Treasury Department
Auditor's Office March 4th 1852

To the Hon
The District Court of Travis Co.

As defendant in the case of Jas. F Edrington vs Charles Mason First Auditor the defendant pleads that on the 13th day of January 1852 he received from His Excellency the President the following Order. "Executive Department City of Austin January 13th 1852 To Charles Mason Esq. Auditor, Sir you will audit the Claims of John A. Meuser, David Morgan, Philip Golden, James Turley, Riley Jackson & Benjamin Wright, for services in bringing in certain Indians of the Lipan tribe before the Committee on Indian affairs of the House of Representatives at three dollars per diem and no more. (Signed) Sam Houston." And in answer to a resolution of the Hon House of Representatives why the Auditor refused to pass said Claims, I made an explicit and satisfactory reply.

The Hon Congress as it appears did not doubt the right of the Executive as far as has been made known to the Auditor, which induced him to think that the House of Representatives considered they were interfering with the duties of the Executive in entering into contract with individuals without the sanction of that Department, though this is a point solely for the Hon Court to decide. The Auditor is well aware of the abuse of power that might be made by the Executive, but it appears that the one referred to in this plea was founded upon justice & with a view on the part of the Executive to prevent a profligate expenditure of the public funds. The Auditor has never refused to pass the accounts at three dollars per day. The Auditor is as he conceives authorized to decide upon all accounts that are presented to him, and as the Resolution does not state the amount to be paid, he does not feel authorized to place at defiance the order of the Executive, for if the amount charged had been One or five hundred dollars per day, he would have