Genl. Thruston seems to have been acting under the instructions of the Secretary of the Navy in his letter to him dated 21st. Jany. 1837, in which he specially directs the purchase of this vessel, if it can be done at cost not to exceed fourteen thousand dollars, the price to be paid for the vessel was twelve thousand dollars in Texas land scrip at fifty cents per acre, "provided the Secretary of the Navy of Texas approve the purchase", and in the event he did not approve the purchase" Thruston pledged himself in a sum equal to the present outfit of the schooner, to be ascertained when the bills shall be rendered, that the sciroschooner, Tom Toby should be permitted to cruize under a commission from the Govt. of Texas for a term of six months or longer, at the discretion of the Secretary of the Navy", during which time all prizes taken by the vessel to belong to Grayson. In the event the vessel should be lost in action before the ratification of the contract, the Govt. to pay Grayson the sum of twelve thousands dollars, the value of the vessel, but if by the dangers of the sea then the Govt. was to pay him fifteen thousand dollars, By the stipulations of the contract the vessel is then delivered up to Thruston for the Government of Texas.

John Green Jr. makes affidavit that he was in the services of the Government of Texas, as Lieutenant of Marines, and in that capacity went on board the schooner Tom Toby at New Orleans in the early part of 1837, when he was repeatedly and distinctly informed by Com. Thruston that he had purchased said vessel and that she was then in the service