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Resolutions of the Legislature of Texas, relative to the payment of certain volunteer companies for services on the western frontier of that state

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RESOLUTIONS

OF

THE LEGISLATURE OF TEXAS,

RELATIVE TO

The payment of certain volunteer companies for services on the western frontier of that State.

APRIL 12, 1850.

Referred to the Committee on Indian Affairs, and ordered to be printed.

AN ACT relative to the payment of certain volunteer companies for services rendered on the western frontier of the State of Texas.

Whereas, in the opinion of his Excellency the governor of this State, emergencies have existed which required the services of mounted volunteers on our border country: And whereas, to meet said emergencies, the governor has called into service, from time to time, the following companies, commanded respectively by Captains Benjamin F. Hill, J. M. Smith, Jacob Roberts, John S. Sutton, Shapley P. Ross, Henry E. McCulloch, Isaac W. Johnson, and Charles Blackwell: And whereas the companies promptly responded to the calls above referred to, and by their zeal and activity answered the ends for which they were called, in stopping the further progress of murder and bloodshed by the ruthless savages who infested our frontier, and whose acts of violence and barbarity are now too fresh in the memory of every Texan to need recapitulation: And whereas the services here alluded to seem not to be recognised by the government of the United States, which leaves the officers and men comprised in said companies totally without remedy for pay for the meritorious services rendered the State by them as aforesaid; and believing that said companies have a right to look to the legislature of the State for relief, and believing their claims for pay to be just and meritorious, and that the United States government will not hesitate to reimburse the State the amount hereby assumed: Therefore,

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That the officers, non-commissioned officers, musicians, and privates of said companies are entitled to the same pay, mileage, and emoluments, which they would have received had they been called into service by the United States government, according to the date of said service, on file in the office of the adjutant general of the State.

SEC. 2. *Be it further resolved,* That the State of Texas assume and will pay to the officers, non-commissioned officers, musicians, and privates, or their heirs or legal representatives, the true amounts due them, respec-

tively, for the services rendered the State by them, as aforesaid, as well as the foraging and subsisting of said companies, or so many of the same as have not already been paid.

SEC. 3. *Be it further resolved*, That the governor is hereby authorized and required to appoint some suitable person, or agent of the State, to collect together all the muster-rolls, pay-rolls, accounts, vouchers, and other evidences of services rendered, and expenditures incurred, by any and all persons of this State, for the protection of the frontier from Indian depredations, since the annexation of Texas to the American Union, which have not heretofore been liquidated by the general government.

SEC. 4. *Be it further resolved*, That said agent shall make out complete and correct duplicate muster and pay-rolls of all and each of said companies, and also duplicate accounts of all the expenses incurred, whether by the State or citizens thereof, for the subsistence and maintenance of said forces, which have been raised for protecting the State from Indian invasion and depredations, exhibiting the authority for the same in each case, whether the troops, as raised, were mustered into the service of the United States or the State of Texas, the whole in the form required for liquidation by the laws of the United States and the regulations of the War Department; one copy of each of which he shall deposit in the adjutant general's office in this State, and the other retain himself, for the purpose hereinafter set forth.

SEC. 5. *Be it further resolved*, That said agent shall proceed with such rolls, accounts, vouchers, and other evidences of services rendered, and expenses incurred, fully made out and properly authenticated, in accordance with the United States army regulations, to the city of Washington, and present them to the proper officers of the government for settlement, and take such advice, and adopt such measures, in conjunction with our senators and representatives in Congress, as will secure the prompt payment of said claims.

SEC. 6. *Be it further resolved*, That said agent shall receive as compensation for the services required of him five per cent. on the amount which he may procure to be paid, as provided in the fifth section: *Provided*, That said compensation of five per cent. be deducted from and paid out of the amount so obtained from the United States government: *And moreover provided*, That the sum of fifteen hundred dollars be and the same is hereby appropriated, out of any money in the State treasury not otherwise or previously appropriated, to defray the expenses of said agent in discharging the duties herein assigned him, which amount of fifteen hundred dollars shall, in the event of a collection of the demands of the State against the United States government, be refunded by him, the said agent, in the manner hereinafter provided, to the State, out of the per centage allowed him by the provisions of this resolution.

SEC. 7. *Be it further resolved*, That it shall be the duty of said agent, in the event he obtains from the United States government the amount claimed by the State, or any portion thereof, to proceed forthwith to the seat of government of the State with the same, and make a deposit thereof with the State treasurer, in the same manner that other public moneys are paid into said treasury, and on the same receipts and vouchers.

SEC. 8. *Be it further resolved*, That it shall be made the duty of the governor, and he is hereby required, to cause said agent, before entering on his duties, to make and execute to the governor of the State of Texas,

and his successors in office, a good and sufficient bond, with two or more satisfactory and solvent securities, conditioned for the well and faithful performance of all the duties required of him, which shall not be void on the first recovery, but liable to be sued on, from time to time, by the party or parties insured, until the whole amount thereof is recovered.

SEC. 9. *Be it further resolved*, That it shall be the duty of the treasurer of the State to disburse the money so deposited by said agent with him, upon the application of the parties entitled to the same, their heirs, or legal representatives, assigns, or attorneys in fact, upon their producing evidence of their right to the same from the adjutant general of the State, that the corresponding service was performed by the party claiming, or in right of whom it is made.

SEC. 10. *Be it further resolved*, That the accompanying memorial of the Legislature of the State of Texas to the honorable the Senate and House of Representatives of the Congress of the United States, upon the subject of expenses incurred by the State in providing a military defence upon the frontier in the years 1848 and 1849, is hereby approved and adopted, together with the accompanying report of the adjutant general of the State, setting forth the time the several companies were mustered into service, and the time of their discharge from the same, with the estimated amounts due such company respectively.

SEC. 11. *Be it further resolved*, That the clerk of the House of Representatives of the State of Texas be, and he is hereby, required to make out a complete and certified copy of the report of the chairman of the military committee, to whom was referred so much as related to the payment of the companies of mounted volunteers recently mustered into service for frontier protection, as well as this joint resolution, together with the memorial and report of the adjutant general above referred to; and it shall be his duty to deliver the same to his Excellency the governor of the State of Texas, to be by him forwarded, as contemplated in this joint resolution, to the Congress of the United States, with such directions, statements, and views, as to him may seem right and proper.

SEC. 12. *Be it further resolved*, That these joint resolutions take effect and be in force from and after their passage.

C. G. KEENAN,

Speaker of the House of Representatives.

JOHN A. GREER,

President of the Senate.

Approved January 7, 1850.

P. H. BELL.

I certify the foregoing to be a true copy of the original resolutions passed by the Legislature of the State of Texas on the fourth day of January, A. D. 1850.

C. G. KEENAN,

Speaker of the House of Representatives.

Attest: BENJAMIN F. HILL,

Chief Clerk H. R.