are willing, in their efforts, to protect, and give quiet to the frontier, to allow the proper distinctions to the friendly Mexican Rancheros East of the Rio Grande, and those of unsuspecting character, engaged in Trading—and they are *willing* that the Trade shall exist. These are doubtless honest collisions of opinion; and it would be unjust to ascribe any selfish or improper motives to any of the parties. But it cannot be denied, there is a crying evil arising from these differences. It interrupts certain and prompt action with those who are to do the work.

In relation to the Trade, I do not hesitate to state unequivocally, that it is my belief, after many enquiries on the subject, that if the true sense of the people of the Western Counties was had, that a majority would be found advocating the policy of closing the Trade; basing their objections to it mainly on the idea that it increased the channels of observation and intelli-

gence from Mexico, and exposed the frontier more openly to the depredations of Marauders. That last objection has some weight, as individuals trading in Texas have subsequently been recognized in the ranks of Marauders; but the objection does not exist to the extent which they alledge. The first objection will not hold whilst there are Mexican citizens in Texas. I frankly confess I have not been able to see the full force of the opposition to the existence of the Trade, urged by many respectable and intelligent citizens. It certainly has its evils; but many of the inhabitants of the west are its beneficiaries, from a supply through it of various articles which they need, and which, at this time, they cannot procure elsewhere. Most of them ride Spanish horses and Mules, with Spanish Saddles—wear Mexican Blankets, and it is not unusual to see, and handle Mexican Plata; all procured in the way of Trade. With such a force as has been suggested, the Trade might go on, for the present, with some advantage to the west; and with a proper scrutiny into the manner of conducting it, I believe that many of the citizens now arrayed against it, would waive their opposition.

Any force ordered by your Dept. for service in the West, should have a proper organization, and with orders restrictive and definite, especially with reference to the Trade, (if it shall continue) and the proper respect and distinction between friendly Rancheros, and suspicious and irresponsible Mexicans.

I have great confidence that, that portion of the citizens who are desirous of unlimited orders, will, when you shall think proper to express to them in positive and unqualified terms, the policy to be acted on at this time in the west, relinquish unimportant opinions, and with a prais[e]worthy and patriotic zeal, go about doing the work which you shall assign them on the Frontier.

I would most respectfully suggest to your Department, the necessity of placing, as soon as may be practicable, on our Western frontier, one hundred & fifty or two hundred men—to be raised by Volunteer enrollment; or by draft, for the period of three months, unless sooner discharged—to be well armed, mounted and equipped; and in every manner provided, so as to make them efficient Rangers between the Nueces and Rio Grande, and from the Agua Dulce, or even from the Coast, and as high up as the movements of an enemy may require. This would give Confidence and repose from the much dreaded and formidable Marauders who are now roaming at will over the Territory mentioned.

I would recommend that the Govt. should use every possible liberality in extending some facilities to those who embark in such a service; as the burthens have heretofore fallen very unequally upon the western citizens, and as it is expected that the force required will be raised chiefly from that quarter. Such a measure is loudly called for; and unless it shall be adopted, or aid in some form extended, the western settlements must of necessity, contract.

The Subsistence necessary for the Troops should be supplied from two points— Bexar, and the Ranch of Messrs Kinney & Aubrey. These gentlemen have shown much liberality in expressing a willingness to afford every aid they can in maintaining a sufficient force west of the Nueces. The utility of such a force is increased from the consideration that there has already been formed an interesting nucleus of a settlement below the Mouth of the Nueces, consisting of from seventy to an hundred souls; and by this measure, protection would be afforded at once to the San Antonio and Mission settlements— to the Peninsular, and to the settlements on the different Bays. Such a measure would also go far towards establishing in fact, that which now exists only in empty declaration— *jurisdiction to the Rio Grande.*

It is believed that the Marauders who committed the late outrage at the Mission Refugio, have fallen back upon the Rio Grande, and that at this time, the inhabitants are in no danger, but their respite will be short without the protection suggested. They were pursued by a party of about twenty five men from the San Antonio River, beyond the Aransas. Capt Cairns, Commanding a Company upon the Nueces, was immediately instructed to take the trail and ascertain as certainly as he could, their movements. He will report to Col McDonald who will inform the Department. The Company commanded by Capt Cairns is composed of men origenally [*sic*] belonging to the Minute Men of San Patricio County. The company has done active service for the whole period allowed by the Law, under which they were organized, and was broken up— I reorganized it; and made arrangements with Messrs Aubry and Kinney to supply them with subsistence and ammunition. It has been placed on such a footing as to enable it to render important service to that portion of frontier, by Scouting, and it may be useful in detecting, and breaking up small Marauding parties and should it be the policy to continue the Trade, they will give additional confidence to it. The company will at least be useful, occupying, as it will, a middle ground in a wilderness which 'seperates an interesting and valuable settlement (consisting already of, from eighty to one hundred Souls) from the more settled portions of the Country. Should you think proper to sustain the Company, it will be due to Messrs Aubry & Kinney that they be furnished from your Department with a sufficient guarantee that they will be reimbursed by the Government for any supplies which they may furnish. I transmit herewith a copy of the instructions given to Captain Cairns—

When stationary for any length of time, the Company will occupy a position east of the Nueces— they will of course scout on either side. They were instructed to do no act calculated to induce attack, because it was considered unnecessary and useless to invite attack without the capacity to repel it.

The disbanding order of the 14th of August has been executed with reference to all bodies of armed men on the Western

frontier; and there is at this time, no armed force of any character, other than the Company commanded by Capt Cairns. All Mexican Traders have been released, and furnished with the proper pas[s]ports to the Rio Grande.

I regret to be obliged to state to the Department that that part of your order requiring a restitution of the property taken from the Traders, to the proper owners, could not be executed. Before any action could be taken, the property was divided amongst the Captors, and from its kind (consisting almost entirely of Mules and horses) was in a few hours scattered through the country. It could no where be found, and if found, could not be identified; and the only resort left the Government is against the individuals in the Courts. All that could be done to satisfy the Traders of the proper intentions of the Government and respect for their interest has been urged.

I have taken for the information of the Department, an Inventory of every article of Property, with the valuation thereof, which, with certificates of respectable citizens of Victoria, of the value and kind of property, will be sufficient for the Government, should it be deemed just hereafter to allow them remuneration for their losses.

I have the honor to be With the highest respect

Your Obt Servt

P. HANSBROUGH BELL
Adj. Genl. Militia

Copy of Orders issued to Capt Cairns.

SAN PATRICIO, Sept 20, 1841.

To CAPT CAIRNS,
Comdg. Minute Men
San Patricio County,

SIR:— You will select a place eligible as a Military position, and for the conveniences of camping the company under your command, and on the east side of the Nueces at or near this place. The object of your command, being for defensive operations, you will be careful to do no act or make any movement calculated to induce attack from the Mexican enemy. You are strictly enjoined to give every facility and protection to any parties trading to and from the Rio Grande. You will be active & watchful in intercepting and breaking up all marauding parties, being careful to understand the true character of parties supposed to exist for marauding purposes. You will from time to time, detail from your com'd. a sufficient scout for information of any suspicious bodies of men lurking on the Nueces, Aque [*sic*] dulce, San Fernandez or any watering places adjacent. Should you believe any portion of the western settlements threatened with danger or attack, you will give the promptest communication of it to the inhabitants, having first perfectly satisfied yourself of the facts. Peace

to this portion of the frontier is desired, and it will be your duty, as far as practicable to promote it. You should at all times be ready to afford when called on, prompt assistance to the citizens, and to the civil authorities any aid necessary for their enforcing a due execution of the Laws. The Govt expects that the irregularities & disorders heretofore common amongst Volunteer Commands, on this frontier, will be avoided by you, by maintaining over your Company a proper discipline. You are required to report your operations and the condition of this portion of frontier once every month to the Hon. Secty. of War.

The subsistence necessary for your command will be supplied by Messrs Aubrey & Kinney upon your Requisition

By Order of the Secretary of War

P. HANSBROUGH BELL
Adj't Genl. Militia

Copy

AUSTIN, June 1st, 1841.³³

To the Hon. B. T. ARCHER,
Secty. of War & Navy,

SIR:— I herewith transmit a Map, showing the route of the Military Road from Rio River to Austin.

The red line marked "Route of Waggons to Red River", shows the line of my Survey from Brazos to Red River. From that Survey, I am perfectly satisfied that a good Road can never be made lower down the Country than the line marked "Route recommended by Engineer". That line passes through a fertile, well watered and timbered Country, which before many years, will be thickly settled. Should the road be opened any lower down, it will pass through an extensive Prairie Country, which in the summer is almost destitute of water.

Red River is navigable up to Fort Johnston, and the United States Government are erecting a Fort nearly opposite. If there could be a small force established at the crossing on Trinity, and another at the Towash Village on the Brazos, the Road would soon be opened by the citizens of Fannin & Red River Counties, and by emigrants from the United States.

I have the honor to be Your hble. & Obt Sevt

WM H. HUNT
Engr. Military Road.

Copy.

SANTA FE, March 10th, 1841.³⁴

Genl. M. B. LAMAR,
DR. SIR:

After a long silence I send you a few short lines, by the which you will see that I am still in the land of the living. I

³³Endorsed: Report of Wm. H. Hunt, Eng'r Military Road from Austin to Red River. June 1st. 1841. No. 17.

³⁴Endorsed: Letters from Wm. G. Dryden. of Santa Fe. No. 18.

have had no safe opportunity until now of sending a few lines; but I am in hopes these will reach you.

Ever since I arrived— on the 17th. of last Septr., we have been looking for some news from *Texas*— Because every American, and more than two thirds of the Mexicans, and all the Pueblo Indians, are with us, heart and soul; and whenever they have heard of your sending Troops, there has been a rejoicing; and indeed I have talked many times with the Governor, and he says he would be glad to see the day of your arrival in this country, as he feels well assured that no aid will be sent from below, as they have no means, and he himself will make no resistance.

I assured all my friends you would send last fall— I now have pledged myself, this summer; and I shall never lose hope as long as life shall last. I trust, if all things are right, before you receive this, the force will be under march, and near here. It will but be a trip of pleasure. We pledge our lives in this country, on a kind reception. We have not made a move ourselves, because we are but few. On the Plains, they will meet with no Indians, as they are coming on the Arkansas River this summer, to a great Peace making with several Northern Tribes, to be held at the Big Timber 30 Miles below Charles Bent's Fort, on the same River.

Since I saw you last, they have found two more Gold Mines, which prove to be very rich. I believe I told you of the great quantity of Copper we have in various places.

You would also do well to take into consideration the Inhabitants on the north west side of the Rio Grande, as there are some ten or twelve small Villages; and as we are certain they would be willing to join us; but as the *River* intervenes you will know what to do. They can receive no assistance from below, nor can they protect themselves.

I would also recommend you to send a large quantity of ammunition, as all our friends will then be able to defend themselves, as they have some Guns but no ammunition— and to render them useful to us, they must have Powder & Lead. I speak of our Merican friends, in case we should meet with some opposition from the *Priests*

If you should think it worthwhile to send me a few lines, you can do so, by sending your letters directed to Jarrett & Ferguson in St. Louis Mo., Commission Merchants in that City.

My best respects to all acquaintances in the city of Austin— particularly Burnet, Archer, Lipscomb and Alexander Russel.

Nothing more but remain Yours unto death

WILLIAM G. DRYDEN.

SANTA FE, 18th. Apl. 1841.

Genl. M. B. LAMAR,

DR. SIR:— When I wrote you last, I was in hopes by this time, you would have received my letter; but I have since

heard that the company by whom I sent the letter, were detained, and will arrive in San Louis in company with those who carry this— Therefore I have nothing new to communicate. But we are anxiously waiting, and hope by the last of May to hear from the City of Austin.

We think that in July we shall have a large Company from Missouri— In the fall—say the 1st of Octr, we shall have another; as they started from here on the first of April, carrying about one hundred and fifty thousand dollars, principally in Gold, from the mines 27 Miles from this place. And much Gold would be extracted every six months if we had protection from wholesome Laws. We have prospects here of more Mines than any district in the Mexican Republic I am afraid so many mines will prove injurious, because Agriculture will be neglected.

You may hear some talk of the Mexicans going to Texas; but it is all talk I can assure— At the present time the Mexican Finances are at their lowest ebb. In the Department of *Sonora* on the Pacific, they are in a complete Revolution with *Urea* at the head of one party, and *Gandera* at the other. The general Govt. can do nothing to stop, or assist those with whom they are friendly.

We have seen some Indians from Texas the other day, who presented some papers under your signature. They are of the same tribe as the *Comanches*. They said they had made Peace, and that the Comanchy had not concluded which to do, make peace, or continue War. All the Comanche Nation will be on the Arkansas River this summer, about latitude 34 North, a little above the trace that goes from Santa Fe to Independence Mo. The Comanches are making peace with the Northern Tribes, in order, I think, to have more range and keep off from the Texas border. The Department of New Mexico at present is threatened by two Nations of Indians that live near neighbors, and are able to do a great deal of damage. If no company comes from Texas this year, write me by San Louis Mo. Direct your letters to Messrs Jarrett & Ferguson, St Louis Mo., and I will be certain to get them.

Yours truly

W. G. DRYDEN

REPORT
OF
THE COMMISSIONER OF THE GENERAL LAND OFFICE
OCTOBER 7, 1841

LAND OFFICE REPORT

GENERAL LAND OFFICE,¹

REPUBLIC OF TEXAS, AUSTIN, Oct. 7, 1841.

To his Excellency MIRABEAU B. LAMAR,
President of the Republic of Texas:

SIR:— I have the honor to submit to Your Excellency and the Honorable Congress the Annual Report of this Department, and most earnestly desire that it will be of sufficient interest to enlist the attention of Your Excellency and the Congress, knowing well that the present laws governing the landed interests of the country are defective, and an important part of the General Provisions of the Constitution not carried into effect, also the interests of the country demand it; from the neglect of which, the rights of the citizens are prejudiced, and the lands of the Country daily decreasing in value— and being fully assured that if I can engage a reasonable share of the attention of the coming Congress to the few and brief remarks I shall hereafter make, my greatest desire will be gratified, and I have not the slightest hesitation in asserting that the Country will be much benefitted, at least I shall be gratified to *know* that I have performed my duty as a faithful agent in exposing the defects of the Department with which I am entrusted.

The tenth section of the General Provisions of the Constitution says in the plainest and most positive language that “the whole territory of the Republic shall be sectionized,” so as to enable the Government Officers and citizens to ascertain with certainty the vacant and titled lands, which has not been carried out in one solitary instance by our statutes, and the neglect of which has already cost the Republic nearly as much as the work of sectionizing would have cost. This Office has been in operation since 1836, and the County Surveyors’ Offices since 1838, which by this time must have cost the Country a very heavy amount of money, and we are now in greater confusion than when the Land Offices were first opened. But few of the old titled lands are spread on the county maps with any degree of accuracy, and for these few the Country owes a debt of gratitude to the Empresario, S F Austin, and to the indefatigable exertions of Mr John P Borden, who with much difficulty made a connection of most of the titled lands in Austin’s Colonies, by which we are frequently enabled to correct the maps of some of the Counties, but not, by any means, of all. With the exception of the Counties contained within the limits of Austin’s Colonies, there are none which

¹Report of the Commissioner of the Genl Land Office Endorsed: Read a first time Novr 3rd 1841 and Referd to the comt. on Public Land. & Documents A-B-C-D & E- Also in Letter Book, February 20, 1840-January 18, 1845, pp. 207-19. In pamphlet: *Annual report of the Commissioner of the General Land Office of the Republic of Texas.* By order of the House of Representatives. Austin: Printed by S. Whiting—1841. 11p. 20cm. Also published in the *Austin City Gazette*, November 17, 1841, and in the *Telegraph and Texas Register*, December 8, 1841.

have represented the place of the titled lands with any degree of accuracy, and in numerous instances they are not shown at all, and I am satisfied never will be under the present laws, for there is no provision made for the payment of surveyors for work of that character. Refugio County, formerly Power and Hewetson's Colony, contains nearly three hundred leagues of titled land, of which only fifty are spread on the County Map, and these not by any means accurately. The fieldnotes of the titles of that Colony are so vague in the representation of the land, that they cannot be plotted, which induces me to suppose that either the land was not accurately surveyed, or that the surveyors were wholly incompetent to make a correct survey. From these facts, I feel bound to ask the Honorable Congress for positive instructions, whether to issue or withhold patents for land surveyed in that County, for I have observed that most of the new surveys are made on the land described in the old titles, in consequence of which I do not feel myself justifiable in issuing patents to lands so situated until I should be able to make a full expose of the facts to Congress.

The Archives of this Office show that Messrs. McMullen and McGloin had an extensive tract of Country allotted to them to Colonize, of which the County of San Patricio forms a part, and which had, at the commencement of Revolution, a population of resident Colonists, which leads to the presumptory belief that titles were issued, of which there is no record in this Department; and as well as Refugio County, the greater portion of the best lands is surveyed on claims which have originated through our statutes. In this instance also I most respectfully solicit the instruction of Congress.

Another evil, which has grown with our statutes, is the election of surveyors by the people, for in many instances the most popular man, is not the most competent, and the people, by whose vote the County Surveyor is elected, may have little or no interest in lands of the County where they reside and vote; there are now men in office, who declare themselves incompetent to make a map of their County, and many more who have shown themselves incompetent to fill an office of trust; for surely, when an officer certifies over his signature that he has examined field-notes and finds them to be correct, they ought to be so, but it proves very often to be otherwise, and they have neither examined them, nor found them to be correct, for in many instances field-notes with such certificates are forwarded to this Office, with some of the courses and distances left out, which is positive proof that they have never been examined. Moreover there are many field-notes, with the County Surveyors certificate written on a piece of paper and attached by a wafer to the sheet containing the fieldnotes, although there is an abundance of room for the County Surveyor's certificate on the fieldnote sheet, which plainly shows, that they who act in this way do not regard their reputation, but make their offices wholly speculative

and profitable, without any regard for the public good; which induces me to the belief, that it would be more beneficial to the Country at large to pay its officers a liberal salary, or, allow them a reasonable and fair compensation for their labour, than to compel them to receive a depreciated currency at the equivalent of specie; whereby the Country could command in her offices integrity and talent. In making these remarks, I do not intend to convey the idea, that all the surveyors who have been, or who are now in office have acted in bad faith, but can safely assert that many have, and many more are wholly incompetent to the task they have undertaken, and which evil has grown out of the fact,— that those men have never been immediately responsible to any authority.

The law "to detect fraudulent land certificates," is somewhat defective, inasmuch as it does not limit the owners of rejected or unrecommended certificates to any stated time at which they should file their petition in the District Court, in consequence of which a great portion of the best land is held up from the owners of good and lawful certificates.

The "Act Defining the mode by which the owners of conditional certificates shall establish the Same," appears to be very defective and unexplanatory of the intention of the Legislators, from which many and various conclusions are drawn by the several officers administering the law. Some of the Boards of Land Commissioners have issued Headright Certificates to the Volunteer Soldiers who emigrated to the Country previous to the First August 1836, and subsequent to the 2nd March of the same year, under authority of the 14th Section, notwithstanding the prohibitory clause in the 15th section, which I believe to be an honest difference of opinion with the Head of this Department, growing out of a want of study of all the laws on this subject, and the ambiguous language used in them. On a careful examination of this subject it will be found that the different class of claims have never been classified by any previous law, but has necessarily grown into use amongst the several Boards of Commissioners, each Board classifying according to their own opinions, which has apparently been construed into law; by the law above referred to. It appears that all those persons who were resident citizens at the date of the Declaration of Independence, are considered the first class; and are obliged to procure their certificates from the District Court. The second class are those who emigrated to the Country subsequent to the Declaration of Independence and previous to August 1836 and served a tour of military duty, and those who emigrated as civilians previous to 1st October 1837; and the third class, those who emigrated subsequent to the last date and previous to 1st January 1840, which second and third classes are especially provided for by the act above mentioned, with the exception of the Volunteer Soldiers, who are also measurably provided for, by the necessity of the proof of having resided in the Country three years being dispensed with, but does not point out any way for this

class of claimants who have not received their certificates, whereby they could obtain them, for if it should be contended, that they are still of the second class and the proof of the conditions removed, there may be no limit to the fraud that could be practiced by a few unprincipled men, who could without difficulty procure a certificate in each and every county in the Republic, and have a survey made and immediately apply for and receive a patent under the present law. On the other hand, if it should be thought that this class of claimants are provided for by the 15th section of the same law, would it not appear wrong to take away rights already vested by the general land law, which only requires a three years' residence to perfect the claim, and which has already transpired?

There should be some limited time for the owners of legal orders of survey issued by the Mexican Authorities, to deposite their claims in the General Land Office, as there are numerous surveys apparently not claimed by any person, and are withheld from location by the 19th and 20th sections of the General Land Law, and which have already caused much litigation amongst the new and old residents of the Country. And to enable this office to ascertain the quantity of titled lands and their locality, I would recommend that all persons owning or claiming land in the Republic by virtue of titles or concessions, made by the former Authorities of the Country, should be compelled to deposite such titles or claims in the General Land Office within a fixed period of time, under a penalty of a forfeiture of any right they may have had through such claims or titles, and at the time of deposite to pay to the Government the full amount of the cost of translating such titles or concessions, and previous to the time of deposite to have their titles or claims well authenticated, and recorded in the County Clerk's Office of the County where the land is situated and file a copy with the County Surveyor, the neglect of which should also be a cause of forfeiture. It should then be the duty of the County Surveyor to find the true position and locality of the land, and give it its true position on the County Map, for which he ought to be paid by the owner of the title a fair and liberal compensation; for I am fully convinced that until some plan of this kind is adopted, the citizens will be embarrassed by vexatious law suits, which will drain their pockets more, than the cost arising from this plan, which if adopted will undoubtedly ensure to them a quiet possession of their lands

In addition to the above suggestions I would recommend, that a copy of the translations of titles and other documents in the Spanish Language, made for the General Land Office, should be made by law as good evidence in the Courts and other Tribunals of the Country, as translations made orally, or by any person sworn for the purpose of translating or examining the nature of such Spanish documents; which if charged for at a reasonable rate, would be a source of revenue to the Government, and would enable it to carry on the trans-

lations, which it has thought proper to commence, which are indispensably necessary to the well being and correct management of this Office; and would also be beneficial, and tend to do justice to all.

There are at present amongst the original Archives of this Country, many titles signed by the legal Commissioners, and notes not being inserted, with the exception of the field surveyors field books, which at once demands the attention of Congress and their direction, whether to issue a new title from this Government, with a statement of the date of cession in the old title, or to allow the people to remain in ignorance of the state of their claims, until a third party acquires a right by location, which is the case at this time in many instances, and frequent enquiries are made about these titles, and the facts connected with them, by a set of greedy and avaricious land speculators, who care not for the misfortunes of their more ignorant fellow men. From this class of men even the records of your Courts are not safe. They dare do any thing that brings them gain. In one instance this office has been successful, in the past few months in detecting an extensive and outrageous fraud committed upon the Republic, which if not mentioned here, and a copy of the proceedings laid before Congress I should undoubtedly merit censure, as it is now time that land fraud should be detected and the perpetrators justly punished. A copy of the letters &c connected with the Report of Jasper County, and a statement of the extent of the fraud committed is contained in document marked D.

The Congress in enacting some of their laws seem to have taken a very limited view of the good and evil, that would arise from their adoption and passage. There are now two laws in existence, which in my opinion will do more injury to the law abiding part of community, than they will tend to punish the law breakers, or do good to the Country at large. I allude to the act entitled "An Act to provide for the return of surveys, for the collection of Government dues on lands, and other purposes" approved Feb 5th 1840, and a Joint Resolution, entitled "A Joint Resolution granting further time for the payment of Government dues and the return of field notes" approved Decr 10th 1840. From the manner in which field notes, and surveys are generally made, calling for the name of the owners of another survey, that the lines expressed in the field notes touch, without any other reference to the connection—more injury will be done to those who have complied with the laws, than to those whose surveys may be forfeited for a non-compliance with the law; for if one survey is enclosed by the lines of five others, and that each of the five should have their beginning established on this one survey made for a certain individual whose right would be forfeited under the laws mentioned, and another person become the owner of it;—the field notes of the five must necessarily be

sent back to the County Surveyor for correction, because of the beginning and connection being wrongly expressed, and it would be much worse if some of the five should already have been patented, it being beyond our power to correct the error. Much more could be said upon the defects of the too numerous Land Laws of the Country, but I am fully satisfied that until there is a radical change in the laws made and some plan adopted by which the Country can be sectionized, the people cannot enjoy a peaceable and quiet possession of their lands; and I cannot see how this can be effected, but by repealing all the former Land Laws, and embodying all their best provisions in one full and explanatory Law, defining the County boundaries of each and every County separately and distinctly—to employ competent surveyors on behalf of the Republic, who shall act under the guidance of one head, to survey the County boundaries—principal, or such as may be considered navigable water courses, and the coast; by which, with the adoption of the plan proposed for spreading the old titled lands on the County Maps,— the provisions of the Constitution might be considered as having been carried into effect, the necessity of which is immediately seen by strangers who visit the Country, more especially those who have witnessed the difficulties of the States of Georgia and Tennessee which originated from a system like ours, and when they look at the sectionized part of the United States, where Law suits and land troubles are not known to exist, they look upon our system with horror depicted in their countenances, for there is nothing at present in it, but the appearance of law suits, trouble and litigation.

To prevent litigation hereafter concerning the Old Town Sites, supposed to be founded under the 34th section of the "Colonization law of March 24th 1835," and numerous other laws of the Mexican Government, it would be necessary for Congress to direct, that those who claim rights, by title to land under these laws, to make them known within a certain time; as also all rights that may be vested in the Municipal Authorities of the old Mexican Towns, which course if pursued, will strengthen the titles issued by this Government and will restore the confidence of the people in the acts and justice of our Legislators.

The "act to detect fraudulent land certificates" has without doubt put a check to many gross frauds, but those of the worst character have passed the inspection of the several Boards without detection. The General Commissioners appear to have neglected to compare the issue of one County with that of the others, in consequence of which, in many instances, there have been two or more certificates issued to the same person or their assignees, which must have been procured by perjury, a crime of the highest character, and which ought not to be overlooked, but should be punished with the utmost rigor of the law in every instance where the guilty or their abettors may be found. The fourth section of the "Act to detect fraudulent land-certificates," gives to the Commissioner of the General

Land Office, power to withhold the issue of a Patent when illegality appears from the Records of his Office, but does not provide for the prosecution of those who have committed fraud.

Many certificates of each class issued in the County of Harris, did not receive the action of the Travelling Board of Land Commissioners, in consequence of a large portion of the Records of that County having been lost; but since the completion of the examination of said County, and reception of the Commissioners' Report thereon,— official information has been received that the lost Records have been found. The peculiar situation of this County should demand the attention of Congress, and such action thereon, as in their wisdom shall seem best.

Of the immense number of rejected certificates, but twenty-two leagues, thirteen labors, and seven hundred and fifty thousand square varas of land, have been returned as good by the District Courts— a statement of which with the names of the claimants is shewn in Document E.

In consequence of but few returns from the clerks of the Boards of Land Commissioners, created by the Act of January 4th 1841, having been received at this office I did not consider it necessary to make a report of them, believing that Congress could not derive much information therefrom.

The translation of titles has progressed with astonishing rapidity since the adjournment of last Congress. The titles made by Austin by authority of his five contracts are all translated, of which, one thousand and seventeen have been done this year, and some of the other titles could have been translated, but for the appropriation for that purpose being expended, and if the Government should consider it necessary to preserve the substance of the titles I would recommend that an appropriation should be made sufficient to procure the services of persons to translate the remaining titles in as short a period as possible, as they are now in a very delapidated state, and are fast falling to pieces from the age and rottenness of the paper.

From the services of the Draughtsman of this Office, the Country has derived much benefit, and would be much more benefitted if we had two. From the services of the present one the Country has saved a considerable amount of money, that would have been paid to County Surveyors for new Maps of their Counties. And too much credit cannot be awarded to the clerks engaged in this Office, for their untiring zeal manifested to please all who have had business with the Office; and the quantity of labour performed, which occupied their whole attention from eight to five and six o'clock, which is more than could be reasonably expected from the poor consideration which they receive for their services, being but the equivalent of one half that pay that daily laborers receive who have neither talent or education.

In consequence of the Commissioners, appointed under the act "to Detect fraudulent land certificates" having reported, it

became necessary to complete the Records of the Reports and prepare copies for the printer, which, with the demand for Patents compelled me to procure an additional number of three clerks, whose salaries have been paid out of the Contingent fund of the Department, with the approbation of the Secretary of the Treasury, and whose services cannot well be dispensed with, if the Government should think proper to continue the issue of Patents.

The amount of money received for Government dues on field notes in this Office the present year up to 30th September is six thousand five hundred and thirteen dollars $57/100$ Dollars (6513 $57/100$) and the amount received for Patents to same date, is Four thousand four hundred and fifty (4,450) Dollars making in all the sum of Ten thousand nine hundred and sixty-three $57/100$, (10 903 $57/100$) Dollars, which amount has been duly deposited in the Treasury of the Republic.

In addition to the Documents before referred to in the foregoing, there will be found connected with this Report the following— Statement A, exhibiting the amount of land embraced in the Reports of the Commissioners appointed under the “Act to detect fraudulent land certificates” — Statement B, exhibiting the number and amount of surveys and certificates returned and recorded, and Statement C exhibiting the number of each class of Patents issued, and the amount of land included therein. All of which is most respectfully submitted by

Your Excellency's Most Obedient Servant,

THOMAS WM. WARD,
Com Gen Land Office

A

Statement Showing the number of Certificates of each Class, recommended for Patent, and reported as "genuine and legal" Claims, by the Board of Land Commissioners appointed under an act of Congress entitled "An Act To detect fraudulent Land Certificates, and provide for issuing patents to legal claimants" passed January 29th 1840;— also the amount thereof in leagues and acres.

Names of Counties	1st Class		2nd Class.		3rd Class.		
	No. of Claims	League	Labors	No. of Claims	Acres	No. of Claims	Acres
Austin.	252	107		41	39.631	137	59.200
Bastrop.	250	99	17	148	128.167	352	91.760
Bexar.	491	347	19	78	68.759	57	15.280
Brazoria.	495	227		240	237.424	161	68.480
Colorado.	126	63		43	40.538	44	20.160
Fannin.	80	51	14	104	104.449	96	34.800
Fayette.	104	49	22	53	49.035	186	72.000
Fort Bend.	251	86	3	111	126.943	95	38.400
Galveston.	19	8		52	39.453	954	369.280
Goliad.	27	9	23	12	11.861	6	2.560
Gonzales.	106	32	8	56	57.429	52	21.440
Harris.	380	167	10	1220	1.184.330	1236	497.620
Harrison.	4		19 2/3	14	12.800	194	85.120
Houston.	166	80	18	113	116.776	273	120.320
Jackson.	126	44	3	63	57.342	18	7.040
Jasper.	335	229		315	303.360	179	77.040
Jefferson.	157	97	13	12	10.240	117	50.240
Liberty.	298	147		56	54.815.	196	88.320
Matagorda.	368	169	11	157	149.087	138	54.720
Milam.	116	51		38	41.356.	37.	15.680
Montgomery.	411	168	13	117	102.512	306	133.760
Nacogdoches.	683	348		231	211.200	647	272.640
Red River.	609	445	18	452	422.720	673	313.380
Refugio.	10	2	7	2	1.920	40	17.600
Robertson.	184	95	9	89	80.000	96	38.400
Sabine.	247	152		84	80.000	361	156.720
San Augustine.	521	297	3	270	276.242	647	282.880
San Patricio.							
Shelby.	394	267	11	322	313.600	334	164.800
Victoria.	71	23		33	44.349	74	31.680
Washington.	530	240	20	261	261.600	365	155.840
	<u>7811</u>	<u>4109</u>	<u>11 2/3</u>	<u>4787</u>	<u>4.627.938</u>	<u>8071</u>	<u>3.357.160</u>

GENL LAND OFFICE AUSTIN Oct 7th 1841.

THOS. WM WARD
Com. Genl Land Office

B

Statement Showing the number and amount of each Class of Certificates returned and recorded;—issued in accordance with an Act entitled “An Act to reduce into one, and amend the Several Acts relating to the establishment of a General Land Office” passed December 14th 1837; and an act entitled “An Act to extend to late emigrants or those who may emigrate within a specified time a donation of land” approved January 4th 1839. Also the number of each Class of Surveys returned and recorded, and the amount thereof in leagues and acres.

	1st Class.		2nd Class.		3d Class.	
	Number of Certificates.	Quantity in Leagues.	Number of Certificates.	Quantity in Acres.	Number of Certificates.	Quantity in Acres.
As per last report	10.964	7.218	4.837	4.923.333	7.639	3.336240
From last report to 30th Sept '41	485	488 ½	7	6 720	27	10880
Total	11449	7.706 ½	4.844	4.930.053	7.666	3.347.120

SURVEYS.

	1st Class.		2nd Class.		3d Class.		Military.		Landscrip.	
	Number	Amount in Leagues	Number	Amount in Acres.	Number	Amount in Acres.	Number	Amount in Acres.	Number	Amount in Acres.
As per last report....	2000	1007	390	380.687	120	49.497	837	597.123	240	148.365
From last report to 30th Sept '41....	900	411	512	230,457	185	56.854	533	373,471	217	142,096
Total	2900	14.18	902	611.144	305	106,351	1370	970,594	457	290,461

GENERAL LAND OFFICE
AUSTIN Oct 7th 1841.

THOS. WM. WARD
Com. Gen Land Office

C

Statement Showing the number of each class of Patents issued to the 30th Sept 1841, and the amount of land patented to same date.

	1st Class		2nd Class		3d Class		Bounty Land		Military Donation Land		Land-Scrip		Galveston City Lots	Austin City Lots.
	Number	Amount in Leagues.	Number	Number in Acres.	Number	Number in Acres.	Number	Amount in Acres.	Number	Amount in Acres.	Number	Amount in Acres.		
As per last report from last report to Date	460	226	35	34,350	5	1,600	273	213,649	42	26,880	129	89,129	57	110
Total	460	226	35	34,350	5	1,600	273	213,649	42	26,880	129	89,129	341	147

GENERAL LAND OFFICE
AUSTIN Oct 7th 1841.

THOS. WM. WARD
Com. Gen Land Office

D

Letter to M B Lewis

GENERAL LAND OFFICE
AUSTIN Feby 9th 1841

M B LEWIS Esqr
DEAR SIR

Enclosed you will find a copy of the returns of the examining board of Commissioners from your County. From information had in this office, I am induced to beleive that some error has crept into the report filed here. In some instances the quan[t]ity of Land is not correct; In others, there are names which have not passed the board of Commissioners. Wherefore I would request of you as a favour, that you would examine the enclosed report with the original and make such corrections as are proper, and advise the General Land office as soon as possible. If you will read the Twelfth section of the "Act to detect fraudulent land certificates &C, you will find upon carefully examining the same, that all the Commissioners should make their returns to the General Land Office with their proper Signatures attached thereto, which in my opinion would be the only true way of detecting frauds, as the Law did not contemplate that any commissioners or clerk who sat on the board before, should act on this, unless as auxiliaries, You will therefore procure as many Signatures of the board appointed to detect &C to the returns as possible

With much regard I remain

Your Obedient Servant

THOS WM WARD
Com Genl Land office

Letter to M B Lewis

GENERAL LAND OFFICE
AUSTIN April 1st 1841

Hon M B LEWIS
Cheif Justice Jasper County

SIR—By Mr Huling Member from Jasper I fo[r]warded a copy of the returns of the examining board of Land Commissioners for said county for comparrison with the original Records of the County; I was induced to this in consequence of information having been lodged at this office, that a portion of the names inserted in said returns was done without the authority of the examining board.

You will oblige me by comparing the copy sent and inform me if any difference exist, or fo[r]ward a duplicate as soon as possible, as daily applications are being made for Patents to

Land surveyed by authority of Certificates said to have been fraudulently inserted in the return now on file in this office

I am respectfully Your Obedient Servant

THOS. WM WARD
Com Genl Land Office

Letter from James Armstrong District Atty

THOS WM WARD
Com Genl Land Office

JASPER May 31st 1841

DEAR SIR

Numerous Circumstance[s] have proved to me that fraud has of late been practised in the Land Concerns of Jasper County—and also have learned from good authority a forged return of the late examination of the Comrs. has been deposited in your office and Department.

I deem it my duty to request that you send me that return, that a prosicution [sic] can be sustained against the clerk or any one else participating in it. I should need it as evidence, without it can do nothing.

Yours with Respect

JAMES ARMSTRONG
Dist atty 6 Dist

Letter to James Armstrong

GENERAL LAND OFFICE
AUSTIN July 3rd 1841

JAS ARMSTRONG Esqr

SIR

I have fo[r]warded the Report of the Comrs for Jasper County by Mr Espy. One of the Reports purports to have been made out by the Clerk, the other was made out by M B Lewis Chief Justice at my request; In examining which I find there are two names in it, that are not in the clerks copy, and two in the clerks copy that are not in it. The whole does not appear to be copied from the Original but are copies of a copy

Mr Lewis sent me his without comment or remark. I send only the First Class and these few lines by Mail

Very Respectfully Yours &C.

THOS WM WARD
Com Genl Land office

Letter from M B Lewis Chief Justice

JASPER COUNTY
August 16th 1841

THOS WM WARD Esqr

SIR

Accompanying you have a true copy of the original Records of the Board of Travelling Commissioners, exactly such a document as I forwarded to you by Mr Geo W Glasscock about the first day of May Last, with this exception, the signature of the Sheriff of the county was first on the one mislaid which I forwarded by Glasscock. But Sir "to my great astonishment you forwarded by Col. Espy a document purporting to have been forwarded by me to your office, which document God Knows to be as base a piece of forgery as ever escaped the pen of a forging villian. Glasscock told me that you told him to say to me, that he would probably be the shortest and safest conveyance. I forwarded them by Glasscock beleiving it to be a safe conveyance. I also forwarded other documents by him, he wrote to me from Washington on the Brazos, that he had mailed my documents at that place owing to his traveling so slow. Hence it is, if Glasscock is not one of the party of the certificate forgers of our County, or has not taken a bribe from them, there is something wrong in some of the offices at Washington or Austin or between the two places.

Accompanying you have a copy of a Letter which accompanied the document I forwarded by Glasscock, as well as a copy of the Resolutions of a committee of the people. I am sorry to say that it looks strange that Glasscock should mail part of the documents I forwarded by him and retain part, such appears to be the fact from your letter to me stating that my bond as county-surveyor had been handed into the office of Secretary of State by Glasscock, I gave him the Bond the same time that I gave him the other documents

There are as few certificate forgers in the County of Jasper probably as any other County in the Republic but what we have are of the first character.

I forwarded this document as an experiment I have just such another ready which I will forward by a private conveyance

I am Sir with Respect Your

Obedient Servant

M. B. LEWIS Chief Justice

N. B.

Please let me know if you received a package of Field notes at the same time you received the forged document. I forwarded a package by Glasscock

M. B. L.

A copy of a Letter fo[r]warded by George W Glasscock

JASPER COUNTY April 24th 1841

To the Hon THOS WM WARD
Com Genl Land office

SIR

Accompanying you have a true copy of the original Records of the examining Board of Comrs for Jasper County bearing date 26th June A.D. 1840

It was not convenient to obtain the original signatures of the examining Comrs except one, Gideon J Goode, whose certificate you will see accompanying. But Sir in order to give all possible evidence of the correctness of the accompanying copy I have obtained the official Certificate of all the principal officers of the County which I hope will be satisfactory

I am Sir with Regard

Your obedient Servant

M B LEWIS
Chief Justice J. C,

N. B.

This letter is a copy so far as I wrote on the subject of a copy of the Records of the board of Travelling Comrs

Respectfully

M B L

Proceedings of the Citizens of Jasper County

Where as there has been a true copy of the Original Record of the Board of Travelling Commissioners made out and certified to officially by A I Isaacs Sheriff, H Good clerk, District court under seal C R Blanchard clerk of County court under seal, Gideon J Goode former County Commissioner of the examining Board, and M B Lewis Chief Justice under seal of office, which was forwarded to the Commissioner of the Genl Land office by what was considered a safe, conveyance, which was *suppressed* and a *forged Document* with sundry leagues & Labors of Land inserted, more than was in the correct one made its way into the General Land office with the signature of the Chief Justice of our County *forged* and with the seal of the County Court.

Therefore: We a committee chosen by the good people of Jasper County at the Court House in the Town of Jasper the 3rd day of August 1841, To wit: M B Lewis chairman T. B. Huling, Edward Good, John A Smith, Thos H Espy Hardy Pace, Wm McMahan, Josiah Stevenson, E W Harper, Britton Hall, James Thomason, N H Cochran, Andrew I Isaacs Caleb Burneston Secretary, For the purpose of taking into consideration the numerous frauds practiced upon the rights of our

Citizens and the Republic by the frequent attempt to introduce into the General Land office—False or forged documents purporting to have originated in this County as well as purporting to be a true copy of the original Record of the board of Travelling Commissioners. Also to devise some means or to adopt some measures that will secure peace and confidence at home, and give to our slandered people character abroad. Do in the name of the worthy and Law abiding citizens of our County adopt the following resolutions

Resolved 1st That two correct copies of the original Records of the board of Travelling Commissioners be made out and certified to officially by as many of the principal officers of our County as may be convenient, and that the Chairman of this committee be authorized to appoint a suitable Committee to copy the aforesaid record, and also a suitable Committee to co[n]vey one copy to the Commissioner of the Genl Land office at the City of Austin, and also to forward one copy of the said Record by the Mail and to take the receipt of the post master for the same

Resolved, That a sufficient sum of money be raised by Voluntary Contributions to defray the expenses of the Committee bearing the Documents mentioned in the preceding Resolution to the City of Austin, and that the individuals bearing them shall be required to give a receipt for the same, and take them under a pledge of their honor that they will be delivered safely into the hands of the proper officer of the General Land office unless providentially prevented.

Resolved, That a copy of these Resolutions and Preamble accompanying be forwarded to the General Land office with the aforesaid Documents, and the committee bearing the same shall be despatched as soon as possible. Whereupon the Comee adjourned until Monday following 9th August

attest CALEB BURNESTON Secretary

Made under the provisions of the above Resolutions and copied this 17th day of August in Zavalla by

THOS H ESPY

Letter from Thos H Espy

ZAVALLA JASPER COUNTY
August 17th 1841

THOS WM WARD Esqr
Commissioner of Genl Land office

SIR

Agreably to your instructions I conveyed the Returns entrusted to me, to the proper person Upon Comparing the Last return purporting to have been made by M B Lewis it was ascertained to be a forgery beyond a *doubt*

A meeting of the people was called and it was unanimously

Resolved by the largest Concourse of Citizens ever met in the County, that a *true copy* of the record should be made out and forwarded to your department. A copy to be sent by mail and one by private Conveyance, so that you should receive one genuine Return from our County at least and at last.

It is now hoped that this return sent this day by mail under Lock and Key will arrive safe, and be amply satisfactory, Legal and in just train for legal claimants to get their Patents from this day henceforth without any difficulty.

I have the honor to remain

Your obedient Servant

THOS H ESPY

Abstract of Certificates sup[p]osed to have been fraudulently inserted in the Report of the Examining Commissioners for Jasper County

No	Names	Quantity	
		Leagues	Labors
221	Arnold Hezekiah	1	1
596	Armstrong Daniel	1	1
876	Anderson Rodolph	1	1
459	Brond John B	1/3	
77	Ballett Jesse	1	1
107	Barleston Noah	1	1
265	Bly Alexander	1	1
603	Black James A	1	1
604	Burch Jesse A	1	1
811	Brown Wilson	1	1
119	Carter Isaiah	1	1
206	Crawford Lusty	1	1
488	Cavanaugh James C	1	1
861	Champion Willis	1	1
866	Crosby John A	1	1
697	Davis Zachariah	1	1
709	Degran Joshua	1	1
135	Ford Anthony	1	1
134	Fenton Stephen F	1	1
599	Ford John J	1	1
132	Graham George	1	1
153	Gallop Ruffin	1	1
583	Gladdin James W	1	1
855	Groves Martin P	1	1
226	Holland L	1	1
154	Hopson Hableton	1	1
868	Hollis William	1	1
869	Hollis John	1	1

867	Hollinsworth Samuel	1	1
113	Inglemore Rufus	1	1
117	Johnston Henry	1	1
280	Jones Dexter	1	1
410	Jones Elisha	1	1
696	Jackson Andrew P	1	1
863	Jameson Peter	1	1
173	King Wilford	1	1
209	Lee Joseph	1	1
208	McCrain Daniel	1	1
170	Murrell Levi	1	1
303	Mosely Wilford S	1	1
314	Musick Miles	1	1
691	McNeill Edward P	1	1
692	McNeill John	1	1
853	Mitchell James W	1	1
860	Miller Peter S	1	1
788	McClure John	1	1
798	Mullins Peter	1	1
212	Oyers Hiram	1	1
690	Orear William P	1	1
220	Platt David	1	1
115	Pendleton George	1	1
143	Penn Henry	1	1
232	Philip Henry	1	1
582	Prince Oliver P	1	1
699	Pendleton Horatio S	1	1
695	Pruitt Harry Y	1	1
835	Potter Rufus	1	1
118	Ryols Jessee	1	1
122	Rock Henry P	1	1
327	Rain Fletcher	1	1
710	Russell Edmund W	1	1
128	Sinseboy Archibold	1	1
688	Sargeant Temple H	1	1
859	Singleton Henry A	1	1
147	Tamberlane Thomas	1	1
74	Thorton Gardner	1	1
230	Williams Mariah	1	1
79	Warren Scott	1	1
116	Waddle Rankin	1	1
202	Wilford Reddin	1	1
302	Wolf Frederick	1	1
324	Walters George S	1	1
698	Whitlock William	1	1
839	Whitesmith John	1	1
777	Wilson Ralph A	1	1

E

Statement Showing the names of persons who have sustained their claims before the District Courts for Headrights against the Government, the quantity of Land granted to each, and the County where issued

Names	Quantity		Remarks.
	County Where Issued	Leagues Labors	
Joseph W. Garraty	Fort Bend	1 1	
Gustavus A Parker	" "	1 1	
Henderson Upchurch	Bexar	1 1	
James Robinson	" "	1 1	
Nathaniel D Ellis	Red River	1 1	
Robert Potter	" "	1 1	) Return not made out in compliance with 2nd section of "Act supplementary to act to detect fraudulent land certificates appd Feb 4th 1841"
James R Robinson	Milam	1 1	
Heirs of William Neill	" "	1 1	
Edwin S Cobler	Washington	1 1	
Bernard W Holtzclaw	" "	1 1	
Henry R Cartmill	" "	2/3 1	
George E Dwight	Houston	1 1	
John G Callison	" "	1 1	
John M Bradley admr) Harriet Nail Deced)	Shelby	1	
James N Hall ass of) Richard B English ass of) George W. Scott)	" "	1/3	
John Graves admr of) James Adams Decd.)	" "	1 1	
Benjamin N Hooper	" "	1 1	
Mark Haley	" "	1 1	
John Joseph May	Gonzales	3/4 1	
Jabez Fitzgerald	Fannin	1 1	) Return not made out in compliance with 2d section of "Act
Jabez Fitzgerald admr) Patrick Fitzgerald)	" "	1/3	supplementary to an act to detect fraudulent land certificates ap—Feb 4th 1841"
Hardin J Chenoweth	" "	1 1	
William Davis	" "	2/3 1	
Fred L Hart	" "	1/3	
John W Bower	Refugio	2/3 1	

GENERAL LAND OFFICE
USTIN Oct 7th 1841

THOS. WM. WARD
Com Genl Land Office

SPECIAL LAWS
OF THE
REPUBLIC OF TEXAS
PASSED AT THE
SESSIONS OF THE SIXTH CONGRESS
1841-42

JOINT RESOLUTION¹

To authorize the Commissioner of the General Land Office to employ Extra Clerks

Sec: 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That, the Commissioner of the General Land Office, be, and is hereby authorized to employ Four Clerks, for the space of six weeks, as Assistants, whose pay pro ratio, shall be the same as other Clerks of the same grade in the different Departments of this Government.

K L ANDERSON
Speaker of the H of R
DAVID G BURNET
President of the Senate

Approved 16th November 1841. MIRABEAU B. LAMAR.

I certify the within Joint Resolution originated in the House of Representatives and passed November 15. 1841—

JAMES H RAYMOND Chief Clk H of R

No. 2. Recd at Executive Department, 1 Oclk on Tuesday the 16th Novr 1841

JA. B. RANSOM Private Secty.

AN ACT

For the relief of Joseph Levens

Sec: 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Commissioner of the General Land Office, is hereby authorized and required to issue to Joseph Levens, an order of survey, for Twelve Hundred and Eighty acres of Land, as a bounty or gratuity, bestowed by the Government in consideration of the loss of the right arm of him the said Levens, in the campaign of One Thousand Eight Hundred and Forty one—

Sec: 2. Be it further Enacted, That this Act take effect, from and after its passage.

K L ANDERSON
Speaker of the H of R
DAVID G BURNET
President of the Senate

Approved 17th November 1841 MIRABEAU B. LAMAR.

I certify that the within Act Originated in the House of Representatives and passed November 16. 1841

JAMES H RAYMOND Chief Clerk H of R

No. 3. Recd 12 Oclk 17th. Novr 1841

J B RANSOM Private Secty

¹The Special Laws are printed from the manuscript volume. Laws, Sixth Congress, General and Special, Book No. 174, in the State Department.

JOINT RESOLUTION
For the relief of Angeline D. Smith.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Secretary of the Treasury is hereby required to return to Angeline D. Smith, her notes given to the Government for two forty acre lots adjacent to the City of Austin, and which are now forfeited to the Government, and the said Angeline D. Smith shall be entitled, and is hereby vested with the right to said property in as full and ample a manner as though she had paid the whole of the original purchase money, and this Joint Resolution shall take effect from and after its passage

K L ANDERSON
Speaker of the House of Representatives
JOHN A. GREER
President Pro Tem of the Senate

Approved 10th December 1841 MIRABEAU B. LAMAR.

I certify that the within Joint Resolution originated in the House of Representatives and passed December 7. 1841.

J H RAYMOND C. C. H. R.
No. 20. Recd at 10 Oclk A M. on 10th. Decr 1841
JA B RANSOM Pri Secty

JOINT RESOLUTION
For the relief of Daniel Faris

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Commissioner of the General Land Office, be, and he is hereby authorized and required to respect the Head-right certificate of Daniel Faris, for one league and labor of land, issued by the Board of Land Commissioners of San Augustine County, as genuine and just, in the same manner as though the same had been recommended by the Board of Commissioners, (appointed under "an act to detect fraudulent land certificates) as genuine and justly entitled against the Government. Section 2. Be it further resolved; That this Joint Resolution shall take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives
JOHN A. GREER
President Pro Tem of the Senate

Approved 10th December 1841 MIRABEAU B. LAMAR.

I certify that the within Joint Resolution originated in the House of Representatives and passed Decr. 6. 1841

J H RAYMOND C. C. H. R.
No. 24. Recd. at 10 Clk A M. 10th. Decr 1841
JA B RANSOM Pri Secretary

JOINT RESOLUTION
For the relief of Joseph Cecil

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Treasurer be, and he is hereby authorized and required to pay to Joseph Cecil twenty five dollars, to be paid at the pleasure of the Government par funds per month, and no more for his support, he having been permanently disabled in the service of his Country by having lost both his arms in the service of the same.

K L ANDERSON
Speaker of The House of Representatives
EDWARD BURLESON
President of the Senate

Approved 21st Decr 1841

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed 16. December 1841

J H RAYMOND C C. H. R.

No. 31—Recd. in Executive Office Dec. 21st. 1841. at 12 o'clock, M.

W. D. MILLER, Private Secretary

JOINT RESOLUTION
Establishing a certain Mail Route therein named.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Secretary of State be, and he is hereby authorized and required to contract for the carrying a weekly Mail from Port La Vaca in Victoria County to the Town of Victoria and have the same carried into effect as early as practicable.

Section 2. Be it further resolved; That the Secretary of State, be, and he is hereby authorized to contract forthwith, without advertising as usual for the carrying of the Mail on said Route; Provided he can obtain a contract for the same at the average rate per mile of all the Routes in the Republic, or at a lower rate.

K L ANDERSON
Speaker of The House of Representatives
EDWARD BURLESON
President of the Senate

Approved 21st Decr 1841.

SAM HOUSTON.

I certify that the within Joint Resolution originated in the House of Representatives and passed 16. December 1841

J H RAYMOND C C H R

No. 34—Recd. in Executive Office Dec. 21st, 1841, at 12 o'clock, m.

W. D. MILLER, Private Secretary

JOINT RESOLUTION

Appropriating one thousand six hundred dollars in par funds or its equivalent in the promissory notes of the Government.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the sum of one thousand six hundred dollars in par funds or its equivalent in the promissory notes of the Government, be, and the same are hereby appropriated for the purpose of paying Messrs Jones and Highsmith for transporting the mail on route number thirty between Austin and Houston, from the first of April one thousand eight hundred and forty one to the first of January one thousand eight hundred and forty two.

K L ANDERSON

Speaker of The House of Representatives

EDWARD BURLESON

President of the Senate

The foregoing was presented to president Houston for approval on the 21st Decr 1841 as appears from the memorandum of his private Secretary of that date, and was returned to the Department of State the 27th December 1841 without his signature

ANSON JONES Secretary of State.

I certify that the within Joint Resolution originated in the House of Representatives and passed 20. December 1841.

J H RAYMOND C. C. H R

No. 36.—Recd. in Executive Office, Dec 21st., 1841, at 5 o'clock p. m.

W. D. MILLER, Private Secretary

JOINT RESOLUTION

For the relief of George D. McJimpsey

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Auditor be and he is hereby required to Audit the claim of George D. McJimpsey for six hundred and twenty one dollars and fifty cents in full for all accounts for furnishing three books for the record transcribed for Panola county and for transcribing three hundred and eighty one sets of field notes plot[t]ing and indexing the same: Provided the audited scrip so issued shall be receivable only for Government dues heretofore accrued.

Section 2. Be it further enacted: That this Joint Resolution take effect from and after its passage.

K L ANDERSON

Speaker of The House of Representatives

EDWARD BURLESON

President of the Senate

Approved 23rd Decr 1841

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed the 21. December 1841

J H RAYMOND C C H R

No. 37—Recd. in Executive Office, Dec. 23d. 1841— at 12 o'clock. M.

W. D. MILLER, Private Secretary

JOINT RESOLUTION

Concerning the fall term one thousand eight hundred and forty one of the District court of Refugio.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the reasons and causes for not holding the fall term of the said court in the present year, as expressed in the address of the Bar at Victoria to the presiding judge, were sufficient; and that the Treasury Department make no deduction from his salary in consequence.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 30th Decr 1841

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed 29. December 1841.

J H RAYMOND C C H R

No. 39—Recd. in Executive Office, Dec. 30th., 1841.

W. D. MILLER, Private Secretary

JOINT RESOLUTION

For the relief of Jarret Menefee.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Treasurer, be, and he is hereby authorized to pay to Jarret Menefee two hundred and ten dollars at the pleasure of the Government in full for hawling done for the Army under contract with Col. Pinckney Caldwell quarter Master in the year one thousand eight hundred and thirty nine.

K L ANDERSON
Speaker of the House of Representatives.

EDWARD BURLESON
President of the Senate

The foregoing Joint Resolution, was presented to President Houston for approval on the 31st December 1841 as appears from the memorandum of his Private Secretary of that date, and was returned to the Department of State on the 8th January 1842 without his signature.

ANSON JONES
Secretary of State

I certify that the within Joint Resolution originated in the House of Representatives and passed December 23rd. 1841
J H RAYMOND C C H R

No. 42. Recd. in Executive Office, Dec. 31st., 1841.
W. D. MILLER, Private Secretary

JOINT RESOLUTION
For the relief of H. Kloppenburg.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Secretary of the Treasury is hereby directed to pay Mr. H. Kloppenburg as an extra clerk in his Department from the time of his employment in the month of April one thousand eight hundred and forty one up to the expiration of the time of his employment as such at the rates of pay allowed other Clerks, and that a sufficient appropriation is hereby made for that purpose.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

The foregoing Joint Resolution was presented to President Houston for approval on the 31st December 1841, as appears from the memorandum of his Private Secretary of that date, and has been returned to the Department of State without his signature.

Department of State Austin January 6th 1842
ANSON JONES Secretary of State.

I certify that the within Joint Resolution originated in the House of Representatives and passed December 29. 1841
J H RAYMOND C C H R

No. 44. Recd. in Executive Office, Dec. 31st., 1841.
W. D. MILLER, Private Secretary

JOINT RESOLUTION
For the relief of Elijah Bennett.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Auditor be, and he is hereby authorized and required to audit the account of Elijah Bennett for the sum of one hundred and forty dollars, payable at the pleasure of the Government, and that on so doing, he require and take from said Bennett, or his legal representative, a receipt in full for all demands against the Government of the Republic of Texas.

Section 2. Be it further resolved; That this Joint Resolution take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives
EDWARD BURLESON
President of the Senate

The foregoing Joint Resolution was presented to President Houston for approval on the 31st Decr 1841 as appears from the memorandum of his private Secretary of that date, and was returned to the Department of State on the 8th January 1842, without his signature.

ANSON JONES
Secretary of State

I certify that the within Joint Resolution originated in the House of Representatives and passed December 23rd. 1841

J H RAYMOND C C H R

No. 45—Recd. in Executive Office Dec. 31st., 1841.
W. D. MILLER, Private Secy.

AN ACT

For the relief of Thomas H. O'S. Addicks

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to Thomas H. O'S. Addicks a certificate for one third of a league of land upon the same terms and conditions as other certificates of the first class—, which certificates shall be authority to any legally authorized surveyor to survey any lands said Addicks may designate or point out,— and upon the due return to the General Land Office of any survey so made and in compliance with the land laws of the country, it shall be the duty of the Commissioner of the General Land Office to issue to said Addicks a corresponding patent upon such survey.

K L ANDERSON
Speaker of The House of Representatives
EDWARD BURLESON
President of the Senate

Vetoed by the President

And passed by a Constitutional Majority February the 5th A D 1842

Passed by a Constitutional Majority Feby 5th 1842
K L ANDERSON
Speaker of the House of Representatives
EDWARD BURLESON
President of the Senate

I certify that the within Act originated in the House of Representatives and passed the 17. December 1841.

J H RAYMOND C C H R

No. 46. Recd. in Executive Office Dec. 31st., 1841.

W. D. MILLER, Private Secy

JOINT RESOLUTION
For the relief of Adolphus Sterne

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Auditor be, and he is hereby required to audit the claim of Adolphus Sterne for nine hundred and forty nine dollars and fifty cents, it being in full for transporting the Company of Captain Breece of sixty men (the second company of New Orleans Grays) with equipage and powder lead cannon &c. in the year one thousand eight hundred and thirty five and that this Joint Resolution take effect from and after its passage.

K L ANDERSON

Speaker of The House of Representatives

JOHN A GREER

President Pro. Tem of the Senate

Approved 3rd January 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed December 29. 1841.

J H RAYMOND C C H R

No. 47—Recd. in Executive Office, January 3d., 1842.

W. D. MILLER, Private Secretary

AN ACT
For the relief of Andrew J Titus and others

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in congress assembled, that the Commissioner of the General Land Office be, and he is hereby authorized and directed to issue to Andrew J Titus and to Peter W Titus, citizens of Red River county, patents for twelve hundred and eighty acres of land each, upon the certificate issued to them by the Board of Land Commissioners of Red River County as heads of families and citizens of this Republic, as though the said certificates had been recommended for patents by the Board of investigating Commissioners appointed to examine the same, under the act to detect fraudulent land certificates, and that the said Commissioner of the General Land Office be, and he is hereby authorized and directed to issue to Wm. Lewis or his assignee a patent for one third of a league of land, the head right of said Lewis, located and surveyed in Red River County on the waters of Sulphur Fork of Red River

Section 2. Be it further enacted, that the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a patent for twelve hundred and eighty acres of land to the heirs of James W Smith of Travis county, being the head right of said Smith, agreeable to the certificate issued to him by the Board of Commissioners of Washington county Section 3. Be it further enacted, that this act shall take effect from and after its passage

K L ANDERSON
Speaker of The House of Representatives
JOHN A. GREER
President Pro. Tem. of the Senate

Approved 5th Jany 1842.

SAM HOUSTON

I certify the within Act originated in the Senate and passed 30. Decr. 1842

A. C. MACFARLANE Secty Senate

No. 49. Recd. in Executive Office, January 3d., 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of Robert J. Calder Sheriff of Brazoria County.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Auditor of Public Accounts, be, and he is hereby required to audit and admit the claims of Robert J. Calder, against said Republic, for the sum of Four thousand nine hundred and eleven dollars, which shall be received in payment of public dues heretofore accrued.

Section 2. Be it further resolved; That this Resolution take effect from and after its passage.

K. L ANDERSON
Speaker of the House of Representatives
JOHN A. GREER
President Pro Tem of the Senate

Approved 4th Jan'y 1842.

SAM HOUSTON

I certify that the within Resolution originated in the House of Representatives and passed 3rd. January 1842.

J H RAYMOND C C H R

No. 51. Recd. in Executive Office, January 4th., 1842.

W. D. MILLER, Private Secretary

JOINT RESOLUTION

For the relief of Samuel K Blish.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Commissioner of the General Land Office be, and he is hereby authorized to issue to Samuel K Blish, land Scrip for

twelve hundred and eighty acres of land in consideration of horses lost and wounds received in the service of the Republic. Section 2. Be it further resolved; That this Joint Resolution shall take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

JOHN A. GREER
President Pro. Tem. of the Senate

Approved 11th January 1842

SAM HOUSTON

I certify the within Joint Resolution originated in the House of Representatives and passed Jany 3rd 1842

J H RAYMOND C C H R

No. 53. Recd. in Executive Office, January 6th., 1842.

W. D. MILLER, Private Secy.

JOINT RESOLUTION

For the relief of certain persons therein named

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Comptroller be, and he is hereby required to approve the accompts of John A. Hueser, David Morgan, Philip Golden, James Turley, Riley Jackson, and Benjamin Right, for services rendered in bringing certain Indians of the Lipan Tribe, before the Committee on Indian Affairs, in virtue of an order of said committee, and that said accompts be paid out of the appropriations made to defray the contingent expences of this Congress, the said accompts having been approved by the chairman of the Committee on Indian Affairs, and clerk of the House of Representatives, and audited as required by law.

K L ANDERSON
Speaker of the House of Representatives

JOHN A. GREER
President Pro. Tem. of the Senate

The foregoing Joint Resolution was presented to President Houston for approval on the 6th January 1842, as appears from the memorandum of his private Secretary of that date, and was returned to the Department of State, the 13th January 1842, without his signature

ANSON JONES Secretary of State

I certify that the within Joint Resolution originated in the House of Representatives and passed December 29. 1841

J H RAYMOND C C H R

No. 58. Recd. in Executive Office, January 6th., 1842.

W. D. MILLER, Private Secy.

JOINT RESOLUTION

For the relief of N. H. Cochran

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and required to pay to N H Cochran the sum of Three hundred and seventy five dollars, in the Promissory Notes of the Republic, as compensation for carrying the mail from Jasper to Salem during the year eighteen hundred and thirty nine

Section 2. Be it further Resolved, That this Resolution take effect from and after its passage

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

SAM HOUSTON

Approved 11th January 1842

I certify the within Joint Resolution originated in the Senate and passed Jany 8th. 1842

A. C. MACFARLANE Secty Senate

No. 61—Recd. in Executive Office, January 11th., 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of K L Anderson

Section 1st Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Auditor be and he is hereby authorized and required to Audit the claim of K L Anderson for five hundred dollars in full for money advanced by him to Gen'l James Smith on the tenth of October Eighteen hundred and forty for the use of the army under his command payable in Texas Promissory Notes, and receivable for all government dues heretofore accrued

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

SAM HOUSTON

Approved 12th Jany 1842

I certify that the within Resolution originated in the House of Representatives and passed January 5. 1842.

J H RAYMOND C C H R

No. 65. Recd. in Executive Office, January 11th. 1842.

W. D. MILLER, Private Secretary

JOINT RESOLUTION

For the relief of Edward Daniel.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in congress assembled; That the Commissioner of the General Land Office be, and he is hereby authorized to issue to Edward Daniel a citizen of the county of Bastrop, a certificate for one league and one labor of land as the Head-right of the said Edward Daniel.

Section 2. Be it further resolved; That this Joint Resolution shall take effect from and after its passage.

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

Approved 12th Jany 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 5. 1842.

J H RAYMOND C C H R

No. 69. Recd. in Executive Office, January 11th., 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the honorable discharge of E. J. Felder.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Secretary of War is hereby required to give E. J. Felder an honorable discharge from the muster roll of the Texas Volunteer service, without receiving any pay for said services.

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

The foregoing Joint Resolution was presented to President Houston for approval on the 11th January 1842, as appears from the memorandum of his Private Secretary of that date, and was returned to the Department of State on the 18th January 1842 without his signature

ANSON JONES Secretary of State.

I certify that the within Joint Resolution originated in the House of Representatives and passed 6th Jany 1842.

J H RAYMOND C C H R

No. 70. Recd. in Executive Office, January 11th, 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

Permitting Samuel McCullock to enter of record a certain deed

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in congress assembled; That Samuel McCullock of Jackson County be, and he is hereby authorized and allowed to execute and enter of record in the County Court of said County a deed or instrument to perpetuate the testimony of the freedom of two colored women known by the names of Peggy and Rose, they having been introduced into Coahuila and Texas by said McCullock as free persons under the authority of law.

Section 2. Be it further resolved; That the Clerk of the Court aforesaid be and he is hereby authorized and required on the receipt of the deed aforesaid to enter the same of record, and that this Joint Resolution take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 12th Jany 1842

SAM HOUSTON

I certify the within Joint Resolution originated in the House of Representatives and passed Jany 4th 1842.

J H RAYMOND C C H R

No. 71. Recd. in Executive Office, January 11th, 1842.
W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of A G Kimbell

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in congress assembled; That the Auditor be, and he is hereby authorized and required to audit the claim of A G Kimbell for two thousand five hundred and Eighty Eight dollars and fifty three cents in par funds or its equivalent, in full for all accounts against the Government, for supplies furnished the army, receivable for any Government dues heretofore accrued

Section 2. Be it further resolved; That this Resolution take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 17th January 1842

SAM HOUSTON

I certify that the within Joint Resolution Originated in the House of Representatives and passed Jany 8th 1842.

J H RAYMOND C C H R

No. 76. Recd. in Executive Office, January 11th., 1842.

W. D. MILLER, Private Secretary.

AN ACT

For the benefit of the Heirs of George McKnight

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Secretary of War is hereby authorized to issue to the Heirs of George McKnight, one of the soldiers who fell in the massacre of Fannin, and his men the donation land which has been granted to those who were in the battle of the nineteenth of March one thousand eight hundred and thirty six, under Colonel Fannin, also the donation of land granted to soldiers who died or were slain in the service of Texas, also the bounty land for three months services in the Army.

Section 2. Be it further enacted: That the Auditor upon the application of the Heirs of the said George McKnight deceased, or their Attorney in fact, shall audit the claims of the said McKnight for three months services in the Army of one thousand eight hundred and thirty five and one thousand eight hundred and thirty six.

Section 3. Be it further enacted; That none but the legal Heirs of the said McKnight, or their Attorney in fact, shall be authorized to apply for and obtain the lands, and pay specified in this Act.

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

Approved 17th January 1842

SAM HOUSTON

I certify that the within Act originated in the House of Representatives and passed January 3. 1842.

J H RAYMOND C C H R

No. 77. Recd in Executive Office, January 11th. 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of Armstead Bennett and Thomas Lagow.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Auditor be, and he is hereby authorized and required to audit the claim of Armstead Bennett and Thomas Lagow for five hundred and sixty five dollars for supplies furnished the Army in the year one thousand eight hundred and thirty nine proper returns thereof not having been made.

Section 2. Be it further resolved; That this Joint Resolution take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 17 January 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 4, 1842.

J H RAYMOND C C H R

No. 78. Recd. in Executive Office, January 11th., 1842.

W. D. MILLER Private Secretary

JOINT RESOLUTION

For the relief of Ensign B Smith and Stephen Smith

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in congress assembled, that the Commissioner of the General Land Office be, and he is hereby directed to issue a patent to Ensign B. Smith for one league and labor of land which was surveyed for the said Smith under a certificate of head right granted to him by the Board of Land Commissioners of Red River county as a citizen of said county and the head of a family, upon the return of the field notes of said survey as though the same had been recommended by the Board of Travelling commissioners for patent

Section 2. Be it further resolved, that the Commissioner of the General Land Office be, and he is hereby directed to issue a patent to Stephen Smith for one league and one labor of land, which was surveyed for the said Smith under a certificate of head right granted to him by the Board of Land Commissioners of Harrison county, as a citizen of said county, and the head of a family, upon the return of the field notes of said survey, as though the same had been recommended for patent by the Board of Travelling Commissioners

Section 3. Be it further resolved, this Joint Resolution shall take effect from and after its passage

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 18th January 1842

SAM HOUSTON

I certify the within Joint Resolution originated in the Senate and passed January 12, 1842

A. C. MACFARLANE Secty Senate

No. 83—Recd. in Executive Office, January 14th., 1842.

W. D. MILLER, Private Secretary

JOINT RESOLUTION

For the relief of Memucan Hunt Esqr. late Commissioner to run the boundary line between the United States and Texas

Be it Resolved by the Senate and House of Representatives of the Republic of Texas in congress assembled, that the Auditor be, and he is hereby directed to audit and pass the accounts of Memucan Hunt Esqr. late commissioner to run the boundary line between the United States and the Republic of Texas, as presented to the Treasury Department, so as to allow said Hunt the charges therein for the payment of the salaries of the Officers of said commission in par funds

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 18th January 1842

SAM HOUSTON

I certify the within Joint Resolution originated in the Senate and passed January 15th 1842

A. C. MACFARLANE Secty Senate

No. 86. Recd. in Executive Office, January 17th., 1842.

W. D. MILLER Private Secretary.

JOINT RESOLUTION

For the relief of Charles Shearn

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Auditor be, and he is hereby required to issue to Charles Shearn, audited drafts to the amount of four thousand and four hundred dollars, payable at the pleasure of the Government, and receivable for Government dues which have heretofore accrued.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

The foregoing Joint Resolution was presented to President Houston for approval on the 18th day of January 1842, as appears from the memorandum of his Private Secretary of that date, and was returned to the Department of State on the 25th day of January 1842. without his signature.

ANSON JONES Secretary of State

I certify that the within Joint Resolution originated in the House of Representatives and passed January 8. 1842.

J H RAYMOND C C-H R

No. 87. Recd. in Executive Office, January 18th, 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of the Executrix of Thomas Ross Decd.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Treasurer is hereby required to pay to the Executrix of Thomas Ross deceased, the sum of twenty three dollars par money for hauling corn for the Government said money to be paid at the pleasure of the Government

Section 2. Be it further resolved; That this Joint Resolution shall take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 18th January 1842.

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 4. 1842.

J H RAYMOND C C H R

No. 88. Recd. in Executive Office, January 18th., 1842.

W. D. MILLER Private Secretary

JOINT RESOLUTION

For the relief of Thomas G. Western.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Auditor, be, and he is hereby authorized and required to audit the claim of Thomas G. Western for four hundred and forty dollars in full for translating in the General Land Office, which shall be receivable for all public dues which have now accrued, as Texas promissory notes of the Government—

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

The foregoing Joint Resolution was presented to President Houston for approval on the 18th. day of January 1842, as appears from the memorandum of his Private Secretary of that date, and was returned to the Department of State on the 25th. day of January 1842, without his signature.

ANSON JONES Secretary of State

I certify that the within Joint Resolution originated in the House of Representatives and passed January 11. 1842.

J H RAYMOND C. C. H. R.

No. 89. Recd. in Executive Office, January 18th, 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of Josiah G. Beaty and others.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Treasurer is hereby authorized and required to pay the accmpts of Josiah G. Beaty and others for repairs done on the Capitol in accordance with their agreements with P. W. Humphreys the former Chief Clerk of the House of Representatives, and that the sum of one thousand dollars par funds or its *equivalent* in the promissory notes of the Government is hereby appropriated for that purpose.

Section 2. Be it further resolved; That this Joint Resolution take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

The foregoing Joint Resolution was presented to President Houston for approval on the 18th. day of January 1842, as appears from the memorandum of his Private Secretary of that date, and was returned to the Department of State on the 25th. day of January 1842 without his signature.

ANSON JONES Secretary of State

I certify that the within Joint Resolution originated in the House of Representatives and passed January 7. 1842.

J H RAYMOND C C H R

No. 91. Recd. in Executive Office, January 18th, 1842.

W. D. MILLER, Private Secretary.

AN ACT

For the relief of Daniel M. Wiseman

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Commissioner of the General Land Office be and he is hereby authorized to execute to Daniel M Wiseman a title to one League and Labor of Land upon certificate number one hundred and Sixty five issued by the board of land commissioners for Shelby county the Same being a just and legal claim against the Government.

Section 2. Be it further enacted; That this Act be in force and take effect from and after its passage

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 18th January 1842

SAM HOUSTON

I certify the within Act originated in the House of Representatives and passed 14. January 1842.

J H RAYMOND C C H R

No. 93. Recd. in Executive Office, January 18th, 1842.
W. D. MILLER, Private Secretary

JOINT RESOLUTION
For the relief of Daniel J Toler.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Commissioner of the General Land Office be authorized, and he is hereby instructed to issue a patent to Daniel J Toler, for one third of a League of land, to which he is entitled under the Constitution as his Head Right.

Section 2. Be it further resolved: That this Joint Resolution take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives
EDWARD BURLESON
President of the Senate

Approved 20th Jan'y 1842.

SAM HOUSTON

I Certify the within Joint Resolution originated in the House of Representatives, and passed Jan'y 17th 1842.

J H RAYMOND C C H R

No. 97. Recd. in Executive Office, January 20th, 1842.
W. D. MILLER, Private Secretary.

JOINT RESOLUTION
For the relief of Samuel Craig

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That it shall be the duty of the Secretary of the Treasury to issue a certificate for patent to Samuel Craig, for a ten acre lot of land to include the homestead and improvements of said Craig, on the Austin City reserve immediately back of the town lots of the City of Austin on Waller Creek, whenever the said Craig shall present a duly authenticated survey of the same by the surveyor of Travis County to him.

Section 2. Be it further resolved: That it shall be the duty of the Commissioner of the General Land Office, to patent the same free of all costs and charges, whenever said Craig may present to him the certificate of the Secretary of the Treasury as aforesaid.

K L ANDERSON
Speaker of the House of Representatives
EDWARD BURLESON
President of the Senate

Approved 22nd January 1842.

SAM HOUSTON

I Certify the within Joint Resolution originated in the House of Representatives, and passed Jany 18th 1842.

J H RAYMOND C C H R

No. 99. Recd. in Executive office, January 21st, 1842.

W. D. MILLER, Private Secretary.

AN ACT

For the relief of Holland Coffee

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in congress assembled, that the Commissioner of the General Land Office be, and he is hereby directed to issue a patent to Holland Coffee of Fannin County for one third of a league of land which has been surveyed, or may be surveyed under and by virtue of a head right certificate granted by the Board of Land commissioners of Fannin County to said Holland Coffee, upon the return of the field notes of said Survey to the General Land Office, as though the said certificate had been recommended by the Board of Travelling Commissioners for patent

Section 2. Be it further enacted, that this act shall take effect from and after its passage

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

SAM HOUSTON

Approved 22nd January 1842

I certify the within act originated in the Senate and passed. January 18th 1842

A. C. MACFARLANE Secty Senate

No. 102. Recd. in Executive Office, January 22d., 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

Requiring the Auditor to reaudit certain claims.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Auditor be required upon the delivery by J. H Raymond of Treasury Warrants Nos. 4037, 4041, and 4040, appropriation "2. C." for Four hundred and seventy one and 21/100 dollars in amount, to issue to him a Treasury Warrant for ninety four dollars, payable out of the contingent fund of Congress in Exchequer bills of the Government.

Section 2. Be it further resolved: That this Joint Resolution take effect and be in force from and after its passage.

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

SAM HOUSTON

Approved 24th January 1842

I certify that the within Joint Resolution originated in the House of Representatives and passed January 22nd 1842.

J H RAYMOND C C H R

No. 109. Recd. in Executive Office, January 24th, 1842.

W. D. MILLER, Private Secretary

JOINT RESOLUTION
For the relief of O. C. Williams.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Auditor be, and he is hereby authorized and required to audit the claim of O. C. Williams, for one hundred and fifty dollars which shall be receivable for all public dues here- tofore accrued as the promissory notes of the Republic, it being in full for corn furnished the army in one thousand eight hundred and forty.

K L ANDERSON
Speaker of the House of Representatives
EDWARD BURLESON
President of the Senate

Approved 24th January 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 20. 1842.

J H RAYMOND C C H R

No. 110. Recd. in Executive Office, January 24th, 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION
For the relief of Samuel Craig.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That it shall be the duty of the Secretary of the Treasury to issue a certificate for patent to Samuel Craig for a ten acre lot of land to include the Homestead and improvements of said Craig on the Austin City reserve immediately back of the Town lots of the City of Austin on Waller Creek whenever the said Craig shall present a duly authenticated survey of the same by the Surveyor of Travis County to him.—

Section 2. Be it further resolved; That it shall be the duty of the Commissioner of the General Land Office to patent the same free of all costs and charges whenever said Craig may present to him the certificate of the Secretary of the Treasury as aforesaid.

K L ANDERSON
Speaker of the House of Representatives
EDWARD BURLESON
President of the Senate

Approved 24th January 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 18, 1842.

J H RAYMOND C C H R

No. 111. Recd. in Executive Office, January 24th, 1842.

W. D. MILLER, Private Secretary

JOINT RESOLUTION

For the relief of Helena Nelson

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Auditor is hereby authorized and required to audit the claim of Helena Nelson, for one hundred and eighty five dollars in full for beef furnished the Army, which shall be received for all public dues heretofore accrued as the promissory notes of the Republic.

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

Approved 29th January 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 19, 1842

J H RAYMOND C. C. H. R

No. 112. Recd. in Executive Office, January 25th, 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of M. F. De Graffenreed.

Whereas it appears to the satisfaction of Congress, that Matthew F De Graffenreed was the lawful holder and owner of six certificates of the land scrip of this Republic for six hundred and forty acres each issued in favor of Thomas Toby, on the twentieth day of December one thousand eight hundred and thirty six, being Numbers one hundred and sixty one, one hundred and sixty six, one hundred and sixty seven, one hundred and eighty, one hundred and eighty one and one hundred and eighty two, and that said certificates have been irrevocably lost— Therefore.—

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to said Matthew F. De Graffenreed, six certificates of scrip for six hundred and forty acres of land each, in lieu of the above described certificates, and that the scrip issued in pursuance of this Resolution shall be regulated in all respects by the law governing the

original scrip, and that this Joint Resolution take effect from and after its passage.

K L ANDERSON
 Speaker of the House of Representatives
 EDWARD BURLESON
 President of the Senate
 SAM HOUSTON

Approved 29th January 1842

I certify that the within Joint Resolution originated in the House of Representatives and passed January 19, 1842.

J H RAYMOND C C H R

No. 113. Recd. in Executive Office, January 25th, 1842.
 W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of Francis F. Wells.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Auditor be, and he is hereby authorized and required to audit the account of Francis F. Wells for the sum of one thousand and eighty dollars in full for all his claims against the Republic of Texas.

Section 2. Be it further resolved; That the said amount when so audited be only receivable in payment of Government dues which have heretofore accrued, and that this Joint Resolution take effect from and after its passage.

K L ANDERSON
 Speaker of the House of Representatives
 EDWARD BURLESON
 President of the Senate

Approved 29th January 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 21st., 1842

J H RAYMOND C C H R

No. 114. Recd. in Executive Office, January 25th, 1842.
 W. D. MILLER, Private Secretary

COMMITTEE ROOM Jan 12 1842

The Joint Committee of the Two Houses of Congress to which was referred the petition of Captain John G Tod formerly Navy agent to the United States, and late Commander of naval station at Galveston, beg leave to make the following Report:—

That from a full investigation of the accounts of the petitioner, it appears that all the difficulties that have occurred since the settlement of his accounts, were founded in objections merely technical in their character, originating in the fact of his accounts being *as then necessarily* were intermingled with the accounts of H. H. Williams, and Commodore E. W. Moore, but upon strict enquiry and investigation, it appears to the entire

satisfaction of the Committee, that all the funds placed in the hands or at the disposal of the petitioner were disbursed with strict regard to the principles of economy and the public interest; and that he has accounted for all such funds with a fidelity which gave abundant evidence of his high sence [sic] of Official duty as well as his laudable zeal for the public good. And that in all the transactions of the petitioner in his official relations to the Government, his conduct has been marked by a paramount regard for the public good, and his duties have been performed with a fidelity and ability worthy of the trust reposed in him, and in a manner that entitles him to the confidence and approbation of his country; and in consideration of the faithful services, prudent and discreet conduct, the firm and temperate discharge of his duties to the Republic, your Committee recommend the adoption of the following Resolution.

(Signed) JAMES W BYRNE Chairman on the part of the Senate

” JOHN B JONES Chairman on the part of the H of Rep

JOINT RESOLUTION

Passing a vote of thanks to Captain John G Tod late Commander of the naval station at Galveston

Section 1. Be it Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that Captain John G Tod formerly Naval Agent to the United States, and late commander of the Naval Station at Galveston. is entitled to the thanks of this body for the faithful and important services he has rendered to the country

Section 2. Be it further Resolved, That the President be requested to order a copy of the foregoing Report and Resolution to be read at the Navy Yard and on Board of each of the public vessels in commission, in the presence of the crew and Officers, and that the same be entered on the log-books

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

Vetoed by the President and Passed by a constitutional majority
January 31st. 1842

EDWARD BURLESON

President of the Senate

Passed by a constitutional majority 1st. February 1842.

K L ANDERSON

Speaker of the House of Representatives

I certify the within Report and Joint Resolution originated in the Senate and passed Jany 24th 1842

A. C. MACFARLANE Secty Senate

No. 116. Recd. in Executive Office, January 25th, 1842

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of Rebecca Brown administratrix of the estate of Jeremiah Brown deceased

Section 1 Be it Resolved by the Senate and House of Representatives of the Republic of Texas in congress assembled, as practicable to appoint two commissioners with the authority in them to choose a third (in case of disagreement) to to [sic] appraise and receive so much of the estate, if so much there be, of the late Jeremiah Brown and of his Sureties, while collector of the port of Brazos; as will amount to the full sum of indebtedness of said Estate and sureties to the Republic, as settled and liquidated by the proper Auditing Officers which, when received shall be a final discharge for the claims of the Republic against said Estate and sureties

Section 2. Be it further Resolved, That this Resolution shall go into effect from and after its passage

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

The foregoing Joint Resolution was presented to President Houston for approval on the 26th day of January 1842, and was returned to the Department of state on the fourth day of February 1842, without his signature.

ANSON JONES Secretary of State

I certify the within Joint Resolution originated in the Senate and passed January 24th 1842

A. C. MACFARLANE Secretary Senate

No. 118. Recd. in Executive Office, January 26th., 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

Concerning Captain A. C. Hinton

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That Captain A. C. Hinton late Commander of the Steam Ship of War Zavalla, stand acquitted of any Act of misconduct, reflecting upon him as an Officer or Gentleman, whilst a Commander in the Navy of this Republic.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 29th January 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 25. 1842.

J H RAYMOND C C H R

No. 125, Recd. in Executive Office, January 29th., 1842.
W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of John Appleman.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Auditor is hereby authorized and required to audit the account of John Appleman for eight hundred dollars for services in the Navy of the Republic of Texas—which shall be receivable alone for all government dues heretofore incurred.
Section 2. Be it further resolved: That this Joint Resolution take effect from and after its passage

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

Approved 29th January 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 26. 1842.

J H RAYMOND C C H R

No. 126. Recd. in Executive Office, January 29th., 1842.
W. D. MILLER, Private Secretary.

AN ACT

For the relief of John S Martin

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Auditor be and he is hereby authorized and required to audit the claim of John S Martin Sheriff of Houston County for three hundred and eleven dollars and eighty four cents, and issue to said Martin an audited draft for that amount, which draft shall be receivable for all land taxes, fees for patents or other public dues which have heretofore accrued.
Section 2. Be it further enacted; That this act shall take effect from and after its passage.

K L ANDERSON

Speaker of the House of Representatives

EDWD BURLESON

President of the Senate

Approved 29th Jany 1842

SAM HOUSTON

I certify that the within act originated in the House of Representatives and passed Jany 27th 1842

J H RAYMOND C C H R

No. 127. Recd. in Executive Office, January 29th., 1842.
W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of sundry persons therein mentioned

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Auditor be, and he is hereby authorized and required to audit the claims of the following named persons— to wit:— to audit the claim of Martin Lacy for supplies furnished the Army for five hundred and fifteen dollars— also to audit the claim of William Perry for five hundred and eighty four dollars & fifty cents, it being in full for services in the Army as Surgeon, and medicine.— Also to audit the claim of P. O. Lumpkin for thirty dollars for services and supplies— also to audit the claim of the Heirs of C. C. Campbell decd. for seventy five dollars for supplies furnished the Army— also to audit the claim of Malethel Campbell for sixteen dollars for hauling done for the army— also to audit the claim of the Heirs of John Grigsby decd., for one hundred and seventy five dollars, for assessing the County of Shelby for the year one thousand eight hundred and thirty nine— also to audit the claim of Samuel C. Box for eighty one dollars and seventy five cents, for supplies furnished the Army— also to audit the claim of Martin A. Walker, Sheriff of Houston County for forty six dollars and ten cents for services in criminal cases— also to audit the claim of Humphries Ussery for one hundred dollars for services, in attending on the sick and wounded in the army — also to audit the claim of John D. Miller and Crawford Grigsby for thirty dollars, for supplies furnished the Army— also to audit the claim of Richard H. Chisolm for one hundred dollars— also to audit the claim of Hiram Williams for two hundred and twenty six dollars for supplies furnished the Army— also to audit the accompt of William Gragg for twenty dollars— also two accompts for John Neugent [Nugent] amounting to eighty six dollars— also one accompt for James Latimer for thirty dollars— also one accompt for John Blanton for forty dollars— also one accompt for Able Blana [Bland] for thirty dollars— also three accompts for H. H. Clifton, in all, three hundred and seventy eight dollars— also three accompts for Richard Tankersly, amounting in all to one hundred and eighty dollars.

Section 2. Be it further resolved: That the foregoing audited accompts shall be receivable for all public dues heretofore accrued, as the promissory notes of the Government

Section 3. Be it further resolved: That this Joint Resolution take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 29th Jany 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 27, 1842

J H RAYMOND C C H R

No. 128. Recd. in Executive Office, January 29th, 1842.

W. D. MILLER, Private Secretary.

AN ACT

For the relief of Jesse Billingsly assignee of Noah Smithwick

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Secretary of War be, and he is hereby authorized to issue to Jesse Billingsly assignee of Noah Smithwick a Military Land Warrant for twelve hundred and eighty acres of land, the same being for Military services rendered by said Smithwick as a Ranger from the twenty second of January one thousand eight hundred and thirty six until twenty second January one thousand eight hundred and thirty seven.

Section 2. Be it further enacted: That this Act shall take effect from and after its passage.

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

The foregoing act was presented to President Houston for approval on the twenty-ninth day of January 1842, as appears from the memorandum of his Private Secretary of that date, and was returned to the Department of state on the fifth day of February 1842.

ANSON JONES Secretary of State.

I certify that the within Act originated in the House of Representatives of the Republic of Texas and passed January 26, 1842.

J H RAYMOND C C H R

No. 129. Recd. in Executive Office, January 29th., 1842

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of John R. Slocomb.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Auditor be, and he is hereby authorized and required to audit the claim of John R. Slocomb for four hundred and twenty five dollars in full for all accompts against the Government for the year one thousand eight hundred and forty: except a claim for digging a well of which no sufficient evidence is now within the reach of the claimant, which shall be receivable for all public dues heretofore accrued.

Section 2. Be it further resolved: That this Joint Resolution take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 29th January 1842.

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 26. 1842.

J H RAYMOND C C H R

No. 130. Recd. in Executive Office, January 29th., 1842.
W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of J. T. O'Reily

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Auditor be, and he is hereby authorized and required to audit the claim of J. T. O'Reily for one hundred and thirty two dollars and forty four cents, *payable at the pleasure of the Government*, for supplies furnished by him to companies under the command of Captain J M. Jordan and Captain J. T. Price, while employed in the service of the Republic

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 29th January 1842

SAM HOUSRON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 20. 1842.

J H RAYMOND C C H R

No. 131. Recd. in Executive Office, January 29th., 1842.
W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of Nathaniel Moore.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Commissioner of the General Land Office be, and he is hereby authorized and required to respect as just and genuine, certificate number two hundred and thirty three, issued to Nathaniel Moore by the board of Land Commissioners for the County of Bastrop, on the fifteenth day of March, one thousand eight hundred and thirty eight.

Section 2 Be it further enacted; That this act be in force and take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 29th January 1842

SAM HOUSTON

I certify the within Joint Resolution Originated in the House of Representatives, and passed Jany 24th 1842

J H RAYMOND C C H R

No. 132. Recd. in Executive Office, January 29th., 1842.
W. D. MILLER, Private Secretary

JOINT RESOLUTION

For the relief of William Snodgrass.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled: That the Auditor be required to audit the claim of William Snodgrass to the amount of two hundred and eighty dollars for keeping and boarding Captain Corsco and nine Mexican soldiers prisoners taken on Padres Island in August last.

Section 2. Be it further resolved: That said accmpt when audited shall be receivable for all taxes and dues for which promissory notes are receivable.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 29th January 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 27. 1842

J H RAYMOND C C H R

No. 133. Recd. in Executive Office, January 29th., 1842.
W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of Seth Swift

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Auditor be, and he is hereby authorized and required to audit the claims of Seth Swift for two hundred and seventeen dollars and seventy five cents, payable at the pleasure of the Government, for supplies furnished the company of David

L Kokernutt in November one thousand eight hundred and thirty six in service

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 29th Jany 1842

SAM HOUSTON

I certify the within Joint Resolution originated in the House of Representatives, and passed Jany. 20th 1842.

J H RAYMOND C C H R

No. 134. Recd. in Executive Office, January 29th., 1842.
W. D. MILLER, Private Secretary.

AN ACT

For the relief of N. B. Anderson

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Commissioner of the General Land Office is hereby authorized and required to issue to N. B. Anderson a certificate or order of survey for six hundred and forty acres of land as the head-right of the said N. B. Anderson, he being an Emigrant of the year one thousand eight hundred and thirty seven and previous to the first of October.

Section 2. Be it further enacted: That this Act shall take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 29th January 1842

SAM, HOUSTON

I certify that the within Act originated in the House of Representatives and passed January 28, 1842.

J H RAYMOND C C H R

No. 135. Recd. in Executive Office, January 29th., 1842.
W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the releif of J Harris Catlin

Section 1 Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Secretary of the Treasury be and he is hereby authorized, and required to pay to J Harris Catlin Sheriff of Austin County, the Sum of Seven Hundred and forty Seven dollars, and fifty cents, in the Promissory Notes of the Government, which amount is hereby appropriated

Section 2. Be it further Resolved; That this Joint Resolution shall take effect from, and after its passage

K L ANDERSON
Speaker of the House of Representatives.
EDWARD BURLESON
President of the Senate

Approved 29th January 1842 SAM HOUSTON

I certify the within "Joint Resolution" originated in the House of Representatives, and passed January 26th 1842.

J H RAYMOND C C H R

No. 136. Recd. in Executive Office, Jany. 29th., 1842.

W. D. MILLER, Private Secretary

JOINT RESOLUTION

For the relief of Joseph Lee.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Secretary of the Treasury be and he is hereby authorized and required upon the receipt of ninety dollars Texas promissory notes from Joseph Lee, to issue an order to the Commissioner of the General Land Office to issue a patent to said Joseph Lee for a lot in the City of Austin known on the plan of said City as Lot (number eight) in block number, fifty two,—

K L ANDERSON
Speaker of the House of Representatives
EDWARD BURLESON
President of the Senate

Approved 29th January 1842 SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 27. 1842

J H RAYMOND C C H R

No. 137. Recd. in Executive Office, January 29th., 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the protection of the Southern Frontier

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the President be, and he is hereby authorized to employ one Company of mounted men, to act as Rangers on the Southern Frontier, on such terms as he may deem most beneficial to the public interest.

K L ANDERSON
Speaker of the House of Representatives
EDWARD BURLESON
President of the Senate

Approved 29th January 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed January 28, 1842.

J H RAYMOND C C H R

No. 138. Recd. in Executive Office, January 29th, 1842.

W. D. MILLER, Private Secretary.

AN ACT

To be entitled "An Act" for the relief of Augustus Douglass.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled; That the Commissioner of the General Land Office, be and he is hereby authorized, and required to issue to Augustus Douglass, a Patent for One third of a League of Land, which he is entitled to by virtue of a Head-right certificate, issued by the Board of Land commissioners of Victoria County. dated January the Twenty Sixth One thousand, eight hundred and thirty eight, the same having been recommended to the favourable action of congress. by the Travelling Board of Land Commissioners

Section 2. Be it further enacted; That this Act take effect from, and after its passage

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 1st February 1842

SAM HOUSTON

I certify the within "Act" originated in the House of Representatives, and passed January 28th 1842.

J H RAYMOND C C H R

No. 147. Recd. in Executive Office, January 31st., 1842.

W. D. MILLER, Private Secretary

JOINT RESOLUTION

For the relief of Sarah N Hubert

Section 1. Be it Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that [the] Treasurer of the Republic, be, and he is hereby authorized and required to receive of Sarah N Hubert, or her Agent K. H. Muse, the one half of a five hundred dollar bill, being a promissory note of the Republic of Texas, the other half being lost, signed by James Webb acting Secretary of the Treasury, and pay over to the said Sarah N Hubert or agent K H Muse, five hundred dollars in the promissory notes of the Government

Section 2. Be it further Resolved, that this Joint Resolution take effect from and after its passage

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 4th February 1842

SAM HOUSTON

I certify the within Joint Resolution originated in the Senate and passed Janry 27th 1842

A. C. MACFARLANE Secretary Senate

No. 152. Recd. in Executive Office, January 31st., 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION
For the relief of Ward and Ingram

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Auditor, be and he is hereby authorized and required to audit the claim of Ward and Ingram for two thousand five hundred and eighty two dollars and three cents in full payment for four hundred Kegs of powder furnished the Government.

Section 2. Be it further resolved: That said Audited [*sic*] drafts shall be paid out of any money in the Treasury from and after the first day of January one thousand eight hundred and forty three not otherwise appropriated, and that the claim of Ward and Ingram shall bear legal interest, from the sixth day of April one thousand eight hundred and forty one, until paid.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

The foregoing Joint Resolution was presented to President Houston for approval on the thirty-first day of January 1842, as appears from the memorandum of his Private Secretary of that date, and was returned to the Department of State on the fifth day of February 1842, without his signature.

ANSON JONES Secretary of State.

I certify that the within Joint Resolution originated in the House of Representatives and passed January 27. 1842.

J H RAYMOND C C H R

No. 153. Recd. in Executive Office, January 31st., 1842.

W. D. MILLER, Private Secretary.

AN ACT

For the relief of Willis H. Landrum

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Auditor be required to audit, and the Secretary of the Treasury to pay Willis H. Landrum the sum of three hundred and eleven dollars in par funds, payable at the pleasure of the Government for money expended by him for the use of the Army in Eighteen hundred and thirty five.

Section 2. Be it further enacted; That this Act take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 1st February 1842

SAM. HOUSTON

I certify that the within Act originated in the House of Representatives and passed January 29. 1842.

J H RAYMOND C C H R

No. 161. Recd. in Executive Office, February 1st, 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of John Davis.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Auditor be and he is hereby authorized and required to audit the account of John Davis to the use of Caleb Willborne for the sum of Fifty Six dollars and fifty Cents.

Section 2. Be it further resolved that the amount aforesaid, when audited be receivable in payment only for dues which have already accrued and that this Joint Resolution take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 3rd. February 1842

SAM, HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives, and passed 2nd. February 1842.

J H RAYMOND C C H R

No. 167. Recd. in Executive Office, February 3d., 1842.

W. D. MILLER, Private Secretary.

AN ACT

For the relief of William E. Roberts

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Commissioner of the General Land Office, be, and he is hereby authorized and required, to respect the Head Right claim of William E Roberts, for one third of a League of Land, as good and genuine, in the same manner as though the same had been returned as such by the Commissioners appointed under "An Act" to detect fraudulent Land Certificates; and that this Act shall take effect from and after its passage.

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

Approved 3rd February 1842

SAM HOUSTON

I Certify the within Act Originated in the House of Representatives and passed Feb'y 2nd. 1842

J H RAYMOND C C H R

No. 169 Recd. in Executive Office, February 3d., 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of William K Wilson

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to William K. Wilson a patent for a league of land on the South side of Dickersons Bayou—the Head-right of the said Wilson, on his paying the Government dues

Section 2. Be it further resolved: That this Joint Resolution take effect from and after its passage.

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

Approved 3rd February 1842

SAM, HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed Febry. 1. 1842

J H RAYMOND C C H R

No. 171. Recd. in Executive Office, February 3d., 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION
For the relief of John Ingram.

Section. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Commissioner of the General Land Office be, and he is hereby required to issue to John Ingram a certificate for two hundred and ninety nine acres of land to be located upon any vacant and unappropriated lands of the Republic.

Section 2. Be it further resolved, That said certificate shall not be issued, until certificate number One hundred and Sixty two of the Second class granted to John Ingram aforesaid, by the Board of Land Commissioners of Fayette County dated twenty seventh December Eighteen hundred and thirty nine for two hundred and ninety nine 9/10 acres of land, shall be given up to the Commissioner of the General Land Office to be cancelled, said certificate when issued shall be satisfaction in full for the deficit in the survey for a quarter of a league of land granted to said John Ingram on the north east margin of the Colorado River in the County of Fayette

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

Approved 4th February, 1842.

SAM, HOUSTON

I certify the within Joint Resolution originated in the House of Representatives and passed 3d. February 1842.

J H RAYMOND C C H R

No. 172. Recd. in Executive Office, February 3d., 1842.
W. D. MILLER, Private Secretary.

JOINT RESOLUTION
For the relief of Eliza T Logan

Section 1 Be it Resolved by the Senate and House of Representatives of the Republic of Texas in congress assembled, that the Secretary of the Treasury is hereby authorized and required to receive from Eliza T Logan the balance due to the Government on Lot Numbe[r] four and block one hundred and one

Section 2. Be it further Resolved, that the commissioner of the General Land Office is hereby authorized and required to issue a patent to said Eliza T Logan for the above described lot

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

SAM. HOUSTON

Approved 4th February 1842.

I certify the within Joint Resolution originated in the Senate and passed Jany 29th 1842

A. C. MACFARLANE Secty Senate

174. Recd. in Executive Office, February 3d., 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of A. C. Macfarlane late Sheriff of Travis County

Section 1. Be it Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; that the Auditor be, and he is hereby authorized an[d] required to audit the account of A. C. Macfarlane late Sheriff of Travis County for expenses incurred in transporting a prisoner to the common Jail of Fayette county— the said Macfarlane producing proper voucher

Section 2. Be it further Resolved, that this Joint Resolution take effect from and after its passage

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

Approved 4th February 1842.

SAM HOUSTON

I certify the within Joint Resolution originated in the Senate and passed Jany 29th 1842

A. C. MACFARLANE Secty Senate

No. 175. Recd. in Executive Office, February 3d., 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of Joseph M Harris.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Auditor be, and he is hereby required to audit the claim of Joseph M Harris, payable to the administratix or heirs of the estate, for one hundred Ninety three dollars for supplies furnished the Army in one thousand eight hundred and thirty eight, receivable for all public dues heretofore accrued.

Section 2. Be it further resolved; That this Joint Resolution take effect from and after its passage.

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

Approved 5th Feby 1842

SAM HOUSTON

I certify the within Joint Resolution originated in the House of Representatives, and passed Feby 4th 1842.

J H RAYMOND C C H R

No. 178. Recd. in Executive office, February 5th., 1842
W. D. MILLER, Private Secretary.

JOINT RESOLUTION
For the relief of Abel L. Eaves.

Whereas Abel L. Eaves appeared before the Board of Land Commissioners for the county of Jasper, and proved according to law, that he was entitled to one League and one Labor of land, being a married man, and whereas through a mistake of the clerk of said Board, in making up the record it appears that said Eaves was entitled to only one third of a league, and returned in the same manner to the General Land Office, both by the Clerk of said Board, and likewise by the travelling Board of Land Commissioners; and whereas the travelling Board took favorable action upon the same, and that the said Eaves is justly entitled to one league and one labor of land, as shown by a certificate issued by the aforesaid Board to George W. Glasscock assignee of Abel L. Eaves— Therefore

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled: That the Commissioner of the General Land Office is hereby authorized and required to respect the certificate issued to George W. Glasscock assignee of Abel L Eaves for one league and one labor of land, the records and returns to the contrary notwithstanding

Section 2. Be it further resolved: That this Joint Resolution take effect from and after its passage.

K L ANDERSON

Speaker of the House of Representatives

EDWARD BURLESON

President of the Senate

Approved 5th February 1842

SAM. HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives, and passed February 5. 1842.

J H RAYMOND C C H R

No. 186. Recd. in Executive Office, February 5th., 1842.
W. D. MILLER, Private Secretary.

JOINT RESOLUTION
For the relief of George W Terrel

Section 1 Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer is hereby authorized and required to pay to George W Terrel one half of the salary due him as District Judge of the Fifth Judicial District, and a sufficient amount

is hereby appropriated for that purpose, also a sum sufficient to pay Edward T Branch one half of the amount that may be found due him upon a settlement of his accounts, for his services as Judge of the District Court, any Law to the Contrary notwithstanding

Section 2. Be it further enacted that this Joint Resolution take effect from and after its passage

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 5th February 1842

SAM HOUSTON

I certify the within Act originated in the Senate and passed Feby 5th 1842

E. S. C. ROBERTSON Asst Sectry Senate

No. 190. Recd. in Executive Office, February 5th., 1842.

W. D. MILLER, Private Secretary.

AN ACT

For the relief of the Heirs of Captain John W Peacock

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that the Commissioner of the General Land Office be and he is hereby authorized and directed to issue to David Murp[h]ree administrator of the estate of John W Peacock, a patent for one League and labor of land according to the location and survey already made by said administrator under the certificate issued by the Board of Land Commissioners for the County of Bexar to said administrator; Provided, that none but the Heirs of the said John W Peacock shall have the right to sell, alienate or dispose of the said land

Section 2. Be it further enacted, that this act shall take effect from and after its passage

K L ANDERSON
Speaker of the House of Representatives

EDWARD BURLESON
President of the Senate

Approved 5th February 1842

SAM HOUSTON

I certify the within Act originated in the Senate and passed Jany 21st 1842

A. C. MACFARLANE Secty Senate

No. 191. Recd. in Executive Office February 5th., 1842

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

Granting leave of absence to Judge P. C. Jack for a certain period

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That leave of absence from the Republic be and the same is hereby granted to the Honl. P. C. Jack, for five months, during the vacancy between the Spring and fall term of the Courts: and provided the said absence shall not interfere with the Discharge of his official duties.

K L ANDERSON
Speaker of the House of Representatives
JOHN A GREER
President Pro. Tem of the Senate

Approved 5th Feby 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed 4th February 1842.

J H RAYMOND C C H R

No. 194. Recd. in Executive Office, February 5th, 1842.
W. D. MILLER, Private Secretary

AN ACT

To divorce Thomas F McKinney and Nancy McKinney and others from the bonds of matrimony

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, that the bonds of matrimony heretofore existing between Thomas F McKinney and Nancy McKinney, be, and the same are hereby dissolved, and the parties are left free to act and contract as though they had never been married.

Section 2. Be it further enacted, That James P Hutchison and Celia Hutchison, be and they are hereby divorced, and that they have all the benefits of the preceeding [*sic*] section

Section 3. Be it further enacted, That David Hodge and Lucinda, his wife, be and they are hereby divorced and entitled to the benefits of the first section of this act—

Section 4. Be it further enacted, That this act take effect from and after its passage

K L ANDERSON
Speaker of the House of Representatives
JOHN A GREER
President pro Tem of the Senate

Approved 18th July 1842

SAM. HOUSTON

I certify the within Act originated in the Senate and passed July 14th 1842

A. C. MACFARLANE Secty Senate

No. 2. Recd. in Executive Office, July 18th, 1842.
W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of Thomas Johnson.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That Thomas Johnson late Judge of the first Judicial District be, and he is hereby allowed the sum of Eight hundred and twenty eight dollars— it being the one half the salary allowed by law for the term of six months and nineteen days, the time he served as Judge aforesaid and that the same be paid him out of any monies in the Treasury not otherwise appropriated.

K L ANDERSON
Speaker of the House of Representatives

JOHN A. GREER
President pro Tem of the Senate

Approved 19th July 1842

SAM HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed July 14. 1842.

JAS H RAYMOND C C H R

No. 4. Recd. in Executive Office July 18th, 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION

For the relief of Captain Augustus Williams.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That Captain Augustus Williams be, and he is hereby restored to his command, as Captain of Company [blank] of Tennessee Volunteers, but nothing herein contained shall exempt him from trial by a Court Martial and punishment for any mutinous or insubordinate conduct.

Section 2. Be it further resolved, That this Resolution take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives

JOHN A. GREER
President Pro Tem of the Senate

Vetoed by the President and passed by a constitutional majority on the 23rd day of July 1842

K L ANDERSON
Speaker of the House of Representatives

Passed by a constitutional majority over the votae [*sic*] of the President July 23rd 1842

EDWARD BURLESON
President of the Senate

I certify that the within Joint Resolution originated in the House of Representatives and passed July 15. 1842.

JAS H RAYMOND C C H R

No. 7. Received in Executive Office July 18th, 1842.

W. D. MILLER, Private Secretary.

JOINT RESOLUTION
For the relief of F. Dawson.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the Secretary of the Treasury be, and he is hereby authorized and required to cancel the bonds of this Government now held by F. Dawson or his Agent and issue to the said Dawson, or his Agent other Bonds of the same character, and of such denominations as the said Dawson or his Agent may require bearing the same rate of interest as the canceled Bonds, but nothing herein contained shall be so construed as to allow the interest due to be added to the principal of the Bonds aforesaid nor to authorize the issue of other bonds for the interest so due: Provided that no bond shall be issued for less than One hundred dollars.

K L ANDERSON
Speaker of the House of Representatives
JOHN A. GREER
President Pro Tem of the Senate

Approved 19th July 1842

SAM. HOUSTON

I certify that the within Joint Resolution originated in the House of Representatives and passed July 16. 1842.

JAS. H. RAYMOND C C H R

No. 9. Recd. in Executive Office, July 19th, 1842.

W. D. MILLER, Private Secretary

AN ACT

To divorce certain persons therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled; That the bonds of matrimony heretofore existing between Francis W. Johnson and Rosella Johnson, and also the bonds of matrimony existing between Benjamin Conner and Julia E. Conner and also the bonds of matrimony existing between Andrew Jackson Morgan and Jane Morgan— also the bonds of matrimony existing between Daniel Tuttle and Mary Tuttle — also the bonds of matrimony existing between William Mays and Mary Mays— also the bonds of matrimony heretofore existing between J. C. Neal and Louisa Neal— also the bonds of matrimony heretofore existing between Dennis Neil and Julia Neil— also the bonds of matrimony heretofore existing between Henry Tuwester [Tierwester] and Ann Tuwester and

Jacob Duckworth and Nancy Duckworth, be, and the same are hereby dissolved, and the several parties are left free to act and contract for themselves, as though they had never been married.

Section 2. Be it further enacted, That this Act take effect from and after its passage.

K L ANDERSON
Speaker of the House of Representatives
EDWARD BURLESON
President of the Senate

Approved 23rd July 1842

SAM HOUSTON

I certify that the within Act originated in the House of Representatives and passed July 16. 1842

J. H. RAYMOND Chf Clk. H of R

No 14. Received in Executive Office July 23rd 1842

DANIEL D CULP Private Secy.

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