

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

*Report of Lieut. Thomas H. Bradley, examiner of State claims, on the claims of States against the United States, in response to an inquiry from the Committee on Claims, United States Senate.*

FEBRUARY 9, 1880.—Referred to the Committee on Claims and ordered to be printed.

WAR DEPARTMENT,  
Washington City, February 6, 1880.

SIR: In answer to certain inquiries from the Committee on Claims, in regard to the legislation proposed by a bill (S. 1028) "in relation to the claims of States against the United States," I have the honor to transmit to the Senate a report prepared by First Lieut. Thomas H. Bradley, Twenty-first Infantry, examiner of State claims in this office, which expresses the views of this department upon the subject.

ALEX. RAMSEY,  
*Secretary of War.*

The PRESIDENT OF THE SENATE.

*List of papers.*

- Copy of Senate bill No. 1028.
- Report of Lieut. Thomas H. Bradley, examiner of State claims.
- Copy of Senate executive document No. 60, Forty-fifth Congress, third session.
- Copy of letter of Secretary of War, dated March 7, 1879.
- Copy of opinion of Attorney-General, dated March 14, 1879.
- Copy of Senate executive document No. 19, Forty-fifth Congress, second session.
- Copy of House miscellaneous document No. 35, Forty-second Congress, second session.
- Copy of letter from the Third Auditor, dated January 24, 1880.

WAR DEPARTMENT,  
Washington, D. C., February 5, 1880.

SIR: In the matter of a bill (S. 1028) "in relation to claims of States against the United States," which has been referred to this department by the Senate Committee on Claims, to obtain "all the information and facts shown by the records or known in your department touching the claim of each State of the Union against the United States, the number of such claims, the character and amount of each, what action, if any, has been taken in relation to each, and the views of your department

as to the propriety of the passage of the bill," I have the honor to submit the following report:

1. "All the information and facts shown by the records or known in your department touching the claim of each State of the Union against the United States" cannot be given until legislation is had, including a large appropriation of money to rent a building, employ a clerical force, and to furnish stationery, in order that thousands of pages of records and vast numbers of papers and rolls may be copied and compiled for use elsewhere than in departmental offices.

2. "The number of such claims" cannot be ascertained without extraordinary delay and research, which would require a clerical force exceeding that now allowed by law to this department, the present force being inadequate for the prompt and satisfactory transaction of the current business.

3. "The character" of each claim included in the phrase "claims of States" cannot be given—the reason why being as above set forth—further than to generalize the claims under two grand classifications, namely, one class being made up of claims which have accrued during and on account of the civil war, and the second class being made up of claims which are not included in the civil war designation.

In order to give more comprehensive definitions to these two classes appears the following:

The claims of the first grand class, namely, those which accrued during and on account of the civil war, are mainly for reimbursement of expenditures made in raising troops for the defense of the United States between April 15, 1861, and August 20, 1866.

History accounts for these claims in the facts of record, which are substantially as follows:

The Thirty-sixth Congress adjourned March 3, 1861; the laws of the United States authorized the President to call forth the militia and volunteer forces; the statutes afforded no appropriation (save \$200,000 per annum for arming and equipping the militia) which could be applied to the support of such forces, and the Constitution allowed no money to be drawn from the Treasury, but in consequence of appropriations made by law.

The President called forth the troops by requisitions on the loyal States; the authorities of such States responded by furnishing the men and by raising the greater portion of the money necessary to defray the expenses of the troops until provision for their support should be made by Congress, or until they should be mustered into the service of the United States. For example: Massachusetts was among the first to respond, and, in order to have the militia of the commonwealth prepared for war, certain gentlemen were instrumental in "procuring from the Bank of Redemption in Boston a temporary loan to the commonwealth for the use of the troops of the sum of \$50,000." (1 Civil War in America, by Lossing, page 402).

On the 4th of July, 1861, when the Thirty-seventh Congress first assembled in special session, the Union Army, exclusive of the regular forces, numbered 260,000 men, that had been enrolled, equipped, armed, clothed, quartered, subsisted, and transported from advances of money made by the loyal States. The magnitude of the expenses coincident to the affairs then pending in this connection may be inferred from the facts that the sum total drawn from the United States Treasury by the Secretary of War for all classes of War Department expenditures for the month of June was \$4,815,026.89, of which \$98,414.50 was for arming and equipping the militia, and that in order to cover pending expenses

there was appropriated by the Congress convened in July, \$227,613,-397.80, which amount was placed upon the books of this department by Treasury warrants dated July and August, 1861, and was thenceforth available for disbursement.

The loyal States advanced some \$50,000,000 between April 15, 1861, and August 20, 1866, in raising troops for the United States service. Their authorities, it seems, paused not to consider conditions or limitations touching return of the money, and cared not then for technical forms of accounts and proofs appertaining to military expenditures of the government. The character of these claims became stamped upon them from their very nature. The spirit of generous advances (without formal proceedings), born of national necessity, was continued in practical existence, and was encouraged and unhindered during the entire war period. Some installments of these claims are now for the first time pending settlement, they having been filed in 1879, or presented some fifteen years after the expenses were incurred. The reports made at this office on these late installments cover hundreds of pages of manuscript, and are prepared with much care, owing to the vast number and variety of rules and precedents which have become practicably applicable to various charges submitted during the eighteen years these claims have been undergoing examination and adjustment. Any new rule which, at this late date, would for the first time allow a petty charge of a class heretofore suspended on these claims might be construed to work allowance of half million dollars of similar items suspended on vouchers which have been "passed upon" since the year 1861.

A further statement concerning claims of this class is given in extracts, as follows :

13. State war-claims were, at the outset, distinct and separate from claims for "collecting, drilling, and organizing volunteers," as were also the appropriations in connection therewith.

The organized militia was insignificant in numbers when compared to the number of men required; therefore governors of loyal States and their agents patriotically sought and found ways and means "for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting" State "troops employed" (and to be employed thenceforth for years) in aiding to suppress the insurrection.

14. The Congress passed an act, which the President approved July 27, 1861 (12 Stat., 276), entitled "An act to indemnify the States for expenses incurred by them in defense of the United States." This act appropriated an indefinite amount of money for the repayment of the vast sums advanced, borrowed, and paid out in good faith for the purposes mentioned; but such repayment could only be made upon "proper vouchers," and these were difficult to obtain in the hurrying times of war, and were, in truth, at first unknown to State officials.

15. It seems that Congress and the President desired to doubly pledge the faith of the government to refund to States expenses incurred in this connection, inasmuch as there were appropriated, July 17, 1861, \$10,000,000 (12 Stat., 264); on July 27, 1861, an unlimited amount (12 Stat., 276); and on February 25, 1862, \$15,000,000 (12 Stat., 345). By Treasury warrants dated July 22, 1861, and March 3, 1862, the specific amounts, aggregating \$25,000,000, were placed upon the books of the Treasury and of this department, under the technical title of appropriation for "Refunding expenses in raising volunteers, act July 17, 1861."

16. In July, 1861, a requisition was issued for \$450,000 in favor of the State of Indiana; in August, 1861, requisitions were issued for \$1,466,000—to pay to Illinois \$400,000; to Ohio, \$900,000; to Michigan, \$92,000, and to New Jersey, \$74,000—all "refunding [to States] expenses incurred." And this practice continued while the appropriations were available; the amounts specifically appropriated and several sums under the indefinite appropriation having been used for the purpose specified in the technical title.

17. On the 12th day of July, 1870, an act was approved which *inter alia* contains the following :

That the appropriations made by the following parts of acts and resolutions be, and the same are hereby, repealed, to take effect from and after June 30, 1871, viz :

Section one of the act of July 27, 1861, being an appropriation for refunding to States expenses incurred in raising volunteers during the late rebellion. (16 Stat., 250.)

An act of May 18, 1872, appropriated "for payment of any balance due, or to be found due, during the present fiscal year, to any State, for costs, charges, and expenses contemplated and provided for and by the act approved July 27, 1861, being an act to indemnify certain States for expenses incurred by them in enrolling, equipping, and transporting troops for the defense of the United States during the late rebellion, one million dollars. (17 Stat., 129.)

18. The use of the amount last appropriated was limited to the fiscal year ending June 30, 1872, and a large portion of it remained an unexpended balance after that time; therefore, by an act of March 3, 1873, "the unexpended balance" was "reappropriated for the service of the fiscal year ending June, 30, 1873." (17 Stat., 542.)

19. March 3, 1873, is the date of the last-mentioned appropriation for continuing payment of State war-claims, and is the date of the act which established the aforesaid limitation on "claims against the United States for collecting, drilling, or organizing volunteers." (17 Stat., 500.)

20. Further appropriations were made as follows: June 23, 1874, "to indemnify the States for expenses incurred by them in enrolling, equipping, and transporting troops for the defense of the United States during the late insurrection, \$250,000" (18 Stat., 224). March 3, 1875, "to indemnify the States for expenses incurred by them in enrolling, equipping, and transporting troops for the defense of the United States during the late insurrection, and for arms and munitions of war taken for said purposes by the United States from States not in insurrection, \$250,000." (18 Stat., 390.)

21. The appropriations subsequent to the year 1861 were all based upon estimates of *unliquidated* claims.

It is remarkable that the act of March 3, 1875, enlarged the scope of all prior acts by use of the words "and for arms and munitions of war taken for said purposes by the United States from States not in insurrection," and that only two installments have appeared in consequence of this additional legislation. One of the installments was presented by the State of Maryland before June 30, 1874, and the other was presented by the State of Delaware on May 1, 1877, and under said act payments have been made to these two States. The Solicitor's opinion above referred to was rendered in writing under date of February 3, 1877, and he reconsidered and reaffirmed the same on April 18, 1877, subsequent to which the installment from Delaware was "presented," "audited," and "paid."

22. In order to continue refunding to States expenses properly incurred in raising volunteers during the war, annual estimates were submitted to Congress by this department and the Treasury, and \$200,000 was the amount asked for the service of the fiscal year 1879. Of the appropriation made on the 3d March, 1875, to meet awards on claims allowed within the fiscal year 1876, \$7,548.55 were unexpended on June 29, 1878, and this amount was carried to the surplus fund.

23. Under this title there were recently appropriated \$82,706.78 for the State of New York, and \$29,527.23 for the State of Pennsylvania. (20 Stat., 222.) These amounts were in payment of vouchers presented some time prior to June 30, 1874, and allowed subsequent to July 1, 1876, on re-examination and additional evidence of matters of fact.

24. No appropriation now exists for refunding to States expenses incurred in raising volunteers. During the last eight years a rule of practice has permitted an examination and liquidation of various claims which have been thereupon certified to Congress by annual estimates of appropriations or reappropriations required to supply deficiencies shown by the awards or amounts found due. This is evidently the course now intended to be pursued on State war claims, which should be adjusted in the future, as they have been in the past, by well-established rules of action.

25. The rule of practice above mentioned has been legalized by an act of June 14, 1878, in which appears the following:

"SEC. 4. That so much of section 5 of the act approved June 20, 1874, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects effected by said section that may need to be reappropriated be, and hereby is, repealed.

"And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of said sections that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize the re-examination and payment of any claim or account which has been once examined and rejected unless reopened in accordance with existing law."

\* \* \* \* \*

(Senate Executive Document No. 60, third session Forty-fifth Congress, pages 7 o

9. Copy annexed, marked Exhibit A.)

The claims of the second grand class, namely, those which are not included in the civil war division, are for reimbursement of expenditures alleged to have been made in repelling Indian invasions, and in supporting State troops employed on account of Indian wars, and so forth. The character of these claims may be ascertained by a reference to Senate Executive Document No. 19, second session Forty-fifth Congress. A copy of this document is hereunto annexed, marked "B," and on page 77 of it appears the following:

"And I further submit that a reimbursement of the last-mentioned amount (\$202,918.54) or a recognition of the services of the men to whom it was paid will be the commencement of a responsibility of which the end—though it may be made to appear in the case of the State of Texas—cannot be foreseen, so far as the United States Government may be concerned."

4. "The amount of each" cannot be stated in this connection further than is shown in the annexed exhibits.

The first class of claims, namely, those growing out of the civil war, presented since July 17, 1861, are reported to have been in the aggregate \$53,221,502.98. Of this sum there is stated to have been allowed and paid \$44,430,139.44. Suspended or disallowed, \$8,791,363.54. (See Exhibits C and D.)

The second class of claims, namely, those for repelling Indian invasions and employment of irregular troops, so far as reported at present, amount to \$1,705,094.35. Of this sum Texas claims \$1,536,487.62. Florida claims \$168,606.73. (See Exhibits B and C.)

5. "What action has been taken in relation to each" may be comprehended from the following:

The civil war claims have been presented by installments, according to the pleasure of the State authorities, and each installment has been acted upon in the order of presentation, as follows: *First*, administrative examination and report in the office of the Secretary of War, stating amounts which should be allowed, suspended, or disallowed on account of Army rules and regulations; *secondly*, review and report by the proper Auditor; and, *thirdly*, decision by the Second Comptroller of the Treasury. The ground upon which this department's action stands, in a legal point of view, may be seen in the light of a rule laid by the Comptroller, to say: "However the administrative examination made in the office of the Adjutant-General (meaning the office of the Secretary of War) may ultimately be construed, it will be respected until the State authorities furnish explanation on the suspended items. It will then be time enough to determine how just or politic it may be to subject the States to a rigid adherence to Army regulations in the expenditures they have made." Further under this head see Exhibit A., No. 2, the same being the Attorney-General's opinion of March 14, 1879.

The Indian invasion claims, or such as are miscellaneous, are only received or considered on Congressional inquiry or action, as shown in Exhibit "B." These claims ordinarily repose in possession of the States interested until an active official of the State or an agent familiar with the claim is pleased to bring the same before the authorities of the United States for action as above suggested.

6. "The views of your department as to the propriety of the passage of the bill," if I may be permitted to express the same, are substantially as follows:

The first section sets out in words of aggregation, namely, "the several States of the Union which have claims against the United States." This sentence is without any subsequent restriction, and, therefore, in-

cludes within its scope every State claim that can be produced against the United States. The section continues with the permissive and inductive expression "may present the same," and closes with a declaration which would practically work a repudiation of nearly "all such claims," in that they "shall be deemed to be forever barred and extinguished" if not presented "to the Court of Claims on or before the first day of March, in the year eighteen hundred and eighty-one."

All persons possessing practical knowledge of the matters included in State claims accrued during the civil war will doubtless agree regarding this class of cases concerning the correctness of five several assertions, as follows:

1. That within one year's time from notice given no lawyer could properly and justly prepare for presentation in court any State's entire claims against the United States and include therein balances suspended from allowance on the installments in these war claims.

2. That it would probably be beyond the power of the judges and practitioners of and in the Court of Claims, either jointly or severally, to memorize or collate the administrative rulings or precedents that underlie the departmental actions touching allowances, disallowances, and balances suspended from allowance on these claims.

3. That the adoption of any general measure which would send these cases to the Court of Claims or elsewhere, even with the assent of the proper officers of the States interested, would be contrary to the letter, spirit, and intention of the act of July 27, 1861 (12 Statute, 276), entitled "An act to indemnify the States for expenses incurred by them in defense of the United States."

4. That the conditions or grounds of obligation on which the greater portion of the amounts embraced in these claims was advanced with promise of return are expressly set forth in the act of 1861, above cited, which established the means and fixed the authority by which such matters were and are to be adjusted.

5. That the said act should not be set aside, restricted, or be made void by any act of the general government, but should stand between the parties as a covenant, to be observed according to fundamental principles of justice.

Section 2, authorizing the court to "make such rules and orders as justice shall require in regard to specifications of such claims, and of the answers thereto, and the taking of evidence and argument in relation to the same," would effectually enable the court to review, revise, and reverse, if it pleased, all the principles, precedents, and doctrines established by usage or otherwise in the executive departments concerning such claims. This authority so broadly given would possibly involve resettlements of claims amounting to millions of dollars, with interminable money charges and counter charges on both sides. Therefore it should not be conferred.

The Attorney-General would be embarrassed in the defense of the United States against any of said claims, because, without full transcripts from departmental records of all "rulings or precedents that underlie the departmental actions" touching these claims of the civil war class, the government could not be satisfactorily represented; and it is suggested as a matter of fact that it would probably be beyond his power to memorize or collate such rulings or precedents, to say nothing of the reasons on which they are based.

Section 3 conclusively establishes the doctrine of repudiation, made possible by the limitation in section 1, in that the "ove report" could not be made until "after hearing all said cases," and it is probable that

“all said cases” would never be heard. But further, this section does not provide, at best, any remedy or rule for the adjustment of these claims, inasmuch as the court, “after hearing all said cases,” is not empowered to include the amounts found due in a list of judgments requiring appropriation or payment, but is simply required to “communicate to Congress the nature and grounds thereof [meaning the nature and grounds of claim], their conclusions of fact and law in regard to the same, and any considerations which may seem to them pertinent to the question of the legal or equitable obligation of the United States to pay the same.”

In considering and reporting upon the several points of the committee's inquiry this report is restricted to statements of fact, or goes no further than is deemed necessary to a clear understanding of the matter presented, or, in other words, avoids what might be called an argument; and it therefore leaves undiscussed the all-important matter of public policy which underlies any adjudication of the State war claims.

In conclusion, I have to say that the bearing of the whole bill and the views which should prevail as to the propriety of its passage are to be found from two simple facts, namely:

*First.* That this bill (S. 1028) undertakes to provide for all State claims of the civil-war class which are undergoing proper adjustment, pursuant to ample statutory authority, which require no legislation of the kind proposed by this bill, and which would be thrown into repudiation by mere operation of law, should this bill, as it is now drawn, become a law.

*Second.* That this bill undertakes to provide for a hearing or rehearing of all classes of miscellaneous State claims (not included in the civil-war class) which have failed to obtain satisfactory recognition in Congress or in executive departments, and which are therefore ripe and ready for judicial consideration and report.

Very respectfully, your obedient servant,

THOS. H. BRADLEY,

*Bvt. Capt. U. S. A., Examiner of State Claims.*

Hon. ALEXANDER RAMSEY,

*Secretary of War.*

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A.

[Senate Ex. Doc. No. 60, 45th Congress, 3d session.]

*Letter from the Secretary of War, communicating, in answer to a Senate resolution of February 6, 1879, information touching the application of a statute of limitations to State war-claims.*

WAR DEPARTMENT,  
Washington City, February 7, 1879.

To the Senate:

In answer to the resolution of the Senate of the 6th instant, concerning State war-claims, I have the honor to transmit papers as follows:

1. Letter from the Secretary of War to the Attorney-General, dated November 21, 1878.
2. Opinion of the examiner of State claims in the office of the Secretary of War, dated November 14, 1878.
3. Opinion of the Solicitor of the Treasury, dated February 3, 1877.
4. Opinion of the Attorney-General, dated February 3, 1879.

GEO. W. McCRARY,  
*Secretary of War.*

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WAR DEPARTMENT,  
Washington City, November 21, 1878.

SIR: I have the honor to inquire whether, in your opinion, section 3489 of the Revised Statutes (or the act upon which it was based) is applicable to the claims referred

to in the acts of Congress approved July 17 and 27, 1861 (12 Stat., 264, 276), and in continuing acts for refunding to States expenses incurred in raising volunteers during the late rebellion. This question arises on certain claims which the States of New York and Pennsylvania have presented since June 29, 1874, and which the Third Auditor of the Treasury has recently transmitted to me for administrative examination.

I transmit herewith, as bearing upon the question, a copy of an opinion given by Solicitor Talbot, under date of February 3, 1877, and a brief prepared in this office, for my information, which papers I will thank you to return with your answer.

Very respectfully, your obedient servant,†

GEO. W. MCCRARY,  
Secretary of War.

The Hon. the ATTORNEY-GENERAL.

[War Department, Division of Requisitions and Accounts, November 14, 1878.]

STATE WAR CLAIMS UNDER ACTS OF JULY 17 AND 27, 1861.

*Opinion submitted to the Secretary of War by Bvt. Capt. Thomas H. Bradley, U. S. A., examiner of State claims in the Secretary's office, relative to a statute of limitation.*

Cases pending decision: New York, \$197,533.76; Pennsylvania, \$67,078.96.

SYLLABUS.

1. The opinion of Treasury Department Solicitor George F. Talbot, dated February 3, 1877, which construes an act of Congress of March 3, 1873 (section 3489), as placing a limitation on State war-claims, was doubtless rendered in the absence of full knowledge or information touching, *first*, the technical use of the words "collecting, drilling, or organizing volunteers," and, *secondly*, the record facts or "*signs* the most natural and probable" to interpret the will of the legislator; and, *thirdly*, the broad distinction existing in matters of record and in every respect between two separate classes of claims.
2. The formal inquiry herein submitted, in order to obtain an *authoritative* decision on the question (*viz*, is there a statute of limitation on State war-claims?), exhibits in brief three several sets of premises and conclusions, which effectively prove:
  - 1st. That the descriptive phrase "collecting, drilling, or organizing volunteers" forms a title in appropriations, orders, claims, and accounts, which words and title are *technical*, and therefore must be taken in a technical sense on legal construction of the statute.
  - 2d. That the intentions of the legislature and the *signs* the most natural and probable to show its will in this instance, are found in and quoted from certain recommendations made in writing, from which were taken particular words applicable alone to the specific class of claims to which the limitation directly applies, and the said words were copied by the legislature, thereby showing the propriety of a restrictive construction.
  - 3d. That claims of States have never been treated as claims for collecting, drilling, or organizing volunteers, or *vice versa*, save in the Solicitor's opinion, and that the statute of limitation applicable to claims for "collecting, drilling, or organizing volunteers" (which contains no other than these descriptive words) is not applicable to claims of States against the United States.

WAR DEPARTMENT,  
DIVISION OF REQUISITIONS AND ACCOUNTS,  
Washington, D. C., November 14, 1878.

SIR: The States of Pennsylvania and New York, by their duly authorized agents, have submitted claims whose admission or exclusion for consideration, in whole or in part, materially depends upon an authoritative answer to a question, namely: Is there a statute of limitation against the State war-claims referred to in the acts of July 17 and 27, 1861, and continuing laws for refunding to States expenses incurred in raising volunteers during the late rebellion?

2. A limitation seems to have been so far applied at the Treasury as to stop the consideration of all such claims presented since June 29, 1874, except one installment in favor of Delaware, and except the Pennsylvania and New York installments, present, which the Third Auditor has transmitted to the Secretary of War "for his administrative action thereon."



3. The limitation is said to have been applied because such claims have been treated as though they were included in the following words found in the Revised Statutes :

"SECTION 3489. No claim against the United States for collecting, drilling, or organizing volunteers for the war of the rebellion shall be audited or paid unless presented before the thirtieth day of June, eighteen hundred and seventy four."

An opinion on this question appears as follows :

"DEPARTMENT OF JUSTICE,  
"OFFICE OF THE SOLICITOR OF THE TREASURY,  
"Washington, D. C., February 3, 1877.

"SIR: I have the honor to return herewith the letter of the honorable G. G. Hoskins and accompanying papers and exhibits in regard to the act to reimburse the States for expenses incurred in the late rebellion.

"This letter requests to be informed whether the objects of the present law on the subject (act of July 27, 1861), cannot be accomplished without further legislation, by an amendment of the rules of the department applicable to this law.

"The subject is referred to me for opinion. It appears from the Revised Statutes that no part of said act has been codified, and, therefore, the act is in force.

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"My attention, in connection with this subject, has been asked by the Third Auditor to a provision in the act of March 3, 1873, chapter 226, which is an appropriation bill in force; the clause is as follows :

"To enable the Secretary of War to have the rebel archives examined, and copies furnished from time to time for the use of the government, six thousand dollars: *Provided*, That no claims against the United States for collecting, drilling, or organizing volunteers for the war of the rebellion shall be audited or paid unless presented before the end of the fiscal year ending June 30, 1874."

"I am asked whether this clause limits the presentation of claims contemplated in the act of July 27, 1861, to the date named, June 30, 1874.

"The proviso seems to have little or a very distant connection with the appropriation clause, yet it is undoubtedly law, and must be construed to mean what it says; claims, therefore, contemplated by the act of July 27, 1861, unless presented before the end of the fiscal year ending June 30, 1874, cannot be audited or paid.

"Very respectfully,

"GEORGE F. TALBOT,  
"Solicitor of the Treasury.

"Hon. LOT M. MORRILL,  
"Secretary of the Treasury."

[First indorsement.]

"Treasury Department, April 7, 1877. Respectfully returned to the honorable the Solicitor of the Treasury (Department Justice) for further examination and consideration, in compliance with his request of 5th instant. R. C. McCormick, Assistant Secretary."

[Second indorsement.]

"Department of Justice, office of the Solicitor of the Treasury, April 18, 1877. Reconsidered and the opinion herein given reaffirmed. George F. Talbot, Solicitor, &c."

This opinion is not *per se* authoritative, inasmuch as it does not bear the approval of the Attorney-General, the law being (if the question had been referred by the Attorney-General as it should have been referred to have had any consideration by the Solicitor)—

"If the opinion given by such officer is approved by the Attorney-General, such approval indorsed thereon shall give the opinion the same force and effect as belong to the opinions of the Attorney-General." (§ 358, R. S.)

The opinion, moreover, is not sound, doubtless owing to the absence of material facts, as it fails to observe that "collecting, drilling, or organizing volunteers" are technical words in the statute, and to make a distinction between two great classes of claims.

5. Any person unacquainted with the particular application of the designation formed by combination of these words in this connection, would understand them "in their usual and most known signification," or "in their general and popular use" (1 Blk. Com., \*59). This construction would doubtless be on the ground that "the words of a statute, if of common use, are to be taken in their natural, plain, obvious, and ordinary signification and import." (1 Kent's Com. \*462). He could not discover, without considerable research or especial information, that these certain words in this

statute are technical, and therefore his construction would not go to the further ground that "if technical words are used they are to be taken in a technical sense, unless it clearly appears from the context or other parts of the instrument that the words were intended to be applied differently from their ordinary or their legal acceptation." (1 Kent's Com.: \*462; 1 Blk., Com., \*59.)

6. In order to conclusively show the import of these words, namely, "collecting, drilling, or organizing volunteers," certain historical facts and records must be reviewed, and these, in brief, are as follows:

In the early part of the rebellion the President of the United States called the militia into actual service, and at the same time called for volunteers, looking in the first instance to governors of States for such forces as they could supply, and, in the second place, to certain agents of the general government for further forces, which latter might have been, if they were not indeed, wholly dependent upon the United States Government for every necessity save perhaps commissions of officers.

These agents of the general government were persons of national reputation, who were specially authorized by the administration at Washington to raise brigades, regiments, battalions, or companies of men. They undertook the work of "collecting, drilling, or organizing volunteers," at their own expense in many instances, and at the expense of the government after a while, but embarrassments soon existed in the large cities, where men were collected to be fed, clothed, quartered, and drilled for military duty. Congress soon ascertained that the substantial necessities of the service were, and its act approved August 5, 1861, (12 Stat., 316) appropriated "for collecting, drilling, and organizing volunteers, under the acts authorizing the President to accept the services of five hundred thousand men, twenty millions of dollars." It further appropriated, by act of July 5, 1862, "for collecting, drilling, and organizing volunteers, in addition to any sum heretofore appropriated for that purpose, five millions of dollars." (12 Stat., 508); by act of February 9, 1863, "for collecting, drilling, and organizing volunteers, and all other necessary expenses, ten million seven hundred thousand dollars" (12 Stat., 643); and by act of June 15, 1864, "for pay of premiums, rent of buildings and grounds, transportation, subsistence, lodging, commutation of fuel and quarters, straw, postage, stationery, advertising, medicines, and medical attendance, and all other necessary expenses incidental to the collecting, drilling, and organizing volunteers, and for the necessary expenses under the enrollment act, five millions of dollars" (13 Stat., 126); and \$3,360 were appropriated for the same account in 1866. By Treasury warrants dated August 19, 1861, July 9, 1862, June 16, 1863, July 19, 1864, and May 8, 1866, the said amounts were placed upon the books of the Treasury and War Departments, and the title of the appropriation was *technically* designated "collecting, drilling, and organizing volunteers." Forty millions seven hundred and three thousand three hundred and sixty dollars were thus placed upon the books, and amounts were continually drawn against that sum from August 20, 1861, until July 1, 1874.

Army officers were on duty at various prominent places mustering volunteers into the United States service before and subsequent to the act of August 5, 1861, which granted the first appropriation under the foregoing title, and were appointed disbursing officers by general orders No. 58, of August 15, 1861, from the War Department.

This order is in every part material to this subject, but, to show the tenor of the whole, the first portion of the opening paragraph is all that need be herein quoted, and it is as follows:

"1. The officers of the Regular Army now on mustering duty in the principal cities are appointed disbursing officers of the funds appropriated by the act of Congress for 'collecting, drilling, and organizing volunteers, under the act authorizing the President to accept the services of five hundred thousand men,' &c. They will be charged with the payment of all proper claims presented to them under this act, duly authenticated and certified to by the various volunteer recruiting officers. These disbursements will be made in the manner prescribed for the recruiting service of the Regular Army."

In the month of August, 1861, \$200,000 were drawn and distributed among seventeen different Army officers, who were stationed in New York, Philadelphia, Boston, Pittsburgh, Cincinnati, Elmira, Rochester, Utica, Albany, Newark, Harrisburg, Buffalo, Syracuse, Indianapolis, and Chicago.

In September, 1861, \$948,500 were drawn and distributed in forty different remittances to Army officers stationed in various cities, specifically to disburse the money, and to account to the Treasury for the same. This system of disbursing the money continued during the war. The War Department had exclusive control of this appropriation from the time the money became subject to requisition until the accounts for its expenditure were conclusively rendered to the accounting officers, and were finally filed in the office of the *Second Auditor* (State claims being filed in the office of the *Third Auditor*).

Disbursing offices in the principal cities for payment of expenses of volunteers were

closed soon after recruiting ceased, and the Adjutant-General has had special charge of all such business from that time to the present.

On the 1st day of July, 1874, the total balance of the appropriation was carried to the surplus fund, and since that time only \$108.23 have been reappropriated for "collecting, drilling, and organizing volunteers" to meet allowances made by the Second Auditor under the foregoing technical title. General Orders No. 70, from this department, dated September 3, 1861, "announced that the appropriation for 'collecting, drilling, and organizing volunteers, under acts authorizing the President to accept the services of five hundred thousand men,' is intended for the payment of all expenses that may hereafter be incurred therefor, as well as for the reimbursement to individuals of such amounts as have been already justly and actually expended by them in raising troops that have been, or may be, received into the service of the United States. Claims of States for expenditures heretofore made by them in raising volunteers are provided for by separate and distinct appropriations, and will not be paid from the one now referred to."

7. From the law and the facts above set forth the conclusion to be drawn is that the statute of limitation applicable to claims against the United States for "collecting, drilling, or organizing volunteers," containing no other than these descriptive technical words, is not applicable to any other than the said claims which accrued from particular transactions, positive understandings, or special contracts between two parties, viz, the United States Government as one party and certain individual citizens as another, and which in point of fact as to law, custom, regulation, rendition, examination, payment, custody, and final disposition never have been treated as State war-claims.

## II.

8. Aside from the foregoing premises and conclusions, however, other matters of record conduce to a conclusion different from Solicitor Talbot's construction of the statute first aforesaid, and these are:

9. *First.* That "the fairest and the most rational method to interpret the will of the legislator is by explaining his intentions at the time the law was made, by *signs* the most natural and probable." ("1 Blk. Com., 59.)

10. *Second.* That the "intentions" of the legislator at or prior to the time the law was made, and the "*signs*" or facts the most natural or probable to show his will, appear in the Adjutant-General's Annual Reports for 1868 and 1869 for the information of Congress, wherein it was repeatedly recommended that a legislative limitation be put upon the claims specially designated by the words of the statute.

11. In the report for 1868 appeared a subhead, "*Mustering and disbursing for volunteers,*" under which the Adjutant-General stated:

"It is now more than three and a half years since the recruitment of men for the volunteer armies ceased, and most, if not all, legal claims against the fund for 'collecting, drilling, and organizing volunteers' have been paid, or are on file undergoing examination and verification with view to payment. Claims, however fraudulently made up to cover alleged expenses, continue to be presented, and they are so skillfully prepared that it is only by great care and labor on the part of this office that the fraud is detected.

"The detection is made the more difficult by the use of official information which came in the possession of some of the parties while in the military service. It is therefore recommended that legislation be had limiting the time within which claims for expenses incurred prior to muster into service may be presented.

"No appropriation of money for the volunteer disbursing branch will be required during the next fiscal year.' (Report of the Secretary of War, Abridgment, 1868, pages 143, 144.)"

The recommendation that legislation be had limiting the time within which said claims may be presented was renewed by the Adjutant-General's report for 1869 (Report of Secretary of War, Abridgment, 1869, page 130). The recommendation could have properly included only such claims as were under said officer's jurisdiction, and, according to record facts, could not have properly included State war claims, which, so far as the War Department has acted thereon from 1862 to the present time, have been examined and reported upon exclusively by an Army officer on special duty in the office proper of the Secretary of War, the officer and his actions while on such duty having been and being wholly independent of the Adjutant-General's administrative authority.

As a part of the record facts above suggested, the following is worthy of place herein:

"[Brief.]

"WASHINGTON, D. C., September 29, 1868.

"Third Auditor United States Treasury forwards for administrative action the fourth installment of the war claims of the State of Rhode Island; amount, \$6,122.53.

"[First indorsement.]

"Respectfully forwarded to the War Department. This office has not records upon which to base administrative action as requested.

"THOMAS M. VINCENT,  
"Assistant Adjutant-General.

"ADJUTANT-GENERAL'S OFFICE, October 1, 1868.

"[Second indorsement, in pencil.]

"General Ketchum will act. Adjutant-General will furnish necessary clerks.—J. M. S.

"[Third indorsement.]

"Administrative examination of State claims properly pertained to the duties of my office after 1862, and until the bureau of the Provost-Marshal-General was abolished, when I was directed to transfer such business to the Adjutant-General.

"It was for a long time supposed that this finally disposed of the subject, so far as I was concerned; but the duty having been again assigned to me, I placed the subject before the Secretary of War on the 2d of October, 1868, verbally stating the facts, with the remark that the force in my office was not sufficient to enable me to discharge the duty.

"The claim of the State of Rhode Island was left with the Secretary on the 2d instant, and on the 5th was received back with the remark, in pencil, appearing hereon.

"W. SCOTT KETCHUM,  
"Bvt. Maj. General, A. I. General.

"WAR DEPARTMENT, October 6, 1868."

The bureau of the Provost-Marshal-General was abolished August 20, 1866 (General Order No. 66, of 1866). No State claim is found to have been received at either the War Department or the Adjutant-General's Office between August 20, 1866, and September 29, 1868. The undersigned was General Ketchum's assistant from August, 1863, and his successor as to duties of office from December, 1870.

12. The conclusion to be drawn from this second series of premises is—

That the statute of limitation first aforesaid applies only to such claims as have been or are under the administrative control of the Adjutant-General, whose recommendations to Congress that legislation be had limiting the time within which said claims may be presented were the "signs" which show the "intentions" of the legislator, and which led to the use of the phrase "collecting, drilling, or organizing volunteers" and the word "presented," as the phrase and the word are used in the law.

### III.

13. State war-claims were, at the outset, distinct and separate from claims for "collecting, drilling, and organizing volunteers," as were also the appropriations in connection therewith.

The organized militia was insignificant in numbers when compared to the number of men required; therefore governors of loyal States and their agents patriotically sought and found ways and means "for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting" State "troops employed" (and to be employed thenceforth for years) in aiding to suppress the insurrection.

14. The Congress passed an act, which the President approved July 27, 1861 (12 Stat., 276), entitled "An act to indemnify the States for expenses incurred by them in defense of the United States." This act appropriated an indefinite amount of money for the repayment of the vast sums advanced, borrowed, and paid out in good faith for the purposes mentioned; but such repayment could only be made upon "proper vouchers," and these were difficult to obtain in the hurrying times of war, and were, in truth, at first unknown to State officials.

15. It seems that Congress and the President desired to doubly pledge the faith of the government to refund to States expenses incurred in this connection, inasmuch as there were appropriated, July 17, 1861, \$10,000,000 (12 Stat., 264); on July 27, 1861, an unlimited amount (12 Stat., 276); and on February 25, 1862, \$15,000,000 (12 Stat., 345). By Treasury warrants, dated July 22, 1861, and March 3, 1862, the specific amounts, aggregating \$25,000,000, were placed upon the books of the Treasury and of this department, under the technical title of appropriation for "Refunding expenses in raising volunteers, act July 17, 1861."

16. In July, 1861, a requisition was issued for \$450,000 in favor of the State of Indiana; in August, 1861, requisitions were issued for \$1,466,000—to pay to Illinois \$400,000; to Ohio, \$900,000; to Michigan, \$92,000, and to New Jersey, \$74,000—all "refunding [to States] expenses incurred." And this practice continued while the appropriations were available; the amounts specifically appropriated and several

sums under the indefinite appropriation having been used for the purpose specified in the technical title.

17. On the 12th day of July, 1870, an act was approved which, *inter alia*, contains the following:

"That the appropriations made by the following parts of acts and resolutions be, and the same are hereby, repealed, to take effect from and after June 30, 1871, viz:

"Section one of the act of July 27, 1861, being an appropriation for refunding to States expenses incurred in raising volunteers during the late rebellion. (16 Stat., 250.)"

An act of May 13, 1872, appropriated "for payment of any balance due, or to be found due, during the present fiscal year, to any State, for costs, charges, and expenses contemplated and provided for and by the act approved July 27, 1861, being an act to indemnify certain States for expenses incurred by them in enrolling, equipping, and transporting troops for the defense of the United States during the late rebellion, one million dollars." (17 Stat., 129.)

18. The use of the amount last appropriated was limited to the fiscal year ending June 30, 1872, and a large portion of it remained an unexpended balance after that time; therefore, by an act of March 3, 1873, "the unexpended balance" was "reappropriated for the service of the fiscal year ending June 30, 1873." (17 Stat., 542.)

19. March 3, 1873, is the date of the last-mentioned appropriation for continuing payment of State war-claims, and is the date of the act which established the afore-said limitation on "claims against the United States for collecting, drilling, or organizing volunteers." (17 Stat., 500.)

20. Further appropriations were made as follows: June 23, 1874, "to indemnify the States for expenses incurred by them in enrolling, equipping, and transporting troops for the defense of the United States during the late insurrection, \$250,000." (18 Stat., 224.) March 3, 1875, "to indemnify the States for expenses incurred by them in enrolling, equipping, and transporting troops for the defense of the United States during the late insurrection, and for arms and munitions of war taken for said purposes by the United States from States not in insurrection, \$250,000." (18 Stat., 390.)

21. The appropriations subsequent to the year 1861 were all based upon estimates of *unliquidated* claims.

It is remarkable that the act of March 3, 1875, enlarged the scope of all prior acts by use of the words "and for arms and munitions of war taken for said purposes by the United States from States not in insurrection," and that only two installments have appeared in consequence of this additional legislation. One of the installments was presented by the State of Maryland before June 30, 1874, and the other was presented by the State of Delaware on May 1, 1877, and under said act payments have been made to these two States. The Solicitor's opinion above referred to was rendered in writing under date of February 3, 1877, and he reconsidered and reaffirmed the same on April 18, 1877, subsequent to which the installment from Delaware was "presented, "audited," and "paid."

22. In order to continue refunding to States expenses properly incurred in raising volunteers during the war, annual estimates were submitted to Congress by this department and the Treasury, and \$200,000 was the amount asked for the service of the fiscal year 1879. Of the appropriation made on the 3d March, 1875, to meet awards on claims allowed within the fiscal year 1876, \$7,548.55 were unexpended on June 29, 1878, and this amount was carried to the surplus fund.

23. Under this title there were recently appropriated \$32,706.78 for the State of New York, and \$29,527.23 for the State of Pennsylvania. (20 Stat., 222.) These amounts were in payment of vouchers presented some time prior to June 30, 1874, and allowed subsequent to July 1, 1876, on re-examination and additional evidence of matters of fact.

24. No appropriation now exists for refunding to States expenses incurred in raising volunteers. During the last eight years a rule of practice has permitted an examination and liquidation of various claims which have been thereupon certified to Congress by annual estimates of appropriations or reappropriations required to supply deficiencies shown by the awards or amounts found due. This is evidently the course now intended to be pursued on State war-claims, which should be adjusted in the future, as they have been in the past, by well-established rules of action.

25. The rule of practice above mentioned has been legalized by an act of June 14, 1878, in which appears the following:

"SEC. 24. That so much of section five of the act approved June 20, 1874, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects effected by said section that may need to be reappropriated be, and hereby is, repealed.

"And it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under

appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of said sections that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize the re-examination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law."

This section, it is said,\* is not intended to *remove* the limitation placed by Congress on State claims. It may be well to observe, however, that no limitation has been placed by that authority upon such claims, but that the alleged limitation has been applied without such serious and exhaustive consideration as the ends of justice and the gravity of the question actually deserved and required in order to reach a sound decision under the law.

26. The conclusions to be drawn from the third series of premises are:

1st. That the statute of limitation applicable to claims against the United States for "collecting, drilling, or organizing volunteers" is not applicable to claims of States against the United States for "refunding (to States) expenses incurred in raising volunteers," which latter claims accrued from a statutory contract obligating the government upon the receipt and examination of *proper vouchers* "to pay to the governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State," on account of "its troops employed in aiding to suppress the insurrection."

2d. That State war-claims in point of fact, as to law, custom, regulation, rendition, examination, payment, custody, and final disposition, have never been treated (save by Solicitor Talbot) as claims for collecting, drilling, and organizing volunteers.

3d. That there is no statute of limitation against State war-claims.

Very respectfully, your obedient servant,

THOS. H. BRADLEY,

*Brevet Captain, U. S. A., Examiner of State Claims.*

Hon. GEORGE W. McCRARY,  
*Secretary of War.*

DEPARTMENT OF JUSTICE,  
OFFICE OF THE SOLICITOR OF THE TREASURY,  
*Washington, D. C., February 3, 1877.*

SIR: I have the honor to return herewith the letter of the Hon. G. G. Hoskins, and accompanying papers and exhibits, in regard to the act "to reimburse the States for expenses incurred in the late rebellion."

This letter requests to be informed whether the objects of the present law on the subject (act of July 27, 1861) cannot be accomplished without further legislation by an amendment of the rules of the department applicable to this law.

The subject is referred to me for an opinion. It appears from the Revised Statutes that no part of said act has been codified, and therefore the act is in force.

I have given the subject careful consideration, and am of opinion that the law as it now stands is ample for all purposes and objects contemplated by it without further legislation.

It is unnecessary to repeat the law here; its language is very broad and comprehensive. Its qualifying clauses are the following: "Expenses *properly* incurred," "troops *employed* in aiding to suppress the present insurrection," and "upon proper vouchers to be filed and passed upon," &c.

The word "*properly*" as here used can be referred to nothing other than an expense incurred under proper authority, and the authority to incur expense can only refer to the United States. The rebellion was a great national calamity, and could be met and suppressed only by national authority; the expenses provided for can only relate, therefore, to such action by the States as was authorized by the national government; and by the second qualifying clause must be restricted to troops "*employed*" by the authority of the United States, and by the third qualifying clause these expenses must be proven by vouchers and pass the usual scrutiny of all claims against the government. The word "*employed*," I think, may properly apply to the enlisting and enrolling men for service, if not afterward mustered in by reason of disability or other cause; but the expenses of enlisting and enrolling must be proper, legitimate, and usual expenses; not immoral, improper, and unusual expenditures.

I am satisfied that the amended rules of the department, as now suggested by the Third Auditor and accompanying these papers will, in the main, cover all the objects

\* See page 229 Digest of Appropriations, 1879—Opinion Secretary Treasury.

of the law and are proper. Any further enlargement of the rules would be unsafe, as a large number of doubtful claims are filed, in amount sufficient rapidly to deplete the Treasury.

If these amended rules now suggested are not sufficient to let in all just claims, then further legislation is necessary; but they cover, in my opinion, all the true purposes and objects of the law.

My attention, in connection with this subject, has been asked by the Third Auditor to a provision in the act of March 3, 1873, chapter 226, which is an appropriation bill in force. The clause is as follows:

"To enable the Secretary of War to have the rebel archives examined, and copies furnished from time to time for the use of the government, six thousand dollars: *Provided*, That no claims against the United States for collecting, drilling, or organizing volunteers for the war of the rebellion shall be audited or paid unless presented before the end of the fiscal year ending June 30, 1874."

I am asked whether this clause limits the presentation of claims contemplated in the act of July 27, 1861, to the date named, June 30, 1874.

The proviso seems to have little or a very distant connection with the appropriation clause, yet it is undoubtedly law, and must be construed to mean what it says; claims, therefore, contemplated by the act of July 27, 1861, "unless presented before the end of the fiscal year ending June 30, 1874," cannot be audited or paid.

Very respectfully,

Hon. LOT M. MORRILL,  
*Secretary of the Treasury.*

GEORGE F. TALBOT,  
*Solicitor of the Treasury.*

[Indorsement.]

TREASURY DEPARTMENT,  
*April 7, 1877.*

Respectfully returned to the honorable the Solicitor of the Treasury (Department of Justice) for further examination and consideration, in compliance with his request of 5th instant.

R. C. McCORMICK,  
*Assistant Secretary.*

DEPARTMENT OF JUSTICE,  
OFFICE OF THE SOLICITOR OF THE TREASURY,  
*April 18, 1877.*

Reconsidered and the opinion herein given reaffirmed.

GEORGE F. TALBOT.

DEPARTMENT OF JUSTICE,  
*Washington, February 3, 1879.*

SIR: Your letter of November 21, 1878, submits to me the inquiry "whether, in your opinion, section 3489 of the Revised Statutes (or the act upon which it is based) is applicable to the claims referred to in the acts of Congress approved July 17 and 27, 1861, (12 Stat., 264, 276), and in continuing acts, for refunding to States expenses incurred in raising volunteers during the late rebellion."

Your letter further states that "this question arises on certain claims which the States of New York and Pennsylvania have presented since June 29, 1874, and which the Third Auditor of the Treasury has recently transmitted to me for administrative examination."

Upon reflection, you will observe that the inquiry is as to what is the duty of the Auditor, rather than as to what action should be taken at the War Department in regard to these claims. No express law requires that they should be submitted for administrative examination to the War Department by the Treasury; but this submission is made in accordance with what has been understood to be the custom in similar cases, and with that which the law requires in certain cases—accounts of disbursing officers, which are to be transmitted for examination to the proper bureau before being submitted to the accounting officers of the Treasury. (See sec. 3622, Rev. Stat.)

Whether or not the claims in question are barred by the statute of limitations is therefore a question arising in the Treasury Department; and the primary question is whether or not the Auditor himself should proceed to audit the accounts.

In order that this question should be properly raised at the Treasury Department, the accounts have been transmitted to you for administrative action. This examination should take place in your department, after which the accounts should be submitted to the Treasury Department, when the question will arise for the consideration of the Auditor, and of his superior, the Secretary of the Treasury, whether or not the claims should be audited as claims against the United States not now barred by the statute of limitations. In regard to that question, it may be that no difficulty will be

experienced by the Comptroller of the Treasury, whose decision, as to such matters, is final.

I therefore respectfully suggest that it would not be advisable that I should give an opinion upon this matter at this time to yourself, as it would involve the discussion of questions between us that arise in the administration of another department, which may perhaps experience no difficulty in regard to them.

I return all the papers.

Very respectfully, your obedient servant,

CHAS. DEVENS,  
*Attorney-General.*

Hon. GEORGE W. McCRARY,  
*Secretary of War.*

NOTE.—See question renewed March 7, 1879, and opinion given March 14, 1879, as follows:

A No. 2.

WAR DEPARTMENT,  
*Washington City, March 7, 1879.*

SIR: I have the honor to transmit herewith, under date of the 6th instant, a request from the Third Auditor, and a recommendation from the Second Comptroller, based upon a joint application of the States of New York and Pennsylvania, by their agents respectively, pursuant to which I respectfully ask your opinion on questions as follows:

1. Whether section 3489 of the Revised Statutes bars the claims of States presented after June 30, 1874, from examination and settlement by the accounting officers of the Treasury.

2. If said claims are barred by said statutes, whether claims filed with the accounting officers on the 30th day of June, 1874, are barred from examination and settlement by the accounting officers of the Treasury.

I inclose herewith the papers on which appear the request, recommendation, and application above noticed, and a copy of Senate Executive Document No. 60, Third session, Forty-fifth Congress, bearing on the subject, and I will thank you if you may be pleased to return these papers, with your opinion, at an early date.

Very respectfully, your obedient servant,

GEO. W. McCRARY,  
*Secretary of War.*

To the ATTORNEY-GENERAL.

OPINION.

DEPARTMENT OF JUSTICE,  
*Washington, March 14, 1879.*

Hon. GEO. W. McCRARY,  
*Secretary of War:*

SIR: Your letter of the 7th instant inquires "whether section 3489 of the Revised Statutes bars the claims of States presented after June 30, 1874, from examination and settlement by the accounting officers of the Treasury.

The language of that section is as follows:

"No claims against the United States for collecting, drilling, or organizing volunteers for the war of the rebellion, shall be audited or paid unless presented before the 30th day of June, 1874." \* \* \* \* \*

Taken in its ordinary sense, it would seem that this language was sufficiently broad and comprehensive to include the claims of States of the character now under discussion; and it would be necessary to hold that it did so, were it not apparent that the phrase "for collecting, drilling, or organizing volunteers for the war of the rebellion" had acquired a sense more limited in connection with the legislation upon this subject.

The act of July 27, 1861 (12 Stat., 276), made a general appropriation (not limited in amount) "to pay to the governor of any State, or to his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the present insurrection against the United States."

In a previous act of July 17, 1861, and also in a subsequent act of February 25, 1862, "making additional appropriations for the support of the Army" (12 Stat., 264 and 345), are to be found definite appropriations for similar expenses incurred by the States, amounting in the aggregate to twenty-five millions. These provisions are not involved in the question herein considered.

By the fourth section of the act of July 12, 1870 (16 Stat., 250), the appropriation (indefinite in amount) made by the act of July 27, 1861 (above cited), was repealed. The act of 1870 contemplated, however, that the duty of auditing the claims of States presented under the latter act should continue (as before) to be performed by the ac-



counting officers, and that in future Congress would provide for their payment by appropriations based upon estimates submitted.

In addition to the provisions made by the above-mentioned acts, for settling and paying war claims (all of which apply to claims of States exclusively), other provisions were made by Congress for settling and paying claims of like character by appropriations directed to meet expenses incurred "for collecting, drilling, or organizing volunteers." [See act of August 5, 1861 (12 Stat., 310); act of July 5, 1862 (Ibid., 508); act of February 9, 1863 (Ibid., 643); act of June 15, 1864 (13 Stat., 126).]

The latter provisions were construed to cover claims of individuals, and not those of States, for the subjects therein designated. The claims of States for like subjects were regarded as otherwise separately provided for. Thus, in "General Order No. 70," issued from the Adjutant-General's Office September 3, 1861, it was announced "that the appropriation 'for collecting, drilling, or organizing volunteers under the acts authorizing the President to accept the services of five hundred thousand men' is intended for the payment of all expenses that may hereafter be incurred therefor, as well as for the reimbursement to individuals of such amounts as have been already justly and actually expended by them in raising troops that have been, or may be, received into the service of the United States;" and it is added: "Claims of States for expenditures heretofore made by them in raising volunteers are provided for by separate and distinct appropriations, and will not be paid from the one now referred to."

This early construction of the War Department, by which a distinction is made between the claims "for collecting, drilling, or organizing volunteers," and the claims which States might have for expenses incurred by them, was kept up, so far as I have been able to find after careful examination of the legislation and the practice thereunder, to the end.

The fund appropriated to the satisfaction of claims "for collecting, drilling, or organizing volunteers" had not been exhausted up to the 1st of July, 1874, on which day the total balance of the appropriation then remaining was carried to the surplus fund under the provisions of the act of June 20, 1874.

The act of March 3, 1873 (17 Stat., 500), provided: "That no claims against the United States for collecting, drilling, or organizing volunteers for the war of the rebellion, shall be audited or paid unless presented before the end of the fiscal year ending June 30, 1874." This is the enactment intended to be embodied in the section 3489 of the Revised Statutes, although a change was made in the words "the 30th day of June" as the final day of limitation, in place of the words "the end of the fiscal year ending June 30," by which, apparently, the time of limitation was shortened by the length of a day.

I am of opinion that the limitation of section 3489 Rev. Stats. does not bar the auditing of claims in behalf of States made under the act of July 27, 1861, where the same have not been presented before the 30th day of June, 1874.

The language of the act of limitation, "Claims against the United States for collecting, drilling, or organizing volunteers," must be understood, in view of contemporaneous construction and legislation, as descriptive of, and referring to, the class of claims, and that class only, for which provisions had theretofore been made in the appropriations "for collecting, drilling, or organizing volunteers." As the war claims of States were, by the construction given to those appropriations, excluded from that class of claims (of which Congress must be presumed to have been aware), it is but reasonable to infer that in employing in the act of limitation in question terms of description exactly corresponding with those used in the appropriations, Congress meant that these terms should receive the same construction which had theretofore been put upon them. The words used are words which have acquired in the legislation a more limited sense than that which would be attributed to them if they were to be construed without reference to other legislation. They do not therefore impose a limitation upon the war claims of States.

The question presented is undoubtedly one of much embarrassment and difficulty, upon which the officers of the Treasury and of the War Department have differed. There is now no appropriation available to meet these State war claims, and it will be hereafter for Congress to determine whether it will make such appropriation. The result to which I arrive is, however, entirely satisfactory to my mind; and I deem it the duty of the administrative officers of the War Department and the accounting officers of the Treasury to proceed with the examination and auditing of these claims in order that proper estimates may hereafter be submitted to Congress therefor.

This answer to your first inquiry renders an answer to the second question contained in your letter superfluous.

Very respectfully, your obedient servant,

CHAS. DEVENS,  
*Attorney-General.*

*Letter from the Secretary of War, communicating his views in relation to the bill (S. 165) to reimburse the State of Texas for expenses incurred in repelling invasions of Indians and Mexicans.*

WAR DEPARTMENT, January 19, 1878.

SIR: The Secretary of War has the honor to transmit to the United States Senate, in accordance with the request of its Committee on Military Affairs, an expression of his views in regard to Senate bill 165, to reimburse the State of Texas for expenses incurred by said State in repelling invasions of Indians and Mexicans.

The expenses accrued, it is alleged, on account of payment and support of volunteers or rangers, and the claims of the State for reimbursement of expenditures said to have been made, relate to two periods of time, viz:

First. From November 1, 1854, to January 28, 1861, \$509,111.95.

Second. From October 14, 1865, to August 31, 1877, \$1,027,375.67.

In connection with these claims or accounts a communication to the Speaker of the House of Representatives December 26, 1876, stated:

"This department possesses no evidence concerning the accounts of the State of Texas, further than the statements on two abstracts which are for \$1,536,487.62 and which were received from the committee, and except accounts for \$223,143.89. The latter were examined at this department in the year 1872, and they were reported upon in full, as appears in House Executive Document No. 277, second session Forty-second Congress."

(See House Executive Document No. 14, second session Forty-fourth Congress.)

The aggregate amount of these claims appears to be included in the provisions of Senate bill 165, which refers to an act of July 27, 1861, entitled "An act to indemnify the States for expenses incurred by them in defense of the United States."

In regard to this act certain rules were established by the Treasury and this department in 1861; one rule being:

"II. It is only for expenditures on account of troops, officers, or men that have been or may be mustered and received into, or actually employed in, the service of the United States, that reimbursements will be made. Organizations raised, or attempted to be raised, but not mustered and received into, nor actually employed in, the service will not be recognized. Nor will any reimbursements be made by the United States of expenses incurred in organizing, equipping, and maintaining troops for State purposes or homeguard, whether called out by State or other local authority, unless such troops were called out and such expenditures incurred at the request or under the authority of the President or the Secretary of War."

This rule substantially expresses the fundamental principle upon which was rested and still rests the fair adjustment of any or all claims against the United States for military expenses. The operation of this principle has left some expenditures of the State of Texas in question since 1854, and prompted the suggestion relative to her claims examined in 1872, stating that out of \$223,143.89 then considered, not more than \$20,225.35 should be allowed. (See page 66 House Ex. Doc. 277 second session Forty-second Congress.)

This principle also enters largely into the views relative to these claims expressed by the Adjutant-General of the Army in a report dated April 9, 1872 (copy herewith), and in a statement from the General of the Army, under date of December 5, 1877, indorsed on that report, all concerning the subject-matter of the bill herewith, and all worthy of more extended attention than can be herein given to them.

Very respectfully, your obedient servant,

GEO. W. MCCRARY,  
Secretary of War.

The PRESIDENT of the United States Senate.

*Schedule of accompanying papers.*

- Letter from the Secretary of War to General Grant, dated October 11, 1866.
- Letter from governor of Texas to Secretary of War, dated September 29, 1836.
- Telegram from governor of Texas to the President, dated September 26, 1861.
- Telegram from Secretary of War to governor of Texas, dated September 28, 1866.
- Letter from General Sheridan to General Grant, dated October 3, 1866.
- Telegram from governor of Texas to General Sheridan, dated September 26, 1866.
- Letter from General Sheridan to General Rawlins, dated November 11, 1866.
- Letter from Major Forsyth to General Sherman, dated November 2, 1866.
- Telegram from General Sheridan to governor of Texas, dated November 11, 1866.
- Report of the Adjutant-General, dated April 9, 1872.
- Indorsement of General of the Army on report of the Adjutant-General, dated December 5, 1877.

Executive Document No. 277, House of Representatives, Forty-second Congress, second session.

Executive Document No. 14, House of Representatives, Forty-fourth Congress, second session.

WAR DEPARTMENT,  
Washington City, October 11, 1866.

GENERAL: I inclose to you for your consideration and such action as you deem proper a communication, dated Austin, September 29, 1866, addressed to this department by J. W. Throckmorton, governor of Texas, in relation to Indian outrages committed in that State, accompanied by a copy of an act of the legislature of Texas providing for raising troops for defense, together with sundry newspaper extracts and a statement of the Hon. Mr. Black, a member of the legislature, all of which are referred to in the governor's communication.

A telegram from Governor Throckmorton, dated the 20th of September, addressed to the President, and the answer thereto relating to the same subject, are also herewith submitted.

The papers above mentioned have been laid before the President, and considered by him in connection with the report of Major-General Sheridan to you, dated Headquarters, New Orleans, October 3, 1866, inclosing a telegram to him from Governor Throckmorton, dated September 26, 1866, and your telegraphic reply addressed to General Sheridan, dated October 8, 1866.

The representations of Governor Throckmorton, and the statements that he transmits, deeply impress the President with the obligation and necessity of affording relief and protection to the people of Texas from Indian outrages to the utmost extent within the power of the Federal Government; and he is of opinion that, if troops stationed in the interior can be advantageously employed for that purpose on the frontier, it should be promptly done.

He desires, therefore, that you take such proper measures and give such instructions as may verify the actual condition of affairs in Texas, and afford immediate and adequate protection to the people on the frontier of Texas. If this protection can be afforded by the regular military force of the United States, he deems it preferable to calling out and organizing a local military force.

With this expression of his wishes the subject is referred to you for the prompt investigation and action which the urgency of the case seems to require.

Your obedient servant,

EDWIN M. STANTON,  
*Secretary of War.*

General GRANT.

STATE OF TEXAS, EXECUTIVE DEPARTMENT,  
Austin, September 29, 1866.

SIR: Accompanying this communication I forward for your information an act of the legislature of this State which requires me to call into the service one thousand mounted men for the defense of the frontier against the attacks of numerous bands of Indians, now waging a deadly warfare against our people. The sixth section of this act requires that I shall tender the service of these troops to the general government. In obedience thereto I make the tender, and trust the authorities will accept the service of this command, or part thereof, for such length of time as may be deemed advisable. The frontier is suffering great devastation; murder, rapine, and the most revolting outrages are of daily occurrence.

Unless the government will send efficient and immediate protection the State will be compelled to undertake it, without a dollar in the State treasury to defray the necessary expenditures.

The troops stationed in the interior of the State are of no service whatever. The laws can be enforced and every class of our population be protected in all their rights, without the aid of the military, and I most respectfully ask that the troops be withdrawn.

I have corresponded fully with General Sheridan upon all the questions herein referred to, and also furnished him a copy of the act herein inclosed.

I also forward you memoranda of Indian depredations that have occurred within the last few months. The statements herein are only partial accounts, and by no means constitute the half of what has actually occurred within the last twelve months.

I respectfully request that you will make these facts known to the President, in order that he may be fully advised as to the condition of our State.

Very respectfully, your obedient servant,

J. W. THROCKMORTON,  
*Governor of the State of Texas.*

Hon. E. M. STANTON,  
*Secretary of War, Washington, D. C.*

AN ACT to provide for the protection of the frontier of the State of Texas.

SECTION 1. *Be it enacted by the legislature of the State of Texas*, That there be raised three battalions of Texas rangers, for the protection of the northern and western frontier of the State of Texas, to consist of ten companies, giving to two battalions three, and to one battalion four companies, to be raised as hereinafter prescribed; and to consist of one captain, two lieutenants, four sergeants, four corporals, one bugler, one farrier, and eighty-seven privates each. The field and staff officers to consist of one colonel, one lieutenant-colonel, and one major; one assistant adjutant-general with the rank of captain, one adjutant with the rank of first lieutenant, one assistant quartermaster and commissary with the rank of captain, and two assistant quartermasters and commissaries with the rank of first lieutenant, one surgeon with the rank of major, and three assistant surgeons with the rank of captain, entitled to pay as follows, to wit: The colonel shall receive two hundred dollars per month; lieutenant-colonel, one hundred and fifty dollars per month; the major, one hundred and forty dollars per month; captains, one hundred and twenty-five dollars per month; lieutenants, ninety dollars per month; first sergeants, thirty-eight dollars per month; sergeants, thirty-four dollars per month; corporals, buglers, and farriers, thirty-three dollars per month, and privates thirty dollars per month: *Provided*, The pay of all officers and men shall be in currency; and further, that the pay herein provided for shall be full compensation in lieu of all other pay and commutation for clothing for officers and men.

SEC. 2. Said men shall furnish themselves with horses, arms, and accouterments, and shall be furnished with ammunition, and shall be enlisted twelve months, unless sooner discharged.

SEC. 3. The requisite number of men for said battalion shall be raised, if possible, in the counties of Denton, Cook, Montague, Clay, Jack, Wise, Young, Parker, Tarrant, Palo Pinto, Johnson, Hill, Erath, Bosque, Comanche, Hamilton, Coryell, Lampasas, Brown, San Saba, McCulloch, Mason, Menard, Llano, Williamson, Burnet, Blanco, Comal, Kendall, Gillespie, Kerr, Bandera, Uvalde, Frio, Medina, Atascosa, and such other counties as border on the above list of counties: *Provided*, That the governor may receive of said regiment from other counties not specified.

SEC. 4. That the governor be authorized, immediately after the passage of this act, to commission competent persons, one for every company, to enroll the number of men for a company, and when at least sixty-four men shall have been enrolled they shall organize by holding an election for company officers, and the captain elected shall return a muster-roll, and such other reports as may be required by the governor, to the adjutant-general's department, and hold his company in readiness to take the field in obedience to orders from the governor or superior officer.

SEC. 5. The governor shall have power to appoint the field and staff officers, together with all disbursing officers of each battalion, and shall have power to remove from office any of the field or staff officers for neglect of duty, incompetency, or disobedience of orders, and furloughs and leaves of absence shall be granted under rules and regulations prescribed by him.

SEC. 6. The troops raised under and by virtue of this act shall be governed by the rules and regulations of the Army of the United States, but shall always be subject to the authority of the State of Texas for frontier service, and shall not be removed beyond the limits of the State of Texas, except for the purpose of following and chastising marauding bands of Indians wherever found; and it shall be the duty of the governor to forward a copy of this act to the Secretary of War, urging the acceptance of said battalions for frontier protection.

SEC. 7. That no portion of said troops shall become a charge against the State of Texas until organized as required by the fourth section of this act and placed under orders.

SEC. 8. The quartermaster and commissary of said regiment be authorized under instructions from the governor to contract for the following transportation of the regiment, viz, one six-mule team and wagon, together with such number of animals and accouterments as the colonel, with the governor's approval, may require for each battalion as transportation for the troops, and one two-horse wagon and two mules for the field and staff of each battalion. The supplies are to be delivered by contractors at the place designated by the commanding officer, who shall give information to the quartermaster and commissary at what point and at what time the supplies must be delivered; and all supplies purchased by the quartermaster must be of good quality, and his accounts or certificates shall be examined and allowed by the commanding officer in the field before the same shall become binding as a claim against the State; provided that the office of assistant quartermaster and commissary, within the meaning of this act, as but one officer, and is to be held but by one person.

SEC. 9. That the governor shall have power to disband said battalions, or any portion of them, whenever, in his judgment, their services may no longer be necessary for frontier protection, and may thereafter call into service and reorganize such com-

panies and battalions whenever the condition of the frontier may require it, provided it shall not be for a longer period than twelve months, and should the same not be accepted by the United States Government under the provisions of this act.

SEC. 10. The present legislature shall make all necessary appropriations, and provide means to enable the executive of this State to carry out the provisions of this act.

SEC. 11. That the acts to provide for the protection of the frontier, passed February 7, 1861, and December 24, 1861, be, and the same are hereby, repealed.

SEC. 12. This act to take effect and be in force from and after its passage.

STATE DEPARTMENT,  
*Austin, Tex., September 27, 1866.*

I, John A. Green, secretary of state, hereby certify that the above and foregoing is a copy of the original which has passed the legislature and received the approval of the governor on the 21st September, 1866, and now on file in my office.

In testimony whereof I have caused the seal of this department to be affixed the date herein above written.

[STATE SEAL.]

JOHN A. GREEN,  
*Secretary of State.*

STATE OF TEXAS, EXECUTIVE DEPARTMENT,  
*Austin, September 25, 1866.*

A statement now on file in this office from Hon. Mr. Black, a member of the legislature from Uvalde County, shows that since May, 1865, ten persons have been murdered and three carried into captivity in that county. Five Mexicans in Kinney and three in Maverick and four in Webb County have been murdered. In the last-named counties the perpetrators were Kickapoo Indians.

J. W. LANE,  
*Private Secretary.*

P. S.—About 15th September instant, Enoch Jones and son and two freedmen, while cutting hay in Jack County for the government, were murdered by the Indians.

J. W. L.

[Telegram.]

Received 10.20 a. m., 27th.

AUSTIN, TEX., *September 26, 1866.*

President JOHNSON :

Our frontiers are rapidly depopulating from Indian depredations. I am requested by the legislature, unless immediate assistance is afforded by the government, to call out one thousand men for its defense. I am authorized to place this force under the control and at the disposition of the general government for such time as may be required. They can be put on the line of operation in three weeks. I have informed General Sheridan of the distressed condition of the frontier people.

Very respectfully, your obedient servant,

J. W. THROCKMORTON,  
*Governor of Texas.*

[Telegram.]

WAR DEPARTMENT,  
*Washington City, September 28, 1866.*

Governor THROCKMORTON,  
*Austin, Tex. :*

Your telegram of the 26th instant has been referred by the President to this department.

Major-General Sheridan, commanding the military division of which Texas forms a part, is now on a visit to that State, and upon his report being received the action of the government on your request for troops will be communicated to you. In the mean time it would be well for you to confer with General Sheridan on the subject.

E. M. STANTON,  
*Secretary of War.*

HEADQUARTERS DEPARTMENT OF THE GULF,  
New Orleans, La., October 3, 1866.

GENERAL: I have the honor to forward the inclosed telegram from Governor Throckmorton of Texas.

I have no reason to believe that there is any necessity for these volunteers, except the reports found in the Texas newspapers and the representations of Governor Throckmorton.

There has not been a single military commander in Texas who has reported Indian difficulties, except in the case of a few Kickapoos who came over on our side of the Rio Grande two or three times, and in parties not numbering more than five or six.

So far as my judgment is concerned, it is opposed to the acceptance of these troops, and I have been led to believe, from what I have heard or seen, that the mainspring of the whole movement is to get the United States troops from the interior of the State. There is no one who would hail such an event with greater pleasure than myself, but so long as the government pursues its present policy I would not advise their removal until there is a practical illustration of a better sentiment among the people of Texas.

I have, indirectly, been contending with the governor of Louisiana to prevent him from raising troops in this State for the alleged purpose of protecting Union people (but most probably for other and more selfish motives), but if the governor of Texas can call out troops, the governor of Louisiana has the same right, and there will be this strange anomaly:

The troops raised in Texas would be of the element which fought against the government; those in Louisiana of the element which fought for it; and so it goes.

I have sent the Fourth Cavalry to the region of alleged Indian troubles.

General Wright informed me that Governor Throckmorton was going to make a great effort to remove the troops from the interior of Texas. This may be a part of the programme.

I am, general, very respectfully, your obedient servant,

P. H. SHERIDAN,  
Major-General, United States Army.

Official:

GEO. K. LEET,  
Assistant Adjutant-General.

General U. S. GRANT,

Commanding Armies United States, Washington, D. C.

[Telegram.]

By telegraph from Austin September 26, 1866. Received at New Orleans September 26, 1866.

General SHERIDAN, *Commanding, &c.*:

The legislature requests me to call out one thousand mounted men to defend the frontier, unless immediate relief is offered by the government.

If their services are accepted by the Federal Government they are at the disposal and service of the Federal authorities for such term as they may desire. They can be put in the field and supplied in three weeks from the order.

Necessity requires prompt action.

Very respectfully,

J. W. THROCKMORTON,  
Governor of Texas.

Official:

P. H. SHERIDAN,  
Major-General.

Official:

GEO. K. LEET,  
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE GULF,  
New Orleans, La., November 11, 1866.

GENERAL: I have the honor to forward, for the information of the General-in-Chief, the inclosed copy of a letter from Maj. G. A. Forsyth, whom I sent on special duty to the frontier of Texas.

This truthful letter shows clearly how cautious we should be in believing newspaper accounts of Indian difficulties, or the exaggerated accounts of interested civil officials. I also inclose a copy of my last telegram to Governor Throckmorton.

I am, general, very respectfully, your obedient servant,

P. H. SHERIDAN.

*Major-General, United States Army.*

Bvt. Maj. Gen. J. A. RAWLINS,  
*Chief of Staff, Washington, D. C.*

Personal.]

WACO, TEX., November 2, 1866.

DEAR GENERAL: I arrived here this afternoon, and start to-morrow for Jacksborough, one hundred and twenty miles farther up the country. Thus far I have not been able to get any accurate information in regard to the Indian depredations, but I am convinced that many of the people who are moving in from the frontier are doing it to better their condition, and not from any fear they may have of the Indians; for instead of stopping in the first well-settled and perfectly safe counties they come to, they are moving down towards the central portion of the State, within reaching distance of the railroad, so that they may be sure of a market for what they produce.

Governor Throckmorton, in his conversation with me, did not afford me any opportunity to say anything in regard to his raising troops for the defense of the State border, merely alluding to a certain line on the map as designating those counties in which the legislature had authorized the raising of a regiment, and continuing the conversation, without pausing, in relation to the establishment of posts on the Red River frontier.

I have only seen one individual who favors the raising of these troops, and he was a Confederate colonel, in rebel uniform. If the United States Government does not guarantee the payment of these troops, I doubt Governor Throckmorton's ability to raise anything but the officers; still, times are hard on the Texan frontier, and men may be found who are willing to enlist. I inclose a slip cut from the Waco Weekly Register, which shows that Governor Throckmorton wants to raise the troops, *if he can*. The fact is that these people are disloyal, and the sight of a blue uniform worries them badly; and then another great point is that, unless the Army is on the frontier, the border counties *have no market* for what they raise, and unless the troops are sent there they will not be able to accumulate anything. There is no doubt but that the Indians have committed outrages, but not by any means to the extent that certain interested parties would like the United States Government to believe.

If this border regiment is raised, ex-rebels will be the officers, and eventually the State of Texas will call on the government to refund the amount expended in raising, equipping, and supporting it.

The cotton crop in this county averages a bale to the acre, and is by far the largest ever raised.

The freedmen are working well, but they will not be able to gather all the crop, it is so much larger than anticipated. Brevet Lieutenant-Colonel Evans has his company in a splendid state of discipline, but needs 33 more horses to mount his recruits. Money should be sent here to take up the vouchers issued by the Quartermaster's Department. The people hold \$4,000 worth of them, and there has been no money since June last.

Very truly, yours,

GEO. A. FORSYTH.

Maj. Gen. P. H. SHERIDAN,  
*United States Army.*

I will write again from Jacksborough, but you will please consider all communications as personal until I can make a final report. I shall be gone at least six weeks longer, and you will probably need what information I can send you while *en route*.

F.

VOLUNTEERS WANTED FOR FRONTIER PROTECTION.

As I have received an appointment to enroll a company of 100 men from his excellency J. W. Throckmorton for th.s service, I hereby invite all able-bodied men wishing to volunteer to meet at Stephenville, Erath County, on the 1st day of November, for the purpose of organizing the company by electing company officers. Each man will be required to furnish himself suitable arms and good horse, his arms to consist at least of a good gun and six-shooter.

For further particulars refer to act of the present legislature providing for frontier defense.

October 13, 1866.

J. B. BARR, JR.,  
*Captain pro tem.*

NOTE.—Rebel lieutenant-colonel.

HEADQUARTERS DEPARTMENT OF THE GULF,  
*New Orleans, November 11, 1866.*

Official.

J. SCHUYLER CROSBY,  
*Brevet Major, United States Army, Aide-de-Camp.*

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE GULF,  
*New Orleans, La., November 11, 1866.*

GOVERNOR: I see by an advertisement in the Waco Valley Register of October 13, 1866, that you have authorized the calling out of troops under the provisions of the act of the legislature of Texas.

Now, as I have ordered to the frontier double the number of men the legislature thought necessary, I cannot see any good excuse for the employment of the volunteer force.

P. H. SHERIDAN,  
*Major-General, United States Army.*

His Excellency J. W. THROCKMORON,  
*Governor of Texas, Austin, Tex.*

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
*April 9, 1872.*

Respectfully returned to the Secretary of War. An act of the State legislature of Texas, approved June 13, 1870, authorized the governor of the State to raise and muster into service twenty companies of rangers for frontier twelve months' service, provisions, ammunition, and arms to be furnished by the State; clothing, horses, &c., by the individual troops, always to remain subject to the authority and orders of the governor of Texas, and to be paid by the State. (See bill herewith.)

July 19, 1870.—The Secretary of War instructed the Adjutant-General that the State of Texas would not be permitted to make war upon the Indians, but that the United States military authorities would preserve the peace.

July 27, 1870.—The Adjutant-General instructed Colonel Reynolds, commanding Department of Texas, as to the wishes of the Secretary of War.

August 5, 1870.—Colonel Reynolds furnished governor of Texas with a copy of the said instructions.

August 8, 1870.—The governor informed Colonel Reynolds that the State troops being organized under the act would be placed at the disposal of the War Department to co-operate with United States troops, and that he (the governor) would ration and forage them.

August 15, 1870.—Colonel Reynolds, in forwarding the communication of the governor, remarked that the circular, copy herewith, approved by the War Department June 20, 1868, provided them with subsistence from the supplies of the United States posts near which they might rendezvous. The governor's letter, &c., were submitted to the Secretary of War by the Adjutant-General, September 3, 1870, with the remark that, "a demand will certainly be made in the future for reimbursement of expenses and pay of the volunteers by the United States Government," for which reason, and to prevent the possibility of future claims, the Secretary, September 22, 1870, directed that Colonel Reynolds be instructed (as in previous orders) that the civil authorities of the State of Texas would not be permitted to make war on the Indians. Colonel Reynolds was so informed by letter dated September 24, 1870 (herewith).

September 7, 1870.—The commanding officer of one of these ranger companies was instructed by Colonel Reynolds to proceed with his company to the vicinity of Old Camp Colorado, Texas, and to draw subsistence from the commanding officer of United States troops at Fort Concho, Texas, and stating that the chief commissary of subsistence, Department of Texas, would furnish detail instructions.

September 13, 1870.—The commissary referred to forwarded to the Commissary-General of Subsistence United States Army the correspondence, &c., relative to the supplying of these troops, and remarked that the troops were now drawing rations from the United States, by direction of Colonel Reynolds, commanding department. The chief commissary of subsistence, Military Division of South, in forwarding the papers,



remarked that the "issue of rations to Texas volunteers was not authorized by the major-general commanding the division."

*September 27, 1870.*—The Commissary-General of Subsistence United States Army referred the papers to this office, and remarked that the appropriation for the subsistence for the Army for the current year would not probably bear the heavy expense of subsisting the Texas volunteers, if to be long continued, and especially invited attention to the sixth section of the act calling out these troops, wherein it is specifically provided that said rangers were to be furnished with provisions at the expense of the State.

Upon an examination of the whole case, the Secretary of War, under date October 18, 1870, directed as follows: "Memoranda.—General Reynolds to be informed that he is not to subsist or pay the Texas troops. Direct him to notify governor of Texas accordingly; and that no claim for payment for their services, or for subsistence, or any other account, would be recognized."

The facts connected with this subsistence question are as follows:

*September 17, 1870.*—By Special Orders No. 113, Headquarters Department of Texas, the Texan troops were authorized to be furnished subsistence, &c.

*October 6, 1870.*—Colonel Reynolds was telegraphed to revoke said order, which was accordingly done October 7, 1870, by Special Orders No. 123, Headquarters Department of Texas.

*October 8, 1870.*—Governor Davis telegraphed the Adjutant-General United States Army requesting that subsistence to the State troops be continued, notwithstanding Special Orders No. 128 referred to, and stated that, if subsistence would be furnished, the State would refund all expenses incurred by the United States.

*October 12, 1870.*—Governor Davis was telegraphed that his dispatch was submitted to the Secretary of War and the President, and that it was decided that rations could not be issued. On the same day Colonel Reynolds was notified of this action.

*October 13, 1870.*—Colonel Reynolds telegraphed the Adjutant-General United States Army that he "just had interview with Governor Davis; he has received your telegram of yesterday"; and stated that the governor desired to know whether the State troops now in the field would be permitted to remain, the State supplying them in all respects, without any expense to the United States.

*October 19, 1870.*—Colonel Reynolds was telegraphed (in answer to preceding telegram) not to subsist or pay troops, and to notify governor of Texas accordingly; also, that no claim for payment for their services, or for subsistence, or on any other account, would be recognized.

*October 29, 1870.*—Acknowledged the receipt of this, and stated that the instructions therein were fully carried out on the 7th instant, and that he had notified Governor Davis of the decision of the War Department.

No further correspondence appears in the case.

From the foregoing it will be seen that these rangers were not only refused recognition by the War Department, but were positively prohibited from carrying out the provisions for which raised; this, in connection with the fact that from the initial the United States authorities declared that neither pay, subsistence, nor any other emolument or supply would be furnished the force, and the declarations of the State authorities that the United States would not be called upon to bear any expense whatever in the support of said force; and, finally, that no service appears or is claimed to have been rendered by it.

It is submitted that Congress should not encourage claims of this kind. If encouraged, constant claims will result from governors of States and Territories calling out troops without authority from the President, and in the face of the War Department notification that the troops will not be recognized. Such was the case with the Montana militia, for which claims are now pending, and such will ever be the case if precedent be established or continued.

The President is by law the judge of the necessity, and if he declines to yield to requests to call out militia or volunteers, the matter should there rest.

E. D. TOWNSEND,  
Adjutant-General.

HEADQUARTERS OF THE ARMY,  
Washington, D. C., December 5, 1877.

I have examined Senate bill 165, Forty-fifth Congress, first session, and deem it simply monstrous.

The Texas Rangers, so called, have been a source of danger to the United States, rather than assistance, in the matter of frontier defense.

By the within report it is seen that the governor of Texas himself disclaims any purpose of construing this force as in the service of the United States. At no single instant of time has it been construed as a part of the military force on the border of Texas; never has been "mustered"; but, on the contrary, Congress has all the time been cutting down the strength of the Regular Army in the interest of economy. If

Texas may add \$1,700,000 to the military expenses for the alleged inadequate protection, other States and Territories will swell it to a hundred millions.

W. T. SHERMAN, *General.*

[House Ex. Doc. No. 277. 42d Congress, 2d session.]

*Letter from the Secretary of War, transmitting a report concerning the history and character of certain claims of the State of Texas.*

WAR DEPARTMENT, April 30, 1872.

The Secretary of War has the honor to transmit to the House of Representatives, in accordance with the request of its Subcommittee on Appropriations, a report concerning the history and character of certain claims of the State of Texas.

WM. W. BELKNAP,  
*Secretary of War.*

WAR DEPARTMENT.

Washington, D. C., April 27, 1872.

SIR: In compliance with verbal instructions received from you, I have carefully examined all the evidence found concerning the history and character of certain claims of the State of Texas against the United States, and as the result of that examination I have the honor to respectfully submit the following report:

The claims are for reimbursement of expenditures alleged to have been made for the payment and support of volunteers, or rangers, prior to the rebellion.

The troops, it is asserted, were temporarily employed at various dates, between November 1, 1854, and some time in September, 1860, for the purpose of suppressing Indian hostilities on the frontiers of Texas.

The evidence bearing upon this case is interspersed through many printed public documents, and, in addition to what is contained in them, it forms many pages of manuscript (copies annexed) heretofore unfolded in any public print.

The merits of the claims may be the better understood, at this late date, by bestowing a glance at the condition of affairs which may have rendered it necessary, from time to time, to employ Texan rangers, or volunteers, within that State.

Turning to the President's message of December 6, 1852, so much of it as relates to Indians in Texas reads:

"Experience has shown, however, that whenever the two races are brought into contact, collisions will inevitably occur. To prevent these collisions the United States have generally set apart portions of their territory for the exclusive occupation of the Indian tribes. A difficulty occurs, however, in the application of this policy to Texas. By the terms of the compact by which that State was admitted into the Union, she retained the ownership of all the vacant lands within her limits. The government of that State, it is understood, has assigned no portion of her territory to the Indians; but, as fast as her settlements advance, lays it off into counties, and proceeds to survey and sell it.

"This policy manifestly tends not only to alarm and irritate the Indians, but to compel them to resort to plunder for subsistence. It also deprives this government of that influence and control over them without which no durable peace can ever exist between them and the whites. I trust, therefore, that a due regard for her own interests, apart from considerations of humanity and justice, will induce that State to assign a small portion of her vast domain for the provisional occupancy of the small remnants of tribes within her borders, subject, of course, to her ownership and eventual jurisdiction. If she should fail to do this, the fulfillment of our treaty stipulations with Mexico and our duty to the Indians themselves will, it is feared, become a subject of serious embarrassment to the government. It is hoped, however, that a timely and just provision by Texas may avert this evil." \* \* \*

(See House Executive Document No. 1, second session Thirty-second Congress.)

Passing to a later date, January 30, 1855, it is found that the Commissioner of Indian Affairs remarked officially as follows:

"Texas having retained all her lands and the exclusive jurisdiction over them, it was impossible for the United States to exercise any supervision over the trade and intercourse with her Indians, or the necessary control over the latter, to prevent difficulties between them and the citizens of the State. Under these circumstances it was not in the power of the government to manage our Indian relations there in as efficient a manner as it might otherwise have done. It was, therefore, in a position not to be held responsible for any difficulties or depredations which may have arisen out of such a state of things, which was made known from year to year through the annual reports of this office, and the necessity urged of Texas setting apart a district of country for the location and residence of her Indians, and the cession of sufficient jurisdiction

over it to enable the government to manage them and the trade and intercourse of the whites with them in a more efficient and proper manner. It was not until last year that Texas consented to, and made provisions for, such an arrangement." \* \* \*

(See House Reports of Committees No. 151, second session Thirty-second Congress.)

By an act of Congress approved June 12, 1858, the Secretary of the Interior was directed "to accept and survey the Indian reservation designated by an act of the legislature of the State of Texas approved February 4, 1856, and to appoint an agent for said reservation." (330, Stat. 11.)

Indian troubles in Texas seem to have commenced anew, or were continued, in 1852, as will be seen by reference to a letter (1)\* from the Secretary of War to the governor of Texas, explaining responsibilities connected with them.

On account of various conflicts renewed between the people of the State and the Indians in the year 1854, General Persifer F. Smith, then commanding the Department of Texas, was authorized or instructed "to call upon the governor for aid should the exigencies of the service require it in repelling Indian incursions" (2); and he was instructed further: "In such event you will make requisition for such number of mounted men as you may, from time to time, deem necessary, who, while in service, will be supplied with ammunition, forage, and subsistence by the United States (2).

After the issue of said authority, the Secretary of War decided that it applied only to aid required "in repelling Indian incursions and to pursue and punish hostile Indians" (3 and 4).

The various organizations of volunteers on account of which these claims accrued appear to have been employed, as it were, by classes, under certain peculiar circumstances, at different times; they therefore will be classified herein as facts are developed in connection with their services.

## CLASS I.

In 1854 six companies of volunteers were called into service by the governor of Texas, and, as State troops, were organized as follows (shown by muster-rolls filed in the Adjutant-General's office):

Company.	Captain.	Aggregate force.	Enrolled.		Mustered in.	
			Where.	When.	Where.	When.
A	G. S. Boggess.....	87	Tyler.....	Oct. 16, 1854	Austin.....	Nov. 2, 1854
B	J. G. Walker.....	84	Nacogdoches....	Oct. 16, 1854	Austin.....	Nov. 2, 1854
C	W. R. Henry.....	86	Goliad.....	Oct. 20, 1854	Austin.....	Nov. 2, 1854
D	William Fitzhugh....	84	McKinney.....	Oct. 16, 1854	Austin.....	Nov. 2, 1854
E	C. E. Travis.....	80	Cameron.....	Oct. 18, 1854	Austin.....	Nov. 2, 1854
F	P. H. Rogers.....	78	Brenham.....	Oct. 18, 1854	Austin.....	Nov. 8, 1854

\*Figures refer to numbers on papers annexed to this statement.

General Smith issued a call (4) on the 29th July, 1854, but before any troops were raised under it (7) he (12) and the governor (13) were notified that it was not approved at the War Department, because the troops were called for *twelve months'* service. A modification of the authority then ensued; the general reissued the call November 1, 1854, and the adjutant-general of Texas forthwith proceeded to make the musters into State service, as above noted.

Before the troops could properly be held subject to military orders from the general government, however, it was necessary that they should first be formally received into (17) the service of the United States.

That they were so received, for three months' service, there can be no doubt. A tabular statement, prepared from muster-rolls filed in the Adjutant-General's office, exhibits these facts, viz:

Company.	Captain.	Aggregate force.	Enrolled and mustered into United States Service.		Mustered out of United States service.	
			Where.	When.	Where.	When.
A	G. S. Boggess.....	87	San Antonio.....	Dec. 23, 1854	Ft. Chadbourne.	Mar. 22, 1855
B	John G. Walker.....	84	Fort Martin Scott..	Dec. 1, 1854	Ft. Clark.....	Mar. 31, 1855
C	William R. Henry....	86	San Antonio.....	Dec. 14, 1854	Ft. Clark.....	Mar. 31, 1855
D	William Fitzhugh....	84	San Antonio.....	Dec. 24, 1854	Ft. Chadbourne.	Mar. 23, 1855
E	C. E. Travis.....	80	Fort Martin Scott..	Dec. 1, 1854	Ft. Clark.....	Apr. 1, 1855
F	P. H. Rogers.....	78	San Antonio.....	Dec. 22, 1854	Ft. Chadbourne.	Mar. 21, 1855

On the 23d January, 1855, these were believed (16) by the then Secretary of War to be the only troops from the State of Texas that were entitled to pay for services rendered to the United States.

Acting upon that belief, on the 24th of January, 1855, a claim submitted on account of the services of three companies of Texas volunteers, called out by the governor in 1852, was not then favorably considered (17), for the reason that the troops were not in the service of the United States. In nearly every instance where volunteer troops have been properly received into said service, the general government has promptly awarded reasonable compensation to them. In this matter there was no delay concerning the above-mentioned six companies of Texas volunteers. Before they were mustered out of service special provisions were made for them in two acts of Congress. (See Stat. 10, pp. 636 and 637.) These companies were furnished with subsistence (99) and all supplies (100) required by them while they were under the command of General Smith, and for the whole time they were properly in the United States service, by muster, they were paid by United States paymasters or by the Second Auditor of the Treasury. April 2, 1855, found the six companies all mustered out, they having been supplied with all necessaries after their last muster-in, and funds were forthcoming from the United States Treasury for the payment of the individual members of the organizations.

For these companies the total appropriated March 3, 1855, was .....	\$162,755 38
Between that date and the 30th June, 1859, the total paid for their services and expenses was .....	93,612 47

On the last mentioned date war warrant No. 7 carried to the surplus fund this balance .....	69,142 91
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#### CLASS II.

Papers herewith show that this department repeatedly (1, 13, and 17) advised the authorities of Texas some years ago of the general rule in relation to expenses irregularly incurred, on account of certain volunteers employed for frontier service or to give settlers a sense of security.

The general rule was and is, in substance, that expenditures made by States or individuals for the support of troops who have not been actually received into the service of the United States will not be reimbursed by the general government, except in extraordinary cases. Any proof of such reception and service is fatally incomplete if unaccompanied with muster-rolls duly prepared and rendered in accordance with law and Army Regulations. In connection with these claims of Texas, muster-rolls of the troops, the six companies excepted, have never been filed in the office of the Adjutant-General of the Army.

The rolls, so called, now submitted with the vouchers, cannot be classed reliable substitutes for such muster-rolls as are usually accepted as evidence of service.

By reference to official correspondence, dated during the first half of the year 1855 copies of the same being hereunto annexed, one may obtain therefrom tangible ideas of the condition of military affairs in the Department of Texas about the time the six companies were discharged. Special reference may be made to General Smith's letter, dated June 2, 1855, in which he stated:

"I have late reports from the whole of the frontier. The efforts of the troops have been successful in driving the Indians entirely out of that part of the State forbidden to them, and the roads on the frontier are traveled with security.

"A tribe of Lipans and three bands of Mescaleros have crossed into Mexico. The former are established opposite Laredo and Fort Duncan, and the others in Chihuahua, all under the protection of the respective State governments with whom they have made treaties.

"As soon as the rains shall afford water and grass, we may expect them to cross the Rio Grande in marauding parties. (See House Executive Document No. 1, first session Thirty-fourth Congress.)"

On the 20th of June, 1855, in writing to General Smith, Governor E. M. Pease inclosed a newspaper slip giving an account of the murder of a citizen and of thefts committed by Indians in a locality where he asserted there were no United States troops; and he requested that a military company might be sent to that locality (24).

From the General's letter (4) of July 29, 1854, it seems he was not inclined to credit newspaper reports concerning operations in his department, and this may account for the absence of an immediate reply to the foregoing. Anyhow, the governor did not long remain silent or inactive, as appears from his letter of July 5, 1855, to J. H. Callahan, who, by it, was authorized to raise a company of mounted men to serve three months (25).

Again, on the 25th, he wrote (27) to certain citizens, and from the communication it is learned that he had received a letter\* from General Smith, dated the 15th instant,

\* No copy found.

in which the general said he would send a party of mounted riflemen to the neighborhood where the recent depredations were committed as soon as Major Simonson returned from certain duties. In this same letter the governor stated that if the company (Callahan's) already called out "did not prove sufficient to give security to settlers," he would "not hesitate to call out other volunteers."

From the remark concerning "security to settlers," it might be inferred that the War Department letter (13) of August 29, 1854, was not particularly heeded by the governor, or that he did not really expect the general government to recognize and pay for the services of Callahan's company. On the 5th of September, 1855, his excellency was at San Antonio, where he hoped but failed to see General Smith in regard to certain Indian depredations. There he wrote (29) to the department commander concerning military projects, and concluded by calling attention to the good which had resulted from the employment of Callahan's company; by dwelling upon the embarrassing position of the executive of the State, and by expressing distrust in relation to the propriety of employing volunteers. During this same month he also wrote several communications (30-36) to various citizens, promising he would call out more volunteers if General Smith did not act. No evidence appears in the correspondence to show that the governor actually made any call within the last half of the year 1855, for the organization or service of an additional force.

General Smith was communicating officially with the War Department during the above-mentioned times (26-31), and in no case has it been discovered, from the tenor of his letters, that he recognized any actual necessity for the employment of the Callahan company, or that the latter acted in concert with the government troops. The correspondence (31), however, shows conclusively that in September, 1855, it was expected certain Texans would make a hostile expedition into Mexico (37).

On the night of the 1st or 2d of October, 1855, such an expedition was made, and J. H. Callahan was its commander. A party (38) of about one hundred and ten Texans (52) secretly crossed the Rio Grande, about three miles below Fort Duncan, to the Mexican side. The Texans had a fight with Mexicans and Indians, and were driven back into Piedras Negras, a Mexican village opposite to Fort Duncan. While occupying that village the Texans set fire to it and burned it up; General Smith stated "most wantonly, for it was occupied by a poor class of people generally engaged in cultivation of small plats of ground," &c. (For full particulars see annexed papers, dated in October, 1855.)

The poverty of the said people may now puzzle the public mind, in view of the fact that, at this time, claims amounting to \$11,397,988.43, for property alleged to have been destroyed and damages accrued from Callahan's operations at Piedras Negras, are pending before the American and Mexican joint commission at Washington, District of Columbia.

Two other organizations, in addition to the Callahan company, were connected with the raid into Mexico. They were those of Captains N. Benton and W. R. Henry. The latter commanded one of the six companies referred to in class one. On the 14th March, 1855, members of his company had broken open the post-office at D'harris, and pillaged the town; some were discharged for misconduct on the march; the lieutenant, Jackson, was under arrest; and charges were on hand against the captain, for misconduct while drunk (19). On the same day when Captain Burbank was writing his report (38) at Fort Duncan, in relation to the Callahan expedition, the governor was writing (39) at San Antonio to the lieutenant of Callahan's company. One wrote concerning re-enforcements: "If the Texans should persist in crossing (the Rio Grande) acting under the orders of the governor, as they appear to be doing, I have no force sufficient to oppose them, admitting it to be my duty to do so." The other wrote: "Your company will be mustered out at the expiration of three months from the day you were mustered in."

Upon referring to the rolls the following appears:

Commander.	Aggregate force.	Mustered in—	Mustered out—	Lost in Mexico.							
				Horses.	Pack-mules.	Saddles.	Bridles.	Six-shooters.	Guns.	Pistols.	Spy-glasses.
J. H. Callahan, captain .....	68	July 20, 1855	Oct. 19, 1855	24	17	4	4	3	3	1	....
N. Benton, captain .....	26	Sept. 15, 1855	Oct. 15, 1855	7	....	....	....	5	4	2	....
W. R. Henry, captain .....	36	Sept. 15, 1855	Oct. 15, 1855	14	....	1	1	1	7	1	1

Callahan's company was mustered out by John D. Pitts, as State mustering officer. Benton's company was mustered into and out of service by J. H. Callahan. Henry's company was mustered into and out of service by J. H. Callahan.

## CLASS III.

When the Texans, under Callahan, were on the Mexican side of the Rio Grande, before firing the village, they found themselves apparently under the protection of the United States artillery, at Fort Duncan, Texas (44). Taking undue advantage (50) of this circumstance, they "determined to remain" (52) where they were, and sent persons over to Texas for re-enforcements.

Captain Callahan having discovered, however, that the commanding officer at Duncan would not protect the Texans in the stand they had taken, returned with his forces to San Antonio and the neighboring towns, where, on the 14th of October, 1855, they were "raising men to return and try their fortunes again" (52).

On account of the events on the Rio Grande, a great deal of excitement existed at San Antonio on the 17th of October, 1854, when the Texans were raising "a thousand men" (55). On that date and the day before, General Smith there saw parties ride into town "well armed and mounted, and of a better class of citizens than usually join such expeditions" (55).

On that same date the governor wrote to the general concerning military operations, and suggested that an additional mounted force should at once be called into the field. The governor believed that if he were called upon by the general for such a force, say three companies from the militia of the State, "it would supersede the unauthorized movement of armed men that seemed to be now making in the western part of the State" (54). From the general's reply (57) it is inferred that he did not favorably consider the foregoing application. In writing to this department, the general referred to the correspondence above noted, and stated:

"I have been told by several persons, committees, &c., that if I will only call out a few companies of rangers, it will at once employ the most unquiet, and tranquilize the alarmed, and thus break up the contemplated enterprise. I refuse absolutely. I will exert every means I have to avoid any serious difficulty, but I will not buy the promised good conduct of such men as must necessarily enter into many of their companies at any price" (58).

As has heretofore been remarked, nothing appears in the correspondence to show that any other volunteers than the Callahan company were actually called out during the latter half of the year 1855; neither does anything appear to show that General Smith was aware of the existence of any of the governor's organizations of Texas troops, other than the Callahan company, during the said time; yet the State claims reimbursement for payments made to no less than five companies, in addition to the one above mentioned. Two of the said companies are dealt with in class two, preceding, and three of them appear in this class (three), as follows:

Captain.	Aggregate force.	Employed.	
		From—	To—
William Tom .....	88	October 18, 1855	November 15, 1855
W. G. Tobin .....	28	October 12, 1855	November 15, 1855
Levi English .....	56	August 6, 1855	November —, 1855

\* Day fixed for rendezvous (58) of the thousand (55) men who were to invade Mexico. The project became a failure.

The heading on Captain Tom's company roll refers to an "advisory letter from the adjutant-general of Texas," on the 17th of October, 1855, but a copy of the letter is not found (61).

William Tom's company was raised, it is asserted, at San Antonio, and it was supported by a vigilance committee (61). He figured in class one as second lieutenant of Henry's company; next, in class two (losing his gun and a pack-horse in Mexico), as a private of Callahan's company (discharged October 19, 1855), and now in this class (three) as captain on the 18th of October, 1855, or one day before he was discharged from Callahan's company. The signatures on the vouchers filed fix his identity as one and the same individual in connection with the above facts.

Captain Tom certifies that he mustered his company out of service on the 16th of November, 1855, under the instructions of Capt. H. E. McCulloch (60½). William G. Tobin's company, it is certified on the vouchers, was raised and organized at San Antonio. The captain classed his muster-roll as a report "commencing on the 12th day of October, 1855, and ending on the 15th day of November, 1855." He swears that, to the best of his knowledge and belief, the men of his company were actively employed in the military service of the State during the above-mentioned time (61). Powers of attorney, several in number, filed with the vouchers, give a slight explanation of one

of the purposes for which this company was organized by stating it was to operate against the "Texas Indians."

*Levi English's Company.*—Concerning this a certificate, under date of December 1, 1855, states that a list therewith contains the names of men who were under English's command and did active service from August 6 until November 13, 1855. To this certificate the name of Levi English appears as having been signed by a bold hand. Papers of a subsequent date show that the captain made his cross-mark in 1856 instead of signing his name. He, or a person of the same name, still lived in July, 1861, and at that time made his cross-mark to an affidavit setting forth as follows:

"That the members of said (English's) company received pay for one month's service from the 6th day of August, 1855, to the 5th day of September, 1855, inclusive, from the treasurer of the State of Texas"; and "that said company was actively employed in the military service of said State for the time herein specified, and was subsequently disbanded, there being no mustering officer, therefore no muster-out roll."

The captain made a power of attorney (139) November 11, 1855, and in so doing swore that his company served against the "Texas Indians." This statement is confirmed by powers of attorney made by his men.

In a message to the State legislature, January 3, 1856, the governor stated that "these companies were voluntarily organized and supported by the citizens of the frontier for their defense."

"I think it but an act of justice that they should receive from the State a reasonable compensation for their services and expenses" (65).

## CLASS IV.

"The action of those parties" who were so much excited on the 17th of October, 1855, seems to have been delayed, as General Smith expected it would be, and the citizens thought "better of the matter and abandoned the expedition," once intended to follow the Callahan affair (55).

From the claims submitted in this case, it does not appear that any volunteers or rangers were employed in Texas after November 15, 1855, until some time in the early part of the year 1856.

The magnitude of claims for past services of State troops now began to appear in legislative acts (137): One of December 17, 1855, to pay Callahan's party; one of January 14, 1856, for additional pay to the six companies called out by General Smith; and one of a subsequent date to pay the companies of Tom, Tobin, and English; the total appropriated being \$87,944.51. J. H. Callahan, it appears (64), settled his accounts with the State during the winter months, and, on the 12th of March, 1856, he, with R. W. Johnson and others, wrote to the governor that unless there shall be "something done immediately for the protection of citizens residing on the Upper Blanco, Guadalupe, and Curry's Creek, and Perdinales, they will be compelled to give up their homes" (63). The reply, of March 31, 1856, from the governor, contains the following: "I have not been unmindful of your exposed condition, and some time since requested\* the commanding general of this department to have mounted troops sent to your vicinity for its protection, but I have heard nothing from him in reply (69). This letter, in substance, then advised the citizens to have a mutual understanding with each other, so as to organize a company of minute-men; and, at the conclusion, it is stated: "I intend you shall endeavor by this plan to give yourselves protection against the Indians who may come to the vicinity of your settlements." In the body of the letter the governor wrote: "I shall take pleasure in urging the legislature to make a suitable compensation for the service of those who may be employed, and to pay reasonable expenses that be may incurred."

Concerning these minute-men nothing further appears to have been done officially until August 4, 1856, when the governor, by special message, was "urging the legislature to make suitable compensation" to three companies of minute-men, one being that which he advised the citizens to raise, and the others his message historically mentions (73). Upon referring to the lists, or so called rolls, of these companies, the dates of service and number of men appear as follows:

Captain.	Aggregate force.	Time of service.	
		From—	To—
J. W. Sansom .....	14	{ †Apr. 16, 1856 } { †Apr. 19, 1856 }	July 16, 1856
J. M. Davenport .....	37	Mar. 13, 1856	June 1, 1857
B. W. Black .....	30	Jan. 1, 1856	Dec. 31, 1856

\* No request subsequent to October 17, 1855, appears in evidence.

† Governor's certificate in January, 1861.

‡ Mustering officer's certificate.

Further evidence concerning the two companies last mentioned appears in papers herewith (125, 126), from which it seems that Davenport himself disbanded his company and that Black's company was voluntarily disbanded.

## CLASS V.

In September, 1857, the commanding general of the Department of Texas advised the Secretary of War that a "rumored expedition" was preparing in the western part of Texas for the invasion of Mexican territory (75).

The War Department at once authorized the general to prevent, by all means in his power, the consummation of any such design (75).

On the 3d November, 1857, the governor wrote to Messrs. G. M. Bryan and John H. Reagan, who were then Representatives in Congress, that the force assigned to the Texas frontier was inadequate to its protection and that there was a pressing necessity for a regiment of volunteers to be there employed. To verify the correctness of his statement he reported:

"Within the last few months the mail train from San Antonio to El Paso was attacked and robbed of its animals, and I have now before me a communication just received from a large number of citizens residing on the waters of the San Saba and Upper Colorado Rivers, stating that the Indians have recently made several incursions into these settlements, and stolen and carried off near three hundred horses (76)."

On the 23d November, 1857, the governor issued letters which authorized in substance the following (77): Thomas K. Carmack to enroll a company of twenty mounted men, in the counties of Erath and Palo Pinto; John H. Conner to enroll a company of thirty mounted men in the counties of Brown and San Saba; and Neill Robinson to raise a company of twenty mounted men in the settlements on the waters of the Upper Blanco and Guadalupe Rivers. On the 7th December, 1857, the governor authorized (80) Thomas C. Frost to enroll a company of twenty mounted men in the counties of Coryell and Comanche.

Each of the above-mentioned companies was to serve three months; its members to be paid by the State, at the same rates as were allowed to volunteers during the Mexican war, and its lieutenant was to be elected; and then follow written instructions, which were in substance:

"You will keep the whole or such portion of your company as you may consider necessary in active service, at such point or points upon the frontier [in the vicinity where raised] as will best enable them to give protection to the inhabitants against the incursions of hostile Indians.

"It is not intended that you shall keep the whole or any part of your company in active service any longer at one time than there shall be an actual necessity for them, but that you shall from time to time keep only such number actively employed as will give security and confidence to the settlements you are designed to protect, so as to make the three months of service extend over as long a period of time as possible."

The instructions also warned the lieutenants to exercise extreme caution, so as not to give offense to friendly tribes of Indians, especially those on the reservations, and concluded by pointing out the mode of reports and accounts to be made and transmitted to the governor.

By reference to the lists filed as substitutes for muster-rolls, companies appear to have been organized as follows:

Lieutenant.	A Average force.	Time of service.	
		From—	To—
Thomas K. Carmack .....	20	Dec. 14, 1857	Mar. 14, 1858
John H. Conner .....	31	Dec. 2, 1857	Mar. 2, 1858
John S. Hodges .....	20	Dec. 14, 1857	Mar. 14, 1858
T. C. Frost .....	20	Dec. 21, 1857	Mar. 21, 1858

John H. Conner was elected lieutenant on the 2d December, 1857, and was commissioned to that office by the governor on the 19th December, 1857 (82).

John S. Hodges was elected lieutenant of the Neill Robinson company on the 14th of December, 1857, and was commissioned to that office by the governor on the 19th December, 1857 (81).

Thomas C. Frost (83) mustered his company into service on the 21st December, 1857.

On the 9th January, 1858, the governor notified the department commander of new depredations committed in the counties of Erath and Bosque, and requested that a mounted force should be sent to that frontier, or that authority should be given to the



State to raise two or three companies of mounted volunteers to meet the existing emergency. (House Executive Document No 27, second session, Thirty-fifth Congress, page 3.)

In a reply of the 13th he was informed that troops would be sent in pursuit, and the commanding general stated: "I regret to say I am not authorized to call for volunteers, and can only employ the force now at my disposal." (*Ibid.*, 4.)

On the same date, in reporting the above correspondence to Headquarters of the Army, General Twiggs wrote: "It is extremely mortifying to be placed in this situation with an inadequate force." (*Ibid.*, 3.)

On the same date one John Forbes, in writing, handed to the governor reports of the 7th and 8th January, 1858, from Lieutenants Frost and Carmack, and three communications stating in substance that Indians had recently entered the counties of Comanche, Bosque, Erath, and Palo Pinto, on another foray, and in a bold, audacious manner, committed depredations; two citizens and a negro killed, two persons taken prisoners, and about one hundred and fifty horses driven off. Citizens pursued the Indians, but failed to overtake them. Frost believed the reserve Indians were concerned in the affair. (*Ibid.*, 5-7.) Two days later the governor wrote to Congressmen Bryan and Reagan, inclosed copies of the letters from Frost, Carmack, and Forbes, and urged the members of Congress to press action on the government. (*Ibid.*, 4.)

On the 16th January, 1858, a resolution of the State legislature was approved, requiring the Texas Representatives in Congress to "call the attention of the general government to the frequently-recurring depredations committed by the Indians," \* \* \* "to urge the adoption of a more adequate system of protection against them," \* \* \* and "to assist those of our citizens whose property may have been stolen or destroyed by the Indians aforesaid to enforce their claims for indemnity against the general government in such manner as to them may seem most effective." (*Ibid.*, 8.)

R. H. Neighbours, superintendent of Indian affairs for Texas, to the Commissioner at Washington, under date of January 17, 1858, recapitulated Indian depredations committed since November 1, 1857; traced guilt to northern tribes not belonging to the State; referred to former reports concerning the starving condition of certain Indians; defended character of the tribes on Texas reserves; attributed cause of depredations to failure of the government to place certain Indians under proper control, and not to a failure on the part of Indian agents of Texas or of military authorities to perform faithfully the duty intrusted to them; condemned the practice of the general government giving, as annual presents, arms and ammunition to hostile Indians and concluded by stating that the citizens are preparing claims against the government for indemnity for losses sustained. (*Ibid.*, 9.)

The department commander, in transmitting to Army headquarters a copy of the superintendent's letter, stated:

"As I do not understand the policy of the government in arming those Indians who it is notoriously known to be those that are harassing the Texas frontier, I do not complain of it, but think it strange that such things are." (*Ibid.*, 8.)

An extract from a publication in the Austin Intelligencer of about January 28, 1858, gives the following:

"The Indians.—Captain John H. Conner, who has been appointed by Governor Pease to look after the recent Indian depredations, came to town yesterday and made a report of some skirmishes, in which he had one man wounded, and killed 'one Indian that he got,' and perhaps one more. Five citizens of Brown County have been killed and three hundred and twenty-six horses driven off. The frontiersmen are retreating to the settlements, and the greatest consternation prevails.

\* \* \* \* \*

"A bill passed both branches of the legislature yesterday authorizing the governor to call out one hundred rangers for the protection of the frontier, and appropriating \$70,000 for the purpose.

"This is a step in the right direction. What with the Utah war and Kansas, the United States fails to afford Texas the protection necessary to save the scalps of our citizens. Let us therefore protect ourselves and charge the bill to Uncle Sam. The legislature has nobly performed its duty; let the governor see to getting the right sort of men." (*Ibid.*, 13.)

With the flourishing article above quoted, and in the events following its issue, the companies of Carmack, Conner, Hodges, and Frost, as well as the services rendered by them, seemingly sunk into insignificance, as the evidence found, and to be hereafter referred to, does not appear to historically bear any relation to these four companies

#### CLASS VI.

By an act of January 27, 1858, the legislature appropriated \$70,000 to "pay Capt. John S. Ford's companies" (137), and these will presently appear in the field.

By a joint resolution approved January 28, 1858, the State set forth its grievances

on account of Indian forays, and from the general government sought protection for the citizens, and suggested that certain restrictions should be enforced concerning the Indians on the Texas reserves. (House Executive Document No. 27, second session, Thirty-fifth Congress, page 13.)

On that same date the governor appointed and commissioned John S. Ford as captain (84). He was instructed and directed to take command of the troops in the service of the State of Texas called out to protect the frontier; he was authorized to organize "the one hundred additional men," and was ordered as follows:

"In all matters pertaining to your duties as commander of the State troops, you will co-operate with the officers of the Regular Army, if expedient, convenient, or practicable; also, with the Indian agents. The interests of the frontier require the existence of a good understanding between the officers of this State and those of the United States, as well as concert of action, when it can be had without detriment to the efficiency or the good of the State service. \* \* \* I impress upon you the necessity of action and energy. Follow any and all trails of hostiles or suspected hostile Indians you may discover, and, if possible, overtake and chastise them if unfriendly." (*Ibid.*, 14.)

January 30, 1858, the department commander transmitted to Army Headquarters an account of Indian depredations south of Belknap, and stated:

"All the disposable force of cavalry from Camp Verde, Fort Mason, Camps Colorado and Cooper, have been ordered to that part of Texas, leaving other portions of the frontier, in some measure, unprotected. This is all I can do with the present force. This is the first time in a number of years that the Indians have committed depredations in that vicinity." (*Ibid.*, 12.)

On the 2d February, 1858, the governor wrote to the department commander, inclosed a copy of the orders issued to Ford, tendered the troops to the government through the general (Twiggs), and requested that they be recognized and mustered into the service of the United States. (*Ibid.*, 14.) The general replied on the 7th:

"There is no authority by which I can accept the services of the company of State troops without first referring the matter to the War Department; this reference will, however, be immediately made." (*Ibid.*, 15.)

On the 8th and 9th February, 1858, State commissions were issued to Lieutenants Burleson and Pitts, of Ford's company (85). In March, 1858, the governor requested the President of the United States to authorize the employment of Texas volunteers to take the place of regular forces reported as ordered to be removed from the Texas frontier at an early day. (*Ibid.*, 16.) To this the Secretary of War replied:

"It is believed that the regiment of mounted volunteers authorized to be raised for service in your State under the act of April 7, 1858, will be sufficient to replace the Second Regiment\* of Cavalry, ordered from Texas to Kansas." (*Ibid.*, 16.)

The regiment of Texas volunteers authorized by the aforementioned act does not appear to have been raised, for the reason that Congress did not make appropriations to meet the expenses which would follow. By reference to correspondence in January and February, 1860, it will be seen that the War Department was at that time asked by the Senate Military Committee to send in estimates of the amount necessary to pay, arm, and support the regiment for one year. The estimates were transmitted, but no subsequent action appears to have been taken. (Senate Document No. 21, pages 20, 21, first session Thirty-sixth Congress.)

On the 21st May, 1858, Lieut. A. Nelson, of Ford's Texas Rangers, reported two engagements in which his command operated against Comanche Indians, on the 12th instant, on the north side of the Canadian River. Elated at a success, he remarked:

"In this, as their first engagement, both officers and men under my command bore themselves gallantly, and as men sensible they had to maintain the character of Texan Rangers." (House Executive Document 27, second session Thirty-fifth Congress, page 21.)

The particulars of these engagements are detailed in Captain Ford's report of May 22, 1858, from which it appears that his command, together with certain Indian allies from the Texas reserves, passed into the Indian Territory, and there the spies of the expedition, who had discovered Comanche Indians "running buffalo," had gotten a correct notion of their camp by watching the pack-animals as they transported buffalo-meat to it. The captain reports:

"I prepared to move upon the enemy without delay. When we reached the Fort Smith and Santa Fé road, we saw Comanches moving about in the valley beyond the "divide," apparently unconscious of our proximity. When they had gone we resumed our march, confining ourselves to the low grounds and ravines, to keep out of sight."

The next morning a small "camp of five lodges was discovered and taken. Two Comanches fled toward the Canadian, and were followed by the whole command at nearly full speed." In pursuing the two Indians another camp was discovered, surprised, and the enemy routed. The head chief, Iron Jacket, appeared in gorgeous array, but "fell riddled with balls." The second chief was also killed, and the Co-

\* This regiment continued on duty in the State July, 1858. (*Ibid.*, 23.)

manches were pursued and punished until the pursuers' horses were exhausted. To sum up the affair from the captain's remarks:

"The forces of the enemy in these two engagements amounted to upward of three hundred. The captured camp had seventy lodges and fires. The other party numbered over one hundred. Our entire force was two hundred and thirteen. The loss of the enemy, ascertained by actual count of those remaining on the field, was as follows: First engagement, killed 69; second engagement, killed 7; total, 76. Our loss, first engagement, killed 1, wounded 2; second engagement, killed 1, wounded 1; total killed 2, wounded 3.

"The enemy had many wounded, but it was impossible to ascertain the number, and therefore no guess at it will be made.

"We captured over three hundred head of horses; most of them are in possession of friendly Indians; some fifty or sixty are in the hands of my men. There are few, if any, American horses among them. We took eighteen prisoners, mostly women and children.

\* \* \* \* \*

"The conduct of the men under my command was characterized by obedience, patience, and perseverance. They behaved, while under fire, in a gallant and soldier-like manner, and I think that they have fully vindicated their right to be recognized as Texas Rangers of the old stamp." (*Ibid.*, 17.)

General Twiggs arrived at headquarters and assumed command of the department on the 1st of June, 1858, and on the following day inclosed to the Adjutant-General of the Army a copy of Ford's report of the "two engagements" in the limits of the Cherokee country. (*Ibid.*, 17.)

Captain John S. Ford wrote from the Brazos agency to the governor, under date of July 5, 1858, referred to the arrival of two reserve Indians, "who had been sent to the tribes east of the Red River to learn, if possible, the parties who committed the depredations in Jack and the adjoining counties in May and June; and after detailing certain reports obtained, he stated:

"The continued and unaccounted-for absence of the Kickapoos and Keechis and other circumstances point to these people as the prime movers of the murders and depredations recently committed in Jack and the contiguous counties." (*Ibid.*, 29.)

\* \* \* \* \*

"There can be no doubt of the existence of an alliance between the renegade Kickapoos and Keechis and the northern Comanches in making war upon Texas.

"The two messengers also learned that the different bands of Comanches had recently held a council and agreed to consolidate the seven bands into one, under the leadership of the nephew of the late chief Pa-bah-yu-cah. They have made treaties with all or nearly all the tribes residing east of Red River, and the head-chief has taken all the women, children, and old men into the Creek country, which he deems a place of safety for them. The other six bands are to continue the war upon the people of Texas and the reserve Indians. In the event of being hard pressed, they contemplate, beyond doubt, falling back upon their head-chief at a point inaccessible to their enemies, and thus they will convert the people affording the refuge and their countenance—their allies to all intents and purposes. Should I be continued in the service, I should not hesitate to move upon the point occupied by the head-chief of the Comanches, and chastise him and any others interfering or aiding in the matter adversely.

"These facts corroborate and substantiate others already reported to you, and indicate the necessity of inaugurating prompt and efficient measures to give protection to the frontier, and to punish the parties who have grown rich by trafficking in the spoils wrested from our unprotected citizens. They cannot, in justice to the frontier, be overlooked; you will pardon me for again insisting upon the necessity of having a large force in the field, and the good results to be anticipated from a fall or winter campaign against our combined enemies. This, in my belief, affords the only sure plan to secure Texas against the inroads and ravages of her savage and relent (*Ibid.*, 31.)

General Twiggs, to Army Headquarters, July 6, 1858, wrote:

"The Second Cavalry remains at or near Belknap. If they are intended to be placed under the orders of the department commander for the defense of this frontier, I would respectfully recommend a change of policy with the Indians. For the last ten years we have been on the defensive. I would suggest that it would be better not to detach the regiments to the posts as formerly, but send two detachments (say four companies each) into the Indian country, and follow them up winter and summer; thus giving the Indians something to do at home and taking care of their families, and they might possibly let Texas alone. I think the experiment worth making. Guides and trailers, I am informed by the agent, can be had from the Indian reservations in Texas." (*Ibid.*, 23.)

The foregoing suggestion received the approval of the General-in Chief on the 22d July, 1858. (*Ibid.*, 23.)

In the mean time (on the 9th July) the governor of Texas had inclosed to General

Twigg's a copy of Ford's report of July 5, 1858, and expressed his apprehensions that disturbances of a serious character would soon arise on the frontiers from incursions of Indians, "now the more exasperated because of the recent retribution visited on them for the many outrages perpetrated during last winter and spring." (*Ibid.*, 27.)

On the 10th the governor wrote to the Secretary of War, stating:

"The disbandment of the little band of rangers which has been stationed on the frontier will take place about the 1st of August, and, I fear, will occasion great consternation and alarm to the exposed settlements unless prompt action should be taken by the general government in substituting an active and effective force in their stead." (*Ibid.*, 26.)

July 27, 1858, General Twigg, to Headquarters of the Army, wrote:

"I respectfully ask permission of the General-in-Chief to detach three or four companies, in the fall, to leave on the 15th of September, to go into the Indian country and follow up the Comanches to the residence of their families, this command to remain some three or four months, or until spring. It is necessary to have the order of the General-in-Chief, as the command might find it necessary to follow the Indians into another department.

"I intend, if the permission is given, to put the command under Major Van Dorn.

"The Second Cavalry being concentrated at Fort Belknap has, in my opinion, restrained the Indians from retaliating on the settlements for the attack on them by the Texans lately." (*Ibid.*, 24)

The Dallas Herald published a communication of July 20, 1858, from A. C. Love, Oil Springs, Chickasaw Nation. The editor, in commenting upon the affairs set forth, stated:

"We think that a vigilant lookout ought to be kept up, and that the movements of the northern Comanches ought to be watched constantly. The Indians are exasperated at their defeat by Captain Ford. They must be 'wiped out,' as Mr. Love expresses it, or they will have terrible revenge." (*Ibid.*, 32.)

Further propositions were submitted by General Twigg to Army Headquarters under date of August 4, 1858, in relation to offensive operations against the Indians. (*Ibid.*, 25.)

August 9, 1858, the governor inclosed to the Secretary of War a copy of Captain Ford's report and suggestions of the 5th ultimo, and, as the executive of the State, demanded from the general government protection for the citizens on the frontiers of Texas. He wrote:

"The existing state of affairs cannot be endured, and Texas will not much longer acquiesce in silence, little as it may be believed by those from whom she claims a proper consideration." (*Ibid.*, 29.)

From the rolls filed with the vouchers it appears that Ford's command was as follows:

Officers.	Aggregate force.	Time of service.	
		From—	To—
John S. Ford, captain and four lieutenants.....	135	Jan. 10, 1858	Aug. 10, 1858
John Williams.....	*20	May 24, 1858	July 24, 1858
William G. Preston.....	94	Apr. 20, 1858	June 30, 1858
W. N. P. Marlin.....	34	July 15, 1858	Nov. 15, 1858

\* This company the governor specially authorized (86) in May, 1858, and disbanded (89) in July, 1858.

Further evidence concerning the history of the foregoing organization is not found.

CLASS VII.

August, 1858.

9th.—Captain William E. Prince, United States Army, to Texas department headquarters, wrote:

"Wichita chiefs report that large bands of Comanches, Apaches, Cheyennes, and other wild tribes of Indians are collected on the Canadian, near the Antelope Hills, professedly for hostile purposes, and \* \* to make an incursion upon the frontier of Texas." (Page 35 of House Executive Document No. 27, Thirty-fifth Congress, second session.)

9th.—General Twigg renewed his remarks concerning the proposed Van Dorn expedition, and stated:

"For the last ten years the troops in this department have been acting mostly on the defensive. The Indians will not remain quiet, and they must be made to feel the power of the United States." (*Ibid.*, 24.)

12th.—The governor inclosed to the Secretary of War the (Love) slip from the Dallas Herald in regard to the intended movements of the Indians. (*Ibid.*, 31.) The receipt of this was acknowledged by the War Department on the 28th following. (*Ibid.*, 34.)

24th.—General Twiggs sent to Army headquarters the Prince letter of the 9th, and inclosed a newspaper paragraph headed, "Indian depredations; four men killed; occurrences near Fort Davis."

The general stated:

"Fort Davis is one hundred and eighty miles from Fort Lancaster. This extreme distance is without any military post. It is between these points most of the depredations on this road are committed. The road from this to El Paso is traveled almost daily, and large amounts of property transported on packs and trains. The San Diego mail makes two trips a month to San Diego from this place (San Antonio). It is important that this road be well guarded, but I have not the force to do it." (*Ibid.*, 34.)

September, 1853.

2d.—Lieutenant Van Camp, United States Army, reported concerning his attempt and failure to enforce order at the Comanche Agency on the Clear Fork of the Brazos." (*Ibid.*, 38.)

17th.—General Twiggs, to Army headquarters, wrote:

"Indications along the frontier, as well in Texas as outside, augur a general war with the Comanches, Kickapoos, and such other hostile tribes of Indians as they can induce to join them, and that they will operate united against the frontier of Texas. It is said a council of the different tribes has been held this summer, and such was the determination.

"From the Rio Grande reports are numerous of depredations and murders in Mexico. The river is, of course, no barrier to their crossing on this side, as the Rio Grande can be forded at this season of the year anywhere. Major Van Dorn's command is smaller than I could wish, but it is all that he can be safely spared from the department at this time. The inclosed report, from Lieutenant Van Camp, of the Second Cavalry, shows the feelings of the Comanches on the reserve." (*Ibid.*, 36.)

18th.—Sixty-one citizens of Wise and Montague Counties joined in a petition, representing the deplorable condition of affairs in their section of country; referring to Indian depredations committed upon the settlers, to their "having despaired of receiving protection from the United States," to the depopulation of Montague County, and to the general distress prevailing about their neighborhoods. The citizens concluded by announcing their determination to organize a company for "self-protection"; but they desired the governor's sanction and co-operation in the matter. (*Ibid.*, 61.) The petition was inclosed to the governor in a letter from H. Bishop, indorsed by H. H. Gaines, giving additional particulars. (*Ibid.*, 62.)

26th.—Van Dorn's command was at a camp on Otter Creek, Cherokee Nation, and from there the major reported as to his intentions. (*Ibid.*, 48.)

October, 1853.

1st.—The command had an engagement with the Comanche Indians. Lieutenant Van Camp and three men were killed, and Van Dorn, Captain Ross, and eight soldiers wounded; forty-four Indians were killed and some women and children taken prisoners. (*Ibid.*, 49-50.)

4th.—One hundred citizens of Cook, Montague, and Wise Counties joined in a petition to the governor, setting forth that murders and thefts had been committed in their vicinities by Indians, and asked for a company of a hundred men to range in these counties. (*Ibid.*, 64.) This petition was inclosed to the governor by his friend E. C. Palmer, who stated:

"There is no humbug about it. It is all the men can do to protect their stock and their families; they cannot go out after the Indians; they are all looking to you for a little help immediately, and you will gain a great credit by assisting. It is their wish that you send Captain Ford, if he is convenient, with orders to enlist a company in these or the adjoining counties. This country is settling up very fast; a large emigration is expected from Missouri, and the slaveholders from Kansas." (*Ibid.*, 66.)

4th.—The petition of September 13, 1853, having reached the governor, he wrote to Col. James Bonrland, of Cook County, expressing pleasure at an article in the Dallas Herald, showing that the colonel had taken the matter of protection in hand, and, with a number of citizens, "had determined to follow up and punish the Indian enemy." (*Ibid.*, 42.)

The governor inclosed to the colonel a commission (91) as captain, and authorized him to raise a company of seventy-nine men, rank and file, and delegated to him powers of an extraordinary character; for which see pages 41 to 43 of House Execu-

tive Document No. 27, of the Thirty-fifth Congress, second session, or the papers hereunto annexed, numbered 90 and 91.

5th.—Van Dorn, having sufficiently recovered from his wounds, wrote a detailed report of his engagement of the first instant. (*Ibid.*, 51.)

7th.—General Twiggs apprehended that a "serious blunder" had been made somewhere, as he had learned that a treaty was made with the Comanches, Wichitas, &c., while he was fitting out an expedition against them. (*Ibid.*, 40.)

14th.—Ben. Hubert offered observations of depopulated counties. (*Ibid.*, 66.)

18th.—General Twiggs forwarded to Army headquarters Van Dorn's report and commented thereon. (*Ibid.*, 48.)

18th.—James Bourland accepted the commission from the governor and reported Indian depredations, asserting that the Comanches were fearfully in earnest concerning their warfare against Texas. (*Ibid.*, 55.)

Van Dorn's command rested at camp on Otter-Creek, Cherokee Nation. (*Ibid.*, 58.)

22d.—General Twiggs, to Army headquarters, wrote:

"I consider there is now a crisis in the Indian affairs of this frontier, and if I had the means to prosecute a vigorous campaign against them, much good would be the result. The Comanche Indians should be thoroughly chastised, or there will be no peace or security to Texas." (*Ibid.*, 53.)

25th.—Reports made to the governor: Joshua Jackson, wife, daughter, and a child murdered, and two girls of the same family carried off by Indians. (*Ibid.*, 67 and 68.) Fifty-five citizens of Lampasaa County, citing the above, petitioned the governor to grant them a company. (*Ibid.*, 70.)

27th.—The governor wrote to the Secretary of War, hoping the general government would provide to meet the expenses of Bourland's company (*Ibid.*, 54), and to General Twiggs concerning the Jackson murders, and aid required. (*Ibid.*, 57.)

28th.—A district court adjourned, "and the court and juries and many citizens" started in pursuit of Indians. (*Ibid.*, 69.)

30th.—Business suspended; families "forted"; a young lady found butchered; Indians pursued, one killed; some clothing of Jackson family recovered; alarm and confusion prevailing. (*Ibid.*, 70.)

30th.—General Twiggs transmitted to Army headquarters the governor's request of 27th, and stated: "No troops available" to meet the request except one company of cavalry supposed to be already "in pursuit of those Indians." (*Ibid.*, 56.)

November, 1858.

1st.—General Twiggs reported Van Dorn's position; had sent re-enforcements; action and energetic operations necessary; frontier stripped of nearly all the mounted force; a very hazardous move; understopped Comanches crossed into Mexico; shall pursuit follow into Mexico? In absence of instructions will order them pursued across the Rio Grande. (*Ibid.*, 57.)

2d.—Governor authorized John S. Ford to raise a company of rangers, to rendezvous at Austin. (*Ibid.*, 71.)

Governor, to Secretary of War, inclosed evidence of depredations and "letters of Capt. John Williams and Lieutenant Cowan, officers of a company of volunteers organized for the immediate protection of their homes." He stated:

"I have, therefore, under the existing emergency, authorized, in addition to the order issued to Captain Bourland, Capt. John S. Ford to raise a company of eighty-nine men, with instructions to repair without delay to the point of danger and give such protection to the inhabitants as he may be able therewith. In conclusion, I can but express the hope that the government will recognize these companies and cause an appropriation for their pay and subsistence to be made by Congress at its present session; and, if not, that such other effective measures may be adopted at an early day as will render their presence no longer necessary in the field." (*Ibid.*, 60.)

9th.—General-in-Chief, to Twiggs, regrets additional troops cannot be sent to Texas; purposes to send recruits. (*Ibid.*, 54.)

10th.—Ford and his lieutenants commissioned (94.)

15th.—Van Dorn expedition heard from. (*Ibid.*, 72.)

18th.—General Twiggs wrote:

"The experiment of following the Comanches into their country so far is attended with good results. None have been on the frontier since Major Van Dorn went into that country, with one exception, and that was the party that murdered the family in Brown County." (*Ibid.*, 73.)

19.—General-in-Chief, to General Twiggs, sanctioned the pursuit, if necessary, of hostile Indians into "another department" by troops of the Department of Texas. (*Ibid.*, 59.)

26th.—General Twiggs expressed regret at not being able to obtain re-enforcements; Van Dorn's horses, much reduced, to be recruited; Comanches out of reach; will probably remain so until the cavalry leaves their country, "when the same scenes will be

enacted over again that have been on the Texas frontier for the last ten years. The inhabitants of Texas cannot be protected by the present force in the department." (*Ibid.*, 73)

26th to 28th.—Van Dorn's command to be in the saddle on the 1st proximo (*Ibid.*, 73) to "hunt" Indians. (*Ibid.*, 74.)

December, 1858.

8th.—The Comanches will in all probability not trouble the frontier of Texas this winter. Permission given to Van Dorn to winter at Fort Belknap with a portion of his command. (*Ibid.*, 76.)

9th to 12th.—Scouting parties sent out from Van Dorn's command; no Indian signs. (Page 356, Senate Document No. 2, Thirty-sixth Congress, first session.)

13th.—General Twiggs reviewed his past reports and submitted plans for future operations. Purposed to next spring break up all the posts except those on El Paso mail-route, and to concentrate the infantry at some point near the Indian country. Expressed his views in relation to the Comanche Indians. (Page 76, House Executive Document No. 27, Thirty-fifth Congress, second session.)

January, 1859.

13th.—General Twiggs's plans submitted to General Scott, in substance; to break up posts at Fort Brown, Ringgold Barracks, and Fort McIntosh; increase garrison at Fort Duncan; part of infantry to protect San Antonio and El Paso mail-route; rest to be concentrated at Camp Cooper, on Comanche Reservation; suggested that, in order to govern Comanches near Chihuahua, in Mexico, where "there is now no government," a portion of her territory should be taken possession of by the United States. (Page 5, House Executive Document No. 52, first session Thirty-sixth Congress.)

13th.—General Scott forwarded the plans above mentioned for executive consideration, and approved the suggestion in relation to the Comanches. (*Ibid.*, 6.)

19th.—The Secretary of War instructed General Twiggs "that it is inexpedient to allow the troops in pursuit of the Indians to pass beyond the borders of the United States." (Page 355, Senate Document No. 2, Thirty-sixth Congress, first session.)

30th.—Fort Belknap to be broken up by command of General Twiggs. (*Ibid.*, 355.)

31st.—The latter suggested the enforcement of an order "declaring the Comanches hostile whenever found off the limits of their reservations without proper permission, and requiring the troops to punish them accordingly." (*Ibid.*, 355.)

February, 1859.

5th.—General Twiggs wrote:

"It is known that a portion of the Indians that were attacked by Major Van Dorn, in October last, crossed the Rio Grande into Mexico. They are located on a lake eighty miles southeast of Chihuahua. The number of Comanche warriors around that lake is estimated from seven to eight hundred. It appears there is a tacit understanding between them and the Mexicans not to molest each other except in extreme cases. They will, no doubt, commence their operations on the Texas frontier as soon as the grass will subsist their animals. These Indians ought to be broken up and be made to feel that the only security for them is in their good behavior. (*Ibid.*, 358.)

5th.—Captain Lee reported five government mules stolen from Fort Quitman last night by Indians, who fled across the Rio Grande. (*Ibid.*, 360.)

5th.—Ringgold Barracks and Forts McIntosh, Mason, and McKavett to be abandoned by order of General Twiggs. (*Ibid.*, 259.)

6th.—Fifty-eight horses stolen from Dr. Isabel, in the Frio Cañon by Indians, whom a detachment of regulars pursued on the 9th and overtook on the 13th. Three of the six thieves were killed. Of the horses, forty-nine were retaken and nine were killed. (*Ibid.*, 361.)

16th.—Indians on the other side of Rio Grande turning their attention to the El Paso road. (*Ibid.*, 360.)

21st.—The chief justice of Mason County complained of Indian visits made to his county after Fort Mason was broken up, and asked the governor for troops. (Page 9, House Executive Document No. 52, Thirty-sixth Congress, first session.)

22d.—An engagement reported between regulars and Indians on the San Diego mail-route about seventy-five miles northwest of El Paso. "This is the third time, within the past thirty days, that Indians who are in communication with Mexico have made their appearance at different points along this route." (Page 361, Senate Document No. 2, Thirty-sixth Congress, first session.)

24th.—Comanches near Fort Arbuckle; two killed by detachment of regulars. (*Ibid.*, 381.)

24th.—John S. Ford, at Brazos Agency, was preparing to pay off Lieutenant Marlin's command; heard of a party of Indians passing up country with about one hundred and twenty horses stolen from Caddo Indians; at once commenced to organize an expedition; enlisted Lieutenant Marlin and some of his men for the trip; American horses also stolen. (Page 10, House Executive Document No. 52, Thirty-sixth Congress, first session.)

27th, 28th.—Comanches near Fort Arbuckle committing depredations. (Pages 381, 384, 385, Senate Document No. 2, Thirty-sixth Congress, first session.)

28th.—More Comanches killed by regulars near Fort Arbuckle. (*Ibid.*, 385.)

*March, 1859.*

4th.—James Bourland reported concerning the operations of his command. (Page 10, House Executive Document No. 52, Thirty-sixth Congress, first session.)

9th.—Citizens of Brownsville petitioned the Secretary of War to give them security of life and property by ordering the reoccupation of Fort Brown and Ringgold Barracks by United States troops. (*Ibid.*, 12.)

15th.—The governor desired the Secretary of War to adopt measures for the payment of the companies of Ford and Bourland, they to be kept in the field. (*Ibid.*, 8.)

18th, 19th.—Governor communicated with General Twiggs, who replied that the settlement of "the existing difficulties between the citizens of Texas and the reserve Indians, who are known to be friendly, is a purely civil matter, with which I have nothing to do further than to aid the proper officers in carrying out the laws. (Pages 362, 363, Senate Document No. 2, Thirty-sixth Congress, first session.)

19th.—Governor communicated with Bourland about rolls and recruits. (103.)

21st.—Messrs. Hemphill and Ward, to the Secretary of War, believed there were "mischief and calamities likely to follow the removal of the troops from Fort Brown, Ringgold Barracks, and Fort McIntosh." (Page 11, House Executive Document No. 52, Thirty-sixth Congress, first session.)

24th.—R. S. Neighbours apprehended that a party of Texans contemplated an attack on the Indians at the Brazos Agency. (Page 363, Senate Document No. 2, Thirty-sixth Congress, first session.)

28th.—General Twiggs explained about posts broken up, and stated:

"There is not nor ever has been any danger of the Mexicans crossing on our side of the river to plunder or disturb the inhabitants, and the outcry on that river (the Rio Grande) for troops is solely to have an expenditure of the public money. At every post that has been abandoned in Texas an outcry has been raised, and plenty of Indian signs seen; the citizens in the vicinity of those posts are very unwilling to lose the opportunity of handling a portion of the money necessarily expended by the government and troops." (*Ibid.*, 362.)

28th.—Reserve war over for the present; "men embodied was about one hundred, from Jack, Palo Pinto, and Wise Counties." (*Ibid.*, 363.)

*April, 1859.*

5th.—The Secretary of War authorized General Twiggs to enforce hostilities against all Indians found off their reserve within his department. (*Ibid.*, 357.)

*May, 1859.*

13th.—Regular troops operated successfully against Indians. (*Ibid.*, 365-368.)

21st.—Citizens again in arms against the Brazos Reserve Indians; one of the latter hanged; Ex-Indian Agent John R. Baylor commanded the citizens; had determined to destroy the Indians on this and the upper reserve if it cost the life of every man in his command; citizens withdrew to Marlin's ranch; "it was believed that Baylor would join with Nelson," and attack the Comanche Reserve.

56th.—Maj. George H. Thomas, at Camp Cooper, Texas, wrote:

"I was told this morning, by a gentleman who resides near Austin, that there was the greatest excitement throughout the lower counties and that the people were arming with the avowed intention of attacking and breaking up both reserves. All civil authority seems to be at an end. The May term of the district court of Young County cannot be held, the judges and other officers of the court fearing to travel through the excited district." (*Ibid.*, 373)

27th.—"I received additional information this morning that over two hundred men were on the road between this and Belknap, and that they were concentrating to attack this reserve" (the Comanche). (*Ibid.*, 374.)

31st.—Reported that two hundred Comanches came over from Mexico and were seen near Comanche Spring, on the El Paso road. (*Ibid.*, 375.)



June, 1859.

2d.—General Twiggs, to the governor, referring to the deplorable state of affairs at the Indian reservations, wrote:

"Nearly all of the United States troops under my command, as you are well aware, are now engaged in active operations in the field against hostile Indian tribes, so that were it their province, I have but a small number left to keep the citizens of Texas from exterminating Indians who are known to be friendly, and who have furnished from their tribes about a hundred warriors to accompany the troops as guides in the field." (*Ibid.*, 374.)

6th.—The governor appointed a board of five peace commissioners to represent the State of Texas and peaceably and lawfully adjust the difficulties at the Brazos Agency. He authorized the board, "in the last resort, to call into the military service of the State one hundred men, for the purpose of preserving the peace and preventing violations of the law between the parties." (105, 106.)

9th.—General Twiggs instructed to furnish an escort for the removal of Indians from the Texas reservations, to the country leased from the Choctaws and Chickasaws. (Page 364, Senate Document No. 2, Thirty-sixth Congress, first session.)

11th.—The department commander to General Scott reported concerning the Comanches seen near Comanche Spring, on the El Paso road, and stated:

"So long as these Indians know that the Rio Grande is the limit beyond which the United States troops cannot pursue them will the State be infested by these marauders from foreign territory." (*Ibid.*, 375.)

22d.—General Twiggs acknowledged receipt of order of 9th instant, and wrote:

"A compliance with the instructions will necessarily leave a portion of the frontier without adequate protection." (*Ibid.*, 375.)

25th.—General Twiggs, to the Adjutant-General, wrote:

"I am at a loss to know what kind of a guard to send with the reserve Indians, whether cavalry or infantry. If it is to protect them from Texans, a small detachment is sufficient, as the Texans will not follow the Indians out of the limits of the State; if from the Indians on the prairie, less than four companies will not be sufficient. I do not wish to break up any of the posts on the El Paso road, as the Indians in Mexico, across the Rio Grande, ought to be kept in check, if possible. I do not think there are twenty hostile Comanches in Texas, but they can come in a few hours from the other side of the Rio Grande." (*Ibid.*, 376.)

July, 1859.

6th.—General Twiggs wrote:

"I do not believe there is at present in this State any considerable number of Comanche Indians; there may be some small parties for horse-stealing, &c." (*Ibid.*, 376.)

8th.—Inquiry, concerning disposition to be made of six Comanche prisoners, answered August 5, 1859. (*Ibid.*, 377.)

13th.—Disturbances at Brownsville, in executing a warrant, will presently be especially referred to under a heading, "Juan N. Cortinas."

14th.—The War Department decided to protect the reserve Indians by force, if necessary. (107.)

16th.—General Twiggs notified of the decision of the 14th (page 365, Senate Document No. 2, first session Thirty-sixth Congress), and instructed to send two companies with the reserve Indians. (*Ibid.*, 375.) (108.)

September, 1859.

1st.—Indians reported to be near Laredo, "exhibiting no fear whatever." Page 30, House Executive Document No. 52, second session Thirty-sixth Congress.)

8th to 9th.—Indians appeared on the Pendencia, thirty-five miles southwest of Eagle Pass, where they destroyed everything in and about two houses, occupied by three families; killed a Mr. Warman; ravished two daughters, one of six and the other of ten years, in presence of their mother (Mrs. Hunter); beat out the brains of the three females; crushed an infant to death, and, taking its mother with them, crossed the Rio Grande. The reporter (William Stone) concluded by stating:

"While there were troops at Fort Duncan there was never an instance of women and children being massacred, at least not in this vicinity—Eagle Pass." (*Ibid.*, 17-28.)

10th to 15th.—Two companies, one of twenty-two, the other of eighteen citizens, sent in pursuit of the Indians. (*Ibid.*, 29.)

16th.—General Twiggs reported to Army headquarters the murders above referred to. (*Ibid.*, 16.)

17th.—Three parties of Indians reported near Laredo, committing depredations, and volunteers organizing to drive them out of the country.

22d.—Dallas Herald. William Stone, captain of volunteers, in pursuit of Indians. "The merchants at Eagle Pass threw open their stores, and generally told the volunteers to help themselves to supplies." (*Ibid.*, 19.)

22d.—William Stone, reporter of the outrages on the 8th and 19th instants, "is a man whose statements may be relied on."

"This, in my opinion, is only the commencement of outrages by Indians from the Mexican side of the Rio Grande."—General Twiggs. (*Ibid.*, 16.)

October, 1859.

1st.—John L. Haynes dwelt upon the early history of operations on the Rio Grande, and urged the recognition of certain military posts. (*Ibid.*, 24.)

6th.—Hon. John Hemphill, to the President, submitted the foregoing of the 1st instant, with comments. (*Ibid.*, 23.)

7th.—General Twiggs reported concerning small parties of marauding Indians, supposed to be from across the Rio Grande. (*Ibid.*, 31.)

Here the chain of evidence concerning current events connected with Indian operations appears broken, leaving a blank covering several months' time.

Referring to the lists or rolls of troops pertaining to this class, the following appears :

Officers.	Enrolled.		Discharged.		Died.
	No.	When.	No.	When.	
Captain James Bourland	1	Oct. 4, 1858	1	Unknown	
First Lieutenant E. C. Perry	1	Oct. 28, 1858	1	Unknown	
Second Lieutenant A. Boutwell	1	Oct. 28, 1858	1	Jan. 28, 1859	
Third Lieutenant G. H. Fitzhugh	1	Oct. 28, 1858	1	Unknown	
Enlisted men	63	Oct. 28, 1858	1	Nov. 29, 1858	
				Dec. 22, 1858	
				Dec. 25, 1858	
Recruits	2	Nov. 10, 1858	{		
			1		
			52	Jan. 28, 1859	Jan. 11, 1859
Recruits	11	Nov. 13, 1858	{		
			1		
			1	Feb. 28, 1859	Feb. 27, 1859
Recruit	1	Nov. 29, 1858	{		
			1		
Recruit	1	Dec. 22, 1858	{		
			1	Mar. 28, 1859	Mar. 27, 1859
Recruits	9	Jan. 28, 1859	2	April 6, 1859	
Recruits	4	Feb. 7, 1859	31	April 28, 1858	
Recruits	2	Feb. 13, 1859			
Captain John S. Ford	1	Nov. 10, 1858	1	May 10, 1859	
Lieutenant J. R. Gibbons	1	Nov. 10, 1858	1	May 10, 1859	
Lieutenant Aaron Burleson	1	Nov. 10, 1858	1	May 10, 1859	
Enlisted men	87	Nov. 10, 1858	{		
			86	May 10, 1859	
			1	Feb. 10, 1859	
Lieutenant W. N. P. Marlin	22	Feb. 24, 1859	22	April 4, 1859	
Captain J. H. Brown (commissioner)	1	June 23, 1859	1	Sept. 12, 1859	
First Lieutenant J. W. Newlin	1		1	Sept. 1, 1859	
Second Lieutenant J. Y. Carmack	1		1	Sept. 1, 1859	
Surgeon W. E. Oakes	1		1	Sept. 1, 1859	
First Lieutenant W. H. Whitef	1		1	Sept. 12, 1859	
Second Lieutenant J. D. Bell	1		1	Sept. 4, 1859	
Surgeon H. Bradford	1		1	Sept. 4, 1859	
Enlisted men	55		1		Aug. 15, 1859
Recruits	4	July 4, 1859	{		
			4	Aug. 21, 1859	
			15	Aug. 23, 1859	
Recruits	14	July 7, 1859	{		
			1	Aug. 25, 1859	
			19	Sept. 1, 1859	
Recruits	4	July 18, 1859	{		
			36	Sept. 4, 1859	
			1	Sept. 12, 1859	

\* First detachment.

† Second detachment.

Bourland's company was the one authorized by the letters of October 4, 1858, and March 19, 1859, from the governor, who acknowledged receipt of its rolls on the last-mentioned date. Concerning the services of this company there is nothing found further than what appears in Bourland's communications of October 18, 1858, and March 4, 1859. Its existence, otherwise than on paper, was apparently unknown to the United States military authorities in Texas.

Ford's company was the one authorized by the letter of November 2, 1858, from the governor, who commissioned its officers on the 10th of the same month. Nothing further appears concerning the services of this company than is found in Ford's report of February 24, 1859.

Brown's company was one which the peace commissioners on the part of the State were authorized to call out in the last resort to settle the difficulties at or near the

Brazos Agency. One of the commissioners, John Henry Brown, became captain of the company, and concerning its service nothing further appears.

## CLASS VIII.

The history of the troops employed under this classification renders it necessary to turn to certain records of Congress and trace events therein noted. For convenient reference, let marks appear to represent the books selected, as follows:

- A.—Senate Document No. 21, first session Thirty-sixth Congress, vol. 9.
- B.—Report of Committees (H. R.) No. 535, first session Thirty-sixth Congress, vol. 4.
- C.—House Executive Document No. 52, first session Thirty-sixth Congress, vol. 8.
- D.—House Executive Document No. 81, first session Thirty-sixth Congress, vol. 12.
- E.—Senate Document No. 2, first session Thirty-sixth Congress, vol. 2.

Let numbers hereinafter specified be applied to the pages bearing upon the history of this class in connection with Juan Nepouceno Cortinas. This extraordinary character was a soldier under General Arista at the time General Taylor's army arrived on the Rio Grande (D, 2); was at one time lieutenant under Garcia, but being detected selling horses given him for a remount, was dismissed (D, 3); murdered his employer, Mr. Somerville, in 1847; committed robberies in Texas in 1849 (C, 125); had an indictment pending against him in 1850 in the Cameron County court of Texas (C, 123); continued to commit depredations in Texas in 1858; was then an outlaw, and for his numerous robberies was again indicted in the Cameron County court in the spring of 1859 (A, 13); the indictments were hushed or looked over; he visited Brownsville two or three times a month, walked publicly in the streets, and went where he pleased (A, 12); when he came to town he was always well armed or had some of his friends around him, making it dangerous to interfere with him (D, 2; C, 21).

In the spring of 1859 a number of Mexicans of reputed bad character, who infested certain sections of country bordering on the Nueces River, were driven away by a vigilance committee. These Mexicans banded together with Cortinas, and committed depredations thereafter (A, 15). He had a ranch, called San José, a few miles from town, and whenever there was any danger of arrest, he would retire to that place and keep himself surrounded by a band of outlaws as desperate as himself (D, 2).

*July, 1859.*

13th.—Robert Shears, city marshal of Brownsville, was in the act of executing a warrant for the arrest of a disorderly Mexican, when Cortinas appeared, shot the marshal, took the Mexican, set him up on behind his horse, and rode off unpursued. To the marshal, Cortinas subsequently sent messages that he was in command of a company of soldiers at Matamoras, and he offered money to reconcile and compromise the shooting affair (A, 17).

*September, 1859.*

28th.—Cortinas and his band entered Brownsville early in the morning, murdered five citizens, including the jailer, and released ten or twelve murderers or robbers from the jail (C, 31). "The immediate object of the gang seemed to be to execute summary vengeance on all toward whom either Cortinas or any of his gang had private grudge. The party remained several hours in the place, charging through the streets in a most savage manner, calling for many persons whom they did not find, the gang shouting, 'Death to the Americans! viva la republica Mexicana,' and threatening to hoist the Mexican flag on the staff of our deserted garrison" (C, 20).

Cortinas made his headquarters in the deserted garrison of Fort Brown, and sent mounted men hunting up their enemies. He himself rode up to a store and called for spirits of turpentine. At this time General Carvajal made his appearance, sent for Cortinas, had a talk with him, and, with the assistance of Don Manuel Tresiño, induced the villain to leave town (D, 4).

The gang rendezvoused at the ranch of Cortinas's mother, located a few miles above Brownsville (D, 4). From that place Cortinas issued a proclamation on the 30th of September, 1859. (For a copy, see C, 70.) General Twiggs was written to for assistance, and was informed of the prevailing opinion at Brownsville, "That if there had been government troops in the garrison, such a number of men"—between fifty and a hundred—"could not have been induced to have entered the town" (E, 397).

*October, 1859.*

2d.—Eleven citizens of Brownsville recounted the Cortinas affair of September 28, and wrote:

So long as the general government kept a show of its authority by the occupation of its frontier posts along the river, we had no complaint for want of public order or

the necessary municipal protection. Now it is different; we have seen that a single Mexican outlaw can raise a crowd in our midst of several hundred desperate, lawless, and licentious beings, and offend with impunity the most sacred laws of security, peace, public order, and civilization itself (C, 20).

8th.—These statements were reported to the President (C, 33, 34, 35).

10th.—A guard of twenty-two paid men were kept at Brownsville (C, 40).

13th.—The governor gave W. G. Tobin authority to raise a company of "one hundred men, for the purpose of assisting the civil authorities in the county of Cameron in quelling the lawless and bloody disturbances at the city of Brownsville." (See annexed paper, 109.) During this time Cortinas continued to rob settlers to supply the wants of his command, &c. (A, 18). Upon visiting Mexico he was treated well by its people (A, 15).

23d.—He fortified his position and stopped travel (C, 47).

24th.—A force composed of Americans and Mexicans attacked him and was defeated, losing two pieces of artillery (C, 44 and 68).

25th.—The War Department directed General Twiggs to "issue the necessary instructions for the immediate reoccupation of Fort Brown by two companies of artillery" (C, 36).

25th.—New Orleans citizens petitioned the President "for immediate government interposition" (C, 36).

26th.—Cortinas threatened to batter down the houses at Brownsville if certain enemies were not delivered into his hands (C, 69).

*November, 1859.*

1st.—Two companies of regulars at Fort Clark notified to be in readiness to reoccupy Fort Brown (C, 41).

1st.—"The enemy daily increasing" (C, 49).

5th.—Mails stopped and inspected (C, 52).

7th.—Tobin's company *en route* (C, 52).

7th.—Exaggerated statements (C, 49).

9th.—War Department, by telegraph, ordered a company from Baton Rouge to Fort Brown (C, 54).

11th.—General Twiggs magnified the distresses (C, 56).

12th.—Regulars to move in force; Major Heintzelman to command (C, 54).

12th.—The grand jury of Cameron County reported "on the disturbances" (C, 92).

12th.—Brownsville is safe; one hundred and twenty Texas Rangers arrived (C, 61).

14th.—General Twiggs wrote:

"Carbajal has 500 men opposite the town of Rio Grande City, and is always ready to join any side" (C, 56).

17th.—United States troops under Captain Ricketts arrived (C, 62).

21st.—General Twiggs wrote:

"The reports concerning Cortinas prove to be mostly false. The order sending the troops to Brownville has been countermanded" (A, 3).

21st.—Appraiser-General W. P. Reyburn reported the actual condition of affairs as they appeared to an "eye-witness" (C, 64).

22d.—The prompt action of the War Department in dispatching troops reflected honor upon the government. (Hatch, C, 64.)

22d.—Rangers under Tobin, about 250, including Captain Kennedy's and the Indiana company, "again started out to exterminate Cortinas," but were not successful (D, 6).

23d.—"The Cortinas affair is over." (Twiggs, C, 73.)

23d.—Cortinas proclaims, "I am ready for the combat" (C, 80).

23d.—Herald extra: "Cortinas is still carrying on his high-handed outrages." Full particulars (C, 82).

25th.—Letter of this date from Brownsville (C, 84).

25th.—Editorial on Cortinas's last proclamation (C, 78).

25th.—"Nothing reliable from Cortinas." (Twiggs, C, 73.)

28th.—Reliable gentlemen reported particulars to the President (C, 74).

*December, 1859.*

1st.—Capt. James B. Ricketts, First Artillery, wrote from Fort Brown (C, 76).

4th.—Commissioner Navarro reported that on this date Major Heintzelman "completely routed Cortinas's force" (A, 9; but see 14th).

5th.—Major D. D. Vinton reported information obtained through spies (C, 77).

5th.—Major Heintzelman, with his command of 5 officers and 117 men of the Regular Army, entered Brownsville. In Fort Brown were Captain Ricketts and 48 men of the First Artillery (D, 7).

6th.—Captain Tobin, with about one hundred and fifty rangers, placed himself under Major Heintzelman's command (D, 7).

10th.—"Cortinas has 250 men from Mexico, and is in a stockade nine miles above Brownsville" (C, 86).

14th.—Return of troops of the Brownsville expedition (D, 74, or C, 91). Regulars, aggregate, 165; Captain Tobin's company, Texas Rangers, 65; Captain Tomlinson's company, Texas Rangers, 35; Captain Hampton's company, Texas Rangers, 20.

14th.—Expedition moved against Cortinas's bands and "routed his camps" (C, 87, 89).

15th.—Expedition returned to Fort Brown (C, 87).

16th.—Re-enforcements of regular troops ordered to Brownsville by department commander (C, 88).

19th.—Scouts reported "no signs of any of Cortinas's people" (C, 96).

21st.—Expedition left Fort Brown with additional forces, viz. (C, 97), Major Ford's company of Texas Rangers, 55; Captain Herron's company of Texas Rangers, 30 (D, 72). The enemy was routed, and Major Heintzelman reported "the whole country is laid waste. \* \* \* In Rio Grande City Cortinas plundered the stores and murdered several Americans" (C, 98).

27th.—Cortinas's band supposed to be broken up (A, 9).

27th.—Field return of expedition (D, 72).

28th.—Re-enforcement referred to on 16th ordered relieved from the operations of the order of that date (C, 98).

30th.—"No more definite intelligence as to the whereabouts of Cortinas" (C, 99).

#### January, 1860.

12th.—Major Tobin ordered by State commissioners to Brownsville. His command to be mustered out (C, 116). It was "without organization, muster-rolls, or anything like discipline," according to the commissioners' report to the governor (A, 10).

12th.—The State commissioners asked advice of Major Heintzelman concerning the muster-out of Tobin's Texas volunteers (A, 6).

13th.—Evidence of depredations committed by Cortinas's band (C, 123, 127, 128, 129, 130).

15th.—Heintzelman reported:

"The country is full of all sorts of rumors about Cortinas, but they do not merit repeating. Thus far I have not been able to ascertain of there being any force embodied, or even of his having been on this side of the river since the day of his defeat (C, 105)."

21st.—Major Heintzelman reached Fort Brown (C, 106).

29th.—He reported the condition of affairs and decided to remain at Fort Brown until the country became more quiet (C, 106).

31st.—State Commissioner Navarro reported to the governor regarding the situation (A, 4, or C, 117).

#### February, 1860.

2d.—State commissioners asked Major Heintzelman's opinion "as to what force of Texas Rangers will for the present be necessary to be kept in service for the protection of the frontier" (C, 118, or D, 62).

2d.—Answer to above: "In my opinion, the two companies of rangers now in the service of the State are sufficient. I have but one company of cavalry at my disposal, and this force I consider entirely inadequate for the security of the frontier."—Heintzelman (C, 118, or D, 62).

2d.—State commissioners issued special orders to John S. Ford, commanding Texas Rangers on the Rio Grande frontier: "From and after this date your movements, and the troops under your command, will be directed by Major Heintzelman, or other commanding officer of the United States Army on this frontier. You will therefore obey all orders emanating from such officer" (C, 119, or D, 62).

2d.—Major Heintzelman acknowledged two volunteer companies of Ford and Littleton as placed under his orders (C, 115).

3d.—Also reported: "With Captain Stoneman's company, and two companies of rangers in service of the United States, I am endeavoring to protect the country as far as Ringgold Barracks." Had "received instructions from the commander of the department to collect the names of the killed and ascertain the damage done by Cortinas and his command" (C, 109).

4th.—Cortinas on the Mexican side fired on Ford's men at La Bolsa; also, upon the steamer *Ranchero* about half a mile above. Ford decided to cross the Rio Grande (C, 114, or D, 63).

4th.—Heintzelman instructed Ford (D, 96).

4th.—Some rangers under Major Tobin and Captain Tomlinson were fired upon from the Mexican side (C, 115).

5th.—Ford crossed into Mexico; but, upon request of General Garcia, was ordered to return to the Texas side. Garcia was asked to co-operate with United States forces in putting down the marauders (C, 113; D, 66).

5th.—About this time Cortinas retired to La Mesa, six miles back from the river (C, 137).

5th.—General Garcia expressed "the strongest desire to do all in his power to arrest Cortinas and break up his forces" (C, 111).

5th.—Ford recrossed his forces; they and the regulars all camped together (D, 70).

6th.—Tomlinson's company kept in service by State commissioners. Detachments from it accompanied Ford to Mexico (C, 119, 120).

6th.—Cortinas said to be at Bengos, some ninety miles back of Reynosa (D, 97).

6th.—Tobin to the governor reported concerning his command (C, 119).

6th.—Major Heintzelman wrote to the Mexican military commandant at Matamoras (D, 67).

8th.—The governor issued "general orders to all Texans in the service" concerning the loss of horses or arms and the enforcement of discipline (C, 144).

9th.—Major Heintzelman exposed the absurdity of "reclamations" made by a Mexican commandant for certain *jacals* burned in Mexico (D, 97).

10th.—Additional regular troops placed at the disposal of Major Heintzelman (C, 112).

14th.—Texas has at this time in the field "a force supposed to amount to near or quite a thousand men, at State expense" (State resolution B, 2).

15th.—The governor, to the Secretary of War, wrote of the deplorable condition of affairs in the State. Indian troubles unexampled in the last ten years, forays from Mexico, and an empty treasury. Apprehended serious results, "should not the Federal arm be speedily raised and extended in behalf of our suffering frontier" (A, 19, or C, 116).

15th.—State commissioners to the governor reported the causes, origin, and progress of the disturbances on the Rio Grande (A, 9, or C, 120).

20th.—The governor, to the President, through the Secretary of War, referred to the above report of the 15th, and besought the immediate interposition of the Federal army in behalf of Texas (C, 131).

21st.—The Secretary of War directed the commanding officer at Fort Bliss, Texas, to protect American citizens in the vicinity of that post against the banditti (C, 131).

24th.—Col. R. E. Lee, commanding Department of Texas, ordered to resort to the most vigorous measures for the capture of Cortinas and his band, and, if necessary, to pursue them beyond the limits of the United States (C, 133).

25th.—Captain Ford reported:

"Cortinas is not at Mesa at present. He received a notice from Matamoras to enable him to be out of the way when the troops from that point should arrive. They are now almost opposite this camp, and will doubtless report their inability to find the redoubtable baudit general. The same farce was enacted by General Garcia, who, notwithstanding he had an interview with Cortinas, avowed ignorance of his whereabouts" (D, 71.)

28th.—The governor notified: "An officer of great distinction and ability has been dispatched to take command of the Department of Texas. Strong re-enforcements will be sent into Texas soon (annexed paper, 112, or C, 134).

Major Heintzelman reported on the dates following, viz:

29th.—"Cortinas and his followers have dispersed, and I do not believe that another effort will be made by him to collect a force" (C, 137).

#### March, 1860.

1st.—Full statement of operations on the Rio Grande expedition. "Cortinas was now a great man" (D, 2).

1st.—List of persons killed by Cortinas (D, 75).

1st.—Damages accrued, \$336,826.21 (D, 13), or \$336,879.21 (D, 77).

2d.—Col. R. E. Lee, commanding Department of Texas, directed to "notify the Mexican authorities on the Rio Grande frontier that they must break up and disperse the bands of banditti concerned in the outrages which have been committed for some time past in that quarter upon the persons and property of American citizens; and, further, that they will be held by you responsible for the faithful performance of this plain duty on their part" (C, 134).

3d.—The colonel was further directed to employ force to break up the banditti on the Mexican side, if the Mexican authorities failed to do so (C, 134).

5th.—The President sent to the Senate of the United States a communication from the Secretary of War concerning the hostilities on the Rio Grande (A, 1).

7th.—Reports at Fort Brown "that Cortinas is at the rancho of Reystano, a few

leagues above, collecting men to cross over ; also, that he slept last night in Matamoras." "Orders to cross after Cortinas, and the arrival to-day of Company G, Second Cavalry, have created much alarm in Matamoras, and may induce the authorities to act more efficiently" (C, 137).

8th.—Col. Harvey Brown was at Brownsville and reported that then "all was quiet on the frontier." The disturbances were believed to be over and Cortinas to have given up the contest and to have retired into the interior of Mexico. Major Heintzelman has officially reported the war to be ended (C, 139). The correctness of Colonel Brown's report was doubted (D, 93).

8th.—The governor of Texas tendered to the War Department the services of five thousand Texas volunteers (C, 138).

12th.—Additional regular troops ordered to Texas (C, 139).

12th.—Governor Sam. Houston wrote to the President, through the Secretary of War, to vindicate himself from certain misapprehensions, and to obtain, if possible, protection for the frontier, reviewing difficulties past, present, and apprehended (C, 139).

12th.—Colonel Lee wrote :

"I shall proceed at once to the Rio Grande and use every exertion to put an end to these incursions, if they still continue" (C, 145).

14th.—The United States authorities to Governor Houston, declined to accept volunteers, and referred to Colonel Brown's dispatch (paper 115, or C, 145).

15th.—Copies of correspondence of 23th February and 8th and 14th March between the governor and Secretary of War, sent to the Senate and subsequently printed. (See Senate Document No. 24, first session Thirty-sixth Congress.)

15th.—Colonel Lee wrote at San Antonio : "I take my departure this morning for the Rio Grande" (D, 14).

18th.—United States troops operating in Mexico (D, 79, 80, 81).

20th.—All quiet in the section of country near Fort Duncan (D, 82).

21st.—The United States troops returned to the Texas side. Cortinas at Reynosa (D, 82).

24th.—Major Tobin, of the volunteers, wrote a report to the governor concerning Texas troops that accompanied the regulars into Mexico (D, 99).

26th.—Col. Harvey Brown, at Fort Brown, set forth the correctness of his former report and wrote a detailed statement of the difficulties. Pronounced newspaper reports unreliable, &c. (C, 147).

*April, 1860.*

2d.—Colonel Lee notified the Mexican authorities of his authority and of their responsibility (D, 84, 102 ; for reply, see D, 104).

7th.—He also specially notified the civil and military authorities at Reynosa (D, 85). They replied on the 10th (D, 101).

9th.—He issued an order directing his subordinate officers to see that the Mexican authorities fulfilled their obligations (D, 88).

11th.—He, having descended the left bank of the Rio Grande, "found the frontier on the river quiet" (D, 83).

11th.—The governor expressed a desire that the rangers on the Rio Grande should remain under Colonel Lee's orders, provided the general government would assume their payment and subsistence (D, 88).

Colonel Lee wrote :

"I have received no authority from the Secretary of War to receive into the service of the United States any portion of volunteers ; and, though sorry to part with troops that have performed good and efficient service in the disturbances on this frontier, I am yet unable to retain them on the conditions you propose" (D, 89).

The correspondence relative to this class shows that several companies of volunteers operated against Cortinas. They were commanded by Thompson, Ford, Herron, Kennedy, Littleton, Tomlinson, and Hampton, and one, in addition to these, perhaps, was called the Indianola company.

Claims are submitted for only two companies, and from the vouchers they appear as follows :

1. Captain J. H. Hampton's, thirty-seven men, mustered in by Tobin, twenty-eight on the 12th November and nine on the 18th December, 1859 ; all mustered out January 1, 1860. Concerning the nine men, a pencil-note, which appears on the roll, reads : "By reference to Captain Littleton's first muster-roll it will be seen that these men are placed thereon for the same time of service, consequently they should not appear on this roll." Littleton's roll is not submitted.

2. Captain H. W. Berry's, forty-seven men, mustered in by Tobin November 10, 1859 ; mustered out December 20, 1859 ; organized at Victoria. This company is not referred to in the correspondence above noted.

17th.—"The last reliable account of Cortinas was that he was retiring farther into the interior of Mexico. He had with him his family and two men, and was more than

one hundred miles from the frontier. General Garcia informed Major Heintzelman, on the 13th instant, that orders had been given by the Mexican authorities to arrest him (Cortinas) wherever found" (D, 100).

The origin of the Cortinas difficulties is accounted for as follows :

"The origin of the difficulty is owing to a falling out between parties mixed up with private affairs, and is so complicated that it is difficult to ascertain the truth, no doubt much exaggerated, and not improved by demonstrations on the part of some rangers and citizens who have effected nothing as yet."—Ricketts, December 1, 1859\* (C, 76). Captain Ricketts was the first United States commandant who arrived at Brownsville after the disturbances commenced.

#### CLASS IX.

##### *Indian depredations, 1860.*

February 3, "animals of residents in the immediate vicinity of Camp Colorado driven off."

Night of the 17th, "mule-yard at Camp Cooper, over which a sentinel was posted, was broken in and the whole herd driven off. Twenty-three of the animals were recovered by a party sent at daylight in pursuit, but the remainder, forty mules and three horses, were not overtaken. The force at the post was so much reduced by scouts then out that the detachment sent under Lieutenant Love, adjutant of the regiment, was principally composed of the band. The following night, all the animals from the Indian agency, two or three miles distant from Camp Cooper, were stolen." \* \* \* "A citizen residing within two miles of Fort Mason was shot, within one hundred yards of his house, by three Indians on foot." \* \* \* "The troops in the department are posted over a long line of frontier, and yet, from the paucity of their numbers are unable to protect the settlements."—(R. E. Lee, page 135, House Executive Document 52, first session Thirty-sixth Congress.)

On the 7th of this same month "there came fifteen Indians into the neighborhood of Robert Martin, attacking several families, which were defended by brave spirits of the frontier." The Indians, however, killed two women and took two more away as captives. The latter subsequently made their escape, "and reached the settlements entirely naked." (See pages 8 and 9, House Report No. 535 of the Committee on Indian Affairs, first session Thirty-sixth Congress.)

March 8, Major Van Dorn, at Fort Mason, wrote concerning reports of Indian depredations committed in that vicinity, and referred to the reduced force under his command and to their inefficiency for service. (Page 79, House Executive Document No. 81, first session Thirty-sixth Congress.)

March 9, the governor issued an order that "the chief justice of each county in danger from the Indians will organize a minute-detachment in his county," to protect the inhabitants of their respective counties from Indian incursions. (Page 143, House Executive Document No. 52, first session Thirty-sixth Congress.)

March 12, the governor explained his position in relation to calling out volunteers, and wrote:

"I cannot but urge most earnestly the calling out of a regiment of rangers by the Federal government to protect the lives and property of our citizens." (*Ibid.*, 139-142)

By an act of Congress approved April 8, 1858, a regiment of Texas volunteers was authorized; but, as an appropriation for the support of such an organization did not appear, that force was not raised. Hence the correspondence in relation to an appropriation sought in 1859, found in papers 98 to 102, hereunto annexed.

April 13, E. W. Cave, secretary of the State, wrote to Hon. John Hemphill:

"Notwithstanding the fact that we have now in the field a minute-detachment in almost every frontier county, the depredations continue.

"The utmost vigilance is kept up; active scouts are continually out in about twenty counties, besides the force which has been sent from the interior, but Indians still are seen and losses are daily reported.

"About five hundred men will make an expedition against the Indians, starting from Fort Belknap on the 1st of May.

"Texas has now over one thousand men in the field. The treasury will not hold out long if this drain upon it continues.

"The people look to Congress for aid." (See page 105, House Executive Document No. 81, first session Thirty-sixth Congress.)

April 14, Governor Houston wrote a lengthy communication to the Secretary of War, dwelling upon the efficiency of Texas Rangers when operating against Indians, show-

\* We have come to the conclusion, from our observation and from testimony of divers persons, that the difficulty was originally occasioned by a private feud between Juan Nepomuceno Cortinas and sundry individuals of the county of Cameron (C, 120, 124, State Commissioners' Report; also C, 136).



ing his views of the necessity for their employment, and informing the general government that the State at that time employed the following, viz :

23 detachments of 15 men each, with a reserve of ten men each, force.....	575
3 companies of 70 men each, force.....	210
4 companies of 40 men each, force.....	160
4 companies of 90 men each, force.....	360
<hr/>	
34 organizations, total force.....	1,305

He deplored the misfortunes of the bleeding frontier, and stated :

"Believing that when the facts are presented to Congress the dictates of humanity will rise above all party or personal considerations, I yet look for aid from that quarter. The American heart must feel for a people of like race and kindred ; and though sectional considerations may prevail at times, they will, I believe, be forgotten when the catalogue of barbarities by which our frontier has been devastated is remembered." (*Ibid.*, 90-95.)

Notwithstanding the statement above, that thirty-four organizations, making an aggregate force of one thousand three hundred and five men, were employed during the times referred to in this class of facts, yet upon turning to the vouchers or rolls submitted by the State only one company appears. It is reported as follows :

Officers and enlisted men.	Aggregate force.	Enrolled or mustered in.	Discharged.
Captain Ed. Burleson .....	1	Bet'n Jan. 1 and June 1, 1860.	Sept. 7, 1860.
First Lieutenant J. E. McCord.....	1	do.....	Do.
Second Lieutenant James Carson.....	1	do.....	Do.
Surgeon J. G. Burbee.....	1	do.....	Do.
Enlisted men .....	75	do.....	Do.

It is stated on the roll that this company was called into the service of the State by order of Governor Houston. Nothing further concerning the history of this company, or of the thirty-three organizations necessary to make the total employed, appears in the evidence found.

#### THE ACCOUNTS.

The foregoing remarks exhibit the character of the troops and the circumstances under which they were employed ; also, a history of their services, so far as the facts are ascertained.

With a view to a settlement of a part of the claims now under consideration, preliminaries were entered into before the rebellion existed ; and, in order to show how far they were advanced, a speedy review of certain facts is necessary.

A resolution of the legislature of Texas, approved November 23, 1857, inaugurated the project of seeking from the United States reimbursement of expenditures made by the State on account of its rangers or volunteers. (See paper 79.)

The State comptroller prepared a statement 18th of September, 1858, showing the following amounts appropriated :

Paid .....	\$148,998 75
Assumed by State .....	35,545 76
<hr/>	
Making the claim .....	184,544 51

All "for the pay, subsistence, and forage of volunteer troops called into service for the protection of the frontier, since the 28th day of February, 1855." (See pages 44-47, House Executive Document No. 27, second session Thirty-fifth Congress.) The governor inclosed this statement to the Secretary of War on the 8th of October, 1858, and sought reimbursement to the State. (Paper 92.)

The claim having reached the Capitol, the committees in Congress to whom it was referred called upon the Secretary of War for official information concerning the troops. Several attempts appear to have been made to furnish in return a "copy of everything" connected with the case. (See papers 98-102, 116.)

On the claim above referred to a favorable report was made by the House Committee on Military Affairs January 28, 1859, apparently ignoring the fact that the six companies that were under General Smith had already been paid by the United States Gov-

ernment for the time subsequent to muster into United States service. (See No. 143' Reports of Committees, second session Thirty-fifth Congress.)

An act of Congress shortly appeared, approved March 3, 1859, to reimburse the amount paid by the State on account of the six companies called out by General Persifer F. Smith. (Stat., 10.) As that act could not satisfy more than one-third of the claim, the matter was again agitated during the first session of the Thirty-sixth Congress, and caused some correspondence. (See papers 113, 114, and 116.) Then appeared section 6 of the act of June 21, 1860, specifying that "all moneys advanced by the State of Texas in payment of volunteers called out in defense of the frontier of that State since the 28th of February, 1855," shall be reimbursed: "Provided, The Secretary of War shall be satisfied that there was necessity for calling out these troops, or that they were called out by competent authority, and that the amount so claimed was actually paid by the said State, and that the amount hereby provided for shall not exceed the sum of..... \$123,544 51"

This amount was specified because the appropriation of March 3, 1859,  
for the six companies, covered the sum of ..... 61,000 00

And these two amounts taken together made the total claimed..... 184,544 51

This department called upon the State authorities for a full statement of the account, sustained by original vouchers. (See paper 117, September 11, 1860.)

Regarding the proviso to section 6, act of June 21, 1860, Secretary Floyd decided that he was "satisfied that there was a necessity for calling out the Texas volunteers mentioned," and he instructed the Second Auditor to audit the State claim as soon as the proper vouchers were received by him. (See paper 118, of November 15, 1860.)

The Second and Third Auditors submitted their reports upon charges in the claim pertaining to their offices, respectively, under date of February, 1861. The Auditors objected to the character of the vouchers, and called for additional evidence or information, and their reports were approved by the Secretary of War during the same month. (See papers 121 and 122.) The State comptroller asked the return of all the papers in the case on the 23d of February, 1861, and nearly all of them were returned. (See papers 123, 124.) The breaking out of the rebellion shortly after put an end to further negotiations, and for ten years the papers were buried as archives of the State.

In 1871 they were resurrected, and the annexed papers (127-135) show the official action taken on the case under the last presentation.

The claim upon which Congressional legislation was had up to 1861  
amounted to ..... \$184,544 51

The abstracts now submitted have dropped this total appropriated by the State, and, instead, have taken up the amount paid therefrom, viz..... \$152,274 66

To this has been added amounts not heretofore considered,  
viz:

For payments to companies of Bourland, Brown, and Ford.... 57,382 33  
And for advances made for services on the Rio Grande..... 13,354 77  
Thus increasing the former claim by this amount..... 38,467 25

And making the total of the present claim..... 223,011 76

Passing to the accounts, let them be audited with suppositions of the following:

First. That a law authorizes their settlement on just and equitable principles.

Second. That proof of loyalty is waived by an act of Congress.

Third. That the decision given concerning the necessity for calling out the troops referred to in the first claim is satisfactory.

With these suppositions adopted, the accounts, correctly audited under existing rules, will show the following:

#### CLASS I.

On the 14th January, 1856, the State appropriated \$61,000 on account of the six companies of volunteers called out by General Persifer F. Smith, of the United States Army.

On the 18th September, 1858, in rendering an abstract of the expenditures made from the amount appropriated, the State comptroller represented that these companies were called into service on the date when they were mustered into the service of the United States; and from said abstract, as printed on pages 44 to 47 of Executive Document No. 27 (H. R.), Thirty-fifth Congress, second session, it would at once be inferred that the State paid these men for the identical time that they were in the United States service, and for which, I have stated heretofore, they had been already or (up to the 30th June, 1859) were being paid by the general government.

Upon referring to the papers accompanying the claims filed, it is found that the State paid for expenses alleged to have been incurred prior to the said time, as an analysis of the accounts will now show:

*Capt. Giles S. Boggess's company.*

## Voucher.

1. G. S. Boggess, pay and allowances as captain for three months. Dates of service not stated. Payment made April 1, 1856. Amount . . . . .	\$383 10	
On the 4th of February, 1856, Boggess was appointed agent to pay the members of his company who were mustered into State service November 2, 1854, under a requisition from General Smith, they to be paid at the same rate per month "as they were afterward paid by the United States while in their service."		
In the written instructions, given to this agent by the governor of Texas, the following appears:		
"Any assignment from any member of said company of his pay which does not show on its face that the assignor knew at the time of its execution that he was entitled to three months' pay from the State will only be recognized as conveying to the assignee the pay due the assignor for the time he was actually in the service of the State, which time of service was, for the members of your company, one month and twenty-one days." (See paper No. 66.)		
From these instructions it is inferred that the members of the company had claims against the State for a time when they were not in any service, which time was prior to the date of General Smith's call of November 1, 1854, and that if any individual, unfortunately for himself, overlooked such claims, then he was to be paid only for the time intervening between the date of call (or the date when the organization was accepted by the governor) and the date of muster into United States service, i. e., one month and twenty-one days, because that was the time he was "actually in the service of the State."		
It is remarkable, however, that not one of the members overlooked the importance of making a full claim, or that, if he did so, his friend, who was captain, paymaster, and agent, did not; for, with powers of attorney from twenty-seven members of the company, the captain set out by drawing three months' pay and allowances, and every member followed in his wake. As a general rule, the United States Government pays only for services rendered or for the time a person or party is actually employed in its service. As General Smith's call was made on the 1st of November, 1854, and this company was mustered into State service on the day following that date, the inference to be drawn is that the United States Government is responsible for the pay and allowances accruing to the members of this company and for expenses properly incurred on its account from the 2d day of November, 1854, as it was then organized and recognized by the governor under General Smith's call. In view of the foregoing facts, this amount being for services for one month and twenty-one days immediately prior to December 23*, 1854, should be allowed. . . . .		216 75
The balance claimed on this voucher, including 60 cents overcharged on servants' clothing, being an improper charge against the United States, should be disallowed. . . . .	166 36	
2. C. J. Garrison, second lieutenant. . . . . \$338 10		
As on voucher 1, except that this amount should be allowed. . . . .	191 25	
And this disallowed. . . . .	146 85	
3. Eli Wood, first lieutenant. . . . . \$323 10		
As on voucher 1, except that this amount should be suspended for want of the name and description of the officer's servant. . . . .	182 75	
And this disallowed. . . . .	140 35	
4. Pay-roll of enlisted men:		
Dates of service not stated. . . . . \$6,355 10		
Add for error, in addition. . . . . 77 10		
Amount of voucher. . . . .	6,432 20	
Item 1. William C. Wright, first sergeant. . . . .	104 50	
Item 2. J. W. Shelton, sergeant. . . . .	95 50	
Item 3. P. G. Whetstone, sergeant. . . . .	95 50	
Item 4. R. W. Hall, sergeant. . . . .	95 50	
Item 5. J. T. Rankin, corporal. . . . .	83 10	
Item 6. Alex. Earp, corporal. . . . .	83 10	
Item 7. George S. Powell, corporal. . . . .	83 10	
Item 8. James L. Powell, corporal. . . . .	83 10	
Item 9. G. W. Jones, bugler. . . . .	80 50	

\* Date when mustered into the United States service.

## Voucher.

As on voucher 1, except that this money should be allowed.....	\$455 36
And this disallowed.....	348 54
Item 10. J. F. Walker, bugler.....	\$80 50
Not receipted; amount not embraced in total charged; no action required.	
Items 11-52, 54, 55, and 57-85 are for pay and allowances for seventy-three privates, at \$77.10 each.....	\$5,628 30
As on voucher 1, except that this amount should be allowed.....	3,189 37
And this disallowed.....	2,438 93
5. G. S. Boggess, services as paymaster or agent, for paying off volunteers, dates of service not stated, 5 per cent. commission for disbursing \$15,114.....	\$755 70
A copy of the appointment of Boggess is filed. It states that on a settlement of his accounts with the comptroller, a "reasonable compensation" will be allowed. No receipt is submitted, but a certificate of the comptroller states, under date of February 28, 1860, "receipt of Giles Boggess for the above amount of \$755.70 is on file."	
The expense of employing an agent to pay these troops for services after November 2, 1854, was a contingency necessarily coupled with their employment; therefore this voucher is admissible for 5 per cent. on the amount favorably considered by the United States on payments made by Boggess for or on account of his and Walker's company, as the paymaster's duties specially pertained to said companies.	
The amount found admissible is \$6,511.53, and the per cent. thereon is a proper charge, but should be suspended for want of a proper receipt and until the vouchers paid by him are perfected.....	
The balance charged on this voucher, being an improper charge against the United States, should be disallowed.....	325 58
6. Thomas M. Likens, services rendered the State of Texas in raising and mustering into service a company of rangers in the year 1854... \$50	
The charge is indefinite as to the time and company. Dates of service and rate of compensation are not stated, and the necessity for the expense is not apparent. The amount should be disallowed.....	50 00
7. O. B. Wade, two and one-half months' service as acting assistant surgeon, at \$100.....	\$250 00
The receipt is informal. Orval B. Wade was a private in Boggess's company, and the charge for him was considered as item 85, of voucher 4. This amount should be disallowed.....	
8. Andrew J. Miller, services as contract physician for Boggess's company, from November 2 to 17, 1854, fifteen days, at \$100 per month.....	\$50 00
The original contract is filed, accompanied with a receipt of John C. Miller, as administrator of A. J. Miller, deceased. The charge is reasonable and rests within the scope of time for which reimbursement of pay and allowances, on account of this company, is suggested, and, if that suggestion shall be favorably considered, this amount should be allowed.....	
9. N. W. Ray, three months' extra duty, pay as blacksmith and farrier.....	\$36 00
This man's name is found in item 11 of voucher 4. The duty above mentioned was that for which he was borne upon the roll, not extra duty, but regular duty.	
This amount, being an improper charge, should be disallowed.....	36 00
10. D. M. Fields, 36 bushels corn, furnished for the companies of Captains Boggess and Fitzhugh on the 2d December, 1854; price per bushel, \$1.75.....	\$63 00
In connection with this charge, the following appears in a report dated Treasury Department, Third Auditor's Office, February 23, 1861, viz:	
"The circumstances of the raising, organizing, and muster into service of the above six companies are set forth in my report to the Secretary of War upon the claim of S. M. Swinson, of Austin, Tex., dated June 5, 1855, which is submitted herewith.	
"That claim was under a contract, dated October 30, 1854, with E. M. Peas, governor of Texas, for supplying said companies with subsistence, forage, and medicines, camp equipage, stationery, ammunition, and transportation, from the date of said contract until the companies were mustered into the service of the United States, and was paid through this office in June and August, 1855, amounting to \$20,990.69.	

Voucher.

"Of course, any part of the present claim of the State for supplies that were furnished said companies to the extent they were entitled to, according to existing regulation, ought not to be allowed.

"Approved.

"J. HOLT, Secretary of War."

	In view of the foregoing decision this amount should be disallowed..	\$63 00
11.	M. J. Brinson, wagon and team employed from 1st to 22d December, 1854, transportation of baggage for Boggess's company, 22 days, at \$7 per day.....	\$154 00
12.	George W. Sevier, December 3, 1854, 36 bushels of corn, at \$1.50.....	54 00
	George W. Sevier, December 3, 1854, 600 pounds beef, at 4 cents.....	24 00
	As on voucher 10, should be disallowed.....	232 00
13.	Giles S. Boggess, for transportation of company baggage from rendezvous to Austin, place of muster, two teams 15 days, at \$6 each.....	180 00
	This charge, being for expenses incurred prior to November 1, 1854, should be disallowed. (See also remarks on voucher 10).....	180 00
14.	J. B. Stephens, December, 1854, 36½ bushels corn, at \$1.25.....	\$45 62
15.	Silas Baggart, December, 1854, 36½ bushels corn, at \$1.25.....	45 95
15.	Silas Baggart, December, 1854, 130 pounds meal, at \$1.25 per bushel.....	3 30
16.	E. H. Harrington, December, 1854, 36½ bushels corn, at \$1.50..	54 75
17.	B. D. Arnold, December, 1854, 5 bushels meal, at \$1.20.....	6 00
18.	S. P. Ross, December, 1854, ferriage.....	24 30
18.	S. P. Ross, November, 1854, ferriage.....	35 00
19.	E. Linkenhoger, December, 1854, 36½ bushels corn, at \$1.25..	45 62
19.	E. Linkenhoger, December, 1854, 7 bushels meal, at \$1.25....	8 75
19.	E. Linkenhoger, December, 1854, 200 pounds beef, at 5 cents.	10 00
20.	J. D. Blair, December, 1854, 36½ bushels corn, at \$1.25.....	45 62
20.	J. D. Blair, December, 1854, 215 pounds beef, at 10 cents....	21 50
21.	J. S. Blair, December, 1854, 15 bushels meal, at \$1.25.....	18 75
22.	M. L. Durham, November 26 to December 13, 1854, soap, \$9.50; vinegar, \$15.75; rice, \$19.12; and candles, \$9.50.....	53 87
22.	M. L. Durham, December 10, 1854, 474 pounds beef, at 5 cents.	23 70
22.	M. L. Durham, December 10, 1854, 73 bushels corn, at \$1.15....	83 95
23.	Simeon Mixon, December 7, 1854, 36½ bushels corn, at \$1.50..	54 75
23.	Simeon Mixon, December 7, 1854, 445 pounds beef, at 5 cents.	22 25
24.	W. Ferrel, December 1, 1854, 38 bushels corn, at \$1.25.....	47 50
25.	M. T. Johnson, December 1, 1854, 187½ bushels corn, at \$1.50.	281 25
	1,404 pounds beef, at 5 cents.....	70 20
	40 bushels meal, at \$1.50.....	60 00
	201 pounds coffee, at 30 cents.....	60 30
	298 pounds sugar, at 18 cents.....	53 64
	140 pounds salt, at 8 cents.....	11 20
	7 pounds candles, at 70 cents.....	4 90
	14 pounds soap, at 30 cents.....	4 20
	As on voucher 10, should be disallowed.....	1,196 87
25.	(In part.) M. T. Johnson, December 1, 1854, for 3¼ pounds horseshoe nails, at 50 cents.....	1 87
	Certified to by lieutenant as quartermaster Comptroller of State, in March, 1860, certified that receipt for amount was on file in his office at that time. Said receipt is not submitted; otherwise this is a proper charge, but should be suspended for want of a proper receipt.....	1 87
26.	S. McElrath, services as private, formed item 53 of voucher 4, not there paid.....	\$77 10
27.	C. H. Morrell, services as private, formed item 55, voucher 4, not there paid.....	77 10
	The State comptroller, February 29, 1860, certified that receipts for the amounts paid these men were then on file in his office. Said receipts are not produced; otherwise the remarks on voucher 1 are applicable to these vouchers, except that this amount should be suspended for want of proper receipts.....	87 38
	And this disallowed.....	66 82

*John G. Walker's company.*

**Voucher.**

1. Pay-roll of officers and enlisted men, dates of service not stated ..... \$6,392 20

Receipts for the amounts alleged to have been paid on this voucher do not appear. Their absence is explained by an affidavit, in which Giles S. Boggess, paymaster, swears that the original muster-roll of John G. Walker's company was either stolen, taken out of his possession without his knowledge or consent, or lost, since which time he has not seen or heard of it; that the voucher upon which this affidavit is written contains a true statement of the number of men and their names composing the said John G. Walker's company at the time the muster-roll was lost; also the amounts paid and the amounts still due as set down opposite each name; and that this voucher is, to the best of his knowledge and belief, a faithful copy of said lost roll. An act of the legislature of Texas, approved August 25, 1856, for the relief of Boggess (see paper 138), authorized a settlement to be made with him upon his presenting, under oath, to the State comptroller the facts above set forth, with a copy of the lost roll or voucher, said voucher, when so submitted, to be received in lieu of the original roll, and the amount returned by said Boggess as paid to be passed to his credit upon the books of the comptroller's office.

In the act measures were adopted to guard against fraud, and the conditions upon which Boggess was to find relief were complied with by him.

Item 1. John G. Walker, pay and allowances as captain for three months ..... \$383 10

*Remarks.*—On the 4th February, 1856, Giles S. Boggess was appointed agent to pay Walker's company at the same rate per month as "they were afterwards paid by the United States while in their service."

In the written instructions given to this agent by the governor the following appears:

"Any assignment from any member of said companies of his pay which does not show on its face that the assignor knew at the time of its execution that he was entitled to receive three months' pay from the State will only be recognized as conveying to the assignee the pay due the assignor for the time he was actually in the service of the State, which time of service was, for the members of Captain Walker's company, one month."

Upon referring to the remarks for voucher 1 for Boggess's company, it will be understood why the governor considered this company (Walker's) entitled to pay for only one month. The reason was because he believed that this, and no more, was the time it was "actually in the service of the State," though it seems he made an error of one day in favor of the company.

As a general rule, the United States Government pays only for services rendered or for the time a person or party is actually employed in its service. As General Smith's call was made on the 1st of November, 1854, and this company was mustered into State service on the day following that date, the inference to be drawn is that the United States Government is responsible for the pay and allowance accruing to the members of this company, and for expenses properly incurred on its account, from the 2d day of November, 1854, as it was then organized and recognized by the governor under General Smith's call.

Powers of attorney, filed in connection with payments made for members of this company, are, in several instances, informal, in this, that they are not witnessed as required by law, and are not attested by the certificate and seal of the clerk of a court of record to show the standing of certain magistrates who administered oaths. It is inferred that these informalities cannot now be remedied by the State authorities, and therefore this objection should be waived.

*Conclusion.*—In view of the facts herein found, this amount, being for services for twenty-nine days immediately prior to December 1, 1854, is admissible, but should be suspended for want of a description of the officer's servant and for a proper receipt.....

The balance claimed on this item, including 60 cents overcharged on servant's clothing, being an improper charge against the government, should be disallowed .....

\$123 25

259 85

## Voucher.

Item 2, T. H. Garrett, first lieutenant .....	\$323 10	
For the reasons set forth in the remarks for item 1, above, this charge for three months' service is admissible only for the twenty-nine days immediately preceding December 1, 1854. A proper receipt for the money is filed and the officer's servant is described.		
This amount should be allowed .....		\$103 92
And this, including 60 cents overcharged on servant's clothing, being an improper charge, should be disallowed .....		219 18
Item 3, Mercer Fain, second lieutenant .....	\$308 10	
Remarks and conclusion, as on item 1, except that this amount should be suspended .....		99 08
And this disallowed .....		209 02
Item 4. P. H. Work, first sergeant .....	\$104 50	
Item 5. H. B. Pedigo, sergeant .....	95 50	
Item 6. J. B. F. McCartney, sergeant .....	95 50	
Item 7. L. B. Wood, sergeant .....	95 50	
Item 8. M. J. Bean, corporal .....	83 10	
Item 9. William F. Scott, corporal .....	83 10	
Item 10. In part, Pleasant Wright, corporal .....	27 70	
Item 11. H. H. King, corporal .....	83 10	
Item 12. B. K. Riggs, bugler .....	80 50	
Item 13. F. J. Garrett, bugler .....	80 50	
Item 14. T. M. Burke, farrier and blacksmith .....	77 10	
Remarks as on item 1.		
Conclusion.—This amount should be suspended for want of proper receipts .....		309 82
And this being an improper charge against the United States, should be disallowed .....		596 28
Items 17, 18, 20, 21, 22, 24, 25, 26, 29, 30, 32, 33, 34, 36-52, 54, 55, 56, 57 in part, 59, 60 in part, 61-75, 76 in part, and 78-82, for services of fifty-seven privates .....	\$4, 240 50	
Remarks as on item 1.		
Conclusion.—This amount, being for 57 privates, \$24,84 $\frac{1}{2}$ each, should be suspended for want of proper receipts .....		1, 416 07
And this, being an improper charge against the United States, should be disallowed .....		2, 824 43
Items 16, 23, and 58, for services of 3 privates .....	\$231 30	
As the names of the men charged for do not appear on rolls signed by mustering officers, this amount, being an improper charge against the United States, should be disallowed .....		
Items 19, 27, 28, 31, 53, 60 in part, 76 in part, 84 and 85, represented to have been paid by the State treasurer, are deducted; and items 28 $\frac{1}{2}$ , 35, 77, and 83 are not charged on the roll; therefore, no action is here required on them.		231 30
2. Wright, Pleasant, corporal; balance of pay and allowance... \$55 40		
Favorable consideration having been given for the time this man actually served, prior to December 1, 1854 (see voucher 1, item 10), this amount is an improper charge against the government, therefore should be disallowed .....		
		54 40
3. Bird, Milton, private, pay and allowances for three months... \$77 10		
4. Click, E. S., private .....	77 10	
5. Close, E. S., private .....	77 10	
6. Dye, John, private .....	77 10	
7. Lyons, L. P., private .....	77 10	
Remarks as on item 1, voucher 1.		
Conclusion.—The State comptroller certified in February, 1860, that the receipts of these parties were then on file in his office. Said receipts are not produced. The amount should be suspended for want of proper receipts .....		124 22
And this, being an improper charge, should be disallowed .....		261 23
8. McKenzie, G. W., private, balance of pay .....	\$51 40	
9. Waldert, Edward, private, balance of pay .....	51 40	
As on voucher 2, except in these cases, see items 60 and 76 of voucher 1, should be disallowed .....		
		102 80
10. Wilburn, F. G., private, pay and allowances for three months .....	\$77 10	
11. Yarborough, William H., private .....	77 10	
Remarks and conclusion as on vouchers 3 to 7, except that this amount should be suspended .....		
		49 09
And this disallowed .....		104 51

## Voucher.

12. James R. Arnold, pay for services for enrolling, organizing, and mustering Captain Walker's company..... \$50 00  
 The State comptroller certified, February 28, 1860, that "receipt of William C. Pollock, attorney, for the above amount of \$50, is on file." Said receipt is not produced.  
 Governor Pease indorsed on the back of the voucher, August 16, 1856, "Gen. R. Arnold was appointed by me to enroll the company of volunteers that was mustered at Nacogdoches in October, 1854, under the call of Gen. P. F. Smith, and performed that duty." General Smith's call was made on the 1st November, 1854, therefore the amount of this voucher, being for services prior to that date, is an improper charge against the United States; therefore should be disallowed.....
13. Mercer Fain, services of wagon and team for Captain Walker's company, from the 17th October to 30th November, 1854, inclusive, 45 days, at \$6..... \$270 00  
 For Captain Henry's company from the 1st December to 13th December, 1854, inclusive, 13 days, at \$6..... \$78 00  
 Certified to as correct and just by Captains Walker and Henry, and receipted for by A. A. Muncey, attorney. Power of attorney is filed, but is not witnessed, and not attested by the clerk of a court of record. The services alleged to have been rendered prior to November 2, 1854, do not constitute proper charges against the United States, and for transportation furnished subsequent to that date, see remarks for voucher 10, of Boggess's company.  
 This amount, being an improper charge, should be disallowed..... \$348 00
14. John Twohig, fuel furnished..... \$207, 00  
 The voucher is certified to as correct and just by Captain Walker, commanding battalion Texas Mounted Volunteers, but dates of service are not stated. Comptroller Johns certified, March 1, 1860, that the receipt of S. M. Swinson, assignee of John Twohig, for the sum of \$207, was then on file; said receipt is not submitted. S. M. Swinson was a contractor in connection with these troops. His bills, to the extent of \$20,990.69, were paid by the United States in 1855. (See voucher 10, Boggess's company.) The informalities appearing on this voucher are sufficient to insure a disallowance of the amount..... 207 00
15. James G. Swisher, ferrriage for companies of Walker, Travis, and Rogers, November 11, 1854..... \$28 20  
 Certified to by assistant quartermaster; approved by State adjutant-general.  
 The State comptroller certified, March 3, 1860, that a receipt for the amount was then on file in his office; said receipt is not submitted. A contractor, Swinson, was bound to furnish transportation for these companies after October 30, 1854, and in 1855 he was paid therefor by the United States. Ferrriage is an item of transportation; therefore this amount, being an improper charge, should be disallowed. (See voucher 10, Boggess's company)..... 28 20
16. Orange Wright; services as guide and trader; dates of service not stated..... \$25 00  
 Captain Walker certified, April 7, 1855, that the services charged for were performed, "amounting to a month's time in all, and while stationed at Fredericksburg."  
 The original receipt was not submitted, but Comptroller Johns certified, March 3, 1860, "that the receipt of Orange Wright for the sum of \$25 is on file in said (his) office."  
 The informalities appearing on this voucher are sufficient to warrant a disallowance of the amount..... 25 00
17. John Work, surgeon; services rendered to the battalion of Texas Mounted Volunteers, three months, from 1st November 1854. \$300 00.  
 There is nothing filed to show that he was mustered into service or that he was employed as a contract physician; therefore the amount of this voucher should be disallowed..... 300 00

*W. R. Henry's company.*

1. Pay-roll of enlisted men, dates of service not stated..... \$6,074 08  
 Item 1. G. Layton, first sergeant, pay and allowances for three months..... 104 00  
 Item 2. W. D. Morrow, sergeant..... 95 50



Voucher.

Item 3. W. B. Fleming, sergeant.....	\$95 50	
Item 4. George W. Russell, sergeant .....	95 50	
Item 5. R. Augustine, corporal.....	83 10	
Item 6. Sanford Brown, corporal.....	83 10	
Item 7. Riley Lewis, corporal.....	83 10	
Item 8. Leonard Moss, corporal.....	83 10	
Item 9. Henry Aloff, bugler.....	80 50	
Item 10. B. M. Fleming, bugler.....	80 50	
Powers of attorney filed in connection with payments made for members of this company are, in several instances, informal in this, that they are not witnessed as required by law, and are not attested by the certificate and seal of the clerk of a court of record to show the standing of certain magistrates who administered oaths. It is inferred that these informalities cannot now be remedied by the State authorities, and therefore this objection should be waived; otherwise the remarks for voucher 2 are applicable to these items, except that this amount should be allowed.....		
		\$412 56
And this disallowed .....		471 84
Items 11-37, 39-44, 47, 49-52, 54-72, 74-79, and 81-85, for services of 68 privates.....	\$4,985 80	
As on items 1 to 10, next above, except that this amount, being for 68 privates, at \$35.98 each, should be allowed .....		2,446 64
And this should be disallowed.....		2,539 16
Items 38, 53, 86, and 87, for services of four privates .....	\$203 88	
As the names of the men charged for do not appear on the rolls signed by mustering-officers, this amount, being an improper charge against the United States, should be disallowed .....		203 88
Items 45, 46, 48, 73, and 80, for the several amounts of which receipts do not appear, are deducted from the roll, and therefore require no action.		
2 W. R. Henry, pay and allowances as captain for three months; dates of service and name of servant not stated; payment made April 15, 1856 .....		332 50
On the 10th April, 1856, John D. Pitts was appointed agent to pay W. R. Henry's company, "which was enrolled at the town of Goliad, in the month of October, 1854, for three months' service," the members of the company to be paid the same as allowed by law and regulations of the United States to mounted volunteers. In the written instructions given to this agent by the governor the following appears (see paper 70): "You will recognize no assignment from any member of said company as conveying more than his pay for one month and fourteen days, unless it shall appear from said assignment that the assignor knew that he was entitled to receive three months' pay and intended to convey that amount.		
Upon referring to the remarks for voucher 1, for Boggess's company, it will be understood why the governor considered this company (Henry's) entitled to pay for only one month and fourteen days. The reason was because the governor believed that this and no more was the time it was "actually in the service of the State," though it seems he made an error of two days in favor of the company.		
As a general rule, the United States Government pays only for services rendered or for the time a person is actually employed in its service.		
As General Smith issued his call on the 1st November, 1854, and this company was mustered into State service on the day following that date, the inference to be drawn therefrom is that the United States Government is responsible for the pay and allowances accruing to the members of this company and for expenses properly incurred on its account from the 2d day of November, 1854, as it was then organized and recognized by the governor under General Smith's call.		
In view of the foregoing facts, it is suggested that this amount, being for services for one month and twelve days immediately prior to December 14, 1854, should be suspended for want of a description of the officer's servant.....		
		178 50
The balance claimed on this voucher, being an improper charge against the United States, should be disallowed .....		204 00
3. S. A. Jackson, first lieutenant.....	\$322 50	
as on voucher 2, except that this amount should be suspended.....		150 50
And this disallowed.....		172 00

## Voucher.

4. William Tom, second lieutenant.....	\$307 50	
as on voucher 2, except that here the officer's servant is described, and that this amount should be disallowed .....		\$143 50
And this amount should be disallowed .....		164 00
5. John D. Pitts, services as paymaster or agent for paying off W. R. Henry's company; dates of service not stated; 5 per cent. commis- sion for disbursing \$7,250.27.....	\$364 01	
A copy of the appointment of Pitts is filed. (Paper 70.) It states that, on a settlement of his accounts with the comptroller, a "reason- able compensation" will be allowed. A receipt for the money is not produced, but a certificate signed by Comptroller Johns, February 29, 1860, states: "Receipt of John D. Pitts is on file." The expense of employing an agent to pay these troops for services after Novem- ber 2, 1854, was a contingency necessarily coupled with their employ- ment, therefore this voucher is admissible for 5 per cent. on the amount favorably considered by the United States on payments made by Pitts for or on account of this company. Of the amount paid by him \$3,331.70 is so considered, and the per cent. thereon is a proper charge, but should be suspended for want of a proper receipt.....		166 58
The balance charged on this voucher, being an improper charge against the United States, should be disallowed .....		197 43
6. John S. Ford, pay for organizing a company of Texas Rangers at Gu- liad .....	\$50 00	
The charge is indefinite as to time and company, dates of service and rate of compensation are not stated, and the necessity for the expense is not apparent. The amount should be disallowed .....		50 00
7. James M. Latten, medical attendance on A. W. Sims and A. J. Lee, from November 7 to 20, 1854 .....	\$96 00	
The two men above mentioned were mustered in as privates of the company. The doctor swears to the correctness of his bill, and it bears the approval of the adjutant-general of the State. In the absence of a receipt for the money Comptroller Johns's certificate appears, under date of March 3, 1860, that the receipt was then on file in his office. This voucher duplicates, in part, the charges in voucher 12, and the duplication of this voucher should be disallowed, for the reason that here no approval of a company officer appears. The charges rest within the scope of time for which reimbursement of pay and allowances on account of this company is suggested. This amount is deemed a proper charge, but should be suspended for want of a proper receipt.....		50 00
The balance, being an improper charge, should be disallowed.....		46 00
8. Mrs. S. A. Glasscock, for boarding Wyatt Hanks during illness, from November 10 to December 4, 1854 .....	\$24 00	
Samuel January, during illness, from November 10 to 24, 1854. 14 00		
The State comptroller certified, March 3, 1860, that a receipt for this amount was then on file in his office. Said receipt is not submitted. Hanks having been mustered into service, the charge for him should be suspended for want of a proper receipt. (See remarks on voucher 7, above).....		24 00
As Samuel January's name does not appear on the muster-rolls signed by mustering officers, the charge for him should be disallowed, the same being an improper charge against the United States .....		14 00
9. Robert Augustine, services as expressman on or about November 1, 1854, under a contract with Captain Henry.....	\$30 00	
In the absence of a receipt for the money paid to an attorney on this voucher, Comptroller Johns's certificate appears, under date of March 3, 1860, to show that a receipt was then on file in his office. The power of attorney does not bear the certificate and the impress of a seal of a court of record to show the standing of the justice of the peace who administered the oath. A copy of the contract is not filed. As the man whose services are charged for was borne on the company's roll and an award for his services has been suggested on voucher 1, this charge should be disallowed .....		30 00
10. William B. Fleming, services as expressman on or about November 1, 1854, under a contract with Captain Henry .....	\$30 00	
In the absence of a receipt for the money paid, Comptroller Johns's certificate appears, under date of March 3, 1860, to show that a re- ceipt was then on file in his office. Captain Henry certifies that this expense was necessary to collect his company together. The		

## Voucher.

<p>United States Government should only pay for expenses incurred from the date the company was accepted by the governor of the State, as shown by the muster-in rolls, and after that date there was, or should have been, no necessity for the expense charged on this voucher. As the man whose services are charged for was borne on the company's roll and an award for his services has been suggested on voucher 1, this charge should be disallowed.....</p>		\$30 00
11. M. A. Taylor, medical attendance on Wyatt Hanks, November 13 to 20, 1854.....	\$60 00	
<p>The physician swears to the correctness of the account and the rates charged, and the voucher bears the approval of a lieutenant, as assistant quartermaster, and of the State adjutant-general. The man attended and was mustered into service. Johns's certificate appears in the absence of a receipt. The charge rests within the scope of time for which reimbursement of pay and allowances on account of this company is suggested, and is considered a proper charge, but should be suspended for want of receipt.....</p>		60 00
12. A. J. Lott and G. G. Steel, medical attendance from November 8 to 14, 1854.		
Isaac Hickman.....	\$27 00	
William Lee.....	28 00	
Mr. Simms.....	20 00	
<p>Approved by State adjutant-general and by Captain Henry. Johns's certificate appears in the absence of a receipt. Isaac Hickman's name does not appear on the company roll, therefore the charge for him should be disallowed.....</p>		27 00
<p>Lee and Simms were mustered in as privates. This voucher duplicates, in part, the charges in voucher 7 for medical attendance on the same men during the same time. The duplicate charges on that voucher stand disallowed, for the reason that it was not approved by a company officer, and that two physicians for one person at the same time are not admissible under ordinary circumstances. These charges rest within the scope of time for which reimbursement of pay and allowances on account of this company is suggested, and are considered proper charges, but should be suspended for want of a proper receipt.....</p>		48 00
13. S. R. Reynolds, horseshoeing in November, 1854—		
For Captain Henry's company.....	\$72 50	
For Captain Walker's company.....	39 55	
For Captain Rogers's company.....	7 50	
For Captain Travis's company.....	1 87	
<p>The bill for Henry's company is certified to by one of the lieutenants and is approved by the captain. This company had no farrier and blacksmith, and the charges rest within the scope of time for which reimbursement of pay and allowances on account of this company is suggested. If that suggestion shall be favorably considered, this amount for shoeing horses of men whose names are on the company roll should be allowed.....</p>		53 75
<p>The balance charged, being for shoeing horses of men whose names do not appear on the company roll, should be disallowed.....</p>		18 75
<p>The companies commanded by Captains Walker, Rogers, and Travis each had a farrier and blacksmith, whose duty it was to shoe the animals belonging to the said companies, respectively, and, therefore, the amounts claimed for shoeing done for said companies, being improper charges against the United States, should be disallowed....</p>		48 92
14. Joseph Lance, pay and allowances for three months' service..	\$77 10	
Amount received.....	61 40	
<p>Difference claimed and paid on this voucher.....</p>		15 70
<p>A certificate is filed as a substitute for a receipt. As this man was not mustered into the United States service, this is an improper charge against the United States, therefore should be disallowed.....</p>		15 70
15. Charles E. Aikins, pay and allowances as a private for three months.....	\$77 10	
<p>A certificate is filed as a substitute for a receipt. This man's name does not appear on the company's rolls signed by mustering officers, therefore this amount, being an improper charge against the United States, should be disallowed.....</p>		77 10

*William Fitzhugh's company.*

## Voucher.

1. William Fitzhugh, pay and allowances as captain for three months, to December 24, 1854; payment made 11th March, 1856..... \$383 10

On the 5th February, 1856, James W. Throckmorton was appointed agent to pay William Fitzhugh's company, "which was enrolled at the town of McKinney, in the month of October, 1854, for three months' service," the members of the company to be paid the same as allowed by law and regulations of the United States to mounted volunteers.

In the written instructions given to this agent by the governor the following appears:

"You will recognize no assignment of any member of said company which does not show on its face that the party knew that he was entitled to three months' pay, as conveying a right to any more than one month and twenty-one days' pay. Service all over and above that amount is a gratuity from the State, and should only be paid to the party who rendered the service, unless the said party has assigned it with a full knowledge of his right." (See paper No. 67.)

Upon referring to the remarks for voucher 1 of Boggess's company it will be understood why the governor considered this company (Fitzhugh's) entitled to pay for only one month and twenty-one days. The reason was because the governor believed that this, and no more, was the time it was "actually in the service of the State."

As a general rule, the United States Government pays only for service rendered or for the time a person or party is actually employed in its service.

As General Smith issued his call on the 1st November, 1854, and this company was mustered into State service on the day following that date, the inference to be drawn therefrom is that the United States Government is responsible for the pay and allowances accruing to the members of this company, and for expenses properly incurred on its account, from the 2d day of November, 1854, as it was then organized and recognized by the governor under General Smith's call.

In view of the foregoing facts, this amount, being for services during the one month and twenty-one days immediately prior to December 24, 1854, should be allowed.....

\$216 75

The balance claimed on this voucher, being an improper charge against the United States, should be disallowed.....

166 35

2. F. M. Dougherty, first lieutenant; dates of service not stated. \$323 10

As on voucher 1, except that this amount shall be allowed.....

182 75

And this disallowed.....

140 35

3. A. J. Trussell, second lieutenant; dates of service not stated. \$308 10

As on voucher 1, except that this amount should be suspended, as the officer's servant is not described.....

174 25

And this disallowed.....

133 85

4. Pay-roll of enlisted men; dates of service not stated..... \$6,666 90

Item 1. John B. White, first sergeant, pay and allowances for three months..... \$104 50

Item 2. John Scanland, sergeant..... 95 50

Item 3. John M. Street, sergeant..... 95 50

Item 4. William C. Lewis, sergeant..... 95 50

Item 5. S. G. S. McGarrh, corporal..... 83 10

Item 6. John O. McIntire, corporal..... 83 10

Item 7. Larkin Ball, corporal..... 83 10

Item 8. Joshua Gorham, corporal..... 83 10

Item 9. John J. Miller, bugler..... 80 50

Item 10. Andrew J. Wisdom, bugler..... 80 50

Item 11. William B. Dingle, blacksmith and farrier..... 77 10

The remarks for voucher 1 are applicable to these items, except that this amount should be allowed.....

544 85

And this disallowed.....

416 65

Items 12, 13, 15, 17-27, 29-35, 37-44, 46-50, 52-58, 60-67, and 69-85, for services of sixty-six privates..... \$5,088 60

As on voucher 1, except that this amount, being for sixty-six privates, at \$43.69 each, should be allowed.....

2,883 54

And this should be disallowed.....

2,205 06

Items 14, 16, 28, 36, 45, 51, 59, and 68, for services of eight privates..... \$616 80

Voucher.

As the names of the men charged for do not appear on the rolls signed by mustering officers, this amount, being an important charge against the United States, should be disallowed.....	\$616 80
5. James W. Throckmorton, pay as mustering officer of Captain William Fitzhugh's company, \$50. This voucher is simply a requisition made by James W. Throckmorton for the money. It is not approved by any State official, and Comptroller Johns's certificate of February 29, 1860, appears as a substitute for a receipt. The company was mustered in first by the adjutant-general, and afterward by an officer of the Army; therefore this expense was unnecessary, and, being an improper charge against the United States, the amount should be disallowed.....	50 00
6. James W. Throckmorton, for disbursing \$7,731.20 in paying off Captain William Fitzhugh's company of mounted volunteers, at 5 per cent., \$386.56. Dates of service are not stated. A copy of the appointment of Throckmorton is filed. It states that on settlement of his proceedings under this appointment a "reasonable compensation" will be allowed. A receipt for the money is not produced, but a certificate, signed by Comptroller Johns, February 28, 1860, states: "Receipt for the amount of \$386.56 is on file." The expense of employing an agent to pay these troops for services subsequent to November 2, 1854, was a contingency necessarily coupled with their employment; therefore this voucher is admissible for 5 per cent. on the amount found admissible by the United States on payments made by Throckmorton for or on account of this company. Of the amount paid by Throckmorton this is favorably considered, \$4,002.14, and the per cent. thereon should also be favorably considered, but should be suspended for want of a proper receipt.....	200 11
The balance charged on this voucher, being an improper charge against the United States, should be disallowed.....	186 45
7. William W. Payne, medical aid rendered to James Everitt, Captain Fitzhugh's company, from December 16 to December 25, 1854. \$38 00 Everett's name does not appear on the rolls signed by mustering officers of the Army, and it is not shown that he was a contract physician, therefore the amount of this voucher, being an improper charge against the United States, should be disallowed.....	38 00
8. R. F. Hodgecoxe, transportation of baggage for Captain Fitzhugh's company from Austin to camp, and returning, 24 days, at \$6. \$144 00 Dates of service not stated. The remarks on voucher 10, Captain Boggess's company, are applicable to this voucher, the amount of which should be disallowed.....	144 00
9. F. M. Dougherty, wagon and team employed from the 16th day of October to the 2d of December, 1854, in transporting baggage for Captain Fitzhugh's company, 16 days, at \$6 per day..... \$96 00 A certificate is submitted in place of a receipt. As on voucher 13, Walker's company, should be disallowed.....	96 00
10. Felix McKetrich, 18 days' rations, from November 26 to December 13, 1854: Soap, \$5; candles, \$5; vinegar, \$15.75; rice, \$19.12... \$44 87 As on voucher 8, should be disallowed.....	44 87
11. T. H. Turney, expenses in the burial of James Everett, December 25, 1854..... \$32 00 A certificate appears in place of a receipt. As stated on voucher 7, Everett's name does not appear on the rolls signed by a mustering officer of the Army, therefore the amount of this voucher, being an improper charge against the United States, should be disallowed...	32 00
12. Latimer & Swindell, advertising "notice to rangers," February 9, 1856..... \$15 00 Approved by the governor, to be paid out of the appropriation for the payment of the volunteers mustered in the fall of 1854. James W. Throckmorton, who paid this expense, was appointed paymaster on the 5th of February, 1856, and instructed to pay this company, which was disbanded in 1855. Directly after the date of his appointment "notice to rangers" appear charged for. In the absence of copies of the notices it is inferred that they were issued as a measure necessary to the paymaster's duties. If the suggestion made on voucher 6 in regard to paying these troops shall be favorably considered, this charge should be allowed.....	15 00

*Charles E. Travis's company.*

Voucher.

1. Charles E. Travis, pay and allowances as captain for three months.		
Dates of service not stated, and servant not described. Payment made May 27, 1856.....		\$383 10
On the 1st May, 1856, James H. Raymond was appointed agent to pay Charles E. Travis's company, and he paid the members thereof for three months' service.		
As a general rule, the United States Government pays only for services rendered, or for the time a person or party is actually employed in its service.		
As General Smith issued his call on the 1st of November, 1854, and this company was mustered into State service on the day following that date, the inference to be drawn therefrom is that the United States Government is responsible for the pay and allowances accruing to the members of this company, and for expenses properly incurred on its account from the 2d day of November, 1854, as it was then organized and recognized by the governor under General Smith's call.		
Powers of attorney filed in connection with payments made for members of this company are, in several instances, informal, in this, that they are not witnessed as required by law, and are not attested by the certificate and seal of the clerk of a court of record to show the standing of certain magistrates who administered oaths. It is inferred that these informalities cannot now be remedied by the State authorities, and therefore this objection should be waived.		
In view of the foregoing facts it is suggested that this amount, being for services during the 29 days immediately prior to December 1, 1854, is a proper charge, but should be suspended for want of a description of the officer's servant.....		
		\$123 25
The balance claimed on this voucher, including an overcharge of 60 cents on servant's clothing, being an improper charge against the United States, should be disallowed.....		
		259 85
2. G. W. Chapman, first lieutenant. Servant is described....		\$323 10
As on voucher 1, except that this amount should be allowed.....		103 92
And this disallowed.....		219 18
3. J. D. Scott, second lieutenant; servant not described.....		\$102 70
As on voucher 1, except that this amount should be suspended.....		99 08
And this disallowed.....		3 62
4. Pay-roll of enlisted men. Dates of service not stated....		\$6,932 23
Item 1. William B. Covington, first sergeant, pay and allowances for three months.....		\$104 50
Item 2. D. M. Dean, sergeant.....		95 50
As the names of these two men do not appear on rolls signed by mustering officers, the amount charged for in the above two items, being an improper charge against the United States should be disallowed.....		
		200 00
Item 3. William Webb, sergeant.....		\$95 50
Item 4. R. M. White, sergeant.....		95 50
Item 5. John F. Jones, corporal.....		83 10
Item 6. J. C. C. Bonner, corporal.....		83 10
Item 7. W. H. Wood, corporal.....		83 10
Item 8. F. C. Stewart, corporal.....		83 10
Item 9. J. N. Hooks, bugler.....		80 50
Item 10. J. F. Robert, bugler.....		80 50
Item 11. E. B. Wade, farrier.....		77 10
As on voucher 1, except that this amount should be allowed.....		245 37
And this disallowed.....		516 13
Items 12-16, 18-23, 26-40, 42, 44-52, 54-60, 62, 64-84, for services of one sergeant and sixty-four privates.....		
		\$5,029 90
As on voucher 2, except that this amount should be allowed.....		1,620 75
And this disallowed.....		3,409 15
Items 17, 24, 41, and 63, for services of four privates.....		\$308 40
As on items 1 and 2, the amount of these four items should be disallowed.....		308 40
Item 25. E. T. Everly, private.....		\$77 10
This man's name does not appear on the muster-in roll, but the muster-out roll shows that he "joined as recruit for service December 22, 1854." The amount charged for in the above item, being for services prior to "joining as recruit," is an improper charge against the United States, therefore should be disallowed.....		
		77 10

Voucher.

Items 43, 53, and 63, for services of three privates.....	\$231 30	
Not receipted for on pay-roll, therefore this amount should be disallowed .....		\$231 30
The correct total of the pay-roll for this company is \$6,608.20, or \$324.03 less than the amount carried to the abstract; therefore this discrepancy, being an improper charge against the United States, should be disallowed .....		324 03
5. E. B. Wade, farrier, services as private.....	\$77 10	
For extra services as farrier to company, 90 days, at 18 cents.....	16 20	
	93 30	
Paid, as per pay-roll on file .....	77 10	
	16 20	
Comptroller Johns certified, February 29, 1860, that "receipt of Edward B. Wade for said \$16.20 is on file." Said receipt is not submitted.		
The roll shows that this man was mustered in as farrier and blacksmith. He was not entitled to extra-duty pay for extra services in the business for which he was mustered. This amount should be disallowed .....		16 20
6. James S. Gillett, mustering into service volunteers at Cameron, 18th October, 1854.....	\$50 00	
Comptroller Johns certified, February 27, 1860, that "receipt is on file in this office." Said receipt is not submitted. The secretary of state certified, Austin, February 20, 1856, that Gillett was appointed on the 11th October, 1854, to enroll and inspect the volunteers that were to present themselves at Cameron on the 18th October, 1854. This amount for services rendered prior to November 2, 1864, the date of muster into State service, being an improper charge, should be disallowed .....		50 00
7. Ford and Jones, advertisement of pay to volunteers, Captain Travis's company, May 10, 1856 .....	\$4 50	
Certified to as correct by the treasurer, and approved by the governor. Comptroller Johns certified, February 28, 1860, that "receipt for the above amount of \$4.50 is on file." Said receipt is not submitted. James H. Raymond was appointed paymaster on the 1st May, 1856, and instructed to pay off this company, which was disbanded in 1855. Directly after the date of his appointment, the services charged for in this voucher, it appears, were rendered. In the absence of a copy of the advertisement, it is inferred that this expense was necessary to enable the paymaster to perform his duties. If the suggestion made on voucher 8 in regard to paying these troops shall be favorably considered, this charge may be admissible, but the amount should be suspended for want of a proper receipt.....		4 50
1st part. James H. Raymond, services rendered as paymaster in paying off Captain Travis's company.....	\$376 35	
Comptroller Johns certified, February 29, 1860, that "receipt of James H. Raymond for said amount of \$376.35 is on file." Said receipt is not submitted.		
The appointment of Raymond is filed. It states, "Your compensation for said service will be same as may hereafter be allowed to the persons appointed to pay off the other companies."		
It was suggested to allow the paymasters of other companies a compensation of 5 per cent. on so much of the amount paid by them as should be allowable by the United States. That suggestion, favorably considered, would entertain the same rate of compensation in this case. Therefore, this amount, being 5 per cent. on \$2,196.87, is considered admissible, but should be suspended for want of a proper receipt.....		109 84
The balance, being an improper charge against the United States, should be disallowed.....		266 51
8. 2d part. James H. Raymond, for services rendered as paymaster under appointment of Governor E. M. Pease in paying companies of Captains William Tom, Levi English, and William C. Tobin, expenses included.....	\$100 00	
This charge being for services rendered in connection with a class of troops to be hereafter referred to, is here disallowed, and will be transferred to class three .....		100 00

## P. H. Rogers's company.

## Voucher.

P. H. Rogers, pay and allowances as captain for three months, from 8th November, 1855, to 8th February, 1856, payment made March 31, 1856.

\$383 10

On the 22d March, 1856, A. M. M. Upshaw was appointed agent to pay P. H. Rogers's company, "which was enrolled at the town of Brenham, in the month of October, 1854, for three months' service," the members of the company to be paid the same as allowed by law and regulations of the United States to mounted volunteers.

In the written instruction given to this agent by the governor the following appears:

"You will recognize no assignment from any member of said company as conveying more than his pay for one month and twenty-two days, unless it shall appear from said assignment that the assignor knew that he was entitled to receive full three months' pay, and intends to convey that amount." (See paper No. 68.)

Upon referring to the remarks for voucher 1 of Boggess's company, it will be understood why the governor considered this company (Rogers's) entitled to pay for only one month and twenty-two days. The reason was because the governor believed that this, and no more, was the time it was "actually in the service of the State," though it seems he made an error of eight days in favor of the company.

As a general rule, the United States Government pays only for services rendered or for the time a person or party is actually employed in its service.

As General Smith issued his call on the 1st November, 1854, and this company was mustered into State service on the 8th of November, the inference to be drawn therefrom is that the United States Government may be responsible for the pay and allowances accruing to the members of this company, and for expenses properly incurred on its account from the 8th day of November, 1854, as it was then organized and recognized by the governor under General Smith's call.

In view of the foregoing facts, it is suggested this amount, being for services for one month and fourteen days immediately prior to December 22, 1854, should be allowed	187 00
The balance claimed on this voucher, including an overcharge of 60 cents on servant's clothing, being an improper charge against the United States, should be disallowed	196 10
2. Alexander S. Wright, first lieutenant	\$323 10
3. E. W. Rogers, second lieutenant	308 10
As on voucher 1, except that this amount should be allowed	308 00
And this disallowed	323 20
4. Pay-roll of enlisted men; dates of services not stated; abstracted for	\$3,976 58
The roll was made up for	\$4,967 26
The amount not receipted for is	1,023 23
Showing this amount actually paid, viz	3,944 03
This difference, overcharged, should be disallowed	32 55
Item 1. William M. Bennet, first sergeant, pay and allowance for three months	\$104 50
Item 2. David Smith, sergeant	95 50
Item 3. Thomas W. Rogers, sergeant	95 50
Item 4. Ezekiel White, sergeant	95 50
Item 5. John F. Kuffington, corporal	83 10
Item 6. In part, Alexander B. Davis, corporal	54 40
Item 7. William M. Kusée, corporal	83 10
Item 8. J. H. Hutchison, corporal	83 10
Item 10. Charles H. Allen, bugler	80 50
Item 11. Jacob Benson, farrier and blacksmith	77 10
Powers of attorney filed in connection with payments made for members of this company are, in many instances, informal, in this, that they are not witnessed as required by law and are not attested by the certificate and seal of the clerk of a court of record to show the standing of certain magistrates who administered oaths. It is inferred that these informalities cannot now be remedied by the State authorities, and therefore this objection may be waived. Otherwise, the remarks for voucher 1 are applicable to these items, except that this amount should be allowed	
And this disallowed	430 71
	421 59



## Voucher.

Items 12-14, 16-20, 21 in part, 23, 24, 26, 27 in part, 28, 29, 30, 31 in part, 32 in part, 33-41, 43, 44, 45, 47, 50 in part, 51-55, 56 in part, 57, 59, 60 in part, and 61 in part, for services of 42 privates.....	\$2,977 80	
As on items 1-8, 10, and 11 above, except that this amount, being for 42 privates, at \$37.69 $\frac{1}{2}$ , should be allowed.....		\$1,583 12
And this disallowed.....		1,394 68
Items 62 and 64, for services of two privates.....	\$113 93	
As the names of the men charged for do not appear on rolls signed by a mustering officer, this amount, being an improper charge against the United States, should be disallowed.....		113 93
Items 6 in part, 9, 15, 21 in part, 22, 25, 27 in part, 31 in part, 32 in part, 42, 46, 48, 49, 50 in part, 56 in part, 60 in part, 61 in part, and 63, for the several amounts of which receipts do not appear, are deducted, therefore require no action.		
5. A. M. Upshur, pay for enrolling and organizing Captain P. H. Rogers's company in October, 1854.....	\$50 00	
This voucher, being a charge for services rendered prior to the date of muster into State service, should be disallowed.....		50 00
6. A. M. Upshur, services as paymaster, for paying off Captain P. H. Rogers's company—dates of service not stated.....	\$299 08	
A copy of the appointment of Upshur is filed. It stated that on settlement of his account with the comptroller a reasonable compensation would be allowed.		
Comptroller Johns, February 28, 1860, certified that receipt for the above amount of \$299.08 was then on file in his office. Said receipt is not submitted.		
The remarks for voucher 6 of Fitzhugh's company are applicable to this voucher, of which this amount, \$118.37, being 5 per cent. on \$2,367.49, favorably considered, is admissible, but should be suspended, for want of proper receipt.....		118 37
The balance charged on this voucher, being an improper charge against the United States, should be disallowed.....		180 71
7. Bennett F. Henderson, private. Balance of pay, &c.....	\$32 55	
Charles Human, private. Balance of pay, &c.....	\$32 55	
8. As allowances for the full time these men were actually in the service of the State have been suggested on items 27 and 31 of voucher 4, this amount, paid on their account, should be disallowed.....		65 10
9. Andrew B. Eckles, private. Pay and allowances for three months.....	\$77 10	
Comptroller Johns certified, February 29, 1860, that a receipt for this amount was then on file in his office. Said receipt is not submitted.		
As on voucher 1, except that this amount should be suspended for want of a proper receipt.....		37 69
And this should be disallowed.....		39 41
10. Thomas A. Evans, private. Balance of pay.....	\$32 55	
As on vouchers 7 and 8 (except in this case see item 21 of voucher 4), this amount should be disallowed.....		32 55
11. George W. Parks, private. Pay and allowances for three months.....	\$77 10	
As on voucher 9, except that this amount should be suspended and this should be disallowed.....		37 69
		39 41
12. Samuel A. Terrell, private. Balance of pay.....	\$32 55	
As on vouchers 7 and 8 (except in this case see item 56 of voucher 4), the amount of this voucher should be disallowed.....		32 55
13. A. R. Mott, private. Pay and allowances.....	\$77 10	
As on voucher 9, this amount should be suspended.....		37 69
And this disallowed.....		39 41
14. T. M. Petty, private. Pay and allowances.....	\$77 10	
As on items 1 to 11 of voucher 4, except that this amount should be allowed.....		37 69
And this disallowed.....		39 41
15. E. P. Carver, private. Pay and allowances.....	\$77 10	
16. F. Nordhues, bugler. Pay and allowances.....	80 50	
As on voucher 9, except that this amount should be suspended.....		77 06
And this disallowed.....		80 54
17. Mercer Fain, use of wagon and team six days, at \$6, dates of service not stated.....	\$36 00	

## Voucher.

18. O. Evans and Hanson, 711 rations subsistence, at 39 cents, from December 15 to 23, 1854, \$277.29; seven hundred and eleven rations forage, at 31 cents, from December 15 to 23, 1854, \$220.41 ..... \$497 70  
The remarks on voucher 10, Boggess's company, are applicable to these vouchers, the amount of which should be disallowed ..... 533 70

19. E. Krauskoff, gunsmith work in November, 1854, Captain Rogers's company ..... \$68 50  
Captain Walker's company ..... 13 75  
Captain Henry's company ..... 4 00

The account for Rogers's company is certified to as correct and necessary by the first lieutenant of the company, and is approved by Lieutenant Garrison, assistant quartermaster, Texas Rangers, and is receipted by A. A. Muncey, attorney for Krauskoff. The other accounts are certified to as correct and necessary by Captains Walker and Henry, respectively, but are not receipted. Comptroller Johns certified, March 1, 1860, that the receipt of A. A. Muncey, attorney for E. Krauskoff, for the sum of \$86.25, was then on file. Said receipt is not submitted.

If the suggestion made in regard to awarding reimbursement on account of these troops should be favorably considered, this amount being properly incurred in arming and equipping the same, and being supported by proper vouchers, should be allowed ..... 68 50

This amount, charged on account of H. Lehman, whose name does not appear on the rolls signed by a mustering officer, should be disallowed ..... 25

And this amount should be suspended for want of proper receipts... 17 50

20. Samuel Stone, Captain Rogers's company, in November, 1854, ferriage for 5 days ..... \$30 00  
Captain Walker's company, ferriage ..... 6 00  
Captain Henry's company, November 3 to 23, 1854.

Attention and hospital service rendered to the sick of this company, viz:

Simms, Lee, Hickman, Reyburn, and York, at \$25 ..... \$125 00  
Boarding six horses ..... 60 00  
Attention and funeral expenses of Hickman ..... 60 00  
Ferrying sundry times to and from town ..... 10 00  
Board and attention of Hanks and horse ..... 25 00

280 00

The subvouchers are certified as to correct and necessary by the captains and approved by the governor.

The remarks of voucher 7 of Henry's company are applicable to the charges for board and attention to sick on this voucher, of which this amount should be allowed ..... 100 00

The balance should be disallowed for the following reasons, viz:

The charge on Hank's account is a duplicate of voucher 8, Captain Henry's account; Hickman's name does not appear on Henry's rolls signed by a mustering officer; and the remarks to voucher 10 of Boggess's company are applicable to the charges for boarding horses and ferriage; therefore this amount should be disallowed ..... 216 00

## RECAPITULATION. CLASS I.

The abstract for payments made to the six companies calls for ..... \$50,109 32

To this should be added, for an error in addition in Boggess's roll, the sum of \$77.10, less 25 cents for an error in abstracting voucher 23, same company ..... 76 85

Correct amount of account ..... 50,186 17

which is disposed of, in the foregoing analyses, as follows:

Amount which should be—

Allowed ..... \*\$16,283 21  
Suspended ..... \*3,942 14  
Disallowed ..... 29,960 82

Total ..... 50,186 17

\* It is respectfully submitted that the sum of these two amounts (viz, \$30,225.35) is all of the foregoing amount that is admissible as a proper charge against the United States on account of the six companies called out by General P. F. Smith in 1854. The greater part of the amount "disallowed" is composed of sums which the State paid to the troops as "gratuity." (See annexed pages 67.)

CLASS II.

*Callahan's party.*

Voucher.

1. J. H. Callahan .....	\$409 40	
This voucher is simply a receipt for this amount paid the captain for three months' service, viz, from July 20 to October 19, 1855. Items are not stated in detail; the officer's servant is not described; and an excess beyond what was allowed by law and Army regulations appears in this charge. Said excess amounts to \$6.90, which should be disallowed .....		
		\$6 90
Any action that will allow reimbursement of any expenditure on account of this company will favorably consider this amount, subject, however, to suspension until the voucher shall be perfected .....		
		402 50
2. William Kyle, second lieutenant.....	\$332 72	
3. Ed. Burleson, first lieutenant and assistant quartermaster... 408 06		
As on voucher 1, next above, except that here the excessive are Kyle \$5.22, and Burleson \$65.56, which should be disallowed .....		
		70 78
The balance, as on voucher 1, suspended .....		
		670 00
4. Pay-roll of enlisted men.....	\$7,481 68	
Items 1 to 83 and 85, for services of 82 men from July 20 to October 19, 1855, and of 2 men from July 20 to October 3, 1855..... \$7,390 26		
A muster-roll, certified to by Callahan and Mustering Officer J. D. Pitts, bears the items and receipts pertaining to this amount.		
Any action that will allow reimbursement of any expenditure on account of this company will favorably consider this amount, subject to petty deductions.....		
		7,390 26
Item 84, for services of an enlisted man..... \$91 42		
No receipt appears for this, therefore the amount should be disallowed.....		
		91 42
5. Pay-roll for property lost by enlisted men while in Mexico; items 1-22 and 24-29.....	\$2,213 00	
Each item is supported by an affidavit made by the captain of the company, and the articles and valuation charged compare favorably with remarks on the company-roll.		
<i>Remark.</i> —Any action that will allow reimbursement of any expenditure made on account of this company will favorably consider this amount.....		
		2,213 00
Item 23. The amount of this has been deducted from the claim, therefore requires no action.		
5. Made up of various items, to be dealt with separately.		
Item 1. John Riley, 326 bushels of corn, at \$1.10, October 11, 1855..... \$358 60		
This bill, approved by Captain Callahan, bears the certificate of Lieutenant Burleson, assistant quartermaster, that the corn was delivered and that it was actually necessary for the public service.		
Why the contractor, Swenson (see item 13 following), did not furnish a full supply of forage is not explained.		
If this bill does not in fact exhibit false signatures on its face, then it is simply a copy, but it is not so marked.		
Were any of the charges in this class allowable, this amount would be subject to suspension for want of a proper voucher, and for satisfactory explanation in connection with item 13.....		
		358 60
Item 2. John Riley, seven weeks' rent of two houses, one for commissary of supplies and the other for hospital, October 15, 1855.. \$26 25		
As on item 1, next above, suspended .....		
		26 25
Item 3. Ed. Burleson, transportation .....		
	\$409 68	
This bill is as follows: "Received, San Marcos, January 8, 1856, of Colonel John D. Pitts, paymaster, \$409.68, for transportation to Captain J. H. Callahan's company Texas mounted volunteers, entered upon rolls as pack-mules. Ed. Burleson, first lieutenant, assistant quartermaster. Witness: J. H. Callahan, captain."		
The rolls submitted do not throw any light upon this matter, further than that seventeen pack-mules, belonging to different individuals of the company, were lost in Mexico. The lack of evidence to support this charge will warrant a disallowance of this amount.....		
		409 68
Item 4. T. C. Doss, 560 bushels corn, at \$1.10, October 15, 1855. \$616 00		
This bill, approved by Callahan, bears the certificate of Burleson. Excepting that this is believed to be a genuine receipt, the remarks for item 1 are applicable to this amount—suspended.....		
		616 00

## Voucher.

Item 5. Mrs. Reynolds, shoeing horses, October 15, 1855.....	\$46 80	
Approved by Callahan; certified by Burleson. The number of horses shod is not stated. The receipt is signed T. C. Doss, attorney, but no power of attorney is filed. This bill's defectiveness is sufficient to warrant a disallowance of its amount.....		\$46 80
(See remarks for items 9 and 10 following.)		
Item 6. James Hunter, 54 bushels corn, October 13, 1855.....	\$72.20	
As on item 1 of this voucher—suspended.....		72 20
Item 7. Ed. Burleson, transportation of baggage.....	\$36.00	
Claimant Burleson explains: "I certify that the foregoing account is correct and just; that I have actually performed the journey herein charged for, in obedience to the authority hereunto annexed, which was received by me when in actual duty; and that I have received no public transportation, or money in lieu thereof, for any part of the above amount; and that I am not in arrears to the State of Texas on any account whatever."		
An order for the journey is not submitted, dates of service are not stated, and the charge is for transportation of baggage, and is not, as certified, for transportation of the officer. For these reasons, and in addition see remarks for item 3, this amount should be disallowed.....		36 00
Item 8. J. G. Barbec, services as surgeon for three months....	\$300 00	
Approved by Callahan; approved by Burleson. The doctor's name does not appear on the rolls, and he was not a contract physician, therefore this amount should be disallowed.....		300 00
Item 9. Harmon Willie, shoeing horses.....	\$41 50	
Item 10. James Brown, shoeing horses.....	50 50	
Approved and certified as on item 1. The necessity for so much horse-shoeing on the 15th October, 1855 (see item 5), is not explained. Eighty-eight were the aggregate number of persons in the company, and of the animals employed with them forty-one were lost in Mexico early in October, 1855. The company officers having been notified October 4, 1855, that they would be mustered out October 19, 1855, the expenses incurred by them four days before muster-out were extraordinary in character and amount. The total absence of full and satisfactory explanation concerning these items warrants their disallowance.....		92 00
Item 11. Russell Varnell, services as guide.....	\$40 00	
Approved and certified as on item 1. Dates of service are not specified. If this company was ever properly and lawfully employed, it was when in a section of country with which its members must have been familiar, needing no guide. If a guide was necessary, then the organization was out of its proper element, and the expenses incurred in such an event should be disallowed.....		40 00
Item 12. J. H. Callahan, advances, October 12, 1855.....	\$57 00	
This amount is made up of \$23 for forage, \$20 for corn, and \$14 for horseshoeing for a scout, while out of reach of smiths, who were doing the company work, the captain asserting by certificate that he paid the money out of his own private means. Receipts of the parties paid by Callahan are not filed, and the correctness of the bill is not verified by affidavit. As submitted, this sub-voucher is fatally defective, and its amount should be disallowed..		57 00
Item 13. S. M. Swanson.....	\$2,746 00	
This charge embraces items of subsistence, forage, medicines, ammunition, scales and weights, stationery, camp equipage, and transportation.		
Reference is made to contract marked No. 1, dated August 3, 1855; also to contract marked No. 2, dated October 30, 1854, and accounts marked Nos. 3 and 7.		
The contracts and accounts referred to in the foregoing memoranda on the bill are not submitted, dates of this account are not submitted, the correctness of this account is not certified to, dates of service are not specified, and articles of property not perishable are not accounted for.		
Upon the evidence submitted this item of items is inadmissible; therefore should be disallowed.....		2,746 00
Item 14. Gastin Barbec, services rendered to men wounded in battle.....	\$67 50	

Voucher.

This bill, approved by Callahan, bears the certificate of Burleson "that the above account is correct and just; that the said Barbec did attend the men, and that he did it at the request of Captain James H. Callahan, with the promise of having his claim properly presented to the State of Texas."

Dates of service are not stated. This Dr. Barbec is supposed to be the same who figured in item 8; therefore this seems to be a double charge. If any amounts were allowable on this class, this item would be subject to suspension for want of satisfactory explanation, and then it might be disallowed for the reasons stated in item 8.

Item 15. Thomas Durham, 2,263 rations of subsistence, at 39 cents, July 20, 1855. \$882 57

This bill, approved by the governor, bears the certificate of Lieutenant Burleson that the account is correct and the rations were furnished.

The necessity for so many rations for so few men in one day's time is not explained; abstracts of issues are not submitted; this charge is not submitted by a proper voucher, and if any amounts should be allowable in this class, this item should be suspended for want of satisfactory explanation.

\$67 50

882 57

*Benton's company.*

1. Roll of pay and allowances from September 15 to October 15, 1855

Item 1. Nat. Benton, captain \$1,574 83  
 Item 2. H. B. King, first lieutenant. 191 35  
 Item 3. Charles A. Read, second lieutenant. 161 88  
 Item 3. Charles A. Read, second lieutenant. 140 00

An excess beyond what was allowable by law and Army regulations was granted to each individual above named. Said excess for Benton, \$57.85; for King, \$48.38; and for Read, \$31.50, should be disallowed.

137 73

Items are not stated in detail and descriptions of the officers' servants are not given.

Any action that will allow reimbursement of any expenditures on account of this company will favorably consider this amount, subject to suspension until the vouchers are perfected.

355 50

Items 4-26. For services of 23 enlisted men \$1,081 60

Amounts paid exceed, in every instance, the amounts of the items given to form the total, the latter being excessively stated. Powers of attorney filed in connection with payments made for members of this company are informal in several instances.

The erasures, overcharges, lack of detailed statements of items to make the total paid, and the remarkable uniformity of handwriting of all the men, whose names stand as having been signed by the individuals themselves, are all fatal defects on this voucher, and they will warrant a suspension of this amount.

1,081 60

2. Roll of payments made for property lost in Mexico \$935 00

Items of charge are certified under oath, and they and the amounts compare favorably with articles and valuations on the company-roll. Remark as on voucher 5 of Callahan's company, except that item 1 in this case requires a power of attorney, and that this is the amount to be disposed of.

935 00

3. J. H. Callahan \$57 00

This duplicates the charges composing item 12 of voucher 6 for Callahan's company, therefore should be disallowed.

57 00

*Henry's company.*

1. Roll of pay and allowances from September 15 to October 15, 1855 \$3,112 60

Item 1. W. R. Henry, captain 178 00  
 Item 2. Houston Tom, first lieutenant. 150 00

As in items 1 to 3 of voucher 1 for Benton's company, except that here the excessive charges amount to \$31, which should be disallowed. And the balance subject to suspension is.

81 00

247 00

Item 3 is not receipted for, and the amount has been deducted from the roll. No action required.

## Voucher.

Items 4-36. Enlisted men .....	\$1,494 60	
Powers of attorney filed in connection with these payments are informal, as in cases heretofore noted.		
Any action that will allow reimbursement of any expenditure on account of this company will favorably consider this amount .....		\$1,494 60
2 Roll of payments made for property lost in Mexico .....	\$1,290 00	
As on voucher 5 of Callahan's company .....		1,290 00
3. John D. Pitts, paymaster .....	\$100 00	
This charge appeared as voucher 5 for Henry's company in class 1, but from there was transferred to be dealt with in this class, the voucher being for services as paymaster for the companies in this class.		
Comptroller Johns certified, February 29, 1860, that the receipt of John D. Pitts was then on file. Said receipt is not submitted.		
Any action that will allow reimbursement of any expenditure on account of this company will favorably consider this amount, subject to suspension until a proper receipt is presented .....		100 00

## RECAPITULATION. CLASS II.

If a United States law authorized and directed the Secretary of War to settle and adjust, "on just and equitable principles," the claims submitted in connection with the companies of Callahan, Benton, and Henry, an enforcement of the rules of the War Department would leave the accounts as follows:

Amount which should be—		
Allowed .....	\$13,322 86	
Suspended .....	4,879 72	
Disallowed .....	4,172 31	
		\$22,374 89
Brought down from class 1 .....		50,186 17

## CLASS III.

*Tom's company.*

It is asserted that this organization was employed from October 18, to November 15, 1855. For what purpose it was employed does not appear in the evidence. The vouchers do not state the dates of service, but otherwise are as follows:

1. William Tom, pay and allowances as captain .....	\$133 70	
Overcharged on servant's pay 20 cents, which should be disallowed ..		\$0 20
<i>Remark.</i> —Any action that will allow reimbursement of any expenditure on account of this company will favorably consider this amount .....		133 50
2. Robert E. Jones, first lieutenant .....	\$13 70	
3. W. M. Rust, second lieutenant .....	108 70	
As on voucher 1, next above, except that this should be disallowed ..		40
And this is the balance to be disposed of .....		222 00
4. Pay-roll, items 1-14, 16-26, 28, and 30-45, pay and allowances to enlisted men .....	\$1,112 92	
The powers of attorneys submitted in connection with these items are informal, as in other cases heretofore noted. Otherwise the remark on voucher 1, preceding, is applicable to this amount to be disposed of .....		1,112 92
Items 15, 27, and 29, for the several amounts of which receipts are not produced, are deducted from the roll; therefore require no action.		
5. Ezra Keyser's account with a vigilance committee: For cash paid by him for forage and subsistence furnished Tom's company.. \$408 97		
This bill was paid by the committee, and the State reimbursed the amount, per receipt of "E. Jones, chairman of the vigilance committee."		
The quantity and price of each article is not stated, and the receipts of the parties paid by Mr. Keyser are not submitted. The informality of this voucher is sufficient to warrant a disallowance of its amount .....		408 97
6. George Lee, private .....	\$25 70	
A receipt for this is not filed; therefore the amount should be disallowed .....		25 70

*Tobin's company.*

Voucher.

It is asserted that this organization was employed from October 12 to November 15, 1855.

For what purpose it was employed is not clearly stated, unless it was to serve against Texas Indians. The vouchers are as follows:

- |  |          |        |
|--|----------|--------|
| 1. William G. Tobin (called captain), pay and allowances as second lieutenant.....                                 | \$108 70 |        |
| As on voucher 1 of Tom's company, except that this amount should be disallowed .....                               |          | \$0 20 |
| And this is the balance .....  |          | 108 50 |
| 2. Pay-roll, dates of service not stated, items 1-7 and 9-25, pay and allowances to enlisted men .....             | \$808 76 |        |
| As on items for amounts paid on voucher 4 of Tom's company, except that this is the amount to be disposed of ..... |          | 808 76 |
| Item 8, not received, is deducted from the roll; therefore requires no action.                                     |          |        |

*English's company.*

It is asserted that this organization was employed at various times between August 6 and November 13, 1855. For what purpose it was employed is not satisfactorily explained, though the captain's power of attorney asserts it was to serve against Texas Indians. (See annexed paper, No. 139.) The vouchers are as follows:

- |   |            |          |
|---|------------|----------|
| 1. Levi English, pay and allowances for one month as first lieutenant .....   | \$113 70   |          |
| 2. Joel M. Walker, second lieutenant .....  | 108 70     |          |
| As on voucher 1 of Tom's company, except that this amount should be disallowed .....  |            | \$0 40   |
| And this is the balance .....   |            | 222 00   |
| 3. Pay-roll, dates of service not stated, items 1 to 7, 9-18, 20-31, 35-39, and 42-46, pay and allowances to enlisted men .....   | \$1,376 46 |          |
| As on items for amounts paid on voucher 4 of Tom's company, except that this is the amount to be disposed of .....  |            | 1,376 46 |
| 4. R. Radcliffe, private .....  | \$33 20    |          |
| 5. Evan Corner private .....  | 33 20      |          |
| 6. John Taylor, private .....   | 33 20      |          |
| 7. E. O'Brian, private .....  | 33 20      |          |
| 8. Charles Richards, private .....  | 33 20      |          |
| Mr. Johns certified, March 10, 1860, that the receipts for the above amounts were then on file in the State comptroller's office. Why said receipts are not submitted is not explained. The remark on voucher 1 for Tom's company is applicable to these vouchers, except that this amount is subject to suspension for want of proper receipts ..... |            | 166 00   |
| A voucher for \$100, paid James H. Raymond, paymaster of the companies in this class, appears with the vouchers of Travis's company, in class 1. The amount is there disallowed.  |            |          |

RECAPITULATION. CLASS III.

Conditions noted for class 2, recapitulation, if applied to this class, would leave the accounts submitted for the companies of Tom, Tobin, and English as follows:

Amount which should be—		
Allowed .....	\$3,984 14	
Suspended .....	166 00	
Disallowed .....	435 87	
		\$4,586 01
Brought down from preceding classes .....		72,561 06

CLASS IV.

*Sansom's company.*

It was asserted that this organization was employed from April 16 to July 16, 1856. It was paid for ninety days' services, under the governor's certificate of employment, from April 16, though the mustering officer certified that it was not mustered in until April 19, 1856. It appears that the principal, Sansom, was paid at the rate of \$1.50 per day, and the men at \$1 per day each, and not at the rate fixed for troops in the United States service.

## Voucher.

This fact proves that this company was not a military organization, and the amounts paid to its members for services alleged to have been rendered as troops should be disallowed.....

\$1,155 00

NOTE.—The one voucher filed on account of this company is certified to by the so-called captain, who asserts that he witnessed the payment of the whole company. The signatures to the receipts are not witnessed, however, but all appear to have been written by one hand.

*Davenport's company.*

It is asserted that this organization was employed at various times between March 13, 1856, and June 1, 1857.

1. A roll was made out for three months' pay at the same rates as are noted for Sansom's company; but the full amount specified as due was not paid. It appears that John M. Davenport and Joseph G. Brown, the two principals, were each entitled to \$135, but were paid only \$60.39 each, and that the thirty-five men were each entitled to \$90, but were paid only \$45.70 each, leaving a balance due. For twenty of the men the money was paid to John M. Davenport on powers of attorney, which do not, on sight, present a favorable appearance. One J. M. McCormick, who belonged to the company, was at the same time, or subsequently became, clerk of a county court of which James B. Davenport was chief justice. Before one of these two individuals the powers of attorney in favor of John M. Davenport were executed. One of the documents represents that it was, in the presence of the chief justice, signed by eighteen of the men. If the men were not all taught penmanship by one and the same tutor, then one person signed all the names in this instance, and the Davenport family thereupon received nearly all the money paid on this voucher, the amount of which should be disallowed..... 1,599 62
  2. Neill Robinson, services as paymaster for the companies of Sansom, Davenport, and Black..... \$100 00
- The unsatisfactory manner in which this man discharged his duties and rendered his accounts should have debarred him from obtaining any pay. This amount should be disallowed..... 100 00

*Black's company.*

It is asserted that this company was in service at various times between January 1 and December 31, 1856.

A roll was made out for two months' pay at the rates noted for Sansom's company, but the full amount specified as due to each individual was not paid.

It appears that R. W. Black and James Mosely, the two principals, were each entitled to \$90, but were paid only \$45.70 each, and that the twenty-eight men were each entitled to \$60, but were paid only \$30.46 each, leaving a balance due.

For twenty of the men the money was paid to J. C. Ellis (a member of the company) on powers of attorney signed by persons who apparently learned to write under one and the same master. John M. McCormick, who belonged to Davenport's company, and was clerk of a county court, also belonged to this company, and before him every one of the twenty powers of attorney was acknowledged. Under these circumstances it is difficult to determine who was, in fact, paid for services rendered in this instance; but it is suggested that the character of this voucher is sufficient to warrant a disallowance of its amount..... 791 98

## RECAPITULATION OF CLASS IV.

The total claim should be disallowed..... \$3,646 60  
Brought down from preceding classes..... 77,147 07

## CLASS V.

The companies pertaining to this class were to serve as minute-men, and their employment was authorized by letters from the governor. How or where they served is not clearly set forth.



## Voucher.

The evidence goes to show that, notwithstanding the apparent employment of this military force, Indians committed depredations in some of the very counties and during the very times in which these companies apparently existed as protectionists. The charges for all the companies are from December, 1857, to March, 1858, and the vouchers are as follows:

*Carmack's company.*

1. T. K. Carmack, first lieutenant.....	\$269 00	
Any action that will allow reimbursement of any expenditure on account of this company will favorably consider this amount.....		\$269 00
2. Pay-roll of enlisted men.....	\$2,352 30	
3. Use of pack-mule, at \$8 per month.....	24 00	
4. Use of pack-mule, at \$8 per month.....	24 00	
5. Use of pack-mule, at \$8 per month.....	24 00	
6. Use of pack-mule, at \$8 per month.....	24 00	
As on voucher 1, next above.....		2,448 30

*Conner's company.*

1. John H. Conner, lieutenant.....	\$86 75	
As on voucher 1 of Carmack's company, except that this amount is subject to suspension, as the officer's servant is not described.....		\$86 75
2. Pay-roll of enlisted men.....	\$3,758 27	
3-6. Use of pack-mules, at \$8 per month.....	96 00	
As on voucher 1 of Carmack's company.....		3,758 27
7. W. L. Williams, private, for value of one horse and equipments, taken by the Indians, while in the service of the State of Texas. \$105 00 This is certified to under oath by Lieutenant Conner, but it is not shown at what place, upon what date, and under what circumstances the horse was lost. As on voucher 1 of Carmack's company, except that this amount is subject to suspension.....		105 00

*Hodges's company.*

1. John S. Hodges, lieutenant, for services from December 14, 1857, to April 26, 1858.....	\$564 75	
As on voucher 1, Carmack's company, except that this amount is subject to suspension, as the officer's servant is not described.....		564 75
2. Pay-roll of enlisted men.....	\$2,384 00	
As on voucher 1, Carmack's company.....		2,384 00
3. John S. Hodges, reimbursement of amount expended for blacksmithing for three months.....	\$4 00	
Hodges's receipt for the money, or the receipt of the party paid by him, is not found. As on voucher 1 of Carmack's company, except that this amount is subject to suspension.....		4 00
4. Horseshoeing.....	\$51 50	
As on voucher 3, next above, suspended.....		51 50
5-7. Use of pack-mules, at \$8 per month.....	\$72 00	
As on voucher 1, Carmack's company.....		72 00
8. Use of pack-mule.....	\$24 00	
The receipt of the party paid is not produced. As on voucher 1 of Carmack's company, except that this amount is subject to suspension.....		24 00

*Frost's company.*

1. T. C. Frost, lieutenant.....	\$376 50	
As on voucher 1 of Carmack's company, except that this amount is subject to suspension for want of a description of the officer's servant.....		376 50
2. Pay-roll of enlisted men.....	\$2,390 75	
As on voucher 1 of Carmack's company, except that this amount is subject to suspension for want of witnesses to receipts for the money.....		2,390 75

## Voucher.

3. Use of four pack-mules, three months each, at \$8 per month.. \$96 00  
 As on voucher 1 of Carmack's company, except that this is subject to suspension for want of powers of attorney to support the receipts of the parties paid..... \$96 00

## RECAPITULATION.

If a United States law authorized and directed the Secretary of War to settle and adjust, "on just and equitable principles," the claims submitted in connection with the companies of Carmack, Conner, Hodges, and Frost, an enforcement of the rules of the War Department would leave the accounts as follows:

Amount which should be—	
Allowed.....	\$11,514 32
Suspended.....	1,212 50
	\$12,726 82
Brought down from preceding classes.....	80,793 67

## CLASS VI.

It is alleged that the companies in this class were in service at various times in the year 1858. These organizations were authorized by the governor, and they killed at least seventy-two Comanches during an expedition into the Cherokee country.

The vouchers are as follows:

*Ford's company.*

1. Pay-roll, January 10 to August 10, 1858..... \$18,691 11  
 The governor's instructions to Ford were, viz:  
 "In all matters pertaining to your duties as commander of the State troops, you will co-operate with the officers of the Regular Army, if expedient, convenient, or practicable."  
 In view of this fact it is suggested that this command was entirely a State affair; i. e., an independent military establishment, with which the United States authorities had nothing to do; therefore this amount should be disallowed..... \$18,691 11  
 NOTE.—Of the foregoing amount \$207.94, in items 40 and 90, are received by proxy, but powers of attorney are not filed.
2. Roll of property lost by privates and paid for by the State.. \$568 00  
 As on voucher 1, above, and in addition:  
 A power of attorney is not filed to support a receipt by proxy for \$194 of this amount, which should be disallowed..... 568 00  
 The following-mentioned vouchers are for pay and allowances of officers of the Ford company from January 10 to August 5, 1858:
3. John S. Ford, captain..... \$1,420 65  
 4. E. Burleson, first lieutenant..... 977 00  
 5. A. Nelson, second lieutenant..... 917 00  
 6. W. A. Pitts, second lieutenant..... 917 00  
 7. J. H. Tankersley, lieutenant..... 825 12  
 As on voucher 1, above, and in addition:  
 Burleson and Pitts having been commissioned lieutenants for this company, Nelson and Tankersley were supernumerary officers, and should not have been paid. The whole amount should be disallowed. 5,056 77
8. Abstract of purchases made by Ed. Burleson, lieutenant and acting assistant quartermaster for Ford's companies..... \$13,095 13  
 This amount embraces charges for large quantities of property not perishable, and not accounted for.  
 Among the items are six horses, thirty mules, and three wagons. The amount of this voucher would be subject to suspension were it not for the remark on voucher 1, under which it should be disallowed. 13,095 13
9. Transportation and repairs..... \$3,398 58  
 10. Ordnance-stores..... 670 38  
 As on voucher 1; disallowed..... 4,068 96
11. Ed. Burleson, mileage..... \$72 00  
 As on voucher 1, and in addition:  
 Orders for the journey are not submitted; disallowed..... 72 00

Voucher.

12.	S. M. Swenson, contractor for subsistence furnished.....	\$1,529 70	
	As on voucher 1, and in addition:		
	The correctness of this voucher is certified to by Lieutenant Burleson and is approved by Captain Ford. Abstracts of rations received and issued are not submitted, and the dates upon which the subsistence was furnished are not stated; disallowed.....		\$1,529 70
13.	S. M. Swenson, subsistence.....	\$1,000 00	
14.	S. M. Swenson, subsistence.....	2,800 00	
15.	S. M. Swenson, subsistence.....	4,000 00	
16.	S. M. Swenson, subsistence.....	2,135 07	
	As on voucher 12, and in addition:		
	Receipts for the money are not submitted; disallowed.....		9,935 07
17.	Robert Cutter, extra-duty pay as commissary clerk, at 40 cents per day.....	\$72 80	
	This man was first sergeant of the company, and under the customs of the military service could not have been properly detailed as clerk. An order placing him on extra duty, detached service, is not filed, and dates of service are not stated. Otherwise, the remarks on voucher 1 apply to this voucher; the amount of which should be disallowed.....		72 80
18.	J. H. Tankersley, lieutenant.....	\$178 76	
	As on voucher 1, and in addition:		
	This lieutenant was paid in full on voucher 7, and this is a duplicate.		
19.	H. R. Runnell's expressage.....	\$70 00	
	Charge not supported by a receipt; disallowed.....		178 76
	The governor's receipt, or the receipt of the party paid, is not submitted. Dates of service are not stated.		
	As on voucher 1, this amount should be disallowed.....		70 00
20.	Miscellaneous expenses.....	\$2,220 66	
	Items, 1, 4-7, 9, 10, and 12, amounting to \$470.98 are for expenses of expressmen, printing, keeping a mule, ordnance stores, and horse hire. Excepting items 6 and 7, receipts of the parties paid are not submitted. The remarks for voucher 1 are applicable to this amount, which should be disallowed.....		470 98
	Items 2, 3, 8, 11, and 15 are duplicates of payments made by items 1, 2, 3, and 5-18 of vouchers 1 for Williams's company; therefore the amount should be disallowed.....		1,050 00
	Item 13, John Williams, pay and allowances as first lieutenant, two months, from May 24 to July 24, 1858.....	\$287 66	
	As on voucher 1, should be disallowed.....		287 66
	Item 14, S. M. Swenson, 1,260 complete rations for Williams's company, May 20, 1858.....	\$412 02	
	As on voucher 12, except that here Williams certified and the governor approved the account. The receipt of the party paid is not submitted. This amount should be disallowed.....		412 02
<i>W. G. Preston's detachment.</i>			
21.	Pay-roll of enlisted men, April 20 to June 30, 1858.....	\$1,150 45	
	This detachment was called into service by Captain Ford.		
	In most instances the amounts paid exceeded the totals due per items correctly added. Twenty-four dollars was paid for a pistol lost by Private Hill, but a receipt for the amount is not submitted. On this roll many of the signatures, purporting to be the genuine signatures of the men, were written by one person, whose authority to sign by proxy is not submitted.		
	As on voucher 1, should be disallowed.....		1,150 45
22.	W. G. Preston, second lieutenant.....	\$283 42	
	As on voucher 1, should be disallowed.....		283 42
<i>W. N. F. Martin's company.</i>			
1.	Pay-roll of enlisted men, from February 24 to April 4, 1859..	\$752 50	
	This company was employed by Ford in 1858, and when he was about to pay it, in 1859, it was reported that Indians were about, so he reassembled the company, and thus brought it into active service again for "six months, unless sooner discharged." It was sooner discharged, and the amounts paid to it for service in connection with this class, and for other services, are embraced in voucher 8 of Ford's company, class 7, duplicating this charge, which should here be disallowed.....		752 50

*John Williams's company.*

Voucher.

1. Pay-roll.....	\$1,085 60	
Of the twenty items on this roll, the money for fifteen was paid to Sergeant D. C. Cowan, whose powers of attorney are not submitted, and for five paid at the State treasury receipts are not produced. As on voucher 1 of Ford's company, this amount should be disallowed.....		
		\$1,085 60

## RECAPITULATION. CLASS VI.

The troops of this class formed a military establishment entirely independent of the United States authorities, as will be seen by reference to page 14 of House Executive Document No. 27 of the second session of the Thirty-fifth Congress, which shows that the governor wrote to Ford:

"Of course you will not be expected to submit to any improper interference in the execution of your duties from any quarter." It also appears therein that "the efficiency or good of the State service" was in this instance considered paramount to anything the United States military authorities in Texas could have said or done.

In view of the foregoing facts it is respectfully submitted that the total charged in this class should be disallowed..... \$58,831 02  
Brought down from preceding classes..... 93,520 49

## CLASS VII.

*Bourland's company.*

This was a State organization entirely independent of any United States authority. It was authorized by the governor, whose instructions to the captain (see paper 90) show the purposes for which it was raised. The vouchers are as follows:

1. Roll for pay and allowances to enlisted men from October 28, 1858, to January 28, 1859.		
Abstracted for .....	\$6,126 46	
To which add, for an error in addition.....	55 28	
Correct amount of roll .....	6,181 74	
Powers of attorney filed in connection with payments made for members of this company are in several cases informal, as in cases noted in class I.		
Items 1-14 and 16-78.....	\$6,111 76	
<i>Remark.</i> —Any action that will allow reimbursement of any expenditure on account of this company will favorably consider this amount, subject to petty deductions.....		
		\$6,111 76
Item 15. William Dawson, services as private, November 13, 1858, to January 28, 1859, two months and sixteen days.....	\$69 98	
The muster-out roll shows that this man was discharged December 22, 1859, unable for duty. The overcharge for one month and six days should be disallowed.....		
		33 15
And for the balance the remark on the other items of this voucher is applicable.....		36 83
2. Roll for pay and allowances to enlisted men from January 28 to April 28, 1859.....	\$2,778 88	
As on voucher 1 (except item 15).....		2,778 88
3. Patrick O'Gorman, services as paymaster's clerk for two months at \$700 per annum.....	\$116 66	
The dates of service are not stated, and the account is not certified. This is not a proper charge to be connected with the employment of a company of militia or volunteers; therefore the amount should be disallowed.....		
		116 60
Officers' pay-accounts from October 28, 1858, to April 28, 1859, viz:		
4. James Bourland, captain.....	\$1,077 00	
5. E. C. Perry, first lieutenant .....	977 00	
6. G. H. Fitzhugh, second lieutenant.....	917 00	
The remark on voucher 1 is applicable to these vouchers, the amounts of which are subject to suspension, as the officers' servants are not described.....		
		2,971 00

Voucher.

7. William Hunter, surgeon, from February 7 to March 8, 1859..	\$67 74	
8. G. L. Scott, surgeon, from October 28, 1858, to February 1, 1859, and from March 12 to April 12, 1859.....	\$389 50	
The names of these medical gentlemen do not appear on the rolls, and there is nothing submitted to show that they were employed under contract, in accordance with the Army Regulations. For each voucher a power of attorney, not witnessed, is filed, and the money was receipted for by proxy. This amount should be disallowed....		
		\$547 24
9. M. Poindexter, expressman .....	\$10 00	
The remark on voucher 1 is applicable to this amount, which is subject to suspension for want of dates of service .....		
		10 00
10. Alexander Boutwell, pay and allowances as second lieutenant, from October 28, 1858, to January 28, 1859.....	\$458 50	
The officer's servant is not described. As two lieutenants were paid, on vouchers 5 and 6, for the whole time this company was in service, this amount for a supernumerary officer should not have been paid, and should here be disallowed.....		
		458 50
11. W. T. Peery, use of wagon and team.....	\$155 00	
Remark as on voucher 1.....		
		155 00

*Forā's company.*

This company was authorized by the governor of Texas, who commissioned the company officers on the 10th of November, 1858. The vouchers are as follows:

1. Roll of pay and allowances to enlisted men from November 10, 1858, to May 10, 1859 .....	\$11, 443 10	
Powers of attorney in some instances are informal, as in other cases heretofore noted.		
Item 1 is signed by attorney, but a power of attorney to support the receipt is not submitted; the amounts of items 23, 24, and 73 in part are not receipted for. In view of these facts this amount should be disallowed .....		
		\$496 85
Item 40, the amount of which is deducted from the roll, requires no action.		
The remaining items on this voucher come under the remark on voucher 1 of Bourland's company, except that this is the amount to be disposed of.....		
		10, 946 25
2. James V. Ross, extra-duty pay as clerk in commissary department November 10, 1858, to May 10, 1859, at 25 cents per day....	\$45 00	
<i>Remark.</i> —Any action that will allow reimbursement of any expenditure on account of this company will favorably consider this amount.....		
		45 00
3. John R. Gibbons, first lieutenant.....	\$816 54	
As on voucher 1, next above, except that this amount is subject to suspension for want of a description of the officer's servant.....		
		816 54
4. Aaron Burleson, second lieutenant .....	\$763 80	
As on voucher 2.....		
		763 80
5. J. H. Huffman, extra-duty pay as hospital-steward, December 10, 1858, to May 10, 1859, 150 days, at 25 cents per day.....	\$37 50	
An order assigning this man to extra duty on detached service is not submitted, and the correctness of the account is not certified to by any one; therefore this amount should be disallowed.....		
		37 50
6. Charles E. Barnard, for 1,944 rations of subsistence, at 39 cents each, April 5, 1859 .....	\$757 96	
7. In part. C. E. Barnard, 2,160 rations, November 15, 1858....	842 40	
The correctness of these vouchers is not certified to by any one. In the absence of proper vouchers, this amount should be suspended in part .....		
		1, 600 36
Amounts paid to various persons on subvouchers, viz:		
1. Ed. Burleson, for 27 mules, 5 horses, and 3 sets horse-equipments .....	\$2, 486 00	
The correctness of this voucher, or subvoucher, is not certified to by any one. The property is not accounted for. These defects are sufficient to warrant a disallowance of this amount.....		
		2, 486 00
No. 2. Sampson & Henricks, ordnance stores .....	\$268 00	
No. 3. S. M. Swenson, 1 wagon, 4 sets harness, and 21 blankets. ....	222 50	

## Voucher.

No. 4. E. D. Walker, equipments.....	\$923 00	
No. 5. A. W. Anderson, spades.....	7 75	
As on subvoucher No. 1 of this voucher, should be disallowed.....		\$1,421 25
No. 6. Ed. Burleson, 600 yards "Lowells".....	\$108 00	
The correctness of this subvoucher is certified to by John S. Ford, but it is not understood for what purpose this article was purchased, and, there being no accountability for the property, this amount should be suspended.....		108 00
No. 7, in part. C. E. Barnard, 514 $\frac{1}{2}$ bushels corn, at \$1.70... \$374 28		
The correctness of this subvoucher is not certified to by any one. In the absence of a proper voucher, suspended.....		874 28
No. 8. C. E. Barnard, medicines, and articles of imperishable property.....	\$88 48	
As on subvoucher No. 1, disallowed.....		88 48
No. 9. C. E. Barnard, forage.....	\$883 00	
As on subvoucher No. 7, in part, suspended.....		883 00
No. 10. Ed. Burleson, forage.....	\$7,452 00	
This is certified to by Ford; but, as Burleson was acting assistant quartermaster and acting commissary subsistence, an absence of the receipts of parties from whom he purchased the forage warrants a suspension of this amount.....		7,452 00
8. This is an abstract of expenditures made by Ford, and the subvouchers are as follows:		
No. 1. J. W. Bennett, blacksmithing.....	\$182 75	
The correctness of this subvoucher, or of the voucher, is not certified to by any one, and, as the property in connection with which this expense was incurred is not satisfactorily accounted for, this amount should be disallowed.....		182 75
No. 2. A. W. Anderson, transportation of property.....	\$28 55	
No. 3. F. T. Duffan, supplies.....	250 00	
As on subvoucher No. 1, next above.....		\$278 55
No. 4. John Shirley, services as physician.....	\$120 00	
The account is not certified to by any one, and it is not shown that the physician was employed under contract, or was noted on the company-roll in accordance with Army Regulations. This amount should be disallowed.....		120 00
No. 5. A. J. Dyche, horseshoeing.....	\$30 00	
In the absence of evidence to show that this account is correct, and that the services were actually rendered, and were necessary for the public service, this amount should be disallowed.....		30 00
No. 6. T. Weaver, blacksmithing.....	\$266 66	
No. 7. J. Marshall & Co., advertising.....	1 50	
No. 8. John S. Miller, transportation.....	25 00	
No. 9. J. S. Perry, advertising.....	3 00	
No. 10. A. Guajarde, muleteer.....	150 00	
No. 11. M. Basques, muleteer.....	150 00	
No. 12. J. M. Cadera, muleteer.....	150 00	
No. 13. Ed. Finnin, services.....	91 00	
No. 14. J. Vascabaso, muleteer.....	150 00	
No. 15. J. M. Salinas, muleteer.....	150 00	
As on subvoucher No. 5, should be disallowed.....		1,137 16
No. 16. W. E. Oakes, surgeon.....	\$600 00	
As on subvoucher No. 4, should be disallowed.....		600 00
No. 17. Roll of men on extra duty.....	\$153 00	
Dates of service are not stated, orders placing the men on detached service are not submitted, and the correctness of the account is not certified to by any one. This subvoucher's defects are sufficient to warrant a disallowance of this amount.....		153 00
No. 18. Pay-roll of enlisted men of Lieut. W. N. P. Marlin's company, from February 24 to April 4, 1859.....	\$752 59	
This charge appeared in class 6, but was there disallowed to be considered here. Captain Ford called this company into service. Of the signatures, representing those of twenty men, on this roll, fifteen are signed in the handwriting of Marlin, and, in the absence of powers of attorney, this amount should be disallowed, as it was paid upon a falsified voucher.....		752 59
No. 19. Pay-roll of enlisted men of Lieut. W. N. P. Marlin's company, from July 15 to November 14, 1858.....	\$3,346 00	

## Voucher.

No. 20. W. N. P. Marlin, lieutenant.....	\$611 32	
The officer's servant is not described on No. 20. These charges properly belonged in class 6, wherein the remarks on voucher 1 of Ford's company are applicable to these subvouchers, the amount of which should be disallowed .....		\$3,957 32
No. 21. Jack Williams, guide.....	\$270 00	
As on subvoucher No. 5, disallowed .....		270 00

*Brown's company.*

From the heading on its muster-roll, this organization appears to have been called out by peace commissioners who were sent to the Brazos agency to represent the State in the settlement of reported disturbances. It seems, from the charges in this case, that it took about seventy days to settle the difficulties, though this is only shown by the fact that the State paid the company for services from July 1 to September 12, 1859, and it is not shown by any other evidence. The vouchers are as follows:

1. Pay-roll of officers and enlisted men .....	\$8,660 06	
The officers were one captain, two surgeons, two first and two second lieutenants; but should have been, for one company, one captain and two lieutenants, and a contract physician, if necessary.		
Powers of attorney filed in connection with amounts paid on this roll are informal, as in cases heretofore noted.		
Of the amounts paid on this voucher, the captain, J. Henry Brown, received for his pay, and as attorney, the sum of \$3,524.78, and J. H. Raymond, an attorney, received \$1,513.06.		
The employment of this company was purely a State affair. In the absence of evidence of date in 1859, to confirm J. Henry Brown's statements, or to show that the peace commissioners actually called this company into service, and necessarily kept it employed during the time charged for, this amount should not be entertained as subject to reimbursement, but should be disallowed, the same being an improper charge against the United States .....		8,660 06
NOTE.—Item 63 is overcharged \$26.10.		
2. E. M. Cox, extra-duty pay .....	\$7 50	
3. William Sharp, extra-duty pay .....	7 50	
4. H. L. Burt, extra-duty pay .....	15 25	
5. B. G. Edwards, extra-duty pay .....	13 50	
6. W. S. Perryman, extra-duty pay .....	16 50	
7. John Danley, extra-duty pay .....	26 40	
8. W. B. Whittington, extra-duty pay .....	25 00	
Orders putting these men on extra duty, detached service, are not submitted.		
As on voucher 1, this amount should be disallowed .....		111 65
9. J. H. Brown, mileage .....	\$16 20	
An order, from superior authority, authorizing or directing the captain to perform a journey at public expense, is not filed and the dates of service are not stated.		
As on voucher 1, disallowed .....		16 20
10. J. H. Brown, reimbursement of expenses incurred for burial of Private Smith Estes .....	\$20 00	
Receipts for the amounts paid by Brown are not produced.		
As on voucher 1, disallowed .....		20 00

## RECAPITULATION. CLASS VII.

If a United States law authorized and directed the Secretary of War to settle and adjust, "on just and equitable principles," the claim submitted in connection with the companies of Bouland, Ford, Marlin, and Brown, an enforcement of the rules of the War Department would leave the accounts as follows:

Amount which should be—	
Allowed .....	\$20,837 52
Suspended .....	14,715 18
Disallowed .....	21,884 91
Brought down from preceding classes .....	\$57,437 61
	152,351 51

## CLASS VIII.

## Voucher.

Not less than seven companies of volunteers or rangers appeared in the history of this class, but for some reason not explained accounts are submitted for only one of the seven, and for a company not alluded to in any of the correspondence of 1859-'60.

*Hampton's company.*

This was one of the seven organizations that operated in the Cortinas affair, between December 18, 1859, and January 1, 1860.

The papers submitted are principally in reference to issues of rations and concerning property accountability, but one voucher being filed for moneys paid.

## 1. Receipt-roll of four items, viz:

Hire of wagon and team.....	\$200 00
Guide.....	75 00
Muleteer.....	41 66
Quartermaster's clerk.....	83 32

The correctness of this roll is certified to by G. J. Hampton, captain and quartermaster.

No item of expenditure made on account of a company of volunteers that has been disbanded should be reimbursed by the United States until full and complete money accounts pertaining to the company's services and expenses are filed and passed upon; therefore this amount should be disallowed .....

\$399 98

*Berry's company.*

This was mustered in by W. G. Tobin, November 10, 1859, and was mustered out by him December 20, 1859.

Several forage requisitions and reports of persons and articles hired are filed with the receipt-roll of quartermaster's employes, and six receipts for amounts paid for rations for this company. This roll and these receipts form the only money transactions exhibited for this company.

The State abstract calls for..... \$6,011 33

The roll and receipts filed are for..... 2,473 00

The difference claimed is not supported by vouchers; therefore cannot be favorably considered, but must be classed disallowed.....

\$3,538 33

For the reasons stated in the remarks for the voucher submitted for Hampton's company, this amount should be disallowed.....

2,473 00

## RECAPITULATION. CLASS VIII.

Amount which should be disallowed.....	\$6,411 31
Brought down from preceding classes.....	209,789 12

## CLASS IX.

Governor Houston reported in 1860 that the State then had in its employ thirty four organizations, making an aggregate of 1,305 men; but the accounts submitted for this class are for supplies, and appear to pertain to one company only, viz:

*Burleson's.*

The vouchers are as follows:

## 1. Abstract of purchases made by J. E. McCord, lieutenant and acting assistant quartermaster..... \$1,315 30

The articles purchased were six mules, six pack-saddles, 461½ bushels corn, and horseshoeing materials. The animals and saddles were turned over to the State authorities, who give no credit on this voucher for the valuation of the articles.

Remarks.—Pay-rolls for the members of this company are not submitted, and the amounts now claimed are for only a part of the expenses incurred on account of this company. No item of expenditure made on account of a company of volunteers that has been disbanded should be reimbursed by the United States until full and complete money accounts pertaining to the company's services and expenses are filed and passed upon; therefore this amount should be disallowed .....

• 1,315 30



Voucher.

2. Abstract of expenditures for transportation and for services rendered by quartermaster's employes.....	\$539 75	
3. Ordnance stores .....	20 00	
4. Medicines .....	286 00	
5. Subsistence .....	18 00	
The remarks for voucher 1 are applicable to these vouchers. This amount should be disallowed.....		\$863 75
6. Leather, rope, and buckles.....	\$30 52	
For this amount Lieutenant and Acting Assistant Quartermaster McCord receipted as attorney for Dodge and Fisher, but a power of attorney is not submitted.		
The remarks on voucher 1 are applicable to this voucher. This amount should be disallowed.....		30 52
The State abstract for this class calls for reimbursement of amounts,		

viz:

Paid by McCord .....	\$2,000 00	
Paid at State treasury.....	4,943 46	
Total.....	6,943 46	
The vouchers filed are for \$2,209.57, and for this balance, claimed to have been paid at the State treasury, no vouchers are submitted; therefore this amount should be disallowed.....		4,733 89

RECAPITULATION. CLASS IX.

Amount which should be disallowed.....	\$6,943 46
Brought down from preceding classes .....	216,200 43

SYNOPSIS.

The State abstract calls for.....	\$223,011 76
To this amount there should be added for errors in addition, viz:	
On Boggess's roll, class 1 .....	\$76 85
On Bourland's roll, class 7 .....	55 28
	132 13

Correct total..... 223,143 89

Which, in the foregoing report, is conditionally disposed of as follows:

Class of troops or accounts.	Amount which should be—			Aggregate.
	Allowed.	Suspended.	Disallowed.	
One.....	\$16,283 21	\$3,942 14	\$29,960 82	
Two.....	13,322 86	4,879 72	4,172 31	
Three.....	3,984 14	166 00	435 87	
Four.....			3,646 60	
Five.....	11,514 32	1,212 50		
Six.....			58,831 02	
Seven.....	20,837 52	14,715 18	21,884 91	
Eight.....			6,411 31	
Nine.....			6,943 46	
Total.....	65,942 05	24,915 54	132,286 30	\$223,143 89

In order that the foregoing tabular statement may not be misconstrued, I respectfully submit that the evidence found in reference to these Texas claims does not exhibit any good ground for actual responsibility on the part of the United States Government for anything more, in this case, than \$20,225.35, which, in the "Synopsis," is the sum of the first two items for the troops of class 1; and that the balance, viz, \$202,918.54, was paid on account of troops or rangers, for the employment or support of which the United States, or their duly authorized agents, aside from the act of June 21, 1860, were not at all responsible.

And I further submit that a reimbursement of the last-mentioned amount or a recognition of the services of the men to whom it was paid will be the commencement of a responsibility of which the end—though it may be made to appear in the case of the State of Texas—cannot be foreseen, so far as the United States Government may be concerned.

Very respectfully, your obedient servant,

THOS. H. BRADLEY,  
First Lieutenant Twenty-first Infantry,  
Brevet Captain, United States Army.

## List of papers.

No.	Date.	From and to whom.
1	Sept. 30, 1852	Secretary of War to governor of Texas.
2	June 19, 1854	Secretary of War to Gen. Persifor F. Smith.
3	July 29, 1854	Gen. Persifor F. Smith to Secretary of War, indorsed by latter August 24, 1854.
4	July 29, 1854	Gen. Persifor F. Smith to governor of Texas.
5	July 30, 1854	Capt. P. Calhoun, United States Army, to assistant adjutant-general Department of Texas.
6	Aug. 2, 1854	Capt. P. Calhoun, United States Army, to assistant adjutant-general Department of Texas.
7	Aug. 8, 1854	Governor of Texas to Gen. Persifor F. Smith.
8	Aug. 12, 1854	Lieut. S. B. Holabird, United States Army, to adjutant First Infantry.
9	Aug. 17, 1854	Gen. Persifor F. Smith to Adjutant-General United States Army.
10	Aug. 20, 1854	Gen. Persifor F. Smith to Adjutant-General United States Army.
11	Aug. 24, 1854	Secretary of War to the Secretary of State.
12	Aug. 25, 1854	Adjutant-General to Gen. Persifor F. Smith.
13	Aug. 29, 1854	Secretary of War to the governor of Texas.
14	Oct. 9, 1854	Gen. Persifor F. Smith to Adjutant-General, indorsed by Secretary of War.
15	Oct. 30, 1854	Gen. Persifor F. Smith to Adjutant-General United States Army.
16	Jan. 23, 1855	Secretary of War to Hon. J. D. Bright, United States Senate.
17	Jan. 24, 1855	Secretary of War to Hon. P. H. Bell, House of Representatives.
18	Mar. 10, 1855	Gen. Persifor F. Smith to Adjutant-General United States Army, indorsed by Secretary of War, April 11, 1855.
19	Mar. 14, 1855	Gen. Persifor F. Smith to Adjutant-General United States Army.
20	Mar. 23, 1855	Gen. Persifor F. Smith to Adjutant-General United States Army, indorsed by Secretary of War April 11, 1855.
21	Apr. 9, 1855	J. E. Doss, William G. Thomas, and Charles A. Campbell to Secretary of War.
22	May 12, 1855	Secretary of War to above citizens of Texas.
23	May 28, 1855	Gen. Persifor F. Smith to Adjutant-General United States Army.
24	June 20, 1855	Governor of Texas to Gen. Persifor F. Smith.
25	July 5, 1855	Governor of Texas to John H. Callahan, esq.
26	July 14, 1855	Gen. Persifor F. Smith to Adjutant-General United States Army.
27	July 25, 1855	Governor of Texas to citizens of Bexar County.
28	July 25, 1855	Governor of Texas to John H. Callahan, esq.
29	Sept. 5, 1855	Governor of Texas to Gen. Persifor F. Smith.
30	Sept. 5, 1855	Governor of Texas to C. Evans, B. E. Edwards, and H. B. Saunders.
31	Sept. 8, 1855	Gen. Persifor F. Smith to Adjutant-General United States Army.
32	Sept. 12, 1855	Robert S. Neighbours to Capt. G. R. Paul, United States Army.
33	Aug. 30, 1855	United States agents' treaty with Texas Indians.
34	Sept. 15, 1855	Capt. G. R. Paul, United States Army, to Robert S. Neighbours, esq.
35	Sept. 16, 1855	Capt. G. R. Paul, United States Army, to assistant adjutant-general Department of Texas.
36	Sept. 25, 1855	Governor of Texas to certain citizens of State.
37	Sept. 29, 1855	Secretary of War to Secretary of State.
38	Oct. 4, 1855	Capt. Sidney Burbank, United States Army, to assistant adjutant-general Department of Texas.
39	Oct. 4, 1855	Governor of Texas to Lieutenant Edward Burleson, volunteer.
40	Oct. 7, 1855	Assistant adjutant-general Department of Texas to Capt. Sidney Burbank, United States Army.
41	Oct. 7, 1855	Capt. G. R. Paul to assistant adjutant-general Department of Texas.
42	Oct. 7, 1855	S. F. Ross, agent, to Robert S. Neighbours, agent.
43	Oct. 7, 1855	J. R. Baylor to Robert S. Neighbours.
44	Oct. 8, 1855	Capt. Sidney Burbank, United States Army, to assistant adjutant-general Department of Texas.
45	Oct. 8, 1855	Assistant adjutant-general Department of Texas to Brevet Col. William Loring, United States Army.
46	Oct. 9, 1855	Capt. Sidney Burbank, United States Army, to assistant adjutant-general Department of Texas.
47	Oct. 9, 1855	Assistant adjutant-general Department of Texas to Captain Sidney Burbank, United States Army.
48	Oct. 10, 1855	General Persifor F. Smith to Adjutant-General United States Army.
49	Oct. 11, 1855	Assistant adjutant-general Department of Texas to Captain Sidney Burbank, United States Army.
50	Oct. 11, 1855	General Persifor F. Smith to governor of Texas.
51	Oct. 12, 1855	General Persifor F. Smith to Adjutant-General United States Army, indorsed by Secretary of War November 3, 1855.
52	Oct. 14, 1855	General Persifor F. Smith to Adjutant-General United States Army.
53	Oct. 16, 1855	Captain Sidney Burbank to assistant adjutant-general Department of Texas.
54	Oct. 17, 1855	Governor E. M. Pease to General Persifor F. Smith.
55	Oct. 17, 1855	General Persifor F. Smith to Adjutant-General United States Army.
56	Oct. 20, 1855	Robert S. Neighbours to General Persifor F. Smith.
57	Oct. 21, 1855	General Persifor F. Smith to governor of Texas.
58	Oct. 21, 1855	General Persifor F. Smith to Adjutant-General United States Army.
59	Oct. 21, 1855	Captain G. R. Paul, United States Army, to assistant adjutant-general Department of Texas.
60	Nov. 9, 1855	Secretary of War to Secretary of State.
60½	Nov. 16, 1855	Extracts from roll of William Tom's company.
61	Nov. 15, 1855	Extracts from roll of William G. Tobin's company.
61½	Dec. 6, 1855	General Persifor F. Smith to Señor Don Emilio Langberg, commanding forces of the Mexican Republic in Coahuila.
62	Dec. 6, 1855	General Persifor F. Smith to Adjutant-General United States Army.
64	Dec. 18, 1855	Governor to J. D. Pitts.
65	Jan. 3, 1856	Governor to legislature of State.
66	Feb. 4, 1856	Governor to Giles S. Bogges.
67	Feb. 5, 1856	Governor to James W. Throckmorton.

## List of papers—Continued.

No.	Date.	From and to whom.
68	Mar. 22, 1856	Governor to Col. A. M. M. Upshur.
69	Mar. 31, 1856	Governor to John H. Callahan <i>et al.</i>
70	April 10, 1856	Governor to Col. John D. Pitts.
71	May 1, 1856	Governor to James H. Raymond.
72	June 17, 1856	Extracts from roll of Davenport's company.
73	Aug. 4, 1856	Governor to State legislature.
74	Aug. 25, 1856	Legislative act. (See supplement, following.)
75	Sept. 1, 1856	Governor to James H. Raymond.
76	Sept. 16, 1857	Secretary of War to Gen. D. E. Twiggs.
77	Nov. 11, 1856	Levi English's affidavit. (See supplement, following.)
78	Nov. 3, 1857	Governor to Messrs. Bryan and Reagan.
79	Nov. 23, 1857	Governor to Thomas K. Carmack, John H. Conner, and Neill Robinson.
80	Nov. 23, 1857	Governor's instructions to officers, Texas volunteers.
81	Nov. 23, 1857	Resolution, State legislature.
82	Dec. 7, 1857	Governor to Thomas C. Frost.
83	Dec. 19, 1857	Governor commissions J. S. Hodges.
84	Dec. 19, 1857	Governor commissions John H. Conner.
85	Dec. 22, 1857	Thomas C. Frost reports to governor.
86	Jan. 28, 1858	Governor commissions John S. Ford.
87	{ Feb. 8, 1858	{ Governor commissions Lieut. Edward Burleson.
88	{ Feb. 9, 1858	{ Governor commissions W. A. Pitts.
89	May 20, 1858	Governor authorizes Williams's company.
90	May 25, 1858	Governor to Neill Robinson.
91	May 27, 1858	Governor to Neill Robinson.
92	July 13, 1858	Governor to Lieut. John Williams
93	Oct. 4, 1858	Governor to Col. James Bourland, with memoranda of instructions.
94	Oct. 4, 1858	Governor commissions James Bourland.
95	Oct. 8, 1858	Governor to Secretary of War.
96	Nov. 2, 1858	Governor's instructions to John S. Ford.
97	Nov. 10, 1858	Governor commissions John S. Ford.
98	Nov. 10, 1858	Governor commissions lieutenants.
99	Jan. 8, 1859	Second Auditor to Adjutant-General United States Army.
100	Jan. 8, 1859	Memoranda of payment to six companies.
101	Jan. 11, 1859	Secretary of War to Senate Military Committee.
102	Jan. 17, 1859	Commissary-General Subsistence to Adjutant-General United States Army.
103	Jan. 23, 1859	Quartermaster-General to Adjutant-General United States Army.
104	Feb. 1, 1859	Adjutant-General to Secretary of War.
105	Feb. 2, 1859	Secretary of War to Senate Military Committee.
106	Mar. 19, 1859	Governor's receipt for Bourland's rolls.
107	Apr. 5, 1859	Decision of Secretary of War.
108	June 6, 1859	Governor's peace commission for Brazos agency.
109	July 1, 1859	Extract from roll of company called out by peace commissioners.
110	July 14, 1859	Decision of Secretary of War.
111	July 16, 1859	Decision of Secretary of War (on page 375, Senate Document No. 2, first session Thirty-sixth Congress).
112	Oct. 13, 1859	Governor to W. G. Tobin.
113	Nov. 17, 1859	Governor to John S. Ford.
114	Jan. 23, 1860	Governor to J. M. Swisher.
115	Feb. 28, 1860	Governor to Secretary of War.
116	Mar. 3, 1860	Second Auditor to Secretary of War.
117	Mar. 12, 1860	Third Auditor to Secretary of War.
118	Mar. 14, 1860	Secretary of War to governor (see page 145, House Executive Document 52, first session Thirty-sixth Congress).
119	Mar. 31, 1860	Secretary of War to Senate Military Committee.
120	Sept. 11, 1860	Secretary of War to secretary state of Texas.
121	Nov. 15, 1860	Decision of Secretary of War, <i>necessity</i> .
122	Dec. 17, 1860	Secretary of War to Governor.
123	Jan. 25, 1861	Governor's certificates.
124	Feb. 13, 1861	Second Auditor to Secretary of War.
125	Feb. 23, 1861	Third auditor's report approved by the Secretary of War.
126	Feb. 23, 1861	C. R. Johns to Second Auditor.
127	Feb. 23, 1861	Third Auditor to Secretary of War.
128	May 11, 1861	J. M. McCormick's affidavit.
129	May 13, 1861	R. W. Black's affidavit.
130	May 12, 1871	Act of legislature of Texas.
131	Oct. 28, 1871	Governor to James P. Newcombe.
132	Feb. 28, 1871	Memoranda.
133	Nov. 11, 1871	James P. Newcombe to Secretary of Treasury, referred by letter to Secretary of War.
134	Nov. 16, 1871	James P. Newcombe to Secretary of War.
135	Nov. 16, 1871	Secretary of War to James P. Newcombe.
136	Nov. 18, 1871	James P. Newcombe to Secretary of War.
137	Jan. 18, 1872	Resolution of House of Representatives.
138	Jan. 19, 1872	Secretary of War to House of Representatives.
139	.....	Abstract of first amount claimed.
140	.....	Abstract of second amount claimed.
SUPPLEMENT.		
138	Aug. 25, 1856	Act of legislature for relief of Boggess.
139	Nov. 11, 1856	Levi English's power of attorney to H. W. Sublett.
140	..... 1872	Pamphlet—Piedras Negras's claims in the American and Mexican Joint Commission.

WAR DEPARTMENT, *April 27, 1872.*

This is to certify that the papers hereunto annexed, and numbered 1-60, 60½, 61, 61½, 62, and 64-139, are true copies of originals or certified copies of papers found at this office.

THOMAS H. BRADLEY,  
*First Lieutenant Twenty-first Infantry, Brevet Captain, United States Army.*

WAR DEPARTMENT, *Washington, September 30, 1852.*

SIR: The President has referred to this department your excellency's letter of the 20th ultimo, with the documents therein inclosed. Your excellency says that repeated representations have been made to this [your] department by all the most influential and respectable residents of the Rio Grande Valley of their desperate situation and the insecurity of life and property in that section of the State, occasioned by the total inadequacy of the present military establishment in Texas to check the murders and depredations of lawless bands of Indians and Mexicans, and that, in consequence of these representations, you had felt it your duty to take immediate steps for the relief of the Lower Rio Grande, and with that view had called into the service of the State three companies of mounted volunteers (numbering in all about two hundred men rank and file), for the period of six months, who are to act in concert with the United States troops stationed in that quarter. Your excellency concludes by requesting that the "general government will recognize the services of these volunteer troops, and make such further and more permanent disposition as upon examination shall be found necessary to restore that peace and security to which that [this] unfortunate country has so long been a stranger."

You inclose various communications made to you by citizens of Texas on this subject.

Your excellency is probably aware that the Executive has repeatedly informed Congress that the military establishment of the country was inadequate to the protection of its widely extended frontier, and recommended that it be authorized to raise additional force for that purpose. Congress has seen fit to disregard these recommendations at a time when the necessity for their adoption was more apparent than it is at present. Before the last adjournment of Congress it was well known that there was reason to apprehend an extensive outbreak of the Indians on the frontier of Texas, and the very facts communicated in your excellency's letter must have been known to the Senators and Representatives of your State in Congress. Nevertheless that body adjourned without taking any steps on this subject.

Within a few weeks past the department has been informed by the reports of its officers not only that the rumors that the Indians are preparing extensive hostilities were unfounded, but that, in fact (with a few partial exceptions), they have not been for a long time as peaceably disposed. All accounts concur in representing the Comanches as unusually quiet; and, by advices received from Colonel Sumner, it appears that treaties of peace have been concluded with the Navajoes and the Apaches (the most powerful nations on the confines of New Mexico and Texas); that there are now treaties of peace with all the Indians in New Mexico; and that, with the exception of some of the roving bands of the plains, the Indians in that section of the country have ceased to be troublesome.

Under these circumstances, even if there were a manifest necessity for an additional increase of the military establishment, the Executive would hesitate to call into the service of the government a description of force which, while it is far less effective than that which Congress has refused to authorize, is more expensive. But the President is not satisfied that the facts contained in the papers transmitted by your excellency would warrant him in taking this step. The only law under which the President could exercise the power referred to is the act of February 28, 1795, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repeal invasions, and to repeal the act now in force for those purposes." It appears from these papers that the neighborhood of El Paso and Brownsville has for several months past been infested by lawless persons, who traverse the country, singly, or in small parties, driving off cattle and occasionally committing murders; that the perpetrators of these acts are principally Indians, Mexicans, and half-breeds; but that lawless and reckless persons, professing to be citizens of Texas, also participate in them; that, in consequence of the fears occasioned by these disorders, some of the inhabitants have been compelled to abandon their homes; that the civil authorities were powerless to put a stop to these outrages, the officers of justice not being able to collect a sufficient civic force to execute processes, &c.

There is reason to suspect that these statements are somewhat exaggerated. Besides the natural tendency of persons while under the influence of fear to magnify the danger that occasions it, some of the signers of these papers have a strong motive to do so.

It is well known to this department that the inhabitants in the neighborhood of

military posts have other reasons for wishing them to be kept up besides the protection they afford. The department, therefore, is frequently urged to establish posts where there is no real necessity for them; and whenever troops are ordered away from one, alarming accounts of Indian hostilities are invariably set afloat. In addition to this, many young men are always found who are anxious to enroll themselves as volunteers, and there is no part of the frontier, from Oregon and California to Florida, where similar applications have not been made; but in every instance they have been rejected. To what extent these remarks apply to the accounts contained in the papers transmitted by your excellency I am unable to say. I will merely remark that the commander of that department positively pronounces several of the statements contained in them entirely unfounded, and does not recommend that these volunteers be received into the service of the United States.

Supposing, however, these accounts to be strictly correct, the outrages and disorders complained of (except when committed by Indians) are hardly such as this government ought to be called upon to repress. The perpetrators of these acts, whether Americans or Mexicans, are not public enemies, to be encountered by the Army of the United States, but private malefactors, to be arrested and punished by the civil authorities of Texas. If the means which these authorities have at their disposal are not sufficient to enable them to do this, and the government of Texas finds it necessary to call out her own militia to execute her own laws and to defend her own citizens against robbers and murderers, surely it ought not to expect the United States to pay the expenses of the proceeding.

It must be borne in mind, too, that the disorders complained of have been brought about in part by citizens of Texas themselves. It is well known that many of the inhabitants of that State were directly or indirectly concerned in the criminal enterprises of Caravajal, in violation of the laws of their own country, and, no doubt, in opposition to the wishes of the peaceable and law-abiding portion of the inhabitants of Texas.

It was to be expected that the inhabitants of Mexico would seek in some way or other to retaliate upon them, and the Indians in the neighborhood have availed themselves of this opportunity to renew their predatory incursions into the country. The number of these, however, judging from official reports to this department, is much exaggerated in these papers. In addition to these, mercenary vagabonds and outlaws within our limits, who had flocked to the standard of Caravajal, finding themselves disappointed in their hopes of plunder in the Mexican territory, naturally seek to indemnify themselves in our own.

The President directs me to assure your excellency that he sympathizes deeply with the sufferings of the good people of Texas, who are thus made to suffer for acts in which they did not participate, and that he will do all that he can, with propriety, to arrest them.

The officer in command of that department reports that, in view of the troubles on that frontier, he had already ordered to that quarter five companies of mounted riflemen. Orders have also been given to fill up all the companies stationed there with their complement of men. One of the papers transmitted by your excellency mentions that the officer at a military post had been unable to render any assistance in punishing the authors of these atrocities, because his men were unprovided with horses. That is very possible. Congress, in spite of the earnest and repeated remonstrances of the department, having failed within a few weeks past to appropriate money for the purchase of horses, the department found itself unable to supply them. Since the department has been provided with funds for the purpose, measures have been taken to supply the requisite number of horses.

From reports received from Colonel Sumner, it is rendered highly probable that the portion of the forces under his command that had for a temporary purpose been ordered from the Texas frontier to Santa Fé have, before this, resumed their former stations.

Representations have also been made to the Mexican Government in regard to the alleged participation of officers and citizens of that country in the outrages complained of. It is hoped that these measures, together with the exercise of a proper degree of vigilance and energy on the part of the citizens and government of Texas, will suffice to restore tranquillity and peace to that region of country.

Very respectfully, your obedient servant.

C. M. CONRAD,  
*Secretary of War.*

His Excellency P. H. BELL,  
*Governor of Texas, Austin, Tex.*

## No. 2.

WAR DEPARTMENT, *Washington, June 19, 1854.*

SIR: From your reports of the various conflicts which have taken place with the Indians on the frontiers of Texas and the constant outrages committed by them on the defenseless inhabitants of that State, the department is induced to believe you may need the aid of additional troops, which it will not be in its power to furnish. Your representation of the great want of recruits to fill up the reduced companies under your command is received with the greater regret because of the slow progress of the recruiting service, which state of things, it is feared, will not improve unless our hopes of increased pay for the soldier, as recommended to Congress, should be speedily realized.

Under these circumstances it is deemed advisable to authorize you to call upon the governor of Texas for aid, should the exigencies of the service require it, in repelling Indian invasions, and in such event you will make requisition for such number of mounted men as you may from time to time deem necessary, who, while in service, will be supplied with ammunition, forage, and subsistence by the United States.

Very respectfully, your obedient servant,

JEFF. DAVIS,  
*Secretary of War.*

General P. F. SMITH, U. S. A.,  
*Commanding Department of Texas.*

## No. 3.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*Corpus Christi, July 29, 1854.*

SIR: Your letter of the 19th of June authorized the calling on the governor of Texas for mounted men under a certain contingency. I have awaited the receipt of such information as would enable me to act with some certainty that I was not misled, but nothing new has reached, except a report from Colonel Loomis, which he thinks reliable, that some bands of Indians are assembling on the Mexican side of the Rio Grande.

I have waited until now for the arrival of the topographical instruments required last December from Colonel Abert before setting out to establish a site of a post near Presidio del Norte. Having waited as long as I could, I am now about to start, and have written to the governor of the State a letter, a copy of which I inclose. I have postponed the time of calling the men into service the 1st of November, both to allow events to develop themselves in the mean time, and because, by the beginning of the winter, so many men will have been discharged from the mounted corps that these will be very weak. I presume the governor will urge that rifles and revolving pistols be provided. There will be time to receive his application in that case.

The expenditures in the Quartermaster's Department will be very much increased by the mounted men. The chief quartermaster reports that with the last remittance came a notice that it filled all the requisitions from this department for the fiscal year ending the 30th of June. By the records here, on the contrary, it appears there is still a deficiency of \$52,000 unsupplied on the estimates sent forward.

With this deficiency to begin with, and the great additional expense in prospect, the service of the Quartermaster's Department will be very difficult.

There will be time to send supplies of provisions from Baltimore to Indianola, directed to Austin, before the companies, if called out, will want them.

With the highest respect, your obedient servant,

PERSIFOR F. SMITH,  
*Brevet Major-General, Commanding Department.*

HON. JEFFERSON DAVIS,  
*Secretary of War.*

[Indorsement.]

The instructions of June 19, 1854, authorize General Smith, should the exigencies of the service require it in repelling Indian incursions, to make requisition upon the governor of Texas for such number of mounted men as might, from time to time, be deemed necessary by the general commanding, the men so called into service to be supplied with ammunition, forage, and subsistence by the United States.

General Smith, in his letter to Governor Pease, says: "If the only evil to be avoided were the direct injury from Indian incursions I should not think the contingency contemplated by the Secretary had arrived."

No authority was given to call out the militia for any other purpose than that indicated. This was expressly limited to the case of an exigency which rendered that resort necessary, and the phrase "from time to time" was intended for such temporary

service as incursions should require. No power exists, without special legislation, to call forth the militia for such objects as the promotion of settlement and agriculture, for a term as long as that proposed.

JEFF. DAVIS,  
*Secretary of War.*

WAR DEPARTMENT, *August 24, 1854.*

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No. 4.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*Corpus Christi, July 29, 1854.*

SIR: I have been instructed by the Secretary of War "to call upon the governor of Texas for aid should the exigencies of the service, in your opinion, require it in repelling Indian incursions, and in such an event you will make requisition for such number of mounted men, from time to time, as you may deem necessary, who will, while in service, be supplied with ammunition, forage, and subsistence by the United States."

If the only evil to be avoided were the direct injury from Indian incursions I should not think the contingency contemplated by the Secretary had arrived, for so many of the reports spread by the papers are, to my own knowledge, so entirely fabrications, that the case presented by the actual fact is not such as to require more force than is now here. But there are, doubtless, other serious evils that follow murders and robberies that have really happened, and the greatest is the sense of general insecurity on the frontier, which interrupts industry and prevents an increase of population on the border, where it is most desirable as the best means of defense.

If, in the opinion of your excellency, the presence of additional troops on the frontier is necessary to repel actual incursions, I would be unwilling to set my own belief in opposition to that of yourself, who represent the belief and wishes of the people most interested; and if, in the second case, you think a feeling of security so necessary and beneficial to the border settlements could only be produced by adding to the troops there, I would take your opinion as the rule for my action, and decide that the case contemplated had arrived in which I was to call on your excellency for mounted men.

But as the raising and support of temporary troops are very onerous, both to the government and troops themselves, it is very desirable that they should be selected with care for the particular service they are destined for, and should be well mounted and armed. I would propose, then, that if your opinion is in favor of calling more companies into service, on the 1st day of November next six mounted companies should be called into service, on which day four of them will be mustered into the service of the United States for twelve months, unless sooner discharged, at or near Fort Martin Scott, and two of them at or near Fort Worth. This would give two months to raise and organize and arm the companies. They would be during the winter placed on the frontier, and I would, in the spring, as soon as the grass would answer, make two expeditions into the Indian country, and endeavor to inflict a blow which should insure the tranquillity of the border for the future.

If your excellency will do me the favor to send your reply in duplicate—one to this place inclosed to the assistant adjutant-general, and the other to the care of the assistant quartermaster at San Antonio, to be forwarded to me by express on my route to Las Moras.

It is to be observed that the troops are to be "supplied with ammunition, forage, and subsistence by the United States." Of course they are to provide their arms, horses, and equipments. The supply of revolver pistols was a limited one, and I presume is exhausted.

As there has been no appropriation for paying these men they will have to wait until the law provides for their case.

The legal organization of a mounted company is as follows: One captain, 1 first and 1 second lieutenant, 4 sergeants, 4 corporals, 2 buglers, 1 farrier, and 74 privates.

With high respect, your obedient servant,

PERSIFOR F. SMITH,

*Brevet Major-General, Commanding Department.*

His Excellency E. M. PEASE,  
*Governor of the State of Texas.*

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No. 5.

FORT CHADBOURNE, TEXAS, *July 30, 1854.*

SIR: Information has reached me, through the chiefs of the southern bands of Comanches living near this post, that large war parties are being formed and some of them are actually at present on the way to the Rio Grande. I deem this of such

importance as to make the matter a special and immediate report to the commanding general of the department. Although the object of this movement is stated to be the revenge of the massacre of a large party of the Comanches by the Mexicans a few months since, I am inclined to think, from circumstances which have come to my knowledge, that the intention may be to depredate also on this side of the Rio Grande, should a favorable opportunity present itself. I am led to this conclusion by developments made by a captive Mexican boy whom I have taken from them. This boy, of whom I have heard and was anxious to get possession, was brought in during the night by a Mexican who has lived long among them, under the promise that his agency in the escape should be kept a secret from the Comanches.

The boy says that his name is Vivian Lopez, and that he is fourteen or fifteen years of age. He makes the following statement of the circumstances of his capture, &c.:

His father, Cicilia Lopez, lives near Corpus Christi, and is connected in business with Mr. Gilbert Rodgers, of that place. While out hunting mustangs some three months since with his father and another relative, he, being separated a short distance from them, was seen and pursued by a party of Indians, struck from his horse and captured.

He does not know what became of the others. The Indians proceeded to Laredo, where they stole a Mexican boy and some horses. The boy they killed that evening. From Laredo the band proceeded toward Fort Merrill, according to the boy's statement, but I am under the impression that he mistakes that post for Fort Ewell; and on the Lardo road, near where it parts from that leading to Guerrero, they attacked a train of fourteen government wagons, killing five teamsters and capturing some hundred mules. The party then proceeded, without the exercise of much caution, in this direction. They were overtaken by a party of soldiers while in camp, several of them killed or wounded, and the mules retaken. This band consisted of twelve men, led by Ecanodie, the half-brother of Toshaway, the principal war-chief of the Southern Comanches, to which band all of the party belonged. The captive boy made his escape yesterday morning and was brought in last night. This morning early, Toshaway, accompanied by the wife of Ecanodie, came in to inquire if anything had been heard of the boy. I stated to them that the boy had claimed my protection and that I should retain him. They then demanded a ransom, which I declined giving. Toshaway is the war-chief who commanded the party which was destroyed by the Mexicans not long since. I sent for Sanaco and Ketumsey, principal chiefs, whose camps are only a few miles distant, and held a long talk with them through Jim Shaw, a Delaware interpreter. They expressed themselves satisfied regarding the boy, and acquiesced quietly in his being retained. The chiefs appeared to be somewhat alarmed, and volunteered the information that large parties had been formed and were still forming among the Northern Comanches, amounting already to nearly four hundred men; that runners had been sent inviting them to join. Some of their young men had already left, but they had not made up their minds whether they would take part. These parties were—some of them—now on the way. I would mention, in this connection, that these Indians do not appear nor can they be made to understand that it is wrong to engage in hostilities against the Mexicans. They speak openly about it on every occasion. They do not appear to think that the government or its agents have acted in good faith, and feel, as far as I can judge, little restraint or obligation under existing treaties. It is, however, due to them to say that since I have been in command they have acted in a friendly and consistent manner, apparently more out of a policy of their own than any feeling of treaty obligations.

Ecanodie and his party are again absent, the boy thinks, on another expedition toward the Rio Grande. The statement of the boy and the information of the movement of the war parties are given in substance, as nearly as possible, as they came to me. The interpreter used—Jim Shaw—is a well-known and intelligent Delaware. He places full confidence in the statement of the chiefs. In view of the want of confirmation of the boy's statement, the absence of the Indians principally engaged, and the general commitment of the whole tribe, I have determined to push the matter no further for the present; to treat the Indians as usual, watch them narrowly, and await instructions, should nothing more occur from the general commanding the department.

I have stopped the sale of powder and lead by the sutler and other traders in the vicinity, and shall endeavor to use to the best advantage the limited means which the strength of the command—not more than seventy strong—places at my disposal.

Expresses have been sent to Forts Belknap and McKavett.

I am, sir, very respectfully, your obedient servant,

P. CALHOUN,  
*Captain Second Dragoons, Commanding Post.*

Maj. D. C. BUELL,  
*Assistant Adjutant-General Department of Texas, Corpus Christi, Tex.*



## No. 6.

FORT CHADBOURNE, TEX., *August 2, 1854.*

SIR: Since my letter of the 30th, additional information has come to my knowledge, which I have the honor to report. I mentioned in that communication that Ecanodie had returned to the Rio Grande, it was supposed. Yesterday evening the same Mexican who assisted the boy Lopez to escape informed me that the Comanches had just received news that Ecanodie and four of his party had been killed in a fight below. These are evidently the Indians with whom Captain Van Buren is reported to have had a fight.

Jim Shaw, the interpreter, reports the following additional, which he gets from Ketumsey: That some thirty or forty of his band have already left, and that probably more will do so; none of the chiefs have taken part. He (Ketumsey) thinks that the whole force going to Mexico will amount to six hundred; they have passed far to the west of this, and intend crossing the Rio Grande some sixty miles below the Presidio del Norte, their gathering-point being in Mexico, not far from the Rio Grande.

From this point they intend attacking the town near which the late massacre of their people took place. Ketumsey denies that the Indians killed by Captain Van Buren belonged to his band; he says they were Northern Comanches, his men being killed by the Lipans, in Mexico. The evidence is, however, strongly to the contrary.

While I was writing, Lieutenant Tyler, with a scouting party from Fort McKavett, came in. I had heard of the approach of this party, and determined to strengthen and send it on a reconnaissance in a northwesterly direction; it has been increased to forty, and is now preparing to leave, under the command of Lieutenant Tyler, accompanied by Lieut. George B. Anderson. I fear it may be turned back by the want of water, as the country in the direction in which it goes is represented as being very deficient in that respect.

In your letter of the 15th of July you say that "the general regrets to hear that it is the intention of the Indian Bureau to locate any bands of Indians in the neighborhood of your post." The phraseology of my letter may have led the general to a wrong conclusion. This particular region has always been a favorite hunting-ground for the Southern Comanches, and wherever the military post was situated they would, when at peace, frequent its neighborhood for trading and other purposes. Their camps are seldom more than ten miles distant, and frequently within a mile of the post. They camp around the post in parties of from twenty to three hundred. I have seen more than a hundred warriors in at a time. The term "near" was comparative and not meant to convey the idea of immediate vicinity. The location would probably be miles distant. The Mexican captive, Lopez, I will send to Corpus Christi by the first favorable opportunity.

I am, sir, very respectfully, your obedient servant,

P. CALHOUN,

*Captain Second Dragoons, Commanding Post.*

Maj. D. C. BUELL,

*Assistant Adjutant-General, Department of Texas, Corpus Christi.*

## No. 7.

EXECUTIVE OFFICE, AUSTIN, TEX., *August 8, 1854.*

SIR: I have the honor to acknowledge the receipt, by the last mail, of your letter of the 20th of July.

In reply, I have no hesitation in saying that I believe an addition to the troops now in service in this State is necessary to produce a feeling of security with the inhabitants residing on and near the frontier. This belief is based upon a knowledge of the many murders and outrages that have been committed by the Indians within the last six months and upon the numerous communications that have recently been made to me of the opinions of those inhabitants on this subject. I therefore feel authorized, from the tenor of your letter, to call out six companies of mounted volunteers, to be mustered into the service of the United States at the time and places indicated by you for twelve months, unless sooner discharged.

I fully concur with you in relation to the care that should be exercised in selecting these troops, as well as the necessity for their being well mounted and armed, and as so long a time is allowed for raising them, I am satisfied that I can send you a force well suited for the service in which you propose to employ them.

Very respectfully, your obedient servant,

E. M. PEASE.

Brevet Maj. Gen. PERSIFOR F. SMITH.

FORT DUNCAN, TEX, August 12, 1854.

SIR: I have the honor to submit to the commanding officer the following information concerning the Indians that have crossed from this side of the Rio Grande into Mexico. The information I believe to be in the essential parts reliable. The Seminole Indians live at or near Santa Rosa, upon lands furnished them by Mexico, which they cultivate. They have horses, cattle, and mules. They have about fifty warriors and a number of negroes. These Indians are under the immediate control of Wild Cat, their chief, and they are subject to the military orders of Colonel Casteñado, the inspector-general of the neighboring colonies. I look upon the Seminoles as a military colony, under Wild Cat, and his warriors are colonial troops. As colonial troops they were employed against the party of Caravajal, and rendered efficient aid in the fight at Ceraloo in Tamaulipas. It is believed that they are again to be employed for a similar purpose, to guard the passes of the Rio Grande in this vicinity and prevent any parties crossing to aid the reputed revolutionists, and they would probably be used against any faction opposing Santa Anna. These Indians are known to have a bitter hatred for many of the residents of this side of the river. They are well acquainted with all the positions of the live-stock raised and kept on this side, and have an intimate knowledge of all the fords of the Rio Grande. Under these circumstances, they would undoubtedly be very troublesome neighbors, particularly if their natural impulses to steal are stimulated by encouragement or countenance from the other side. That such countenance and protection have previously been given is well known.

The Seminoles crossed to this side and stole a large number of animals in the month of March; after crossing the river they went directly to San Fernando, and in the presence of the authorities, civil and military, boasted of what they had done, and publicly announced (Mr. Harrison can make affidavit to the fact) that they (the Seminoles), and particularly Wild Cat, did this with the knowledge and consent of General Cordona, of Coahuila, and that he could not sell the animals again to their proper owners because he was only entitled to half; the other half was to be delivered to his excellency the governor. No steps, as far as can be ascertained, have been taken to disprove the evidence of the Indians, and the boldness of the act, together with the cool impudence with which they answered any inquiries on the subject, seem to indicate something very much like protection. All the above, I believe, can be readily proven. I do not think the Seminole Indians have committed depredations since the above affair.

The Lipans are reported to be under their chiefs, Coyote and Castro, said to number one hundred and fifty warriors. They seem to be confined to no particular spot; for some time past they have been in the vicinity of San Fernando. There is but one there now, and he appears to be used as a courier, to look up and carry orders to the others, as they seem to be under the command and are well known to be under the military protection of Colonel Casteñado. These Indians are only at peace with the State of Coahuila (which embraces the opposite town).

The people of the neighboring State of Tamaulipas raised a force and came against these Lipans, but Colonel Casteñado turned out with a much larger force to protect the Indians, and the Tamaulipas had to retire. One hundred Lipan warriors presented themselves to Colonel Casteñado and wished to be led against their enemies, but their services were declined. This made the Indians suspect treachery, and they withdrew to the mountains, and it is reported that Castro has returned to his old position near Las Moras. I do not know upon what the report is founded. It is generally believed that the Lipans have been sent for to aid the Seminoles in guarding the frontier from filibusters and the interior from revolutionists. I could find no particular charge against the Lipans having stolen from this side since they crossed, but they have animals in their possession they do not own, and some of which are reported to have government marks.

I am, sir, very respectfully, your obedient servant,

S. B. HOLABIRD,  
Second Lieutenant First Infantry.

Lieut. R. W. JOHNSON,  
Adjutant First Infantry.

NOTE.—I was told that the horse stolen from General Smith at Fort Duncan was bought by a secretary of Governor Cordona, and those knowing the fact think he was aware where the horse came from and how. The horse was said to be sorrel. A mule was carried over at the same time, but where it was taken I could not ascertain.

S. B. HOLABIRD,  
Second Lieutenant First Infantry.

## No. 9.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*Fort Duncan (Eagle Pass), August 17, 1854.*

COLONEL: I authorized and directed the commanders of the posts on this river to send agents into Mexico to learn what the bands of Indians are doing there.

Lieutenant Holabird, acting assistant quartermaster, having to visit the opposite side in relation to the purchase of corn, was enabled to ascertain on the spot, and from reliable sources, the information which is contained in his report, which I inclose.

It will be seen that the number of Indians under Wild Cat has been much overrated and the intentions of his band misstated; but the evil comes from the band of Lipans, who are stationed by the Indian agent on the Nueces. I also inclose a report of Captain Calhoun, from Fort Chadbourne, in relation to the Comanches brought to the neighborhood of that post through the Indian agent, who does not appear to be with them or to have any one to watch or advise. It appears to me that everything is done to make it difficult for the military to protect the frontier.

I am on my way toward the Presidio del Norte and El Paso, with the view of establishing the site of Colonel Seawell's post and driving off the Mescaleros and Lipans about the head of the Limpia.

I take with me an escort of a company of mounted riflemen, with a detachment of twelve men of the same regiment, having a prairie howitzer, under Lieut. D. Maury, the whole under Captain Walker, Regiment of Mounted Rifles.

From what I see of the prairie carriage and howitzer, I am convinced of its great utility on this frontier, and would respectfully ask that ten more be sent to the ordnance depot at San Antonio.

Referring to the diminished number of the troops here, I mention that at Fort McIntosh I found Captain Elliott's company of mounted riflemen with fifteen men for duty in it, and here I find Captain Caldwell's company of the First Infantry with six men for duty. After the lapse of a year he will have not one man remaining.

With high respect, your obedient servant,

PERSIFOR F. SMITH,  
*Brevet Major-General, Commanding Department.*

Col. S. COOPER,  
*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *September 12, 1854.*

Respectfully submitted to the Secretary of War.

S. COOPER,  
*Adjutant-General.*

## No. 10.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*Camp on the Piedras Pintas (eight miles west of Fort Clark), August 20, 1854.*

Col. S. COOPER, *Adjutant-General of the Army:*

I arrived here yesterday morning on my way to examine the country about the Presidio del Norte, the head of the Limpia, and to the neighborhood of El Paso. I was joined in the evening by Captain Walker's company of mounted riflemen, which I take as escort, and expect to-morrow a train from San Antonio with supplies, and will continue my route on the 22d. I shall probably be absent until the beginning of December, but communications addressed to me at Corpus Christi will reach me by express.

The Lipan Indians who were in Mexico along the Rio Grande having been alarmed by measures taken against them, they have come over on this side and are now encamped near Fort Clark. They profess friendship, but were undoubtedly engaged in depredations across the river from Mexico. They now fear an attack from the Comanches, of whom Captain Calhoun's letter of August 2 speaks, dated Fort Chadbourne. I have taken measures to have troops to meet this expedition when it comes down.

I have made an absolute call on the governor of the State for six mounted companies, and would desire that five hundred rifles and equipments and as many of Colt's revolvers be sent to Lieutenant McNutt's ordnance depot at San Antonio, and that two hundred Sharp's carbines, with Maynard's primers, be also sent, furnished with two hundred rounds of cartridges and two hundred and fifty primers of the latest manufacture for each one.

I cannot communicate with San Antonio, so as to have the requisition made by the ordnance officer there and approved by me. These arms will be issued only in case of necessity.

I inclose a copy of the answer of the governor of the State to my communication of the 29th of July. There is a great deal of sickness among the troops, owing, no doubt, to the unusually wet weather this season, and it will continue until cold weather. Many suffer from the scurvy, for want of lime-juice, the best anti-scorbutic.

With high respect, your obedient servant,

PERSIFOR F. SMITH,

*Brevet Major-General, Commanding Department.*  
ADJUTANT-GENERAL'S OFFICE, September 12, 1854.

Respectfully submitted to the Secretary of War.

S. COOPER,  
*Adjutant-General.*

No. 11.

WAR DEPARTMENT, *Washington, August 24, 1854.*

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant, with a copy of one from the Secretary of the Treasury, inclosing a communication from S. Powers, collector of the customs at Point Isabel, Tex., stating the probability that measures are being concerted by certain disaffected Mexicans on our frontier to invade Mexican territory.

In reply, I have to inform you that the general commanding the Department of Texas is possessed of full authority from the President to prevent the carrying on of any such expeditions from any place within the limits of his command.

Copies of the papers will, however, be sent to General Smith, and his attention called to the subject.

Very respectfully, your obedient servant,

JEFF. DAVIS,  
*Secretary of War.*

Hon. W. L. MARCY,  
*Secretary of State.*

No. 12.

ADJUTANT-GENERAL'S OFFICE,  
*Washington, August 25, 1854.*

GENERAL: Your communication of July 29, inclosing your correspondence with the governor of Texas in relation to calling out volunteers for the defense of the frontiers of that State, has been received by the Secretary of War, by whom I am now instructed to state that you appear to have misconceived the instructions of June 19, 1854, "in which you were authorized, should the exigencies of the service require it in repelling Indian incursions, to make requisitions upon the governor of Texas for such number of mounted men as might, from time to time, seem necessary.

No authority was given to call out the militia for any other purpose than that indicated; this was expressly limited to the case of an emergency which rendered that resort necessary, and the phrase "from time to time" was intended for such temporary service as incursions should require. No power exists, without special legislation, to call forth militia for such objects as the promotion of settlements and agriculture or for a term as long as that proposed.

The Secretary of War accordingly directs that your requisitions upon the governor of Texas for volunteer troops be made to conform to these views.

Very respectfully, general, your obedient servant,

S. COOPER,  
*Adjutant-General.*

Bvt. Maj. Gen. P. F. SMITH,  
*Commanding Department of Texas.*

No. 13.

WAR DEPARTMENT, *Washington, August 29, 1854.*

SIR: I have received from General P. F. Smith a copy of his letter to you, dated July 29, in relation to calling out militia for the defense of the inhabitants of Texas from Indian aggressions.

In that letter, referring to the authority given him by this department to call upon you for troops, he says that if the only evil to be avoided were the direct injury from

Indian incursions, he would not think the contingency contemplated had arrived, for so many of the reports spread by the papers are to his knowledge fabrications, that the case presented by the actual fact is not such as to require more force than he now has; but that there are other evils, the greatest of which is the sense of general insecurity on the frontier, which interrupts industry and prevents an increase of population on the border, where it is most desirable, as the best means of defense.

He then proceeds to say that if, in your opinion, additional troops are necessary, either to repel actual incursions or to produce a feeling of security in the border settlements, he will take your opinion as the rule for his action; and he accordingly makes a requisition, subject to your opinion of its necessity, for six companies of mounted men, to serve for twelve months.

Authority to call out militia is given by law only in cases of actual hostilities or of "imminent danger," and in strict pursuance of this authority General Smith was directed to call upon you "for aid, should the exigencies of the occasion require it in repelling Indian incursions." To produce a feeling of security in the border settlements is not, within the contemplation of law or the instructions of this department, an object for which the militia may be properly called out, and it is manifest that, in his judgment, troops were not needed to repel Indian incursions. As he only, knowing the condition of the troops under his command, can judge of the necessity of re-enforcements, it has been deemed proper to apprise him that the department disapproves the conditional requisition which he made for troops not deemed necessary by him for the object specified in the instructions, especially as the term proposed by him greatly exceeded that limited by law.

Although, under the views above stated, troops cannot be called out simply to give citizens a sense of security, it appears to me that the object might be in a great degree attained were it generally made known in the advanced settlements that General Smith has authority to call out and supply such force as he may deem necessary for their protection, whenever required, and that your excellency is prepared at any moment to furnish it.

Very respectfully, your obedient servant,

JEFF. DAVIS,  
*Secretary of War.*

His Excellency E. M. PEASE,  
*Governor of Texas, Austin, Tex.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
"Painted Camp," on the Limpia, October 9, 1854.

COLONEL: I have the honor to acknowledge the receipt of your communication of the 25th of August, conveying the disapproval of the Secretary of War of my call on the governor of Texas for six companies for a year, if not sooner discharged, and directing me to conform to the views expressed in your letter and to the law, which I will accordingly endeavor to do as far as I can understand them.

The Indians, as will be perceived from the reports sent to you heretofore, are constantly making hostile incursions, if that can be called an incursion which is made by Indians living within the State already. The reports made of their devastating the settlements, as published in the papers, were many of them untrue; but small parties formerly, and larger ones since, have entered within the line of posts and killed men and carried off cattle and horses, and attacked traveling parties, sometimes successfully; though these can scarcely be said to have happened within the settlements, yet they have alarmed them, and induced some persons to abandon them. These depredations are not known till pursuit is too late, if the Indians, as they often do, immediately retire; to call out the militia to repel such incursions as they happen would be useless; troops ready prepared can hardly expect to overtake them, unless they accidentally fall on their trail, or receive instantaneous notice of the act and the route of the retreat; to call on the governor of the State for militia, and to await their being assembled and mustered into service, would not meet the emergency. I was consequently of opinion (on which I acted) that when a hostile disposition, evinced by hostile acts, was evident, I was authorized to call upon the governor to furnish men to be prepared to meet such acts as were pretty sure to follow such a disposition. I thought the only question to be decided was whether the regular force under my command was sufficient to repel these incursions, or whether militia were necessary, and upon your information that no recruits could be expected, I framed the call so as to furnish the additional force at a time when the regular troops would be as low in numbers as it would be safe to permit them to be. If, when the returns for October are in, you will observe the number of recruits necessary to fill up the companies, you will probably allow that the five hundred militia called out are hardly a compensation for the two thousand soldiers deficient.

When I speak in my letter to the governor of the effect the existing alarm may produce on the settlements, I do not mean to say that such alarm is to be considered, even if entirely without foundation, but that if some actual hostilities have produced an alarm which, under the circumstances, is unreasonably great, yet that alarm is an evil to be remedied among others attending the Indian incursions.

Having no laws to refer to, I was under the impression that the act under which volunteers were received into service in 1847 or 1848 for a year was not limited to the war, and on my arrival to take command of the Department of Texas (then the 8th), I found companies of volunteers in service for, I think, a longer period than three months; but whether I am correct or not in my impressions I have here no means of ascertaining. To meet all circumstances, for you informed me there could be no hope of recruits, I asked for the companies for a year, "unless sooner discharged," thus reserving the right to dismiss them the moment they were no longer necessary.

I intended to employ them in a much more effectual way than by letting them wait to watch small parties that might come in, which was to organize one expedition or more against the tribes that were offending. It is only by a serious chastisement, repeated more than once, that these predatory expeditions can be repressed effectually, but as long as the tribes that furnish the marauders are protected by the Indian agents and kept near the frontiers no effectual lessons can be given to them.

As many hostile acts and incursions have been committed since my letter calling on the governor, and as the number of regular troops is diminishing daily, without any prospect of recruits as yet, I will renew the call on the governor for the six companies for "three months, unless sooner discharged," and employ them at once, part against the Indians in this neighborhood and part against the Comanches, and will discharge them as soon as their services are no longer necessary.

If I misconstrue the instructions you have transmitted and the intentions of the Secretary, I will be glad to learn at once in what particulars and how I shall correct my action. My sincere wish is to carry out exactly and effectually the views of the department in all points.

With high respect, your obedient servant,

PERSIFOR F. SMITH,

*Brevet Major-General Commanding Department.*

Col. S. COOPER,  
*Adjutant-General.*

Respectfully submitted to the Secretary of War.

S. COOPER,  
*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, November 9, 1854.

The view last taken, that is, to employ such additional force as may be necessary to repel incursion and to pursue and punish hostile Indians, by making a campaign sufficiently protracted for the purpose, is in accordance with the views of the department.

Exception was taken to the former call because it exceeded the power of the Executive of the United States, and because it was to provide garrisons, looking forward to a campaign at a remote period, before which it might be possible to furnish recruits and make the regular force equal to the wants of the service.

JEFF'N DAVIS.

No. 15.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*Camp on San Pedro River, October 30, 1854.*

COLONEL: On the 23d of this month I dispatched an express from the "Painted Camp" on the Limpia, after my return from the Presidio del Norte, with several communications to you, one of which gave my reasons for recommending that no post be established at the Presidio, and that the companies of the Eighth Infantry now on the Limpia be continued there. I have placed them in a position which, as far as I am able to judge from the time I have spent there, is the most healthy and pleasant in Texas, having most excellent water, good grass, and plenty of fuel, at an elevation above the sea of about 4,700 feet, and being on one of the most important roads in the department and in the midst of Indian tribes that are daily committing outrages on travelers. This express, the day after it left my camp, was attacked, at first by sixteen Indians, who were soon joined by fifteen or twenty more, and the men were obliged to abandon their mules and baggage to be able to use their arms. Finally the Indians, seeming to value their mules more than anything else, pursued them, and

the two men succeeded in making their escape, and returned toward the Limpia on foot. On the 24th I began my march, and met the men. I sent Captain Walker with thirty men to seek the trail of the Indians, but it was in a rocky place and he did not succeed in finding it.

Unfortunately, in the same bag with the letters directed to Washington were the copies sent to my office in Corpus Christi, so that I have no record of what was sent.

I have been obliged to-day to make a long march, for want of water on the road, and cannot have time before the express must leave to write again what has been lost; and as I am going direct to Corpus Christi, I shall be there soon after any messenger I can send, and I will then present my views on the subject again. In the mean time I have established Colonel Seawell with his six companies there (numbering less than two hundred men), and have taken the liberty of naming it without reference to the department, and I have called it Fort Davis. Among the papers lost was a report from Captain Arthur, First Infantry, in command of a temporary post on Oak Creek, giving an account of the Indians, twenty-eight in number, running off all his animals pasturing near the post, and of a pursuit by men on foot, in which Lieutenant Woods and Sergeant Michael Roke and a private, whose name will be found in the captain's report, sent by him to Corpus Christi, succeeded in overtaking the Indians, who were mounted, and they themselves being on foot, and killing two of them, and I had in my dispatch recommended Lieutenant Woods and the sergeant and private to the notice of the department.

Captain Arthur's post on Oak Creek and Captain Granger's on this stream are now both abandoned for the winter. I am taking the last detachments down with me.

With high respect, your obedient servant,

PERSIFOR F. SMITH,

*Brevet Major-General, Commanding Department.*

Col. S. COOPER,  
*Adjutant-General.*

Respectfully submitted to the Secretary of War.

S. COOPER,  
*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *November 21, 1854.*

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No. 16.

WAR DEPARTMENT, *Washington, January 23, 1855.*

SIR: In answer to the resolution of the Senate of the 11th instant, "That the Secretary of War be required to lay before the Senate such information as may be in his department in reference to such troops of the State of Texas as may now be, or heretofore have been, in service in that State, and who have not been paid by the Government of the United States, together with the estimates of the amount necessary to pay said troops," I have the honor to state that the only troops which are believed to come within the terms of the resolution are the six companies of mounted volunteers called out by Maj. Gen. P. F. Smith, commanding the Department of Texas, and mustered into the service of the United States at Austin, Tex., on the 1st of November last, to serve for six months. The muster-rolls of these companies not having yet been received at the department, no exact estimate of the amount necessary to pay them can now be made. The one made by the Paymaster-General, and submitted herewith, is conjectural, but the amount of it, \$137,755.38, if appropriated, will probably be sufficient for the purpose.

Very respectfully, your obedient servant,

JEFF'N DAVIS,  
*Secretary of War.*

Hon. J. D. BRIGHT,  
*President pro tempore of the Senate.*

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No. 17.

WAR DEPARTMENT, *Washington, January 24, 1855.*

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, inclosing a certificate of the comptroller of the State of Texas, showing amounts which have been appropriated by the State for the payment of the three companies of vol-

unteers called out by its executive in the summer of 1852, and requesting that the amount necessary to reimburse the State (\$89,301.92) may be asked of Congress by this department.

In reply I have to inform you that when these companies were called out by the governor of Texas he advised this department of the fact, and asked that they might be received into the service of the United States. This, for the reasons given by the Secretary of War\* in his reply to the governor, was not granted.

For the reason, therefore, that these companies have not been in the service of the United States, I cannot comply with your request that I should ask an appropriation of Congress to reimburse the State of Texas the amount paid them. The decision of my predecessor controls my action in the case.

The resolution of the Senate relative to the volunteer companies of Texas at present in service, to which you refer, has been received and answered by the department.

Very respectfully, your obedient servant,

JEFF. DAVIS,  
*Secretary of War.*

Hon. P. H. BELL,  
*House of Representatives.*

No. 18.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*Corpus Christi, March 10, 1855.*

Col. S. COOPER, *Adjutant-General:*

Your letter of the 31st of January, inclosing the extract from a report of Major Neighbours, Indian agent, was duly received, and, in conformity with your directions, the volunteers were immediately recalled from the quarter toward which they had been directed; and as the object of employing them, to wit, carrying a war into the homes of the Indians who had been making hostile incursions into the interior of Texas, could not be carried out, they were ordered to be discharged. I must, however, call your attention to the incorrectness of Major Neighbours's report.

His communication is dated at San Antonio on the 8th of January. On that day the volunteers had not yet arrived at Fort Chadbourne, a long ways this side of the position he assigned to them, and the command from Fort Chadbourne had not left it when you wrote, inclosing his report. Yet he alleges their presence on the upper waters of the Clear Fork as causing a disturbance among the Indians with whom he was treating. The band which attacked the train near Fort Ewell—that which was attacked by Captain Van Buren and which killed him—were detachments from these tribes that were then about Fort Chadbourne endeavoring to excite the other tribes to join them in hostilities. The reports of Captain Calhoun last summer show this fully. If they have joined themselves for protection to any band more peaceful, and under the control of the Indian agents, the latter should have taken measures to have the offenders given up. Major Neighbours cannot say that subsequent hostilities have been caused by the presence of the troops, for on the 1st of February Captain Calhoun's two companies of dragoons left Fort Chadbourne, and the volunteers had not been mustered into service at Austin and San Antonio until from the 1st to the 20th of December. Yet, by a report from Lieutenant Givens, Second Dragoons, stationed at Fort Belknap, dated the 6th of November, it appears that a party of these same Indians had committed depredation on the settlement between the fort and the reservation, and he had followed and detected the guilty, but for certain reasons had not arrested them. On the 10th of January Major Steen reports that he had, on the complaint of one of the settlers, gone to Senaco's camp after mules, stolen some time before from the settler; that on his way back Ketumsey, another chief, had overtaken him, with news that a German named Lindecker, living near Fort Chadbourne, had sent word to them that an expedition was to march against the Southern Comanches, and that thereupon Senaco and Buffalo Hump had fled with their bands to join the Northern Comanches. Now, Major Steen's report is dated the 8th of January, and the occurrences must have happened some days before, while the first of the volunteers did not arrive at Fort Chadbourne until the 10th of January. Now, the fact is that this same party of Senaco and Buffalo Hump have sent detachments down into the settlements near Fredericksburg, where they are reported to be killing cattle and men. I have ordered Colonel May to send a detachment to drive them out, and Captain Calhoun will on his return detach dragoons on the same duty.

The Lipans, under the protection of Major Howard, are following the same plan. An incursion was made a few days since across from Mexico, near Fort Duncan, and a

\*In paper No. 1.



young man killed who was in search of cattle. In defending himself he killed an Indian, whose body was not carried off; and when Captain Walker's company of rifles, which was sent in pursuit, came to the ground, some of the men recognized the body as that of the Lipan Indian who had started with Captain King, First Infantry, in pursuit of Comanches, and had been turned over by him to Captain Van Buren, and accompanied the latter in the pursuit that ended in his death.

The Indian agents may be able to watch and control the tribes under their charge while they reside in San Antonio and the Indians are on the frontier, but they cannot even know correctly the movements of the troops or the facts that transpire at such a distance from them; and I will assert that all the Indian depredations committed within two years are to be attributed to placing the Indians too near the frontier without agents actually with them to control their actions, and that, far from the Indian agents having the right to complain that their measures for pacificating the Indians are obstructed by the action of the military, the latter have the right to complain that all their efforts to protect the frontier from Indian depredations are rendered nugatory by the plans adopted by the Indian agents.

Since my return from El Paso, I have been preparing a full history of all the events of the summer and fall, and the clerks in the office have been employed in making copies of all the papers connected with it; but the current business is such as to occupy their time fully, and it will be some days yet before all the papers will be ready.

If the riflemen and dragoons were filled up with recruits and horses, I can foresee no contingency that would require the employment of militia, but you are aware that when troops have charge of posts, a certain number of men are necessary (whatever be the strength of a company) to remain at the post, and only the surplus are disposable, though I have laid it down as a rule that the posts are to be considered as subordinate to service in the field, and, if it becomes necessary to abandon one, the post is to be left to itself. I must say here, however, in justice to the whole command, that no men could have better done their duty or conducted themselves in a better manner, under all circumstances, than the troops of all arms have done—dragoons, riflemen, artillery, and infantry—in a climate as severe and as unhealthy as any can be, and when there is not a single building at any of the posts that is really fit for quarters for officers or men, and hardly a stable for horses. I cannot too forcibly express my satisfaction with their good conduct on all occasions.

With high respect, your obedient servant,

PERSIFOR F. SMITH,

*Brevet Major-General, Commanding Department.*

Respectfully submitted to the Secretary of War.

S. COOPER,

*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *March 24, 1855.*

Read the portion of the letter referring to the complaint of Agent Neighbours, and to the necessity of requiring agents to reside with the tribes under their charge; will be copied and sent to the Secretary of the Interior. General Smith will be informed of the purpose for which the letter of Agent Neighbours was forwarded to him, and will be assured of the confidence of this department in the troops and commanding officers of the Department of Texas.

JEFF'N DAVIS,

*Secretary of War.*

WAR DEPARTMENT, *April 11, 1855.*

(See letter to Secretary of the Interior, April 17, 1855.)

No. 19.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*Corpus Christi, March 14, 1855.*

COLONEL: I have report from Major Simonson, R. M. Riflemen, commanding the expedition beyond Fort Davis, up to the 15th of February. He was thoroughly scouring the mountainous district north of the El Paso road, and between Fort Davis and the Rio Grande. The Indians had left, he thinks, and gone northward, having received intelligence of the expedition. This is very probable, for I have already informed the department that a party of Lipans, from the band established on the Nueces, near Fort Inge, by the Indian agent, had joined the Mescaleros, and kept up a regular communication with their friends near Fort Inge, by which they learned the strength and object of every party that passed that point on the road to El Paso.

Major Simonson has been as far north as Captain Marcy's road, and met Major Longstreet, Eighth Infantry, with a command out from El Paso, in the Guadalupe Mountains.

The explorations of Major Simonson and of Colonel Seawell near Fort Davis have had very valuable results, the former having discovered running streams of good water that may serve for temporary camps in the future, and possibly give a better route for the El Paso road; and the latter has found, by an examination made by Brevet Lieutenant-Colonel Bomford, Eighth Infantry, fine pine timber within eleven miles of his post, and accessible by a wagon-road.

The company of Texas volunteers under Captain Henry, part of which had broken open the post-office at D'Harris and pillaged the town (some of them were afterward discharged for misconduct on the march toward Fort Davis, and of which the lieutenant, Jackson, was under arrest), was ordered to be discharged; and I have now charges on hand against the captain for misconduct while drunk. The other two companies with Major Simonson appear to have been usefully employed; but on the receipt of your letter, inclosing Major Neighbour's remonstrance against the prosecution of expeditions against the Indians, they, as well as the companies with Captain Calhoun, were ordered to be discharged. But I trust that I shall be allowed to continue the movements against the Mescaleros and Apaches, so as at least to keep them out of reach of the roads to El Paso and Doña Anna, which I can do if the companies now here are filled up with recruits and horses.

On the subject of recruits, I would urge that they be sent out, if practicable, to arrive here on the 1st of December. When they come in the spring or summer they suffer from the fevers and dysenteries of the climate and country, and embarrass the command rather than aid it. I am aware that this has not been possible lately, for it is only since August last that recruits could be procured.

My own regiment has been very unfortunate in this matter. It was at first filled up in 1846 with as good men as ever enlisted. These served during the war; but on their return in 1848 they collected a purse of seven or eight hundred dollars, and employed one of the agents about Washington to have a law passed discharging them, all of which he had done. They were entirely recruited anew, but with inferior men, and marched across the plains in 1849 to Oregon. In 1851 the men were all transferred to the dragoons in the Pacific division, and the regiment recruited the third time in six years and stationed here. They have now had no recruits for over two years, and some of the companies have not over twenty men. When filled up a large majority will be recruits, and another evil follow; that so many will have their discharges due at the same time that a large leaven of raw men will come into each company at once.

I delay making any plans for the summer until I know the purposes of the department since the increase of the Army authorized; but will keep everything as far as possible in the most perfect state of efficiency for any design that may, under the new circumstances, be determined on. It is said at Brownsville that General La Vega and most of the troops in Tamaulipas are going south to aid Santa Anna against the revolution.

With high respect, your obedient servant,

PERSIFOR F. SMITH,  
*Brevet Major-General, Commanding.*

Col. S. COOPER,  
*Adjutant-General.*

Respectfully submitted to the Secretary of War.

S. COOPER,  
*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *March 28, 1855.*

No. 20.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*Corpus Christi, March 23, 1855.*

COLONEL: I have generally, before the end of March, determined on the plan of operations for the troops until called in late in the fall, but this year have postponed putting the troops in motion, and, indeed, deciding how to employ them, as I knew plans for augmenting the military force were before Congress; and the result is known, to wit, an increase of four regiments. The determination of the boundary-line under the Gadsden treaty may render more troops necessary on that line, and it struck me as likely that the Department of Mexico would be re-enforced by the six companies of the Eighth Infantry now at Fort Davis under Lieutenant-Colonel Seawell. If it were to be so—and Colonel Seawell informed that he had heard that change was de-

terminated on—I would place the First Infantry there and at Oak Creek and the San Pedro, or at the Great Comanche crossing, and stretch the Fifth along the Rio Grande to cover the places vacated by the movement of the First; and if the rifles are filled with recruits, General Smith suggests, in a previous letter, that recruits for Texas should not be sent before the autumn, to avoid diseases incident to that climate in summer. The country is now so well known that no additional force will be wanting on the Rio Grande. But if any such movement is postponed, the companies and trains will be scattered and much time and labor lost in assembling them for the movement.

Indeed, whatever changes are contemplated, either in consequence of the increase of the Army or from new plans determined on by the War Department, they can be provided for now before the troops are put in the field with much more economy than afterward.

It seemed probable that some changes actually determined on would not and could not be carried into effect until the additional regiments are prepared to take their share in them; but if the department sees fit to advise me of such of its intentions as are settled on, I can modify my own plans so as to aid rather than embarrass the movements to be made when the new troops are ready.

The grass is now coming forward well and the roads are in good order, the trains within reach, and the troops concentrated at their posts and refitted in clothing and equipments, and, without offering any suggestion as to what should be done, as I do not know the plans of the department, I am sure I can carry them out more effectually now than at any later period, whether they relate to immediate action or to preparations for the future.

With high respect, your obedient servant,

PERSIFOR F. SMITH,

*Brevet Major-General, Commanding Department.*

Col. S. COOPER,  
*Adjutant-General.*

Respectfully submitted to the Secretary of War.

S. COOPER,  
*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *April 7, 1855.*

It is not proposed to make such disposition of the new regiments as will interfere with the arrangements now being made in the Department of Texas.

JEFF'N DAVIS,  
*Secretary of War.*

WAR DEPARTMENT, *April 11, 1855.*

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No. 21.

Hon. JEFFERSON DAVIS,  
*Secretary of War, War Department, Washington, D. C.:*

We, the undersigned, citizens of Gillespie County, State of Texas, beg to lay before the Secretary of War the following statement of facts, and hope he will give it his earliest attention.

On the 7th of February last a party of Indians came down from the direction of Fort Terrett into the valley of Threadgale Creek, where petitioners have stock-farms, and killed with spears and arrows thirty head of fat beef-cattle. They made a second attack on our farms on the 30th of last month, and killed two head of beef-cattle and four hogs, and drove off between one hundred and fifty and two hundred head of very valuable cattle, all these belonging to petitioners.

We beg further to state that while the post at Fort Terrett was garrisoned with United States troops we never had any Indians come into this valley, and felt quite secure in our lives and property; but since that post has been abandoned we have lost nearly all our stock, besides many valuable horses and mules.

We beg, at the same time, to acquaint the Secretary of War that our stock-farms are situated about one and a half miles from the road leading from Fredericksburg to Fort Terrett, being distant twenty-five miles west from the former town, and we are now compelled to abandon these farms to save our lives, and have brought the remainder of our stock close to this town for more protection. Petitioners hope that the honorable Secretary of War will take the above circumstances into consideration, and, if he has any troops at present at his disposal, that he will afford us the necessary military protection we so much need on this exposed frontier.

J. E. DOSS.  
WM. G. THOMAS.  
CHARLES A. CAMPBELL.

FREDERICKSBURG, *Gillespie County, Tex., April 9, 1855.*

THE STATE OF TEXAS, *County of Gillespie:*

I, F. Wrede, county clerk in and for the aforesaid county, hereby certify that J. E. Doss, W. G. Thomas, and Charles A. Campbell are persons to me well known, and are worthy of credit and belief; and I do further certify that the facts stated in the foregoing communication are true, and that the Indian hostilities in this county and vicinity are of such an aggrieved nature as to demand the interposition of the government, by giving the citizens of this community immediate special protection.

Given under my hand and official seal this 12th day of April, A. D. 1855.

F. WREDE, *Clerk.*

Copy furnished General Smith May 17, 1855, indorsed as follows: Copy for the information of the commanding general of the Department of Texas, who is desired to afford such protection in this case as may be in his power, consistent with the wants of other sections of his command and the interests of the public service.

Respectfully furnished, by order.

S. COOPER, *Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *May 17, 1855.*

No. 22.

WAR DEPARTMENT, *Washington, May 12, 1855.*

GENTLEMEN: I have received your letter of the 9th ultimo announcing the attacks upon your farms and killing of your cattle by the Indians.

In reply, I have to inform you that I have directed that the facts in your letter be communicated to Major-General Smith, commanding in Texas, for such action on his part as will afford you all the protection he can give, consistently with the wants of other sections of the country and the interests of the public service.

Very respectfully, your obedient servant,

JEFF'N DAVIS,  
*Secretary of War.*

Messrs. J. E. DOSS, WILLIAM G. THOMAS, and CHARLES A. CAMPBELL,  
*Fredericksburg, Gillespie County, Tex.*

No. 23.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*Corpus Christi, May 28, 1855.*

COLONEL: I have the honor to acknowledge the receipt of your reference to me, dated May 17, of the letter of J. E. Doss, William G. Thomas, and Charles A. Campbell, dated April 9, complaining of Indian depredations on the 7th of February and 30th of March last.

When Senaco's band of Comanches were notified by the Texan settlers near Fort Chadbourne that they were to be attacked, a part of them made an incursion toward the settlement, and killed and drove off some cattle between the Colorado. Brevet Major Merrill, Second Dragoons, was detached by Major Steen from Fort Belknap with a strong party, who scoured the country near and beyond Fredericksburg, and Brevet Colonel May detached Lieutenant Norris, Second Dragoons, with half of the strength at Fort McKavitt, who searched the country more to the westward. They found the Indians—in all about twenty-three—had retired, and a few days since, the whole frontier being undisturbed, the last of the detachments returned to its post. The object of the writers of the letters referred to seems to be rather to have troops again stationed at Fort Terrett than that any should be kept in motion through the country. It undoubtedly is greatly to the advantage of those persons who keep small stores that they should be near a post to which trains are frequently going, as the traffic with teamsters is very profitable; but, under ordinary circumstances, the troops moving over the country are more effective in keeping out Indians than those fixed at a post, and they are always ready for that duty, and prompt in performing it; and, unless I am otherwise directed, I will continue to employ in that way. The repetition of stories of depredations committed in the beginning of the winter, published in papers some distance off and copied again as new outrages, has multiplied, apparently, the number of incursions and amount of losses. There were many cattle killed for food and some cattle and horses driven off by Senaco's band in their sweep through the country, but the Indians have been for some time retired, and the agent, Major Neighbours, has, I

believe, opened a communication with those who were hostile, which I hope will end in pacifying them.

With high respect, your obedient servant,

PERSIFOR F. SMITH,  
*Brevet Major-General, Commanding Department.*

Col. S. COOPER,  
*Adjutant-General.*

P. S.—We have here, on pretty good authority, the report that the Mexican States of Coahuila and New Leon have pronounced against Santa Anna, and that Tamaulipas is to join, and that a small Mexican garrison at Guerrero, about 50 miles below Laredo, had joined the insurgents.

PERSIFOR F. SMITH,  
*Brevet Major-General.*

Respectfully submitted to the Secretary of War, in connection with the communication within referred to.

W. G. FREEMAN,  
*Assistant Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, June 9, 1855.

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No. 24.

EXECUTIVE OFFICE, *Austin, Tex., June 20, 1855.*

SIR: I inclose you a communication from Hon. William E. Jones, which is taken from the State Times, a newspaper published at this place, giving the account of the murder of a valuable citizen in the upper part of Comal County, on the Guadalupe River, by Indians, and also of thefts committed by them in the same vicinity. Mr. Jones is an old citizen of the State, and as highly respected as any man we have among us. His statement concerning this transaction I consider entitled to full credit. This murder was committed in a section of the State where no United States troops are stationed, and where depredations are frequently committed by the Indians during the last eighteen months, who have in every instance escaped punishment. This has emboldened them to renew their visits. I am assured that there is such excitement prevailing in that neighborhood that if the Indians shall again visit there the citizens will arm and turn out and make war upon any tribes that they may meet. Such an occurrence may bring on a general war with all the tribes upon our frontier, and, I fear, can only be avoided by stationing a company of mounted men to range the country from that settlement to the nearest post above. A knowledge by the Indians that such a force is in the vicinity will undoubtedly prevent them again from appearing there. I therefore request that you will, if possible, send a company of mounted men into that neighborhood for its protection, to remain there as long as the public service will permit.

Very respectfully, your obedient servant,

E. M. PEASE.

Brevet Maj. Gen. P. F. SMITH,  
*Commanding Department of Texas.*

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No. 25.

EXECUTIVE OFFICE, *Austin, Tex., July 5, 1855.*

SIR: From reliable representations made to me by citizens residing on the Guadalupe River and its tributaries in Comal and Bexar Counties, and on the Upper Blanco, I am well satisfied that a mounted force is necessary to protect those settlements from the thefts and murders to which they are constantly subjected by marauding bands of Indians, and since the United States Government has failed to notice those depredations or to furnish any force for the protection of these settlements, I have thought proper to authorize you, and I do hereby authorize you, to raise a company of mounted men to serve three months, unless sooner discharged. The company must not exceed in number that of a mounted company in the United States service, which is composed of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, one farrier, two buglers, and seventy-four privates. Should you not succeed in raising a full company of privates, officers can be elected only in proportion to the

number of men. There are no means at the disposition of the executive to furnish this company ammunition, arms, subsistence, or forage, and this authority is given with the understanding that this company can be made up of individuals who are able and willing to supply themselves with all these articles, and rely upon the justice of the legislature to reimburse them, and also to pay them for their services the usual amount allowed by the United States for similar service. Should you succeed in raising such a company, or a part of a company, you will forthwith return to this office a complete muster-roll thereof, and repair immediately to such point in the vicinity of the above-named settlements as will enable you to give them full protection against the Indians. It is expected that you will be actively engaged in ranging in their vicinity, unless it may become necessary to pursue any marauding parties of Indians that may be found in the neighborhood, in which case you are authorized to follow them up and chastise them wherever they may be found. I rely with confidence upon your good sense and prudence to avoid attacking any Indians or tribes who are peaceably disposed, as such a course might bring on a general Indian war with all the tribes upon our frontier, which would be very disastrous for a season to our exposed settlements. I enjoin you, also, particularly, to prevent any trespasses being committed by those under your command upon the persons or property of citizens. I shall communicate what I have done to the general in command of this department, and should he desire to receive you into the United States service for a like time, and to perform similar duty, I shall expect you to be mustered under his orders, or should he send other mounted troops to the same neighborhood to perform the service for which you are destined, then I shall feel at liberty to discharge you at once. You will keep this office frequently and regularly advised of your proceedings.

Very respectfully,

E. M. PEASE.

JAMES H. CALLAHAN, Esq.

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No. 26.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*Corpus Christi, July 14, 1855.*

COLONEL: I have the honor to acknowledge the receipt of a communication from your office, dated the 26th of June, inclosing a copy of a letter from the Mexican minister to the Secretary of State of the United States, in relation to rumors of an intended expedition from this side of the Rio Grande into Mexico, under Caravajal and other leaders.

The officers of the Army on that line have instructions to prevent any infraction of the law of 1818, and where the information they received or the proof they could obtain was sufficient, they have successfully carried out their instructions, as the former arrest of Caravajal and his associates will testify. On various occasions lately, on the rumor current in the neighborhood, various detachments of troops have been sent to scour the neighborhood and break up any such expeditions, but they have never succeeded in finding any, for these are not organized or created within our limits; the arrangements are all made in Mexico, and the parties singly retire to this side to remain in security until they are ready to operate, and as they are scattered along the frontier among the inhabitants, who are originally Mexicans, it is impossible to distinguish them, and such communication as they have with each other is private and cannot be detected.

Since the late occupation of Monterey by the insurgents, Caravajal and a number of others have crossed to join them, but as no information was given of the intended movement, and it was made without any appearance of hostile intention exhibited on our side, it could neither be detected nor prevented, for the river can be crossed anywhere.

If the information on which the Mexican consul at Brownsville founds his report was exact and sufficient, it would have enabled Major Porter to have succeeded in arresting it. It was because it was merely general rumor, without particulars, that the efforts of the officers were not successful.

Unless some one interested in suppressing these enterprises, and at the same time in the secrets of the offenders, will make known their plans, it is not likely that any correct knowledge of them will reach the officers who are on the lookout to prevent them, especially as these plans are now confined almost entirely to persons resident on the Mexican side, and it is far more difficult to trace any movement from the similarity of the population on the two sides of the river. The instructions to the officers are full, and they are zealous in the execution of them, but the circumstances I mention are more sufficient to account for their general ill-success than are those which prevent the Mexican authorities from keeping the Indians they have by treaty with them,

located on the Rio Grande from El Paso to Camargo, from crossing weekly on to our side to murder and rob and carry back their booty for sale in sight of our frontier.

With high respect, your obedient servant,

PERSIFOR F. SMITH,

*Brevet Major-General, Commanding Department.*

Col. S. COOPER,  
*Adjutant-General.*

Respectfully submitted to the Secretary of War.

S. COOPER, *Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, July 28, 1855.

No. 27.

EXECUTIVE OFFICE, *Austin, Tex., July 25, 1855.*

GENTLEMEN: I have received and attentively considered the application signed by you and a large number of other citizens of your county, asking me to call out another company of volunteers for the protection of Bexar and Medina Counties against the depredations of the Indians. I am fully aware of the truth of the details you give in regard to the depredations of the Indians to which your citizens have been so constantly subjected for the past year, and have made frequent representations on the subject to the commanding general of the department and to the Secretary of War. Since I authorized Captain Callahan to call out a company of volunteers for the protection of the settlements on the Guadalupe and its tributaries, I have received a letter from General Smith, dated the 15th instant, in which he says he will send a party of mounted riflemen to the neighborhood where the recent depredations were committed as soon as the command of Major Simonson returns from the duty he is now engaged in. In the mean time I will direct Captain Callahan to station a part of his company, as soon as it is raised, at such points as will enable them to give protection to the settlements of Bexar and Medina Counties. Should these not prove sufficient to give security to the settlers, I will not hesitate to call out other volunteers.

Very respectfully, your obedient servant,

E. M. PEASE.

Messrs. A. A. MUNCEY, S. A. MAVERICK, A. A. LOCKWOOD,  
*and other citizens of Bexar County.*

No. 28.

EXECUTIVE OFFICE, *Austin, Tex., July 25, 1855.*

DEAR SIR: Since I issued authority to you to raise a company of volunteers for the protection of the citizens residing on the Guadalupe River and its tributaries, in Comal and Bexar Counties, I have received from the citizens of Bexar County a memorial, asking for a small volunteer force for the protection of the frontier settlements in Bexar and Medina Counties, which have been lately harassed by the depredations of the Indians.

I have also received a letter from General Smith, in which he says that he will soon send a party of mounted riflemen to the neighborhood where the recent depredations have been committed. This information has induced me to believe that, instead of calling for additional volunteers besides your company, it will be better for the present to divide your company and send a portion of it to such a point as will afford protection to the settlements in Medina and Bexar Counties, west and south of the point where it was first intended your entire company should be stationed. I therefore desire that you should divide your company and station one portion of it on the Guadalupe where the recent depredations were committed, and the other portion at such point as will afford protection to those settlements in Medina and Bexar Counties that have recently been visited by the Indians. Should you not succeed in making up your company, I have no doubt it can be filled up readily in San Antonio and Castroville, when it is known that a portion of the company is to be employed in their vicinity, and this, too, I presume, will facilitate your obtaining the necessary supplies.

Please let me hear of your movements as often as practicable.

Yours, with respect,

E. M. PEASE.

JAMES H. CALLAHAN, Esq.

No. 29.

SAN ANTONIO, *September 5, 1855.*

SIR: I came to this place with the hope of meeting and having a consultation with you in regard to the depredations recently committed in this county by the Indians, supposing that you were still here, but I find that you have returned to Corpus Christi, and are not expected to be here before the first of next month.

Major Belger has shown me a letter that he has written to you, giving an account of the murder of the son of the Rev. Mr. McGee, on the Cibolo, some fifteen or twenty miles below this place. The facts, as stated by him, are confirmed by several citizens well known to me, who reside in the neighborhood where the boy was killed. The same party who killed this boy also pursued several citizens who were out hunting cattle, but they made their escape. They also stole horses from several other farms on the Cibolo, at different points for twenty or twenty-five miles above Mr. McGee's. Several small parties have been in pursuit of these Indians, some of which are still out, and I trust will come up with them. I know not precisely what course to recommend to stop these depredations, but, unless something is done speedily, the settlements on the streams above and west of this place will have to break up. Horses have been stolen, within the last month, from several ranches within fifteen or twenty miles of this town, and there is no doubt that in every instance it has been done by Indians. It does seem to me that one or two companies of mounted men might be stationed, in parties of thirty or forty, at different places near the settlements, from the head of the Llano down to the mouth of the Rio Frio, and perhaps below there on the Nueces, so far as to intercept these small parties of Indians who commit these outrages. The company under the command of Captain Callahan, which I called out a few weeks since and stationed near the head of the Guadalupe and the Blanco, have put a stop to the depredations which the Indians were committing in those neighborhoods for two or three months previous. My situation in regard to these matters is a very embarrassing one. Our citizens are entitled to protection from the general government, but, not receiving it, they appeal to the State authorities. There is great danger, if I call out volunteers, that they may, in their zeal to punish the Indians, do something to interfere with the efforts now making by the general government to settle Texas tribes at the reservation on the Upper Brazos. I think, if I could have a consultation with you on this subject, some plan might be devised to give protection to the frontier settlements of this and the adjoining counties, and, if agreeable to you, I will meet you at this place when you return here, if you will inform me what time you expect to return.

In case you do not expect to return here soon, I wish, if it is in your power to do so, that you would send a company or two of mounted men immediately to range from the mouth of the Frio to the head of the Llano. This will give confidence to the settlements north and west of this, and keep them from breaking up, and relieve me from the necessity of calling out additional volunteers to perform that service. In the mean time I will delay further action, with hope of hearing from you at an early day.

Very respectfully, your obedient servant,

E. M. PEASE.

Brevet Maj.-Gen. PERSIFER F. SMITH,  
*Commanding Department of Texas.*

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 No. 30.
SAN ANTONIO, *September 5, 1855.*

GENTLEMEN: Your letter of the 1st instant, giving an account of the depredations recently committed in this vicinity by the Indians, and inclosing the proceedings of a public meeting of the citizens of this place, was received at Austin on the 3d instant. Supposing that General Smith was still at this place, I came immediately here with the view of meeting him and inducing him to adopt measures to prevent a recurrence of similar proceedings. Not finding him here on my arrival, I wrote to him yesterday by express, detailing the recent murders and thefts committed by the Indians in this county, and requested him to furnish a sufficient mounted force to be stationed at such points as will hereafter give protection against further attacks of the kind.

I expect to get a reply from him in a few days, and unless he gives me assurances that such a force will be soon furnished, I shall consider it to be my duty to call out a company of volunteers to protect the lives and property of our frontier citizens until the legislature, soon to assemble, can take such further steps as may be deemed necessary to effect that object.

Very respectfully, your obedient servant,

E. M. PEASE.

Messrs. C. EVANS, BEN. E. EDWARDS, and H. B. SAUNDERS.



No. 31.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*Corpus Christi, September 8, 1855.*

COLONEL: I have the honor to acknowledge the receipt of your communication of the 21st of August, inclosing documents relative to alleged projected incursions into Mexico. The rumors, upon which complaints are made by the Mexican minister, are almost without foundation. An adventurer, whose proclamations appear in the Texas newspapers—with a view of inducing others to join him—announces that he is about to invade the neighboring States of Mexico, and has already several hundred men arrayed in this enterprise, and some partisans of his assist him by giving currency to the same tale. Every one here knows how little confidence was to be placed in it, and it was not really worth noticing, lest it might be raised to a consequence it did not merit.

Finally, he, with about twenty men scattered along the river, crossed where there was no one to oppose, and offered to join the revolutionists, but, being as well appreciated on that side as on this, their services were refused, and they were advised to cross back to Texas. They were consequently broken up, and most of them returned. They are, altogether, of so little consequence, that it would be hard to find any one who could testify against them or distinguish them from the ordinary crowd that loiter about frontier towns.

The Lipan Indians, who are located in Mexico, near our border, and protected by the authorities there, cross constantly, in small parties, and steal horses and mules. The country being flooded by late rains, it is almost impossible to trail them, and the mounted riflemen who have attempted it have not been successful for that reason. Many of the citizens who have lost animals have, I understand, associated themselves together to follow these parties from their crossings of the Rio Grande toward the Lipan camp, to recover their animals. It is probably the approach of these parties to the river which has given some confirmation to the rumors about invasion, but the persons engaged in this pursuit are of entirely different character and have different objects from those first mentioned.

If the tenth part of the labor spent by our soldiers to prevent infractions of the "neutrality laws" were employed in Mexico to restrain the Indians, even this last-mentioned project would not have been undertaken.

The Mexican minister may be assured that the troops here will carry out earnestly the intentions and instructions of their government.

With the highest respect, your obedient servant,

PERSIFER F. SMITH,  
*Brevet Major-General, commanding Department.*

Col. S. COOPER,  
*Adjutant-General.*

Respectfully submitted to the Secretary of War.

S. COOPER,  
*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *September 25, 1855.*

(See letter to Secretary of State, 29th September, 1855.)

No. 32.

BRAZOS AGENCY, TEXAS, *September 12, 1855.*

SIR: For your information I deem it proper to inclose a copy of a supplemental treaty to the treaty of 1846, concluded between Special Agent George W. Hill and myself, on the 30th of August, 1855, with the Indians now "actually" settled on the Indian reservations on the Main and Clear Fork of the Brazos. That agreement, with a statement of our action, has been submitted to the honorable Commissioner of Indian Affairs for his approval, and it is necessary to have the co-operation of the military in carrying out the present policy. I would respectfully request, if not inconsistent with your orders, to respect and enforce the conditions of the agreement between the agents and the Indians and afford them the protection promised.

In accordance with my instructions from my department, I have made contracts for the erection of agency buildings and for preparing farms for the Comanche Indians on the Clear Fork of Brazos (Comanche agency), and shall have in the course of next week some hands at work at that point. As I have already found myself embarrassed by bands of Northern Comanches (who are not settlers), and have no protection against them, should they choose to depredate, and I shall in a short time have government stores exposed to their attacks, I would respectfully request you to furnish me with

protection at that point. If you can at this time furnish temporarily, say, thirty men or one company, if they can be spared from the post, it would afford all the protection that I would require. The Indians who are actual settlers give every assurance that there is nothing to fear from them, but they, as well as the employés of the government, require protection against the intrusion of the Comanche bands farther north. Should you not feel authorized to give permanent protection, as required at the Clear Fork or Comanche agency, you will please refer the subject to the commanding general of this department, as the Indian agents will find it impossible to reside permanently on the reserve and to execute their duties properly unless sustained by the military authorities.

Very respectfully, your obedient servant,

ROBT. S. NEIGHBOURS,  
*Supervising Agent Texas Indians.*

Maj. G. R. PAUL, U. S. A.,  
*Commanding Fort Belknap, Texas.*

No. 33.

At a general council held at Brazos agency, Texas, by and between Robert S. Neighbours, special and supervising agent, and George W. Hill, special agent Texas Indians, on part of the United States, and the undersigned, chiefs, counselors, and warriors of the Comanches, Anadakko, Caddo, Waco, Tawaccano, and Tonkahwa tribes or bands of Indians, for and on behalf of these said tribes, on the 30th of August, 1850, it is stipulated and agreed as follows, to wit:

ARTICLE 1. The undersigned, chiefs, counselors, and warriors, for themselves and these said tribes, do hereby sanction and acknowledge in full force each and every stipulation of the articles of a treaty made and concluded at Council Springs, in the county of Robinson, Texas, near the Brazos River, on the 15th day of May, A. D. 1846, between P. M. Butler and M. G. Lewis, commissioners on the part of the United States, of the one part, and the chiefs, counselors, and warriors of the Comanche, Ionie, Anadakko, Caddo, Lipan, Tonkahwa, Keechee, Tawaccano, Wichita, and Waco tribes of Indians, and their associate bands, on behalf of these said tribes, of the other part, as amended by the resolution of the Senate of the United States of America on the 15th day of February, 1847, ratified and confirmed by the President of the United States of America on the 8th day of March, 1847, a copy of which said treaty is hereto annexed; and we further agree to the following supplemental articles for our government as settlers on the Indian reservations of the Main and Clear Fork of Brazos River, in the State of Texas.

ARTICLE 2. We agree to abandon forever a roving or hunter's life, and will settle down permanently on the lands selected for us, as per act of the legislature of the State of Texas approved February 6, 1854, and to devote all our own energies to the cultivation of the soil and to raising stock as a means of subsistence for ourselves and families.

ARTICLE 3. We promise and agree at as early a day as practicable, with the assistance and concurrence of the United States Indian agent, to establish laws and police regulations for our government in our towns and villages for the correction and punishment of crimes and offenses.

ARTICLE 4. It is further stipulated and agreed that no Indian (party to this agreement) shall leave the reservations without the consent of the Indian agent, and should any Indian or band of Indians absent themselves from the reservations, contrary to the wishes of the agents and in violation of this agreement, he or they shall be liable to forfeit all the rights of settlement conferred by this agreement, and is also liable to be declared and treated as an enemy.

ARTICLE 5. All differences and disputes likely to create a difficulty between tribes or bands, parties to this treaty and agreement, shall be referred to the United States Indian agents and head-chiefs of such tribes for adjustment upon fair and equitable terms, and their decision shall in all cases be received as a final settlement between the parties.

ARTICLE 6. We agree that no other tribes or bands shall be introduced or settled on either of the reservations, unless by the concurrence of the Indian agents and of the tribes or bands, parties to this treaty and agreement, and absent members of the tribes now settled shall not be allowed to visit here except he first obtains the consent of the agent under whose jurisdiction he resides, nor shall they be allowed to settle here or attach themselves to the tribes now settled here, until they agree to observe all the articles of this treaty and agreement and obtain the concurrence of the agent in charge, and shall agree to acknowledge fully the authority of the chief acknowledged by the agents as the head of the tribe.

ARTICLE 7. We also agree to break off all intercourse with bands of Indians outside of the reservations who refuse to settle down, except it be carried on with the knowledge and consent of the agents, and in all cases to report as soon as possible the

arrival of any Indian or party, and to assist the agents in arresting all intruders or depredators who may be found inside the lines of the reservations contrary to treaty stipulations.

ARTICLE 8. We further agree to give assistance and protection to all farmers, laborers, and other employes of the government on the reservations, and to assist them in the preservation of all articles, farming-utensils, animals, &c., furnished by the government, and should any person sell or wantonly destroy any farming-utensil, wagon, oxen, stock, cattle, or any other article furnished by the government, under this agreement, he shall, upon conviction, be punished according to the laws of the United States, and shall be liable to forfeit all his rights and immunities as a settler on the reservations, and it shall be the duty of the chiefs of each tribe to give the agents notice of all violations of this agreement.

ARTICLE 9. In consideration of the faithful observance of all the articles of the above treaty and agreement, the United States, through its agents, agree to protect and maintain all the members of the tribes, parties to this agreement, in the peaceable possession of the lands embraced in the limit of the said reservation, and in their lives and property against injury or molestation from citizens of the United States while on said reservations, and to afford such protection against and aid in reclamation for injuries from other tribes of Indians, whether friendly or hostile, as may be at the control of such agents, or as is afforded the citizens of the United States, and to award them ample justice under the laws of the United States in accordance with the provisions of the above treaty.

ARTICLE 10. That the United States, through its agents, agrees to furnish the said tribes, parties to this agreement, farmers, to assist and instruct them in the preparation and cultivation of their farms, to furnish them with a blacksmith and with iron and steel, to give them necessary farming utensils, wagons, teams, plows, &c., to enable them to commence their farms, and to assist and instruct them generally in the cultivation of the soil, and to give them stock-cattle and other domestic animals, all at the discretion of the President of the United States, and to furnish them regularly with such rations as may be deemed necessary to enable them to support their families until they can subsist themselves by their own exertions, and the general government is hereby pledged to pursue that course of policy with the settlers on these reservations deemed best calculated to advance them in the arts of civilized life and to make them a self-sustaining people.

ARTICLE 11. The Indian agents, under the instruction of the President of the United States, shall exercise full discretion as to time, places, &c., of the delivery of all articles to be furnished said tribes or bands under the provisions of this treaty and agreement.

ARTICLE 12. This agreement, this day entered into by and between the undersigned parties, to be and remain in full force and effect at the discretion of the President of the United States of America, but no change to this agreement shall be made until after due consultation with the chiefs of the tribes who are parties hereto.

Given under our hands and seals on the day and date above written.

ROBT. S. NEIGHBOURS, [SEAL.]  
*Supervising Agent Texas Indians.*

G. W. HILL, [SEAL.]  
*Special Indian Agent.*

*An-a-dah-ko :* JOSÉ MARIA, his x mark. [SEAL.]  
CHA-BE-AN-O, his x mark. [SEAL.]  
JOHN LINNEY, his x mark. [SEAL.]  
JIM POCK-MARK, his x mark. [SEAL.]  
CHI-YA, his x mark. [SEAL.]

*Waco :* A-HAH-DOT, his x mark. [SEAL.]  
A-QU-QUASH, his x mark. [SEAL.]  
A-SA-QUASH-SHE, his x mark. [SEAL.]  
HEU-CHE-KILS, his x mark. [SEAL.]

*Tu-ka-hwa :* FLICIDOUR, his x mark. [SEAL.]  
CHA-PA-TON, his x mark. [SEAL.]  
JIM-SON, his x mark. [SEAL.]  
WHITE, his x mark. [SEAL.]

*Co-man-che :* KA-TUM-SEE, his x mark. [SEAL.]  
PE-AT-A-QUASH, his x mark. [SEAL.]  
TO-SHA-HUA, his x mark. [SEAL.]  
PI-NA-HOUT-SA-ME, his x mark. [SEAL.]  
MU-RA-QUE-TOPH, his x mark. [SEAL.]  
KE-PAC-A-WITE, his x mark. [SEAL.]  
WI-CHI-KEE, his x mark. [SEAL.]

<i>Cad-do :</i>	TI-NAH,	his x mark.	[SEAL.]
	CHE-EN-HU,	his x mark.	[SEAL.]
	CO-CHE,	his x mark.	[SEAL.]
	NI-BUC-UN-IN,	his x mark.	[SEAL.]
<i>To-wac-cau-no :</i>	O-CHE-LAS,	his x mark.	[SEAL.]
	NOCH-UTS-I-OCHS,	his x mark.	[SEAL.]
	WAS-TED-AC-DREE,	his x mark.	[SEAL.]
	WACO,	his x mark.	[SEAL.]
	UC-KA-TART,	his x mark.	[SEAL.]
	HED-E-KOK-ISH,	his x mark.	[SEAL.]
Interpreters :	JOHN CONNOR,	his x mark.	[SEAL.]
	<i>Interpreter for Comanche Reservation.</i>		
	JIM SHAW,	his x mark.	[SEAL.]
	<i>Interpreter for Brazos Reservation.</i>		
	D. A. BICKEL,		[SEAL.]
	<i>Interpreter (Spanish) and Secretary.</i>		

## Witnesses :

J. L. EVANS.  
CH. E. BARNARD.  
S. P. ROSS.  
L. S. RIGGS.

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No. 34.

HEADQUARTERS FORT BELKNAP, TEXAS,  
*September 15, 1855.*

SIR: I have the honor to acknowledge the receipt of your communication of the 12th instant, transmitting a copy of a supplemental treaty entered into with different tribes of Indians, and requesting the assistance of a part of the troops of my command to carry out its stipulations. The troops at this post will always be found ready to co-operate with the Indian agents in maintaining quiet and order among the different tribes within the several reservations, and also in protecting them from marauding or strange Indians. Owing, however, to the small number of officers at the post, I do not feel authorized to station permanent detachments on the reserves; but, until the pleasure of the commanding general of the department is known, I shall send scouts from time to time, which, by their periodical appearance, may answer the object in view.

I am, very respectfully, your obedient servant,

G. R. PAUL,  
*Brevet Major, U. S. A., Commanding Post.*

Maj. R. S. NEIGHBOURS,  
*Supervising Agent Texas Indians, Brazos Agency, Texas.*

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No. 35.

HEADQUARTERS FORT BELKNAP, TEX.,  
*September, 16, 1855.*

SIR: I have the honor to inclose a copy of a supplemental treaty recently made by R. S. Neighbours, esq., with certain Indian tribes, a copy of his letter of the 12th instant, and a copy of my answer thereto.

Hoping that my answer will meet the views of the commanding general, I remain your most obedient servant,

G. R. PAUL,  
*Captain Seventh Infantry, Brevet Major, U. S. A.*

ASSISTANT ADJUTANT-GENERAL,  
*Department of Texas, Corpus Christi, Tex.*

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No. 36.

AUSTIN, *September 25, 1855.*

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 17th instant, inclosing the proceedings of a public meeting and a petition of citizens of Goliad County, giving a detail of depredations recently committed in your vicinity by

Indians, and asking me to authorize the raising of a company of rangers for your protection. Previous to the receipt of these papers I had been informed of most of the facts detailed in your petition, and had requested General Smith to place a sufficient mounted force on the line of the Nueces, to range from the neighborhood of Fort Ewell up to the head of Llano, and I have just received information from him that he has ordered three companies of mounted riflemen to perform that service. These troops I trust will prove sufficient to give security against further incursions of Indians into your country; if they do not, I will endeavor to have additional troops ordered to that portion of our frontier; and if I cannot succeed in this, I will then consider it to be my duty to call out volunteers to act under the authority of this State.

Very respectfully, your obedient servant,

E. M. PEASE.

Messrs. FAUNT LEROY, A. H. BRISCOE, and JNO. M. CRANE.

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No. 37.

WAR DEPARTMENT, *Washington, September 20, 1855.*

SIR: Referring to my letter of the 17th ultimo, in reply to yours of the 16th, inclosing translations of two notes from the Mexican minister on the subject of rumors of newly-projected incursions into Mexico from the United States, I have the honor to transmit herewith a copy of a report from Brevet Major-General Smith, commanding Department of Texas, on the subject, and stating that the rumors are almost without foundation.

Very respectfully, your obedient servant,

JEFF'N DAVIS,  
*Secretary of War.*

Hon. W. L. MARCY,  
*Secretary of State.*

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No. 38.

FORT DUNCAN, TEX., *October 4, 1855.*

SIR: I have the honor to report that, without my knowledge, three nights since, a party of armed Texans crossed the river two miles or more below this post, for the purpose, as I am informed, of chastising the Lipan Indians, who have for some time past been committing depredations on the property and persons of the people of Texas, and then for safety escaping into Mexico. Yesterday morning this party left their camp on the opposite side of the river and marched toward San Fernando, and when within eight or ten miles of that place were opposed by a large number of Mexicans and Indians. A fight ensued, in which several Texans were killed and wounded; with what results as to the opposite party I am not informed. Last night, a little before tattoo, a Texan, badly wounded, returned here and reported that the Mexicans had attacked the Texans with such an overwhelming force that he feared they had all been killed; and early this morning I received repeated messages that the Texans who had escaped from the fight yesterday were on the opposite side of the river asking assistance from me to cross the river, stating that they were pursued by the Mexicans and Indians and expected to be attacked every minute. Under the circumstances, I deemed it my duty to render assistance, so far as it might be necessary, to protect them while crossing, and I immediately placed several heavy guns in such a position as to command the ferry and crossing. Up to the time of writing, about 12 o'clock m., no Mexicans or Indians have made their appearance; and the Texans, so far from crossing to this side of the river, have, as I am informed, seized upon the village of Piedras Negras, are strengthening the place, and intend to hold it until they receive re-enforcements from Texas; with what object now I do not know, unless it be to make war upon Mexico. Captain Callahan, I understand, is the commander, and he is the captain of a company of volunteers called into the service of the State of Texas by the governor for the protection of the frontiers. As this matter is likely to become quite serious, the Texans, on hearing of the situation of their countrymen and of the death of their friends, will flock to the frontier in large numbers and will cross the river in spite of resistance. I respectfully beg leave to ask for instructions for the government of my actions in this matter. If the Texans should persist in crossing, acting under the orders of the governor, as they appear to be doing, I have no force sufficient to oppose them, admitting it to be my duty to do so. If some persons of standing and influence do not immediately interfere, open war must follow in a very short time.

Very respectfully, your obedient servant,

S. BURBANK,  
*Captain First Infantry, Commanding.*

ASSISTANT ADJUTANT-GENERAL,  
*Department of Texas, San Antonio.*

No. 39.

SAN ANTONIO, October 4, 1855.

DEAR SIR: Since my arrival at this place, I have learned from General Smith that he will send a force of mounted riflemen to take your place at the expiration of your term of service. Your company will therefore be mustered out of service at the expiration of three months from the day you were mustered in; and for that purpose you will march your company to San Marcos, and report to Col. John D. Pitts, who will have orders to muster you out. This communication is addressed to your supposing Captain Callahan to be still absent; when he returns, he will act as if this were addressed to him.

Yours, with respect,

E. M. PEASE.

Lieut. EDWARD BURLESON.

No. 40.

HEADQUARTERS DEPARTMENT OF TEXAS,  
San Antonio, October 7, 1855.

CAPTAIN: I am directed by the general commanding the department to say that he has received full powers from the President of the United States to carry out the neutrality laws. He has been informed that a party of armed persons has lately crossed the Rio Grande River, in the vicinity of your post, with the intent to violate those laws, and he therefore directs you to use every means in your power to maintain them inviolate, by giving warning first to any such parties, and to arrest them, and, if necessary, to use the force at your command for preventing such attempts. You will, as far as possible, take steps to arrest any persons that may be attempting to cross with hostile intentions, and keep them under guard until they can be sent to be tried before the nearest United States court. The general also directs that you take the necessary steps to protect the settlements in your vicinity from robbery by such parties, by posting guards, &c., even if the whole force at your command be necessary for that purpose.

I am, sir, very respectfully, your obedient servant,

ALFRED GIBBS,

*Brevet Captain and Aid-de-Camp, A. A. A. G.*

Capt. SIDNEY BURBANK,

*First Infantry, Commanding Fort Duncan, Tex.*

HEADQUARTERS OF THE ARMY,

New York, November 1, 1855.

Respectfully forwarded by command of Brevet Lieutenant-General Scott.

L. THOMAS,

*Assistant Adjutant-General.*

Respectfully submitted to the Secretary of War.

S. COOPER,

*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, November 2, 1855.

No. 41.

HEADQUARTERS, FORT BELKNAP, October 7, 1855.

SIR: I have the honor to report that several weeks ago a party of Northern Comanches drove off from the lower reservation about forty horses belonging to Delawares. A party of the latter Indians was formed (with the sanction of the agent, Captain Ross), who went in pursuit of the robbers. When about ten miles from Red River, the Delawares left the trail they were on to go to a water-hole, and in doing so crossed a fresh trail, which they immediately followed up. They soon came up to a band of Northern Comanches, who told them they were on their way to the settlements to steal horses, &c. The Delawares, thirteen in number, then attacked these Comanches, killing seven and capturing ten horses, beside bows and arrows, shields, &c. They also got a black cloth sack-coat, in the pockets of which a daguerreotype likeness of a gentleman was found. This may perhaps lead to a war of retaliation toward the friendly Indians on the reservations; and unless mounted troops are soon sent here, the white settlers on the Clear Fork of the Brazos will not be able to remain on their farms.

I am, sir, very respectfully, your obedient servant,

G. R. PAUL,

*Captain Seventh Infantry, Brevet Major, U. S. A., Commanding Post.*

ASSISTANT ADJUTANT-GENERAL, U. S. A.,

*Headquarters Department of Texas, San Antonio, Tex.*

No. 42.

BRAZOS AGENCY, *October 7, 1855.*

SIR: The scouts, consisting of twelve Delawares and one Caldo, left on the 24th in pursuit of the horses stolen from this agency, and returned on the morning of the 4th, report as follows, to wit: They followed the trail five days a northwest direction, at which time they discovered another trail going the same direction, but much fresher than the one they were following, but determined on following it. After pursuing it about half the day, crossed Red River to rest their horses; they discovered ten Indians coming; meeting them when they came near, Jacob, the captain of the scouts, went out to meet their captain, who told him that he was a Yamporeco, and was going down to our frontier to kill and steal horses. He said he had just met two Indians (Necomys) who had been down and killed one man near the mouth of the Clear Fork of the Brazos, and stole seven head of horses on or near the Leon, and that the horses that were stolen from this agency were taken by five Tenawish men. Jacob then proposed that he should camp for the night. After camping within thirtysteps of each other they then held another conversation; he then told the Delawares that the Northern Indians had declared war upon all people south of Red River, white and red. Jacob then told him that he lived on the Brazos reservation, and showed him his pass that I gave him. Neither party made fire for the night, but watched each other. About midnight they proposed to gamble with the Delawares, but the captain told him he had not come there to gamble; however, he had no objection to four men playing at a time, and whilst they were playing the Delawares managed to cut three or four of their bow-strings half in two. The Yamporeco told his men that at daylight he should commence the fight. Neither party slept during the night. Just as day was breaking the Yamporeco ordered his men to fire, but the Delawares, understanding them, fired first, and killed four the first fire and charged their camp, killing three and wounding one, letting two escape to tell the news. They found on them a black cloth coat, velvet collar; also one undershirt, striped, and from stains of blood showed to have belonged to some white person killed by them. They also found in their possession a daguerreotype, which I send you, as it may probably lead to the discovery of who the man was killed. They brought in ten head of horses and mules and seven scalps. They are going to have a scalp-dance to-day. Our Indians are anxious to hear from you. They say with two hundred Texans they can whip all of the Northern Indians. The shield belonging to the Yamporeco had fifteen or twenty female scalps fastened to it, about half of which are white scalps. When I see you I will give you more of the particulars.

Yours, very respectfully,

S. F. ROSS,  
*Special Agent Texas Indians.*

Maj. R. S. NEIGHBOURS.

No. 43.

BRAZOS AGENCY, *October 7, 1855.*

DEAR SIR: As Mr. Harris leaves for Waco this morning, I avail myself of the opportunity to drop you a few lines. I came down to get Mr. Bickel to assist me in making out my returns. I left all well at my agency, and the Indians quiet and contented. Twenty-four of Shenaco's tribe came in, and report that he will be in before long. Two men returned from Mexico, bringing some nine or ten horses which Ketumsee took from them, and turned over to me; he also sent a man to a band of Neconies and brought in five more horses, four of them Delaware horses, and one of Jim Shaw's. Harris's men are at work and pushing things. The party of Delawares that left when you did, or a day or two after, returned, bringing in seven scalps and ten horses. They report that they followed the trail of the horses for several days, and that it gave out, but they continued the direction until they struck a fresh trail (which was the two that killed Skidmore). They followed that trail across Red River and stopped at noon, when a party of ten Comanche warriors came up to them. They had a talk and finally camped together, each party watching the other, for Jacob says he could understand all they said, and that they agreed among themselves to attack the Delawares and kill them and take their horses the next morning at daybreak, but the Delawares lay awake all night, and at daybreak they opened fire upon them and killed four, charged the rest, and killed all but two, one of whom was badly wounded, and the other they could have killed, but they wanted him to carry the news of their defeat back to the Comanches. One they did not scalp, as he fell into a water-hole and sunk. They brought in the bows, lances, shields, and tricks of the party. They told Jacob they had met the Indians that killed old Skidmore and had learned from them that there were plenty of hofes down here, and they were on their way down to kill and steal, and that a large war-party was coming down to kill John Conner, Ke-

tumsee, Lambshead, and all they could find. They seemed to know all about the condition of the posts and our frontier, and said that they had joined the Sioux Indians against the whites in the north. The captain commanding the party killed was a Yamparico, and had a black cloth coat, an undershirt, and daguerrotype with him, and on his shield were some twenty scalps, mostly white women's hair. I have his shield and spear. The two Indians who killed Skidmore went on to the San Saba and stole seven horses and came back on their trail to the Caddo peaks; from there they struck due north and went to the main Comanche camp. A party of twelve men followed them and lost their trail; they then came on to the post, and then here to see Captain Ross. I have no doubt that we will have the devil to pay, and our frontier is in the greatest danger. I hope you will succeed in carrying out your plans, as it is the only hope I have of having anything done. The Indians here are ready and willing to go against the Comanches, and I think them about the best protection we have, if they are managed by some white man; a few killing scrapes more will give them a distaste to these parts anyhow. Jacob learned from the captain he killed that the point selected for winter-quarters of all the wild Indians was on main Red River, where it runs through the mountains, and that some eight or ten tribes had united with the Sioux in their war. John Connor says he found out from a Noconie that that is where they expect to winter. I think there would be no difficulty in finding them if an expedition was gotten up. I shall return to the Clear Fork in the morning and will keep a sharp lookout for any strange Indians. I will make a requisition on Major Paul for a detachment of men to go out to the agency and remain there, as I think it proper to give the government employes all the protection I can. I have given you the outline of the war-party. Mr. Bickle will write more fully.

Respectfully, &c.,

J. R. BAYLOR,  
*Special Agent Texas Indians.*

Major NEIGHBOURS.

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No. 44.

FORT DUNCAN, TEX., October 8, 1855.

SIR: In continuation of my report of the 4th instant, in relation to the Texan volunteers, I have the honor to state that, pursuant to their resolution to remain on the Mexican side of the river and occupy the town of Piedras Negras, they strengthened their position as much as possible and awaited the result. The river was unusually high and still rising at this time, and the impossibility of crossing their horses was the reason they gave for remaining on that side of the river.

I received through an indirect channel, about dusk on the evening of the 5th instant, a note purporting to come from the commander of the Mexican forces, asking my position in relation to the Texas volunteers. I did not reply; I did not know where the Mexican commander was, neither did I deem it of importance. The next day (the 6th) the Texans crossed over some of their horses, intending, I believe, to come to this side as soon as they could get their horses over; the river in the mean time had fallen considerably, but about four o'clock in the afternoon the Mexican forces advanced upon them. The moment they came in sight, to my astonishment, the Texans commenced firing the town, and in a few minutes nearly every house in the place was in flames, and while it was burning Captain Callahan sent me a message, asking my protection and assistance for him to cross the river. I sent him a decided refusal. Thus matters continued until after dark, the Mexicans making no attack on the place. Soon after dark I received a note signed by Callahan and Henry, asking the protection of the United States flag to enable them to cross the river, stating that their men were deserting them; that they had then but about seventy, and that they were not able to contend with the Mexicans—some six or seven hundred. I replied that they had deliberately come to the determination to make a stand against the Mexican forces, and after what had transpired they must abide by that determination; but that they had possession of the boats, and I did not see but that they could easily cross to this side of the river, leaving their horses, which they would have to abandon. I believe they commenced crossing, and continued to do so until about 11½ o'clock, when another message was sent imploring my assistance to save them from destruction; the boat had got loose and gone down the river, thus cutting off all chance of escape. I then consulted with some of the officers as to what course it would be proper to pursue, but before I made up my mind fully as to my action, I learned that the boat was not lost; had broken from the line, but had been brought ashore, and the Texans were crossing as rapidly as possible, and at that time, about 2 o'clock a. m. (7th), they were mostly over the river, not being interrupted by the Mexicans. During yesterday they crossed over most, if not all, their remaining horses, and are now encamped somewhere in this vicinity. Nearly all the inhabitants abandoned Piedras Negras as soon as the Texans



occupied it; a great many crossed to this side, and others left for the neighboring towns in Mexico, I presume. They are in a state of great destitution at this time, and I would suggest that provisions should be issued to such as are suffering.

My situation is an embarrassing one, to preserve peace and at the same time prevent acts of hostility. The Mexicans are said to be very much exasperated, and threaten retaliation, and the inhabitants of Eagle Pass are in great alarm. I have to send them guards every night to pacify them, though I do not think there is any danger. There are said to be many Indians with the Mexicans (Seminoles), and it is these that they fear. I trust matters will soon be quieted, unless the Texans renew their attacks with recruited forces. In the mean time I await instructions from headquarters in case these forces should arrive at this point.

My command is much reduced, but I will make the most of it I can.

Very respectfully, your obedient servant,

S. BURBANK,  
*Captain First Infantry, Commanding.*

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No. 45.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, October 8, 1855.*

SIR: I am directed by the General commanding the department to communicate for your information a copy of the instructions of the President of the United States, requiring him to prevent the carrying on of any armed expedition or enterprise from any place within the limits of this department against the territory or people of Mexico. The general is informed that such an invasion of Mexico has already recently been made from the vicinity of Fort Duncan, and that further similar invasions, for the purpose of re-enforcing the first, will probably be attempted; and it is his order, therefore, that you endeavor to prevent any such attempt within the reach of your command, and that you employ the force under your control to the fullest extent that may be necessary for that object, and for the fulfillment of the instructions of the President. All persons who may be arrested in such unlawful attempts will be sent to Brownsville, to be brought before the United States commissioner. If the commanding officer of Fort Duncan should call upon you for additional troops, the general directs that you dispatch them immediately, to the extent of three companies of infantry.

Very respectfully, your obedient servant,

D. C. BUELL,  
*Assistant Adjutant-General.*

Bvt. Col. WILLIAM W. LORING,  
*Mounted Riflemen, Commanding Fort McIntosh, Texas.*

Similar instructions sent to the commanders of Ringgold Barracks and Fort Brown.

D. C. BUELL,  
*Assistant Adjutant-General.*

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, October 9, 1855.*

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No. 46.

FORT DUNCAN, TEX., *October 9, 1855.*

SIR: The mail leaves to-morrow morning for San Antonio. I have but little to report since my communication of yesterday, sent by express. All is now quiet. General Langberg, commander in chief of the Mexican forces in Coahuila, arrived at Piedras Negras yesterday, and now has the direction of affairs on the other side of the river. He has a force of one thousand men, six hundred regular troops and four hundred volunteers. I do not anticipate any further difficulties unless the Texan volunteers should return with large re-enforcements; it is evident that, should they do so, they will be resisted by the entire force of Mexico in Coahuila.

The Mexican account of the conflict near San Fernando reports four killed and four wounded on their side, their force consisting of two hundred citizens and eight Lipan Indians, who were not recognized as a part of their force, but who followed as stragglers. The Texans, they report, left five dead on the ground, besides a number of

horses, and about thirty pistols, guns, or rifles, which were picked up by the Indians. The volunteers left this vicinity yesterday, and are gone, I am told, to Leon.

Very respectfully, your obedient servant,

S. BURBANK,  
*Captain First Infantry, Commanding.*

ASSISTANT ADJUTANT-GENERAL,  
*Department of Texas, U. S. A., San Antonio.*

No. 47.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, October 9, 1855.*

SIR: Your communication of the 4th instant, reporting the invasion of the territory of Mexico by an armed body of men from this side of the Rio Grande, has been brought to the notice of the general commanding the department. He directs that you inform the leader of the party that your duty will require you to use every means within your control to prevent any accession to his party from this side of the river, and that you can lend him no succor if his further movements should place him in a situation to desire it.

The general directs me to communicate for your information a copy of the instructions of the President of the United States requiring him to prevent the carrying on of such expeditions or enterprises, and authorizing him to use the troops under his command for that purpose; and it is his order that the force under your command shall be employed to the fullest extent that may be necessary to fulfill the instructions of the President. If your immediate command should be insufficient for that object, you are authorized to call for additional force from the commanding officer of Fort McIntosh, who will have orders to dispatch three companies of infantry upon your requisition. All persons who may be arrested in attempting such violations of our neutrality laws will be sent to Brownsville, to be brought before the United States commissioner.

Very respectfully, your obedient servant,

D. C. BUELL,  
*Assistant-Adjutant General.*

Capt. SIDNEY BURBANK,  
*First Infantry, Commanding Fort Duncan, Tex.*

No. 48.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, October 10, 1855.*

COLODEL: At the time Indian depredations were reported near Fredericksburg, the governor of the State organized a company of volunteers under Captain Callahan, and stationed them there. Lately about twenty men were left of this company at their post, and Captain Callahan took the rest to pursue, as it was said, Indians who had stolen horses and killed persons on the Cebolo and Medina. He was joined by others and marched toward the Rio Grande. A report was current that a party was organizing to go into Mexico and take negroes that had run away from Texas and horses that had been stolen, and I presume that the party of Captain Callahan was the one alluded to. If so, their design was covered by the pursuit of a trail of Lipans escaping with their booty. This party crossed below Eagle Pass, without the knowledge of the commanding officer at Fort Duncan, on the night of the 1st of October. Captain Callahan says he crossed upon the invitation and by the assistance of the Mexican alcalde, and upon assurances of their aid in pursuing the Indians. He and his party were led into an ambuscade of Indians and Mexicans on the 3d, as they advanced toward San Fernando, the residence of the Seminole Indians; were repulsed and driven back to Piedras Negras, the small village opposite Fort Duncan. I cannot ascertain that they killed any Indians, but several of the Mexicans were killed. They could not cross, on account of the high water in the river; and finding themselves not approached by the Indians, they have remained there, and Captain Callahan has called upon his fellow-citizens for aid, and endeavors are made to raise men to re-enforce him. I have sent orders to Captain Burbank to arrest every one attempting to cross over with any hostile design, and have ordered three companies from Fort McIntosh to strengthen him. But the result of these movements across the river will be to excite

the hostility of all the Seminoles and their associates, and we may expect to hear of Indian depredations during the whole winter. \* \* \* In the meantime, every means in my power will be employed to prevent the breach of the neutrality laws and the incursions of the Indians. I inclose the report of Captain Burbank and copies of my previous and subsequent instructions. I neglected to mention, as the ground of my belief that Callahan's expedition was originally intended as an inroad into Mexico in search of negroes, that his crossing took place on the night of the 1st or morning of the 2d, and the ambuscade on the 3d; yet, on my arrival here on the 1st, an officer read me a private note from a friend at Laredo, informing him that a party of Texan volunteers had crossed the river above, intending to attack the Indians; that they had been led into an ambuscade of the Seminoles, and many of them killed, and the remainder had fled back to recross the Rio Grande. Now, this news was at Laredo a week and more before the affair happened, and shows that the design existed beforehand with the volunteers, and was disclosed to the Mexicans, who prepared and executed the ambuscade accordingly.

With high respect, your obedient servant,

PERSIFOR F. SMITH,  
*Brevet Major-General, Commanding Department.*

Col. S. COOPER,  
*Adjutant-General.*

Respectfully submitted to the Secretary of War.

S. COOPER,  
*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *October 25, 1855.*

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No. 49.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, October 11, 1855.*

SIR: Your communication of the 8th instant, reporting the further proceeding of the unlawful expedition into Mexico under Captain Callahan, has been submitted to the general commanding the department, and he has instructed me to reply that he entirely approves of your action in the matter. He directs me to repeat to you the injunction of preventing a repetition or renewal of the recent invasion. If the force which you have already been authorized to call for should be insufficient for the purpose, additional troops will be sent to you. It is suggested to you that the communication between you and the parties to these expeditions should, as far as possible, be confined to written correspondence, and at least should be made matter of careful record. One of the immediate effects of the expedition in question will doubtless be increased activity in the depredations of Indians from the Mexican side of the river, and the general desires, therefore, that your command shall be particularly vigilant with reference to them. I am instructed to say that you are authorized to issue provisions sparingly to those persons from the Mexican side who have come over for protection from the party under Callahan and are suffering for food.

Very respectfully, your obedient servant,

D. C. BUELL,  
*Assistant Adjutant-General.*

Capt. SIDNEY BURBANK,  
*First Infantry, Commanding Fort Duncan, Tex.*

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No. 50.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, October 11, 1855.*

SIR: I have no doubt your excellency is informed already of the inroads made into Mexico by a party under Captain Callahan. They crossed the Rio Grande three miles below Fort Duncan on the night of the 1st or 2d instant, were led into an ambuscade of Indians and Mexicans at La Meta, repulsed and driven back on Piedras Negras, the Mexican village opposite Eagle Pass. Under the belief that they were about recrossing into Texas and abandoning their expedition, the officer in command at Fort Duncan took measures to prevent their being molested in the passage of the river, which was swollen since they crossed, but the Texans, taking advantage of this interference, prepared to hold possession and await re-enforcements. Since then, the commanding

officer at Fort Duncan has refused to countenance their acts. Captain Callahan, finding his men were leaving him and seeing the approach of a body of Mexicans, set fire to the town of Piedras Negras, and, as soon as it could be done, crossed to this side, where his party is encamped. I had sent orders to the troops at the different posts to prevent any such unlawful inroads or other breaches of the act of 1818 (the neutrality act) upon first hearing of the crossing of Captain Callahan. I do not think the hot pursuit of a party of Indians with their plunder, although leading over the boundary, such a breach of that act, but this expedition, from the facts which have come to my knowledge, is not of that character. I am advised that the burning of the town and the designs on the Seminole settlement have exasperated to the highest degree both that band of Indians and the Mexicans. Many of the latter, in utter destitution, are seeking food on this side of the river to save themselves from starving. Under these circumstances I have no doubt plans of revenge will be formed and executed on the peaceable inhabitants of our frontier, while those who are the cause of these miseries will escape, and we may look for an inroad from the Seminoles to murder and scalp, not merely to steal. It is impossible to undo what is done, but under the act of 1818 the President of the United States has delegated to me the special authority therein provided for, to employ the military force under my command to prevent the infraction of that law. I hope your excellency will exert the influence and authority you possess to render any such exertion of military force on my part unnecessary. This can only be done by putting a stop to the unlawful enterprises in contemplation, for if they are persisted in, orders I have lately received will render my action indispensable.

With the highest respect, your obedient servant.

PERSIFOR F. SMITH,  
*Brevet Major-General, Commanding Department.*

I have the honor to inclose a copy of the delegation of authority to me and an extract from an order of the War Department.

PERSIFOR F. SMITH,  
*Brevet Major-General.*

His Excellency E. M. PEASE,  
*Governor of the State of Texas, Austin, Tex.*

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No. 51.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, October 12, 1855.*

COLONEL: I have the honor to inclose a copy of a further report of Captain Burbank of the events succeeding those detailed in my former communication. You will observe the wanton outrages inflicted on the poor inhabitants of Piedras Negras in the burning of their houses and gardens. I wish I could say that conduct so offensive to law and humanity met with any reprobation here; the very few I have heard condemn it avow their fear to express their opinions publicly. The party under Callahan have fallen back from the Rio Grande and have given out their intention to disperse and return to their homes. But although that is their probable course, no confidence can be placed in their declarations, and they will still be watched. A criminal prosecution of the offenders would be futile anywhere in Texas, and nothing remains but to endeavor to prevent a repetition of such acts. But, on the other hand, the Indians will be led to retaliate, and the people of the Mexican side, irritated by these outrages, will aid and encourage them, and such acts of retaliation will afford a pretext for new outrages, if the ill success of the last expedition does not prevent them. I inclose also a copy of a letter I addressed to the governor of the State, with the information I had from Captain Burbank, and copies of further orders in relation to the subject. It will be seen that I direct the arrest of persons attempting to invade Mexico as a measure of prevention under the law and my instructions. The arrest of those returning from the commission of the offense I leave to the civil authorities, because it would not prevent the crime or an attempt to repeat it; however, every effort will be made to arrest every one engaged in the enterprise.

I must say, in conclusion, that, although the unfortunate inhabitants of the Mexican side have so much to complain of, it is different with the Mexican Government; they have encouraged in every way the incursions and robberies of the Indians, who are under their protection. Citizens of this side have followed the Indians who stole their horses and found them in possession of Mexicans, some in high authority, who had just bought them from marauding parties; far from aiding our people who were endeavoring peaceably to get back their property, they interfered to prevent even their pur

chase back; and in no instance has any encouragement been given to our citizens seeking redress.

With high respect, your obedient servant,

PERSIFOR F. SMITH,  
*Brevet Major-General, Commanding Department.*

Col. S. COOPER,  
*Adjutant-General.*

P. S.—I inclose a subsequent report of Captain Burbank, just received, October 14 1855.

PERSIFOR F. SMITH,  
*Brevet Major-General, &c.*

Respectfully submitted to the Secretary of War.

S. COOPER,  
*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *October 27, 1855.*

Read. The measures adopted by General Smith and the conduct of Captain Burbank in the events within related are entirely satisfactory. Copies of the papers bearing on international relations will be prepared for transmission to the Secretary of State.

JEFF'N DAVIS,  
*Secretary of War.*

WAR DEPARTMENT, *November 3, 1855.*

(See letter to Secretary of State, November 9, 1855.)

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No. 52.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, October 14, 1855.*

COLONEL: On my arrival here on the 1st instant I found great consternation pervading the community on account of the incursions of some Lipan Indians to the immediate neighborhood. Between twenty and thirty of these had crossed the Rio Grande, in small parties, generally of two or three, and taking the hills at the head of the Medina and Frio Rivers, had secretly descended along the valleys of the Cibolo and Medina, and uniting in parties of six or eight, had carried off over two hundred horses from farms on the Cibolo and on the Medina, and on the San Antonio below the junction of the Medina, down as far as the neighborhood of Goliad. On the Cibolo, near the stage-road to Indianola, they killed a boy, the son of Mr. McGhee, and a small black girl, and farther up the country they killed a woman and attempted several other murders. They were pursued by parties of citizens, generally without success. One Indian of a small party, surprised by Mr. Wallace and six or eight men, was killed. Some horses were retaken, but not many. The governor of the State, during an alarm on the Colorado, had called out a company of volunteers, under Captain Callahan, which was stationed near that river. A part of this company, with some re-enforcements from other quarters, on the alarm in this neighborhood, started, professedly, to pursue the trails of the marauders even into Mexico, where they resided, and recover the stolen animals. But it is probable, from what has since happened, that their original intention was to cross into Mexico and go to the Indian camp, there attack it, take their horses and those in their possession, and retaliate the outrages inflicted here. They arrived on the Rio Grande about the 29th or 30th of September, and about thirty miles above Eagle Pass. The river was high, and for that reason or some other they descended to a ford three miles below Fort Duncan and crossed it secretly on the night of the 1st or 2d instant, unknown to Captain Burbank, commanding that post. They then had about one hundred and ten men. On the 3d they fell into an ambuscade and were driven back to the river at Piedras Negras, a Mexican village directly opposite Fort Duncan, with the intention of crossing, but the high water deterred them. Captain Burbank, to prevent further evil from their remaining in the Mexican territory, took a position with some of his artillery to prevent their crossing from being interfered with, as they seemed afraid of being attacked by a very large force. Taking undue advantage of this, they determined to remain, and sent persons here and to the neighboring towns to raise men and bring them assistance. Captain Callahan reported that on the 3d he was attacked by seven hundred or eight hundred Indians, aided by a large force of Mexicans; that he killed eighty Indians and many Mexicans. He left his own dead on the ground, and lost six men killed and wounded. The Mexicans say that their force consisted of two hundred rancheros; and that eight Lipan Indians were

present accidentally and took part in the fight; that four Mexicans were killed and four wounded, but no Indians were either killed or wounded. They state Captain Callahan's loss in killed correctly, and say they took and found abandoned several horses, and also thirty pistols and rifles thrown away by the Texans in or after the action. Captain Callahan, finding his men leaving him, sent to Captain Burbank to assist him in crossing. Captain Burbank declined, telling him that he had taken on himself the responsibility of holding the place and must abide by it. Finally, Captain Callahan's party set fire to the Mexican village and burned it up most wantonly, for it was occupied by a poor class of people, generally engaged in the cultivation of small plats of ground for the supply of our garrison and the neighboring town with vegetables. After several more fruitless applications to Captain Burbank for assistance, the Texans crossed to this side and have returned to San Antonio and the neighboring towns, where they are raising men to return and try their fortune again. They represent the whole affair as a brilliant and successful exploit, and as such, no doubt, the newspapers throughout the country will represent it. They are upheld by, with very few exceptions, the whole population; and as the Indians who have committed the depredations here are undoubtedly upheld and encouraged by the Mexican authorities, it is hard to convince the Texans that retaliation on the innocent is not the way to correct the evil. The constant incursions of small parties of Indians justify the formation and movement of armed parties of citizens, and their approach toward the frontier cannot be questioned. It is only when they have crossed that their original design is made manifest. The difficulty of opposing Indian depredations, and preventing at the same time breaches of the neutrality laws, may be well imagined. As this subject involves our political relations with Mexico, I have reported the facts direct to the War Department. If copies of Captain Burbank's reports and my orders on the subject can be prepared before the mail closes I will inclose them; otherwise they will go by the next mail.

With high respect, your obedient servant,

PERSIFOR F. SMITH,

*Brevet Major-General, Commanding Department.*

Lieut. Col. L. THOMAS,

*Assistant Adjutant-General, Headquarters of the Army.*

HEADQUARTERS OF THE ARMY,

*New York, October 29, 1855.*

Respectfully forwarded to the Adjutant-General.

L. THOMAS,

*Assistant Adjutant-General.*

Respectfully submitted to the Secretary of War.

S. COOPER,

*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *October 31, 1855.*

No. 53.

FORT DUNCAN, TEX., *October 16, 1855.*

SIR: I have the honor to acknowledge the receipt of your letter dated October 11 last night. I have nothing of importance to report. The excitement of last week has subsided, and the good feeling which existed between the people on the opposite sides of the river, interrupted for a time by the Texan volunteers, is fast being restored. Most, if not all, of the Mexicans who crossed to this side of the river when their town was occupied by the Texans have returned. I do not apprehend any further difficulties. I therefore think the force I now have here sufficient, and I have not made the requisition on the commanding officer at Fort McIntosh for the three companies of infantry I was authorized to do in a letter from department headquarters of October 9. According to the best information I have, the Texans have mostly returned to their homes. I think it highly improbable that they will return again, knowing, as they now do, that they will be resisted by the Mexican authorities with their entire force. The Indians brought to the river on the other side were again sent into the interior as soon as it was known the Texans had withdrawn from the frontier. These were Seminoles and Kickapoos. I will try and watch the movements of the Lipans, the Indians who have committed so many depredations on the citizens of Texas.

Very respectfully, your obedient servant,

S. BURBANK,

*Captain First Infantry, Commanding.*

ASSISTANT ADJUTANT-GENERAL,

*Department of Texas, San Antonio.*

No. 54.

EXECUTIVE OFFICE, AUSTIN, TEX.,  
October 17, 1855.

SIR: I have just seen an extract of a letter from Colonel Hardee, an officer of Colonel Johnston's regiment, dated Jefferson Barracks, September 29, 1855, in which he says: "Instructions have been given that the Second Regiment of Cavalry will go to Texas, but up to this time not a wagon, to my knowledge, has been provided for our transportation. As the Sioux war seems to have begun, I would not be surprised if we were ordered to join General Harney. I consider it entirely doubtful if we get to Texas this fall or winter. Colonels Johnston and Lee are both absent, and I am in command of the regiment." It seems, therefore, that there is much doubt whether the regiment of Colonel Johnston will be in Texas this fall, and in the present exposed situation of our frontier, liable as it is to be attacked at any moment by the Lipans and Seminoles from the other side of the Rio Grande, prudence seems to require that an additional mounted force should at once be called into the field. Such is the opinion of the citizens residing on our western frontier, and I think that opinion well founded. I make these suggestions to you because I think such a force is now needed in the field, and because I believe if you were to call on me for such a force, say three companies from the militia of this State, it would supersede the unauthorized movement of armed men that seems to be now making in the western part of this State, and bring the whole matter growing out of the late expedition of Captain Callahan entirely under your control. Your authority to call for such a force is undoubted, for they are needed to repel the actual invasion of the Indians, which are daily occurring. Will you favor me with your views on this subject as early as convenient?

Very respectfully, your obedient servant,

E. M. PEASE.

Bvt. Maj. Gen. PERSIFOR F. SMITH,  
*Commanding Department.*

No. 55.

HEADQUARTERS DEPARTMENT OF TEXAS.  
*San Antonio, October 17, 1855.*

COLONEL: There is a great deal of excitement among the citizens of this part of Texas, resulting from the late events on the Rio Grande, and they are raising a thousand men to cross the river, ostensibly to chastise the Indians. I have seen several parties ride into town yesterday and to-day, well armed and mounted, and of a better class of citizens than usually join in such expeditions.

It has struck me as extraordinary that, while complaining that they are left without protection from Indian incursions, they can yet afford to send away three times the number of the regular mounted force in the whole State from the very portion of the State where assistance is said to be so much needed. I shall do all in my power to prevent any unlawful expedition, but, as the country is really infested with small parties of Indians, it is easy for any party of armed citizens who approach the Rio Grande to say they are following these marauders and protecting the frontier. These illegal expeditions require the troops to be kept near the Rio Grande, while the protection of the farmers demands that they should be brought into the interior, and it will be difficult to execute both services with numbers barely sufficient for either. If I can delay the action of those parties a few weeks, no doubt many of the more prudent citizens will think better of the matter and abandon the expedition.

With high respect, your obedient servant,

PERSIFOR F. SMITH,  
*Brevet Major-General, Commanding Department.*Lieut. Col. L. THOMAS,  
*Assistant Adjutant-General, Headquarters of the Army.*

No. 56.

AUSTIN, TEX., October 20, 1855.

GENERAL: On my arrival here I am placed in possession of the official reports of Special Agents Ross and Baylor, who are in charge of the Indian reservations near Fort Belknap, copies of which I have thought proper to inclose you for your information.

You will perceive by reference to these reports that we may expect some difficulty with the Yampasecos, and, in fact, all of the northern tribes or bands of Comanches; that they not only threaten to attack the friendly Indians on the reservations, but to attack our settlements on our northern frontier. In order to meet any emergency that may arise, I should be pleased if you will give instructions to the commanding officer at Forts Belknap and Chadbourne as you may deem best calculated to meet the threatened danger. Under the circumstances, it is deemed by me absolutely necessary to have a small force on the Comanche reservation to protect the government employes and to overawe the Comanches now settled should they show any disposition to join their brethren farther north in attacks on our settlement.

You will perceive that Special Agent Baylor has already requested Major Paul to furnish him with a guard.

Commending this subject to your early consideration, I am, very respectfully, your obedient servant,

ROBT S. NEIGHBOURS,  
*Supervising Agent Texas Indians.*

Bvt. Maj. Gen. P. F. SMITH,  
*San Antonio, Tex.*

No. 57.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, October 21, 1855.*

GOVERNOR: I had the honor of receiving your letter of the 17th yesterday. I have not the slightest apprehension that the destination of the Second Cavalry Regiment is changed or that its march will be delayed. On the contrary, my assurance is stronger every day that it will be here as soon as a due regard to the condition of the horses will permit; and I am sure that, upon considering the grounds of my certainty, which I will briefly state, you will be of the same opinion.

In the first place, Colonel Hardee, in writing a private letter to a friend here, has stated only impressions made on his own mind; he does not even hint that any information, even unofficial, is the foundation of his opinion. On the day he wrote—the 29th of September—he could not have been in possession of the formal order to march. Of course he had no authority to require or prepare the transportation for the regiment. It is possible that this final order was delayed until the situation and necessities of General Harney were determined. Accordingly, after the news of his success over the Sioux at Ash Hollow, an order from the War Department of the 25th of September, a copy of which was sent to me, directs that Col. Albert S. Johnston should be relieved from serving on a court-martial to which he had been ordered, and that he should at once take command of his regiment, and on the 27th, two days afterward, the final order for march is issued from the Headquarters of the Army. This order could not have reached Colonel Hardee, for if it had been mailed on the day of its date it would not have been in Saint Louis when the colonel wrote. On its receipt you are well aware that it became the duty of the officer in command of the regiment at once to make requisitions on the staff officers near him for the requisite transportation and supplies, and you are also aware that there could be no difficulty at Saint Louis and its neighborhood in finding plenty of either. The absence of these preparations *before* the order for march is no evidence of the impossibility of procuring them afterward; besides, I have been officially informed of the intention of the War Department to send the regiment here. I have been directed to make preparation for their reception, and to purchase forage for their horses, involving a large expenditure. I have received and recorded the formal order for their movement. If there were any intention of changing their destination, the first act of the department would be to inform me of it, that I might suspend the purchases that became unnecessary and meet the new position of affairs. Last night I received different orders from Washington up to the 4th instant, a week later than the date of the order of march. No change is hinted at, and I act under the most perfect confidence that up to the 4th of October the disposition of the regiment was unchanged, and that it is now on its march to Texas, and will be on the northern frontier before any other troops could be raised, equipped, and sent there. A company of the rifles arrived four days since and is on the Medina; another is on its march, and a third, probably, has started from Laredo. I could still draw up from the Rio Grande other companies, now that I have their horses and equipments, if the preparations for an unlawful invasion of Mexico did not forbid me to strip the Rio Grande of its entire mounted force, and your excellency will see the false position in which I would be placed were I to call rangers into service, because the regular troops, whose place these are to supply, are kept where they are, on the Rio Grande, by the threats of the others to break the laws. I think I



can answer for the protection of the frontier with the dispositions I will make by calling some infantry and a mounted artillery company to replace the mounted rifles I will bring up here; and my confidence is in no ways shaken in the expected re-enforcement by the doubts expressed in Colonel Hardee's letter before he had authentic intelligence of the movement.

With the highest respect, your obedient servant,

PERSIFOR F. SMITH,

*Brevet Major-General, Commanding Department.*

His Excellency E. M. PRASE,  
*Governor of the State of Texas.*

No. 58.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, October 21, 1855.*

COLONEL: I have the honor to transmit a report from Captain Burbank at Fort Duncan, a letter from the governor of the State, who desires some volunteers to be called into service, and my reply, and a report from Brevet Major Paul commanding at Fort Belknap. Since my last report some of those engaged in raising the expedition for the Rio Grande have abandoned it, but others still persist and are very active in their efforts to raise the necessary number of men by the 15th of November, the day fixed upon for their rendezvous. Many of the best citizens of this part of the country, which the late Indian incursions have stripped of its horses, under their first impulse, joined in this movement as the only means to secure themselves, for the troops on the outer frontier were too distant to afford them instant succor, it being one hundred and sixty miles to the nearest post of consequence, Fort McIntosh. To tranquilize all this population, so justly alarmed, and thus to detach the better class of citizens from the unlawful enterprise projected, I will gradually bring the greater part of the rifle regiment into the country embraced between a line through the heads of the Cebolo, Medina, Hondo, and Frio, and the outlet of those rivers, down as far as Goliad and the mission of Refugio, and keep them actively in motion, so that all the inhabitants may see a portion of them every few days and feel that they have efficient protection close at hand. I will, unless otherwise ordered, bring the headquarters of the regiment somewhere near the center of this district, and keep up this disposition until confidence is entirely restored. One company, C, is already on the Medina, and companies A and H will shortly be in this neighborhood. I have ordered three companies of infantry from Ringgold Barracks to strengthen the line between Las Moras and the old Presidio crossing, and have directed Captain Phelps's light battery to take a position where they can meet any emergency likely to occur shortly. Four hundred very good horses have been bought for the rifles in Texas, and will replace the losses met with in severe service and those which are found too heavy for light cavalry service. I propose, as a temporary measure, to take about eight horses from each company of rifles, of those too heavy for their use, and give about twenty-four to each of the companies of artillery at Forts Duncan, McIntosh, and Ringgold Barracks. They can, with these, harness two pieces and two caissons at each post, and thus instruct the men in that part of their service, and at the same time furnish a mounted scout of twenty men in case of necessity. These, in addition to two or three companies of rifles, to be kept on the Rio Grande, can secure that line until, tranquillity being restored, a new and permanent disposition can be made. This new state of affairs will modify former plans. The companies of rifles that come here may more conveniently receive their horses here, and the recruits sent to the rifles can come to Indianola. When they are ordered out I would be glad to have timely notice of it, that I may send a company or two to meet them, for the road from Indianola here is crowded with grog-shops, and raw men with few officers can hardly be kept in order. The road from Corpus Christi to Laredo is not subject to that objection, but the companies will not be at hand to receive them. I have been told by several persons, committees, &c., that if I will only call out a few companies of rangers it will at once employ the most unquiet and tranquilize the alarmed, and thus break up the contemplated enterprise. I refuse absolutely. I will exert every means I have to avoid any serious difficulty, but I will not buy the promised good conduct of such men as must necessarily enter into many of their companies at any price. The good sense and manliness of the better portion will, I hope, induce them to abandon an improper fellowship, and good order will be once more restored.

With high respect, your obedient servant,

PERSIFOR F. SMITH,

*Brevet Major-General, Commanding Department.*

Col. S. COOPER,  
*Adjutant-General of the Army.*

No. 59.

HEADQUARTERS FORT BELKNAP, TEXAS,  
October 21, 1855.

SIR: Since writing my letter of the 7th instant, I have the honor to report that a general alarm has existed among the white settlers of this neighborhood; that they have generally abandoned their farms, and fled with their families to this post for protection. I am not prepared to say that their fears are groundless, but I believe the reports in reference to hostile demonstrations by Northern Comanches as much exaggerated.

I have received several communications from Mr. J. R. Baylor, agent for the Southern Comanches, representing them in a very unquiet state, and asking for troops to be stationed among them. I have accordingly sent Captain King, First Infantry, with his company. Captain King reported that the Comanches were making preparations to leave the reserve, and this step was only prevented by his timely arrival among them. Mr. Baylor wrote again that should the troops be removed from the reservation, there would not be a single Comanche on it twenty-four hours after the departure of the troops. Under these circumstances, until otherwise directed, I shall leave a company or a detachment of thirty or forty men on the Comanche reserve. In order to carry out the present Indian policy, I think it will be absolutely necessary to establish a permanent post on the lower or Comanche reservation of not less than two companies, one of which should be mounted.

I am, sir, very respectfully, your obedient servant,

G. R. PAUL,

*Captain Seventh Infantry, Brevet Major, U. S. A., Commanding Post.*

ASSISTANT ADJUTANT-GENERAL,  
*Headquarters Department of Texas, San Antonio, Tex.*

No. 60.

WAR DEPARTMENT, Washington, November 9, 1855.

SIR: I have the honor to transmit herewith for your information copies of four communications, with inclosures, from Brevet Major-General P. F. Smith, commanding Department of Texas, dated October 10, 12, 17, and 21, on the subject of the recent and the contemplated invasion of Mexico by armed men under Captain Callahan.

Very respectfully, your obedient servant,

JEFF. DAVIS,  
*Secretary of War.*

Hon. W. L. MARCY,  
*Secretary of State.*

No. 60½.

*Extract from remarks on roll of Capt. William Tom's company.*

Muster-roll of Capt. William Tom's company of Texas Volunteers, organized at San Antonio on the 18th day of October, A. D. 1855, in accordance with an advisory letter of Col. James S. Gillet, adjutant-general of Texas, dated on the 17th instant, viz:

\* \* \* \* \*  
WILLIAM TOM,  
*Captain Commanding Company T, Mounted Volunteers.*

I certify that I attended the assembling and organizing the company commanded by Capt. William Tom, and have obtained funds to furnish them with subsistence and forage, half rations of corn, from the committee of safety at San Antonio.

H. E. McCULLOCH,  
*Superintending Organization.*

I certify on honor that I mustered the above company out of service on the 16th day of November, A. D. 1855, under the instructions of Capt. H. E. McCulloch; that the remarks set opposite the name of each man are accurate and just, and that they are hereby honorably discharged from said service.

WILLIAM TOM,  
*Captain Commanding Company T, Mounted Volunteers.*

I hereby certify on honor that the above account exhibits a full and fair statement of all the moneys received by me from the vigilance committee at San Antonio, as well as the manner in which the same was disbursed for their use and benefit.

EZRA KEYSER,  
*Orderly Sergeant Captain William Tom's Company T, Mounted Volunteers.*

No. 61.

[Extract.]

Report of Capt. William G. Tobin's company of Mounted Rangers, commencing on the 12th day of October, A. D. 1855, and ending the 15th day of November, A. D. 1855, raised and organized in San Antonio, Texas; disbanded, waiting for further orders.

*List of names of the company.*

\* \* \* \* \*

I certify that this is a true copy of my company.

WM. G. TOBIN.

[Extract.]

Muster-roll of Capt. William G. Tobin's company of Mounted Texas Rangers, called into the service of the State of Texas, from the 12th day of October, A. D. 1855, for the term of one month unless sooner discharged. This is intended as muster in and out roll, there being no mustering officer to muster out this company.

\* \* \* \* \*

I certify on honor that this muster-roll exhibits the true state of Capt. William G. Tobin's company of Mounted Texas Rangers for the period herein mentioned; that each man answered to his own proper name in person, and that the remarks set opposite the name of each officer and soldier are accurate and just; and I do further certify that the men above mentioned were actively employed in military service of the said State from the 12th day of October, 1855, to the 15th day of November, 1855. To all of which I do swear to be true to the best of my knowledge and belief.

W. G. TOBIN,

*Captain Commanding Company Texas Rangers.*

Sworn to and subscribed before me March 21, 1861.

CLEM. R. JOHNS,  
*Comptroller.*

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No. 61.

[Extract.]

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, December 6, 1855.*

GENERAL:

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This you must allow is the state of the present case. I do not say what was the character of Captain Callahan's expedition; that the government will decide with him. I only say, supposing it were of the character given it by its most violent enemies, yet the Government of the United States is in no way answerable to the Mexican authorities, since it is the conduct of these which has furnished Captain Callahan with the cloak to hide him from the vigilance of our own laws and its officers. More than a year since a tribe of Lipans, which had formerly been under the care of an Indian agent of the United States, in Texas, were persuaded by some of the authorities of Coahuila to move to that State, and when Major Neighbours, the Indian agent, endeavored to visit them and persuade them to return, he was not permitted by those authorities to communicate with them. These Indians were put under the protection of the civil and military authorities then in power in Coahuila, and they commenced at once a series of murders and robberies, on this side of the river, which has continued up to this time. About the beginning of the summer these Indians extended their depredations so far into the interior as to be out of the reach of the troops, which were near the frontier. Drove after drove of horses were stolen and taken at once across the Rio Grande, where they were protected from pursuit by the Mexican minor civil authorities. Now, I beg you to observe what I say here particularly, because it is the origin of all the late difficulties, and we have taken pains to obtain the fullest proof as to what I assert. Party after party of Lipan Indians, living under the protection of the Mexican authorities behind Laredo and near San Fernando, came into the settlements singly, and joining here in parties of from five to thirteen, stole horses from all the ranches on the Medina, San Antonio, and Cibolo Rivers, murdered several persons, and escaped, by a rapid flight across the Rio Grande, with much of their plunder. Citizens of Texas, from several different neighborhoods, followed them peaceably, found the stolen animals, recognized them, and endeavored to purchase them back—some from the Indians who stole them—but most of the horses were in the hands of minor civil officers, on the Mexican side, who refused all aid, or even permission, for the recovery of them. Finding it impossible to obtain redress for wrongs so flagrant, they determined to pursue the next band of robbers even into Mexico, which they had

a right to do, seeing that the Mexican authorities not only refused redress, but aided and protected the Indians and shared their plunder. Under cover of this right, which is undoubted, other parties may have contemplated a wrong, but Mexico herself had so completely sheltered them from our pursuit that it can only be after a development of their true designs that our authorities can act, and it is then too late for prevention.

I have the honor to remain, with the highest respect, your obedient servant,  
 PERSIFOR F. SMITH,  
*Brevet Major-General, Commanding Department.*

Sr. Don EMILIO LANGBERG,  
*Commanding the Forces of the Mexican Republic in Coahuila.*

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No. 62.

HEADQUARTERS DEPARTMENT OF TEXAS,  
*San Antonio, December 6, 1855.*

SIR: I have the honor to inclose herewith copies of communications from Brevet Major Paul, commanding Fort Belknap, dated September 16, October 7 and 21, and from Mr. R. S. Neighbors, Indian agent, dated October 20, on the subject of Indian affairs in the northern part of the department. The reasons set forth in these several communications, taken in connection with the implied discretion conveyed in your indorsement referring to me the petition of Mr. Woodward to have two companies of mounted troops stationed at Fort Belknap, have determined me to post four companies of the Second Cavalry on the Comanche reservation. The other six companies and the headquarters are directed to encamp in the vicinity of Fort Mason, agreeably to the wish of the Secretary of War, expressed in your communication of the 20th ultimo.

Very respectfully, your obedient servant,

PERSIFOR F. SMITH,  
*Brevet Major-General, Commanding Department.*

Colonel S. COOPER,  
*Adjutant-General, U. S. A., Washington, D. C.*

Respectfully submitted to the Secretary of War.

S. COOPER,  
*Adjutant-General.*

ADJUTANT-GENERAL'S OFFICE, *December 24, 1855.*

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No. 64.

EXECUTIVE DEPARTMENT, AUSTIN, TEX., *December 18, 1855.*

SIR: Reposing trust and confidence in your capacity and integrity, I appoint you paymaster, to carry into effect "An act making appropriations to pay the expenses of volunteers called into the service of the State for the protection of the frontier, and for other volunteer service," approved December 17, 1855. The volunteers alluded to in this act are the companies of Capt. J. H. Callahan, Captain Benton, and Captain Henry. Under the provisions of said act you will be required to give bond and security to the State of Texas in the sum of \$22,000 for the faithful performance of your duties under this act. You will repair to the town of Marcas, in Hayes County, and make the payments authorized under said act, on the 7th and 8th days of January, 1856, and the following days, if necessary, previous to which detailed instructions will be given you. Your compensation, under the law, will be \$100, which is entirely inadequate to the service, but as the service is one that will greatly benefit your neighbors and friends, I trust you will undertake it.

Yours, with respect,

E. M. PEASE.

Col. JOHN D. PITTS.

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No. 65.

EXECUTIVE OFFICE, AUSTIN, TEX., *February 4, 1856.*

*Gentlemen of the senate and house of representatives:*

I transmit herewith the muster-rolls of three small companies of mounted volunteers, one commanded by William Tom, which was in service on the frontier from the 18th

of October to the 16th of November, 1855; another, commanded by W. G. Tobin, which served on the frontier from the 12th of October to the 15th of November, 1855; the other, commanded by Levi English, whose precise term of service is not known to me. These companies were voluntarily organized and supported by the citizens of the frontier for their defense, during the past fall, while they were suffering from the constant attacks of hostile Indians, there being no mounted troops of the United States near enough to afford any protection.

Small parties of the last-named company had several encounters with and killed many of the Lipan Indians, and all of the companies were in active service at a time when the frontier settlements were nearly broken up by the incursions of the Indians, and contributed greatly to restore peace and confidence to those settlements. I think it but an act of justice that they should receive from the State a reasonable compensation for their services and expenses, and therefore submit the matter to your consideration, with the hope that you will make suitable provisions for their payment.

The circumstances under which these companies were organized and the service they rendered are well known to Messrs. Maverick and McCullough, of the senate, and the Bexar delegation in the house of representatives, to whom reference is made for information on these points.

E. M. PEASE.

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No. 66.

EXECUTIVE DEPARTMENT, AUSTIN, TEX., *January 3, 1856.*

SIR: You are hereby appointed an agent of this State, under the provisions of "An act to provide for the payment of six companies of mounted volunteers that were mustered into the service of the State of Texas on the 1st day of November, 1854, under a requisition of Brevet Major-General Persifer F. Smith, and to pay the expenses incurred by said companies," approved January 14, 1856, and an act to amend the several sections of said act, approved February 1, 1856, with full power and authority to receive from the State treasurer a portion of the appropriation made by said first-named act sufficient to pay the companies commanded by yourself and Capt. J. G. Walker for three months at the same rate per month as they were afterward paid by the United States while in their service.

Upon the receipt of said money you will, as early as convenient, give public notice of the time when you will meet the members of said companies at or near the places where they were respectively organized, for the purpose of paying them off, under the provision of said act. James R. Shaw, esq., the comptroller of public accounts, will inform you what amount of pay per month each member of said companies is entitled to receive; he will also advise you what character of vouchers you will be required to take for the payments you may make under this appointment; and his instructions in regard to these matters must be strictly followed.

Any assignment from any member of said companies of his pay which does not show on its face that the assignor knew at the time of its execution that he was entitled to receive three months' pay from the State will only be recognized as conveying to the assignee the pay due the assignor for the time he was actually in the service of the State, which time of service was, for the members of your company, one month and twenty-one days, and for the members of Captain Walker's company one month.

Should any of the members of said companies fail to apply to you for their pay at the time and place you may appoint, or within a reasonable time thereafter, you will return the residue of the money, with the vouchers for the payments you have made, to the comptroller, and make a final settlement with him.

The names of the persons who composed said companies you will ascertain from the duplicate muster-rolls furnished to the captains by the officer who mustered them, or from any authentic copy of said duplicate or original roll. You will be allowed for your services, on a settlement of your accounts, under this appointment, with the comptroller, a reasonable compensation, to be paid out of the appropriation made by this act.

E. M. PEASE.

GILES S. BOGGESS, Esq.

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No. 67.

EXECUTIVE OFFICE, AUSTIN, TEX., *February 5, 1856.*

SIR: You are hereby appointed, under the provisions of "An act to provide for the payment of six companies of mounted volunteers that were mustered into the service of

the State of Texas on the 1st day of November, 1854, under a requisition of Brevet Major-General Persifer F. Smith, and to pay the expenses incurred by said companies," approved January 14, 1856, and an act to amend the seventh section of said act, approved February 1, 1856, as the agent of the State, to receive from the State a portion of the appropriation of money made by said act sufficient to pay the company commanded by Capt. William Fitzhugh, that was organized at the town of McKinney, in Collin County, for three months.

Upon the receipt of said money, you will proceed, as early as convenient, to pay the members of said company, at said town of McKinney, after giving a reasonable public notice of your authority to make such payments, for three months' services, at the same rate for such time as they were paid by the United States while in their service, which rate will be furnished to you by James B. Shaw, esq., comptroller. The names of the persons composing said company you will ascertain from the copy of the muster-roll that will be furnished you by Mr. Shaw. You will recognize no assignment of any member of said company which does not show on its face that the party knew that he was entitled to three months' pay as conveying a right to any more than one month and twenty-one days' pay; service all over and above that amount is a gratuity from the State, and should only be paid to the party who rendered the service, unless the said party has assigned it with a full knowledge of his right.

The comptroller will advise you fully what character of vouchers you are required to take for the payments you may make under this appointment, and his instructions must be strictly followed. As soon as convenient, after you shall have paid all the parties that may apply to you at McKinney, within the time you may fix for their payment, you will return the residue of the money, together with the vouchers for the payments you have made, to the comptroller, and make a final settlement with him of your proceedings.

You will be allowed for your services, on a settlement of your proceedings under this appointment, a reasonable compensation, to be paid out of the appropriation made by said act.

JAMES W. THROCKMORTON, Esq.

E. M. PEASE.

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No. 68.

EXECUTIVE OFFICE, AUSTIN, *March 22, 1856.*

DEAR SIR: You are hereby appointed as the agent of this State to pay the company of Capt. Patrick H. Rodgers, which was enrolled at the town of Brenham, in the month of October, 1854, for three months' services.

The pay of the members of said company will be the same as that allowed by the laws and regulations of the United States to mounted volunteers, a statement of which, together with the muster-roll and particular instructions as to the manner of payment and the vouchers necessary to be taken by you, will be furnished to you by the comptroller of public accounts, which must be strictly followed.

You will recognize no assignment from any member of said company as conveying more than his pay for one month and twenty-two days, unless it shall appear from said assignment that the assignor knew that he was entitled to receive full three months' pay and intends to convey that amount.

You will commence paying said company at the town of Washington, on the 31st day of March instant, and remain at that place a reasonable time for the members of said company to apply for their pay. You will receive from the comptroller the funds necessary to pay said company, and, after the expiration of the time you may deem reasonable for the members to apply and receive their pay, you will return what funds may remain in your hands to the comptroller and make a settlement with him of your accounts and doings under your appointment.

The amount of compensation cannot be stated at this time, but it will be fixed so soon as I can ascertain the amount of the appropriation that will remain after the payment of all of said company.

E. M. PEASE.

Col. A. M. M. UPSHER.

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No. 69.

EXECUTIVE OFFICE, AUSTIN, TEX., *March 31, 1856.*

GENTLEMEN: Your communication of the 12th instant, representing that, unless something is done immediately for the protection of the citizens residing on the Upper Blanco, Guadalupe, Curry's Creek, and Perdinales, they will be compelled to give

up their homes, has just been received. I have not been unmindful of your exposed condition, and some time since requested the commanding general of this department to have mounted troops sent to your vicinity for its protection, but I have heard nothing from him in reply.

You must be well aware that no means have been placed at my disposal for frontier protection, and without means I can do nothing effective. I would, however, advise that your settlement organize a company of minute-men. Let a small number, say ten or fifteen, be kept scouting, whose duty it shall be to notify the company to assemble and pursue the Indians whenever it shall be ascertained that they are in the neighborhood. Such a course will enable you to rally a respectable force at a short notice, and, I think, will tend to restore confidence. Should you conclude to act on this advice, you will keep me advised of your proceedings, and I shall take pleasure in urging the legislature to make a suitable compensation for the service of those who may be employed, and to pay for all reasonable expenses that may be incurred. I do not intend to advise the organization of a force for offensive warfare at a distance from your homes, but that you shall endeavor, by this plan, to give yourselves protection against the Indians who may come into the vicinity of our settlements.

Yours, with respect,

E. M. PEASE.

Messrs. J. H. CALLAHAN, E. BEN. GEORGE, R. W. JOHNSON, OTTO WUPPERMAN, and others.

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No. 70.

EXECUTIVE OFFICE, AUSTIN, TEX., *April 10, 1856.*

DEAR SIR: You are hereby appointed as the agent of this State to pay the company of Capt. William R. Henry, which was enrolled at the town of Goliad in the month of October, 1854, for three months' services. The pay of the members of said company will be the same as that allowed by the laws and regulations of the United States to mounted volunteers, a statement of which, together with the muster-roll and particular instructions as to the manner of payment and the vouchers to be taken by you will be furnished to you by the comptroller of public accounts, which must be strictly followed.

You will recognize no assignment from any member of said company as conveying more than his pay for one month and fourteen days, unless it shall appear from said assignment that the assignor knew that he was entitled to receive full three months' pay and intended to convey that amount.

You will commence paying said company at the town of Seguin, on the 15th day of April instant, and remain at that place a reasonable time for the members of said company to apply for their pay.

You will receive from the comptroller the funds necessary to pay said company, and, after the expiration of the time you may deem reasonable for the members to apply and receive their pay, you will return what funds may remain in your hands to the comptroller and make a settlement with him of your acts and doings under your appointment.

The amount of compensation cannot be stated at this time, but it will be fixed so soon as I can ascertain the amount of the appropriation that will remain after the payment of all of said company.

E. M. PEASE.

Col. JOHN D. PITTS.

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No. 71.

EXECUTIVE OFFICE, AUSTIN, TEX., *May 1, 1856.*

SIR: You are hereby appointed to pay off the company of Capt. Charles E. Travis, under the provisions of "An act to provide for the payment of six companies of mounted volunteers that were mustered into the service of the State of Texas on the 1st day of November, A. D. 1854, under a requisition of Bvt. Maj. Gen. Persifer F. Smith, and to pay the expenses incurred by said company," approved January 14, 1856, and an act to amend the seventh section of said act, approved February 1, 1856.

Your compensation for services will be the same as may hereafter be allowed to the persons appointed to pay off the companies.

E. M. PEASE.

JAMES H. RAYMOND, Esq.

## No. 72.

*Extract from general remarks on J. M. Davenport's company roll.*

*1st.*—On the 20th day of March, 1856, a party of Indians, supposed to be Comanches, came into the Lower Sabinal settlements and stole seven head of horses and mules. I took the trail with my men, which was followed up to the headwaters of the New Esces, then crossing we proceeded to the south prong of the Llano, and on arriving there late in the afternoon discovered the Indians encamped barbecuing a horse. We charged the camp, but being on an elevated position and the Indians in a low ravine, discovered our movements and made their escape through a mountain pass, being then dark, and in the morning no trail was visible.

*Scout 2d.*—On the night of the 16th day of May a party of Comanche Indians, eight in number, came into old Fort Lincoln and stole eight head of horses. We took their trail next morning, and followed them to the headwaters of the Medina River, but, owing to a heavy rain, we lost the trail and could not proceed any further.

*Scout 3d.*—On the night of the 7th June, 1856, there was a party of Indians, supposed to be twenty-five in number, came into the Upper Sabinal settlements, known as the Carrion Valley, five of them entering the yard of Mr. Aaron Anglon and killed two dogs; being fired on by John Leaky, a private of my company, who was stopping for the night in Mr. Anglon's house, and from his exertions the Indians left the yard. I sent five men next morning to hunt for their trail, while I was collecting the balance of the men about three miles southwest from Anglon's house. The above-mentioned five men came on the Indians in camp on the Frio Mountains (this being the place where Mr. Leaky and Baremore received their wounds). On the morning of the 9th I took the trail with twenty of my men, and followed it for eight days, and finally came up with them in camp on the Leon River about thirty miles from Fort Inge (south). We charged the camp and killed seven of them, which lay on the ground, and wounded several others. We also captured four head of horses, three shields, six quivers with bows and arrows, two rifle-guns, and one government revolver. We made various other scouts too numerous to report, but all of which came off with success.

I remain, sir, your obedient servant,

JOHN M. DAVENPORT,  
*Captain M. M. Volunteers.*

## No. 73.

EXECUTIVE OFFICE, *Austin, Tex., August 4, 1856.*

*Gentlemen of the senate and house of representatives:*

I have the honor to inform you that, about the month of March last, communications were received from the settlements on the Upper Blanco, Guadalupe, and Comy's Creek, complaining of their exposed situation and asking protection against the Indians, who committed frequent depredations about that time in those settlements and also in the settlements farther west.

I replied to the communications that no means had been placed at my disposal for the protection of the frontier, and advised them to organize a company of minute-men for their own protection, and that I would urge the legislature to compensate them for their services and expenses.

Acting upon this advice, a company was organized in the vicinity of Comy's Creek, a muster-roll of which, together with an appraisalment of their horses and arms, was forwarded to me.

Since the meeting of the legislature, I have received a communication from J. W. Samson, captain of this company, informing me that he had been discharged, and inclosing a statement of the number of days served by each man.

I transmit herewith the original petition for relief, a copy of my letter in reply to it, the original muster-roll of the company, appraisalment of horses and arms, together with the communication of Captain Samson informing me of the discharge of the men and the time they served, which papers are numbered from one to four. A similar company was organized on Bancharos and Sabinal Creeks in March last, of which John M. Davenport was elected captain. I transmit herewith the letter of Captain Davenport advising me of its organization, and also another letter from him of a more recent date, giving an account of a fight with the Indians.

A letter was addressed to Captain Davenport of a similar character to that written to the citizens of the Upper Blanco.

More recently a similar company has been organized in Uvalde County, of which Reading W. Black has been elected captain, and I transmit herewith his letter informing me of the organization.



I am well satisfied that these companies were actually necessary to keep the frontier settlements from breaking up, and they have done good service in their protection.

Several members of your own body are well informed of the situation of the settlements where the companies were organized, and the necessity that existed for them. I trust the legislature will encourage such efforts on the part of our citizens to protect themselves, and will make provisions for paying them a reasonable compensation for their services and expenses.

E. M. PEASE.

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No. 74.

EXECUTIVE OFFICE, *Austin, Tex., October 1, 1856.*

SIR: Having been unable to find any person who will accept the office of paymaster for the companies of Captain William Tom, jr., Levi English, and William G. Tobin, and pay them in the manner and for the compensation provided for by "An act providing for the payment of the companies of mounted volunteers commanded by Captains William Tom, jr., Levi English, and William G. Tobin, organized for the temporary protection of the western portion of Texas," approved August 30, 1856, I have concluded to appoint you to make said payments at the treasury. You will therefore proceed and make the payments to said companies at the State treasury as the parties may apply for the same, being governed in other respects by the provisions of said act.

E. M. PEASE.

JAMES H. RAYMOND, Esq.

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No. 75.

WAR DEPARTMENT,  
*Washington, September 16, 1857.*

SIR: I received your letter yesterday, stating that a rumored expedition was preparing in the western part of Texas for the invasion of Mexican territory, and that the names of distinguished men were connected with it. I hope very sincerely, for the sake of this country, that this report may prove to be unfounded.

We are not only at peace with Mexico, but that peace is guaranteed by the most solemn undertaking and deliberate pledges which it is possible for one country to give another. It should be borne in mind, too, that these pledges are the work of the people themselves; they have pledged their word, they have plighted their faith, that peace should be preserved between the two sister republics. By many, these pledges have the sanction of an oath, for under the Constitution, which we have sworn to support, the treaties entered into by the government are made the supreme law of the land. Without provocation, therefore, to enter upon the territories of Mexico for any hostile purpose whatever is an act as indefensible and as repugnant to every sentiment of honesty, manliness, and good faith as an act of open piracy upon the high seas. Such outrages tarnish our national honor and materially damage the high and deserved reputation of our people for courage and chivalry.

It would be very humiliating to think that any respectable number of American citizens could be instigated by a knowledge of Mexican feebleness to commit an act of outrage upon that nation which fear would restrain them from committing against our more powerful neighbors in the north. It is the part of magnanimity to spare the feeble, even in legitimate warfare, but it is good cause of eternal reproach to those whom the weakness of a friendly nation could incite to acts of rapine, plunder, and outrage.

It is your duty to prevent, by all the means within your power, the consummation of any such design, and I am instructed by the President to say that the whole force under your command must be used, if necessary, to arrest any movement whatever of the sort, and you are hereby directed to enforce obedience to the law in such cases made and provided. These provisions are deemed amply sufficient, and are hereby transcribed for your instruction and direction. (See sixth and eighth sections of the act of April 20, 1818, Statutes at Large, vol. 3, page 449, "An act in addition to an act for the punishment of certain crimes," &c.)

You will see the necessity for great vigilance and activity in preventing such a movement if, in truth, such an one is seriously thought of.

I am, sir, very respectfully, your obedient servant,

JOHN B. FLOYD,  
*Secretary of War.*

Brevet Major-General D. E. TWIGGS,  
*San Antonio, Tex.*

## No. 76.

EXECUTIVE OFFICE, *Austin, Tex., November 3, 1857.*

GENTLEMEN: Some correspondence has taken place between this office and Brevet Major-General Twiggs, commanding this department, in regard to the inadequacy of the force he now has to give protection to our extended frontier against the depredations of the numerous bands of Indians who are scattered along our northern and western borders. I inclose herewith copies of the letters received from General Twiggs, together with the copy of the draught of a bill for raising a regiment of mounted volunteers from this State. You will perceive that General Twiggs has asked for an increase of troops, and, in case none can be sent here from other departments, he is desirous of having this volunteer regiment of our citizens for one or two years. The only alterations I would suggest in the bill are that there should be two majors, as that number is allowed to each regiment in the Regular Army; that the term of service should be changed from one to two years, and that all after the word "month," in the third line of the last section, be stricken out. Within the last few months the mail-train from San Antonio to El Paso was attacked and robbed of many of its animals, and I have now before me a communication just received from a large number of citizens residing on the waters of the San Saba and Upper Colorado Rivers, stating that the Indians have recently made several incursions into those settlements and stolen and carried off nearly three hundred horses. These aggressions show conclusively that the force now assigned to our frontier is inadequate to its protection, and that there is a pressing necessity for this regiment. You must be aware that our citizens have long been desirous of having such a regiment for our defense, and the present seems to be a favorable opportunity for securing it, since I am assured that General Twiggs will co-operate with you in urging the measure upon the attention of Congress.

Very respectfully,

E. M. PEASE.

Hon. GUY M. BRYAN and JOHN A. REAGAN.

## No. 77.

EXECUTIVE OFFICE, *Austin, November 23, 1857.*

SIR: You are hereby authorized to enroll a company of twenty mounted men in the counties of Erath and Palo Pinto, to serve for three months, for the protection of the settlements in said counties against the incursions of hostile Indians. Each man will furnish himself with a good rifle or double-barreled shot-gun, and one or more pistols, with a sufficient quantity of ammunition, a good horse, saddle, and bridle. When the company shall have been enrolled you will cause an election to be held for one lieutenant to command the company, and one sergeant and one corporal, and make out duplicate muster-rolls, one of which you will deliver to the lieutenant and the other you will forward, as early as convenient, to this office.

The officers and men, respectively, will be paid by the State while in actual service at the same rates as mounted volunteers were paid by the United States during the Mexican war. They will furnish themselves with subsistence and forage, and will be allowed therefor in accordance with the commutation fixed by the rules of the United States service. When the company shall have been organized, you will deliver to the lieutenant the accompanying letter of instructions for his government, and also a copy of this letter to yourself. Each officer and private will also be allowed pay for all ammunition necessarily used in service, on the certificate of the lieutenant.

E. M. PEASE.

THOMAS K. CARMACK, Esq.

NOTE.—Similar authority at same time issued to John H. Conner for thirty men, and Neill Robinson for twenty men, to be enrolled in other counties of this State.

## No. 78.

EXECUTIVE OFFICE, *Austin, November 23, 1857.*

*To the lieutenant who may be elected to command the company of mounted men authorized to be enrolled by John H. Conner in the counties of Brown and San Saba:*

SIR: You will keep the whole or such portion of your company as you may consider necessary, in actual service, at such point or points upon the frontier in the vicinity of

Brown and San Saba Counties, and the adjoining counties, as will best enable them to give protection to the inhabitants against the incursions of hostile Indians.

The object in raising your company being mainly for defensive operations, it is not expected that you will make any distant expeditions against Indians, unless it may become necessary to follow up hostile parties of them who have committed depredations upon our citizens. You will in no event interfere with the Indians who are settled on the government reservations, nor with any of those belonging to the reservations that you may meet with off the reservations, unless you find them actually committing depredations upon the settlers, or under such circumstances as shall leave no doubt that they have been actually committing acts of hostility against our citizens. You will exercise extreme caution, so as not to give offense to any friendly tribes, as such a course of proceeding will be certain to increase the dangers to which our settlements are now exposed. It is not intended that you shall keep the whole or any part of your company in active service any longer at one time than there shall be an actual necessity for them, but that you shall, from time to time, keep only such number actively employed as will give security and confidence to the settlements you are designed to protect, so as to make the three months of service extend over as long a period of time as possible. You will keep an accurate account of the number of days that each officer and private is actually employed, and make a return of the same to this office, under oath, to serve as a guide in paying them for their services. You will make regular reports of all the operations of the men under your command to this office as often as once in two weeks, which report you will transmit through the post-office nearest to you. Should any of your company fail to furnish himself in accordance with the requirements contained in the instructions to the enrolling officer, or fail in his duty under your command, it will be deemed a sufficient cause for withholding his pay, and you will report all such cases without delay.

E. M. PEASE.

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No. 79.

A JOINT RESOLUTION requesting our Representatives and instructing our Senators in the United States Congress to call upon the United States Government to refund the money heretofore paid out by the State of Texas for the defense of her frontier since the 28th day of February, 1855.

Whereas, under the compact of annexation, the State of Texas is entitled to protection from the depredations of Indians by the Government of the United States; and whereas that protection, in many instances, has not been afforded to the exposed portions of the frontier since the 28th February, A. D. 1855, in consequence whereof the governor of this State has, from time to time, been compelled to order rangers or volunteers into the field to protect the lives and property of our citizens against predatory bands of Indians which have infested our frontier; and whereas the legislature has appropriated nearly one hundred thousand dollars out of the treasury of the State to pay the troops so called out, which sums of money have not been refunded to the State by the United States; Therefore,

*Resolved*, That our Senators in the United States Congress be instructed and our Representatives be requested to urge upon the Government of the United States the necessity of refunding the amount of money paid out by Texas for the defense of the frontier at the earliest day possible, and that the governor be requested to furnish each of our Senators and Representatives in the United States Congress, and the Secretary of War, with a copy of this preamble and resolution, accompanied by a full statement of all the sums of money paid by the State for the defense of the frontier as aforesaid.

WILLIAM S. TAYLOR,  
*Speaker of the House of Representatives.*  
H. R. RUNNELS,  
*President of the Senate.*

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No. 80.

EXECUTIVE OFFICE, *Austin*, December 7, 1857.

SIR: You are hereby authorized to enroll a company of twenty mounted men in the counties of Coryell and Comanche, to serve for three months, for the protection of the settlements in said counties against the incursions of hostile Indians. Each man will furnish himself with a good rifle or double-barreled shot-gun, and one or more pistols, with a sufficient quantity of ammunition, a good horse, saddle and bridle. When the company shall have been enrolled, you will cause an election to be held for one lieutenant to command the company, and one sergeant and one corporal, and make out

duplicate muster-rolls, one of which you will deliver to the lieutenant, and the other you will forward as early as convenient to this office.

The officers and men, respectively, will be paid by the State, while in actual service, at the same rate as mounted volunteers were paid by the United States during the Mexican war. They will furnish themselves with subsistence and forage, and will be allowed therefor in accordance with the commutation fixed by the rules of the United States service. When the company shall have been organized, you will deliver to the lieutenant the accompanying letter of instructions for his government, and also a copy of this letter to yourself. Each officer and private will also be allowed pay for all ammunition necessarily used in service, on the certificate of the lieutenant.

THOMAS C. FROST.

E. M. PEASE.

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No. 81.

THE STATE OF TEXAS.

Whereas, under the authority vested in me by "A joint resolution authorizing the governor to raise and muster into the service of the State mounted men for the protection of our frontier," approved November 17, 1857, I did, on the 23d of November, 1857, authorize Neill Robinson, esq., to enroll a company of twenty mounted men in the settlements on the waters of the Upper Blanco and Guadalupe, to serve for three months, for the protection of said settlements against the incursions of hostile Indians, and to cause an election to be held by said company, when enrolled, for one lieutenant to command the same; and whereas the said Neill Robinson has reported that he caused said company to be enrolled and said election to be held on the 14th day of December, 1857, and that John Seaborn Hodges was duly elected the lieutenant to command said company:

Now, therefore, I, E. M. Pease, governor of said State, by virtue of the authority vested in me by said joint resolution, do hereby appoint and commission him, the said John Seaborn Hodges, as a lieutenant from the day of his said election, hereby vesting him with all such authority as pertains to his said office, under his letter of instructions, and such other instructions as may from time to time be given to him by the executive of this State for the time being.

In testimony whereof I have hereunto signed my name and caused to be affixed the great seal of the State, at the city of Austin, this the 19th day of December, 1857, and of the independence of Texas the twenty-second year.

[SEAL.]

E. M. PEASE.

By the governor:

EDWARD CLARK,  
*Secretary of State.*

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No. 82.

THE STATE OF TEXAS.

Whereas, under the authority vested in me by "A joint resolution authorizing the governor to raise and muster into the service of the State mounted men for the protection of our frontier," approved November 17, 1857, I did, on the 23d day of November, 1857, authorize John H. Conner to enroll a company of thirty mounted men in the counties of Brown and San Saba, to serve for three months, for the protection of the settlements of those counties against the incursions of the hostile Indians, and to cause an election to be held by said company, when enrolled, for one lieutenant to command the same; and whereas the said John H. Conner has reported that he caused said company to be enrolled and said election to be held on the 2d day of December, 1857, and that John H. Conner was duly elected the lieutenant to command said company:

Now, therefore, I, E. M. Pease, governor of said State, by virtue of the authority vested in me by said joint resolution, do hereby appoint and commission him, the said John H. Conner, as a lieutenant from the day of his said election, hereby vesting him with all such authority as pertains to his said office under his letter of instructions, and such other instructions as may from time to time be given to him by the executive of this State for the time being.

In testimony whereof I have hereunto signed my name and caused to be affixed the great seal of the State, at the city of Austin, this the 19th day of December, A. D. 1857, and of the independence of Texas the twenty-second year.

[SEAL.]

E. M. PEASE.

By the governor:

EDWARD CLARK,  
*Secretary of State.*

No. 83.

*Extract of remarks on roll of Thomas C. Frost's company.*CORA, COMANCHE COUNTY, TEXAS,  
December 22, 1857.*To his excellency the governor of the State of Texas :*

In pursuance to an order to me directed by your excellency, on the 7th instant, I have enrolled a company of twenty mounted men to serve for the term of three months for the protection of the settlements in the counties of Comanche and Coryell against the incursions of hostile Indians.

I proceeded, in obedience to said order, to muster into service on the 21st instant said company, who were furnished and equipped as the order directs. I caused an election to be held for the offices of lieutenant, sergeant, and corporal, have made out duplicate muster-rolls, one of which is hereby transmitted and the other delivered to the lieutenant of said company, and all the requisitions of said order have been complied with, and the company is now in service.

\* \* \* \* \*  
T. C. FROST.

No. 84.

EXECUTIVE DEPARTMENT, *Austin, Texas.**To all to whom these presents shall come, greeting :*

Know ye that, by virtue of the power and authority in me vested by an act of the legislature of the State of Texas entitled "An act for the better protection of the frontier," approved January 27, 1858, I, H. R. Runnels, governor of said State, have this day appointed, and do by these presents appoint and commission John S. Ford, sr., captain to command the forces of the State, as enrolled by virtue of that act and as specified in that act, and to superintend the protection of the frontier.

In testimony whereof I have hereunto set my hand and caused the seal of the State to be affixed this the 28th day of January, 1858, and of the year of the Independence of the United States the eighty-second and of Texas the twenty-second.

[SEAL.]

H. R. RUNNELS.

By the governor:

T. S. ANDERSON,  
*Secretary of State.*

No. 85.

THE STATE OF TEXAS.

*To all to whom these presents shall come, greeting :*

Know ye that I, H. R. Runnels, governor of said State, reposing special trust and full confidence in the honor and patriotism, fidelity and capacity of Ed. Burleson, do hereby appoint him first lieutenant in Capt. John S. Ford's company of Texas Rangers, and quartermaster and *ex-officio* paymaster of the forces called out under the provisions of "An act for the better protection of the frontier," approved January 27, 1858; and I do hereby authorize and empower him, the said Ed. Burleson, to exercise, discharge, execute, and perform all and singular the duties of this appointment according to law, for and during the term of six months from the date hereof, unless sooner discharged by the governor.

In testimony whereof I have hereunto set my hand and caused the seal of the State to be affixed this the 8th day of February, 1858, and of the year of the Independence of the United States the eighty-second, and of Texas the twenty-second.

[SEAL.]

H. R. RUNNELS.

By the governor:

T. S. ANDERSON,  
*Secretary of State.*

*Memorandum.*—Similar commission issued to William A. Pitts for second lieutenancy of Ford's company.

No. 86.

EXECUTIVE OFFICE, AUSTIN, May 20, 1858.

SIR: You are hereby authorized to enroll a company of twenty mounted men in the counties of San Saba and Llano, to serve for sixty days, or until such time as may be hereafter advised, for the protection of the settlements against the Indians; each man will furnish himself with a good rifle, or double-barreled shot-gun, with one or more pistols, with a sufficient quantity of ammunition, a good horse, saddle, and bridle.

You will yourself hold the rank of lieutenant and take command of the company. You will cause an election to be held by the men, when enrolled, for one sergeant and one corporal, and make out duplicate muster-rolls, one of which you will forward to this office as early as convenient and keep the other yourself, particularly noting the term of actual service of the company and of each of its members, and return the same to this office whenever the services of the company shall be discontinued. The officers and men will look to the legislature for compensation, which, if allowed, will be at the same rate for their services as is now allowed to other companies engaged in the service of the State, at the option of the legislature.

They will furnish themselves with subsistence, &c., for which they will, at the option of the legislature, be entitled to the same pay as allowed to volunteers who have been called into the service; they will also be entitled to pay for all ammunition necessarily used in the service, on the certificate of the lieutenant.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed. Done at the city of Austin this the 20th day of May, A. D. 1858, and in the year of the independence of Texas the twenty-third.

[SEAL.]

JOHN WILLIAMS, Esq.

By the governor:

T. S. ANDERSON,  
*Secretary of State.*

H. R. RUNNELS.

No. 87.

## THE STATE OF TEXAS.

*To all to whom these presents shall come, greeting:*

Know ye that, reposing special trust and confidence in the honor and integrity of Neill Robinson, I do hereby appoint him paymaster, under an act of the seventh legislature of the State of Texas, approved February 13, 1858, and entitled "An act to provide for the payment of three companies of minute-men, commanded by Capt. John W. Sansom, John D. Davenport, and Reading W. Black"; and I do hereby authorize and empower the said Neill Robinson to do and perform all the duties of this appointment, under and in obedience to the provisions of the above-entitled act.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed at the city of Austin this the 25th day of May, A. D. 1858, and of the year of the independence of Texas the twenty-third.

[SEAL.]

By the governor:

T. S. ANDERSON,  
*Secretary of State.*

H. R. RUNNELS.

No. 88.

## THE STATE OF TEXAS.

*To all to whom these presents shall come, greeting:*

Know ye that, reposing special trust and confidence in the honor and integrity of Neill Robinson, esq., of Blanco County, I, H. R. Runnels, governor of said State, by virtue of the authority vested in me by "A joint resolution authorizing the governor to raise and muster into the service of the State mounted men for the protection of the frontier," approved November 17, 1857, do hereby appoint him, the said Neill Robinson, paymaster, to pay off a company commanded by Lieut. John S. Hodges, for their services, according to the rates allowed by the United States to volunteer mounted militia when called into their service; and I do hereby authorize and empower the said Robinson to do and perform all the duties of this appointment under and in obedience to the provisions of the above-entitled joint resolution.

In testimony whereof I have hereunto signed my name and caused the great seal of

the State to be affixed at the city of Austin this the 27th day of May, A. D. 1858, and of the year of the independence of Texas the twenty-third.

[SEAL.]

H. R. RUNNELS.

By the governor:

T. S. ANDERSON,  
*Secretary of State.*

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No. 89.

EXECUTIVE OFFICE, AUSTIN, *July 13, 1858.*

SIR: You are hereby instructed to disband the twenty men which you were authorized to raise for frontier protection when their term of sixty days' service shall have expired, and make due report of the same to this office.

With due respect, I am, sir, very respectfully,

H. R. RUNNELS.

Lieut. JOHN WILLIAMS,  
*San Saba.*

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No. 90.

EXECUTIVE OFFICE, AUSTIN, *October 4, 1858.*

DEAR SIR: I received by last night's mail a letter from Major Bishop, of Wise County, inclosing the petition of a large number of citizens, giving such an account of the condition of that frontier as to require, if true, action by authority of the State, the general government having failed to adopt the necessary measures for its protection. I was also much pleased to see from a paragraph in the Dallas Herald that you had taken the matter in hand, and, with a number of your fellow-citizens, had determined to follow up and punish the Indian enemy. I hope before this reaches you you will have done so and been successful.

I inclose you, by the bearer of this, a commission, which will enable you to act with authority in the matter and give direction to the necessary movements against the common enemy, which I hope you will be able, consistently with your feelings, to accept. You are aware that it is impossible for me to know the requisites of such an emergency, situated so far from the scene as I am.

There must be some one in whom I can and should confide in matters of so much moment, for, while I am willing to do everything in my power, it will not do to rely on every representation that is made. I know of no one in your section whose past experience will so well justify me in confiding the direction of affairs at this time as yourself. I therefore authorize you to adopt such measures of defense as you may deem desirable to meet the existing emergency. You are authorized to raise a company of seventy-nine men, rank and file, for three months' service, or for such time as may be hereafter directed, but such company in no event to be kept under pay longer than their services are absolutely required. If you shall have become satisfied of the tribes committing the depredations, and believe that an expedition against them at their own homes is necessary and practicable, you are then authorized to raise such additional number of men as may be required for the purpose, and pursue and punish them, wheresoever they may belong and wherever they may go.

If satisfied of their guilt, you will pay no regard to treaty stipulations between them and the Government of the United States in any event, without the unconditional surrender of the offending parties and the return of the stolen property of our citizens. If the general government cannot or will not protect our citizens from her Indians, and the necessity devolves on them of doing so, the whole civilized world will justify and sustain them in exercising the right.

If you should find it necessary to cross Red River, you can co-operate with Major Van Dorn's command or not, as you may think best.

You will use all possible exertion to overtake and punish the offenders, find them where you will, within our territory or out of it, without regard to time or place, excepting the Indian reserves only, but regarding the circumstances of your ability to do so alone. You will perceive the necessity of the greatest celerity of movement, at the same time that due caution should be exercised on attempting an expedition against any of the bands in their own strongholds, lest the force of the blow should be foiled or weakened by giving them time for preparation or escape.

If you should determine not to act under this commission, you are then authorized to raise the company or designate some proper person to do so, to the efficient and proper officering and manning of which I shall hope you will give some attention, as without good officers and good men there is no efficient service to be expected.

All reasonable expenses for ammunition will be paid to your requisition on the comptroller. The means for the pay and subsistence of the men will have to be provided by the next legislature at its next regular session. You will please let me hear from you by the return of the messenger, and give me as exact an account of the situation of affairs and the requirements of the occasion as may be in your power.

Oblige, very respectfully,

H. R. RUNNELS.

Col. JAMES BOURLAND,  
Cooke County, Texas.

AUSTIN, October 6, 1858.

I have been disappointed in getting the messenger off as soon as expected, and have opened the envelope to make an additional suggestion. I hope you will take no action, unless it is absolutely necessary, without communicating further with me or until you are satisfied the emergency requires it fully. I know not how far the legislature may be willing to justify the step, as its indorsement will be necessary in getting an appropriation. I have taken this course in giving you authority because I cannot be present to know the requisites and because of the absolute necessity of checking the forays of the Kickapoos and other United States Indians who are believed to have been interrupting our territory. I have written to the President I would punish them if the government did not restrain them.

H. R. RUNNELS.

*Copy of memoranda of instructions forwarded to Colonel Bourland.*

1st. To make a disposition of the force to cover and protect the exposed settlements, making stations upon or near the trails or passes of the Indians.

2d. Pursuing trails to the camp of the enemy, chastising him, and destroying his supplies.

3d. Reclaiming stolen property, no difference in whose hands it is found. The possession *prima facie* evidence that the possessor was the robber; where the property is not given up peaceably, to take it by force, and in the case of Indians, to take life, if necessary, to accomplish the object.

4th. To break up the trade carried on between the friendly Indians north of Red River and the Comanches and their confederates. To assure the former, if they do not desist, Texas will make war upon them, and the United States will, in the end, have to co-operate and send the government troops to invade their territory.

5th. To co-operate with Major Van Dorn, if practicable.

6th. To issue rations of subsistence and forage in accordance with the laws of the United States. To cover all issues by requisitions and returns. To issue ordnance and stores in a regular manner.

In these matters there must be system and compliance with law and the regulations of the United States Army.

7th. To use strict economy, and purchase no article unless absolutely necessary for the good of the service, and within the line of articles used by the like army in the like United States service.

8th. The rules and regulations of the United States Army and the Articles of War to be observed and enforced as near as can be.

You will, as soon as practicable after the company has been organized, forward to this office a copy of the muster-rolls, with the names of the officers elected, and properly authenticated.

H. R. RUNNELS.

No. 91.

THE STATE OF TEXAS.

*To all to whom these presents shall come, greeting:*

Know ye that, by virtue of the power vested in me by an act of the legislature of the State of Texas, entitled "An act for the better protection of the frontier," approved January 27, 1853, I, H. R. Runnels, governor of said State, have this day appointed, and do by these presents appoint and commission, James Bourland, of Cooke County, captain to command a company of seventy-nine men to be raised and enrolled into the service of the State by him, under the provisions of said law, and to serve on the fron-



tier for the term of three months, if not sooner discharged from said service by the governor.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed at the city of Austin this the 4th day of October, A. D. 1858, and of the independence of Texas the twenty-third year.

[SEAL.]

H. R. RUNNELS.

By the governor:

T. S. ANDERSON,  
*Secretary of State.*

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No. 92.

EXECUTIVE OFFICE, *Austin, Tex., October 8, 1858.*

SIR: I have the honor herewith to inclose an abstract from the comptroller's office of the different sums appropriated by the State of Texas for protection against the Indians, and now remaining unpaid by the Government of the United States, which, if consistent with the views of the department, we shall hope will be included in the estimates of expenditure for the present year. The muster-rolls and vouchers are all on file in that office, and will be forwarded to the proper office at Washington as soon as intelligence shall reach here of an appropriation by Congress to cover the amount. I have also the honor to inclose herewith copy of a letter of recent date from this office to Colonel James Bourland, with instructions for his guidance in regard to Indian disturbances on the northern frontier of this State. These particular disturbances are believed to be, in a great degree, attributable to certain predatory bands in treaty with the general government, who have hitherto roamed on that part of our Territory at pleasure, and of which I have at former times taken occasion to give the government due notice, and to ask that they should be restrained to their own limits.

I have the honor to be, very respectfully, your obedient servant,

H. R. RUNNELS.

Hon. JOHN B. FLOYD,  
*Secretary of War.*

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No. 93.

EXECUTIVE DEPARTMENT, *Austin, Tex., November 2, 1858.*

CAPTAIN: You are hereby authorized and empowered to raise a company of rangers to serve for six months, unless sooner discharged. The said company will be organized in accordance with the laws of the United States, and will consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two buglers, two farriers and blacksmiths, and seventy-four privates. You will rendezvous at this place and proceed to organize by the election of officers at the earliest practicable period, and you will report the result of said election to the proper department immediately. After the completion of the organization and the procurement of the necessary supplies, the said company will move without delay to a suitable point to protect the exposed settlements, which have recently suffered from Indians.

H. R. RUNNELS.

Captain J. S. FORD,  
*Austin, Tex.*

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No. 94.

In the name and by the authority of the State of Texas.

*To all to whom these presents shall come, greeting:*

Whereas, at an election held in the county of Travis on the 10th day of November, 1858, John S. Ford was elected to the office of captain of a company of Texas Rangers, called into service for frontier protection for six months, unless sooner discharged:

Know ye that I, H. R. Runnels, governor of the State of Texas, reposing special trust and confidence in your courage, patriotism, and integrity, and in your fidelity to the constitution and laws of the State of Texas, and your attachment to the United States of America, do hereby commission you, the said John S. Ford, to the office of captain of the said company of rangers, to rank as such from the 10th day of November, 1858; and the said company you are to lead, train, muster, exercise, and command according to the existing laws and military discipline of the United States, and you

are strictly to observe and execute all such orders and instructions as you shall, from time to time, receive from the governor (the commander-in-chief) for the time being, or any of your superior officers, according to the rules and discipline of war; and all inferior officers, or others belonging to said company, are hereby commanded to obey you as the captain thereof.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed at the city of Austin this the 10th day of November, A. D. 1858, and in the year of the Independence of the United States of America the eighty-third and of Texas the twenty-third.

[SEAL.]

By the governor:

T. S. ANDERSON,  
*Secretary of State.*

H. R. RUNNELS.

No. 95.

In the name and by the authority of the State of Texas.

*To all to whom these presents shall come, greeting:*

Whereas, at an election held in the county of Travis on the 10th day of November, 1858, John R. Gibbons was elected to the office of first lieutenant of a company of Texas rangers, called into service for frontier protection for six months, unless sooner discharged: Therefore,

Know ye that I, H. R. Runnels, governor of the State of Texas, reposing special trust and confidence in your courage, patriotism, integrity, and in your fidelity to the constitution and laws of the State of Texas, and your attachment to the United States of America, do hereby commission you, the said John R. Gibbons, to the office of first lieutenant of the said company of rangers, to rank as such from the 10th day of November, 1858; and the said company you are to lead, train, muster, exercise, and command according to the existing laws and military discipline of the United States, and you are strictly to observe and execute all such orders and instructions as you shall, from time to time, receive from the governor (the commander-in-chief) for the time being, or any of your superior officers, according to the rules and discipline of war; and all inferior officers, or others belonging to said company, are hereby commanded to obey you as the first lieutenant thereof.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed at the city of Austin this the 10th day of November, A. D. 1858, and in the year of the Independence of the United States of America the eighty-third and of Texas the twenty-third.

[SEAL.]

By the governor:

T. S. ANDERSON,  
*Secretary of State.*

H. R. RUNNELS.

NOTE.—Commission similar to the above was issued to Aaron Burleson, as second lieutenant of said company, November 10, 1858.

No. 96.

TREASURY DEPARTMENT,  
*Second Auditor's Office, January 8, 1859.*

SIR: I herewith respectfully return the papers connected with the claim of the State of Texas, now before the Committee on Military Affairs and the Militia of the Senate of the United States, with a list of six companies of Texas volunteers, called out in the year 1854, and paid by the United States, under the act of Congress approved March 3, 1855.

By an examination of this list you will perceive that, up to this time, the United States has paid to these six companies \$68,449.70, and the records of this office cannot show that any stoppages were made in favor of the State of Texas.

The records of the Third Auditor might show an additional allowance to these companies for subsistence, &c., which would increase the allowance made by the United States.

This office is not aware of any other companies of Texas volunteers in 1855 having been paid by the United States.

Very respectfully, your obedient servant,

T. J. D. FULLER,  
*Second Auditor.*

S. COOPER,  
*Colonel and Adjutant-General U. S. A.*

No. 97.

*Six companies of Texas volunteers, under act March 3, 1855.*

Names of captains of Texas volunteers.	Company.	Period of service paid for by the United States.	Paid by United States paymaster.	Paid on certificate by Second Auditor's Office.	Total amount paid by United States.
Capt. Giles S. Boggess.....	A	Dec. 23, 1854, to Mar. 22, 1855	\$11,604 29	-----	\$11,604 29
Capt. John G. Walker.....	B	Dec. 1, 1854, to Mar. 31, 1855	13,559 49	\$785 23	44,344 72
Capt. William R. Henry.....	C	Dec. 14, 1854, to Mar. 31, 1855	9,837 36	568 79	10,406 15
Capt. William Fitzhugh.....	D	Dec. 24, 1854, to Mar. 23, 1855	10,520 34	114 95	10,635 29
Capt. Charles E. Travis.....	E	Dec. 1, 1854, to Apr. 1, 1855	11,075 49	550 97	11,626 46
Capt. P. H. Rogers.....	F	Dec. 22, 1854, to Mar. 21, 1855	9,266 05	566 74	9,832 79
Total.....			65,863 02	2,586 68	68,449 70

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, *January 8, 1859.*

No. 98.

WAR DEPARTMENT, *January 11, 1859.*

SIR: In reply to your communication of the 3d instant, inclosing Senate resolution No. 59, to provide for the payment of certain volunteers called out by the governor of Texas for the protection of the frontiers of that State, requesting me to furnish the committee with any information upon the subject now on file in the War Department, I herewith transmit all the information in the department upon the subject of volunteers called out by the authorities of Texas. The terms of the resolution are so comprehensive that I have felt constrained to communicate everything connected with the services of volunteers in Texas within the period stated. I may, therefore, have transmitted something which may be considered irrelevant to the subject; but, under the circumstances, I could not undertake to discriminate.

I beg leave to suggest to the committee, most respectfully, the propriety of appropriating money at once to pay off all the just claims which the State of Texas may have against the United States on account of services rendered by volunteers.

Very respectfully, your obedient servant,

JOHN B. FLOYD,  
*Secretary of War.*

HON. JEFFERSON DAVIS,  
*Chairman Committee on Military Affairs, Senate.*

No. 99.

OFFICE COMMISSARY-GENERAL SUBSISTENCE,  
*Washington, January 17, 1859.*

COLONEL: In compliance with your request of the 14th instant, I have the honor to state, for the information of the Secretary of War, that subsistence was furnished by this department to the following-named companies of Texas volunteers and for the periods opposite, viz;

Captain G. S. Boggess, Company A, from December 25, 1854, to March 22, 1855.

Captain J. G. Walker, Company B, from December 9, 1854, to April 2, 1855.

Captain W. R. Henry, Company C, from November 29, 1854, to April 4, 1855.

Captain W. Fitzhugh, Company D, from December 25, 1854, to March 23, 1855.

Captain C. E. Travis, Company E, from December 9, 1854, to April 1, 1855.

Captain P. H. Rogers, Company F, from December 24, 1854, to March 21, 1855.

The records of this office do not show that any others of the Texan volunteer companies named in the statement of the comptroller of that State received subsistence from this department.

The communication of Governor Runnels and the statement of the comptroller are herewith returned.

Very respectfully, your most obedient servant,

J. P. TAYLOR,

*Assistant Commissary-General Subsistence.*

Col. S. COOPER,  
*Adjutant-General.*

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No. 100.

QUARTERMASTER-GENERAL'S OFFICE,  
*Washington City, January 29, 1859.*

SIR: In reply to your request of the 14th instant, asking to be informed whether any issues or disbursements were made by the Quartermaster's Department on account of the volunteers who were called into service for the protection of the frontiers of Texas during the years 1854, 1855, 1856, and 1857, I have respectfully to inform you that all the supplies furnished through this department which were required by them were provided, and when the vouchers for the same were analyzed in this office and sent to the Treasury for settlement, a request was preferred that the value of the articles with which they had been furnished, and the amount of the disbursements that had been made on their accounts, might be charged to the appropriation for the support of Texas volunteers, approved on the 3d of March, 1855, which, from inquiry at the Treasury, I learn has been done.

Very respectfully, your obedient servant,

TH. S. JESUP,  
*Quartermaster-General.*

Col. S. COOPER,  
*Adjutant-General U. S. A., Washington, D. C.*

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No. 101.

ADJUTANT-GENERAL'S OFFICE,  
*Washington, D. C., February 1, 1859.*

SIR: I have the honor to submit herewith copies of reports which have been received from the Quartermaster-General, Commissary-General, and Chief of Ordnance, in further response to the call made by the Military Committee of the Senate for information relating to the volunteers called out by the State of Texas for the protection of her frontier in the years 1854, 1855, 1856, 1857, and 1858, and in relation to the claim of that State, now pending before Congress, for reimbursement of her expenses incurred on their account.

I am, sir, very respectfully, your obedient servant,

S. COOPER,  
*Adjutant-General.*

Hon. JOHN B. FLOYD,  
*Secretary of War.*

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No. 102.

WAR DEPARTMENT, *February 2, 1859.*

SIR: I have the honor to transmit herewith a report from the Adjutant-General, covering copies of communications from the Quartermaster-General, Commissary-General, and Chief of Ordnance, in further response to your letter of the 3d ultimo relative to the claim of the State of Texas for reimbursement of expenses incurred for the support of volunteers called out by the governor.

Very respectfully, your obedient servant,

JOHN B. FLOYD,  
*Secretary of War.*

Hon. JEFFERSON DAVIS,  
*Chairman Committee on Military Affairs, Senate.*

No. 103.

EXECUTIVE OFFICE, AUSTIN, *March 19, 1859.*

SIR: The muster-rolls for your company were received here some weeks since, and a report also soon thereafter, which would have been acknowledged sooner if I had been able to arrive at a definite conclusion as to the time at which the services of the company could be dispensed with. Having received up to this time no definite information when the United States troops will commence active operations, and learning from your last report (received a few days since) that depredations have not only continued but increased in number, it is determined that the company shall be continued in service until the 23d day of April, at which time you will cause it to be disbanded, unless otherwise ordered.

Your course in calling into service an additional number of twenty or twenty-five men, to meet existing emergencies, is approved.

You will not, however, further augment the present number, unless the opportunity should be presented for attacking the Indians in a body and striking a signal blow. You will acknowledge the receipt of this, and communicate any information of which you may be possessed in regard to the state of affairs on your part of the frontier.

Very respectfully,

H. R. RUNNELS.

Capt. JAMES BOURLAND.

No. 104.

April 12, 1859, Adjutant-General. February 16, 1859, Gen. D. E. Twiggs, Department of Texas, forwards report of Brevet Major Van Dorn in regard to the treatment of Indians when found off their reservations.

The commander of the Department of Texas may enforce hostilities against all Indians found off their reserves within the limits of this department.

The rule should be applied with some discrimination, however, with reference to tribes or bands generally peaceful, individuals of which may be found beyond their limits with no evident hostile intention.

The subject of combined operations against the Comanches will be deferred for such future action as the exigencies and interests of the service may render expedient.

War Department, April 5, 1859.

JOHN B. FLOYD,  
*Secretary of War.*

No. 105.

## STATE OF TEXAS.

Whereas late information has been received at my office to the effect that a large body of men are now assembled in arms near the Brazos agency for the avowed purpose of attacking and making war upon the Indians of said agency; and whereas this movement is the result of the many difficulties and continued quarrels and disturbances between the citizens of that frontier and the Indians at the agency, which have increased for months past; and whereas all the best interests of the State require an immediate, peaceable, and permanent settlement of said disturbances:

Now, therefore, I, H. R. Runnels, governor of said State, do hereby constitute and appoint the following-named citizens, to wit, George B. Erath, John Henry Brown, Richard Coke, J. M. Steiner, and J. M. Smith, a board of peace commissioners, with power and authority to repair to said Brazos agency and represent the State of Texas in the peaceable and lawful adjustment of said difficulties.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed, at the city of Austin, this the 6th day of June, A. D. 1859, and in the year of the independence of Texas the twenty-fourth.

[SEAL.]

H. R. RUNNELS.

By the governor:

T. S. ANDERSON,  
*Secretary of State.*

*Instructions to Messrs. Erath, Coke, Smith, Brown, and Steiner, peace commissioners, &c.*

1st. The first and main object of your mission is to prevent all further violence between the citizens of Texas and the friendly Indians on the reservation and the United States troops there stationed. You will therefore repair at the earliest possible time to the lower reservation, and if you find any armed body of citizens assembled there, or in that vicinity, you will confer with them and with the agent at the reserve and officers in command of the United States troops there stationed.

2d. With acts of violence which may have been already committed you have nothing to do, as they must be adjudicated upon by the courts of the county, but you will use all your exertions to gather facts for the purpose of ascertaining the true cause of the difficulties, and to remove by all legal means those causes in the future, and thereby secure a settlement between the parties which will insure permanent peace.

3d. You will use all peaceable and lawful means to induce the citizens to desist from further violence and return to their homes, by giving them assurance of the determination of the federal government to remove the Indians beyond the limits of the State at an early day, as well as of the earnest desire and unceasing efforts of the State authorities to hasten that consummation, and at the same time warn them of the evil consequences of any unlawful acts which must result, not only to themselves, but to the citizens of the whole frontier.

4th. You will also use your efforts to induce the agents and superintendents to adopt conciliatory measures and prevent any hostilities on the part of the Indians and to keep all Indians within the limits of the reservations, in order that non-intervention, except with persons coming on the reserve for peaceable purposes, may avert the possibility of suspicion on either part and insure peace till the final removal of the tribes can be effected.

Finally, to effect the object of your mission you are clothed with the power in the last resort to call into the military service of the State one hundred men for the purpose of preserving the peace and preventing violations of the law as between the parties and with all other lawful powers with which I can invest you: all of which you exercise with the utmost prudence, and report the facts and your action to this office.

H. R. RUNNELS.

P. S.—You are also authorized and empowered to associate with you, as a member or members of the board, any other person or persons if you think it will further the ends of the mission.

No. 106.

[Extract.]

Pay-roll of two detachments of Texan mounted rangers \* \* \* called into service by orders of the peace commissioners appointed by Governor H. R. Runnels for the protection of the frontier adjacent to the Indian reserves.

MEMORANDUM.

Captain.	Aggregate force.	Dates of service.	
		From—	To—
John Henry Brown .....	84	June 28, 1859.	September 12, 1859.

No. 107.

July 14, 1859, Adjutant-General. April 19, 1859, Brevet Major-General D. E. Twiggs, San Antonio, incloses a letter from their superintendent of Indian affairs, relative to difficulties between citizens of Texas and the Indians on the lower reservation; thinks the United States troops should not interfere in the matter.

A sufficient force will be employed to protect the Indians on the reservations. It will be large enough to overawe and prevent extreme measures.

War Department, July 14, 1859.

WM. R. DRINKARD,  
*Acting Secretary of War.*

No. 108.

July 18, 1859, Adjutant-General. July 7, 1859, submits letter from Brevet Brigadier-General Twiggs, San Antonio, in regard to the removal of the Indians from the Texas reservations, and suggests that a compliance with the order will leave inadequate protection to the frontier.

The orders contemplate a temporary arrangement merely. Two companies of infantry will be supplied for the purpose.

War Department, July 16, 1859.

WM. R. DRINKARD,  
*Acting Secretary of War.*

No. 109.

EXECUTIVE OFFICE, *Austin*, October 13, 1859.

Captain W. G. TOBIN, *San Antonio* :

You are hereby authorized and instructed to muster into the temporary service of the State one hundred men, for the purpose of assisting the civil authorities in the county of Cameron in quelling the lawless and bloody disturbances at the city of Brownsville.

1st. You will immediately, upon the organization of the company, and at the earliest possible day, repair to the city of Brownsville, and there with the force under your command you will repel any invasion or quell any insurrection which may be attempted by armed bodies of lawless men in that county or vicinity within the limit of the State of Texas.

2d. You will promptly and at every hazard arrest the parties charged with the murder of peaceable citizens in Brownsville on the 28th of September last, resist all further attempts on the part of said offenders against the lives and property of the citizens, and protect said citizens against such until the offenders are secured and the civil authorities are enabled to enforce the law.

3d. You will be prudent and refrain from disturbing Mexican or American citizens, or encroaching upon Mexican soil, the sole object of your mission being to arrest offenders and prevent further violent and lawless assaults upon the citizens in that vicinity and their property, and when this object is obtained and the people are secure in their lives, you will disband your men from the service of the State.

4th. You will, by reports, keep the department regularly and fully informed of your action and movements.

The men brought into service will be expected to arm and equip, furnish themselves, and look alone to the next legislature for such remuneration therefor, and for such pay as they deserve. You are authorized to increase your force after reaching Brownsville, if absolutely necessary, to carry out the above instructions.

H. R. RUNNELS.

No. 110.

EXECUTIVE OFFICE, *Austin*, November 17, 1859.

JOHN S. FORD :

You are hereby authorized to enlist and organize a company of mounted men, to consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two buglers, two farriers and blacksmiths, and seventy-four privates, or a number and an organization approximating the above. Your company will proceed to Goliad and elect their commissioned officers, unless otherwise ordered by John S. Ford, the mustering officer. The service required is to protect the western frontier against Cortinas and his band and to arrest them if possible. The term will expire at the discretion of the governor or legislature.

H. R. RUNNELS.

Duplicate of this directed to M. B. Highsmith.

EXECUTIVE OFFICE, *Austin*, November 17, 1859.

SIR: You are hereby authorized to muster into the volunteer militia service of the State of Texas ——— mounted men, for the purpose of quelling the insurrection or resisting the armed invasion of one ——— Cortinas and his followers in the south.

western border of said State. In executing this authority you will be guided by the following instructions, to wit:

1st. The companies of men already raised in Bexar, Victoria, Gonzales, and other counties, will be adopted into this service and organized under these instructions.

\* \* \* \* \*

2d. You will organize the force as nearly as possible upon the basis adopted in the United States Army, having each company to consist of one captain, one first lieutenant and one second lieutenant, four sergeants, four corporals, two buglers, two farriers and blacksmiths, and seventy-four privates.

3d. Immediately upon the organization of each company the men will elect their commissioned officers, and as early as possible they will also elect their field-officers, and commissions will be forwarded for all of said officers from this office to you at any designated point immediately upon the receipt of the information of said elections, and until said elections of field-officers you will command the entire corps.

4th. When the force is organized the commanding officer will appoint a quartermaster, paymaster, &c.

5th. As the companies are organized, and until the organization of the whole corps is completed, you are authorized to contract for, upon the credit of the State, and thus furnish supplies of subsistence, forage, ammunition, and all other needful articles, and also for the necessary means of transportation for the same.

6th. The point at which the troops raised under these instructions shall be the town of San Pelvecia, if practicable; but, if not, then the selection of said point is left to your discretion.

7th. You will, as far as may be possible, or as the emergency will permit, receive only such men as are able-bodied, well mounted, and well armed. You are expected to execute the duties imposed by these instructions by the earliest day, and when said duties are performed the commanding officer of the whole force will proceed in obedience to other instructions, which are herewith handed you.

8th. *Instruction.*—During the time required to complete said organization all the men enlisted in said service, commissioned or non-commissioned officers, privates, or persons in any wise attached to the service, are hereby required to pay due respect and obedience to your orders, and you will adopt the Articles of War and the Regulations of the United States Army in the governance of said force, except where manifestly inapplicable.

9th. You will rank as major, and receive the same and reserve the pay and emoluments of a like grade in the cavalry arm of the United States service until the services above designated have been performed and the field organization completed.

H. E. RUNNELS.

JOHN S. FORD.

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No. 111.

EXECUTIVE DEPARTMENT, *January 23, 1860.*

SIR: You are hereby appointed paymaster, for the purpose of paying off the companies of Capt. John S. Ford and Capt. John H. Brown.

You will be careful to discharge the duties incident and belonging to the appointment, and will be entitled to such compensation as is by law allowed, and before entering on the duties you will give bond according to law and take an oath to discharge the duties of the office of paymaster.

I have the honor to be, your obedient servant,

[SEAL.]

SAM HOUSTON.

P. S.—You will also proceed to pay off Capt. J. Bourland's company, at Gainesville, Cooke County, Texas.

SAM HOUSTON.

JOHN M. SWISHER} Esq.

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No. 112.

WAR DEPARTMENT, *February 28, 1860.*

SIR: Your dispatch was received and promptly submitted to the President, when action was immediately had to carry out your wishes.

Such measures as the means and the power of this department could command have been taken for the defense of the Texan frontier on the Mexican border.

An officer of great discretion and ability has been dispatched to take command of



the Department of Texas, and has no doubt arrived at the scene of action before this date. Strong additional re-enforcements will be sent into Texas as soon as the season of the year will render a movement of troops possible.

JOHN B. FLOYD,  
*Secretary of War.*

Hon. SAMUEL HOUSTON,  
*Governor of Texas.*

No. 113.

TREASURY DEPARTMENT,  
*Second Auditor's Office, March 3, 1860.*

SIR: I have the honor to acknowledge the receipt of a letter from the chairman of the Committee on Military Affairs and the Militia of the United States Senate, with its inclosures, with a request for a report thereon.

The object of this letter is for the purpose of acting understandingly on the claim of the State of Texas for money advanced by her for services rendered by volunteers called into service by the governor of said State for the protection of the frontier of said State.

The letter embraces three points, to wit:

First. The amount of claims of Texas now pending in the War Department;

Secondly. The nature of claims; and,

Thirdly. Any information in relation to these claims which the War Department can furnish.

In reference to the first and second points, this office can give no information, inasmuch as no claims have ever been filed or received from the State of Texas.

As to the third point, I have nothing to report directly touching the question, but as one of the papers submitted is called a statement of the amounts paid and assumed by the State of Texas for the support of volunteers called into service for the protection of the frontier since the 28th day of February, 1855, I beg leave to offer a few remarks touching the matter incidentally, which may be the means of eliciting further inquiry.

This statement presents the sum of \$55,000 having been appropriated by the State of Texas for the pay of Captains W. R. Henry, Giles S. Boggess, John G. Walker, W. Fitzhugh, P. H. Rodgers, and Charles E. Travis's companies of volunteers, being six companies called out by General P. F. Smith, United States Army.

The State of Texas alleges to have paid these companies \$45,975.38, leaving a balance of \$9,024.62 subject to be drawn for said purpose.

Section 1 of act of Congress, 3d March, 1855, chapter 169, provides the sum of \$137,755.38 for pay, supplies, and traveling expenses of six companies of Texas volunteers, called into service by the governor of Texas, and mustered into the service of the United States; and section 21 of the civil and diplomatic expenses of government for the year ending June 30, 1856, and for other purposes, approved March 3, 1855, provides the sum of \$25,000 to pay the necessary expenses of six companies of volunteers called into the service of the United States by Brigadier-General Smith, in the State of Texas, to be paid under the direction of the Secretary of War.

The six companies alluded to in the aforesaid sections are the identical companies stated in the abstract of particulars submitted by the State of Texas, and by a letter addressed to Col. S. Cooper, Adjutant-General United States Army, on the 8th January, 1859. It will be observed this office has paid these companies to the amount of \$68,449.70, a copy of said letter, with a list of the companies, being inclosed.

All the papers submitted to me I herewith respectfully return.

I remain, truly, yours,

T. J. D. FULLER,  
*Second Auditor.*

Hon. JOHN B. FLOYD,  
*Secretary of War.*

No. 114.

TREASURY DEPARTMENT,  
*Third Auditor's Office, March 12, 1860.*

SIR: I had the honor to receive from you on the 6th instant, for a report, the letter addressed to your department on the 18th of January last by Hon. Jefferson Davis, chairman of the Committee on Military Affairs of the United States Senate, relative to claims of the State of Texas, on account of volunteers called out for the protection of said State against Indian hostilities.

Mr. Davis transmits Senate resolutions No. 3, referred to his committee by the Senate, and desired that said committee may be informed what amount of claims of the

State of Texas is now pending in your department; what is the nature of said claims; if they were for the payment of volunteer troops; whether, in the opinion of your department, there was any necessity for calling them into service at the time; also, for any information in relation to the Texas claims which you may be able to furnish, so as to enable said committee to act understandingly upon them. This resolution limits the inquiry to claims created or assumed by said State subsequent to 28th February, 1855.

In reply, I have the honor to state that no claim of the State of Texas, of any description, has been presented at or filed in this office since the 2d day of January, 1852. The letter of Mr. Davis and accompanying papers are herewith returned.

I am, with great respect, your obedient servant,

R. J. ATKINSON,  
*Auditor.*

Hon. JOHN B. FLOYD,  
*Secretary of War.*

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No. 115.

WAR DEPARTMENT, *March 14, 1860.*

SIR: Your dispatch of the 8th instant has been received and submitted to the President. He directs me to say that he declines your tender of volunteers, inasmuch as a dispatch has this day been received by the Adjutant-General of the Army from Brevet Col. Harvey Brown, Second Artillery, dated New Orleans, March 13, 1860, in which he says, "I left Brownsville on the 8th instant. All was quiet on the frontier. The disturbances were believed to be over, and Cortinas to have given up the contest and to have retired into the interior of Mexico. Major Heintzeman has officially reported the war to be ended."

This information, being so much later and more direct from the scene of the late difficulties than you could have received at Austin at the date of your dispatch, leads the President to believe that you are mistaken or have been misinformed.

Besides, there are now in Texas, ready for active service, two thousand six hundred and fifty-one troops, which force will soon be increased by the addition of ten companies, comprising eight hundred and forty-two men, now under orders to proceed there from New Mexico. Of these last, five companies are to be stationed at Ringgold Barracks and five at Fort Clark. The quota of arms now due to the State of Texas, under the law, amounts to one hundred and sixty-nine muskets, which, in an emergency, may be doubled by anticipating the quota for the next year, and which will be promptly delivered upon your requisition. As the money value of the arms for the two quotas does not amount to \$5,000, you will readily perceive that it is entirely impracticable to meet the requisition for arms, appendages, and accouterments made in your dispatch, the cost of which, at the lowest estimate, is within a fraction of \$100,000.

The President further directs me to say that, with a sincere desire in every practicable way to meet the wishes of the governor and people of Texas, he conceives he has already performed his whole duty in the premises, under the circumstances.

Very respectfully,

W. R. DRINKARD,  
*Acting Secretary of War.*

His Excellency SAM HOUSTON,  
*Governor of Texas; Austin, Tex.*

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No. 116.

WAR DEPARTMENT, *March 31, 1860.*

SIR: I had the honor to receive on the 1st instant your letter of the 18th January last, inclosing a resolution to provide for the payment of the claims of Texas for the reimbursements of money expended for the support of volunteers called out for the protection of the State, and asking information on the subject. In reply, I have the honor to transmit herewith reports of the Second and Third Auditors, from which it will be perceived that there are no claims of the State of Texas now pending before this department.

The statement of the comptroller of Texas, transmitted with the report of the Second Auditor, is the only evidence received at this department that Texas has such claims against the United States.

The resolution is returned.

Very respectfully, your obedient servant,

JOHN B. FLOYD,  
*Secretary of War.*

Hon. JEFFERSON DAVIS,  
*Chairman Committee on Military Affairs, Senate.*

No. 117.

WAR DEPARTMENT, *September 11, 1860.*

SIR: In answer to the inquiries contained in your letter of the 14th ultimo, I have the honor to state that, in order to procure the settlement of the account for expenses incurred by the State of Texas for frontier defenses, a full statement of that account, properly sustained by original vouchers, should be transmitted to this department.

Very respectfully, your obedient servant,

JOHN B. FLOYD,  
*Secretary of War.*

Hon. E. S. N. CAVE,  
*Secretary of State of Texas, Austin.*

No. 118.

November 15, 1860, Second Auditor (F 115,) reports on letter of E. S. N. Cave, calling attention to the two appropriations to reimburse the State of Texas for money paid on account of frontier defenses.

I have examined and considered the evidence submitted for my decision on the question presented in the proviso to the sixth section of the act of June 21, 1860, making "appropriations for the support of the Army for the year ending 30th June, 1861," and am satisfied that there was a necessity for calling out the Texas volunteers mentioned therein, and that they were called out by competent authority.

The Second Auditor will therefore have the claim of Texas audited under the provisions of the said sixth section as soon as the proper vouchers of the claim of the State are received by him.

War Department, November 15, 1860.

J. B. FLOYD,  
*Secretary of War.*

No. 119.

WAR DEPARTMENT, *December 17, 1860.*

SIR: I have the honor to acknowledge the receipt of your communications by mail of the 28th ultimo, and by telegraph of the 6th instant, desiring that a corps of Texas Rangers may be called into the service of the United States in view of late depredations and murders committed by Indians on the frontiers of Texas.

In reply, I have respectfully to inform you that, Congress having given no sanction for such a measure, this department is without the necessary power to adopt it. In connection with this subject, I beg leave to say that, in consequence of previous representations from your excellency and the unprotected state of the frontier settlements in Texas, the number of regular troops in that military department has been recently much augmented, so that it now exceeds what it has been at any time before. It now consists of five companies of artillery, two of which are armed with light batteries, ten companies of cavalry, and twenty-five companies of infantry; in all, equal to four regiments.

I cannot permit myself to doubt that these troops will be found efficient and ready for any active service the Indian relations in the State may demand, and that, so soon as the proper commanders on the spot become aware of the need of their assistance in any quarter, it will be promptly and successfully applied.

I have the honor to be, sir, very respectfully, your obedient servant,

JOHN B. FLOYD,  
*Secretary of War.*

His Excellency SAM HOUSTON,  
*Governor of Texas, Austin.*

No. 120.

THE STATE OF TEXAS, *Executive Department:*

I, the undersigned, governor of the State aforesaid, do hereby certify that a company of mounted rangers, mustered into the service of the State of Texas on the 28th day

of January, 1858, commanded by Capt. John S. Ford, were duly recognized as having been called out by competent authority, and ordered to be paid by act of the legislature of the State of Texas approved January 27, 1858.

In testimony whereof I have caused the seal of the State to be affixed. Done at the city of Austin this 25th day of January, A. D. 1861, and in the year of the Independence of the United States the eighty-fifth and of Texas the twenty-fifth.

[SEAL.]

SAM HOUSTON.

By the governor:

E. W. CAVE,

*Secretary of State.*

No. 121.

TREASURY DEPARTMENT,

*Second Auditor's Office, February 13, 1861.*

SIR: The State of Texas, through C. R. Johns, esq., comptroller of the State, presents the claim of said State, under the sixth section of act of Congress June 21, 1860, and his authority for so doing I derive from a certified copy of an act of the legislature of the State, passed January 23, 1861, inclosed. Inasmuch as your predecessor, on the 15th November, 1860, decided the necessity for calling out troops by the State of Texas, and that they were called out by competent authority, I have now only to consider at present two points, to wit: first, that the amount now claimed was actually paid by the State of Texas; secondly, the compensation to be allowed is only for the period during which said troops were actively employed in military service. From the limited period allowed me to examine the claim presented, arising from Mr. Johns's desire of a speedy action, I am satisfied the papers are very loosely made out, and very deficient in many essential particulars, as is more fully elucidated in an exhibit marked A, herewith inclosed.\* What is that but evidence, if paid by an agent, that said agent was duly appointed and recognized as such; that certain sums were advanced to him by the State for said purposes, and that he made payments, giving the time of said payments as evidence of his disposition of funds advanced to him and paid by the State. If payments were directly made by the treasurer, we should have some tangible evidence of the fact, showing the time when paid and the warrant on which payment was made. Every fact should be substantiated by affidavit, and the whole submitted under the broad seal of the State. Now, as to the period for which payment should be made, the law requires it should be for the time the troops were actively employed in military service. From the evidence produced by what is called the muster-rolls, does it appear that the time is actually given as to the troops' active employment? I think not. Take, for instance, Captain Black's company-roll, which says, "organized in the year 1856." The pay-roll embraces a period of one year, from January 1 to December 31, 1856, and yet on that pay-roll but sixty days have been paid for; what sixty out of the three hundred and sixty-five days is not shown. This is one out of many cases, as you will perceive by the Exhibit A. In order to fully adjust the claims of the State of Texas under the act of Congress of 21st June, 1860, in conformity with the practice of this office in like cases, it would be necessary to have regular muster-rolls, showing the time when each were mustered in and out of service; how long each was actually employed during the period of service. To these rolls proper affidavits should be annexed, and to the pay-rolls the exact time paid for during the whole period should be noted; also by whom paid, and when paid, and every voucher should give the period of service and by whom paid, so as to show clearly that the State has actually paid the amount claimed. Unless this is done I cannot conceive how the government can refund to the State of Texas any amount which she claims. All of which is respectfully submitted.

Your obedient servant,

T. J. D. FULLER,  
*Second Auditor.*

Hon. J. HOLT,  
*Secretary of War.*

Approved.

J. HOLT,  
*Secretary of War.*

WAR DEPARTMENT, *February 14, 1861.*

\*To satisfy the United States that the State of Texas actually paid her troops the amount claimed, we should require the best proof that could be obtained.

*List of exceptions to the claim of State of Texas under act 21st June, 1860, section 6.*

*Capt. J. H. Collahan's company.*—The pay-roll does not state from whom the money was received. The three officers of the company produce receipts without rendering any accounts. The amount was received from Col. John D. Pitts, as paymaster.

*Capt. N. Benton's company.*—No muster-in roll, but a muster-out one on 15th October, 1855. No evidence as to who paid the company by the pay-roll, nor at what time paid.

*Capt. W. R. Henry's company.*—No evidence as to who paid the company.

*Capt. W. Tom's company.*—The pay-roll does not state the specified month paid or by whom paid. The officers were paid on vouchers by one J. H. Raymond, called a paymaster. One private paid at treasury of State, a certified copy presented; the originals in all cases have been required by the Secretary of War.

*Capt. W. G. Tobin's company.*—A list is given of the company as to the commencement and ending of service, called a muster-roll, and is alleged as a copy of his company. No evidence on the pay-roll who paid the company. Captain Tobin is paid for one month's service by J. H. Raymond, called paymaster, but the year and precise month is not given.

*Capt. Levi English's company.*—A list is furnished for a muster-roll. Officers paid on vouchers by J. H. Raymond, called treasurer. Length of time given, but the particular month and year not given. The pay-roll does not state from whom received. Privates paid at treasury are known only by copies. The originals not produced.

*Captain Sansom's company.*—A muster-in but no muster-out roll. Mustered in on 19th April, 1856. Pay-roll paid by N. Robinson, called paymaster, from 16th April to 16th July, 1856. The pay commences three days before muster in.

*Captain Davenport's company.*—Paid by N. Robinson, called paymaster. Period, March 13, 1856, to 1st June, 1857. But three months' time paid.

*Captain Black's company.*—A roll is presented which says organized in year 1856—sixty days. Pay-roll is from 1st January to 31st December, 1856, one year; yet but sixty days is paid for by N. Robinson, called paymaster.

*Lieut. T. K. Carmack's company.*—A list of names is called a muster-in roll. Pay-roll paid by J. H. Raymond, called treasurer. No voucher received of the privates paid at treasury.

*Capt. J. H. Connor's company.*—The muster-roll purports to be a mere copy; the original is not produced. Pay-roll does not state from whom received.

*Lieut. F. C. Frost's company.*—A muster-in but no muster-out roll. The pay-roll does not state by whom paid. Lieutenant Frost paid on voucher, but by whom is not mentioned.

*Capt. J. S. Hodges's company.*—A muster-in roll, 14th December, 1857. The pay-roll is for three months; but by whom paid is not stated. Captain Hodges is paid for four and one-half months, a one and one-half beyond the company. No evidence except his own statement of services as to the excess, nor is it stated from whom he received pay. Privates paid at the treasury are stated, but no vouchers.

*Capt. J. S. Ford's company.*—Pay-roll purports to be paid by Edward Burlison, called paymaster. Officers' vouchers fail to state from whom paid.

No. 122.

TREASURY DEPARTMENT,  
Third Auditor's Office, February 23, 1861.

Hon. J. HOLT, *Secretary of War* :

On the 16th instant I received from the Second Auditor a large mass of papers representing a claim of the State of Texas against the United States, under the acts of March 3, 1854, chapter 83, and of June 21, 1850, chapter 163, for reimbursement of moneys expended on account of military services of Texas volunteers in 1854, 1855, 1856, 1857, 1858, and 1859. Accompanying was a report thereon by the Second Auditor, of the 13th, which you approved on the 14th instant, by which it is required "that evidence must be furnished that the payments made by the States were by officers of said State regularly authorized and commissioned to do so." It is also required, not only that the volunteers were called out by proper authority, but the dates of muster in and muster out of service must also be established, together with "the periods during which said troops were actively employed in the military service," as the law requires.

The allowances and payments through the Third Auditor's Office will essentially depend upon a compliance by the State with the above decision of the Secretary of War upon the report of the Second Auditor. The accounts and vouchers to be acted upon by the Second Auditor are separate from those belonging to the Third, and upon the latter the following remarks are submitted.

*Lieut. John H. Conner's company.*

In service from December 2, 1857, to March 2, 1858:

Amount.....		\$201 00
Account of W. L. Williams for horse lost, no date of loss.....	\$105 00	
Account of J. Gayne, for mule-hire, receipt not filled up.....	24 00	
		<u>129 00</u>

No remarks upon the rest of the voucher.

*Lieut. John S. Hodges's company.*

In service from December 14, 1857, to March 14, 1858:

Amount.....		151 50
Account of Thomas Johnson for mule-hire, the receipt not signed or dated.....	\$24 00	
Account of John Campbell.....	24 00	
Account of T. M. Martin.....	24 00	
Account of Joseph B. Miller.....	24 00	
Account of John S. Hodges, for blacksmithing, receipt not filled up.....	4 00	
Accounts of sundry persons for blacksmithing; no evidence of payments to the parties entitled.....	51 50	

*Lieut. C. Frost's company.*

In service from December 21, 1857, to March 21, 1858:

Amount.....		96 00
Accounts of James N. Hornsby, William Reed, Wm. R. Cowen, and Charles W. Neal, for mule-hire, \$24 each; the receipts are not dated.....	96 00	

*Lieut. Thomas C. Carmack's company.*

In service from December 14, 1857, to March 14, 1858:

Amount.....		96 00
No objection to payment for mule-hire.....		

*Capt. Nat. Benton's company.*

In service from September 15 to October 15, 1855:

Amount.....		935 00
A roll of losses of horses and arms by H. B. King and ten others, with affidavits of loss. There are no receipts, and it is very doubtful whether the acts of 1859 and of 1861 provide for any payment other than the pay and allowances of the troops.....		935 00

*Capt. James H. Callahan's company.*

In service from July 20 to October 19, 1855:

Amount.....		\$7,988 60
Sundry accounts, from 1-14, such as are objectionable, are so noted on the account.....	\$5,750 60	
Roll of losses of horses and arms by W. H. Wood and twenty-eight others; same remarks as to Capt. Nat. Benton's company, above.....	2,238 00	
		<u>7,988 60</u>

*Capt. William E. Henry's company.*

In service from September 15 to October 15, 1855:

Amount.....		1,290 00
A roll of losses of horses and arms by W. E. Henry and fourteen others, with affidavits of loss; same remarks as to Capt. Nat. Benton's company, above.....	\$1,290 00	

*Capt. William Tom's company.*

In service from the 18th of October to 16th November, 1855 :

Amount.....	\$408 97
Account of Ezra Keyser, for amount paid for subsistence; the quantity of each article and the rates of charge should be given, and the receipts of the parties to whom Mr. Keyser paid the several amounts should be stated.....	\$408 97

*Capt. John S. Ford's company.*

In service from January 10 to August 5, 1858 :

Amount belonging to Third Auditor's Office.....	46,884 57
And first a roll of losses of horses and arms, amounting to \$568, to which the same remarks are applicable as to Capt. Nat. Benton's company; upon the vouchers for the balance of the amount, such as are objectionable are so noted on the account. \$46,884 57	
Miscellaneous expenses for frontier defenses, amount Third Auditor.....	755 85
The objections are noted on the several accounts.....	58,807 48

Six companies of Texas rangers, called into service by Governor E. M. Pease, from October 20 until mustered into the service of the United States, for the three months, as follows :

Capt. J. G. Walker, mustered into the service of United States December 1, 1854.	
Capt. C. E. Travis, mustered into the service of United States December 1, 1854.	
Capt. W. R. Henry, mustered into the service of United States December 14, 1854.	
Capt. J. H. Rodgers, mustered into the service of United States December 22, 1854.	
Capt. G. S. Boggess, mustered into the service of United States December 23, 1854.	
Capt. William Fitzhugh, mustered into the service of United States December 24, 1854.	

And the following amounts belonging to the Third Auditor's Office for settlement :

Capt. J. G. Walker's company.....	\$958 20
Capt. C. E. Travis's company.....	70 70
Capt. W. R. Henry's company.....	269 42
Capt. J. H. Rodgers's company.....	985 95
Capt. Giles S. Boggess's company.....	2,059 99
Capt. William Fitzhugh's company.....	381 87
Total amount retained by Third Auditor.....	4,726 13
	63,533 62

The circumstances of the raising, organizing, and muster into service of the above six companies are set forth in my report to the Secretary of War upon the claim of S. M. Swenson, of Austin, Tex., dated June 5, 1855, which is submitted herewith. That claim was under a contract dated October 30, 1854, with E. M. Pease, governor of Texas, for supplying said companies with subsistence, forage, and medicines, camp equipage, stationery, ammunition, and transportation, from the date of said contract until the companies were mustered into the service of the United States, and was paid through this office in June and August, 1855, amounting to \$20,990.69.

Of course any part of the present claim of the State for supplies that were furnished said companies to the extent they were entitled to, according to existing regulations, ought not to be allowed. With respect to the accounts and vouchers, they appear to have been very loosely made out, many of them wanting dates and receipts. I would therefore suggest that they all be returned to the authorities of the State, through her comptroller, Clement R. Johns, esq., to be perfected as follows: Every account for any kind of supply should have all the items distinctly set forth, with date when furnished and rates of charge, and every account for service of all descriptions should in like manner have set forth the date when performed, with rates of charge, and be certified to as to correctness by the commanding officer if possible, and, finally, all accounts and vouchers should have the receipt of the parties to whom due, in favor of the State or its authorized agent.

It is proper to state that the objections heretofore noted to the papers as presented

relate almost exclusively to matters of form in making them out, and the requirements are preliminary to an investigation with reference to the character of the items charged for. The questions of the propriety of the charges, and other questions going to the merits of the claims, are reserved for future consideration, when the claims shall be again presented with the additional evidence required by the law.

It is also proper to say that all property purchased by the State agents, not of a perishable nature, such as horses, mules, oxen, wagons, camp equipage, &c., must be accounted for by being shown to have been used up in the service, or afterward sold for the benefit of the State, or turned in to the proper agents.

I am, with great respect, your obedient servant,

R. J. ATKINSON,  
*Auditor.*

Approved :

J. HOLT,  
*Secretary of War.*

WAR DEPARTMENT, *February 27, 1861.*

No. 123.

WASHINGTON, *February 23, 1861.*

SIR: From your report on the claim of Texas, recently filed, I learn that there are informalities in the papers and deficiencies in the evidence of such a character as to render it necessary that the papers should be returned to Texas for the purpose of being perfected and returned to your office. I would therefore ask permission to withdraw all the papers in the case.

Very respectfully, &c.,

CLEMENT R. JOHNS,  
*Comptroller of the State of Texas.*

Papers returned, accompanied by letter 23d February, 1861.

C. H.

No. 124.

TREASURY DEPARTMENT,  
*Third Auditor's Office, February 23, 1861.*

SIR: In compliance with your request, I herewith return all the papers pertaining to your office received with your two letters of the 16th instant, transmitting the claim of the State of Texas, under the second section of the act of Congress approved March 3, 1859, chapter 83, and the sixth section of the act approved June 21, 1860, chapter 163. All the accounts and papers received therewith referable to this office have been withdrawn and retained for such action as is required in the premises.

I am, very respectfully, your obedient servant,

R. J. ATKINSON,  
*Auditor.*

T. J. D. FULLER, Esq.,  
*Second Auditor.*

No. 125.

*Extract from remarks on roll of John M. Davenport's company.*

THE STATE OF TEXAS, *County of Uvalde:*

I, J. M. McCormick, clerk of the county court in and for said county, do hereby certify under my official oath that the company of mounted minute-men commanded by John M. Davenport was mustered into service on the 13th day of March, A. D. 1856, and kept up an organization and took the field scouting and pursuing Indians whenever the safety of the settlement required it up to the 1st day of June, 1857, when said company was disbanded from service by the said Captain John M. Davenport, and this roll adopted as the muster-out roll. And I further certify that the members of said company were actually employed in the military service of said State for the term of three months, but at different times between the aforesaid dates, and that the said Captain John M. Davenport departed this life on or about the 28th day of October, A. D. 1859.

In testimony whereof I hereunto sign my name and affix the seal of the county court of said county at office in Uvalde the 11th day of May, A. D. 1861.

[SEAL.]

J. M. MCCORMICK,  
*Clerk County Court Uvalde County.*



[Extract.]

*Muster-roll of Captain Reading W. Black's company of minute-men, organized in the year A. D. 1856.*

\* \* \* \* \*

I certify upon honor that the above-named men served under Capt. Reading W. Black as officers and privates in the year 1856, as minute-men, and served the number of days affixed to their names. This the 2d day of August, A. D. 1858.

JAMES MOSELEY,  
Lieutenant Minute Company.

THE STATE OF TEXAS, *County of Uvalde:*

I, J. M. McCormick, clerk of the county court in and for said county, do hereby certify that Reading W. Black, captain of said minute company, is at this time absent in Mexico. To certify which I hereunto sign my name and affix the impress of the seal of the county court of said county at office in Uvalde this the 2d day of August, A. D. 1858.

[SEAL.]

J. M. McCORMICK,  
Clerk County Court Uvalde County.

Approved August 31, 1858

H. R. RUNNELS.

THE STATE OF TEXAS, *Uvalde County:*

Reading W. Black, after being duly sworn, states that he was commander of the company of mounted minute-men mustered into the service of the State of Texas on the 1st day of January, 1856, for the protection of the citizens of said county against the incursions of Indians, and that said company was held in readiness to pursue and chastise the Indians whenever the alarm was given or they notified of their hostile incursions in said county; and that the members of said company were at different times actively employed in the military service of said State, between the said 1st day of January, 1856, and the 31st day of December, 1858, in all two months, and that said company was disbanded on the said 31st day of March, 1857, there being no regular mustering-out officer, and this roll was adopted for a mustering-out roll, and that this roll and the remarks thereon are correct and just, to the best of my knowledge and belief.

R. W. BLACK.

Sworn to and subscribed before me. To certify which I hereto affix the impress of the seal of my office at Uvalde this 13th day of May, 1861.

[SEAL.]

J. M. McCORMICK,  
Clerk County Court Uvalde County.

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No. 127.

AN ACT to authorize the governor to receive from the Treasury of the United States the money due the State of Texas from the United States.

SECTION 1. *Be it enacted by the legislature of the State of Texas,* That the governor be, and is hereby, authorized to receive from the Secretary of the Treasury or other proper authority of the Government of the United States all money now undrawn by this State which has been appropriated by the Congress of the United States to the State of Texas for military services paid by Texas, or for other claims of this State; and the money so received shall be placed by the governor in the treasury of this State, subject to appropriations made for the support of the State government: *Provided,* That all sums received in gold for these claims may be converted into lawful money at the market value thereof, by the governor, and the proceeds thereof placed in the treasury.

SEC. 2. That whatever the governor is authorized to do in person under this act he may also do by agent appointed: *Provided,* That if any other officer of this State is authorized and directed by him to perform these services, then such officer shall receive no compensation therefor beyond his necessary expenses in performance of the same; and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury to defray expenses under this act, to be paid under the approval of the governor.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved May 12, 1871.

No. 128.

STATE OF TEXAS, *County of Texas* :

Know all men by these presents that I, Edmund J. Davis, governor of the State of Texas, by virtue of the authority and power vested in me as governor as aforesaid by act of the legislature of the State of Texas approved May 12, 1871, entitled "An act to authorize the governor to receive from the Treasury of the United States the money due the State of Texas from the United States," have constituted and appointed, and do by these presents constitute and appoint, James P. Newcomb, esq., secretary of state of the State of Texas, my agent and true and lawful attorney for the performance of the duties and exercise of the powers imposed upon and vested in me by the said act, and do hereby authorize and empower the said James P. Newcomb, for me and in my place and stead, to receive from the Secretary of the Treasury, or other proper authority of the Government of the United States, all money now undrawn by this State of Texas, which has been appropriated by the Congress of the United States to the State of Texas for military services paid by Texas, or for other claims of this State of Texas; and I do hereby ratify and confirm all and every acts or act of my said agent rightfully and lawfully done and performed by him in the premises for me and in my stead, and I do hereby recognize the same as fully and completely as if done by myself by virtue of said act.

In witness whereof I hereunto subscribe my name and cause the seal of the State of Texas to be hereto affixed at the executive office, in the city of Austin, this 28th day of October, A. D. 1871.

[SEAL.]

EDMUND J. DAVIS,  
*Governor.*By the governor :  
JAMES P. NEWCOMB,  
*Secretary of State.*

No. 129.

*Memorandum relative to the claim of the State of Texas on the general government for advances made for frontier defense from 28th February, 1855, to 1st September, 1859, and amount paid for military services on the Rio Grande, 1859 and 1860.*

The statement of advances made for frontier defense from 28th February, 1859, to 1st September, 1859, and accompanying papers, embraces the accounts of twenty-five companies of rangers, and amounts to \$209,656.99. The transcript from the records of the office of the comptroller will show when the money was paid from the State treasury and determine the period of time for the computation of interest. When the papers were presented, in 1861, objections were raised to many accounts, besides the general objections that the government had no proof of the necessity for calling out companies to protect the frontier. It is now attempted to remove these causes of objection to particular accounts, it is hoped successfully, and the general objections alluded to are met by copies of communications to and from the executive, which will fully demonstrate the necessity. The claim for military services on the Rio Grande amounts to \$13,354.77 and interest.

NOTE.—The foregoing appears to have been made by Hon. J. P. Newcomb, secretary of the State of Texas.

No. 130.

WASHINGTON, D. C., *November 11, 1871.*

SIR: I am here to submit to your consideration the original papers pertaining to the claim of the State of Texas for reimbursement for moneys paid out for frontier defense under acts of Congress March 3, 1859, and June 21, 1860, and to ask in behalf of the State as speedy an investigation and settlement of the matter as possible consistent with the convenience of your department.

In the spring of 1861 the State of Texas, through its agent, Mr. Clement R. Johns, presented this claim, but the rebellion had already been inaugurated in the South, and the hesitancy of the department and obstacles thrown in the way of a settlement at that time were largely attributable to the threatening condition of the South, and actual hostilities began while Mr. Johns was in Washington, effectually and fortunately putting an end to all further negotiation. The matter has lain dormant up to the inauguration of the present State administration, and it has been with much difficulty that the original papers relating thereto have been gotten together, as the records

of the State were thrown into confusion and destroyed to a great extent during the rebellion. The papers are now presented in the best possible shape, and constitute the only showing the State can make. The objections raised at the time Mr. Johns presented the case were mainly of a technical nature, to wit, that the vouchers and papers were not made out in all particulars in a business-like manner, lacking formality, &c.; in fact, that the State had done its business in a very loose way.

We have attempted to remove many of the causes of objection then raised, by supplying the evidence required. The State paid these frontier claims, and the only fact, it appears to us, necessary to be established, in order that the appropriations made by the general government may be applied to reimburse the State, is that the State has liquidated these claims. I believe the evidence I have to present does this satisfactorily. The lapse of time and the war have placed it beyond our power to make good all technical defects, as many of the parties connected with the transactions are either dead or their residences unknown, while the whole matter has passed into history and beyond the remedy of technicality.

Hoping that this business, which is of great importance to our State, will enlist your earnest attention and be dealt with in a liberal manner, I have the honor to be, very respectfully, your obedient servant,

JAMES P. NEWCOMB.

HON. GEO. S. BOUTWELL,  
*Secretary of the Treasury, Washington, D. C.*

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No. 131.

WASHINGTON, D. C., November 16, 1871.

GENERAL: During our interview on Saturday last you suggested that there was no appropriation to pay the claim of the State of Texas, or rather that by act of July 12, 1870, such appropriation had been covered into the Treasury. I hope this point will be thoroughly examined before passed or decided adversely to the claim of the State of Texas, it being, in fact, preliminary to any settlement of the matter at this time. If you will take the two acts, March 3, 1859, and July 21, 1860, together, I think you will conclude that the consideration involved must be construed under the head of a permanent appropriation until the matter is finally disposed of by the compliance of both parties, the State of Texas and the United States Government, with the provisions of the act.

The act of March 3, 1859, section 2, provided for the repayment to the State of Texas, out of any moneys not otherwise appropriated, moneys advanced by the State for the payment of six companies of mounted volunteers called into service by General P. F. Smith, with the proviso that the allowance should be no greater than for United States troops, and for a period of three months. The act of June 21, 1860, section 6, extends the provision of the act of March 3, 1859, to include all moneys advanced by the State in payment of volunteers called out in defense of the frontier since 28th of February, 1855, with proviso that the Secretary of War shall be satisfied that there was a necessity for calling out these troops, that they were called out by competent authority, and the amount claimed by the State was actually paid by the State, and the amount to be allowed limited to \$123,544.51, &c. Had this limit not been stated, the State of Texas could have come forward and claimed the full amount of her outlays under the act.

I regard the acts cited as a contract, bargain, and agreement on the part of the United States Government and the State of Texas. The State of Texas has made good its part of the agreement; it remains for the United States to complete the matter. If the act of July 12, 1870, eliminates the \$123,544.51 from the act of June 21, 1860, then we claim a general adjustment of all our claims within the dates mentioned and the entire amount expended by the State.

Respectfully,

JAMES P. NEWCOMB,  
*Secretary of State.*

General W. W. BELKNAP,  
*Secretary of War, Washington, D. C.*

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No. 132.

WAR DEPARTMENT,  
*Washington, D. C., November 16, 1871.*

SIR: Your letter of the 11th instant and certain claims of the State of Texas, which were therewith submitted by you to the honorable the Secretary of the Treasury, have been received at this department, as has also your statement, dated to-day, in relation to the application of certain laws.

The aggregate of the claims, as submitted by your abstract, is \$209,656.99. Of this amount it is alleged that only \$50,001.81 were expended for the six companies referred to in the act of March 3, 1859, and the balance, \$159,655.18, is claimed, it is supposed, under section 6, act of June 21, 1860.

Regarding the expenses of the six companies, I have to state that various United States laws, made within the last decade of years, in reference to the applicability of appropriations made by former acts, as well as in reference to the consideration of certain claims against the government, convey to my mind an impression that no officer of the government can at this time admit or pay any portion of these claims. It is understood that a discretionary power in relation to them was granted to the head of this department in the act of March 3, 1859, by which he was "authorized," but not, as in many other cases, specially directed to act, and in this instance I prefer to adopt the above impression. No claim can now be considered under section 6 of the act of June 21, 1860, as the amount thereby appropriated, viz, \$123,544.51, was carried to the "surplus fund" under section 10 of the act of August 31, 1852, by a warrant dated June 30, 1863.

In view of the foregoing facts, I have to inform you that the claims submitted by you cannot be favorably entertained at this department until Congress acts further in regard to them.

Very respectfully, your obedient servant,

WM. W. BELKNAP,  
*Secretary of War.*

JAMES P. NEWCOMB, Esq.,  
*Secretary of the State of Texas.*

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No. 133.

WASHINGTON, D. C., November 18, 1871.

GENERAL: Your reply of November 16 is at hand. Having performed my duty as the agent of his excellency Governor E. J. Davis, governor of Texas, in presenting the claim of the State of Texas for repayment of moneys advanced by the State to frontier troops called into service by authority of the United States Government, and as by your ruling we are entirely excluded from a settlement unless by further act of Congress, I respectfully ask that the papers and vouchers pertaining to this claim be retained in the custody of your department, to await further action.

In conclusion, allow me to thank you for the kindness and consideration you have shown me, and I only regret that the business could not have been settled without further delay, and the money would have been of great assistance to our struggling State administration at this time.

Very respectfully, your obedient servant,

JAMES P. NEWCOMB,  
*Secretary of State of Texas.*

General WM. W. BELKNAP,  
*Secretary of War, Washington, D. C.*

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No. 134.

FORTY-SECOND CONGRESS, SECOND SESSION.

CONGRESS OF THE UNITED STATES,  
*In the House of Representatives, January 18, 1872.*

On motion of Mr. WILLIAM T. CLARKE :

*Resolved,* That the Secretary of War be, and is hereby, directed to inform this House why the money appropriated under the acts of Congress March 3, 1859, and June 23, 1860, has not been paid to the State of Texas as provided for in said acts.

Attest :

EDWARD McPHERSON, *Clerk,*  
By ISAAC STROHM, *Assistant Clerk.*

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No. 135.

WAR DEPARTMENT, January 19, 1872.

The Secretary of War has the honor to send to the House of Representatives, in compliance with a resolution of the 18th of January, 1872, inquiring "why the money appropriated under the acts of Congress, March 3, 1859, and June 23, 1860, has not been

paid to the State of Texas as provided for in said acts," the following-mentioned papers, which give the requisite information :

A copy of a letter of November 11, 1871, from the secretary of the State of Texas to the Secretary of the Treasury, showing why the money had not been paid prior to that date. A copy of a letter of November 16, 1871, from the Secretary of War to the secretary of the State of Texas, showing why the money has not been paid since the last-mentioned date.

WM. W. BELKNAP,  
Secretary of War.

No. 136.

Statement of advances made by the State of Texas for frontier defenses from February 28, 1855, to September 18, 1858.

For what purpose.	Amount paid.	Amount appropriated.	Balance undrawn.
Amount appropriated December 17, 1855, to pay the three following-named companies, viz :		\$16,091 12	
Commanded by Capt. James H. Callahan .....	\$10,080 18		
Commanded by Capt. Nat. Benton .....	2,509 83		
Commanded by Capt. W. R. Henry .....	2,981 00		\$520 11
Amount appropriated same date for their subsistence .....		5,755 22	
Amount paid thereon to sundry parties .....	5,750 60		4 62
Amount appropriated same date for compensation of paymaster to above-named companies.		100 00	
Amount paid John D. Pitts, paymaster .....	100 00		
Amount appropriated January 14, 1856, to pay the six following-named companies called out by General P. F. Smith :		55,000 00	
Commanded by Capt. W. R. Henry .....	7,791 53		
Commanded by Capt. Giles S. Bogges .....	8,489 05		
Commanded by Capt. John G. Walker .....	7,980 55		
Commanded by Capt. William Fitzhugh .....	8,213 76		
Commanded by Capt. F. H. Rodgers .....	5,936 16		
Commanded by Capt. Charles E. Travis .....	7,564 28		9,024 62
Amount appropriated same date for payment of balances due on contracts for support of above companies.		6,000 00	
Amount paid thereon from February 2, 1856, to September 6, 1858.	4,026 43		1,973 57
Amount appropriated August 30, 1856, to pay the three following-named companies, viz :		4,489 20	
Commanded by Capt. William Tom .....	1,494 72		
Commanded by Capt. W. G. Tobin .....	917 46		
Commanded by Capt. Levi English .....	1,764 86		312 16
Amount appropriated same date to pay for supplies furnished Capt. William Tom's company and to compensate paymaster of above-named companies.		408 97	
Amount paid thereon .....	408 97		
Amount appropriated November 17, 1857, to pay the four following-named companies, viz :		20,000 00	
Commanded by Capt. T. K. Carmack .....	2,924 80		
Commanded by Capt. John H. Conner .....	4,273 02		
Commanded by Capt. J. C. Frost .....	2,863 25		
Commanded by Capt. J. S. Hodges .....	3,028 25		6,910 68
Amount appropriated January 13, 1858, to pay the three following-named minute-companies, viz :		6,600 00	
Commanded by Capt. John W. Sanson .....			
Commanded by Capt. John D. Davenport .....			
Commanded by Capt. Reading Black .....			
Amount paid Neill Robinson, paymaster of same .....	4,000 00		2,600 00
Amount appropriated January 27, 1858, to pay Capt. John S. Ford's companies.		70,000 00	
Amount paid Edward Burleson, paymaster of same, and to S. M. Swenson for supplies furnished.	55,800 00		14,200 00
Total .....	148,898 75	184,444 51	35,545 76

I, the undersigned, comptroller of public accounts of the State of Texas, do hereby certify that the foregoing statement is a correct and true exhibit of the amounts paid and assumed by the State of Texas for the pay, subsistence, and forage of volunteer troops called into service for the protection of the frontier since the 28th February, 1855.

Given under my hand and seal of office this 18th day of September, 1858.

[SEAL.]

JAMES B. SHAW,  
Comptroller.

No. 137.

Statement of advances made by the State of Texas for frontier defense from February 28 1855, to September 1, 1859.

Abstract.	Company.	Amount.	Total.
Abstract A .....	James H. Callahan's .....	\$16,595 46	\$22,374 89
	Nat. Benton's .....	2,566 83	
	W. R. Henry's .....	3,212 60	
Abstract B .....	W. R. Henry's .....	8,043 81	50,109 32
	G. S. Boggess's .....	10,369 29	
	J. G. Walker's .....	8,048 30	
	W. Fitzbugh's .....	8,487 63	
	P. H. Rodger's .....	6,872 11	
	C. E. Travis's .....	8,288 18	
Abstract C .....	W. Tom's .....	1,903 69	4,586 01
	W. G. Tobin's .....	917 46	
	L. English's .....	1,764 86	
Abstract D .....	P. H. Carmack's .....	2,717 30	12,726 82
	J. H. Conner's .....	4,046 02	
	T. C. Frost's .....	2,863 25	
	J. S. Hodges's .....	3,100 25	
Abstract E .....	J. W. Sansom's .....	1,155 00	3,646 60
	J. M. Davenport's .....	1,699 62	
	R. W. Black's .....	791 98	
Abstract F .....	J. Williams's .....	1,085 60	58,831 02
	J. S. Ford's .....	56,992 83	
	W. N. P. Marlin's .....	752 59	
Abstract G .....	J. Bourland's .....	13,073 74	57,382 33
	J. H. Brown's .....	8,807 91	
	J. S. Ford's .....	35,500 68	
	Grand total .....		209,656 99

Statement of advances made by the State of Texas for military services on the Rio Grande, 1859 and 1860.

No.	Description.	Total.
1	Hampton, G. J., captain and quartermaster .....	\$399 98
2	McCord, J. E., for Captain Burleson's company .....	\$2,000 00
3	Paid at the State treasury .....	4,943 46
4	H. W. Berry's company .....	6,011 33
	Total .....	13,354 77

No. 138.

AN ACT for the relief of Giles S. Boggess.

SECTION 1. *Be it enacted by the legislature of the State of Texas,* That the comptroller of the State be, and he is hereby, authorized and required to settle with Paymaster Giles S. Boggess, upon his presenting to said comptroller a copy of the muster-roll of J. G. Walker's company, made out by him, the said Boggess, upon the best data he can get, and certified to by him, before some person authorized by law to administer oaths, to be just and correct, according to the best of his knowledge and belief, and that the original muster-roll was either stolen from, taken from, or lost by him; said copy of muster-roll, when so made out and certified to, shall be received in lieu of the original roll, the amount or amounts returned by said Boggess as paid shall be passed to his credit upon the books of the comptroller's office.

SEC. 2. That should said Boggess report as paid any person who was a member of said J. G. Walker's company, who has not been paid, it shall be incumbent upon the person wishing to contest the matter to make affidavit, before some person authorized to administer oaths, that he has not been paid; and upon the filing of said affidavit in the comptroller's office, it shall be the duty of the comptroller to notify said Boggess,

and allow him sixty days' time to make the proof of payment; and, should the said Boggess fail to satisfy the comptroller that said person has been paid, it shall be the duty of the comptroller to draw his warrant upon the treasurer in favor of such individual, which warrant shall be paid by the treasurer out of the appropriation for the payment of said company; and for each amount so paid the said Boggess shall be held responsible to the State upon bond as paymaster.

SEC. 3. That any member or members of said company who, according to the return made by said Boggess, stand as unpaid upon the certified copy of the muster-roll of said company, shall be entitled to his or their pay by application at the office of the comptroller and treasurer, upon filing an affidavit that he or they have not been paid, and that the amount due them for services rendered in said J. G. Walker's company is still due and owing.

SEC. 4. That this act take effect from its passage.  
Approved August 25, 1855

DEPARTMENT OF STATE,  
*Austin, Tex., March 5, 1860.*

I, the undersigned, secretary of state of the State of Texas, do hereby certify that the transcript on the reverse hereof is a correct copy of the original act on file in the department of state.

Given under my hand and the seal of the department of state the day and year first above written.

[SEAL.]

E. W. CAVE,  
*Secretary of State.*

No. 139.

THE STATE OF TEXAS, *County of Bexar:*

On this 11th day of November, A. D. 1856, personally came before me, James E. Gardner, a justice of the peace in and for said county, Levi English, who, after being duly sworn, says that he is the identical person who was a captain of a company of mounted men who served against the Texas Indians; that he commenced his service about the — day of August, 1855, and served until about the — day of November, 1856; that he furnished his own horse, forage, subsistence, and a servant; and that he has not received the pay due him for said service, or any part thereof.

I hereby empower H. W. Sublett, esq., of Austin, Tex., to collect any and all pay which may be due me by virtue of said service.

[SEAL.]

his  
LEVI + ENGLISH  
mark.

Personally came before me, James E. Gardner, a justice of the peace in and for said county, Y. P. Alsbury and William H. Long, who, upon their oaths, declare that they are personally acquainted with Levi English, and that they saw him sign the affidavit on the reverse hereof by making his mark, declaring his inability to write, and that they know him to be the identical person who was a captain of a mounted company against the Texas Indians.

Y. P. ALSBURY.  
WM. H. LONG.

I, James E. Gardner, justice of the peace for Bexar County, do hereby certify that the foregoing, and on the reverse hereof, was signed by making his mark, declaring his inability to write, and acknowledged in my presence; and that I know the affiants to be creditable persons, and that the claimant is the person he represents himself to be.

Given under my hand and official signature, at office, in the city of San Antonio, on the day and year above written; and that I have no interest in this claim.

JAMES E. GARDNER,  
*Justice of Peace, Bexar County.*

THE STATE OF TEXAS, *County of Bexar:*

I, Samuel S. Smith, clerk of the county court of Bexar County, do hereby certify that James E. Gardner, esq., before whom the foregoing affidavit and declaration on the reverse hereof was made, was an acting justice of the peace in and for the county of Bexar at the time the same was made, and that his signature, herewith attached, is genuine.

In testimony whereof I hereunto sign my name and affix the seal of said county, at office, in the city of San Antonio, this 11th day of November, A. D. 1856.

SAM. S. SMITH,  
*Clerk of County Court, Bexar County,*  
By EDWARD MILES,  
*Deputy.*

No. 140.

## IN THE AMERICAN AND MEXICAN JOINT COMMISSION.

PEDRO TAUNS (No. 679) AND OTHERS vs. THE UNITED STATES.

*To the honorable American and Mexican Joint Commission, in the city of Washington, District of Columbia :*

The memorial of Pedro Tauns respectfully sheweth :

That in the month of October, A. D. 1855, an armed force of more than two hundred Americans, under the command of Captains Callahan and Henry, having crossed the Rio Grande from Texas, in the United States, entered and took possession of the town of Piedras Negras, in the State of Coahuila, Mexico, and by force of arms disarmed all the inhabitants of the town, and with many insults, threats, and cruelties drove them from their houses and caused them to flee from the town to the woods. After having pillaged them of all their most valuable and easily transported contents, the said forces set all the houses on fire, reduced the town to ruins and ashes, and then returned with the body to the opposite side of the river by the public ferry. All this was done by the said forces with the aid and protection of the regular officers and soldiers of the United States of America, at that time occupying Fort Duncan, on the left bank of the Rio Grande, in front of Piedras Negras, which regular officers and soldiers, upon a dominant point, planted all their artillery bearing directly upon the town of Piedras Negras, with intent to bombard and destroy the town in case the inhabitants thereof should resist the forces of Captains Callahan and Henry; and they aided the said forces of Callahan and Henry to cross the Rio Grande to Piedras Negras, one of the said regular officers drowning himself in the act. The said forces of Callahan and Henry were received with their booty in the United States, on the left bank of the Rio Grande, under protection of the said regular officers and soldiers, and permitted to march with their booty to the interior of the State of Texas, where they received the approbation of, and pay from, the said State of Texas for the time they were in Piedras Negras committing the wrongful acts aforesaid; and the Government of the United States of America, by section 6 of an act entitled "An act making appropriations for the support of the Army for the year ending the 30th of June, 1861," approved June 21, 1860, provided to reimburse the State of Texas for the said payment; but the people of the State of Texas having thereafter gone into rebellion against the Government of the United States, the said reimbursement was therefore withheld.

When the said forces of Callahan and Henry took possession of Piedras Negras, your memorialist was living in that town with his family, six in number, and had there, of his own sole and exclusive property, two houses, constructed of lumber, and all the other things set forth in an account hereto annexed, marked Exhibit A, to which reference is here had, making it a part of this memorial, which property was then and there worth the sum of \$5,550, gold.

Your memorialist further states that the said forces of Callahan and Henry, in the said pillage and burning which they did in Piedras Negras, on the 3d, 4th, and 5th days of October, A. D. 1855, pillaged and burned his said houses, together with all the other things set forth in an account aforesaid, whereby they very greatly injured him in his property and business, causing him to lose the use, benefit, profit, and enjoyment of his said property ever since he so lost the same, thereby damaging him, in addition to the value of his said property, in the full sum of \$8,000, gold.

The said forces of Callahan and Henry drove your memorialist from his home, and compelled him to flee to the woods with all his family, where he wandered for three days, exposed to death under the tomahawk of the barbarous Indians, who frequented the said woods at that time, suffering from hunger and thirst in a degree almost insupportable, whereby they caused him great injury in his person and that of his family, damaging him in the full sum of \$52,000, gold.

By all their illegal acts aforesaid, the said authorities of the United States of America did greatly injure your memorialist in his person and that of his family, and in his property and business, whereby they damaged him, in the aggregate, in a great sum, to wit, in the full sum of \$65,550, gold; and therefore he prefers this his claim against the Government of the United States of America for the said sum of \$65,550, gold, amount of damages done to him by the authorities thereof.

Your memorialist is, and from his birth has been, a citizen of the Mexican Republic, born in the town of Nacogdoches, State of Texas (then Mexico), July 13, A. D. 1811; his domicile at the present is in the town of Fuente, State of Coahuila, and when this claim had its origin was in Piedras Negras.

The whole amount of this claim does now, and did when it had its origin, belong solely and absolutely to your memorialist; and he has never received any sum of money or other equivalent or indemnification for the whole or any part of the losses and injuries upon which this claim is founded.



This claim was not presented before the 1st of February, A. D. 1869, to the Department of State of the United States or that of the Mexican Republic, or to the minister of the United States in Mexico, or that of the Mexican Republic in Washington.

Your memorialist, in addition to the testimony filed and to be filed in this case, respectfully refers to the memorials and papers in all other cases before the commission, giving full details of the same transactions upon which this claim is founded, and especially refers to the memorials of Ma. Juana Hernandez, Francisco Herrera, Santos Loy, Pedro Villareal, and Dimas Sandobal, in their claims against the Government of the United States, and the testimony of the following witnesses, filed therein, to wit: Luis Sandobal, Manuel Rodriguez, Francisco Salenas, Francisco Gonzales, Francisco Guedea, Antonio Montez, Ramon Rodriguez, Lorenzo Guevara, Timoteo Gonzales, Anastacio Jimenes, José Maria Rivera, Jesus Frias, Santos Loy, José Ma. Carbajal, and Margarito Teposte.

Wherefore, your memorialist respectfully prays the honorable commission to award in his favor, against the Government of the United States of America, the sum of \$65,550, gold, amount of injuries and damages done to him by the authorities thereof, and that there be awarded to him such other indemnification as by law and equity he may be entitled to in the premises.

PEDRO TAUNS,

By his attorney in fact, JAMES B. SIMPSON.

E. W. RICE, *Solicitor*.

CITY OF WASHINGTON, *District of Columbia, ss* :

I, James B. Simpson, solemnly swear that I am the attorney in fact of the claimant, Pedro Tauns, who is absent from the District of Columbia, and that the matters and things set forth in the foregoing memorial are true, to the best of my knowledge, information, and belief.

JAMES B. SIMPSON.

Sworn to and subscribed before me, the undersigned notary public in and for said city, this 24th day of March, A. D. 1870.

EDMUND F. BROWN,  
*Notary Public.*

EXHIBIT A.

THE UNITED STATES OF AMERICA,

To PEDRO TAUNS, DR.

For property destroyed and taken by the authorities thereof in Piedras Negras, State of Coahuila, Mexico :

October 18, 1855.—One house and one kitchen .....	\$3,000 00
Groceries .....	1,000 00
Household furniture and decorations, and kitchen furniture and cooking-utensils .....	750 00
Wearing-apparel .....	500 00
Fifteen head of cattle .....	300 00
For injury caused by the loss of the use of his said property .....	8,000 00
For injury to his person and that of his family .....	52,000 00
Total amount .....	65,550 00

STATEMENT AND ARGUMENT FOR THE UNITED STATES.

THE CLAIM AND THE CLAIMANT.

The claimant, otherwise known as Peter Towns, is shown by the testimony of one of the witnesses on the part of the United States to be a mulatto, born in the State of Texas, and who now professes to be a citizen of the United States, and a voter in the State of Texas. It appears that he resided for some time in Mexico, and it is not improbable that he was living in Piedras Negras when that village was burned by Captains Callahan and Henry, in October, 1855.

Mr. Amos O. Strickland, whose deposition has been taken on behalf of the United States, states as follows: "I know Pedro Tauns, who is one of the claimants for the destruction of Piedras Negras. He now resides in Kinney County. He is a native of

Texas. He is a mulatto, and was the servant of the late General Sam Houston. He resided some time in Mexico, but claims now to be a United States citizen, and told me at the last election how he was going to vote in Kinney County. Tauns is well known to the United States officers at Fort Clark; to Major Bacon (who was on General Sheridan's staff), of the Ninth United States Cavalry, colored. Tauns has been working lately as a mason in the employ of the government at Fort Clark, and for the last year or so has been burning lime, or has been employed in small jobs about the post; he is also a fiddler, and plays at fandangoes and for the officers when they make a party there."

This colored fiddler alleges that at the time of the destruction of Piedras Negras he was the owner of a house and kitchen in that village worth \$3,000, and personal property to the amount of \$2,500; that the same were destroyed and taken by the men under Callahan and Henry, and that the amount of damages sustained by him in consequence thereof was \$65,550. This amount he demands from the United States as a citizen of the Mexican Republic. We have already shown that he is not and never was a citizen of Mexico.

The testimony of Mr. Strickland, to which reference has been made, shows that if this claimant lost anything on that occasion the amount has been monstrously exaggerated, and it also directly proves that he deliberately intended to defraud the United States. Mr. Strickland says: "He told me also that he was one of the claimants for the destruction of Piedras Negras, and had made claim therefor against the Government of the United States. I asked him the amount he claimed, and he answered, 'O, I am ashamed to tell you; it is so big.' He has never been worth \$100 at any time since I have known him, and that is eight years."

These observations are sufficient to dispose of this particular claim. But inasmuch as it is our present object to direct the attention of the commissioners to the general subject of the Piedras Negras claims, particularly to the proofs taken by the United States, which show that these claims, as preferred, are the result of a criminal conspiracy to defraud the United States, and are supported by false and forged papers transmitted by these conspirators through the Mexican Government to this commission, we will proceed to present a general summary of the contents of the depositions and other proofs introduced by the agent of the United States.

The testimony shows that many of the *expedientes* filed in the office of the commission are, in whole or in part, forged documents; that persons are represented as having signed as claimants documents contained in these *expedientes*, who, it is proved, never affixed their signatures to such papers; that in numerous instances individuals are represented by written signatures as having appeared as witnesses in support of the claims of others, who, it is shown, never subscribed the documents to which their signatures purport to be attached, and that this fraudulent work was done by persons engaged in the business of getting up the claims for presentation to this commission. We will speak more in detail hereafter of this wholesale fraud.

It is apparent also, upon the most hasty inspection of the *expedientes* on file in the office of the Mexican secretary, that many of them have been manufactured by the same hand or hands. It needs no expert in handwriting to prove that numerous signatures of different persons have been made by the same hand, and the sworn testimony on the part of the United States clearly shows that this is undoubtedly the fact.

Under these circumstances, it will be for the commissioners to determine whether any of the *expedientes* filed on the part of the claimants are justly entitled to be received as evidence to support the claims, or whether the whole body of them should not be thrown out of the cases altogether, and the claims dismissed for want of proof.

#### THE TRANSACTION AT PIEDRAS NEGRAS.

These claims, some one hundred and ninety-three in number, arise out of the burning of the village of Piedras Negras by a number of mounted volunteer troops, organized under the authority and in the exclusive service of the State of Texas, and commanded by Captains Callahan and Henry, on the 5th of October, 1855. These troops, as it appears, had been mustered into the service of the State\* by the governor of Texas, in the month of July, 1855, to serve for three months, unless sooner discharged, for the purpose of protecting the frontier settlements against hostile incursions of the Indians. On the night of the 1st of October a portion of them, together with a number of citizens of Texas from Hays, Guadalupe, Bexar, and other counties, crossed the Rio Grande several miles from Fort Duncan, without the knowledge, approbation, or assistance of the military authorities of the United States, ostensibly for the purpose of following and chastising a band of Lipan Indians from the west side of the river, who had previously committed, as was alleged, depredations on the settlements in Texas. The Texans were resisted, as it would seem, by Indians and Mexicans, and in the progress of the affair they occupied the Mexican village of Piedras Negras.

\* The War Department possesses nothing to show that Henry's company was actually recognized by the governor of Texas in 1855. It was mustered out, not by order of the governor, but by order of Callahan.—T. H. B.

On the 5th they set fire to the town, and a number of houses, or rather huts, belonging to the inhabitants, were burned. It is probable that other property was destroyed, and perhaps some articles were carried away by the Texans. The actual extent of the loss sustained by the inhabitants will be stated more particularly hereafter.

The circumstances under which this expedition into the territory of Mexico took place may be ascertained, so far as they are now discoverable, from the public documents filed in evidence, consisting of papers in the possession of the State of Texas, and the military and diplomatic correspondence in the possession of the War and State Departments of this government.

It is to be regretted that the affair was not subjected, at the time it occurred, when the recollection of witnesses was fresh, to a thorough and searching investigation. An effort was made by the Mexican authorities to prove that the commander of the United States troops at Fort Duncan connived at this invasion of Mexican territory, and after the Texan volunteers were driven back by the Mexican forces rendered them active assistance. On the other hand, the then Secretary of State, Mr. Marcy, in correspondence with the Mexican minister, took the ground that the Texans had been in fact invited across the river by competent Mexican authority in order to aid the Mexicans in chastising the Lipan Indians, who had committed robberies and murders in Texas; that they had been treacherously led into an ambuscade of an overwhelming hostile force of Mexicans and Indians; and that therefore they were justified in adopting any measure which would tend to secure their safe retreat to the other side.

A candid consideration, however, of the contemporary documents will show beyond all doubt of controversy that the imputation against the commanding officer at Fort Duncan was wholly without foundation, as that officer neither connived at the original invasion nor rendered the party afterward any assistance in carrying on the hostilities in which they had become involved. The Texan volunteers crossed the river during the night, about two miles below Fort Duncan, without the knowledge or consent of Captain Burbank. When that officer found that something in the nature of a battle was transpiring on the other side, he so disposed of some of his artillery as to prevent any violation of American territory, as he had the right and it was his duty to do. And when he was informed by Callahan, after the place had been fired, that his men were deserting him and he was not able to resist the Mexicans, he replied that they had deliberately determined to make a stand against the Mexican forces, and that after what had transpired the Texans must abide by their determination.

The correspondence also shows that as soon as the military commander of the department, General Persifer F. Smith, was advised of what had occurred, he took all proper measures, under the direction of the government at Washington, to prevent any further violations of the neutrality laws of the United States.

There can be no doubt that the authorities of the United States were free from blame in this transaction. It was an affair of the State of Texas and Texan volunteers and citizens; it was no affair of the national government or any of its proper authorities.

The theory advanced by the Secretary of State, in correspondence with Mr. Almonte, that Callahan crossed the river upon the invitation and with the assistance of the Mexican alcalde or other authority, and upon assurances of the aid of the Mexican officers in pursuing the Indians, appears to have been founded upon the report of Callahan to the governor of Texas, in which that statement would seem to have been made. This report, however, cannot now be found and was probably destroyed or mislaid during the confusion of the recent rebellion in Texas. (See letter of the secretary of state of Texas to Mr. Ashton, May 10, 1870.)

A darker shade seems to have been given to the transaction by the suggestion that this inroad into Mexican territory was undertaken for the recapture of fugitive slaves. Whether this was the object of these men, or the real object of the expedition was in good faith to inflict chastisement upon Indian robbers and murderers who had taken shelter on Mexican soil, it may be, perhaps, difficult at this day to ascertain with positive certainty. But whatever was the real object or motive of these men, and whether they crossed into Mexico with or without the consent of the authorities, their act of setting fire to the town of Piedras Negras, we are bound to say, was without justification or valid excuse.

The question, however, of the responsibility of the Government of the United States for the destruction of this village is another matter. That these men were not in the military service of the United States is admitted. They were purely and simply a part of the militia of the State of Texas. We have already said that the United States military authorities had no knowledge or notice of this intended expedition into Mexico; that they were not apprised of the fact that the Texans had crossed the river until after their forces were on the other side; that the military commander at Fort Duncan rendered them no assistance in the beginning, and afforded them no aid in the progress or at the end of the affair; and that he denounced, in proper terms, their act in occupying and destroying the Mexican village.

It is, indeed, abundantly clear that the Government of the United States neither by *sufferance* nor *reception* (*patientia aut receptu*), to use the words of Grotius, knowingly

aided or abetted the invasion or the subsequent acts of the Texas militia. And under these circumstances no responsibility can be held to attach to the United States for the injuries sustained by the inhabitants of Piedras Negras, unless it should be determined that Captains Callahan and Henry, officers of the State of Texas in command of this militia force, organized under the authority of the State, were within the legal designation of "authorities of the United States," in the sense and meaning of the treaty of July 4, 1868.

We have thus presented a brief outline of the facts of the transaction at Piedras Negras in 1855, and stated the only ground upon which any liability therefor can be imputed to the Government of the United States. We now proceed to show, independently of any legal ground of objection to the recovery of those claims arising out of the character of the parties inflicting the injury, the claimants have, by their own acts of fraudulent exaggeration of their losses and damages, and presenting through their agents, or otherwise, false and forged papers in support of their reclamations, placed their claims in such a position as to be without credible or trustworthy proofs before this commission.

#### FRAUDULENT EXAGGERATION OF LOSSES AND DAMAGES.

Piedras Negras, according to the evidence introduced by the United States, was at the time in question one of the most wretched and insignificant of all the villages and small towns of the Mexican Republic. It did not contain more than five hundred souls, men, women, and children, or more than one hundred families all told. General Burbank states that it was settled after the establishment of the post of Fort Duncan, in the spring of 1849, and that the inhabitants lived mostly, if not entirely, on the small trade carried on with the troops stationed there, and such employment as was given to them from time to time by the government, as guides, muleteers, and laborers. Their houses were chiefly *jacales*, or Mexican huts, and many of them consisted of holes or cellars dug in the bank of the river, covered with thatch, without door, window, or sides. These houses were built of pickets stuck into the ground, with grass roofs, without windows or floors. The people were wretchedly poor; and, as the testimony shows, the whole village, including lots, houses, and all the personal property of the inhabitants, could have been bought in 1855 for less than \$50,000.

Let us see now what the *expedientes* on file pretend to have been the amount of property, real and personal, destroyed and stolen by the Texan volunteers in October, 1855, and of the damages actually sustained by the claimants.

The property destroyed or taken is valued in these cases at \$2,872,070.31, and the consequential damages alleged to have been sustained are estimated at \$3,525,918.12. The reclamations thus amount in all to \$11,397,983.43.

We subjoin a carefully prepared analysis of the *expedientes* on file in the office of the Mexican secretary, showing the estimated values of the several species of property alleged to have been destroyed or taken on this occasion. It presents such a case of wicked and reckless falsehood as has never before occurred in the history of international reclamations. The abstract of the *expedientes* is as follows:

Houses (287).....	\$234, 218 00
Corn (12,415 <i>fanegas</i> ).....	59, 774 00
Corn (3 fields).....	4, 140 00
Horses (298).....	25, 110 00
Household furniture.....	121, 359 00
Wearing-apparel.....	90, 702 00
Jewelry.....	45, 375 00
Money.....	29, 364 31
Cattle (3,440).....	26, 911 00
Pigs (804).....	37, 300 00
Implements.....	24, 384 00
Fencing.....	10, 611 00
Merchandise.....	222, 702 00
Fire-arms.....	3, 858 00
Carts.....	9, 422 00
Libraries.....	9, 352 00
Claims without details.....	1, 917, 488 00
	2, 872, 070 31
Loss of use and damages.....	8, 525, 918 12
Total.....	11, 397, 983 43

It will be unnecessary to occupy much time or space with a detailed examination of the proofs taken by the United States for the purpose of exposing this fraud before the commission. Those proofs consist of numerous depositions of persons of respectability

and credit, who were perfectly familiar with the character of this place, the condition of the inhabitants, the value of the property they possessed, and the extent of the depredations committed. The commissioners will read these proofs, and will determine that the papers filed in evidence by the claimants are absolutely and wholly discredited by the evidence introduced on the part of the United States. They will discover that the losses and damages have been exaggerated with a deliberate purpose to defraud the government against which the reclamations are presented. We shall contend that these facts, together with the actual forgery of documents which it is apparent has here been committed, are sufficient to warrant the determination that the entire mass of claims must be rejected.

We will now briefly review the substance of the testimony for the United States.

Mr. Edward T. Moore says that about forty small *jacale* houses, valued at about \$40 each, were burned; that not more than \$5,000 worth of property was taken from the inhabitants; and that \$10,000 would amply compensate them for all damages and losses sustained.

Mr. John Newton says that the *jacales* were not worth more than \$50 each.

Mr. Adolfo Duclos says that he knows from personal observation that the articles stolen by the filibusters could not have amounted in actual value to \$1,000.

Mr. A. O. Strickland says that the town did not contain \$50,000 worth of property, all told.

Mr. Brackenridge testifies that he made an estimate of the injury that had been caused, a few days after the act, and that he thought it could not amount to \$50,000.

Mr. Lorenzo Castro states that there was only one two-story house in the town; that the inhabitants had some extra articles of clothing and jewelry; and that \$50,000 or \$60,000 would have paid liberally for all the damage done.

Mr. F. Groos testifies to the same effect.

Ramon Perales, a claimant, says that thirty or forty huts were burned, which might have been worth \$50,000 each, and that the majority of the inhabitants did not possess more than \$200, \$300, or \$400.

Florencio Canales testifies that the majority were poor people, who had \$200, \$300; or \$400.

Gregorio Garza, who resided there at the time, states that the majority of the residents were very poor, and had not more than \$300 or \$400 in value of furniture or goods; he swears that the sums claimed are greatly exaggerated.

Manual Ban states that the majority of the inhabitants were day-laborers; "some had a little horse; some cows, with calves, or a little pig, or a cart to carry water." Very few persons had cows; a cow with a calf was then worth \$10, and a fat pig was worth about \$25; but he does not recollect to have seen many fat pigs.

Adelaide Van, a claimant, says few of the inhabitants had much more than \$300, and she states the value of pigs and cows.

Pedro Salazar, a claimant and resident, says that the number of stone houses did not exceed six; that the other dwellings were huts, cabins, and cellars; that he was living in an underground hut; that all the houses were not burned.

The testimony of Rafael Salinas, Jesus Loy, José Luciano de la Garza, Jesus Lamora, Thomas Martinez, José Maria Carvasar, and Rafael Tijerina, as to the notorious poverty of the inhabitants and the amount of property lost by them, is to the same general effect.

The American witnesses examined in Washington by the agent of the United States, viz, General Sidney Burbank, General James B. Ricketts, and Mr. Edmund W. Wallace, corroborate in their depositions, in substance and effect, all that is said by the witnesses examined in Texas and Mexico.

It thus appears that, according to the highest estimate of the value of the town, if the commissioners were to distribute among the claimants the full value of all the property, real and personal, that it contained, the aggregate amount of the awards would not exceed \$50,000.

We pass now to the last but the most unpleasant feature of this class of claims. We allude to the evidence which shows that the claims have not only been fraudulently exaggerated in amounts, but that they are also supported by false documents in some cases with the actual knowledge of the claimants, and in others, perhaps, without their direct connivance or consent.

#### FALSIFICATION OF THE EXPEDIENTES.

We will now, as briefly as possible, refer to the testimony which establishes the fact alleged in regard to these documents:

Ramon Perales, who is a claimant, swears that Luis Muzquiz, also a claimant and one of the persons concerned in the concoction of this fraud, came to him and advised him to present an exaggerated demand, and stated that the residents of Piedras Negras had agreed to make up their claims and to divide the proceeds with him (Muzquiz) and others who commenced the business.

Gregorio Garza testifies that the *expedientes* were made up by Luiz Muzquiz and others; that Muzquiz came to his house and asked his wife the amount of his loss, and that she replied that she was not competent to state how much it was. He proceeds as follows: "Luis Muzquiz then put down the sum which he wished, and he did the same with the other residents. I never signed any *expediente* or declaration of my loss. I was never at the house of the judge, nor at the court, for the purpose of giving testimony on this subject. I believe that he did the same with the others, and that he has put down and claimed \$8,000 or \$10,000 in favor of persons who did not lose \$100."

In another deposition the same witness states: "Luis Muzquiz never spoke to me nor any other one about this matter concerning me, nor with reference to other claimants. I know Jesus Salinas and Maximo Garcia and Arcadia Ramirez, but I never presented them as witnesses in the matter of my claim, inasmuch as I myself did not know that they were claiming an amount so exaggerated for me. Jesus Salinas lives at Eagle Pass, Maximo Garcia lives since four years on a ranch in Texas, eleven leagues from Piedras Negras, and Arcadia Ramirez lives in the little town; and in order to present them as witnesses in my claim, I would have been under the necessity of going to seek them in those places; this I never did because no one ever spoke to me about doing it. I know Antonio Montes, and Jesus Frias, and Nicanor Valdes, but at no times did I make a deposition with respect to their *expedientes* in their claims. I also know Pedro Gonzales, but neither did I make a deposition about him or about the property which he lost. It surprises me to see my name as a witness in the matters touching the claims of these parties against the United States, inasmuch as I never made and never was called to give testimony respecting them. I do not know Maria N. de la Garza, and it is not possible that I could have made a deposition of who she was or what she had. I am completely ignorant of the persons who appear as witnesses in the *expediente* which was made up for me, and it is my opinion that in these transactions many rascalities have been committed. I never knew the amount which they claimed for me, inasmuch as I never had the intention of claiming one cent more than what I lost. It is, in my opinion, very wrong to use the names of persons as witnesses without their knowledge, and I believe what was done in my case was done in many others."

Adelaide Van, another claimant, testifies that she made no deposition nor subscribed any document in respect to a claim before the judge at Piedras Negras, nor before any other authority. She implicates a person named William Stone in the fraudulent transaction, and gives a full account of an interview with that person. She also states, like Gregorio Garza, that many of the claimants were children at the time of the occurrence.

Pedro Salazar testifies that he communicated with Luis Muzquiz, and that he and his secretary, Abram Jimenez, handed him a paper to sign, telling him it was the *expediente* of his claim, but that he did not read it, and did not know what it contained.

Jesus Loy testifies that Luis Muzquiz and Mr. Coopwood were engaged in preparing claims for the residents of Piedras Negras, but that they never called on him to make depositions, and that if he appears as a witness his name has been fraudulently used. The analysis of the *expedientes* herewith presented shows that Jesus Loy appears as a witness in *five* cases.

Ramon Perales, in another deposition, swears that he was never asked to subscribe any document or *expediente*, and if Luis Muzquiz or other agent has placed his name in *expedientes*, such agent has committed a fraud by using his signature. It appears, however, that Perales is a claimant in one case, and a witness in *four* others.

There is other testimony to the same effect; and it is all corroborated by the appearance of the *expedientes*, which shows the most superficial observer that they have been manufactured by the wholesale by the getters-up of these absurd claims.

Muzquiz, the principal Mexican conspirator, claims on his own account \$51,797, while the testimony is that he was extremely poor and was at one time in jail. The other parties concerned with him in the fraud unfortunately appear to be Americans.

The Government of the United States having determined to expose this fraud, a special agent was sent to Mexico, and the valuable results of his inquiries are contained in the depositions to which we have referred, and the principal parts of which we have indicated. The proofs show beyond all doubt—

Firstly. That the claims have been grossly exaggerated, with intent to defraud the United States.

Secondly. That numerous persons appear as claimants who were either not in Piedras Negras at the time of its destruction, or were children, and owned nothing at that time.

Thirdly. That the names of claimants have been placed without their consent to representations of claims and of papers.

Fourthly. That numerous persons are represented as having signed documents as witnesses who swear that they never signed such documents or authorized their names to be signed thereto.

Fifthly. That these documents have been gotten up by and between Luis Muzquiz, William Stone, and ——— Coopwood, doubtless with the assistance of the local Mexican judge.

THE PROPER DISPOSITION OF THE CLAIMS.

Upon this state of facts it will become necessary for the commissioners to determine whether or not the entire body of these Piedras Negras claims should not be rejected, on the ground of fraud practiced or attempted to be practiced against the United States in the *expedientes* on file in the office of the commission.

On behalf of the United States the undersigned contends that such disposition should be given to these claims. The proofs on file, he contends, are not entitled to be received in evidence and read in support of the claims. They are all tainted with fraud, and are vitiated thereby absolutely and entirely. The cases, therefore, stand as if they were entirely without attempted proof. They should be rejected and dismissed for want of evidence to support them.

There is an analogy in the legislation of the United States which might also be profitably considered in connection with these claims, in view of the fraud to which we have referred. We allude to that provision of the statute of March 3, 1863, concerning the Court of Claims, which declares: "That any person or persons who shall corruptly practice or attempt to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim against the United States, *ipso facto*, shall forfeit the same to the government; and it shall be the duty of the Court of Claims, in such cases, to find specifically that such fraud was practiced or attempted to be practiced, and thereupon give judgment that such claim is forfeited to the government, and that the claimant be forever barred from prosecuting the same." (12 Stats., p. 767.) This statute proceeds on the ground of forfeiture; but the special ground on which the undersigned now asks the rejection of these claims is, that the documents filed in evidence on behalf of the petitioners before this commission are shown to be utterly untrustworthy, and therefore inadmissible as proof in support of the reclamations.

If, however, contrary to the view now presented, the commissioners determine to make awards in any cases, it will be necessary to determine who among all these claimants there is just reason to believe were Mexican citizens residing in the place and were owners of property, or subjected to injury, at the time of the occurrence, and to estimate the damages according to the effect of the evidence introduced by the United States. Under this rule of decision the number of cases in which awards can be made will be extremely limited, and the amount of the awards will be exceedingly small. In no possible contingency, however, will the commissioners be entitled upon these proofs to award in the aggregate a greater amount than \$50,000. If they should believe that every house in the town was burned, and every dollar's worth of property destroyed and carried away, and that every individual here appearing was an actual sufferer, and is entitled to appear as a claimant against the United States, the above amount is the largest which could possibly be distributed as awards among these claimants.

In the confident belief, however, that sufficient has been shown to justify the commissioners in rejecting the entire body of claims, the foregoing observations are submitted for their consideration.

The undersigned prints herewith the depositions taken on behalf of the United States. He also submits, in connection with this argument, a manuscript volume, containing a full list of the claimants and of the witnesses, whose names are attached to the *expedientes*, and also a complete abstract of the claims, giving schedules and amounts of all the property for the alleged loss of which indemnity is claimed, together with observations upon each claim which will aid the commissioners in appreciating the full extent of the fraud here attempted.

This book has been carefully prepared by a skillful hand, with a view to facilitate the investigation of these cases.

J. HUBLEY ASHTON,  
Counsel of the United States.

DEPOSITIONS TAKEN ON THE PART OF THE UNITED STATES.

*Deposition of James B. Ricketts, Major-General United States Army (retired).*

The deponent, being duly sworn, says: In the summer and fall of 1855 I was a captain of artillery in the Army of the United States, and was stationed at Fort Duncan, in Texas, situated on the east side of the Rio Grande, nearly opposite to the town or village of Piedras Negras, in Mexico. While stationed there I frequently visited Piedras Negras, and had a fair opportunity of acquiring some knowledge of the coun-

try in the neighborhood, and of the resources, business, and loss sustained from its invasion by a party of armed Texans in October, 1855. The town or village of Piedras Negras contained at that time not more than eight hundred persons, and was situated about one mile from Fort Duncan. They were very poor, being principally a fluctuating population of Mexican herders and carriers, with their families, who resided in huts built of adobe, covered with a coarse grass, with earthen floors. There were about one hundred of these huts, and probably ten others with gravel roofs. There was but one two-story brick house, the property of a man named Rich, which was not molested, and was the principal place of business. There was considerable transit trade in raw cotton and bonded goods from the United States; corn, hides, lead, wool, and brood mares to the United States, the freight mainly carried on ox-carts. The country was unproductive and without cultivation. The Texans remained about twenty-four hours, barricading the streets with ox-carts and setting fire to these grass-covered huts, which were easily consumed, with a number of ox-carts, besides destroying all they could belonging to the defenseless people, after which they recrossed to the Texas side of the river in a panic, using the flatboats and skiffs, and in such haste that their own horses were abandoned until they could subsequently return for them. I am of the opinion that no heavy articles were carried away, and it is impossible for me to state the value of any property stolen or destroyed, beyond the fact that the impoverished condition of the inhabitants, their insufficient clothing and scanty subsistence, prove the impossibility of their being pillaged to any large amount.

JAMES B. RICKETTS,  
*Major-General United States Army (retired).*

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*Deposition of Sidney Burbank, Brevet Brigadier-General United States Army (retired).*

The deponent, being duly sworn, deposes and says: I was a captain in the Army of the United States in October, 1855, and was stationed at Fort Duncan, Texas, and in command at that post. I had a fair opportunity of knowing something of the population and business of the people, and could very well judge of their wealth or poverty. Fort Duncan was established in the spring of 1849, at which time there were no inhabitants on either side of the river, up or down, for a great number of miles. The town of Piedras Negras, situated directly opposite Fort Duncan, was settled and grew up after the establishment of that post. The inhabitants were very poor, and lived mostly, if not entirely, from the small trade carried on with the troops stationed at Fort Duncan and the dependents thereon, and such employment as was given them from time to time by the government as guides, muleteers, and laborers. Occasionally there were Mexican troops stationed at Piedras Negras, but it was not a regular garrisoned place, and the inhabitants could receive but little support from this source. In October, 1855, I should judge the number of inhabitants to be about five hundred, men, women, and children. The houses, huts, or dwellings of the inhabitants were of the cheapest construction, built of adobes or upright poles and thatched with grass; in some cases the dwellings were caves or excavations in the banks of the river, and these dwellings were furnished in a manner equally plain and cheap. In my opinion, these houses or huts could not cost, on an average, more than \$50, and the furnishing could not exceed that amount. There were to the best of my knowledge and belief from eighty to one hundred of these huts or houses burned by the Texans on the 6th of October, 1855, and the entire and total damage caused by the conflagration would not exceed, in my estimation, \$10,000.

S. BURBANK,  
*Brevet Brigadier-General, United States Army.*

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*Deposition of Edmund W. Wallace.*

The deponent, being duly sworn, says: That he is an American citizen by birth, is forty years of age, and is residing at Georgetown, District of Columbia. That in 1850 he sojourned at Fort Duncan, where he was in business in connection with his brother, who was sutler to the post; that he remained so in business until 1853, when he was appointed deputy collector of customs at Eagle Pass, Tex., directly opposite Piedras Negras, by Mr. Guthrie, the Secretary of the United States Treasury. He remained such collector, discharging the duties of his office, until March, 1861. His business office was in Fort Duncan, contiguous to Eagle Pass. His business and residence afforded him fair opportunities of becoming very well acquainted with the town of Piedras Negras, he having almost daily intercourse with it, and becoming acquainted



with very many of the inhabitants, their occupations, and pursuits. He was in that town when it was burned by the troops under the command of Captains Callahan and Henry, who were said to be in the service of the State of Texas. He estimates the number of the inhabitants of Piedras Negras at the time of the burning, including men, women, and children, at about eight hundred souls, and they were generally very poor indeed. Some of them, perhaps a majority of the heads of families, were owners of small lots of cattle, which were allowed to graze during the day-time in the neighborhood, and which were brought up to the village at night for protection against the Indians. Some of them were owners of carts and ox-teams, and were engaged in freighting between San Antonio and Eagle Pass. Some of them were little shop-keepers, having a meager supply of miserable Malaga wine, mescal, cigarritos, and other little articles. Some few, also, had Mexican blankets for sale. There were four stores, and he can remember no more, which had a better supply of goods—one managed by Mr. Rich, one by Mr. Duelos, one by Mr. Oswald, and one by Mr. Stone. He thinks that the supply of goods which these four stores may have had on hand at the time of the burning could not have exceeded in value \$100,000 in the aggregate, and he does not know that the value was as great. The goods in the little shops and stores could not, in his opinion, have exceeded in value \$75,000. The retail trade of the town of Piedras Negras was mostly carried on across the river at Eagle Pass, the inhabitants buying there their coffee, sugar, calicoes and other dress-goods, and no considerable stock of goods was kept at Piedras Negras. The houses in Piedras Negras were mostly small, built of adobe, and thatched with a species of country grass or straw. The military barracks on the *plaza* were covered with a kind of concrete roof. There was one brick house in town, belonging to Mr. Rich. There were no frame or wooden houses in the town. The houses were generally without floors, and were worth, generally, on an average, about \$400 apiece. The deponent built an adobe house at Fort Duncan for his use, better than the average of houses in Piedras Negras, at a cost of \$500; the labor employed was Mexican. The furniture of the houses was meager in quantity and very primitive in character. He thinks, on an average, the furniture to each house was not worth over \$100, including the whole, beds, bedding, &c. Their little gardens about in the village produced very little; some little cultivation was carried on out of town in the neighborhood. The Mexicans are generally fond of jewelry, but the inhabitants of Piedras Negras were so poor that the quantity in that town was inconsiderable. It was very uncommon to find a watch among the inhabitants. The food of the inhabitants consisted of tortillas, jerked beef, and peppers. The corn they ground by hand-mills. Thirty bushels of corn on hand at the time of the burning is a reasonable estimate for each family, and, calculating about six persons in each family, there were about one hundred and thirty-three families. The price of corn was from \$1 to \$1.25 per bushel. There was a considerable number of ox-carts in the town, of very simple and primitive character, the wheel being generally composed of one piece. There were a few modern carts, with hubs, spokes, and iron tires. The deponent thinks it likely that a number, perhaps thirty or forty, of these were burned, as he saw them piled together in the form of a barricade. They were worth on an average about \$40 apiece. The Callahan troops did not carry off any carts, oxen, cows, or other animals, and he does not think any considerable number of these could have been lost by the occupation and burning of the town by Callahan. It is possible some few may have stamped and strayed off, but deponent thinks not many.

The deponent says that he was messing with the officers at Fort Duncan at the time the burning took place, and he knows that no officer or soldier of that post participated therein or sanctioned it in any manner. Himself and Dr. Wood were in Piedras Negras, from curiosity, in the afternoon of the day that the town was fired. As soon as they discovered that the town was being fired, they immediately crossed the river to the American side. The town of Piedras Negras was not compactly built, but scattered over an area of about a quarter of a mile square. The brick house referred to was not burned.

The deponent resided at Fort Duncan twelve years, and knew the people of Piedras Negras very well.

The deponent says he has no interest in any claim before the commission.

EDMUND W. WALLACE.

[Translation.]

STATE OF TEXAS, *Maverick County*, ss :

Deposition of Manuel Ban, of Eagle Pass, Texas, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico in the matter of various claims now pending before that said commission.

The said MANUEL BAN, being first duly sworn, deposes and says: I was born in the State of Arkansas, in the United States of the North; I am an American citizen,

and resident of Eagle Pass; thirty-nine years of age, and a carpenter by occupation. I am well acquainted with Piedras Negras since the year 1851. Since the 24th of June, 1855, I have lived in Eagle Pass, and during the time before and after the destruction of Piedras Negras by Texas volunteers, under the orders of Callahan and Henry, my business, as agent of one of the business houses of Eagle Pass, obliged me to go every day, and even five times a day, to Piedras Negras. I was acquainted with almost every house and cabin in Piedras Negras, and also the greater part of the inhabitants. At the time of the burning by the aforesaid Texans, it did not have more than three or four hundred houses. Juan José Patiño had a house about ten *varas* (yards) long and four and a half wide; José Ma. Flores had a house in dimensions a little more or less than that of Patiño; Doña Isabel Miñan also had a house, and, besides these three houses, it had houses which were the quarters of troops, and in one of these Captain Saiz, the husband of Doña Onofre Villareal, lived, and when the burning took place Captain Saiz was not in the town, and Doña Onofre Villareal alone in the house. Besides the houses mentioned, the dwellings consisted of huts, cabins, and straw-thatched huts, the number of which did not exceed one hundred and twenty-five; it only had three streets. The inhabitants in general were excessively poor, with the exception of eight or ten persons who had means of living. One of these was Jesus Maria de la Garza; he had a little shop, and, estimating in all conscience the goods, their value did not exceed \$3,000; and it was the only store which had supplies. The capital of the other rich people did not exceed from \$800 to \$1,000. Almost all these had a little bar-room, but they did not have supplies of the goods in which they traded, and they always crossed to Eagle Pass to buy their liquors by a gallon at a time. The majority of the other inhabitants were day-laborers, and who before were soldiers, and I did not know that they had any property besides their labor; some had a little horse, some cows with calves, or a little pig, or a cart to carry water. The dwellings were of a very inferior kind, and the construction of the greater part of them could not have exceeded \$100 in cost; they were of mesquite posts, and covered with hay or straw. The material for the construction of cabins was then very close to the town. The furniture of the house was little and of very slight cost; the richest, including their furniture and the ornaments of their houses, were not worth above \$400. The houses of Doña Isabel Miñan, of Doña Onofre Villareal, of Pedro Lechupia, husband of Doña Dolores Salinas, were the houses best furnished and adorned, but the value of the furniture and adornments could not have exceeded \$400. In each hut lived one family, but as every day new emigrants arrived, it might have been that in one or other hut families lived in a crowded state. The number of horses was not large, and the best was not worth above \$80, and the majority of them were worth from \$15 to \$20 each, because they belonged to poor men, who did not have the means to keep a good horse. I believe that all the inhabitants of Piedras Negras together did not lose more than twenty-five horses. I saw the Texans when they crossed from Texas to Mexico, and I saw them all well mounted, and I also saw them when they returned from Piedras Negras, and I believe that the Texans left as many of their own horses in Piedras Negras as they carried away from the inhabitants of Piedras Negras. Very few persons had cows, and a cow with calf was then worth \$10. I do not recollect to have seen many fat pigs; a fat pig was worth at that time as much as \$25, and I have never seen a fat pig which was worth more at any time before or after, nor have I known of a case where more than \$25 was asked for a pig. The persons who had jewelry were few, and all who had wore it, and they had time to hide it before the Texans commenced to rob and burn the houses. From the moment that the Texans crossed to the Mexican bank (side) the families in Piedras Negras began to go out, leaving everything of value, and this flight (emigration) lasted until the volunteers returned after four or five days, when they commenced to rob and burn the houses, and I believe that the inhabitants removed everything which they had of value out of the city, inasmuch as they had time sufficient to do it. The day before the burning of Piedras Negras I went into the majority of the houses, and for this (reason) I know very well what was their situation; I myself assisted families to cross to the American side. The inhabitants in general were very poor; the persons who had more than \$300 were very few and very famous. I was acquainted with Mariana Juana Hernandez; she had a few little bottles and some sweetmeats and a little soap; she was a working (laboring) woman, and had a little cabin, joined to a straw-thatched hut, worth \$100. The wines and other merchantable effects did not exceed \$70 in value.

I am acquainted with, and was acquainted with, Lorenzò Guevara; he was very poor; he had a cabin, half above and half under ground; he had nothing, and lived with his mother. I was acquainted with Juan José Patiño; he was poor, and he did not have more than one house, the same which he still has; and I only knew him as a day-laborer, and sometimes he was engaged in the courts and other employments; in the event of his owning carts and property he had them outside. I am acquainted with Santos Loy; he was a soldier, and very poor—a laborer who worked from day to day for a living. I am acquainted with Guadalupe Ramos; he was very poor, and burdened with a family; he lived in a straw-thatched cabin, where he had eight or ten bottles

of wine, and he gave balls to support himself in a very straitened way. I am acquainted with Francisco Gonzalez; he was a very poor day-laborer; he did not have property of any kind; he worked on the river to support himself. I am acquainted with Melchora Zimenez; she was very poor, and nothing but her labor with which to support herself; her son Francisco Quiritero lived with her, who was under age, and who had no property separated from his mother. I am acquainted with Geronimo Gonzalez; he was very poor; he had a few little carts, with which he supported himself. I am acquainted with Pablo Valadez; he was very poor; he labored with his sons covering cabins in order to support himself; there lived with him his sons, who were under age; Nicanor and Silverio, who did not have and do not yet have any property separate from their father. I am acquainted with Simon Ramirez; he was a very poor laborer. I am acquainted with Angel Yturriaga; he was an ex-soldier, very poor, and was a servant in the houses of different persons; he worked very little, because he was almost always drunk. I likewise am acquainted with Secundino Barbosa; he was a retired soldier, very poor, a little drunkard, and all his property was an ass. I am acquainted with Manuel Rodrigues; he had a little shop (cabaret), with a few little bottles, and by this he supported himself. I am acquainted with José Ma. Carbajal, who was in the same condition as Barbosa; he was an ex-soldier, and a drunkard. I am acquainted with Victor Gonzalez; he was a silversmith, but he did not have any independent place of business; he was very poor. I do not remember to have seen Gregorio Gonzales at that time, and I believe he was not in Piedras Negras. I was acquainted with Julian Rodriguez before and after the burning of Piedras Negras, but I never knew of his living in Piedras Negras before the year 1862. I am acquainted with Antonio Montez; he was very poor; he had a few little bottles and played the violin. I am acquainted with Jesus Losoya, but he did not live in Piedras Negras. I am acquainted with Juan N. Lopez; he had some cows, and sold milk; he was poor, and worked wherever they engaged him; in this way he was supported. I was acquainted with Mariano Aguirre for a long time, and at the time of the burning he was not more than thirteen years of age, and never had any property except the clothing which he wore. I am acquainted with Luis Muzquiz; he had nothing else in this world but the pen with which he wrote lies. I am acquainted with Cervero Barrara; he lived with his mother Doña Isabel Miñan; he had little cows, carts, horses, the property of his mother, under his management; she, moreover, had a little shop (cabaret), and was one of the richest. I am acquainted with Pedro Gonzalez; he had no more capital than his carts and little cows, with which he supported himself; he lived in a cabin, but this cabin was not burned, because I saw it afterward. I am acquainted with Juan Cáceres; he was very poor; he worked on halves in a boat (ferry) in order to maintain himself. I am acquainted with Anastasio Gonzalez; he was very poor, and a robber; I did not know that he had any other occupation except to rob, and by this means he supported himself. A few days before the fire he stole stock from the American camp. I am acquainted with Severo de la Luna; he was poor, a day-laborer. I am acquainted with José Ma. Rodriguez; he was very poor; I never knew that he had any property; he was a day-laborer, and a very good worker. I was acquainted with Domingo San Miguel; he had nothing more than the little ornaments of his house, which did not exceed \$400 in value. I am acquainted with Jesus Salinas; he lived in a sufficiently dilapidated cabin; he had nothing more than some carts which he had bought, and these carts were absent on a journey at the time of the fire. I am acquainted with Maria Delila Tauns, and her claim ought to be the same which Domingo San Miguel claims, with whom she lived at that time as wife. I am acquainted with Jesus Ma. Herrera; he was poor, working in a foundry. I am acquainted with Dyoniso Gonzalez; he is the father of Francisco Gonzalez; he was very poor, a day-laborer. I always knew José Jimenez was a very poor devil. I am acquainted with Adelaide Ban; she is my sister; she was a widow, engaged in washing and ironing, and made clothing in order to support herself, and her loss did not exceed \$200, and I am convinced that she never intended to claim a cent more than what she lost. I am acquainted with Miguel Patiño; he had carts with which he supported himself, and I think at the time of the fire he was on a journey with the carts. I am acquainted with Catarino Rios; he was poor, working for me as a wagoner on the very day of the fire, when he asked leave to cross to Piedras Negras to see his house. I am acquainted with Leonardo Rodriguez; he was very poor, and worked by the day in order to support himself. I am acquainted with Gabriel G. Cordero; he was a poor man, a card-player. I am acquainted with Julian Ortiz, who is now a guard; and if he is the same who presents a claim for losses caused by the burning of Piedras Negras, I say that he never lived in Piedras Negras at that time; he was a resident of San Juan de Allende. I am acquainted with Jacinto Rodrigues; he is a card-player by profession, and never had anything. I am acquainted with Vidala de la Cerda; he was poor; had fifteen or twenty bottles of wine, and made bread; with this he supported himself. I am acquainted with Eleno Rodriguez; he is the son of Ramon Rodriguez; he lived with his father, and did not have any property whatever separate from his father. I am acquainted with Manuel Perea; he was employed as clerk in the business of Jesus de

la Garza. If José Ma. Parez, who presents claims, is the one who was a guard, and lives to-day in the little town (the town of Fuentes), I say that he came a long time after the destruction to live in Piedras Negras; he was (then) a resident of San Juan Allende. I am acquainted with Maria Telesfora Sosa; she is the wife of Geronimo Gonzalez, and she could not have sustained losses apart from her husband. I am acquainted with Blas Palos; he was as poor as Lorenzo Guevarra, with whom he was brought up, in the same house, and he was not at that time above fifteen years of age. I believe that the values which claimants have put in their *expedientes* are ridiculously exaggerated, and I believe that everything that existed in Piedras Negras, together with all the land on which the town was built, could have been bought at that time for \$100,000.

MANUEL BAN.

(Here follows, in English, the certificate, under seal, of Albert Türpe, notary public of Maverick County, Texas.)

STATE OF TEXAS, *Maverick County*, ss:

Deposition of William Schuchardt, of Piedras Negras, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before the said commission.

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen of the United States, a resident of the Piedras Negras, forty years of age, and commercial agent of the United States at Piedras Negras, Mexico. I am well acquainted with Manuel Ban, of Eagle Pass, Tex., who has signed and sworn to a deposition taken before Albert Türpe, on the 6th day of March, 1871. The said Manuel Ban is entirely worthy of credit, and his statements are to be believed. His general reputation for truth and veracity is very good.

WILLIAM SCHUCHARDT.

(Translated by A. P. M., Washington, May 31, 1871.)

[Translation.]

STATE OF TEXAS, *Maverick County*:

Deposition of Gregorio Garza, of Piedras Negras, Mexico, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before the said commission.

The said GREGORIO GARZA, being first duly sworn, deposes and says: I am a citizen of Mexico and resident of Piedras Negras, in the district of Rio Grande, State of Coahuila, forty-six years of age, and a laborer by occupation. I know Antonio Montez, and Pedro Gonzalez, and Jesus Frias, and Nicanor Valadez; I do not know Maria N. de la Garza, and I do not recollect having known her at that time. I was a resident of Piedras Negras at the time that this town was destroyed by volunteers under the orders of Callahan and Henry, and I was at that time in the town. I know many of the residents who at that time lived in Piedras Negras, who have presented claims against the United States of the North for losses which they sustained by the destruction of the town of Piedras Negras at that time. At the time the *expedientes* of claimants were made up I was absent from Piedras Negras, and on my return my wife informed me that Luis Muzquiz had talked with her about making up an *expediente* touching the loss which I had suffered by the destruction of my property when the volunteers robbed and burned the houses; but Luis Muzquiz never spoke to me, nor any other one, about this matter concerning me, nor with reference to other claimants. I know Jesus Salinas and Maximo Garcia and Arcadio Ramirez, but I never presented them as witnesses in the matter of my claim, inasmuch as I myself did not know that they were claiming an amount so exaggerated for me. Jesus Salinas lives at Eagle Pass; Maximo Garcia lives, since four years, on a ranch in Texas, eleven leagues from Piedras Negras, and Arcadio Ramirez lives in the little town; and in order to present them as witnesses in my claim, I would have been under the necessity of going to seek them in those places; this I never did, because no one ever spoke to me about doing it. I know Antonio Montez, and Jesus Frias, and Nicanor Valdes; but at no time did I make a deposition with respect to their *expedientes* in their claims. I know also Pedro Gon-

zalez, but neither did I make a deposition about him or about the property which he lost. It surprises me to see my name as a witness in the matters touching the claims of these parties against the United States, inasmuch as I never made and never was called to give testimony respecting them. I do not know Maria N. de la Garza, and it is not possible that I could have made a deposition of who she was or what she had. I am completely ignorant of the persons who appear as witnesses in the *expediente* which was made up for me, and it is my opinion that in these transactions many rascalities have been committed. I never knew the amount which they claimed for me, inasmuch as I never had the intention of claiming one cent more than what I lost. It is, in my opinion, very wrong to use the names of persons as witnesses without their knowledge, and I believe what was done in my case was done in many others. I am informed that some persons, such as Eleno Rodriguez, Arcadio Ramirez, Miguel Villareal, and others also present claims, and at the same time their fathers claim very large sums. Eleno Rodriguez lived with his father, Ramon Rodriguez, and he was a boy—just as Arcadio Ramirez and Miguel Villareal were children—and did not have any separate property at that time. I know Rafael Flores; he was a soldier; had two cabins; I lived opposite to him in the one in which Ma. Ramona Muzquiz now lives; and Rafael Flores lived where I now live. As Rafael Flores was a soldier, he was out of the town when Piedras Negras was destroyed by the Texans. The wife of Rafael Flores was sick in bed at that time, and she was not able to move. I know very well that her cabin was not burned, and none of his property was taken, because he had nothing of value. In a few days the wife of Rafael Flores died, and then he sold me his property, which consisted of two cabins and a lot, the two cabins being the same which he had before the fire. After the wife of Rafael Flores died he withdrew from Piedras Negras, and never returned; and I wonder where Luis Muzquiz seized (found) him in order to make him a claimant.

his  
GREGORIO + GARZA.  
mark.

Witness: WM. SCHUCHARDT.

STATE OF TEXAS, *Maverick County*:

(Here follows in English, the certificate, under seal, of Albert Türpe, notary public, Maverick County, Texas.)

(Translated by A. P. M., Washington, May 19, 1871.)

[Translation.]

STATE OF TEXAS, *Maverick County*, ss:

Deposition of Adelaida Van, of Eagle Pass., Tex, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico in the matter of various claims now pending before the said commission.

The said ADELAIIDA VAN, being first duly sworn, deposes and says: I was born in the State of Georgia, in the United States of North America, and I am now a resident of Eagle Pass, Tex.; my occupation is that of seamstress, and I am forty-three years of age. I am well acquainted with Piedras Negras, and I was well acquainted with it before its destruction by fire by the Texans, who entered Piedras Negras, under the orders of Callahan and Henry, in the year 1855. At that time the town of Piedras Negras was recently settled, and its appearance was poor, and the inhabitants was likewise poor. The dwellings which it contained were cabins, badly dilapidated little houses (malanquitos), straw-thatched huts (chamacueros), and underground abodes (soterraneos). The furniture and adornments of the houses which the inhabitants had at that time were very few and of an inferior kind, and their cost very little. Some had a few pieces of jewelry, but in general there was not much jewelry among the people. The construction of a hut now costs from \$30 to \$40; but at that time it cost much less, the timber and grass being very near the town, while to-day it must be brought very much farther. There were few horses and cows in the town, neither were there many pigs. The price of a cow with a calf, of good quality, was at that time from \$12 to \$13, inasmuch as at this price I bought many for the officers of the American camp, who intrusted me with this commission. The very fattest pigs did not exceed \$25 in value, and pigs which were worth as much as this were very few. At no time was a pig of the best quality worth above \$25. I believe that few of the inhabitants had as much as \$300, because they were poor, and what they had was of little value; it contained many inhabitants who did not have a hundred dollars. I am acquainted with Pablo Valades; he had cabins and carts and oxen, and was engaged, together with his sons, in making cabins; and he was poor. I am acquainted with

José Ma. Carbajal; he was a servant of Captain Saiz; and I did not know he had any property. I am acquainted with Victor Gonzalez; he is a silversmith, and did not have anything. I am acquainted with Juana Longoria; she was poor; she had a cabin. I am acquainted with Dolores Salinas; she had good household furniture, but with the exception of these she was very poor. I did not know that Julian Rodriguez had any property whatever. I am acquainted with Antonio Mantez; he was a music-teacher, and supported himself by his occupation; he was poor. I am acquainted with Mariano Aguierre, but he did not have anything. I am acquainted with Jesus Almendares; he was poor; he did not have anything. I am acquainted with Juan Caceres; he was very young and a boatman; he was very poor. I am acquainted with Anastasio Gonzalez; he was poor; he had four children, and never had anything to give them to eat. I am acquainted with José Ma. Rodriguez; he was a servant and had nothing. I am acquainted with Domingo San Miguel; he was a servant, and he had no property but his house and arms. I am acquainted with Cecilio Vara; he was a poor workman; he made cabins. I am acquainted with Casper Salazar; he was my neighbor; he lived in a hut; he was poor. I am acquainted with Vicente de los Santos; he was a soldier; I did not know that he had any property except his horse and arms. I am acquainted with Dionicio Gonzalez; he lived with his father, and was poor. José Jimenez was a boatman and did not have anything. I am acquainted with Rafael Zepeda; he was very poor; the little that he possessed he had lost in a fire before the place was burned by the Texans. I am acquainted with Isabel Galindo; she was a widow, and very poor. I am acquainted with Jesus Pineda, bricklayer; he had cabins, and worked at his trade, and by it made his living. I am acquainted with Leonardo Rodriguez; he was very poor. I am acquainted with Gabriel G. Cordero; he was very poor. I am acquainted with Maria del Pilar Galindo; she was a single woman, who had no house, and was very poor. I am acquainted with Jesus Frias; he was a soldier; I did not know that he had any property at all. I am acquainted with Jacinto Rodriguez, gambler; he did not have anything in Piedras Negras; he came and went. I am acquainted with Maria Ygnacia Mesa; she was a poor woman. I am acquainted with Eleno Rodriguez; he was the son of Ramon Rodriguez, and was very small at that time, and did not have any property. I am acquainted with Manuel Perea; he was a clerk of Jesus de la Garza; he lived with his father, Ignacio Perea, and Manuel did not have any property separate from him. I am acquainted with Maria Refugio Garcia, but she did not live in Piedras Negras at that time. I am acquainted with Guadalupe Perez; he had a hut and was poor. I am acquainted with Blas Palos; he was a little fellow and had nothing. I am also a claimant for losses which I suffered by the robbery and fire of the Texans, and my losses altogether cannot exceed the value of \$400; and this sum will pay for the losses which I sustained. I have not made a deposition nor have I subscribed a document with respect to a claim before the judge of Piedras Negras, nor before any other authority. They informed me that I ought to present a claim for the losses which I suffered by the burning of Piedras Negras by the Texans, because the Government of the United States was going to pay us for what we lost; and in a short time Mr. William Stone sent for me. When I went to see him he told me that the government was going to pay, and that I would lose nothing by making the attempt. I was telling him all that I had lost, but it appeared to him very little, and he wished to make it more, but to this I did not agree. He told me it was necessary to place it at a high figure in order that they should give us some, and in order that there would result some to pay him for his labor, and we would divide (or go halves), he and I. He wrote a document, but did not read it to me; he told me it was the value of what I had lost, and then I took the pen with which he subscribed the document, believing that he had put down what I had indicated. This document is the only paper which I have signed concerning my claim, and no authority or notary public was present. I appointed William Stone my attorney to receive any money whatever, and to take the steps desirable for the success of my claim. I did not subscribe this power. When he made up the document of my claim he told me I must return to sign it, but he never sent for me; I believe that he saw that the business did not please me. It seems to me that all the claims are ridiculously exaggerated.

her  
ADELAIDA + VAN.  
mark.

(Here follows, in English, the certificate, under seal, of the notary public, Albert Türpe, of Maverick County, Texas.)

STATE OF TEXAS, *Maverick County*, ss :

Deposition of William Schuchardt, of Piedras Negras, Mexico, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico in the matter of various claims now pending before the said commission.

WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen of the United States of America; a resident of Piedras Negras, Mexico; forty years of

age, and United States commercial agent at Piedras Negras, Mexico. I am acquainted with Adelaida Van, of Eagle Pass, Tex., who has signed and sworn to a deposition taken before Albert Türpe, on the 26th day of April, 1871. I always knew the said Adelaida Van to be an honest and true woman, and entirely worthy of credit, and her statements are to be believed. Her general reputation for truth and veracity is good.

WM. SCHUCHARDT.

<sup>4</sup> (Here follows, in English, the certificate, under seal of Albert Türpe, notary public of Maverick County, Texas.)

(Translated by A. P. M., Washington, May 24, 1871.)

[Translation.]

STATE OF TEXAS, *Maverick County*, ss :

Deposition of Pedro Salazar, of Piedras Negras, state of Coahuila, Republic of Mexico, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico in the matter of various claims now pending before said commission.

The said PEDRO SALAZAR, being first duly sworn, deposes and says: I am a citizen of Mexico, and resident of Piedras Negras, thirty-two years of age, a boatman by occupation. I was born in San Fernando de Rosas, in the district of Rio Grande, State of Coahuila, Republic of Mexico, and I was a resident of Piedras Negras, some time before its destruction by Texas volunteers, under the orders of Callahan and Henry, which destruction, as I recollect, took place in the year 1855. I was well acquainted with the town of Piedras Negras before it was destroyed and afterward. The number of (stone) houses did not exceed six; the other dwellings were huts, cabins, and cellars. I was then living in an underground hut (*soterraneos*) covered with earth, and I had established in it a hat manufactory; I lost by the destruction (of the town) everything that I had in my house. I had about five dozen hats finished and for sale, and about four dozen unfinished; at that time I sold a hat for \$4; I also lost all the furniture and other things in my house. When I knew that claims were presented against the Government of the United States for the losses which we had suffered by the destruction of the town of Piedras Negras, I presented myself, as one who had also lost, to Luis Muzquiz, in order that he might present my claim for me, but as I never gave him a list of what I had lost, nor have told him of it, I do not know whether or not he has done it, but Abram Jimenes, secretary of Luis Muzquiz, handed me a paper to sign, telling me that it was the *expediente* of my claim; but I did not read said paper, neither did they read it to me, nor do I know what it contained. At the same [time] that I subscribed the paper Zernardo Valdez, a friend of mine, subscribed another paper similar to it, and Abram Jimenes, the secretary of Luis Muzquiz, said to Bernardo Valdez that it was the *expediente* of his claim. I do not know what was exactly the number of cabins which it contained when the town was destroyed, but I know that they were not all burned. At that time the price of a breeding-cow was \$12 and the price of the best cow did not exceed \$15. A fat hog sold at that time for \$25 and \$30.

PEDRO SALAZAR.

(Here follows, in English, the certificate, under seal, of Albert Türpe, notary public of Maverick County, Texas, under date of 4th March, 1871.)

(Translated by A. P. M., May 20, 1871.)

STATE OF TEXAS, *Maverick County*, ss :

Deposition of William Schuchardt, of Piedras Negras, Mexico, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico in the matter of various claims now pending before the said commission.

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen of the United States, a resident of Piedras Negras, forty years of age, and a commercial agent of the United States at Piedras Negras. I am well acquainted with Pedro Salazar, of Piedras Negras, who signed and swore to a deposition taken before Albert Türpe on the 4th day of March, 1871. The said Pedro Salazar is entirely worthy of credit, and his statements are to be believed. His general reputation for truth and veracity is good.

WM. SCHUCHARDT.

(Here follows, in English, the certificate, under seal, of the notary public of Maverick County, Texas, under date of 21st April, 1871.)

[Translation.]

STATE OF TEXAS, *Maverick County*, ss :

Deposition of Jesus Loy, of Piedras Negras, Mexico, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico in the matter of various claims now pending before said commission.

The said JESUS LOY, being first duly sworn, deposes and says: My name is Jesus Loy; many persons call me Jesus Loya. I was born in the town of Guadalupe, near Monterey, in the State of New Leon. I am a Mexican citizen, and resident of Piedras Negras, in the district of Rio Grande, in the State of Coahuila, Republic of Mexico. I am a boatman by occupation, and twenty-nine years of age. My father was a soldier, and his name was Santos Loy, and he was in Piedras Negras when this town was destroyed by the Texas volunteers in 1855; but I arrived at Piedras Negras about three years after it was destroyed, and I do not know anything about what happened before my arrival in said town. I knew that Luis Muzquiz and Mr. Coopwood were engaged in preparing claims for the residents who had lost by the destruction of their property when the Texas volunteers robbed and burned Piedras Negras; but they never spoke to me on this subject, neither did they call me to make a deposition concerning the losses which had been suffered by me or others; and if certain (any) persons present me as a witness in their *expedientes* they have acted in bad faith, and they have used my name with fraud, since I never made a deposition, because I did not know anything, and neither did they call me to do it, and I wonder how I can appear in the list of witnesses without having been one. I do not know Guadalupe Salinas and Francisco Hernandez and Maria Dolores Hernandez. I know José Ma. Carbajal, but I never made a deposition concerning his claim. I knew from hearsay that he had suffered (loss) in the destruction referred to. I know Nonato Patiño, but I do not know whether or not he lost in the destruction of the town, and I never made a deposition concerning him, nor was I called to do so.

JESUS LOY.

(Here follows, in English, the certificate, under seal, of the notary public of Maverick County, Texas, under date of March 10, 1871.)

(Translated by A. P. M., Washington, May 17, 1871.)

STATE OF TEXAS, *Maverick County*, ss :

Deposition of William Schuchardt, commercial agent of the United States at Piedras Negras, Mexico, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before the said commission.

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen of the United States, a resident of Piedras Negras, forty years of age, and commercial agent of the United States at Piedras Negras. I am well acquainted with Jesus Loy, of Piedras Negras, who has signed and sworn to a deposition taken before Albert Türpe on the 10th day of March, 1871. The said Jesus Loy is entirely worthy of credit, and his statements are to be believed. His general reputation for truth and veracity is a good one.

WM. SCHUCHARDT.

(Here follows, in English, the certificate, under seal, of Albert Türpe, notary public of Maverick County, Texas, under date of April 21, 1871.)

[Translation.]

STATE OF TEXAS, *Maverick County*, ss :

Deposition of Rafael Salinas, of Presidio de Rio Grande, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before the said commission.

The said RAFAEL SALINAS, being first duly sworn, deposes and says: I was born in the Presidio de Rio Grande; I am a citizen of Mexico, and a resident of the Presidio de Rio Grande, district of Rio Grande; my occupation is that of an ordinary mail-carrier, and my age is fifty-five. I am acquainted with the town of Piedras Negras, and I knew it before its destruction by Texas volunteers in the year 1855. At that time Piedras Negras was a very little town. The number of stone houses did not exceed six, the



other dwellings were huts, cabins, and mud and straw-thatched ranches (*chamacueros*). I cannot estimate how many of the inferior class of dwellings it then had. I was acquainted with those residents of Piedras Negras who had come from my country to this town. I was acquainted with Octaviano Cervera; he is the son of Miguel Cervera; they were poor; they had some few cows and one or more beasts (horses). I am acquainted with Antonio Flores Salinas; he was one of the most substantial. I was acquainted with Geronimo Gonzales; he lived in one of the two straw-thatched huts or ranches (*chamacueros*); he had corralls, but I do not know whether or not it was burned; he also had carts and oxen and cows; but I did not know whether he had any capital. I was acquainted with Maria Telesfora Sosa; she was the wife of Geronimo Gonzales, and they lived together in the same house, which was well furnished and decorated, but in the usual manner. I was acquainted with Juan N. Lopez; he was poor, and had a cabin, a little ranch (*chamacuero*), and cows. I was acquainted with Nazario Moya; he was poor; he lived at the expense of a sister; he had a little cart and three yoke of oxen, and I did not know that he had a house of his own.

RAFAEL SALINAS.

(Here follows, in English, the certificate, under seal, of Albert Türpe, notary public of Maverick County, Texas, under the date of March 11, 1871.)

(Translated by A. P. M., Washington, May 20, 1871.)

STATE OF TEXAS, *Maverick County, ss* :

Deposition of William Schuchardt, of Piedras Negras, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before said commission.

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen of the United States, a resident of Piedras Negras, forty years of age, and commercial agent of the United States at Piedras Negras. I am well acquainted with Rafael Salinas, of Presidio de Rio Grande, who has signed and sworn to a deposition taken before Albert Türpe on the 11th day of March, 1871. The said Rafael Salinas is entirely worthy of credit, and his statements are to be believed. His general reputation for truth and veracity is excellent.

WM. SCHUCHARDT.

(Here follows, in English, the certificate, under seal, of Albert Türpe, notary public of Maverick County, Texas, under date of April 21, 1871.)

[Translation.]

I, José Luciano de la Garza, lieutenant-colonel of cavalry of the national guard of the State of Coahuila, of Zaragoza, Mexico, employed by the federal government of the Republic of Mexico as inspector of the post-office of this city, certify, by the power which the laws confer upon me to issue certificates, that I am certain (of the following things to be true), of my own knowledge, because since the year 1835 I have been engaged in public affairs under the oath which I have taken, that in the year 1855, the time in which an armed force of Texan volunteers, under the command of Callahan and Henry, burned the town of Piedras Negras, that (town) was in a state of poverty, and the inhabitants were poor; and this was a notorious fact by public fame and report; and moreover my oath and my knowledge compel me to say that I knew the inhabitants who migrated before the fire to the said town of Piedras Negras, and that they lived in this city some, perhaps as many as eight, who carried a small amount of stock with them. I also certify that, when the Texan volunteers burned Piedras Negras, that town was composed of plain huts, built of grass and supported by rough posts with the bark on, and that the value of each one was \$30, because that is what it cost to build a hut. All the dwelling were huts, except four or six houses which were constructed of earth.

In testimony of which I witness the present at the request of William Schuchardt, vice-consul. I do not use a seal to subscribe, because the law does not permit me to use one.

JOSÉ LUCIANO DE LA GARZA.

ZARAGOZA, April 17, 1871.

(Translated by A. P. M., Washington, June 10, 1871.)

STATE OF TEXAS, *Maverick County, ss* :

Deposition of William Schuchardt, of Piedras Negras, taken on behalf of the United States, and intended to be used before the joint commission between the United States and Mexico, in the matter of various claims now pending before the said commission.

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen of the United States, a resident in Piedras Negras, forty years of age, and com-

mercial agent of the United States at Piedras Negras. I am well acquainted with José Luciano de la Garza, of Zaragoza, who signed a hereon-annexed certificate on the 17th day of April, 1871. The said José Luciano de la Garza is entirely worthy of credit, and his statements are to be believed. His general reputation for truth and veracity is very good. The signature on the said annexed certificate is his true and genuine signature.

WM. SCHUCHARDT.

(Here follows the signature, under seal, of Albert Türpe, the notary public of Maverick County, Texas.)

[Translation.]

STATE OF COAHUILA DE ZARAGOZA, MEXICO,  
District of Rio Grande :

*Proceedings had at the request of William Schuchardt, the vice-consul of the United States at Piedras Negras.*

To the acting judge of the first instance of the district of Rio Grande, belonging to the State of Coahuila, Mexico :

José Luciano de la Garza, resident of the city of Zaragoza, and agent (special and solely for this business) for William Schuchardt, vice-consul of the United States in Piedras Negras, come before you and respectfully state: That desiring a complete investigation may be made, in order to enable the United States to indemnify the inhabitants who were domiciled in Piedras Negras, and who suffered losses in the year 1855, in the burning of the place by an armed force of Texan volunteers, under the orders of Callahan and Henry, and to bring to light what I desire as agent of the vice-consul, I request you, as is my right, to make appear in the court over which you preside the citizens whom I offer to present, being residents of this town, and of lawful age, who may testify under oath concerning the points of the following interrogatories :

1st. Let them state their name, age, condition, occupation, residence, &c.

2d. Let them say whether they were well acquainted with Piedras Negras at the time of its destruction by fire by Texan volunteers under the command of Callahan and Henry, and what was the wealth or poverty at that time of the inhabitants of the town of Piedras Negras.

3d. Whether they knew anything about the residents who emigrated from this city to the mentioned town of Piedras Negras, what was their comfort (condition) then, and what was it when they suffered from the fire.

4th. And finally let them testify about whatever they may know, and about whatever may have reference to the true proof of what they suffered at the fire, the witnesses stating whether they are connected with the claims before the mixed commission between the United States and Mexico.

For the reason before stated, I beg you that when the proceedings are concluded you will please return the originals for the purpose required by my principal.

JOSÉ LUCIANO DE LA GARZA.

ZARAGOZA, April 14, 1871.

Received on the 14th of April, 1871.

ZARAGOZA, April 15, 1871.

As asked, and for the purposes indicated by petitioner, let him be notified to present the witnesses which he offers in the foregoing interrogatory. Ignacio Fuentes, judge of the first local of this city, and acting judge of first instance of the district of Rio Grande, have so ordered and subscribed in this decree, with assistant witnesses. In witness :

JOSÉ MARIA VALDES.  
RAFAEL ZAMOZA.

IGNACIO FUENTES.

Immediately José Luciano de la Garza appeared, and, having been informed of the foregoing decree, said that he hears it, and will comply by presenting the witnesses which he offers in his memorial, and which appears he subscribed with me and assistant witnesses. In witness :

JOSÉ MARIA VALDES.  
RAFAEL ZAMOZA.

Y. FUENTES.

In the aforesaid city, on the 17th day of April, 1871, came the first witness, Jesus Zamoza, (who,) having been duly sworn to tell the truth about what he might know

and be questioned, said that he is called as stated; is more than 40 years of age, a widower, resident of this place, and by occupation a farmer; and having been shown the interrogatories at the beginning of this proceeding, and being well informed of them—

To the second question he said that he was well acquainted with the town of Piedras Negras at the time of its destruction by fire by Texas volunteers, under the command of Callahan and Henry, and that, as to the wealth of the town, it was, in fact, at that time, one of poverty, because there was not a person who had any capital; that the houses in which the inhabitants lived were huts made of grass, supported by rough posts with the bark on, with the exception of some houses of earth, among them the maritime custom-house.

To the third question (he replied) that he was well acquainted with the residents who emigrated from this city before the fire to the before-mentioned town of Piedras Negras, and that their condition was one of poverty, and this same (condition of) poverty continued when the fire (occurred); that some of the emigrants carried a moderate number of cattle and oxen with them; that he does not remember whether all did so, but that he knows, or has in his mind some, such as Severo de Luna, Martina Lopez, Antonio Montes, Luis Muzquiz, Filipe de la Garza, Pedro Gonzales, Dionicio Gonzales, Francisco Gonzales, Juana Hernandez (widower), Melchora Zimenes (widower), Antonio Ramirez, Arcadio Ramirez, Ramon Rodriguez, Catarino Rivo, Miguel Villareal Herrero, Rosa de la Garza (widow); and he explained that if some were omitted they are few.

To the fourth question he explained that as so many years had passed he does not remember other details; and testifies that he is not comprehended in the claim before the mixed commission between the United States and Mexico; that this is true, under the oath which he declared he had taken, and (he) subscribed with me and the assistant witnesses. In witness:

JESUS ZAMOZA.  
Y. FUENTES.

JOSÉ MARIA VALDES.  
RAFAEL ZAMOZA.

Without any interruption, the second witness, Thomas Martines and Zulaica, appeared, (who,) having been duly sworn to speak the truth about what he might know and be questioned about, said: That he is named as stated, is more than fifty years of age, a bachelor, a resident of this place, and by occupation a mechanic; and, having been shown the interrogatories at the beginning of this proceeding, and having been well informed of them—

To the first question he said that the general prohibitions of the law, which were explained to him, do not include deponent.

To the second question he replied that he was well acquainted with the town of Piedras Negras at the time of its destruction by fire by Texas volunteers, under the command of Callahan and Henry; and that the condition of that town, and in that time, was one of poverty, because the inhabitants, as well as the town, were recently settled.

To the third question he said that he also was well acquainted with residents who emigrated from this city to the before-mentioned town of Piedras Negras before the fire, and that their condition was not one of wealth, but of poverty, which continued even to the time of the fire; that he is satisfied that some of the residents who emigrated, such as Marcelino Lopez, Antonio Ramirez, Ramon Rodriguez, Guadalupe Peres, Guadalupe Ramos, Gaspar Zalasar, carried to their new home a moderate number of cows and oxen, as did also José Ma. and Pedro Gonzales, and Dionicio Gonzales, who brought some little sheep with them; and Juana Hernandez (widow), Rosa de la Garza (widow), Melchora Zimenes (widow), Luis Muzquiz, Francisco Gonzales, Severo de Luna, also carried cattle with them; that although he is aware that some (who took stock with them) are omitted, these are very few as he recollects.

To the fourth question he said that as so many years have passed since the fire occurred, he does not remember other details, and that he is not interested in the claim before the mixed commission between the United States and Mexico; that this is the truth under the oath which he says he has taken; and he subscribed with me and assistant witnesses.

YGN. FUENTES.  
THOMAS MARTINES AND ZULAICA.

R. ZAMURAH.  
A. J. MA. VALDES.

Then the third witness, José Maria Camanca, appeared, (who,) having been duly sworn to tell the truth about what he might know and be questioned, said that he is named as stated, is more than thirty years of age, resident of this place, by occupation an artisan; and having been shown the interrogatories at the beginning of these proceedings, and having been well informed of them—

To the first question he said that the prohibitions of the law, which have been explained to him, do not comprehend deponent.

To the second question he replied that he was well acquainted with the town of Piedras Negras at the time of its destruction by fire by Texas volunteers under the command of Callahan and Henry, and that the condition of wealth at that time of said town was a condition of poverty, because there was no person who had any capital whatever, owing to the circumstances of the time.

To the third question he said that he was well acquainted with some of the residents who emigrated, before its destruction by fire, from this city to the before-mentioned Piedras Negras, and that their condition was one of poverty; and that some of them who migrated carried with them an ordinary number of cattle and oxen; that he does not remember whether all of them did, but he recollects that some of them did; for instance the following: Marcelino Lopez, Antonio Montes, Luis Muzquiz, Pedro Gonzales, Antonio Ramirez, Ramon Rodriguez, Gaspar Zalasar, Guadalupe Pera, Guadalupe Ramos, but he did not remember any more.

To the fourth question he explains that as so many years have passed he does not recollect anything else, and he declares that he is not connected with the claim (before the commission) between the United States and Mexico; that this is true under the oath which he said he had taken; and he subscribed with me and assistant witnesses.

Y. FUENTES.

J. MA. CAMANCA.

JOSÉ MARIA VALDES.  
A. RAFAEL ZAMORA.

The fourth witness, Rafael Tijerina, appeared, (who,) having been duly sworn to tell the truth about what he might know and be questioned about, said that he is called as stated, is more than fifty years of age, is married, resident of this place, by occupation an artisan; and having been shown the interrogatories which are at the head of these proceedings, and having been well informed of them—

To the first question he said that the prohibitions of the law, which have been explained to him, do not comprehend deponent.

To the second question he answered that he was well acquainted with the town of Piedras Negras at the time of its destruction by Texas volunteers under the command of Callahan and Henry, and that the condition at that time of said town was one of poverty, for the reason that its inhabitants, as well as the town, were recently settled.

To the third question he said that he was also well acquainted with the residents who emigrated from this city to the said Piedras Negras before its destruction by fire, and that their condition was not one of wealth, but of poverty, and this continued even to the time of the fire; that he is satisfied that some of the residents who migrated, such as Marcelino Lopez, Antonio Ramirez, Ramon Rodriguez, Guadalupe Peres, Guadalupe Ramos, Gaspar Zalasar, carried to their new home an ordinary number of cows and oxen (as did also José Ma. and Pedro Gonzales, and Dionicio Gonzales some few little sheep), and the following persons also carried cattle with them, viz: Juan Hernandez (widow), Rosa de la Garza (widow), Melchora Zimenes (widow), Luis Muzquiz, Francisco Gonzales, Severo de Luna; that, although he knows he has omitted some, they are very few, as he remembers.

To the fourth question he explained that as so many years have passed since the fire occurred, he does not recollect other details; and that he is not interested in the claim before the mixed commission between the United States and Mexico; that this is the truth under the oath which he said he had taken; and he subscribed with me and the assistant witnesses. In witness:

Y. FUENTES.

RAFAEL TIJERINA.

JOSÉ MARIA VALDES.  
A. RAFAEL ZAMORA.

I, Ygnacio Fuentes, acting judge of first instance of the district of Rio Grande, belonging to Coahuila, Zaragoza, Mexico, certify that the foregoing witnesses who have testified are of age, residents of this city, and that what they have deposed is to the best of their knowledge and belief; as also that they testify that they are not included, nor have they any interest in any claim pending before the mixed commission between the United States and Mexico; or, better said, that they have no claim before the cabinets to which they refer, for the reason that said witnesses so depose.

And in testimony I subscribe with the seal of my office, in the said city of Zaragoza, Coahuila, chief city of the district of Rio Grande, and in the state of Coahuila, of Zaragoza, on the 16th day of April, in the year 1871, with assistant witnesses. In witness:

Y. FUENTES.

JOSÉ MARIA VALDES.  
A. RAFAEL ZAMORA.

Let the originals of the present proceedings be delivered, as requested, and upon five written sheets.

Put the seal of my office.

Fees of the court, according to the tariff, \$7.50; and of the certificate, \$1.25.

(Translated by A. P. M., Washington, June 10, 1871.)

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*Deposition of Amos O. Strickland.*

The said AMOS O. STRICKLAND, being first duly sworn, deposes and says: I am a citizen of the United States, native of Bradford County, Pennsylvania, and for the last eighteen years a resident of Texas. I now reside in Kinney County, near Fort Clark, nine miles from there. I have a stock-ranch there and farm. I know and am well known to the officers of the garrison at Fort Clark. I know Pedro Tauns, who is one of the claimants for the destruction of Piedras Negras. He now resides in Kinney County. He is a native of Texas; he is a mulatto, and was a servant of the late General Sam Houston. He resided some time in Mexico, but claims now to be a United States citizen, and told me at the last election how he was going to vote in Kinney County. He told me also that he was one of the claimants for the destruction of Piedras Negras, and had made claim therefor against the Government of the United States. I asked him the amount he claimed, and he answered, "O, I am ashamed to tell you; it is so big!" He then said he was one of the first settlers of the town of Piedras Negras, which was settled when the post of Fort Duncan was established, or soon after. He has never been worth over \$100 at any time, at least since I have known him, and that is eight years. Tauns is well known to the United States officers at Fort Clark; to Major Bacon (who was on General Sheridan's staff), of the Ninth United States Cavalry (colored). Tauns has been working lately as a mason, in the employ of the government, at Fort Clark, and for the last year or so has been burning lime, or has been employed in small jobs about the post; he is also a fiddler, and plays at fandangoes, and for the officers when they make a party there. I am well acquainted with Piedras Negras; that is, since it was burned. I know a great many of the inhabitants of the village; they are generally poor, and always have been; their houses are chiefly *jacales*, or Mexican huts; those of the common kind would cost to construct from \$10 to \$100, according to its size and finish; the furniture they have, where they have any, is of a very poor description; many are without a chair, bedstead, or even a table, in fact, the greater part of them; many of their houses consisted of holes or cellars dug right in the bank of the river and covered with thatch, without door, window, or sides. The inhabitants were chiefly cartmen or laborers, and very few of them had any property whatever. From all that I know of Piedras Negras, and all I have heard from its inhabitants, who are now claimants, and from others, I should say that in the attack upon the place, in 1855, it is impossible that more than \$50,000 worth of property could have been destroyed or taken; in fact, I believe far less than that, but not over that sum, because no such amount of property existed there. It was a new settlement, inhabited by the poorest class of laborers, with some very few exceptions, and had not, like the older settlements farther back from the river, farmers and men of some property residing there.

A. O. STRICKLAND.

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*Deposition of Edward T. Moore.*

The said EDWARD T. MOORE, being first duly sworn, deposes and says: I was born in Pittstown, Rensselaer County, State of New York. I am now a resident of San Antonio, Bexar County, State of Texas, and am by occupation a stock-raiser. I am a citizen of the United States. I am fifty years of age. I was in Piedras Negras, Mexico, and in Eagle Pass, Tex., from the year 1849 to 1856. During this period I was a permanent resident of Eagle Pass. In the years 1849 and 1850 I was employed by the United States officers to repair buildings and to erect what is now known as Fort Duncan. During the balance of said period I was employed as a ferryman between said towns. I know the town of Piedras Negras perfectly well, having built the first house ever erected in the town. I was, during the period hereinbefore mentioned, constantly in said Piedras Negras, and was well acquainted with every person occupying each town. I was at Piedras Negras when the raid of Callahan and Henry occurred, in October, 1855; the circumstances of said raid were as follows, viz: About the middle of the day on which said raid occurred, about ten men on horseback, belonging to the command of said Callahan and Henry, made a charge through Eagle Pass and seized my ferry-boats on the river Rio Grande; shortly after about one hundred men of said

command followed, took possession of said ferry-boats, and immediately crossed to Piedras Negras, of which place they took control. About sundown of the same day they crossed the river they passed through said town of Piedras Negras, and camped three miles beyond that place, on the road to San Fernando, without committing any depredation whatever. On the second day after crossing to Piedras Negras said command of Callahan and Henry returned to said town, and remained therein two days and a part of one night, during which time not more than forty small *jaca* houses, the value of which was not more than \$40 each, were burned, and some property taken from the inhabitants, in value about, \$5,000. Some other property, not enumerated above, amounting to about \$1,000, was taken for the purpose of constructing breastworks as protection against the Mexicans and Indians who assembled in force, which said property was burned. I believe that \$10,000 would amply compensate the inhabitants of said Piedras Negras for all damage and loss sustained by them on the occasion of said raid, they being very poor. There was only one person in said town who was worth \$3,000; the average value of the property owned by each family was \$200. I do not believe that it was possible that \$50,000 worth of property could have been destroyed on said occasion. The command of Callahan and Henry committed no depredations and fired no buildings until the Indians and Mexicans assembled around Piedras Negras, closed around them, and commenced an attack upon them, at which time four 32-pound guns were run out and bearing upon Piedras Negras, by authority of the officer in command of Fort Duncan, Major Burbank, to protect the return of Callahan and Henry's command to Eagle Pass.

EDWARD T. MOORE.

*Deposition of George W. Brackenridge.*

GEORGE W. BRACKENRIDGE, being first duly sworn, deposes and says: I am at this time a citizen and resident of this place, San Antonio, and am president of the San Antonio National Bank, and am thirty-nine years of age; have resided in San Antonio since 1866. In the year 1855 I resided at Seguin, in Guadalupe County, in this State. In October, 1855, as soon as the news of the affair at Piedras Negras reached Seguin, where it was stated that the Mexicans were coming across into Texas in retaliation of the attack made upon Piedras Negras, I started, in company with others, for Eagle Pass, or the frontier, to defend the expected attack. Our company halted on the Sabinal, and I, along with one or two others of them, proceeded to Fort Duncan to inquire into the particulars of the affair. We arrived there some days after the occurrence, and while all the marks of what had taken place were still visible and fresh. I crossed the river into Piedras Negras, accompanied by some others, and for the purpose of ascertaining what had really taken place, and the extent of the damage done. We found that about two-thirds of the huts or *jacales*, in which the inhabitants had resided, had been burned. My information was obtained from the Mexican men and women, inhabitants of the town, and whose property had been destroyed; and my sympathies were very much enlisted in their favor, because I saw they had been deprived of their homes and property by what I thought an outrage and very unwarrantable act. I made an estimate of the injury that had been caused, and the losses then occasioned there, from the testimony I could obtain from the injured parties on the spot, and within a few days after the act, and I came to the conclusion, as I recollect, that \$50,000 would cover it all. The inhabitants were all poor, principally engaged in carting or stock-driving, and perhaps in smuggling in a small way. They were chiefly laborers, and very many would hire out at \$6 or \$7 a month. I thought that they had lost what little property they had, which, though small in amount, was everything to them, and was entirely changed in the opinion I had formed before arrival, for I had supposed that they were coming over in force to revenge the robbery. I thought the affair a very shameful one on the part of our people, and that a compensation was justly due these poor people. With that view it was that we estimated the damage, which, after inquiry, we put down at the sum I have named. I remained there two weeks engaged in the inquiry, and daily learning some further particulars of the affair. I do not know or now recollect the particular losses of individuals, or the details of each case; but the sum I have named is the total amount of the damage, so far as we could ascertain it. The population were generally of a low and vicious class, and I remember it was said of many individuals pointed out to us that they "could not drink water on the other side," meaning that they could not cross over to the American side for fear of arrest or punishment for some crime or offense, in consequence of which they had sought asylum on the Mexican side of the river. The respectable portion of the inhabitants were also poor, and there was no furniture of any value in any house I saw in the town. After remaining there some two weeks we returned to Seguin. I have not since visited the place.

GEO. W. BRACKENRIDGE.

*Deposition of Lorenzo Castro.*

The said LORENZO CASTRO, being first duly sworn, deposes and says: I am a citizen of the United States, born in London, England; and coming to the then republic of Texas when I was nine years of age with my father, Henry Castro, who colonized and settled Castroville, D'Hanis, and other places in Western Texas. I have resided in Texas ever since; not now engaged in business, and thirty-six years of age. In 1851 I first went to Eagle Pass, then just settled, and established a business there, and remained till June, 1862, after the store belonging to my father was burned. I knew Piedras Negras well at that time, crossing over almost every day. It was a miserably poor settlement. The Mexican commandant was then the only person who had a decent *jaca*, even the majority, three-fourths of them, living in holes dug in the bank of the river, some in huts and *chamacueros*, which are dwellings built of posts and covered with earth. There were no persons there of any wealth. It was a military colony, composed of a company of soldiers of one hundred and forty men, under command of Captain Arredondo. To these were added some laborers and camp-followers, and persons engaged in smuggling in a small way. The wealthiest man there was De la Garza. His property was chiefly at Santa Rosa, one hundred miles back. De la Garza had a small store. There was no other store, nor any place where any article could be procured. I returned to Eagle Pass in 1853, and again visited Piedras Negras. At that time there were more *jacales* built, and the number of inhabitants had increased some, but it was still a miserable place, and the same in all its essential features as the year before. I was there then two weeks. I returned again to Eagle Pass, crossed to the other side, and remained several months in 1858, after the burning which took place in 1855. The place had very much improved; some buildings of adobe and stone had been erected after the fire. At the time of the fire the only two-story house in the town belonged to John B. Rich, who had married a daughter of Mr. De la Garza. At the time of the fire, in 1855, there were not more than two hundred *jacales*, and these were worth on an average from \$40 to \$100. These contained small articles of furniture of very little value. The inhabitants had some extra articles of clothing and jewelry; and \$50,000 or \$60,000 would have paid liberally for all the damage done there.

LORENZO CASTRO.

*Deposition of John Newton.*

The said JOHN NEWTON, being first duly sworn, deposes and says: I was born in that part of the Indian Territory occupied by the Cherokee Nation. I am now, and have been since 1848, a citizen of the State of Texas, and always a citizen of the United States. I am thirty-four years of age, and a merchant by occupation. I am now a resident of Fort Concho, Texas; I was a resident of Piedras Negras, Mexico, from January, 1855, to March, 1856; was employed there, and knew that town and the larger part of its inhabitants well, and knew them in 1855. I was there in October, 1855, when the raid of Callahan and Henry occurred, and witnessed what was done. The circumstances were as follows, viz: The command of said Callahan and Henry crossed the Rio Grande from Eagle Pass to Piedras Negras, through which last-mentioned town they immediately marched, and encamped twenty miles beyond. Being attacked by Indians and Mexicans, while in camp, they returned to Piedras Negras the second day after first entering that town, and there constructed some rough breastworks to protect themselves against the Indians and Mexicans. During the presence of said command in Piedras Negras, on their return as aforesaid, they burned some one hundred *jacales*, or huts, of a rude and very cheap construction, together with a few houses of a better character; they also pillaged the town, but as the inhabitants were very poor they could not have inflicted much damage thereby. The *jacales* were worth about \$50 each, on an average. From what I know of the place and its inhabitants at the time of said raid, I would consider \$50,000 ample compensation for all damage done, including the values destroyed and taken. There were very few, if any, persons in Piedras Negras at the time of said raid worth \$3,000.

JOHN NEWTON.

*Deposition of Frederick Groos.*

FREDERICK GROOS, being duly sworn, deposes and says: I am a citizen and resident of Texas, and have been so for more than twenty years. In the year 1855 I resided at Eagle Pass, in this State, opposite the town of Piedras Negras, in Mexico, and was there at the time of the raid by troops under Captains Callahan and Henry on said

town, which took place in the autumn of that year. I saw them cross over the river, and I went over there once while they were in Mexico. They had advanced from Piedras Negras into Mexico, and had an encounter with Mexicans, and then returned to Piedras Negras. When they returned they fortified themselves in some of the strongest-built houses, and they burned or destroyed some thatched huts, or *jacales*, so as to give range to their fire. They set fire also to some houses in the town, to the number, perhaps, of twenty, not more, and some stores were robbed and some houses were plundered, if they could be called houses, and some small articles were carried off—things that could be found readily and easily carried—such as saddles and Mexican blankets. The whole amount of damage done could not exceed, altogether, \$50,000. The houses, or *jacales*, which are thatched huts, destroyed were not any of them worth more than \$100 or \$200; possibly two or three of them might be worth \$200 or \$300 each, but the town was a collection of *jacales* (huts), and inhabited almost exclusively by poor people. Any inhabitant there who was worth or had \$2,000 would have been considered rich. I knew Maria Juana Hernandez, who claims \$127,000. She was a poor woman. She had no particular business. She was not worth \$1,000. She may have owned a small house and lot. Lorenzo Guevara was also known to me, who claims \$231,429. He was as poor as the above-mentioned. If he had \$1,000 it certainly was not known at that time. I have seen the list of claimants before the commission for the destruction of their property in Piedras Negras. They are all grossly exaggerated, with the exception of those who claim a few hundred dollars. The injury done on that occasion by robbery and pillage could not have exceeded the sum I have mentioned, because the values were not there. There were very few, if any, horses or mules carried off, because the river was high and the invaders were obliged to leave some of their own horses in their flight to the American side. Any house that contained furniture to the value of \$100 or \$200 would be looked on as very rich. No house, except some store, or containing a stock of goods, could have lost more than a few hundred dollars aside from the value of the house. I had been living at Eagle Pass, opposite Piedras Negras, and in daily business intercourse with the inhabitants of that place, and I knew well the condition and circumstances of most of them, and, aside from the value of goods in a store or two, there is not one among the claimants who could have lost \$1,000. Most of them did not lose anything like that. As I have stated, \$50,000 would amply pay all the damage that was occasioned by that invasion. I knew Melchora Jimenes. She might have been worth \$1,000. I knew Manuel Rodriguez. He might have been worth \$2,000. Dolores Moya had nothing that I knew of; she was very poor. José Maria Nuncio—if he had anything it must have been only a few hundred dollars. Louis Muzquiz was very poor. He claims \$51,000. Jesus Almdares claims \$156,000. I knew all the merchants there, and almost all who traded there and who frequently came over to buy goods. If he had any stock of goods or value I would have known it. He had none to my knowledge. Pedro Gonzalez claims \$33,000. He was a cartman, and I have occasionally employed him as a servant and escort. I paid him a dollar a day, and took him with me about that time or the year previous. I see several others in the list situated in the same way, and who make claims for large amounts which they never owned. I have already stated that the town was inhabited by poor people, and any man who had a few thousand dollars was looked upon as rich or in good circumstances. The claims are for amounts which are grossly exaggerated. Felipe de la Garza was perhaps the best off in the town. The owner of the store he was in was Jesus de la Garza, his father. That store was robbed to some extent; I do not know to what extent. He could not have lost more than \$2,000. I am forty-three years of age, and am a merchant in this city, where I have resided now five years.

FREDERICK GROOS.

STATE OF TEXAS, *County of Bexar*, ss :

I, Robert D. Burns, of the city of San Antonio, county and State aforesaid, do hereby certify that Lorenzo Castro and E. T. More, citizens of said State, are well known to me; that they are truthful and credible persons, and that full faith and credit are due and should be given to all depositions and statements made by them.

R. D. BURNS.

Sworn to and subscribed before me. In witness whereof I have hereunto set my hand and official seal, at office, in San Antonio, this 15th day of March, A. D. 1871.

[SEAL.]

J. MILLS HOYER,  
Notary Public Bexar County.

STATE OF TEXAS, *County of Bexar*, ss :

I, Thomas D. Johnston, of the city of San Antonio, State and county aforesaid, do hereby certify that Frederick Groos, George W. Brackenridge, and John Newton, citizens of said State, are well known to me; that they are highly respectable and credible



persons, and that all depositions or statements made by them are entitled to and should receive full credit and belief.

THOMAS D. JOHNSTON.

Sworn to and subscribed before me. In witness whereof I have hereunto set my hand and official seal, at office, in San Antonio, this 15th day of March, A. D. 1871.

[SEAL.]

J. MILLS HOYER,  
Notary Public, Bexar County.

*Deposition of Adolfo Duclos.*

The said ADOLFO DUCLOS, being first duly sworn, deposes and says: I am by birth a Frenchman, a merchant by profession, forty-five years of age, now a resident of the city of Monterey, where I am established in business, and was formerly a resident of Eagle Pass, in the State of Texas, and during my said residence there the occurrence to which this deposition relates took place, I being present at the time. I know the village of Piedras Negras, and was well acquainted with the condition and circumstances of all of its inhabitants at the time of the raid of filibusters, under Callahan and Henry, from Texas, took place. I know that nearly all of the inhabitants of the village were of the poorest class of Mexicans, living in huts built of pickets stuck into the ground, with grass roofs, and without windows or floors; and that all their property was of little value, and in keeping with the character of their houses. At the time referred to there were three or four houses of the better class, but none of the inhabitants could be considered rich. I am perfectly satisfied that the whole village, including lots, houses, and the personal property of the inhabitants, could, in 1855, have been bought for less than \$20,000, the village being at the time one of the most insignificant of the small towns of the State of Coahuila. I know, from personal observation, what articles were stolen by the filibusters, and I am satisfied that they would not amount, in actual value, to \$1,000. I know this, also, from the fact that, owing to the poverty of the bulk of the inhabitants of Piedras Negras, there could not have been a robbery of a large amount of property or money. I know, also, from having seen the houses which were burned, that not over a half dozen were so destroyed, and the most of them *jacales*, of very little value, worth, say, \$25 to \$50 each. I have read what is written above, and here confirm it.

ADOLFO DUCLOS.

*Deposition of Florencio Canales.*

[Translation.]

The said FLORENCIO CANALES, being first duly sworn, deposes and says, in the Spanish language, since he does not speak English: I am a native of Lampasas, in the State of New Leon, seventy years of age, now and since the annexation of the Republic of Texas a citizen of the United States of the North, I living then in Old Laredo, on the Rio Grande. I am a butcher by occupation. I came to Fort Duncan, or, that is, Eagle Pass, when it was established, and since then I have lived here. I was here in the year 1855, and at the moment when the attack occurred by the volunteers of Callahan and Henry on the colony of Piedras Negras. I witnessed that burning, and saw that all the cabins there were burned. Four days after that occurrence I crossed to the other side of the river and saw the remains of the colony. All was burned. The day after the fire the volunteers who had burned the colony came to this side. I knew many of the residents of Piedras Negras. I can mention the greater part of them and those who had some property. They were poor people who lived by their labor. They had their carts and oxen, some shops with bottles of liquors. The strongest house was that of Jesus de la Garza. He might have had, in my opinion, \$2,000. No other resident had so much. There were some who had \$500, or perhaps even as much as \$1,000 in every kind of property and goods. But the greater part did not have such amounts. The majority were poor people, and they had \$200, \$300, or \$400 in all. Luciano de la Cerda might have had \$600 in all, and he, after Jesus de la Garza, was one of those who had most.

FLORENCIO <sup>his</sup> + CANALES.  
mark.

Before witnesses.

*Deposition of Ramon Perales.*

[Translation.]

The said RAMON PERALES, being first duly sworn according to law, deposes and says, in the Spanish language: I am a native of San Buena Ventura, fifty-eight years of age, married, and a merchant. In the year 1855 I was in Piedras Negras as a contractor and merchant, and in the month of October, in the same year, I witnessed the attack made by Texas volunteers, under the orders of the captains Callahan and Henry, on that town, and I know the ruin they committed there. They burned some cabins with corn—say thirty or forty huts—which might be worth \$50 each. I had a hut at that time which was worth some \$40. There were, perhaps, one hundred families, with five hundred individuals, all poor. Some individuals possessed \$1,000 or \$1,500 at most; they were the richest. The majority, being poor people, did not have in this class (any) who had more than \$200, \$300, or \$400. It was a new town, recently established, and composed of families who had come from Presidio de Rio Grande, San Fernando, and other towns of the district. Being in Nava, twelve leagues from here, Luis Muzquiz came from Piedras Negras to find me, in order that I might come to make a deposition and give my testimony about the claims which were being made up in Piedras Negras in order to present them in Washington in favor of the residents in this town. I went to Piedras Negras and made the deposition in the house of Luis Muzquiz. He asked me how much I had lost in the attack, and I answered him that the total value might reach \$800. He replied that I ought to claim much more, since they had outraged my person and had caused me considerable damage and injury. I said to him that it was true, but that I did not propose now to demand this in account, and that the true value of what they had taken from me was as just stated, some \$800. Don Luis replied that the residents of Piedras Negras had agreed to make up and present their claims in Washington against the Government of the United States, and to this end they had to incur much expense in making up the *expedientes*, and to secure the delivery of the money, which would be on shares, that is to say, half for me and the other half for him and the others who commenced the business; that so all the others had agreed; and he said to me that I ought to say \$20,000. I answered him that he might place the amount which he might wish, but that I for my account would be satisfied with the value of the goods which I had lost. He said to me that the Government of the United States was very powerful, and could well pay the sums indicated. I replied to him that this might well be, but what it ought to pay was the value of the things which the residents of Piedras Negras had lost; that this was just, and that I did not wish more. I have seen the list of the residents who claim and the amounts demanded, and they are much exaggerated. Lorenzo Guevara is a resident of Piedras Negras. All that he had at the time did not exceed \$500. He had two old carts and a cabin, two little oxen, five yokes, and he had recently come; wagoner. Juan José Patiño was a subcontractor with the quartermaster at Fort Duncan; he was a wagoner; he had two carts, and all that he had could not exceed \$800, and he was one of the most powerful and rich of Piedras Negras. The sums which claimants claim are much exaggerated. There was no one who had more than \$2,000. Maria Juana Hernandez might have had \$300 or \$400; it could not be more. Victoriano Rodriguez was a wagoner, and his capital and the value of his stock did not exceed \$400. Maria del Refugio Menchaca might have had \$200; she claims \$99,000. For every dollar lost they put down as much as \$1,000 of reclamation, saying that they had to cut down half, and after that leave the half that remained for expenses and commissions. The residents of Piedras Negras who had shops or stores did not have in their stores more than some bottles of liquor, leather, shoes, and wares of little value. When the town was formed lots were given to all who wished to build a house, because the object was to attract population from the other towns, and the people whom they might expect were poor and could not pay for them. José Olallo Delgado had a store, and he may have had \$1,000 in all. I know Antonia Sanchez de Fernandez. She had a little shop with some bottles of liquor, and she may have had \$400, with her cabin and all. I also know Domingo Miguel; he was a laborer and could not have had more than \$200. Juan Flores might have had \$1,000 or \$1,200, and he was one of the most powerful. Gaspar Salazar did not have more than \$200 in all. Gregorio Salinas was a silversmith by occupation. In the colony of Piedras Negras he had nothing. He lived with his brother in San Juan. Those who charged themselves with the business of making up the *expedientes* of the claims and of obtaining testimony were Mr. Luis Muzquiz and an American, who is lame and is called "of the camels," because he had a corral with camels, in Piedras Negras. Secundio Barbarosa was a soldier and had been a laborer. What he possessed could not exceed \$200. Luis Muzquiz did not have more than \$1,000; he had a hut and bottles; he sold liquor; he was a clerk. Dolores Moya did not have \$300. In my judgment the whole value of all the property and stock which was stolen and destroyed in the attack does not exceed \$70,000. I am at this moment a resident of Navas on account of my business, and I am passing frequently

from Navas to Piedras Negras. I have always lived in this district and in Piedras Negras until the year 1866-'67. The colony of Piedras Negras was formed a little while after the camp of military location or Fort Duncan. It had no existence before. I am a Mexican citizen.

his  
RAMON + PERALES.  
mark.

*Deposition of Gregorio Garza.*

[Translation.]

The said GREGORIO GARZA, being first duly sworn, deposes and says: I am a native of San Nicolas de Hidalgo, in the State of New Leon, and since eighteen years I am resident of Piedras Negras; forty-six years of age and farmer. I was in the town of Piedras Negras in 1855, and during the whole year and in the month in which the attack and burning of this town took place, at the hands of Texas volunteers, under the orders of Callahan and Henry; was then a resident of Piedras Negras; had a house covered with hay in which I lived at that time, and my dwelling was burned with the others; there were then some one hundred and fifty or one hundred and eighty cabins (huts) belonging to the residents of the town, and the value of them was from \$30 to \$80 each. Very few had articles of value. The generality of the residents were poor people. The richest among the inhabitants did not have more than \$3,000 in all, and the generality much less, not more than \$300 or \$400 in value of furniture, or goods which they had. All that I lost on this occasion by the burning did not exceed \$500. I know Maria Juana Hernandez; what she could have lost on that occasion did not exceed \$400; she was poor. I know Dimas Sandoval. He did not have more than \$300 in value. Felipe de la Garza might have had \$800. Lorenzo Guevara was then a boy, living with his mother. Juan José Patiño had some wagons (carts), and lost about \$800. He was one of the wealthiest (men) there. Santos Loy was a soldier, and he might have lost \$300. Guadalupe Ramos was a musician, and is now, and he might have lost, perhaps, as much as \$500. Francisco Gonzalez Reyes was poor; as was Melchora Jimenes. They have placed my loss at \$63,983. I have already stated what I lost. The *expedientes* were made up by Luis Muzquiz and others. He came to my house, and, I not being there, he asked my wife what was the amount. She replied that she was not competent to know how much it was. Luis Muzquiz then put down the sum which I have named, and he did the same with the other residents. I never signed any *expediente* or declaration of my loss. I was never at the house of the judge, nor at the court for the purpose of giving testimony on this subject. I believe that he did the same with the others, and that he has put down and claimed \$3,000 or \$10,000 in favor of persons who did not lose \$100. Jesus Almendares and Mariano Aguirre claim \$126,290 and \$51,506, and they did not lose \$100, because they never had it, and neither did they have it now. Luciano Arredondo was poor. He had nothing more than his cabin and furniture of small value. There was not then more than six stone houses; almost all were of timber and covered with hay. Secondino Barbarosa was a soldier—a confirmed drunkard; he had nothing. José Maria Carbajal was a soldier. Juan Caceres was a boy. I do not know who Jesus Cobos is. I knew almost all the residents at that time. Santos Cervantes was poor; he had some furniture in his house. Rafael Cespeda was a soldier; he was poor. Mignel Cervera was a cartwright; he might have lost \$600. I do not know Manuel Amarillo Castro, nor José Maria Cortes, nor Cruz Cifuentes, nor Juan Castro, nor José Olallo Delgado, nor Rosa Elquezabal, nor Manuel Elquezabal, nor Gertrudes Floras. Jesus Flores was a peasant; he was poor. Antonio Flores Salinas was a boy. Juan Flores the same. Jesus Frias was a soldier. Rafael Flores, soldier. Gregorio Gonzalez was then a poor baker, and he had no house. Albino Guevara was poor; he never had here the occupation of hat-maker. Anastasio Gonzalez was also poor; he claims \$57,339; he did not have \$200. I say the same of Dionisio Gonzalez and of Francisco Gueda and of Francisco Gonzalez. Maximo Garcia was a soldier. Jesus Maria Herrera, a smith, claims \$46,350, and he could not have had \$500. Clemente Herrera claims \$72,688; this would be on behalf of his father, Theodore, and he might have had \$600 or \$800. Eufemia Hernandez was poor; she claims \$44,500; she might have lost \$500. José Jimenes was a poor man. Juana Longoria was then a girl; she claims perhaps on account of her parents. They were also poor, and they could not have lost more than \$400. Jesus Losoya was poor. Severo de Luna was also a poor man. Marcelino Lopez, the same. Crescenciana Martinez was poor. Antonio Montez was a musician, and poor. Luis Muzquiz claims \$51,797. I believe that he was not in the town then. He was the one who made up the *expedientes*. I believe that he has nothing now. He is a bad man. He was a prisoner in Saragosa (San Fernandez), and broke jail and escaped. José Maria Nuncio was poor. Julian Ortiz is a guard now; he was not in Piedras Negras then. Guadalupe Olivera is poor.

Nonato Patiño the same, and Jesus Pineda, and Miguel Patiño, and Francisco Quintero, and Simon Rodriguez. Manuel Rodriguez had a little shop, and might have lost some \$800. Julian Rodriguez was a soldier, poor, and Jesus Ramon the same. Rosalia Rodriguez might have lost \$500. José Maria Rodriguez was a poor man; the same was Antonio Ramirez, carpenter. Ramon Rodriguez might have lost \$800. Catarino Rios was a poor man; the same was Leonardo Rodriguez. Eleno Rodriguez claims \$52,196; he is son of Ramon Rodriguez, who claims \$65,350. At the time Eleno Rodriguez was a minor, and he had nothing. Dolores Salinas is a poor woman; the same is Francisca Zulaica. Domingo San Miguel was ensign of a company of soldiers at that time; he had very little; he was poor. Jesus Salinas was corporal of the company; poor also. Gregorio Salinas, silversmith, had very little. Gaspar Salazar was poor. Vicente de los Santos was sergeant of a company of soldiers; poor. Videlia de la Serda was poor; he was a boy then. Maria de la Luz Salazar was the wife of a corporal of the company; she claims \$43,871; she might have had \$300. Margarito Teposte, soldier, and poor. Casimiro Trejo was corporal of the company, and poor. Pedro Valades was a poor man, and so was Estanislao Valades, and his brother Silverio Valades, peasants and laborer. Onofre Villareal was the wife of Captain José Maria Saiz, and had one of the best houses; she was among the wealthiest people there. I have seen her manifest, or list of the things which she lost, and it does not reach \$2,000, and she claims \$113,736.50. Trinidad Vasquez was sergeant of the company of soldiers, and poor. Bernardo Valdes is now boatman (on the Rio Grande), and claims, without doubt, on account of his parents, because he was under age then. Cecilio Vara was a poor man; the same was Miguel Villareal. Nicanor Valdez, poor man. Angel Yturriaga was a soldier, and poor. There are some names in the list which I do not recognize, and I do not know that they were there at that time. The sums which they claim are very extravagant (or exaggerated). They could not have had, nor could they have lost, such an amount. There are claimants who then were not in Piedras Negras.

his  
GREGORIO + GARZA.  
mark.

*First deposition of William Schuchardt, United States commercial agent of Piedras Negras*

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am a citizen (naturalized) of the United States, thirty-nine years of age, now temporarily resident in Piedras Negras, where I am commercial agent of the United States. I have resided in Piedras Negras since the latter part of the year 1863. I am well acquainted with Ramon Perales, who has made a deposition before Albert Türrpe, notary public, this day, and intended to be used before the mixed commission between the United States and Mexico, and now sitting at Washington, in the matter of various claims of Mexican citizens against the United States, and especially in favor of certain claimants because of the destruction of a part of the town of Piedras Negras in 1855. I have known Mr. Perales since 1867. He is a man of integrity of character, honest and worthy of credit and belief. Such is his general reputation. I have seen the list of the claimants against the United States for the destruction and robbery of their houses and pillage of their property in Piedras Negras by the raiders under Callahan and Henry in 1855, and am acquainted with a good many of them. The claims are all for extravagant amounts. None of them ever had any such amount of property. It is notorious that the amounts claimed are inflated and very extravagant. I have frequently conversed with those who allege that they lost their property and all they had on that occasion, and I know their present conditions and occupations, and, judging from their own declarations of the articles they then possessed, and which were taken from them, I should judge that the whole amount of the property destroyed and taken at that time and on that occasion could not exceed, in all, \$50,000. Ramon Perales was one of those who lost property on that occasion, and, as he states in his deposition, he desired to make claim for about \$300; and any larger amount than that is an exaggeration, made for the purposes he has stated, and not with his consent; and from that may be judged the exaggeration in other cases, in all of them, for they are all well known in Piedras Negras to be exaggerated, and so stated openly to be exaggerated, with the expectation that they will be cut down at least one-half or more; and of the sums that may be awarded but a portion will reach the claimants. These facts are notorious in Piedras Negras, and of general reputation and notoriety.

WM. SCHUCHARDT

*Second deposition of William Schuchardt.*

The said WILLIAM SCHUCHARDT, being first duly sworn, deposes and says: I am commercial agent of the United States at Piedras Negras, in Mexico, opposite to Eagle Pass, and resident there since 1863. I am well acquainted with Gregorio Garza, of Piedras Negras, who has made deposition before Albert Türpe, notary public in this place, on the 15th day of February, and who, after the same was taken down by me and read to him by me, signed (marked) said deposition. He is entirely worthy of credit; and his general reputation is that of an honest and reliable man. I have for several years had occasion to employ him, from time to time, on business of importance, and requiring a man of confidence and integrity, and have always found him correct and truthful. Such is his general reputation in Piedras Negras, where he has resided for a long time. I am acquainted also with many of the persons mentioned by him as inhabitants of Piedras Negras, who are among the claimants for the destruction of their property in that town in 1855, and his statements there made, both as to them and as to the mode of preparing and presenting the *expedientes* or documents in support of his and other claims by Luis Muzquiz, and others, are true. I am acquainted also with Luis Muzquiz, and his character and reputation are not good, and the statement of Gregorio Garza in relation to him is true. The agents of the claimants in Piedras Negras, Bethel Coopwood and William Stone, came to me and proposed to pay me the fees for my official certificates to the seal and signature of the judge before whom the *expedientes* or testimony in support of those claims was taken—should be paid on condition that the claims were successful. I refused, stating that for every certificate and fee I had to render account, and I could make no such stipulation.

WM. SCHUCHARDT.

*Deposition of Ramon Perales.*

Translation.]

The said RAMON PERALES, being first duly sworn, deposes and says: I am a Mexican citizen and resident of Nava, and I am about fifty-eight years of age, and merchant and laborer by occupation. I was a resident of Piedras Negras at the time that this town was destroyed by Texas forces, under the command of Callahan and Henry, and I lost by said destruction property of some value. The past year Luis Muzquiz sent for me, in order that I might make my claim through him, as my agent. I gave him a deposition (statement) of what I had in reality lost, and I never expected that they would pay me more than what I had lost, and if they paid me what I have lost I would be satisfied. I signed a power of attorney, in order that Luis Muzquiz might act as my attorney in this business, but they never asked me to make depositions concerning what other residents had lost by the same cause, and I never made a deposition, nor subscribed any document or *expediente* with respect to persons or losses which they sustained by the destruction of Piedras Negras by Texans in 1855. I know Trinidad Vazquez. I know Pedro Gonzalez and Domingo San Miguel. I do not know Albino Guevara; at least I do not recollect him. I have not been a witness in the *expediente* of Pedro Gonzales, nor of Albino Guevara, nor of Trinidad Vazquez, nor of Domingo San Miguel, and of no other person, and if Luis Muzquiz or other agents have placed me (my name) in the *expedientes* of the above-mentioned persons, or of any other person whatsoever, these agents have committed a fraud by using my signature. I believe that many persons have made claims for losses who were not in the town at that time. I knew Marcelino Lopez; he was very poor; he had a cabin, and worked with a little cart. I knew Secundino Barbarosa; he was very poor, and was a retired soldier, and he did not have more than one cabin. The same was Jesus Frias; he was building a cabin, and did not have anything more. I knew Trinidad Vazquez; he did not have anything but a cabin, and sold chickens and vegetables; he was very poor.

his  
RAMON + PERALES.  
mark!

Witness:

MARIDAD FURZA.

(Here follows, in English, the certificate of Albert Türpe, notary public of Maverick County, Texas.)

(Translated by A. P. M., May 19, 1871.)

## Index to Piedras Negras claims.

General docket number.	Notice docket number.	Claimant.	Amount claimed.
317	257	Almansa, Juan .....	\$47, 072 00
336	276	Angeles, Merced de los .....	63, 260 00
344	284	Agirre, Mariano .....	51, 506 00
350	290	Almendares, Jesus .....	156, 242 10
714	109	Arredondo, Luciana .....	13, 950 00
316	256	Barbosa, Secundino .....	21, 592 75
351	291	Barrera, Severo .....	97, 980 00
319	259	Carbajal, José Ma. ....	21, 792 00
347	287	Calderon, Juana .....	41, 834 00
656	301	Cáceres, Juan .....	23, 026 00
660	305	Cobos, Jesus .....	3, 720 00
664	309	Cervantes, Santos .....	26, 492 00
668	313	Cervera, Octaviano .....	37, 836 00
696	91	Cepeda, Rafael .....	93, 051 00
703	98	Cervera, Miguel .....	82, 167 00
708	103	Castro, Ma. Manuela de .....	37, 636 00
755	124	Cortés, José Ma. ....	48, 197 00
768	137	Cifuentes, Cruz .....	24, 791 00
794	163	Castro, Juan .....	38, 917 00
705	100	Delgado, José Olallo .....	48, 615 00
310	250	Elquezabal, Rosa .....	81, 409 00
775	144	Elquezabel, Manuel .....	65, 890 00
308	248	Flores, Gertrudes .....	73, 371 00
341	281	Flores, Jesus .....	54, 240 00
652	297	Flores, Antonio Salinas .....	210, 032 00
674	319	Flores, Juan .....	70, 170 00
684	80	Flores, Antonio Cadenas .....	59, 850 00
692	86	Felan, Cecilia .....	25, 620 00
724	119	Frias, Jesus .....	25, 226 00
771	140	Fuentes, Victoriano .....	101, 942 00
782	151	Flores, Rafael .....	256, 597 00
297	237	Garza, Felipe de la .....	121, 125 00
298	238	Guevara, Lorenzo .....	231, 429 00
303	243	Gonzales, Francisco Reyes .....	62, 731 00
305	245	Garza, Gregorio .....	63, 983 00
307	247	Garza, Jesus Sanchez .....	21, 109 00
309	249	Gonzales, Geronimo .....	52, 818 00
320	260	Gonzales, Victor .....	52, 225 00
331	271	Gonzales, Gregorio .....	42, 006 50
349	289	Galindo, Martina .....	33, 026 00
354	294	Garza, Jesus Ma. de la .....	105, 811 00
355	295	Gutierrez, Ma. Silvestre .....	43, 390 00
356	296	García, Josefa Elizondo .....	377, 505 00
653	298	Gonzales, Pedro .....	83, 080 00
662	307	Guevera, Alvino .....	92, 124 00
663	308	Gonzales, Anastasio .....	57, 339 00
665	310	Gonzales, Trinator .....	61, 536 00
669	314	García, Diario .....	32, 387 00
693	89	Gonzales, Dionisio .....	47, 700 00
700	95	Galindo, Ysabel .....	30, 850 00
712	107	Guedes, Francisco .....	65, 680 00
713	108	Gonzales, Francisco .....	54, 095 00
718	113	García Cordero, Gabriel .....	111, 050 00
719	114	Gutierrez, Josefa .....	24, 325 00
722	117	Galindo, Ma del Pilar .....	26, 266 00
725	120	García, Maximo .....	51, 869 00
763	132	Gonzales Salinas, Dolores .....	79, 454 00
784	153	Galindo, Clara .....	47, 651 00
785	154	García Vela, Antonio .....	53, 336 00
788	157	García, Ma. del Refugio .....	35, 119 00
795	164	García, Benito .....	63, 142 00
797	166	Garza, Ma. M. de la .....	174, 932 00
799	168	García, Coletto .....	92, 270 00
901	173	Gualdarrama, José .....	83, 375 00
293	233	Hernandez, Ma. Juana .....	127, 210 00
295	235	Herrera, Francesca .....	33, 145 00
328	268	Hernandez, Martina .....	41, 822 00
629	85	Herrera, Jesus Ma. ....	46, 350 00
704	99	Herrera, Clemente .....	72, 688 00
720	115	Hernandez, Eufemia .....	44, 500 00
772	141	Hernandez, Rafael .....	28, 655 00
778	147	Hernandez, Olivarez .....	38, 360 00
780	149	Hernandez, Francisco .....	38, 653 00
791	160	Hernandez, Ma. Dolores .....	69, 965 00
304	244	Jimenes, Melchora .....	107, 786 00
694	90	Jimenes, José .....	42, 140 00
301	241	Loy, Santos .....	63, 105 00
322	262	Longoria, Juana .....	33, 092 00

## Index to Piedras Negras claims—Continued.

General docket number.	Notice docket number.	Claimant.	Amount claimed.
335	275	Losoya, Jesus .....	\$43,010 00
340	280	Lopez, Juan N .....	42,642 00
666	311	Luna, Severo de .....	33,445 00
687	312	Losoya, Refugio .....	57,990 00
687	83	Lopez, Marcelino .....	83,750 00
717	112	Luna, Maria Juana de .....	33,600 00
721	116	Losoya, Michaela .....	26,250 00
756	125	Lara, Santiago .....	95,338 00
757	126	Leon, Feliciano de .....	152,858 00
903	174	Longoria, Maria Rita .....	12,190 00
321	261	Moya, Dolores .....	53,580 00
323	263	Martinez, Manuela .....	41,675 00
329	269	Martinez, Crescenciana .....	52,259 00
334	274	Montes, Antonio .....	52,969 00
346	286	Muzquiz, Luis .....	51,797 00
348	288	Menchaca, Clemencia .....	21,312 00
352	292	Menchaca, Ma. del Refugio .....	99,775 00
659	304	Martinez, José Ma .....	73,867 00
675	280	Mesa, Jesus .....	35,329 00
716	111	Martinez, Pedro .....	47,235 00
759	122	Muñoz, Angelita .....	85,990 00
760	129	Mesa, Jesus .....	37,475 00
767	136	Mesa, Maria Ygnacia .....	58,645 00
789	158	Moya, Nazario .....	49,450 00
796	165	Martinez, Maria Ygnacia .....	24,594 00
338	278	Nuncio, José Ma .....	43,808 00
723	118	Otiz, Julian .....	41,870 00
764	133	Olvera, Guadalupe .....	36,846 00
299	230	Patiño Martinez, Juan José .....	54,847 00
324	264	Patiño, Nonato .....	41,641 00
327	267	Prado, Luis .....	31,371 00
342	282	Perez, Socorro .....	75,764 00
654	290	Perez, Francisco .....	32,525 00
657	302	Perales, Ramon .....	70,024 75
661	306	Perez, Manuel .....	111,225 00
702	97	Pineda, Jesus .....	30,612 00
709	104	Patiño, Miguel .....	91,777 00
773	142	Pera, Manuel .....	94,045 00
774	143	Pera, Ygnacio .....	48,675 00
790	159	Perez, José Ma .....	80,177 00
793	162	Perez, Guadalupe .....	73,847 00
798	167	Perez, Marcelino .....	48,220 00
800	169	Perez, Ma. Gertrudis .....	47,225 00
900	172	Palos, Blas .....	40,910 00
792	161	Quintero, Francisco .....	50,280 00
302	242	Ramos, Guadalupe .....	114,077 00
313	253	Ramirez, Simon .....	55,378 00
318	258	Rodriguez, Manuel .....	86,243 00
330	270	Reyes, Gabriel de los .....	10,804 00
333	273	Rodriguez, Julian .....	73,588 00
345	285	Ramon, Jesus .....	72,401 00
353	293	Rodriguez, Victoriano .....	10,224 00
658	303	Rodriguez, Rosalia .....	53,543 00
672	317	Rodriguez, José Ma .....	53,657 00
683	79	Ruiz, Maria Juana .....	54,750 00
699	94	Ramirez, Antonio .....	89,150 00
701	96	Rodriguez Valdes, Manuel .....	49,138 00
707	102	Ramirez, Arcadio .....	38,624 00
710	105	Rodriguez, Ramon .....	65,350 00
711	106	Rios, Catarino .....	57,150 00
715	110	Rodriguez, Leonardo .....	67,065 00
753	122	Rodriguez, Jacinto .....	71,747 00
761	130	Rios, Hermenijildo .....	102,790 00
762	131	Robles, Nieves .....	70,012 00
770	139	Rodriguez, Eleno .....	52,176 00
781	150	Rodriguez, Rosalia .....	86,617 00
899	171	Rios, Julian .....	8,585 00
294	224	Sandoval, Dimas .....	43,139 00
296	236	Sandoval, Luis .....	54,075 00
325	265	Salinas, Dalores .....	89,775 00
332	272	Sauceda, Antonia .....	93,125 00
337	277	Sanchez, Encarnacion .....	62,610 00
339	289	Sulaica, Francisca .....	67,800 00
343	283	Sanchez, José Maria .....	63,886 00
673	308	San Miguel, Domingo .....	13,752 00
680	76	Salinas, Jesus .....	63,200 00
682	78	Salinas, Gregorio .....	39,660 00
686	82	Salazar, Gaspar .....	33,840 00

## Index to Piedras Negras claims—Continued.

General docket number.	Notice docket number.	Claimant.	Amount claimed.
690	86	Salinas, Francisco.....	\$83,020 00
691	87	Santos, Vicente de los.....	25,793 00
706	101	Sanchez de Fernandez, Anto.....	50,450 00
752	121	Salinas Guevara, Jesus.....	59,373 00
754	123	Salinas, Facundo.....	77,947 00
758	137	Serda, Vidala de la.....	56,300 00
705	134	Salazar, Maria de la Luz.....	43,861 00
769	138	Sanceda, Miguel.....	71,341 00
776	145	Solia, Eduardo.....	48,528 00
777	146	Salinas, Guadalupe.....	45,264 00
779	148	Soto, Francisco.....	57,548 00
783	152	Salinas, Ma. Antonio.....	70,272 00
801	170	Soza, Maria Talesforo.....	31,302 00
306	246	Teposte, Marganto.....	24,640 00
655	300	Tijerina, Julian.....	58,178 50
670	315	Trejo, Casimiro.....	45,416 00
679	75	Tauna, Pedro.....	65,550 00
685	81	Tijerina, Juan José.....	57,402 00
688	84	Tauna, Maria Delila.....	38,300 00
786	155	Tijerina, Maria Antonia.....	38,943 00
787	156	Trejo, Josefa.....	53,337 00
676	321	Urteaga, Antonio.....	93,080 00
300	240	Villareal, Pedro.....	63,501 00
311	251	Valades, Pedro.....	93,262 00
312	252	Valades, Estanislau.....	82,271 00
314	254	Valades, Silverio.....	84,000 00
326	266	Villareal, Onofre.....	113,736 50
671	316	Vazquez, Trinidad.....	12,522 00
677	322	Valdes, Bernardo.....	33,619 00
678	323	Valades, Silverio.....	192,618 00
681	77	Vara, Cecilio.....	54,802 00
697	92	Villareal, Miguel.....	53,640 00
698	93	Van, Adelaida.....	32,620 00
766	135	Valdes, Nicanor.....	66,677 00
315	255	Yturriaga, Angel.....	31,802 00

Extract from the Washington Republican of April 18, 1872.

THE JOINT COMMISSION OF THE UNITED STATES AND MEXICO.—The commissioners announced yesterday their decision disposing of the class of cases known as the Piedras Negras claims, some one hundred and ninety in number, against the United States, arising out of the sacking of the Mexican town of Piedras Negras by two companies of Texas militia in October, 1855. An award of \$50,000 is made in favor of the Mexican Government, to be by that Government distributed among one hundred and fifty of the claimants, as named in the list prepared by the commissioners, or such of them as may be found meritorious; while the demands of forty of the claimants as named by the commissioners are rejected outright.

Additional evidence being offered, both for the claimants' and defendants' governments, it was announced by the commissioners that, under the operation of the order closing all cases on the 1st of April, they would decline to receive evidence, except of substantial cause shown in each case, accompanied by satisfactory explanation of the delay in offering it. For want of this explanation, they declined to receive the evidence offered in several cases.

The large class of cases against the United States known as the "Indian depredation cases" was submitted to the consideration of the commissioners upon the legal points involved.

[44th Congress, 2d session.—House Ex. Doc. No. 14.]

Letter from the Secretary of War concerning accounts of the State of Texas.

WAR DEPARTMENT,  
Washington, D. C., December 26, 1876.

SIR: I have the honor to inform the House of Representatives, in answer to a request from its Committee on Military Affairs, that this department possesses no evidence concerning the accounts of the State of Texas, further than the statements on two abstracts which are for \$1,536,487.62, and which were received from the committee,



and except accounts for \$223,143.89. The latter were examined at this department in the year 1871, and they were reported upon in full, as appears in House Executive Document No. 277, second session Forty-second Congress.

The papers received are returned, as requested, inclosed herewith.

Very respectfully, your obedient servant,

J. D. CAMERON,  
*Secretary of War.*

The SPEAKER of the House of Representatives,  
*Washington.*

HOUSE OF REPRESENTATIVES,  
*Washington, D. C., July 21, 1876.*

SIR: Pursuant to direction by the Committee on Military Affairs of the House of Representatives, I herewith transmit to you a joint resolution (H. R. 23), and certain papers accompanying the same, providing for the payment to the State of Texas for moneys expended in frontier defense, referred to this committee, together with a copy of a resolution adopted by the committee, requesting that you cause the accounts to be inspected, and report thereon the "amount really due the State of Texas on account of the same."

The original papers herewith transmitted you will please preserve and return with your response.

Very respectfully, your obedient servant,

A. S. WILLIAMS,  
*Acting Chairman.*

Hon. J. D. CAMERON,  
*Secretary of War.*

Referred to Maj. Thomas H. Bradley for investigation and report.  
By order of the Secretary of War.

H. T. CROSBY,  
*Chief Clerk.*

JULY 25, 1876.

Respectfully returned with the report that there are no accounts found in the War or Treasury Departments from the State of Texas for reimbursement on account of H. R. 23, current series, except those for \$223,143.89, reported upon in 1871. (H. Ex. Doc. 277, 2d sess. 42d Congress.)

THOMAS H. BRADLEY,  
*Brevet Captain, U. S. A.*

WAR DEPARTMENT, December 23, 1876.

FORT BROWN, TEXAS, December 3, 1875.

[Extract.]

DEAR GENERAL: \* \* \* \* \*

We have had quite an excitement lately. Will send you the reports of the officers concerned as soon as they are all received. I understand that McNally goes to San Antonio shortly, and he may be able to tell you all about it. The Mexican authorities promised to return all the cattle, but did not. They did send over a small part of the stock, enough to swear by, I suppose. Roundlett having hit one herd and pitched into the thieves, caused them to drop two other herds, I understand. One was dropped on the 18th ultimo not far from the river (about 300 head 'tis reported), the other is reported to have been very large. 'Tis said that there were over 40 thieves in these raids, that is, on this side; the entire outfit was ready to receive them on the south bank. The mail-rider was captured near Las Cuevas, and detained some twelve hours, to prevent him reporting the raid to Captain Randlett, at Edinburg. I think cattle-stealing is going on quite as rapidly as ever. The river is very low and there is no trouble in crossing cattle. About forty of those returned were King's, I understand.

Yours,  
(Signed)

J. H. POTTER.

Gen. E. O. C. ORD,  
*U. S. Army, San Antonio, Tex.*

A true extract.  
(Signed)

HUGH G. BROWN, A. D. C.

*Statement of amounts paid by the State of Texas for frontier protection from January 28, 1855, to January 28, 1861.*

	Amounts paid.
For pay of companies under Captains Callahan, Benton, and Henry (act of December 17, 1855).....	\$15,571 01
For pay of mileage, subsistence, and volunteers under Captains Callahan, Benton, and Henry (act of December 17, 1855).....	5,750 60
For pay of paymaster, three companies volunteers called out (act of December 17, 1855).....	100 00
For pay of six companies called out by General Smith (act of January 14, 1856).....	46,106 88
For balance expenses on account contracts for six companies volunteers called out by Smith (act January 14, 1856).....	4,026 43
For pay of Capt. William Tom's company (act of August 30, 1856).....	1,494 72
For pay of Capt. L. English's company (act August 30, 1856).....	1,764 86
For pay of Capt. William G. Tobin's company (act of August 30, 1856) ..	917 46
For pay of supplies Captain Tom's company (act of August 30, 1856).....	403 97
For pay of paymaster of Captains Tom's and English's companies (act of August 30, 1856).....	100 00
For pay of three companies minute-men under Sanson, Davenport, and Black (act of January 13, 1857).....	4,000 00
For the better protection of the frontier (act of January 27, 1857).....	71,839 03
For pay of four companies under Captains Carmack, Connor, Hodge, and Frost (act of November 17, 1857).....	18,867 62
For pay and supplies for Capt. G. H. Nelson's company volunteers (act of December 14, 1857) .....	14,655 40
For pay and subsistence of Captains Ford's, Bourland's, and Brown's companies, and pay of peace commissioners (acts of January 12 and February 8, 1860).....	60,480 00
For pay of necessary expenses incurred by Captain Tobin's company (act of January 12, 1860).....	9,748 28
For pay for protection of the frontier (act February 3, 1860).....	177,144 16
For pay and subsistence of troops on Rio Grande (act of February 15, 1860).....	36,966 40
For pay of supplies furnished troops on frontier (act of February 8, 1861).....	21,602 16
For pay of supplies of Captain Williams's company in 1858 and 1859 (act of February 11, 1861).....	7,497 15
For pay of Captain Williams's company in 1858 and 1859 (act of April 1, 1861).....	10,070 82
<b>Total</b> .....	<b>509,111 95</b>

I, Stephen H. Darden, comptroller of public accounts for the State of Texas, hereby certify that the above is a true and correct statement of expenditures on account of "frontier protection," as appears by the records of this office.

Witness my hand and impress of official seal, at Austin, Tex., this 23d day of December, A. D. 1875.

[SEAL.]

STEPH. H. DARDEN,  
Comptroller.

*Statement of amounts paid by the State of Texas for "frontier protection." Troops called out by Governors A. J. Hamilton, E. J. Davis, and Richard Coke.*

Payments made volunteers called out by Gov. A. J. Hamilton, October 14 and 20, 1865 (act of November 12, 1866).....	\$3,570 76
Payments made volunteers called out by Gov. E. J. Davis under acts of June 13, 1870, and November 25, 1871 .....	651,976 14
Payments made volunteers called out by Gov. Richard Coke under act of April 10, 1874:	
Amount paid from appropriation (act of May 4, 1874).....	299,986 19
Amount paid from appropriation (act of March 15, 1875).....	71,842 58
<b>Total</b> .....	<b>1,027,375 67</b>

I, Stephen H. Darden, comptroller of public accounts for the State of Texas, hereby certify that the above is a true and correct statement of expenditures on account of "frontier protection," as appears from the records of this office.

Witness my hand and impress of official seal, at Austin, Tex., this 23d day of December, A. D. 1875.

STEPH. H. DARDEN,  
Comptroller.

EXECUTIVE OFFICE, STATE OF TEXAS,  
Austin, December 24, 1875.

To the Texas delegation in Congress, Washington, D. C. (care of Hon. S. B. Maxey):

GENTLEMEN: I have the honor to call your attention to the following matters of interest to the State, requiring attention at the national capital:

1. The Government of the United States holds a balance of \$101,113.27 due the State of Texas from funds left in the hands of the former to pay the debt of the Republic of Texas. No claim is believed to have been presented against this fund within the last fifteen years, and the debt of the Republic of Texas is believed to have been fully settled. The State needs the balance of this fund, and ought to have it.

2. I send inclosed statements from the office of the comptroller of public accounts, showing amounts expended by the State of Texas for frontier defense from the 23th of February, 1855, to the commencement of the late civil war, and from the commencement of Gov. A. J. Hamilton's administration, after the war, to date, the amount aggregating \$1,536,487.62. It will be remembered that by act of the legislature of Texas, approved February 1, 1856, the State withdrew and abandoned all claims against the Government of the United States growing out of Indian depredations prior to the 28th of February, 1855. This large amount of money is justly due from the National Government to Texas; and I hope that such steps as to you may seem wise may be taken at once for the assertion of this claim.

3. I inclose a public debt statement from the Treasury Department for November, 1875, which shows that twenty-one of the Texas indemnity bonds and interest thereon are still unpaid. These bonds are not in our treasury, and most probably were stolen during the war, and may be destroyed, or held by parties who fear to present them. I would be glad to know what proceedings are necessary, or will be required, on the part of the State or her officers, to enable her to demand payment of these lost bonds at the Treasury, and, so far as you can do so, to aid in accomplishing the collection of the money.

4. I sent three days ago to each of your delegation copies of Adjutant-General Steel's report on Rio Grande troubles; also, copies of the memorial of the late constitutional convention of Texas on the same subject, and refer you to the action of last session of the fourteenth legislature on the same subject heretofore furnished. I beg, also, to refer you to copies of letter from General Potter, commanding at Brownsville, to General Ord, commanding the department, herewith inclosed, in that connection, and to suggest that if the Government of the United States does not afford defense and security for the people of that border against Mexican invasions it will be impossible to restrain the people much longer from organizing and following the raiders into Mexico, and retaliating summarily upon the Mexican border. Our people have been plundered there until they ought not to submit to it any longer. General Ord, the able and efficient commander of the department, is doing all he can to protect our people, but he is utterly powerless. A police force, irregular troops, rather than a strictly military organization, is required there.

If the President would take into the service of the United States Captain McNelly, with say three hundred and fifty men (five hundred would be better), such as he would recruit, they would protect that country. They would do service such as the officers and men of the United States Army cannot or will not do. They never have done any good against the predatory bands of robbers who are devastating that country, and never will. None but Texas troops have ever checked their operations at all. If the United States Government will not protect that border, the State must and will; but it is a burden which she ought not to bear. I do hope that you will leave nothing undone, no effort unmade, to procure the requisite relief. On this subject I refer you, also; to General Ord's last report, and believe I can assure you of any assistance you may desire from him in procuring measures of relief.

Very respectfully, your obedient servant,

RICHARD COKE,  
Governor of Texas.

[H. Res. 23.]

IN THE HOUSE OF REPRESENTATIVES, January 6, 1876.—Read twice, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. REAGAN, on leave, introduced the following joint resolution:

JOINT RESOLUTION authorizing and directing the Secretary of the Treasury to pay to the State of Texas one million five hundred and thirty-six thousand four hundred and seventeen dollars and sixty-two cents on account of moneys paid out by said State for frontier defense.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to

the State of Texas, the sum of one million five hundred and thirty-six thousand four hundred and seventeen dollars and sixty-two cents, with lawful interest thereon, to reimburse said State for moneys paid as compensation and for supplies for troops for the defense of the frontiers of Texas from the twenty-eighth day of February, eighteen hundred and fifty-five, to the commencement of the late civil war, and from the commencement of the administration of the State government by Governor Andrew J. Hamilton to the present time.

[House of Representatives. Mis. Doc. No. 185. Forty-fourth Congress, first session.]

*Joint resolution of the legislature of Texas relative to the protection of the frontier of said State, and compensation for past expenditures by the State in that behalf.*

JULY 17, 1876.—Referred to the Committee on Military Affairs, and ordered to be printed.

SECTION 1. *Be it resolved by the legislature of the State of Texas*, That the Federal Government owes to Texas protection of her exposed frontiers, by virtue of her right as a member of the Union to an equal participation in the benefits and blessings which its Constitution guarantees to all the States, among which is defense against invasion; and the Republic of Texas, upon her accession to the Union, having ceded to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense, the faith of the United States thereby became solemnly pledged to extend to the frontiers of the said Republic of Texas the most ample protection, without which, as a condition-precedent, Texas would have had no sufficient inducement to surrender her independent political position.

SEC. 2. That our Senators in the Congress of the United States are hereby instructed, and our Representatives are hereby requested, to present to Congress now assembled these resolutions of the legislature of the State of Texas, and to urge upon that body the enactment of such laws as will secure to our frontiers ample military protection against Indians and Mexican freebooters; the military forces of the United States on our borders being too weak under the most effective command to afford such protection, and the State of Texas being compelled, in defense of the property and lives of her citizens, to maintain in the field a considerable military force at her own expense.

SEC. 3. That our said Senators be instructed and our Representatives requested to present and urge before Congress the passage of a bill reimbursing the State of Texas for the large appropriations of money which, from time to time, have necessarily been made by her legislature, because of the failure of the Federal Government to provide sufficient protection to our frontiers.

SEC. 4. That the governor of the State be requested to transmit to our Senators and Representatives in Congress a copy of these resolutions, together with an itemized statement of all expenditures made by the State in the protection of her frontiers.

SEC. 5. The fact that Congress will adjourn at an early day, and the necessity for prompt action, requires that this joint resolution take effect, and it is hereby declared that it do take effect, from and after its passage.

Approved July 6, 1876.

THE STATE OF TEXAS,  
DEPARTMENT OF STATE.

I, A. W. De Berry, secretary of state for the State of Texas, do hereby certify that the above and foregoing is a true and correct copy of the original enrolled senate joint resolution No. 169, passed by the fifteenth legislature of the State of Texas, and now on file in this department.

In testimony whereof I have hereunto signed my name and affixed the seal of State, at the city of Austin, this the 7th day of July, A. D. 1876.

[SEAL.]

A. W. DE BERRY,  
Secretary of State.

HOUSE OF REPRESENTATIVES,  
Washington, D. C., July 21, 1876.

At a regular meeting of the Committee on Military Affairs of the House of Representatives, held June 21, 1876, the following resolution was adopted:

*Resolved*, That the joint resolution (H. R. 23) for the payment of the State of Texas for expenses incurred in her defense against incursions from Mexico, and the accounts filed therewith, be referred to the Secretary of War, with the request that he will have the amounts for said expenses duly inspected, and make report thereon of the amount really due the State of Texas on account of the same.

A copy.—Attest:

JAS. A. DAWSON,  
Clerk Committee Military Affairs, House of Representatives.

C.

[H. Miss. Doc. No. 35, Forty second Congress, second session.]

*Letter from the Secretary of the Treasury to the chairman of the Committee on Appropriations, transmitting a statement of the amounts refunded to the States in raising volunteers from 1861 to 1872.*

TREASURY DEPARTMENT,  
*Washington, D. C., January 12, 1872.*

SIR: In reply to your letter of the 16th ultimo, requesting to be furnished with a statement showing the amount of claims due certain States for expenses incurred in raising volunteers during the late rebellion, I inclose herewith a statement showing the amounts refunded and balances claimed by States on suspended accounts, from 1861 to January 2, 1872.

I would suggest that the publication of this statement as a public document would be a saving of labor to this department.

I am, very respectfully,

GEO. S. BOUTWELL,  
*Secretary.*

Hon. JAMES A. GARFIELD,  
*Chairman Committee on Appropriations,  
House of Representatives.*

Statement of amounts refunded to States for expenses in raising volunteers from 1861 to January 2, 1872.

State.	Paid from appropriation.	Amount filed by States in office of Sec-ond Auditor.	Amount paid to States.	Amount disal-lowed.	Amount filed by States in office of Third Auditor.	Amount paid to States.			Balance claim-ed by States on suspended accounts.
						By warrant.	Property purchased &c.	Total paid to States.	
Maine .....	Expenses incurred raising volunteers. Act July 17, 1861.				\$1,308,300 74	\$1,024,987 68		\$1,024,987 68	\$283,313 06
New Hampshire.	do				1,407,491 42	967,873 50	\$38,940 00	1,006,812 50	400,678 92
Vermont .....	Arms, &c., volunteers and regulars	\$450 00	\$450 00						
Massachusetts	Expenses incurred, &c., act July 17, 1861.				924,673 81	772,997 13	6,463 47	779,460 60	145,213 21
Rhode Island	do								
Connecticut	Arms, &c., volunteers and regulars	7,608 88	7,608 88		3,751,728 96	3,500,313 68	149,331 12	3,648,644 80	102,084 16
New York	Expenses incurred, &c., act July 17, 1861.				762,611 99	722,323 86	35,080 33	757,404 19	5,207 80
New Jersey	do				2,255,255 94	2,006,090 48	27,947 80	2,034,038 28	221,217 66
Pennsylvania	do				3,232,325 32	2,877,100 49	45,371 11	2,922,471 60	309,853 72
Delaware	Arms, &c., volunteers and regulars	198,938 52	198,938 52						
Maryland	Various appropriations				1,442,448 51	1,385,252 36		1,385,252 36	57,196 15
Virginia	do	96,859 44	96,859 44						
West Virginia	Various appropriations. Act July 17, 1861.								
Ohio	do	671,480 09	670,806 85	\$673 24	3,172,218 19	2,910,469 11		2,910,469 11	261,749 08
Illinois	Various appropriations				3,019 20	3,019 20		3,019 20	
Indiana	Expenses incurred, &c., act July 17, 1861.				23,979 72	7,162 52		7,162 52	16,817 20
Michigan	do				54,089 41	48,469 97		48,469 97	5,619 44
Wisconsin	Reimbursing West Virginia, &c.				456,879 03	456,658 03		456,658 03	221 00
Iowa	Various appropriations				3,206,822 77	2,879,553 39	3,626 12	2,883,179 58	323,443 19
Minnesota	Expenses incurred, &c., act July 17, 1861.				4,574,298 51	2,956,208 28	1,089,534 94	4,045,743 22	528,555 29
Missouri	Various appropriations								
Kentucky	do	1,074,964 62	1,073,208 51	1,756 11	3,530,313 41	2,427,119 26	60,500 47	2,487,619 73	1,042,692 68
Nebraska	Expenses incurred, &c., act July 17, 1861.				833,017 38	726,435 23		726,435 23	106,582 15
Colorado	do				1,141,793 81	962,144 15		962,144 15	159,649 66
Total	Various appropriations				1,071,765 94	934,624 27		934,624 27	137,141 67
	do	276 75	276 75		443,692 71	430,378 26	5,293 47	435,671 73	8,020 98
	Expenses incurred, &c., act July 17, 1861				7,236,978 34	7,280,827 33		7,220,827 33	16,151 01
	do				3,560,103 62	2,539,699 41	52,718 00	2,591,417 41	968,686 21
	Various appropriations				12,351 04	9,360 82		9,360 82	2,990 22
	Payments for militia in 1864				45,926 11	32,399 29		32,399 29	13,526 82
					55,238 84	55,238 84		55,238 84	
Total		2,050,578 30	2,048,148 95	2,429 35	44,507,323 72	37,869,705 54	1,521,006 90	39,390,712 44	5,116,611 28

NOTE.—Iowa has been allowed \$89,090.17 on special settlement, but no appropriation from which the same can be paid. Massachusetts has been allowed \$79,375.41, but no appropriation from which the same can be paid. Florida has filed a claim, \$168,606.73 for payment of troops during the Florida war. No appropriation. New York has filed a claim, \$364,107.07, for expenses incurred suppressing the rebellion; filed since January 2, 1872.

TREASURY DEPARTMENT, Washington, D. C., January 11, 1872.

D.

STATE CLAIMS, TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,  
Washington, D. C., January 24, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of this date, requesting a statement of the amount refunded to States since April 15, 1861, balances claimed and unpaid, interest and discount claimed, &c.

I herewith inclose statement showing amounts paid, remaining unpaid, also claimed for interest.

I am, very respectfully,

E. W. KEIGHTLEY,  
Auditor.

Hon. ALEXANDER RAMSEY,  
Secretary of War, Washington, D. C.

Statement showing the amounts refunded to the following States since April 15, 1861, on account of the late rebellion; also balances remaining unpaid, and amounts claimed for interest, together with an estimated amount which might be allowed under H. R. bill No. 1563, 46th Congress, 1st session.

Name of State.	Amounts paid various dates from 1861 to 1879.	Balances remaining unpaid.	Amounts claimed for interest.	Estimated amounts allowable under H. R. bill 1563.
Maine.....	\$1,024,987 68	\$283,313 06	.....	\$200,000 00
New Hampshire.....	1,010,815 52	401,775 59	.....	25,000 00
Vermont.....	855,058 09	* 66,890 16	.....	40,000 00
Massachusetts.....	3,731,704 20	19,934 76	.....	10,000 00
Rhode Island.....	757,404 19	5,207 80	.....	3,000 00
Connecticut.....	2,135,073 46	156,240 01	\$41,363 83	100,000 00
New York.....	3,841,376 72	1,179,170 90	131,188 02	500,000 00
New Jersey.....	1,396,141 56	38,602 85	.....	25,000 00
Pennsylvania.....	3,032,146 67	252,050 08	.....	150,000 00
Delaware.....	31,988 96	46,196 87	.....	.....
Maryland.....	133,140 99	45,985 50	.....	.....
Virginia.....	48,469 97	5,619 44	.....	2,000 00
West Virginia.....	456,658 03	221 00	.....	.....
Kentucky.....	3,385,536 61	1,546,937 89	973,701 62	400,000 00
Ohio.....	2,964,535 83	293,647 68	.....	200,000 00
Michigan.....	302,775 99	32,628 32	.....	20,000 00
Illinois.....	4,045,504 48	528,794 03	{ 232,605 00	50,000 00
Wisconsin.....	1,036,423 27	105,370 54	{ 200,507 03	70,000 00
Indiana.....	2,593,788 96	816,450 40	{ 244,702 90	108,000 00
Minnesota.....	435,671 73	9,315 18	{ 362,186 51	3,000 00
Iowa.....	1,058,748 29	35,765 65	.....	25,000 00
*Missouri.....	7,220,827 33	2,435,770 86	.....	.....
Nebraska.....	34,093 37	11,832 64	.....	5,000 00
Kansas.....	349,118 59	471,012 98	.....	300,000 00
	42,381,990 49	8,788,934 19	1,708,947 01	2,228,000 00

\* Missouri claim has been conditionally assumed by her but not paid.  
Illinois and Indiana have claims for discount on bonds amounting to \$477,307.90.  
Only four States have presented claims for interest.