

THE GARDINER INVESTIGATION.

[To accompany bill H. R. No. 326.]

OCTOBER 7, 1852.—Filed with the Clerk of the House of Representatives.

DECEMBER 7, 1852.—Ordered that the report and evidence be printed.

Mr. KING, from the Select Committee appointed at the last session to investigate the connexion of the Hon. Thomas Corwin with the Gardiner claim, made the following

REPORT.

Report of the Special Committee of the House of Representatives in the Gardiner investigation.

The committee appointed under the resolution of the House of Representatives passed August 23, 1852, were authorized to sit during the recess, and to file their report with the Clerk of the House.

The resolution directing the investigation to be made is as follows :

THIRTY-SECOND CONGRESS—FIRST SESSION.

CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES—*Monday, August 23, 1852.*

Whereas a strong suspicion rests upon the public mind that fraudulent claims have been allowed by the late Mexican Claim Commission, with one of which it is suspected that Thomas Corwin, Secretary of the Treasury, has been improperly connected: Therefore,

Resolved, That a committee, consisting of five members of this House, be appointed by the Speaker, to investigate all the facts touching the connexion of the said Thomas Corwin, the present Secretary of the Treasury, with the said Gardiner claim; what fee, if any, he was to receive for his services as agent or counsel for said Gardiner; what interest, if any, other than his fee interest, he purchased and held, either directly or indirectly, in said claim, and the amount paid, or stipulated to be paid, therefor, and condition of such purchase; at what time he ceased to act as the counsel or agent of said Gardiner; to whom and for what consideration he disposed of his fee interest; to whom and for what consideration he disposed of his one-fourth interest in said claim.

Resolved further, That said committee have power to send for persons and papers.

Resolved further, That Mr. Andrew Johnson, of Tennessee; Mr. Goodrich, of Massachusetts; Mr. Howard, of Texas; Mr. Chapman, of Connecticut; and Mr. Preston King, of New York, be appointed the said committee.

Attest:

JOHN W. FORNEY, *Clerk.*

The investigation ordered presents two inquiries.

1st. Was the claim of George A. Gardiner, as allowed by the board of commissioners under the treaty of Guadalupe Hidalgo, meritorious, or fraudulent?

2d. What was the connexion of the Hon. Thomas Corwin, the present Secretary of the Treasury, with said claim?

The committee file with their report all the testimony which they have taken, and present the following summary of the material part of the same, pertinent to the subjects of investigation, with their conclusions thereon.

First. As to the character of the claim of George A. Gardiner.

The claim of George A. Gardiner was a claim for damages alleged to have been sustained by him by reason of his expulsion, on the 24th day of October, 1846, by the Mexican authorities, from mines which he alleged he was extensively engaged in working in the State of San Luis Potosi, in Mexico.

His memorial and claim were presented on the 30th of November, 1849, to the board of commissioners then sitting in the city of Washington for the adjustment of claims, appointed on the 19th of March, 1849, under the act of Congress approved March 3, 1849, entitled "An act to carry into effect certain stipulations of the treaty between the United States of America and the republic of Mexico of the second day of February, one thousand eight hundred and forty-eight."

The committee state, that upon examination of the evidence taken by them, it appears from the testimony of José Antonio Barragan that he is well acquainted with the place in the department of Rio Verde, State of San Luis Potosi, in Mexico, where Gardiner's evidence locates his mine; that there are silver mines in the State of San Luis Potosi, but that there is none at that place, or in the department of Rio Verde.

Charles W. Davis, a clerk in the State Department, being sworn, testified that he was the secretary of the board of commissioners during the last month of the sitting of the board; he identified certain papers as papers and depositions before the board of commissioners in the Gardiner claim, and filed, on their final adjournment, in the State Department.

The papers were shown to the witness, Mr. Barragan, who testified that the official signatures attached to the paper purporting to be the title-deed, or certified copy of the record of Gardiner's title to a mine, are forgeries; that he knows the handwriting of the persons whose official signatures they purport to be; that he has seen them write. The seal of the State, attached, is spurious; that the official signatures to six several depositions, stating the character and value of the mine, are forgeries. Among the papers there were some others which this witness said were forged, and some to which the official signatures were genuine.

This witness states, that when a mine is discovered in Mexico, it is necessary by the law, if he desires to take possession, that the discoverer should present a specimen of the ore to the mining tribunal, if there is one in the district; and if there is not, to the judge of the first instance, and possession is given by the mining tribunal or judge. If it is an old mine, which has been worked and abandoned, the same requisites are

necessary for possession; and, by the law, an expert is required to be present, who certifies that everything has been done in accordance with the mining ordinance.

A record is always kept of the registry of new mines, and of the denouncement (claiming) of old ones, in the proper offices. There is found no record of mines, old or new, in the district Rio Verde. It is not a mining district.

This witness stated that in the summer or fall of 1846, George A. Gardiner was at the city of San Luis Potosi, practising his profession of a dentist.

Two witnesses, John Baptiste Barragan and Pantaleon Galvan, testify to the forgery of the documentary evidence of Gardiner, and both testify that they are acquainted with the locality of Lagunillas, in the State of San Luis Potosi, and that there is no silver mine there. These three witnesses are Mexicans, residing in the vicinity where Dr. Gardiner's testimony locates his mine: they are all gentlemen of character and respectability in their own country. The first named, José Antonio Barragan, held, from 1843 to 1846, the office of collector of the customs at Rio Verde. Lagunillas belongs to this district. He now holds the office of comptroller general of the State of San Luis Potosi. They all came to the United States as witnesses, under an arrangement made by George W. Slacum, esq., an agent of the United States government, who went, by the direction of the Hon. R. P. Letcher, the American minister in Mexico, to the State and city of San Luis Potosi, for the purpose of investigating the character of the claim of George A. Gardiner, and the Mears claim, and obtaining testimony in relation to them.

David Sayrs, formerly of New Jersey, James Wright, formerly of New York, and John M. Togno, formerly of Pennsylvania, all now residents of the city of Mexico, all know George A. Gardiner.

Mr. Wright testifies that he travelled with him on a steamboat in 1840, when Gardiner first went into Mexico. All of them knew Dr. Gardiner in the city of Mexico, where he practised dentistry as a business. During his residence in the city of Mexico, Dr. Gardiner was engaged in mining at different times. His mining business was a failure. Mr. Togno testifies that he saw Dr. G. A. Gardiner in the city of Mexico in 1847, at the time the decree for the expulsion of American citizens was promulgated in the city of Mexico. He had not seen Gardiner since 1844, until at that time. He saw Gardiner at the door of his (Togno's) store. Gardiner then said he passed as a Havanero, (citizen of Havana;) that he was going into the interior, and requested Mr. Togno not to mention that he was an American.

The last three witnesses are citizens of the United States residing in the city of Mexico, who came to the United States as witnesses on the part of the government in the investigation of the Gardiner claim. They are gentlemen whose characters require no certificate at the hands of the committee.

Robert S. Chew testified that the signatures of Thomas W. Slemons, the American consul at Matamoras, certifying to the official character of Señor De los Santos and José Antonio Leal, attached to depositions in the Gardiner case, are genuine. Mr. Chew is a clerk in the consular

bureau of the State Department, and brought letters and seals of the consul (Mr. Slemons) from that office for comparison.

William Hunter, chief clerk in the State Department, testifies that the signature of Mr. Rosa, late minister of Mexico to the United States, is genuine; and also the seal of the legation to two papers shown to witness, one purporting to be the certificate of Mr. Rosa to a letter of Luis Guzman to the prefect of Rio Verde, and the other his certificate to the book of accounts, both of which were filed by Dr. Gardiner in support of his claim.

Edward William Johnston testifies that he was the secretary of the board of commissioners from July, 1849, to April, 1851; that the Gardiner claim was regarded by the board with some suspicions from the beginning. These suspicions arose from rumors that reached the board in regard to the case—as one either without merit originally, or founded on slight merit and grossly exaggerated. The proofs and papers and the explanations of Dr. Gardiner were such, that the board was satisfied and allowed it.

George W. Slacum testifies that he went to Mexico as the agent of the United States, appointed by the Secretary of the Treasury, to investigate as to the payment of the fourth and fifth instalments of the Mexican indemnity; that, having finished that business, he went at the request of Mr. Letcher, the American minister in Mexico, in November, 1851, to San Luis Potosi, to investigate two cases—one of Gardiner and the other of Mears; that he took testimony in both the cases of Gardiner and Mears—examined several witnesses there; that he became satisfied, from his inquiries and examinations, that there was no such mine as Gardiner sets out in his claim; that, in pursuance of his instructions from the American minister, he made arrangements to have witnesses of intelligence and good character come to the United States, from the locality, to testify in these cases; that he has made a report to the government, which, with the depositions taken by him in San Luis Potosi, he understands is on file in the State Department. This report and testimony denies the existence of any such mine as Gardiner sets out in his claim. The report and testimony have been called for by the committee, and will be filed, when received, with the testimony taken by this committee.

Philip R. Fendall, esq., the United States district attorney for the District of Columbia, testifies before the committee that, in both the criminal and civil courts of the District, proceedings have been instituted against George A. Gardiner; that George A. Gardiner, and John Charles Gardiner, his brother, have been indicted for false swearing, and that an indictment was found against John H. Mears for transmitting false papers from Mexico; that Doctor George A. Gardiner has also been indicted for forgery; that the United States were ready, and desired to try the three indictments against the Gardiners at the June term, 1852, of the criminal court for the District of Columbia, but the cases were put over, on the application of the defendants, to the next term, which will be held in December next; that in July, 1852, the United States instituted a chancery suit in the circuit court of the District of Columbia to enjoin in the hands of Corcoran & Riggs moneys and stocks belonging to G. A. Gardiner, to the amount of between

\$90,000 and \$100,000; and also, in the same month, in the circuit court of the southern district of New York, to enjoin in the hands of the New York Life Insurance and Trust Company moneys and stocks belonging to George A. Gardiner to the amount of \$130,500. Mr. Fendall, who has been diligent and efficient in prosecuting in the courts, testifies that it is impossible the executive branch of the government should have shown more solicitude than it has done to have this matter investigated, the cause of public justice vindicated, and the treasury of the United States protected; that the President has, throughout, furnished every facility for promoting these objects; and so, also, has every officer of the government whose official duties have brought them in connexion with the subject; and by none more cordially or earnestly than by the Secretary of the Treasury.

Waddy Thompson testifies that he was acquainted with Dr. George A. Gardiner in the city of Mexico in 1842; that Gardiner was the chairman of a committee of American citizens to invite him (then United States minister in Mexico) to a public dinner; Gardiner was then a dentist and physician.

Gardiner left the city of Mexico in the fall of 1843, and he did not see him again until he met him in the city of Washington in December, 1848, or January, 1849. Dr. Gardiner then informed him that he had a claim growing out of his expulsion from mines in Mexico; that he soon after called upon him and submitted his papers, and employed him as counsel. The witness says his connexion with the case was strictly and exclusively professional, and confined to written instructions, given to Doctor Gardiner, as to the form and character of the testimony which he should get (these instructions, dated April 30, 1849, are appended to the testimony filed as exhibit No. 10) to written arguments submitted to the board, &c. His fees were to be fifteen per cent. of the amount which might be awarded. This witness employed the Hon. Thomas Corwin, then a senator, and was to give him five per cent. out of the fifteen per cent. Witness, when Gardiner retained him, agreed to employ and pay any additional counsel he, the witness, should deem necessary. Witness's fees—to wit, his ten per cent. remaining, which he received—were \$42,370.

He says he had frequent consultations with Mr. Corwin before he accepted his present office as Secretary—never afterwards. Once, after Mr. Corwin was appointed Secretary, he called to consult; Mr. Corwin declined consultation, stating that he had closed his connexion with the cases. The first six depositions in the Gardiner case were presented to the board about the time the memorial was presented, (November 30, 1849,) and were all the depositions in the case when it was declared valid by the board. These depositions were taken subsequent to the instructions given to Gardiner by this witness. Mr. Corwin also gave Gardiner written instructions as to the form and character of the testimony required. Dr. Gardiner went twice to Mexico for testimony; once in the summer of 1849, and afterwards in March or April, 1850.

Robert G. Corwin testifies that he and Thomas Corwin were counsel for Gardiner; that Thomas Corwin sold his interest in the claim of Gardiner before he went into Mr. Fillmore's cabinet, and never ap-

peared in the case afterwards; that he and Thomas Corwin purchased and owned jointly a fourth of the claim of Gardiner. Thomas Corwin's share of this fourth was assigned with his fee interest before he went into the cabinet. This witness never heard anything against the character of Gardiner or his claim until after the criminal prosecutions against Gardiner were commenced in the courts of this District.

Robert T. Paine testifies that he was one of the board of commissioners from the beginning to the end of its labors. Mr. Corwin never appeared before the board after he went into the cabinet. He says there was additional testimony introduced after the claim was declared valid. There was some evidence, but not sufficient, in the first papers, to establish the legal title of Gardiner to the mine. There was no deed. His impression is, there was some paper, either a certificate or an affidavit. This witness testifies, that when the board of commissioners decided upon the validity of a claim, they at the same time looked into the amount which they thought ought to be awarded to the claimant. This amount, however, was not considered final by the board. Memoranda of the amounts thus estimated were kept by members of the board. The award was not made public. The award in the Gardiner case was increased some fifty or sixty thousand dollars by the introduction of the additional testimony. This witness states that the papers in the Gardiner case were in his hands, and he gave the case a careful examination, for it was one of the largest claims before the board, and there were rumors in circulation in relation to the claim, and he received an anonymous note cautioning him in relation to it. The note bore the stamp of the Irving Hotel, and was signed "A North Carolinian." He used every exertion to find out the writer, but could not. The witness says there was no suspicion or suggestion of fraud in the testimony when the final award was made, and he never heard any until he saw it in the newspapers.

From the evidence before the committee, (the above being only a summary of the more important facts testified to by the witnesses,) the committee are constrained to believe, upon the first branch of the investigation committed to them, that the claim of George A. Gardiner, upon which an award was made by the board of commissioners for the sum of \$428,750, was sustained before the commissioners by false testimony and forged papers, and is a naked fraud upon the treasury of the United States. Of the amount awarded, \$93,000, on deposit, in stocks and money, with Corcoran & Riggs, to the credit of Gardiner, subject to two charges—one a letter of credit to George A. Gardiner on George Peabody, of London, for £2,000, and one his letter of credit to his brother, John Charles Gardiner, for \$10,000—have been enjoined; and also \$130,500, deposited to the credit of George A. Gardiner with the Life Insurance and Trust Company in the city of New York, have been enjoined at the suit of the United States, and are now retained under injunction. The sum of \$94,582 was paid to counsel, and \$107,187 50 was paid to the assignees of the one-fourth of the claim originally sold to Thomas Corwin and Robert G. Corwin.

In relation to the second branch of the inquiry—the connexion of the Hon. Thomas Corwin, the present Secretary of the Treasury, with the said Gardiner claim. The following facts appear, from the testimony

upon the points directed by the resolution to be investigated: In May, 1849, the Hon. Thomas Corwin, then a member of the United States Senate, was employed as counsel in the Gardiner claim by General Waddy Thompson, the original counsel of Gardiner, upon an agreement that Mr. Corwin should have for his fee five per cent. on whatever sum should be awarded to Gardiner by the commissioners. In February, 1850, Thomas Corwin, in company with Robert G. Corwin, esq., purchased one-fourth part of the claim of Gardiner, and this fourth part of said claim was assigned on the 13th of that month to W. W. Corcoran, esq., who loaned money to the Messrs. Corwin to purchase it, and held the claim for Messrs. Thomas and Robert G. Corwin, in equal shares, as collateral security for the payment of the loan. The Messrs. Corwin paid \$22,000, and relinquished their fees on the one-fourth of the claim purchased by them, and paid a part of Edward Curtis's fees—what amount does not appear—as the consideration for the purchase.

The Hon. Thomas Corwin resigned his seat in the Senate and accepted the appointment of Secretary of the Treasury in the month of July, 1850. In the same month, and previous to his going into the cabinet of President Fillmore as Secretary of the Treasury, a sale of his fee interest in, and also of his half of the one-fourth part of the Gardiner claim, was negotiated, through the intervention of Governor John Young, of New York, to George Law, esq., of New York. From this time the said Thomas Corwin refused to act as counsel, or consult with the other counsel who had been associated with him, in relation to the same, and took no further part in the prosecution of the said Gardiner claim. The assignment of his fee interest and his interest in the one-fourth part of the Gardiner claim, and all his interest in all other claims before the board of commissioners, (thirty-seven in number,) was executed by Thomas Corwin to Jacob Little, of New York, in November, 1850, and the money for the purchase was then paid by George Law, to whom the assignment to Jacob Little was at that time transferred. The money for the sale, \$80,357, was received by Thomas Corwin, and on the 23d of November was deposited by him to his credit with Messrs. Corcoran & Riggs.

No testimony has been adduced before the committee proving, or tending to prove, that the Hon. Thomas Corwin had any knowledge that the claim of the said Gardiner was fraudulent, or that false testimony or forged papers had been or were to be procured to sustain the same.

The committee, at the same time, are of opinion that there were circumstances developed during the course of the trial which should have induced the board of commissioners to have given the case a more thorough investigation.

It is in proof, from the testimony of the secretary of the board, that the claim was suspected by the board from the first, and that Gardiner was frequently called on for explanations. Under these circumstances the board ought not to have rested satisfied with *ex parte* affidavits or depositions, but should have required some testimony from Mexico, taken upon notice, that cross-interrogatories might be put. Even a letter to our minister at the city of Mexico, or to the American

consul at Monterey or Tampico, would not have failed to have led to an investigation which must have resulted in an exposure of this fraud.

What legal enactments ought to be adopted to prevent or punish such frauds, the committee will consider and report to the House at its next session.

At the conclusion of the examination of the witnesses on Tuesday, the 5th of October, the note of which the following is a copy, from George A. Gardiner, was handed to the committee:

Copy of a letter of George A. Gardiner to the committee.

WASHINGTON CITY, D. C., October 5, 1852.

GENTLEMEN: I have been informed that, in the course of your investigations with reference to the official conduct of the Hon. Thomas Corwin, you have examined a number of witnesses, and received in evidence divers documents, relating to my claim lately adjudicated before the board of commissioners under the Mexican treaty. I have not been notified of your purpose so to do. I had no intimation (and I find none in the resolution constituting your committee) of your authority to investigate and pass judgment on the legality, validity, and honesty of my demand allowed by that board. I presume the House of Representatives did not expect such investigation and such decision by you. It was aware, as you are, that I have been persecuted—first, by criminal proceedings in different shapes; secondly, by civil proceedings; thirdly, that the United States Senate has designated a select committee to overhaul all the Mexican claims and the conduct of the board; and, fourthly, that I have been industriously and insidiously assailed in the newspapers by political partisans. If, on reconsideration, you decide that I am to pass a *fifth ordeal*, and that you take cognizance of my case and propose to decide it, common justice demands that your proceedings should not be *ex parte*, and that I ought to be heard before you. I ought to be allowed the privilege of cross-examining the witnesses already sworn and examined, and those that may be hereafter adduced to impeach my claim or my conduct; and I ought to be allowed to give testimony to rebut the false testimony given against me. It is my right, therefore, to protest against your past proceedings, as I now respectfully do, as most unjust and unconstitutional, which would try me unheard, and decide my case *ex parte*, and to submit to you that common justice demands you should expunge from your proceedings all the testimony relating to me or my case. Its falsity, or invalidity, has nothing to do with Mr. Corwin's conduct. The justice of my case does not exonerate him, nor the falsehood of it in any degree alter his case. I solemnly protest against being tried *ex parte* five different ways, and five different times, for the same imputed offence, not having the privilege of being confronted with the witnesses, and having the proceedings then made public, under the imposing form of a report of a committee of the House of Representatives, thus to prejudice me and my rights.

I respectfully request that this protest may be filed among the proceedings of your committee.

Respectfully, &c., your obedient servant,

G. A. GARDINER.

To the Hon. Messrs. KING, HOWARD, and CHAPMAN, members of the Select Committee of the House of Representatives, now sitting in the Capitol.

To this note the committee returned the following reply, which was delivered into the hands of the said George A. Gardiner, by the clerk of the committee, on the same day :

Copy of letter of Committee to George A. Gardiner.

WASHINGTON, *October 5, 1852.*

SIR: The undersigned acknowledge the receipt of your protest, dated this day, at which they are not a little surprised. Before entering upon the examination of witnesses, to wit: on the 31st day of August last, we caused a notice to be served upon you to appear before the committee, if you should see cause, at the Judiciary Committee room in the Capitol, on the 1st day of September, 1852. In pursuance of that notice, Messrs. Bradley and Carlisle subsequently appeared before the committee as your counsel, and cross-examined witnesses on different days; which cross-examination, with the answers of the witnesses, is incorporated in the testimony taken by the committee.

On the 19th September last, Messrs. Bradley and Carlisle addressed a note to the committee, waiving any further examination; and the committee have proceeded in their investigation, which, so far as the examination of witnesses is concerned, we supposed was concluded.

If you have any testimony to offer, proving the existence and character of the mine which was made the foundation of your claim before the board of commissioners organized under the treaty of Guadalupe Hidalgo, the committee will be ready to hear it on the 6th day of October instant, (to-morrow,) at nine o'clock a. m.

Your protest will be filed with the proceedings of the committee.

Yours, &c.,

C. CHAPMAN,
V. E. HOWARD,
PRESTON KING.

GEORGE A. GARDINER,
Washington, D. C.

The committee, in pursuance of the notice in their reply to Mr. Gardiner's note, met at their committee-room at nine o'clock a. m., on Wednesday, the 6th day of October, and were in session during the

day. Neither Mr. Gardiner, nor any person in his behalf, appeared, nor was any communication received from him.

All which is respectfully submitted.

PRESTON KING,
V. E. HOWARD,
CHAS. CHAPMAN.

OCTOBER 7, 1852.

THIRTY-SECOND CONGRESS—FIRST SESSION.

CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES—MONDAY, *August 23, 1852.*

Whereas a strong suspicion rests upon the public mind that fraudulent claims have been allowed by the late Mexican claim commission, with one of which it is suspected that Thomas Corwin, Secretary of the Treasury, has been improperly connected: Therefore,

Resolved, That a committee, consisting of five members of this House, be appointed by the Speaker, to investigate all the facts touching the connexion of the said Thomas Corwin, the present Secretary of the Treasury, with the said Gardiner claim; what fee, if any, he was to receive for his services as agent or counsel for said Gardiner; what interest, if any, other than his fee interest, he purchased and held, either directly or indirectly, in said claim, and the amount paid or stipulated to be paid therefor, and conditions of such purchase; at what time he ceased to act as the counsel or agent of said Gardiner; to whom and for what consideration he disposed of his fee interest; to whom and for what consideration he disposed of his one-fourth interest in said claim.

Resolved further, That said committee have power to send for persons and papers.

Resolved further, That Mr. Andrew Johnson, of Tennessee; Mr. Goodrich, of Massachusetts; Mr. Howard, of Texas; Mr. Chapman, of Connecticut, and Mr. Preston King, of New York, be appointed the said committee.

Attest:

JNO. W. FORNEY, *Clerk.*

IN THE HOUSE OF REPRESENTATIVES—*August 28, 1852.*

On motion of Mr. Edgerton,

Resolved, That the Select Committee appointed to investigate the connexion of Thomas Corwin, Secretary of the Treasury, with the Gardiner claim, have leave to sit during the vacation, and to send for persons and papers, and to examine witnesses under oath.

Attest:

JNO. W. FORNEY, *Clerk.*

AUGUST 30, 1852.

On motion of Mr. Andrew Johnson, by unanimous consent,
Ordered, That the foregoing resolution be amended by adding thereto,
“and the said committee is hereby authorized to make their report to
the Clerk during the recess.”

Attest:

JNO. W. FORNEY, *Clerk*.

Mr. ANDREW JOHNSON, }
Mr. GOODRICH, }
Mr. HOWARD, } *Committee.*
Mr. CHAPMAN, }
Mr. PRESTON KING, }

AUGUST 25, 1852.

The committee raised under the foregoing resolution met in the
Speaker's room.

Mr. Chapman was appointed secretary.

The following resolution was passed, viz :

Resolved, That the Secretary of State is hereby requested to com-
municate to this committee the papers in the case of the Gardiner claim,
so called, allowed by the board for the adjustment of claims against
the republic of Mexico, under the treaty of Guadalupe Hidalgo.

On motion of Mr. King,

Resolved, That a copy of the foregoing resolution, signed by the
chairman and secretary, be communicated to the Secretary of State.

On motion of Mr. King,

Resolved, That this committee meet in the room of the Committee on
the Judiciary at 10 o'clock a. m. to-morrow, the 26th instant.

On motion of Mr. King,

Resolved, That a copy of the foregoing resolutions be communicated
to the Hon. Thomas Corwin, signed by the chairman and secretary,
that he may be present, with his testimony, if he see cause, pursuant to
his request.

Adjourned.

AUGUST 26, 1852.

The committee met, and agreed to the following report; which they
directed their chairman to make to the House :

“The Select Committee to investigate the facts touching the con-
nexion of the Hon. Thomas Corwin, the present Secretary of the
Treasury, with the Gardiner claim allowed by the board for the adjust-
ment of claims against the republic of Mexico, under the treaty of
Guadalupe Hidalgo, report that there will not be time during the pres-
ent session of Congress to complete the investigation which they are
required to make by said resolution, or to procure the attendance of
the witnesses who are named upon both sides, and whose testimony is
regarded as necessary to the full examination of said claim, or the con-
nexion of said Corwin therewith.”

MONDAY, *August 30.*

Committee met; members all present.

Mr. Corwin appeared before the committee.

Upon consultation, the committee agreed to meet again to-morrow immediately after the House adjourns.

Simeon Smith was appointed clerk of the committee.

TUESDAY, *August 31.*

Committee met at half-past 12 o'clock p. m.; members all present.

On motion of Mr. King,

Ordered, That subpoenas be issued for the following witnesses, viz :

William W. Corcoran, of Washington city;

Robert G. Corwin, of Lebanon, Ohio;

James S. Thayer, of New York;

George Law, of New York;

Waddy Thompson, of Greenville, South Carolina;

William L. Hodge, of the Treasury Department,—named by the Hon. Mr. Olds.

Also,—

Robert G. Corwin, of Lebanon, Ohio;

Edward Curtis, of New York;

Waddy Thompson, of Greenville, South Carolina;

James S. Thayer, of New York;

George Law, of New York;

Marshall O. Roberts, of New York,—named by the Hon. Thomas Corwin.

Also, witnesses from Mexico, now in this city.

On motion of Mr. Chapman,

Ordered, That George A. Gardiner be notified that this committee will meet, at their room in the Capitol, on the first day of September next, at 9 o'clock a. m., and that he can appear before them if he see cause.

Half-past 1 p. m., the committee adjourned till September 1, 9 a. m.

WEDNESDAY, *September 1.*

Committee met pursuant to adjournment. Present: Mr. Johnson, chairman, Mr. Chapman, Mr. Goodrich, and Mr King.

Direction was given to the Sergeant-at-Arms to subpoena the following additional witnesses from Mexico, now in this city, viz :

J. M. Tognio,

David Sayrs,

J. Ant. Barragan,

Pantaleon Galvan.

Mr. Howard, of the committee, appeared.

Mr. Corwin appeared before the committee.

It having been ascertained that some of the distant witnesses could not be procured before that date, it was ordered that the subpoenas be made returnable on the 13th instant, at 9 a. m.

Directed that the testimony upon which the Gardiner claim was allowed by the claim commissioners be obtained from the Secretary of State.

Six o'clock p. m.

Committee met. Present: Mr. Howard, Mr. Goodrich, and Mr. King. Charles W. Davis sworn as interpreter of José Antonio Barragan, sworn as a witness. Says he is comptroller general of rents of the State of San Luis Potosi, and resides at present in the capital of the State, the city of San Luis Potosi. He came here for the object of deposing in this affair of Gardiner; and also, by direction of the governor of that State, to make inquiry into the falsification of the signatures of the authorities of the State, appended to a document purporting to be on record in the Gardiner claim for a mine, a copy of which was presented in San Luis Potosi by Mr. George W. Slacum.

He is well acquainted in Lagunillas, in the department of Rio Verde, which is the capital of the department. There is no such mine in the district of Lagunillas as that claimed to have been worked by George A. Gardiner. He, witness, was the collector of customs at Rio Verde, and Lagunillas belonged to his district. He was such collector from 1843 to 1846. He says that the silver coming out of that mine, before it could be assayed or carried to any other point, would have been obliged to seek a permit from him; and if the silver had been transported without it, his custom-house guards would have undoubtedly seized it; for so the laws require. The said guards, on seizure thereof, were entitled to the whole of it, only paying therefrom the requisite duty. Three per cent. is paid by silver on its being assayed. He has been in Lagunillas three times, in making his official custom-house visits, from the year 1843 to 1846. He went for the purpose of seeing whether his subaltern officers complied with their duty. In the year 1849, as colonel of the militia, he was sent by the government in quest of the banditti of the mountains, when for five days he was constantly traversing the mountains of Lagunillas in pursuit of the banditti, and in the night he slept in the town. The district of Lagunillas is about three to three and a half leagues square, with three thousand inhabitants, more or less, the greater part of whom are Indians. He says that no mine could have been worked in that district without his having knowledge of it; and if worked to the extent that Gardiner alleges, it would have been known to almost everybody in the republic of Mexico, and there would have been a town of large extent grown up immediately; and if there had been a steam-engine there, the greater part of the people in the district would have run to see it, for one is as yet unknown to the inhabitants of that district. When a mine is discovered, it is necessary, according to the law of the country, that the discoverer, or the person desirous of taking possession, should present a specimen of ore out of the vein to the mining tribunal, if there is one; if not, to the nearest judge of the first instance, who, after public proclamation, three times repeated, gives possession thereof, in case that, upon examination, he shall be satisfied that a pit eight yards deep has been made on the course of the vein. If it be an old mine, the same requisites are necessary, with the difference that the mine has been cleaned out to the same depth, and preparations made for working it.

At the examination, also, an expert has to be present, who certifies that everything has been done in accordance with the mining ordinance. There are many old abandoned mines in Mexico, in which large fortunes have been lost. No mine is ever abandoned while it is in fruits; for if one person should abandon it, there are plenty of others who would immediately embark in it. A record is always kept of the registering of new mines, and denouncement of old ones, in the proper offices. The same formality has to be gone through with, in denouncing an old abandoned mine, as is required in registering a new one. New mines are said to be registered. There is found no record whatever of mines, old or new, in the district of Rio Verde, for it is not a mining district, and consequently there can be no record; and that, moreover, the judges whose duty it would be to keep such record have declared that there are no records of such mines.

The authorities of the district where the mine is discovered always make a report to the government, of the existence of the mine. About a year ago, a newspaper of Mexico published accounts of Gardiner having received an award. There were rumors in relation to his claim previous to that—a short time before that.

J. ANT. BARRAGAN.

Charles W. Davis sworn in chief: Says that he has before seen papers now shown to him. They purport to be a title-deed to Gardiner's mine, and various depositions to substantiate his claim. He was secretary of the board of commissioners on claims against Mexico, at the close. When he went in as secretary, he found those papers there. He believes this is a part of the testimony on which the Gardiner claim was allowed. It was upon file there. There was other testimony, depositions, and books of account, &c. The paper marked A No. 1 is the testimony purporting to establish his title to a mine in Mexico.

Witness has seen Mr. Corwin's name attached to papers as counsel, with Waddy Thompson, E. Curtis, and Major Lally, in the Gardiner claim. He knows of nothing in Mr. Corwin's connexion that is improper. Witness was one of the first persons that suspected that this was a fraudulent claim. It was in July, 1851, that he first suspected it. Witness is now employed temporarily in the State Department. He has resided about eighteen years in Mexico. Witness was induced to suspect Gardiner's claim fraudulent from the fact that the claim of Doctor Mears for a quicksilver mine, for which he got an award of \$153,000, was believed by witness to be fraudulent, and for which claim Doctor Gardiner was acting as agent. This induced him to examine the Gardiner claim; and from his knowledge of mining in Mexico, and from a minute examination of the Gardiner papers, he suspected the Gardiner claim and communicated his suspicions to the President, when proceedings were immediately taken for the investigation of the matter.

CHAS. W. DAVIS.

(Charles W. Davis was here called, to prove the identity of certain papers, part of the testimony upon which the claim of Gardiner was allowed by the commissioners.)

Mr. Barragan was recalled, and the papers identified by Mr. Davis

shown to him; and he says that the paper purporting to be a title-deed to Gardiner of a mine is a forgery. The paper spoken of as a title-deed purports to be a certified copy of such title-deed to Gardiner from the record in Mexico. The official signatures are forgeries. Witness knows the handwriting of them all—has seen them write. There are four signatures to the title-deed :

1. Don Francisco Fernandez, prefect of Rio Verde ;
2. J. Pio Gutierrez, secretary of prefect ;
3. Julian de los Reyes, governor of San Luis Potosi ;
4. Luis Guzman, secretary of state ;

the two latter certifying to the genuineness of the signatures of the two first.

The seal, purporting to be the seal of the State, is also spurious. He, the witness, is well acquainted with the genuine seal of the State, as an officer of the State. It differs distinctly from the spurious in its appearance, as is shown upon the exhibition of the genuine and spurious to the committee. The first two official signatures a person not acquainted with them would not suspect, but the other two he thinks a stranger might suspect. The official signatures and seals, certifying to the depositions, are false: there are six of them. Witness knows nothing of any connexion which the Hon. Thomas Corwin has with this claim.

SEPTEMBER 2—8 *a. m.*

In June, 1846, witness saw an advertisement in the newspaper of San Luis Potosi, of George A. Gardiner, as a surgeon dentist in San Luis Potosi. In August or September of that year, a person in company with Dr. Mears was pointed out to him as Dr. Gardiner. Witness did not know of Gardiner having any other business than that of a dentist. The above was the only time he recollects of having seen said Gardiner in Mexico.

As to forgeries of title-deed, witness says: As a stranger to Mexican customs, a foreigner, who did not know either the name or rubrics, I might not detect two of them, which are made with rapidity; but those of Messrs. Reyes and Guzman would not have escaped me, for the reason that the rubrics are made very slowly, and show that the hand that formed them was trembling. The signature is formed by the name and rubric united; and the latter, the rubric is made with more rapidity.

Question to witness. Are not the rubrics or signatures of some Mexicans made slowly, and with a trembling hand;—old men, for instance, and others who do not have occasion to write much, and so do not acquire the habit of writing rapidly?

Answer of witness. There are many who do not know how to write, or are old, and sign very slowly; but then the name and rubric are trembling. Those of Messrs. Reyes and Guzman are not of this class, for the name is made with firmness, and the rubric very slowly. A rubric is the flourish (or *razgo*) which is placed below the name, and is a part of the signature.

Witness says that this mine of Gardiner's, according to his description, was by far the richest in the State of San Luis; for all the mines

of Catorce, the wealthiest of them all—twenty-one in number—only produce, on an average, one hundred bars of silver per month.

Question. Would a person not acquainted with the Mexican signature be likely to notice the difference between the name and rubric which you mention?

Answer. I do not know what another person would do; but it is my opinion that I should have taken notice of the difference in the v-cillation between the letter and the rubric.

In explanation of his previous testimony, witness states that the certificate alleged to have been given by Don Francisco Fernandez does not show the authority which in 1844 gave possession of the mine to Gardiner; nor are the names of the witnesses who were present, nor the notary public who certified or authenticated the signatures, shown. The judge of letters, Don Miguel Lasso, is the only person who could have given possession, for at that time the Central government was in existence, and there were not any other authorities in the other towns of the district of Rio Verde, where Lagunillas belongs, except justices of the peace.

J. ANT. BARRAGAN.

CHAS. W. DAVIS, *Interpreter*.

John Baptiste Barragan sworn [same interpreter]: Says he is the son of Don Antonio Barragan, the last witness. He resides in the valley Maiz, in the department of Rio Verde. He is twenty-six years of age, and is a lawyer by profession. He has seen and examined the paper purporting to be a certified copy of the title of a mine to George A. Gardiner. Three of the official signatures to said paper are forgeries, purporting to be those of Don Francisco Fernandez, Luis Guzman, and Julian Delos Reyes; with the other one he is not sufficiently acquainted to express an opinion under oath. He has examined carefully the above-mentioned signatures. The first seal—that of the prefect—looks like the genuine seal; but the seal purporting to be that of the secretary of the government is false, and does not resemble the genuine in any respect. Witness has never been at Lagunillas. He never heard of a silver mine at that place. That never in Rio Verde, or in his trips over the mountain in which is Lagunillas, nor in the valley of Maiz, has he ever heard of a silver mine being in all that district, until in connexion with the Gardiner claim. It is about twenty-four or twenty-five leagues from witness's residence to Lagunillas.

JUAN B. BARRAGAN.

CHAS. W. DAVIS, *Interpreter*.

Pantaleon Galvan sworn: Says he resides in the Valley del Maiz. He is 47 years of age; is secretary of the sub-prefect of said place. Witness has seen and examined the papers setting forth the Gardiner claim. The official signatures to said papers are all forgeries: he knows this because he is acquainted with the handwriting of those officers. There is no such mine as is described in those papers, in the whole department of Lagunillas. Early in 1847 he saw George A. Gardiner in the Valley of Maiz. He had before seen in a newspaper a notice of said Gardiner as a dentist.

Witness is one of several persons from Mexico who have come here at the instance of the two governments to testify in regard to these claims.

PANTALEON GALVAN.

CHAS. W. DAVIS.

David Sayrs sworn: Says he resides in the city of Mexico; has resided there since 1840; is an American, from the State of New Jersey; has been engaged in Mexico in business as a coachmaker. Knows nothing of the papers testified to as forged; knows nothing of the mines described in them. Knew George A. Gardiner as a practising dentist in the city of Mexico from the commencement of the year 1842 to the year 1844. Within this time Gardiner was a short time concerned in a mining operation with others. The mining operations in which Gardiner was concerned were failures; he knew the business was a failure, because the parties abandoned it and returned to the city of Mexico. Gardiner's operations in mining were first at Real del Oro; second at Morelia. These places are in a different part of the country from Rio Verde. He understood in Mexico that Mr. Corwin was one of Gardiner's counsel in regard to his claim, but knows nothing of his connexion with it.

DAVID SAYRS.

James Wright sworn: Says he resides in the city of Mexico; is an American, from the State of New York; has been in Mexico since 1833; is 48 years of age. He knows nothing of the papers in the Gardiner claim, except what he has seen and heard since he came to Washington. He knows nothing of the mines described in those papers. He knows George A. Gardiner; he first saw him on a steanboat, in 1840, going to Vera Cruz, which he understood was his first entrance into Mexico. He understood from Gardiner that he was going to Mexico to practise dentistry. He said he should stop at Vera Cruz, Jalapa, and Puebla, before going to the city of Mexico. He saw him again in the city of Mexico in 1842, practising his profession as a dentist. He first practised by himself and then in company with Mr. Seager. He practised dentistry till about the middle of 1844; and when he left the city of Mexico, he (witness) understood said Gardiner went to Morelia. Witness never knew said Gardiner to have any property; he made a comfortable living by his profession. Witness knew that Gardiner, while in the city of Mexico, was twice engaged in mining operations. He (Gardiner) had a small share in two companies; one near Morelia, and the other in the State of Mexico. Neither of these is in the region of Rio Verde. Both of the above operations were failures, and abandoned by those concerned in them previous to the war. Witness has been for several years, since 1843, engaged in the mining business.

JAMES WRIGHT.

John M. Togno sworn: Says he resides in the city of Mexico; is fifty-seven years of age; is a tailor by occupation. He is an American, from the State of Pennsylvania. He knows nothing of the papers

connected with the Gardiner claim, nor of the mines described therein, except what he has learned since he came to Washington. Witness has lived in Mexico twenty-six years; he knows George A. Gardiner very well; first knew him in 1842 in the city of Mexico, practising dentistry. Said Gardiner left Mexico in the year 1844, with others in the mining business, which business was a failure. Said Gardiner was concerned in the mining business between 1842 and 1844. Witness saw said Gardiner in the city of Mexico in 1847, under the following circumstances: When the decree of expulsion of American citizens was promulgated in the city of Mexico the witness was one of a committee of American citizens to call upon the Mexican government to obtain a prolongation of the time for leaving, but failed to obtain it, and he returned to his store, and there saw Gardiner at the door of his store, and asked him why he did not meet with his countrymen on such an occasion. Gardiner said he was going into the interior; that he passed as a Havanero; and he said to witness, Don't you mention that I am an American. He, witness, had not seen Gardiner before that since 1844; Gardiner appeared in straitened circumstances.

JOHN M. TOGNO.

MONDAY, *September 13*—11 a. m.

Committee met. Present: Mr. Chapman and Mr. Goodrich.

Mr. Corwin appeared before the committee with Edward Curtis, a witness.

No quorum appearing, adjourned till Tuesday, the 14th, at 12 o'clock m.

TUESDAY, *September 14*—12 m.

Committee met. Present: Mr. Goodrich, Mr. Chapman, and Mr. King.

Mr. *Edward Curtis* appeared as a witness on the part of Mr. Corwin, and was sworn, and says he resides in the city of New York.

Question by Mr. Corwin. Were you or were you not concerned as counsel, with me, before the late board of commissioners for the settlement of claims, in favor of American citizens, against the republic of Mexico, under the treaty of Guadalupe de Hidalgo, and was the case of Dr. George A. Gardiner one of the claims in which we were so concerned?

Answer. I was employed as counsel before the board of commissioners mentioned in your question, in two cases in which you were concerned also, as counsel. One of them was the claim of George A. Gardiner. From December, 1849, (the date of my employment,) to the month of July, 1850, I had frequent consultations with you concerning these cases.

Question by Mr. Corwin. Do you know who employed me, and what were my fees in that case?

Answer. I do not think I knew who employed you, or what were your fees, stipulated or realized. General Waddy Thompson employed me in the Gardiner case.

Question by Mr. Corwin. Did I not decline all consultation or aid

in any business before that board after I went into the Treasury Department?

Answer. My reply to your third question is, that previous to your going into the treasury as Secretary, I was informed that you had made a sale of all your interest, and that you would cease to act as counsel. From that time I had no communication with you in regard to any business before the board, and never had any reason to believe, or any impression, that you permitted any consultations with any person, or offered any conference or aid.

Question by the committee. What interest, if any, other than his fee interest, did Mr. Corwin purchase or hold in the said claim, directly or indirectly; and what amount did he pay or stipulate to pay therefor, and what were the conditions of such purchase, or of the interest so held?

Answer. I have no knowledge that Mr. Corwin ever purchased or held, directly or indirectly, any portion of that claim. I have no recollection that I ever heard him speak on that subject.

Question by the committee. At what time did Mr. Corwin cease to act as the counsel, or agent, of said Gardiner?

Answer. In the month of July, 1850, and shortly before Mr. Corwin took his seat in the cabinet, it was announced that he had sold his interest; and from that time I never knew or heard of his taking any part whatever as counsel of Gardiner.

Question by the committee. Was Mr. Corwin consulted as to the preparation of the testimony, or as to what testimony was necessary to sustain the Gardiner claim?

Answer. I have no information that Mr. Corwin was ever consulted in regard to the testimony employed to sustain Gardiner's claim.

Question by the committee. Did Mr. Corwin examine and know what the testimony was, upon which Gardiner's claim was allowed?

Answer. Mr. Corwin in my presence, and with me, discussed the testimony; and we had copies of some portion of it.

Question by the committee. Do you know any other facts touching the connexion of the said Corwin with the claim of said Gardiner?

Answer. I do not now remember any other facts touching the connexion of said Corwin with the claim of said Gardiner.

EDWARD CURTIS.

Adjourned till Wednesday, the 15th instant, at 10 o'clock a. m.

WEDNESDAY, *September 15—10 a. m.*

Committee met. Present: Mr. Goodrich, Mr. Howard, Mr. Chapman, and Mr. King.

George Law was sworn, on the part of Mr. Corwin, and says that he resides in the city of New York.

Question by Mr. Corwin. Did you or did you not purchase of Thomas Corwin all his interests of every kind in cases pending before the late board of commissioners for the adjustment of claims of American citizens against Mexico, under the treaty of Guadalupe de Hidalgo? If so, please state the particulars concerning said purchase.

Answer. Soon after General Taylor's death, in the month of July, 1850, I was here in Washington. Governor Young, of New York, called at my room at the National Hotel. He said he had a friend who was offered a seat in Mr. Fillmore's cabinet, and who had some interest in claims that were then known as "Mexican claims," and that were to be settled by a commission; and that this friend, from feelings of delicacy, would not take a seat in the cabinet whilst he was interested in such claims. Governor Young was desirous to relieve him from that objection. I asked him if he thought that was the only obstacle in the way. Governor Young said that it was. I told him that if *he* [Governor Young] desired, I would purchase those claims. He said that he did, but that the purchase must be unconditional; because he was satisfied that if there was any understanding about the claims if not realized, his friend would not take the place. I told him that there was no necessity for any contingency about them, and that I would leave it to him [Governor Young] to say what the value of the claims was, and I would purchase them at his valuation. Governor Young said he presumed that would be satisfactory; that the friend to whom he had reference was Mr. Thomas Corwin, and that he would go and see him. Governor Young went away. I am not sure whether it was the same day or the next morning that he returned and said that it was satisfactory to Mr. Corwin to leave it to him [Governor Young] to determine what the value of the claims was; and Governor Young said, if I was satisfied it should be the understanding. I told him I was satisfied. Governor Young afterwards brought me a valuation of the claims, [this was along that season,] and I paid about \$80,000 for them. I recollect that there was an interest in the Gardiner claim included. I think it was in all a little over \$80,000 (but not much) that I paid; but I cannot say how much I paid for the Gardiner claim in particular. I gave my check for the amount for all the claims, or Mr. Corwin's interest in them.

Question by Mr. Corwin. Was the sale an absolute and unconditional sale? And what did you pay, and what did you receive, for said purchase?

Answer. The sale to me was an unconditional and absolute one. There was no other conversation about it except what I have related. I paid about \$80,000 for all the claims in which Mr. Corwin was interested, or all his interest in the claims. I understood it to be all of Mr. Corwin's interest in all the Mexican claims; and there were several of them—half a dozen or more—I don't recollect exactly how many. I sold them for just what I gave for them. I purchased those claims as a favor to Governor Young, who was a friend of mine, and in whom I had entire confidence. He seemed to be desirous and anxious to relieve Mr. Corwin from this embarrassment in the way of going into the cabinet. Witness had very little acquaintance with Mr. Corwin; he knew him by sight; but he (the witness) would have done the same thing for any other person to oblige Governor Young, having full confidence in him.

Question by the committee. Was there any writing relating to this sale?

H. Rep. 1.

Answer. There was a written assignment of the claims. I received the assignment when I paid. I cannot recollect the time exactly. I should think it may have been about October (next after the purchase;) it may have been a little later or a little earlier. As to giving my check and taking the assignment, it was only carrying out the previous agreement. The agreement was a verbal one between Governor Young and myself.

Question by the committee. Do you know whether Mr. Corwin ever received the money which you paid?

Answer. The check was paid by the bank on which it was drawn. I presume Mr. Corwin did receive the money; Mr. Corwin says he did. I made sale of the claims to Mr. Marshall O. Roberts, of New York. I sold to Mr. Roberts, I should think, in the course of a month after the transfer was made to me. Did not know anything of the value of the claims, except what was stated to me by Governor Young. My object was not to make or lose money, but to do Governor Young a favor.

Question by the committee. What was the nominal amount of all Mr. Corwin's interest in those claims?

Answer. I supposed I gave what his interest was worth. Mr. Young estimated the various interests, but at less than the amount claimed by Mr. Corwin, and I gave what Governor Young estimated them at. I am unable to state the difference between the amount paid for the claims and the amount claimed by Mr. Corwin in them. I made the purchase relying upon Governor Young's judgment and integrity. I did not undertake to go into the matter in detail. Witness had no interest in any other claims before the board of commissioners for the adjustment of claims against Mexico, either before or after the purchase, than that above stated. When I made sale to Mr. Roberts, it was, so far as I now recollect, absolute and unconditional. Mr. Roberts paid me by a check or checks, by which I got the money. Previous to my sale to Mr. Roberts I had no reason to suppose that there was any doubt or difficulty as to the validity of these claims. There was no guaranty, in the sale from Mr. Corwin, against loss. If more had been allowed, it was the gain—if less, the loss of the purchaser. No understanding existed of any kind as to a return of any money in any event. The sale was positive and unconditional. Witness never heard anything impeaching the validity of the claims until he saw something in the newspapers about it, some time (as he believes) in the fall of 1851.

Question by the committee. What was Mr. Corwin's interest in the Gardiner claim, which you purchased?

Answer. I do not know the extent or character of it. I do not know whether it arose out of a contingent fee or a purchase.

Question by the committee. What other claims besides the Gardiner claim were included in the purchase by you?

Answer. There were other claims, but the number, names, or character of them, I cannot now remember.

Question by the committee. Do you know of any other facts touching the connexion of said Corwin with the claim of said Gardiner?

Answer. No, I do not. In this matter I implicitly confided in my friend Governor Young, and considered that any favor done on my part was to him, and not to Mr. Corwin. I did not see or converse with, or

write to Mr. Corwin about the claims. I do not usually do business in such loose way, and would not have done this for but few persons except Governor Young, whom I relied on as a firm personal friend. I did not purchase the claims as a speculation. I never had before, and have not had since, any transaction or business with Mr. Corwin. I have had no correspondence with him, and never asked or received any favors from him in any way. I regarded my purchase of the claims (if there was any favor about it) as a favor to Governor Young, and all I did was to oblige him. I am positive there was no guaranty from Mr. Corwin to me; and there was none, that I now recollect of, from me to Mr. Roberts on my sale to him. There was no agreement, that I now recollect of, between Mr. Roberts and myself, by which I was to pay anything thereafter, in any event, in consequence of my sale to him.

GEORGE LAW.

James S. Thayer was sworn on the part of Mr. Corwin, and says that he resides in the city of New York.

Question by Mr. Corwin. Did you aid Governor Young in the investigation of my claims before the board of commissioners to adjust claims of American citizens against Mexico? If so, when was it, and what the valuation of my interest in said claims for fees or otherwise?

Answer. At Governor Young's request, I did aid him at different times in the summer and fall of 1850. The final appraisement of Mr. Corwin's interest and fees made by myself and Governor Young was, I think, between \$90,000 and \$100,000. Ten per cent. was deducted from the appraised value; and interest on the amount to be paid by Mr. Law, until, I think, the 20th of April following, was also deducted; and the amount of the purchase money to be paid by Mr. Law was a few hundred, perhaps \$1,000 or \$2,000, over \$50,000. This transaction was two years ago. There were several claims, among others, that were called the land claims: the claim of the Union Land Company, Trinity Land Company, Galveston Bay and Texas Land Company, and what were called the Zachary cases, and many other cases, perhaps twenty or thirty in all, including the Gardiner case.

Question by Mr. Corwin. Had not the board of commissioners adjourned previous to the death of General Taylor?

Answer. I think they adjourned in May, until the middle of November following. The appraisement was made during the adjournment, and I was informed by Governor Young that the sale was made shortly after the death of General Taylor.

Question by Mr. Corwin. Do you not know that I refused to take anything but cash in hand for my interest in those claims?

Answer. Mr. Corwin said that his interest in those claims must be appraised and paid in cash before the meeting of the board in November, and all the connexion he had with them dissolved, or he would throw them into the Potomac or resign his office.

Question by Mr. Corwin. Were you concerned in prosecuting claims before that board?

Answer. I was employed before the board in prosecuting claims.

Question by Mr. Corwin. Did I ever appear before the board after I went into the cabinet, to your knowledge?

Answer. You did not.

Question by the committee. What was the condition of the awards of the board, previous to the adjournment in May to meet in November, already spoken of?

Answer. In reference to these claims, I do not remember whether awards had been made previous to the adjournment in May or not. The practice of the board was, to make their awards establishing the validity of the claims under the treaty, leaving the amounts to be settled subsequently.

Question by Mr. Corwin. Do you know, from Mr. Law or Mr. Roberts, what they have received from the proceeds of those claims?

Answer. I do not know, except from information derived from Mr. Roberts.

In answer to questions by the committee, he says that Mr. Corwin ceased to act as counsel in these claims before the meeting of the board in November. I do not remember the amount of his interest or fees in the Gardiner case.

JAMES S. THAYER.

Adjourned till Thursday, the 16th instant, at 10 o'clock a. m.

THURSDAY, *September 16—10 a. m.*

Committee met. Present: Mr. Goodrich, Mr. Chapman, Mr. King, and Mr. Howard.

George Law appeared, and signed his testimony, taken yesterday.

Adjourned till Friday, the 17th instant, at 10 o'clock a. m.

FRIDAY, *September 17.*

Committee met. Present: Mr. Goodrich, Mr. Howard, Mr. King, and Mr. Chapman.

Mr. Bradley and Mr. Carlisle appeared as counsel for Mr. Gardiner.

James Wright recalled: has been sworn. Says he has seen the names of persons who were witnesses for Mr. George A. Gardiner to prove his claim; witness does not know any of them; witness resides in the city of Mexico, over a hundred leagues from Rio Verde.

JAMES WRIGHT.

John M. Togno recalled: has been sworn. Says he has not seen the names of the witnesses who testified in the case of the claim of George A. Gardiner; does not know who they are.

JOHN M. TOGNO.

David Sayrs recalled: has been sworn. Says he does not know the witnesses who testified in the claim of George A. Gardiner; witness resides in the city of Mexico.

DAVID SAYRS.

The committee made a requisition on the Secretary of the Senate, that the depositions in the Gardiner case, taken from the State Depart-

ment by the committee of the Senate to examine the Gardiner case, be produced before this committee; which depositions were produced.

José Antonio Barragan recalled; Charles W. Davis, interpreter. Both have been sworn. Witness says: On being shown the depositions of Juan Soto, before the alcalde of Cadayretta, he does not know either the witness or the judge.

Witness looked at the deposition of Antonio Marin, and says that he knows one Antonio Marin, in the city of San Luis Potosi, but he does not know whether this is the one or not; says he has never seen him write, and does not know his signature. Deposition of William Penn Johnson being shown to witness, he says he does not know him. Deposition of John D. Smith shown to witness; says he does not know him. Deposition of Sebastian Pacheco shown to witness; says he does not know him. Deposition of William Jackson shown to witness; says he does not know him.

Witness says, that of the depositions attached to the paper purporting to be the title-deed of the mine, he recollects Gilmendez and Joaquin Galvan; he knows the names of these two persons, who reside in Rio Verde; he knows them personally. Witness says that he knows a man who answers to the name of Santiago Gomez, in Guadalcazar; he knows persons of these names, but he does not know that they are the men who testified in the Gardiner case. Witness knows a man by the name of Bruno Olavide, who, witness has heard, was a judge at Guadalcazar about the year 1850. He also knows Rafael Mendez, who was alcalde about the same time, at Rio Verde.

In answer to a question by Mr. Carlisle, witness says that the distance from San Luis Potosi to Guadalcazar is about twenty-five leagues, and from San Luis Potosi to Cadayretta the distance is near one hundred and fifty leagues. Witness does not know anybody in Cadayretta, except Doctor Mears; in Guadalcazar he knows several persons. Witness says that he recollects that the names of Rafael Mendez and Bruno Olavide appear in the deposition, above referred to, as having been the authorities before whom said depositions were taken.

A book of accounts in Spanish was shown to the witness, purporting to be a certified copy of an account of mining expenses of George A. Gardiner. Witness says that the body of the book is in the handwriting, in his opinion, of Domingo Uthurry, a French naturalized citizen of Mexico, who has been second alcalde, at the close of last year or at the commencement of this, at Rio Verde, and is the same person who took the depositions there (in Rio Verde) for the government of the United States. He knows that fact from having seen the depositions in possession of the Senate committee, and recognising the signature, which he knows well. Witness looks at the book above mentioned, and says that the certificate purporting to authenticate it as a copy of one preserved in the archives of the Prefecture of Rio Verde is signed by Don Manuel Verastegui, prefect, and J. Pio Gutierrez, secretary; both of which signatures are genuine, as is also the seal on same certificate, an impression from the genuine seal of that Prefecture; and the rubrics on the several pages of said book are also genuine, being the rubric of said Verastegui; and says that he does not recollect that he, Verastegui, was prefect at the date thereof, (June 12, 1848,) but he is certain that

he was prefect for a short time during that year; but he knows that J. Pio Gutierrez was secretary of the Prefecture during the whole year, and still was when he (witness) left Mexico.

Question by the committee. Is there any law or custom in Mexico which requires that such a book as this should be deposited with the prefect?

Answer. There is neither law nor custom which requires it; nor has the prefect any obligation to receive such a book. The book is private property. Such a book might be deposited with anybody that would receive it. It is the first time that he ever saw such a book certified by a prefect. It is the duty of notaries public, or, in their absence, of alcaldes, with attending witnesses, to give certificates of that class, but never is it the duty of the prefect.

Question by the committee. Is it the custom of miners in Mexico to deposit an account of their business with the prefect?

Answer. It is not. Prefects had nothing to do with them; but when they have differences, the deputation of miners is the tribunal which takes cognizance of their matters. It is not necessary for the owner of a mine to report the proceeds of a mine to any particular officer, but he cannot export silver without paying the assay duty; that the silver could not leave the mine for any part without reporting to the custom-house and getting a permit therefor. There are a very few mines in Mexico that produce \$50,000 per month, and they are very well known. All the mines of Catorce (21 in number) only produce \$100,000, when most productive, monthly. Witness says that there are no mines in the department of Rio Verde, big or little, and there could have been none without his knowing it. The account of the mine in said book purports to be from July, 1844, to October, 1846, during which time witness was collector of customs for the district of Rio Verde. To get a steam-engine into Rio Verde it would be necessary to land it at Matamoras, from thence to Monterey and Saltillo, thence to San Luis Potosi, and from thence to cut roads to the mountains. The expense would be incalculable. The only parts of a steam-engine that he has ever seen in the State of San Luis Potosi were some boilers that an English company attempted to take to Catorce about twenty years ago.

Paper No. 7, in the list of the State Department, was shown to the witness. Witness says that the seal and signatures on a paper marked B, part of No. 7, are genuine; also, the signature on paper marked C, part of No. 7, is genuine. Witness says that the signature of Luis Guzman, on first page of paper marked D, is not genuine.

Witness says that carts can go from Rio Verde to Tula, but no farther. From Tula, to get to Saltillo or Monterey with carts, it is necessary to go back to the vicinity of San Luis Potosi, and from thence to said places.

J. ANT. BARRAGAN.

CHAS. W. DAVIS, *Translator.*

Adjourned till Saturday, the 15th instant, at 10 o'clock a. m.

SATURDAY, September 18—10 a. m.

Committee met. Present: Mr. Goodrich, Mr. Howard, Mr. King, and Mr. Chapman.

James H. Causten appeared, and was sworn on the part of the committee. Witness resides in the city of Washington. Witness knows nothing whatever of the Gardiner claim. Gardiner came into my office one day during the sitting of the board, and said that the board of commissioners had expressed surprise that a man so young as he was should have so large a capital. The practice of the board, in making their awards, was to decide upon the validity of a claim, leaving the amount to be determined subsequently. The amount of damages was not determined until the last hour. Except in two or three cases, each member of the board kept a diary, and entered some, if not all, of the amounts. It was done in the case of Doctor Baldwin. The practice of the board was, that the depositions were taken *ex parte*, without cross-interrogatories. Witness says that Major Lally was a son-in-law of George Evans, one of the board of commissioners.

The books of the commissioners under the treaty of Guadalupe Hidalgo for the adjustment of claims of American citizens against Mexico, being produced before the committee, the following in relation to the claim of George A. Gardiner appears as matter of record therein, as will more fully appear by reference to copies of said record appended hereto, and marked as exhibits numbers 1, 2, 3, 4, 5.

That on the 30th day of November, 1849, the memorial of George A. Gardiner, claiming for expulsion from his mines at San Luis Potosi, was received by the board of commissioners.

That on the 12th day of March, 1850, the board decided to allow the claim of George A. Gardiner, reserving the question of the amount to be awarded subject to the future action of the board; and on the 19th of March, 1850, upon a supplementary memorial being filed, showing that one-fourth of the claim was assigned to William W. Corcoran, the board decided that one-fourth part of the sum which shall be found due to Gardiner shall be awarded to said William W. Corcoran.

That on the 15th of April, 1851, the board decided to allow to George A. Gardiner the sum of \$321,560, and to W. W. Corcoran, assignee of George A. Gardiner, the sum of \$107,187 50; making a total of \$428,747 50.

Committee adjourned till Monday, the 20th, at 10 o'clock a. m.

MONDAY, September 20—10 a. m.

Committee met. Present: Mr. Goodrich, Mr. Howard, Mr. King, and Mr. Chapman.

A communication was received from Mr. Carlisle, counsel for Gardiner, requesting that Robert S. Chew be summoned as a witness.

Robert S. Chew was summoned, appeared, and was sworn.

Witness examined the signature and seal of Thomas W. Slemons, the American consul at Matamoros, as to the official character of Simon Dolos Santos, and also as to the official character of José Antonio

Leal, respectively, attached to depositions in the Gardiner case, and says they are genuine, to the best of his knowledge and belief. Witness produced the original letters and seals of said consul, and testified from comparison and his personal knowledge of the seal and signature of said consul, witness being principal clerk in the consular bureau in the State Department.

R. S. CHEW.

William Hunter, (called on the part of Mr. Gardiner,) now chief clerk in the State Department, being sworn, says:

Question. Do you know the signature of Mr. Rosa, late minister from Mexico, and the seal of the Mexican legation?

Answer. I am quite familiar with the signature of Mr. Rosa, because, from the time he was accredited to this government until his departure, I had the custody of his notes to the department. I am familiar with the seal of the Mexican legation, because for the last seventeen years I have had charge of all the papers in respect to the relations between the United States and that country.

Two papers are now shown to the witness—the one purporting to be the certificate of Mr. Rosa to the letter of Luis Guzman to the prefect of Rio Verde, and the other his certificate to the book of accounts—both of which were filed by Dr. Gardiner in support of his claim before the board of commissioners; and he is asked whether the seal of the legation and the signature of Mr. Rosa are, or are not, genuine?

Witness says he has no doubt as to the signature and seal; they are both genuine. The body of the certificate is in the same handwriting in which most of the notes from the Mexican legation to the Department of State were written during the mission of Rosa, and are now written. Witness has no doubt as to the genuineness of the signature and seal of Mr. Rosa to the certificate annexed to the book of accounts.

Witness is familiar with the handwriting of Mexicans, and has been for many years. He is of opinion that the body of the letter of Luis Guzman, aforementioned, is in the handwriting of a Mexican.

Question by the committee. What official means has the consul of the United States at Matamoras, in the State of Tamaulipas, of knowing that any particular person is alcalde, residing at Cadayretta, in the State of New Leon?

Answer. I do not know.

Question by the committee. What is the distance from Matamoras to Cadayretta?

Witness does not know with certainty. It is several hundred miles.

W. HUNTER.

Mr. Chew was recalled.

Question by the committee. What official means has the consul of the United States at Matamoras, in the State of Tamaulipas, of knowing that any particular person is alcalde, residing at Cadayretta, in the State of New Leon?

Answer. I don't know what official means he has; but the consul at Matamoras has consular jurisdiction over such country as may be

nearer to Matamoras than to the consular residence of any other United States consul within the same allegiance.

Question by the committee. Was there a United States consul at Monterey either in 1848 or 1849?

Answer. There was no United States consul at Monterey in 1848. Mr. William R. Glover was commissioned, as consul at that place, on the 2d day of August, 1849. On the 8th of August his instructions were sent to him at Monterey, and on the 15th of November following, their receipt was acknowledged by him. On the 20th of February, 1850, Mr. J. W. Mather, acting for Mr. Glover, while on a short visit to Durango, informed the Department of State of the receipt, on that day, of Mr. Glover's exequatur and commission.

R. S. CHEW.

Adjourned till Tuesday, the 21st instant, at 10 o'clock a. m.

TUESDAY, September 21—10 a. m.

Committee met. Present: Mr. Goodrich, Mr. Howard, Mr. King, and Mr. Chapman.

Edward W. Johnston appeared as a witness on the part of the committee, and was sworn.

Witness resides in Washington city, and was secretary of the board of commissioners from July, 1849, till April, 1851. The first secretary of the board was Mr. Jones, who served a few months. Witness says, that, from the beginning, the claim of Gardiner was regarded by the board with some suspicion. These suspicions arose from the rumors which reached the board, in regard to the case—as one either without merit originally, or founded upon slight merits, and grossly exaggerated in the amount. In consequence of these suspicions, the board was especially careful in the examination of this case. A great mass of proofs, apparently very complete and very authentic, was introduced with the case. These papers were very carefully sifted, and the board repeatedly imagined that it found circumstances in the details of the case which betrayed the latent fraud or exaggeration which they had been led to expect. I think, in as many as five or six instances of this sort, they called the claimant or his counsel before them to explain these points and clear them up. After the first instances, the board became satisfied that Doctor Gardiner himself understood his own case better than anybody else, and that the best means of arriving at the truth would be to receive his own statements and cross-examine him on all these points. They did so, therefore, and I am clear that there was no instance in which he did not satisfy them, by his apparent truthfulness, clearness, consistency, and readiness to reveal all facts in a remarkably manly and frank way, that the particular objection in each case was unfounded. There was no suspicion on the part of the board that the claim was laid at a place where there was no mine; though there was suspicion, at the beginning, that there was no foundation for his claim, and this suspicion existed at the beginning and all through the examination of the claim, until finally dissipated by the progress of the proof and explanations. Witness says, that, coming to learn, either from without or from the statement of the claimant himself, that his occupation in Mex-

ico had been that of a dentist, they of course conceived from this that it was unlikely that he should have capital for great mining undertakings, as this really was: thereupon he was required by the board to appear before them in person, and to state in what manner he obtained the resources necessary for such purpose. Upon this subject, he went into the history of his own earlier connexion with mining speculations and operations, stating that he was skilled in chemistry and mineralogy, as a part of his own pursuit; and the opportunity of seeing in Mexico the fortunes which a skill, inferior to his own, often enabled men to make, led him to addict himself, first of all, to the direct study of metallurgy, and, by-and-by, to speculations in mines themselves. Gardiner stated, that this is a great matter of gambling in Mexico; and nothing but talent and skill could make it anything else. The great king of Mexican mines, Perez Galvez, at last remarked his (Gardiner's) uniform success, and, taking him into favor, offered him his credit to carry forward any of his undertakings. Of these statements I think he produced proofs, in the shape of a correspondence between himself and Perez Galvez. Its extent I cannot speak of. I am not sure that it established anything beyond an intimacy between Perez Galvez and Gardiner. Among the general proofs there were some which made a particular impression upon the board, as of a character fixing the unavoidable authenticity of Gardiner's mining operations, and chief of these the register, or book of accounts of the mine itself, kept by the government commissary.

Upon the register or book of accounts referred to being shown to the witness, he says that, upon inspection, he still continues of the opinion that it was kept by the government commissary.

Question by the committee. Did the board ever take any means, by depositions or otherwise, to obtain any testimony from Mexico touching the Gardiner claim?

Answer. They did not, either in that case or any other. The counsel in the Gardiner case was, as well as I recollect, originally General Waddy Thompson, who was understood to have prepared the papers. Afterwards Mr. Thomas Corwin was introduced into the case; then Messrs. Curtis, Lally, and Robert G. Corwin.

Question by Mr. Corwin. Did I ever appear before the board after I went into the cabinet?

Answer. Never. The practice of the board was, after having settled the principle of an award, to make up the amount of pecuniary damages on those principles; but the latter were not disclosed—the former only was communicated to the public—nor known even to the Secretary himself; but this not because he could not know, but voluntarily.

Question by the committee. When the decision in favor of Doctor Gardiner was first made, was the amount to be awarded him, as well as the validity of his claim, determined by the board?

Answer. A definite amount was then awarded. Of course, he (Gardiner) did not know the amount, nor his counsel; and I understood, at the time, that an intimation was given to Doctor Gardiner by the board, that if he could satisfy them on certain points where his proofs were insufficient, his award would be increased accordingly. In this case it chanced that I heard the amount of the award before I could quit the board, as I usually did, to avoid learning the amount of the par-

ticular award. This is the only instance in which the like happened. The amount originally awarded was, I think, \$300,000.

It was the practice of the commissioners to keep each a memorandum-book, in which he entered the amount of the award, and the particulars of which it was made up. These books were kept under their own personal lock and key; and whenever they left the city, I took care that they should be sealed up by themselves.

Question by the committee. When was the amount determined to be awarded, upon the first decision of the board as to the validity of the claim, announced to the claimant or the public?

Answer. In this instance, as in all others, it was communicated to neither the claimant nor the public, nor anybody else, as long as I was in office, and only made known when the awards were all published together, so far as I know.

After the thorough sifting which the board gave to the testimony, after repeated examinations of the claimant, and, as well as I recollect, several arguments of counsel, the board came to the conviction that the case, as to its merits, was as well made out, as little to be suspected, as any which was before them. This conviction was gradually reached, in spite of the original prejudices of the board, which were slowly, and only upon complete examination, abandoned. I do not think that any case before the board was more jealously canvassed. Originally, they of course extended to the person of Doctor Gardiner the prepossessions which they entertained against his case; but the Doctor himself gradually forced himself upon their esteem, by conduct so remarkable for its delicacy and propriety, that I have heard the feeling expressed again and again, by all the members of the board, that not only had Doctor Gardiner shown in the progress of his case great sense, but that unquestionably his behavior in everything connected with his case had been signalized by its exact propriety. I may state, further, that the impressions which I have narrated as those of the board, were closely followed by my own; for both went upon the same circumstances, and, of course, arrived at the same conclusions. In myself this is the more to be remarked, because I had a personal difficulty with the junior counsel of Doctor Gardiner; and as this was at the period when I was prepossessed against the claim itself, of course I had an individual dislike to overcome, in addition to such prejudices as the board itself entertained. Yet, by the conclusion of the case, I had ceased to entertain the slightest suspicion against its complete fairness, or its full establishment by proofs.

Question by the committee. In how many cases was the amount determined upon, when the validity of the claim was decided, changed in the final award?

Answer. The book of opinions will show in how many cases. I think there were several cases in which awards were changed—as many as four or five, perhaps.

Question by the committee. When did the board decide to increase the amount of award in the Gardiner case, and determine the amount of increase?

Answer. I do not know—the books do not show; but I presume it was when the board made its final award, which did not occur till

after I resigned. It was the practice of the board to suggest doubts to the claimants as to the validity of their claims, to give them an opportunity to improve their testimony, or to argue points of law. This was often done.

Question by Mr. Corwin. Are you sure the amount of \$300,000, which you understood to be the first award to Gardiner, was the gross sum; or might it not have been \$300,000 with interest, from the date of his expulsion up to the rendition of the award?

Answer. I was endeavoring to get out of the way, and I only heard the sum of \$300,000 named. Whether more was said or not I cannot say.

EDWARD WM. JOHNSTON.

George W. Slacum, called on the part of the committee, appeared and was sworn. He resides in the city of Alexandria, Va. Witness was employed by the Secretary of the Treasury to go to Mexico, to investigate in relation to the payment or non-payment of the fourth and fifth instalments of the Mexican indemnity under the old treaty. Having concluded that business, he accepted with great reluctance the agency on the part of the United States, from Mr. Letcher, American minister, to investigate the cases of George A. Gardiner and John H. Mears. Witness left the city of Mexico on the 17th of November, 1851, and proceeded to San Luis Potosi, having arrived at the latter place about the 25th of that month. Witness took testimony there in both cases of Gardiner and Mears, before the federal judge of the district. In Mr. Letcher's letter to me he inquired if two respectable witnesses could be obtained in San Luis Potosi, who would be willing to come to the United States to testify. Witness applied to Mr. Barragan and Mr. Lasso—Mr. Lasso indirectly. I applied to Mr. Barragan because of his public position as comptroller general of the State, and because he was an intelligent man, and I believed knew a great deal about the matter. Mr. Barragan's general reputation was that of a gentleman, and a man of good character. I believed him to be a gentleman from his associations and position. I never heard his character for truth and veracity called in question in San Luis Potosi.

GEO. W. SLACUM.

By the communication of William L. Hodge, of the date of 20th September, 1852, and the papers therewith, A, B, C, D, E, F, and G—being exhibit No. 6, attached hereto—it appears that the sum of \$321,562 50 was due at the treasury to George A. Gardiner, and payable to W. W. Corcoran, his attorney, by certificate of the Comptroller, dated May 16, 1851, by an award of the Mexican commissioners; and that \$107,187 50 is certified to be due, upon an award of the same commissioners, to W. W. Corcoran, assignee of George A. Gardiner; amounting in all to 428,750.

A notice from W. L. Hodge, acting Secretary of the Treasury, was addressed to D. Thompson, president of the New York Life and Trust Company, of the date of 25th July, 1851, requesting that the amount of money in their hands to the credit of George A. Gardiner should be detained, as it would be claimed by the United States on the ground that the

claim of George A. Gardiner was founded in fraud, and was sustained before the commissioners by fabricated testimony; to which D. Thompson, president, &c., replies, on the 28th July, 1851, that there is standing to the credit of said Gardiner, on the books of that company, \$130,500.

A notice of the same date and tenor was addressed to Messrs. Corcoran & Riggs; to which they replied, on the 26th day of July, 1851, that there was on deposit in their hands, in various securities, \$93,000 to the credit of George A. Gardiner, subject to two charges of about \$10,000 each. And a further note from the Treasury Department to Corcoran & Riggs, of the date of the 9th of July, 1852, notifying them not to part with, or alienate in any mode, any portion of the securities or money in their possession, or under their control, belonging to Dr. Gardiner, until the final result of the legal proceedings then pending against him on the part of the United States; to which Messrs. Corcoran & Riggs replied on the same day, acknowledging the receipt of the note, and promising to adhere strictly to the instructions it contained.

Philip K. Fendall, called by the committee, appeared, and was sworn. Witness resides in Washington city: witness is the United States district attorney for the District of Columbia. In both the criminal and civil courts of this District there have been proceedings instituted against George A. Gardiner. Witness has a memorandum of his own relating to those proceedings. In June, last year, the Attorney General, by direction of the President, called upon me and delivered to me the President's instruction that I should bring this matter before the grand jury, the criminal court being then in session, and take all proper means to have a thorough and searching investigation made. Such witnesses were then sent to the grand jury whose attendance could then be secured. The result was, that indictments were found against George A. Gardiner, and John Charles Gardiner, his brother, for false swearing, under the act of 1823, and also an indictment against John H. Mears for transmitting false papers from Mexico. Steps were immediately taken to procure the attendance from Mexico of witnesses to maintain the indictments. Some of these witnesses arrived in Washington towards the close of June, 1852. It was found, on conversation with them, that some of them could prove that one of the documents filed by Gardiner with the board of commissioners was a forged paper. They were accordingly sent to the grand jury, who, on their testimony, indicted Dr. George A. Gardiner for having forged that paper. The United States were ready and anxious to try this and the two preceding indictments against the Gardiners at the June term of the criminal court, but the cases were continued until the next term, on the application of the defendant. The next term commences on the first Monday of December next.

In the month of July, 1852, the United States instituted a chancery suit in the circuit court of the District of Columbia to enjoin in the hands of Messrs. Corcoran & Riggs certain moneys and stocks alleged to be in their possession, and to belong to George A. Gardiner, to the amount of between \$90,000 and \$100,000. In the same month the United States also enjoined in the circuit court of the southern district of New York, in the second circuit, certain moneys and stocks in the hands of the New York Life Insurance and Trust Company, alleged to belong

to said George A. Gardiner, amounting to \$130,500. In August, 1852, the United States filed a supplemental bill of injunction and discovery in the circuit court of the District of Columbia against the said George A. Gardiner, said Corcoran, and said Riggs. The testimony of the witnesses who had been brought from Mexico to maintain the criminal prosecution has been taken, in the form of depositions, in support of the bills filed here, and of the bill filed in the New York court.

Question by the committee. Has the Executive department of the government exhibited promptness and diligence in the investigation of this matter of Gardiner's since there was suspicion of fraud, and in prosecuting measures to save the treasury from loss?

Answer. Yes, sir. It is impossible that the Executive branch of the government should have shown more solicitude than it has done to have this matter investigated, the cause of public justice vindicated, and the public treasury protected. The President has, throughout, acted in the spirit of the instructions which, as I have mentioned, he gave me at the beginning. Every facility for promoting these objects has been given by every officer of the government whose official duties brought him in connexion with the subject: by none more cordially or more earnestly than by the Secretary of the Treasury, Mr. Corwin.

P. R. FENDALL.

Adjourned till Wednesday, the 22d instant, at 10 o'clock a. m.

WEDNESDAY, *September 22.*

Mr. Thomas H. Ashe was despatched to procure the attendance of Gen. Waddy Thompson as a witness before the committee.

Mr. *Marshall O. Roberts* appeared as a witness, and was sworn.

Witness resides in the city of New York.

Question by Mr. Corwin. Did you purchase of George Law the interest of Thomas Corwin in the claims pending before the board of commissioners for the settlement of claims against Mexico? If so, when, and what did you pay, and how much have you received, on said claims?

Answer. I bought the claim of Mr. Law about the 25th of November, 1850, and paid him \$80,357 cash, at the time of the purchase. I paid in checks on the North River Bank. There has been collected on the claims about \$77,000. It may vary a little from that.

Question by the committee. Who received the money at the treasury on the claims you purchased?

Answer. Gov. Young, acting as counsel for me in the matter, collected it and paid it over to me, except about \$1,100, which was paid to me by Robert G. Corwin. Gov. Young is dead.

Question by the committee. What did you buy of Mr. Law?

Answer. I bought, I think, eleven in number of Mexican claims; and they were estimated by Gov. Young at \$82,600. Witness remembers that George A. Gardiner's and Parrott's claims were among them. Cannot recollect any others. They were Mr. Thomas Corwin's interests in claims, so far as I recollect. Witness knows that he got pay in eleven claims, but he does not know whether that was the whole number he bought. Witness had a written assignment from Mr. Law at the

time it was made—a copy of which witness produces. Witness was a partner of Mr. Law at that time. The original assignment from Mr. Law is in witness's possession. The paper presented is a true copy of the original, and is hereto annexed, marked Exhibit No. 7.

Question by the committee. Do you know what amount was received by you for the interest of Mr. Corwin in the Gardiner claim?

Answer. I don't know what was received on that claim. Gov. Young's estimate for the purchase was from \$18,000 to \$20,000. Witness understood this estimate to be for counsel fees. Witness does not know of Mr. Corwin's having any other interest in the Gardiner claim than that of counsel fee.

Question by the committee. Is there anything due, or in expectancy by you, on these claims?

Answer. There is a claim which was sent to San Francisco, which has not been paid. I don't recollect the amount. It was sent to San Francisco for collection. Witness is not positive whose claim it was, but thinks it was Parrott's. The claim sent to San Francisco was one of the claims assigned to witness by Mr. Law and allowed by the board of commissioners.

Question by the committee. Did you examine the claims, to form any opinion of their value or as to what they were?

Answer. I did not. I took Gov. Young's estimate.

Question by the committee. Was any interest of Mr. Thomas Corwin in the Gardiner claim, other than counsel fees, included in the purchase by you of Mr. Law?

Answer. I cannot recollect. I took them upon the estimate and examination of Gov. Young.

M. O. ROBERTS.

Mrs. *Ann Chase* sworn: Says her residence is at Tampico, in Mexico; her husband is the American consul there. Witness knows George A. Gardiner; first saw him at Tampico, after the capture of Vera Cruz. Witness knows that Gardiner was appointed assistant surgeon in the United States army there; witness recommended him to Colonel Gates for that appointment. When witness saw him he was without means; said he had lost his means through his expulsion; did not say what his means were. He applied to Mr. Chase, the consul there, her husband, to make a protest as to his losses, but did not make any proof of losses, and the protest was not made. Rio Verde is about 230 miles from Tampico; the city of San Luis Potosi is about 300 miles from Tampico. Rio Verde is a little over 200 miles from Monterey; from Rio Verde to Matamoras is a little of 300 miles. The circumstances of George A. Gardiner at Tampico were such, that the sympathies of the witness were enlisted in his favor. Being informed that General Waddy Thompson has stated that witness had said to him that she had known many good men, but Dr. Gardiner was the best man she ever knew, or some strong expression of that import, witness says this is a mistake; that she never made any such expression; that witness recollects, that in the ladies' parlor at Gadsby's Hotel, in the city of Washington, in the spring of 1849, General Waddy Thompson spoke to witness of Mr. Gardiner; said he had known him a long time, and favorably; that he had known

him while he (the General) was minister in Mexico, and requested witness to introduce him to the ladies of her acquaintance. The appearance of Dr. Gardiner was calculated to produce a favorable impression, and witness had such favorable impression of him as such appearance would produce, but her knowledge of him was limited.

ANN CHASE.

MONDAY, *September 27*—10 a. m.

Received the certificate of N. Sargent, Register of the Treasury, with copies of the treasury warrants, drafts, and receipts, showing that \$107,187 50 was by treasury warrant made payable to W. W. Corcoran, assignee of George A. Gardiner, and was by him made payable to Corcoran & Riggs, or order, and by them made payable to J. Punnett, cashier, or order, and by him received at the treasury May 17, 1851; also showing that \$321,562 50 was by treasury warrant made payable to W. W. Corcoran, attorney of George A. Gardiner, and by him made payable to Corcoran & Riggs, or order, and by them made payable to J. Punnett, cashier, or order, and by him received at the treasury May 17, 1851;—making the sum of \$428,750 paid into the hands of J. Punnett, cashier, as will more fully appear by Exhibit No. 8, and papers of said exhibit marked A and B.

THURSDAY, *September 30*—10 a. m.

Committee met. *William W. Corcoran*, summoned on the part of the committee, appeared and was sworn. Witness resides in the city of Washington. The claim of George A. Gardiner appears one-fourth assigned to witness, and for the other three-fourths witness was made attorney to receive it from the treasury. The fourth of the claim was offered to me to purchase, but declined. I afterwards, on the 13th of February, 1850, agreed to loan the sum of \$18,750; and as collateral security for it, one-fourth of the claim was assigned to me. This agreement was made with Robert G. Corwin. The note was paid on the 16th of April, 1851, and on the 16th of May, same year, \$107,187 50 was paid to me, as assignee of Gardiner, at the treasury, which sum was carried to the credit of Robert G. Corwin on the books of Corcoran & Riggs. The other three-fourths of the claim was collected by me as attorney of Gardiner, as an ordinary bank transaction, on the 10th of May, 1851, and collected at the treasury on the 16th. The same day the whole amount was passed to the credit of George A. Gardiner on the books of the bank, and drawn out by said Gardiner by checks, as per account exhibited; which account is herewith filed, and marked Exhibit No. 9. Witness had no interest whatever in this claim except as collateral security in the first, and as attorney in fact, as heretofore stated, in the other.

The reason for the assignment of the three-fourths of the claims to me, as attorney, to draw the money from the treasury, was, that some of the counsel for Gardiner made an arrangement with him, by which the amount due to them respectively, as fees, should be retained in my hands, and paid by me to them. Some of the counsel interposed

difficulties to his drawing the money from the treasury until this arrangement was made. The amount due several of the counsel was designated, and I was authorized by Gardiner to pay the same to said counsel, and I did so. Witness, by reference to his books, can show the amount of the several checks paid to the counsel, but cannot designate to whom, because the checks have been surrendered, and the accounts settled.

Question by the committee. Do you know of Mr. Thomas Corwin having any interest in the assignment of the one-fourth of this claim?

Answer. Yes; I understood that Mr. Thomas Corwin was a joint owner in it of one-half. Mr. Corwin, who is present before the committee, states that he admits that he was an equal joint owner in that fourth of the claim, with Robert G. Corwin, at one time.

Question by Mr. Corwin. Did I deposite with you, and at what time, the proceeds of the sale of my interest in the Mexican claims?

OCTOBER 1, 1852—10 *a. m.*

Committee met.

Mr. Corcoran answers to the above question of Mr. Corwin: Thomas Corwin deposited with me, on the 23d November, 1850, a certificate of deposite of Merchants' Exchange Bank, New York, of \$80,357.

Question by the committee. Who were the owners of the fourth of the claim at the time it was assigned to you?

Answer. Gardiner was the owner.

Question. When did Gardiner assign to you?

Answer. I loaned the money to purchase it, in part, on the 13th of February, 1850.

Question. To whom did you loan it?

Answer. I loaned it to Robert G. Corwin.

Question. Did any other person than Robert G. Corwin have an interest in that loan?

Answer. My impression is, that Thomas Corwin was jointly interested with Robert G. Corwin in it.

Question. Is that impression derived from conversation with the parties to whom the money was loaned?

Answer. I cannot recollect.

Question. Was the object of the loan stated?

Answer. Yes, sir; the object was to make the above purchase.

Question. Was the purchase made of Gardiner of the fourth of his claim at that time?

Answer. It was.

Question. For whose benefit did you hold this assignment, by Gardiner, of the fourth of his claim?

Answer. The assignment by Gardiner was absolute to me, but I only held it as collateral security for the payment of the \$18,750. I considered the claim the property of Robert G. and Thomas Corwin.

Question. Was the assignment to you, of the one-fourth of the claim, in writing?

Answer. Certainly, and filed with the board, that the one-fourth should be awarded to me.

Question. Was the agreement between the Messrs. Corwin and yourself, by which this assignment was held for their benefit, in writing?

Answer. I am unable to say, without reference to my books at home.

Question. Did any of the counsel express apprehension about getting their fees if the money was paid to Gardiner at the treasury?

Answer. I cannot say that they did.

Question. What was the gross amount paid by you to different counsel?

Answer. I believe all the checks paid on the 17th of May, 1851, amounting to \$94,582, were paid to counsel.

W. W. CORCORAN.

Mr. George W. Slacum called again. Witness has been sworn.

Question by the committee. You have stated that you were employed by Mr. Letcher, the American minister in Mexico, to investigate the cases of Gardiner and Mears; state what you did?

Answer. Soon after my arrival in San Luis Potosi, having instituted the proper inquiries, and having ascertained that gentlemen of character and probity were willing to testify, I prepared a set of interrogatories, sufficient, in my opinion, to elicit the truth, and presented both cases before the federal judge of the district, by whom the testimony was taken, according to the laws of Mexico and the established rules of evidence. Many of the gentlemen who testified were known to me to occupy the highest official and social positions, and their testimony all agrees in denying the existence of such mines as are alleged in the claims of Gardiner and Mears, or the existence of any mines of precious metals in the department of Rio Verde. Among the depositions taken there is that of Francisco Fernandez, 1st alcalde of Rio Verde, whose name purports to be signed to the title-papers to the mines, both in the case of Gardiner and of Mears, and who testifies that his signature affixed to each paper is a forgery. He testifies that he never signed or certified to any such paper. The other depositions are those of Judge Soto, of the supreme court, Judge Lasso, of the first instance and a member of the State legislature, Mr. Arcos, a member of the legislature from Rio Verde; also Mr. Barragan, comptroller general of the State, Mr. Nicholas Barragan, collector of the public rents for the district of Rio Verde, Mr. Robert Marriner, an English merchant in San Luis Potosi, the director of the mint, whose name will appear in the depositions, and Mr. Luis Guzman, secretary of state of San Luis Potosi. These depositions, with my official report, were transmitted to the Department of State of the United States, where I presume they are now on file.

Question. Did you go to Lagunillas to search for the mines?

Answer. I did not go to Lagunillas; I had taken steps preliminary to a journey to Lagunillas; but from the depositions and information I received, upon general inquiry, that no such mines existed, and the fact that the title-paper describing and locating the mines being my

only guide, and that having been declared to be a forgery, I abandoned the idea of going to Lagunillas in search of that which I was convinced did not exist.

The distance from the town of Rio Verde, where some of the witnesses lived at the time of the first appearance of Gardiner and Mears, and during the period of their pretended mining operations, to Lagunillas, is about 18 Spanish leagues, and the distance from Rio Verde to San Luis Potosi is about from 28 to 30 leagues.

Question. Was either of the Gardiners at or about San Luis Potosi at the time you were there?

Answer. A person pointed out to me as Charles Gardiner was there, but he never made my acquaintance.

Question. Was the object of your visit and inquiries there a subject of public notoriety?

Answer. Yes; it was publicly known.

Question. Was it suggested to you, by Gardiner, or any other person in his behalf, at San Luis Potosi, that Gardiner at any time owned any mine in that State; or were you at any time, by anybody, in behalf of Gardiner, invited to visit the alleged mines?

Answer. No such suggestion, or invitation, was ever made to me, directly or indirectly, by Gardiner, or any other person, on his behalf.

GEO. W. SLACUM.

Directed, by the committee, that the report by Mr. George W. Slacum, of his investigation in Mexico into the Gardiner case, to the United States State Department, and the accompanying depositions and papers, or certified copies of the same, be furnished this committee.

SATURDAY, *October 2—10 a. m.*

Committee met.

Directed, by the committee, that the State Department be requested to furnish to the committee copies of the despatches of Hon. R. P. Letcher, late United States minister to Mexico, relating to the claim of George A. Gardiner. Also, a copy of the English translation of the title to the mines, and the various depositions of miners taken before the alcalde at Rio Verde, State of San Luis, being paper marked No. 3 of the testimony and papers in the Gardiner case, filed in the State Department by the commissioners.

MONDAY, *October 4—10 a. m.*

Committee met.

Waddy Thompson appeared as a witness, and was sworn.

Witness resides in Greenville, South Carolina. He was counsel in the case of George A. Gardiner.

Please state what you know in relation to the claim of George A. Gardiner, and any interest or connexion which Thomas Corwin had in the same.

Answer. I do not know that I have any information in reference to that claim, other than that which is furnished by the papers submitted. I first became acquainted with Dr. Gardiner in the city of Mexico, on the 25th of April, 1842, a few days after my arrival there as minister from the United States, when he called upon me as chairman, or the first named, of a committee appointed, at a meeting of the American citizens in Mexico, to invite me to a public dinner. The letter of invitation was presented to the committee of the Senate engaged in an investigation of the Gardiner claim. I thought I had the original with me, but in the haste in which I left home—a few hours after the arrival of the messenger—I neglected to bring the original with me. I met Dr. Gardiner occasionally, as I did other American citizens, while in Mexico: had no special intimacy with him, nor any knowledge of his pecuniary circumstances, further than a general impression, derived from him and other Americans in Mexico, that he was engaged in a profitable business—that of a dentist and physician. Shortly before Dr. Gardiner left the city of Mexico, which was in the fall of 1843, as I understood and believed, (for I never saw him there afterwards, until I left, which was about the middle of March, 1844,) he called upon me to request that I would give him a letter to some naval officer, who he had understood was at Accapulco, asking for him a passage in his ship to Mazatlan, or some place on the Pacific coast, as there were very few commercial vessels in that quarter, and it was difficult to obtain a passage. I complied with his request. I asked him why he was leaving Mexico, as I had understood he was making money. He said that he was; but that he thought he could do better, and that he was going to look for some mines of which he had received information. I never saw or heard of Dr. Gardiner again until I met him on the avenue, in this city, late in December, 1848, or in January, 1849. I did not at first recognise him; when I did I said to him, I hope you have made a fortune by those mines you were in pursuit of. He then told me that he had a claim before the Mexican board about to be established, for losses by his expulsion from his mines. He called a few days afterwards, and submitted his papers to me. Some of those papers were submitted in the form in which they then were to the board; others, not conforming to the rules prescribed by the board, were not presented. They were the same in substance, and generally the depositions of the same witnesses, afterwards presented, Dr. Gardiner having gone to Mexico to have them put in the required form. Among the papers first presented was the book of account of daily expenditures and receipts. My connexion with the case was strictly and exclusively professional, and confined to written instructions given to Dr. Gardiner, as to the form and character of the testimony which he should get. The original of these instructions is in possession of the committee of the Senate, a copy of which—herewith filed, and marked Exhibit No. 10—I desire shall be taken as a part of my testimony, and to written arguments presented to the board. I never conversed nor had any communication with either of the commissioners on the subject of the claim, except to say to one of the commissioners, in January or February, 1851, that I desired, if there was no reason to the contrary, that the amount of the award might be fixed, as I was about to make

a contract which would depend upon it. Some time in the fall of 1849, or early in 1850, Dr. Gardiner called at my room and told me that he had been advised to employ Major Lally in this case. I protested strongly against it, and said it would be an act of great injustice to me to do so—to employ him or anybody else without my consent. I knew nothing of Major Lally or his character which would justify any imputation on that account, but I knew that such imputations would be made, as he was nearly connected with one of the commissioners, and, as I had been informed, was not a lawyer; and that he, Gardiner, had certainly counsel enough. He replied that that was his own judgment, and that he would not employ him, and with some strong asseveration that if the commissioners thought proper to reject his claim they might do it; that he had once worked for his living, and he would do it again. I left this city about the 7th or 8th of March, 1850, for South Carolina, and returned about the 20th of April. While I was absent Major Lally was employed by Mr. Edward Curtis, as Mr. Curtis informed me himself; he agreeing to divide with Major Lally his fees, which were five per cent. I submit a copy of the original contract between Dr. Gardiner and myself, which bears date the 28th of June, 1849. The original was before the committee of the Senate. The copy submitted is a true copy, and is hereto annexed, marked Exhibit No. 11. It will be seen by that contract that I was to receive fifteen per cent. on whatever amount might be awarded. I said to Dr. Gardiner that if it became necessary to employ other counsel, I would do so without further charge to him. I employed the Hon. Thomas Corwin as assistant counsel, and agreed to pay him five per cent. out of my own commissions. I had no consultation about the case with Mr. Curtis or Major Lally: with the latter I never had even a conversation. With Mr. Curtis I had occasional conversations about the case, but never a consultation, in the meaning of that term as used by lawyers. With Mr. Corwin I had frequent consultations before he accepted his present office; never any afterwards. On one occasion, after Mr. Corwin accepted that office, I called upon him to consult about this and some other cases in which we were engaged. He said that before he accepted a place in the cabinet he had closed his connexion with those cases, and washed his hands of them, and that he could not in good faith even consult with me in relation to them.

Question by the committee. When were the first depositions filed: were they filed with the memorial, or afterwards?

Answer. I think they were filed with the memorial; I am certain they were filed about that time. I am the more confident of this because the only reason why the memorial was not filed immediately on the meeting of the board in the spring of 1849 was, that the copies and translation of the book of account of the mines, and some other papers presented, were not finished at that time, and it was desired to present them all together.

The first six depositions, viz: Juan Soto, Antonio Marin, William Penn Johnson, James B. Smith, Sebastian Pacheco, and William Jackson, were presented with the memorial, or about that time, to the

best of my recollection, and these were all the depositions in the case when it was declared valid.

Question by the committee. Do you remember when the depositions which Dr. Gardiner presented after he returned from Mexico were filed?

Answer. I cannot give the precise date. I left Washington about the 10th or 15th of October, 1850, and returned on the 19th of November, 1850. During my short absence Dr. Gardiner returned from Mexico, and the papers had been presented before my return. My impression is that the title-deed was among the papers last presented, but the date of the official certificate to that title-deed will show whether it was presented then or before.

In answer to a question by the committee, witness says that Mr. Corwin was employed by me in May, 1849. Mr. Corwin went into the cabinet of Mr. Fillmore on its first formation, in July, 1850; after that, so far as I know, he had no connexion with or agency in the cases, but refused even to consult with me about them. It is known to everybody that prior to Mr. Corwin's going into the cabinet he was a member of the United States Senate. The depositions above referred to, brought from Mexico by Dr. Gardiner on his last visit, were filed after Mr. Corwin went into the cabinet.

Question by the committee. Were the first depositions taken under your instructions, or previously?

Answer. I think they were taken subsequent to my instructions, and were brought here by a person sent from Mexico by the agent of Dr. Gardiner, who arrived here just before the meeting of Congress, in 1849, which confirms my opinion that they were presented with the memorial.

Question by the committee. Were the title-papers to the mine before the board when they decided that the claim was valid?

Answer. My impression is that they were not in the complete form in which they were afterwards presented; but that there was a short official certificate of the existence of such title.

Question by the committee. Was Mr. Thomas Corwin consulted by you in reference to these instructions as to the testimony required?

Answer. I had full consultations with Mr. Corwin about the whole case. Mr. Corwin and myself, however, wrote separate instructions. I obtained the originals of both instructions from Dr. Gardiner a month or six weeks since, and handed Mr. Corwin those drawn up by him.

Question by the committee. What depositions, or testimony, were presented with the account-book and memorial of Gardiner to the board?

Answer. As well as I remember, the six first depositions above referred to, and, I think, some papers certified by Mexican officers relative to Gardiner's expulsion, and the printed order expelling all Americans from the department, and the protest of Dr. Gardiner.

Question by the committee. What papers did Gardiner submit to you when he first consulted you?

Answer. The book of accounts, the order for his expulsion, and the official certificates above referred to; his protest, and a mass of depositions, generally, if not entirely, from the witnesses whose depo-

sitions were afterwards presented, and stating substantially the same facts as were afterwards put in the form prescribed by the commissioners. These depositions not being in the required form, others were taken from most of the same witnesses. Some of the witnesses to the depositions brought by Dr. Gardiner from Mexico, and first shown me, could not afterwards be procured by him; but most, if not all, afterwards presented in proper form, were brought with him when I first met him here, but not in the form in which they could be used.

Question by the committee. What was the difference in the form?

Answer. They were in the ordinary form of depositions, without any statement of the age, residence, place of birth, and occupation of the witness; or that they had no interest in the case, and that the officer before whom they were taken had none; and other matters required by the rules adopted by the commissioners.

Question by the committee. Do you know anything of Mr. Corwin's purchase of an interest in this claim?

Answer. I do, as I have heard it from both parties. The negotiation and contract were by Mr. Robert G. Corwin, in January or February, 1850. I did not know until some months afterwards that Mr. Thomas Corwin had any interest in the purchase. Dr. Gardiner consulted me as to making the contract. I advised him to do it. My reasons for that advice were, that he was obliged to return to Mexico, and he had no funds; that I thought, from what he had told me, that with the money obtained from that sale he would be able to compound with creditors in Mexico, who he told me had extorted upon his necessities, and thus indemnify himself for his loss on that sale. The other reason was, that the claims presented to the board were three or four times as much as the amount appropriated, and it was uncertain what the *pro rata* payment on the awards would be. The general impression at that time was, that it would not be more than fifty per cent. The Messrs. Corwin gave for the one-fourth of the claim \$22,000, and relinquished, of course, their commission on that fourth, and gave, as I understood from them, a premium of five or six thousand dollars for the money they paid Gardiner. Of the money received by Gardiner from this sale he paid me \$3,000 on my fees, and the Corwins, as I understood, \$2,000.

Question by the committee. You say the Corwins paid five or six thousand dollars premium for the money they paid Gardiner. To whom, and for what purpose, did they pay that amount?

Answer. To Corcoran & Riggs, of whom they borrowed the money, or a large part of it, as they informed me.

Question by the committee. How much money did the Corwins pay to Gardiner for the fourth they purchased?

Answer. The whole amount, I suppose, deducting \$2,000 paid on their fees, leaving \$20,000.

Question by the committee. Did the Corwins receive fees or commissions upon the other three quarters?

Answer. They did.

Question. How much in all?

Answer. Mr. Thomas Corwin's commissions were five per cent. I

do not know exactly what were Mr. Robert G. Corwin's, but think they were much less. He can state.

Question. Do you know the shares in which the two Corwins held the quarter?

Answer. Equally, as I understood.

Question. Do you know the gross amount of fees and commissions paid by Gardiner to all his counsel?

Answer. My own commissions, of 10 per cent., were \$42,370, of which Dr. Gardiner paid me \$3,000 of the money received from the Corwins; the balance, \$39,370, he paid, after he received the award, to my agent, Mr. W. W. Corcoran. Mr. Thomas Corwin's fees, under his contract, were a little over \$15,000. I think Mr. Robert Corwin's a little more than \$5,000; and Mr. Edward Curtis, as I have been informed by Dr. Gardiner, received about \$24,000. I know of no other fees being paid.

Question. For what purpose was the second series of depositions, or mass of testimony, obtained from Mexico?

Answer. To strengthen the case, and increase the amount of the award.

Witness left Washington before the awards were paid, and gave Mr. Corcoran power of attorney to receive his fees, which he did. Mr. Curtis has stated, in his examination, that he was employed by me. This is a mistake. Shortly before I left Washington, on the 4th of July, 1849, Dr. Gardiner had told me that he intended to employ Mr. Curtis. Shortly afterwards I met Mr. Curtis, and told him that Gardiner intended to employ him. This was all I ever said to him on the subject, either from that time until December, 1849, when he says he was employed, or since. I did not even know the terms on which he had been employed until June, 1850, when Mr. Curtis informed me, in a letter which he addressed to me, what commissions he was to receive, which he certainly would not have done if I had employed him and made the contract.

Mrs. Chase says that I am mistaken as to the strong language of commendation in which she spoke of Dr. Gardiner. This is not very material, as it was only one of the many testimonials to the high standing of Dr. Gardiner; but my recollection is very distinct of the conversation. It is possible that I may not have given the precise words. It is equally probable that this highly respectable lady may herself have forgotten them; but there is no doubt of the fact that she had a favorable opinion of Dr. Gardiner, as she now admits, and as is proven by the fact of her recommending him for the highly honorable office of assistant surgeon in the army, and her letter to the same effect, which was presented to the board.

At the time of my employment in this case, I had no personal acquaintance with but one of the commissioners, Mr. Evans, and with him my relations were never intimate or cordial.

Question. Do you know who Gardiner employed to obtain his testimony in Mexico?

Answer. I do not. I know that Dr. Gardiner went to Mexico some time in the month of March or April, 1850.

Question. Do you know any other fact material to this investigation?

Answer. I do not.

Question by the committee. Did Dr. Gardiner go to Mexico more than once to obtain testimony in his case?

Answer. My impression is that he did—first, in the summer of 1849; afterwards, in March or April, 1850; I am not positive.

WADDY THOMPSON.

Robert G. Corwin appeared as a witness, and was sworn.

Question by Hon. Thomas Corwin. Were you concerned with me, as counsel, in prosecuting claims before the late commission under the treaty with Mexico? If so, state whether I sold out all my interest in those claims, and when, and to whom.

Answer. I was concerned with you in the prosecution of claims up to the time when you went into the cabinet of Mr. Fillmore. Your interest was sold prior to your going into the cabinet, and your interest was represented afterwards by Governor John Young, of New York. I don't know exactly by whom the whole arrangement was made with Governor Young. The assignment of his interest was made to Jacob Little; he afterwards transferred his interest in these claims to George Law. I understood that Young was the negotiator, and that the assignment was made to Little to enable Young to get the money from him fairly; then it was transferred to Law, from whom the money was received. The sale was made prior to the organization of Mr. Fillmore's cabinet, which was some time in July, 1850; but it was agreed that Governor Young and myself should estimate the value of your interest in all the claims you were concerned in. We were concerned in thirty-seven claims in all. We—Governor Young and myself—concluded the examination of all the papers, and made out the estimate a short time prior to the next regular session of the board in November, 1850. Governor Young and myself estimated the value of the claims at about \$90,000. We deducted from the estimate ten per cent. for Governor Young's services and for the further prosecution of the business, and for contingencies, and interest at the rate of seven per cent. per annum, from that time until the 16th of April after, which left \$80,270; and that sum was paid by George Law for this interest. Before this assignment was made, the board had decided upon the validity of most of our claims; but we had no means of ascertaining the amounts which they had allowed except from an examination of their awards and the papers and evidence in the cases. The balance of the claims were afterwards decided by the board, and the whole amount realized upon the assignment fell short of our expectations. The amount due to Law under the assignment was \$82,654 10. Of this amount, there has been collected and paid over to Messrs. Law and Roberts a little over \$76,000, and the balance of the claims Mr. Law has in collection, or they are in his hands for collection. This estimate included the interest of Thomas Corwin in the purchase of the one-fourth of the Gardiner claim and his fees in all the cases. This arrangement with Law was finally concluded and the money paid over to Thomas Corwin before the board met in November, 1850.

The board adjourned in the latter part of the month of June, 1850,

and met again about the middle of November of the same year, and a short time after this whole arrangement was perfected.

Question by Thomas Corwin. Did I ever appear before the board as attorney, or consult with any one in any case before the board, after I went into the cabinet, so far as you know?

Answer. You did not.

Question by Thomas Corwin. When did Dr. Gardiner go to Mexico to get the second set of proofs and depositions?

Answer. He went very soon after the board had decided upon the validity of his claim. It was early in the spring of 1850. He returned late in the summer or early in the fall of the same year. I am sure it was after Thomas Corwin went into the cabinet.

Question. Did he bring this testimony with him when he returned?

Answer. He did. I think that testimony was not shown to Thomas Corwin, as he was then entirely out of the business. He was never consulted about it at all.

Question. Did you purchase of Dr. Gardiner any interest in this claim; and if so, what, and what were the reasons for it?

Answer. I purchased the one-fourth of his claim. His reason for selling it was to raise money to go to Mexico and get this additional proof. He had not money enough to pay his creditors there, and pay his expenses there and back, and he wanted to realize enough of his claim to do this. This was the representation of Gardiner to me. Gardiner did not propose to pay the entire debt which he owed in Mexico, but only so much as would conciliate his creditors and avoid his being detained there.

Question. What did that claim cost?

Answer. I have not the means of ascertaining the exact cost. We paid partly in money and partly by an abatement of our fees, and by the payment of a part of the fees of Mr. Curtis. The whole amount, according to a calculation which I made shortly after the adjournment of the board, exceeded \$40,000—a little over \$40,000, and not much. The amount awarded upon that assignment was \$107,187 50; leaving a profit of a little over \$60,000 upon the purchase. One-half of this was paid to Law, and the balance I kept. Thomas Corwin's fees were five per cent. upon the three-fourths of the claim.

Question. Were there not cases before the board which belonged to companies, in shares, that were selling in the market?

Answer. Thomas Corwin and myself were concerned in two cases before the board, of that character; and there were probably others, in which we were not concerned.

Question. Was not Mr. Thayer, of New York, here on behalf of the purchaser, looking into these claims?

Answer. Mr. Thayer assisted us in making the examination of the papers, and in estimating the value of Thomas Corwin's interest, and was here in the absence of Governor Young, in the further prosecution of these claims.

Question. Who negotiated the sale on the part of Mr. Thomas Corwin?

Answer. Prior to Mr. Corwin's going into the cabinet, he agreed to sell his interest. Young and I were to make an appraisement of the

value of his interest in these claims; and if we could not agree, the attorneys associated with us should decide the difference between us; but the contract was made between Thomas Corwin and Mr. Young, as I understood from them.

Question. To whom did Mr. Thomas Corwin agree to sell?

Answer. I understood, in general terms, that the sale was made to some capitalist in New York. The name of Jacob Little was mentioned in this connexion. The transfer was made to Jacob Little, and it was afterwards assigned to George Law.

Question. Was the agreement of Mr. Corwin to sell, in writing?

Answer. I understood it was not.

Question. When was the assignment made by Mr. Thomas Corwin?

Answer. The assignment was made early in November, or late in October, 1850, about two weeks before the meeting of the board, and shortly before the money was paid to Mr. Corwin. The assignment by Mr. Thomas Corwin to Jacob Little was made in this city, in October or November, 1850, and left in my hands until the money was paid. I received the money in New York of Mr. George Law. I drew the money in New York, and deposited it with Corcoran & Riggs, in this city, to the credit of Thomas Corwin, prior to the meeting of the board in November, 1850.

Question. Who was the purchaser, in fact, to be benefited by the profit, or to suffer by the loss of the purchase?

Answer. I do not know.

Question. Were there any charges or suspicions against the character of the Gardiner claim, before the final award was made by the commissioners?

Answer. Shortly after the claim was presented, the question was asked who Dr. Gardiner was, that presented so large a claim. General Thompson produced letters from Jefferson Davis, Solomon U. Downs, Colonel Gates, Dr. Hitchcock, Adjutant General Thomas, C. E. Carr, late Assistant Quartermaster General, and others, representing Dr. Gardiner as a man of honesty and integrity. These letters were filed with Dr. Gardiner's papers; and I never after heard his character called in question, until this prosecution was commenced. I would say that Dr. Gardiner stood very high in the community, and his claim was regarded as a very meritorious one until the prosecution was commenced in court. I never heard any suspicion of the character of his claim until the prosecution was commenced.

Question. It is stated in a newspaper that you had said it was charged that the testimony or papers of Gardiner were forged, and that they were taken to the Mexican minister and certified by him to be genuine. Have you made any such statement?

Answer. I have never stated that a charge of forgery was made against Gardiner for getting up these papers, prior to the decision of the case by the board. When the papers were produced, General Thompson went with them to the Mexican minister, as I understood from him; and after he had examined them he pronounced them genuine, but declined to give a certificate to that effect. And I understood that the secretary or clerk of the board took these papers afterwards to the

Mexican minister, who said to him that they were genuine. If I have been represented in the papers to have said that these suspicions had their origin before the decision of the claim, I have been misrepresented. I never heard any suspicion of the genuineness of these papers until the criminal prosecution against Gardiner commenced.

Question. How much money was advanced to Gardiner in the purchase of this one-fourth interest, at the time of the purchase?

Answer. I think it was \$20,000; it may have been \$22,500.

Question. Was that money raised by mortgage or pledge of the fourth interest, and repaid out of the proceeds of the Gardiner claim?

Answer. \$15,000 of it was borrowed of William W. Corcoran, and the claim was assigned to him as collateral security for the payment of that sum and the interest. The balance of the money I paid him out of my private funds. The \$15,000, and the interest on it, were repaid out of the proceeds of the Gardiner claim.

R. G. CORWIN.

TUESDAY, *October 5—10 a. m.*

Robert T. Paine appeared as a witness, and was sworn.

Question. Were you a member of the board of commissioners to adjust claims of American citizens against Mexico, under the late treaty?

Answer. I was. I served from the beginning to the end of the commission. It met the 16th of April, 1849. It adjourned on the 15th or 16th of April, 1851. The board adjourned in June, 1850, to meet again in November, same year. General Taylor died before the board met in November. I heard of his death while at home.

Question by Mr. Corwin. Did I ever appear before the board as attorney, in any case, after General Taylor's death, and after the formation of Mr. Fillmore's cabinet?

Answer. Never, sir, to my knowledge. I knew at the meeting of the board that Mr. Corwin had disconnected himself as counsel in any case.

Question. Were there two sets of papers and proofs exhibited to the board in the case of George A. Gardiner, at different times?

Answer. There was additional testimony introduced after the board had decided upon the validity of the claim.

Question. Was I counsel at the time that additional testimony was introduced?

Answer. I cannot tell what time that additional testimony was filed, but it was not laid before the board until the meeting of the board in November, 1850.

Question. The claim of G. A. Gardiner was first received by the board on the 30th November, 1849, as appears from the journal of the board. What papers were filed at that time?

Answer. I cannot say, certainly; I know his memorial was then filed, that being the first thing that the board considered. When the case was taken up for consideration, I remember that the book of accounts and affidavits, showing the possession of Gardiner in the mine, the amount of property he had on hand, or the value of its fixtures, the profits of the mine for a number of months, and the value of the ore

on hand, and that in a state of amalgam, were then before the board, and with these there was some evidence of title to the mine in Gardiner, but not sufficient to establish his legal title, and other evidence going to establish the validity of his claim. I do not recollect what that evidence of title was—whether it was a certificate or affidavit, or what it was.

Question. Are you certain that there was any paper showing Gardiner's title to the mine at the time the first decision of the board was made?

Answer. I feel confident that there was no deed, but I cannot tell whether there was any paper or not. My impression is that there was.

Question. Was there objection, at the board, that the title was not proved?

Answer. It is impossible for me to speak of the consultation of the board in this case in particular. It was contended, on the part of the claimant, that he was entitled to pay for the mine. That claim was met, on the part of the board, by saying that there was not sufficient proof of his title to the mine.

Question. Why were not the damages determined when the board of commissioners allowed the claim?

Answer. They were determined, so far as they were in any case. The board decided upon the validity of a claim, at the same time looking into the amount which they thought ought to be awarded to the claimant. This award was, however, not considered final by the board. It was left open, for various reasons. The board thought that if the award should be published as the case was decided, it would produce a great deal of dissatisfaction among claimants, and give trouble to the board; and because testimony might afterwards be introduced or discovered, which might materially affect the award. Memoranda were kept, by deponent and Mr. Smith, of the board, of the amounts of the awards.

Question. When the claim was allowed, was there any intimation to Gardiner, or his counsel, that the award would be increased upon the production of additional proof?

Answer. I cannot undertake to say whether intimation was given to Gardiner's counsel or not. I know the board did not give such intimation to Gardiner. I am confident the board would not have allowed consequential damages unless Gardiner showed title to the mine.

Question. Do you remember what amount the board decided to award when they first determined that the claim was valid?

Answer. I feel confident that the members of the board did not agree on this question; but the award was augmented by the introduction of the subsequent evidence, though not very largely—I think some fifty or sixty thousand dollars.

Question by Mr. Corwin. Did you, as one of the board, have the papers in this case in your custody, and give them a careful examination?

Answer. I did, for it was one of the largest claims before the board; and there were rumors in circulation in relation to the claim, and I received an anonymous note cautioning me in relation to it. The

note bore the stamp of the Irving Hotel, and was signed by a North Carolinian. I used every exertion to find out the writer, but could not.

Question. Before the final award, were there any suspicions or suggestions of fraud in the testimony?

Answer. There were none; and I never heard of any until I saw it in the public papers.

Question. Do you know any other fact material to this case?

Answer. I do not remember any other.

ROBT. T. PAINE.

A letter was received to-day from George A. Gardiner, which is filed.

A reply to his letter was delivered to Mr. Gardiner on the same day, October 5th; a copy of which is appended, and both marked Exhibit No. 12.

Copies of certificates of Manuel Verastegui to Gardiner's book of accounts, and the certificate of Luis de la Rosa, the Mexican minister, to the signature and official character of Manuel Verastegui, are appended to the testimony, and marked Exhibit No. 13.

Also, three letters, correspondence between José Antonio Barragan and Don Manuel Verastegui, marked Exhibit No. 14.

Also, copies of the testimony before the board of commissioners upon which the claim of George A. Gardiner was allowed, marked Exhibit No. 15.

Also, copies of the report of George W. Slacum, esq., United States agent to investigate the claims of George A. Gardiner and John H. Mears, in Mexico, and the depositions connected therewith, marked Exhibit No. 16.

Resolved, That the clerk of this committee be required to notify the absent members of the committee to be present in Washington, at the Judiciary Committee room, to meet the other members of the committee, on the 20th of November next.

EXHIBIT No. 1.

[From the Journal of the Board of Commissioners of November 30, 1849, on page 58.]

74.—That of George A. Gardiner, claiming for expulsion from his mines at San Luis Potosi, was received.

EXHIBIT No. 2.

[From the Journal of the Board of Commissioners, on page 91.]

Tuesday, March 12, 1850.—The board met pursuant to adjournment; present, all the members.

The memorial of George A. Gardiner, claiming for losses of property in certain silver mines, in consequence of his expulsion from the State of San Luis Potosi, in 1846, being taken up for consideration, to-

gether with the proofs and documents connected therewith, the board came to an opinion that the claim is valid, and it was allowed accordingly; the amount to be awarded subject to the future action of the board.

The board then adjourned until 11 a. m., to-morrow.

EDWARD WM. JOHNSTON, *Secretary.*

EXHIBIT No. 3.

[From the Opinion Book of said Commissioners, page 269.]

GEORGE A. GARDINER.

The claim of George A. Gardiner for loss of property consequent on his expulsion from the State of San Luis Potosi, in Mexico, in October, 1846.

It appears, from the evidence in this case, that the claimant was sole proprietor of certain silver mines in the State of San Luis, in Mexico, and, from the year 1844 up to the period of his expulsion, on the 24th day of October, 1846, he had, at a great outlay of capital, brought his operations in mining to a state of prosperity which bade fair to yield him a handsome profit upon the capital invested by him in said mines. While thus engaged in the prosecution of his lawful business, in which he had worked, unmolested, from the early part of the year 1844, the Executive of the State of San Luis published a decree, on the 21st of October, 1846, that all American citizens then in the State should leave the same within the period of three days, or else be subject to arrest, and carried beyond the limits of said State.

The cause alleged for this order of expulsion was, the near approach to the State of San Luis of the invading army of the United States, and the apprehension that citizens of the United States, suffered to remain in the State, would give intelligence to the army of their country. In pursuance of this order of expulsion, the present claimant was driven out of said State, and forced to depart, by a body of Mexican troops, who, after expelling the claimant and pillaging his property, set fire to and destroyed his buildings; thus stripping him of all his property.

By the treaty of 1831, article 26, between the United States and Mexico, it is expressly stipulated that, in the event of a war between the contracting parties, the citizens of either nation residing in the territories of the other, and engaged in any other trade or profession than that of a merchant, "shall be permitted to remain in the uninterrupted enjoyment of their liberty and property, so long as they conduct themselves peaceably, and do not commit any offence against the laws."

The claimant was, therefore, residing in Mexico under the guarantee of protection, as set forth in the treaty of 1831, and entitled, as a citizen of the United States, to the full benefit of the provisions of that part of the treaty above set forth. It is to be observed, however, that in estimating the damages which a citizen of the United States should receive for a violation of his right of residence in Mexico, a due regard must be had to the motives which appear to have influenced the public

authorities of Mexico to put an end to such right. It is not to be presumed that either nation, by any article or stipulation of the treaty of 1831, intended to deprive itself of taking a reasonable measure of precaution against an injury likely to result immediately from the residence of the citizens of one nation in the territories of another. To suppose the contrary would be to acknowledge that, by the said treaty, each nation had stipulated against the right to itself of self-protection. A reasonable cause of apprehension, that an injury to its own security and protection was likely to arise from the residence of the citizens of one nation in any particular part of the territories of the other, in a state of war between the two nations, would justify a proper precaution, or preventive, against the possibility of such an injury. The right of a citizen, therefore, violated under such circumstances, could not be considered as wantonly or vindictively done; and, under the treaty of 1831, he would be entitled, not to vindictive damages, but to such only as resulted immediately from the interruption of such right, and the acts of the agents of the government carrying out its orders. It appears, from the evidence in this case, that the expulsion of the present claimant was not vindictive or insulting; but that he, and all other citizens of the United States resident in the State of San Luis, were ordered to leave, because the armies of this country were marching towards that State, and were then in possession of the capital of the neighboring State of New Leon. If a reasonable time had been allowed the claimant to make necessary arrangements for the security of his property preparatory to his leaving the State, he might have had little cause to complain; but no such time being allowed him—but, on the contrary, being compelled to abandon his property to pillage and destruction—he is entitled to indemnification for the losses he sustained by such immediate expulsion. The board is therefore of opinion, and decides, that the claim of George A. Gardiner is a valid claim against Mexico, and the same is accordingly allowed; the amount to be awarded subject to the future action of the board.

MARCH 12, 1850.

EXHIBIT No. 4:

[From the Opinion Book of said Commissioners, page 273.]

March 19, 1850.—In the case of George A. Gardiner, whose claim was decided by the board on the 12th March, instant, to be a valid claim against Mexico, a supplementary memorial having been filed before the board, showing that the claimant has assigned one-fourth part of his interest in said claim to William W. Corcoran, the board decide that one-fourth part of the sum which shall be found due to the claimant shall be awarded to the said William W. Corcoran.

OFFICE OF COMMISSION,

March 19, 1850.

EXHIBIT No. 5.

[From the Journal of the Board of Commissioners, on page 198, under date of April 15, 1851.]

GEORGE A. GARDINER.

The sum of three hundred and twenty-one thousand five
hundred and sixty dollars..... \$321,560

[On page 199 of the Journal, under the same date.]

W. W. CORCORAN, assignee of George A. Gardiner.

The sum of one hundred and seven thousand one hundred
and eighty seven dollars and fifty cents..... \$107,187 50

EXHIBIT No. 6.

TREASURY DEPARTMENT,

September 20, 1852.

SIR: I have the honor to transmit herewith the following correspondence of the department relative to the money deposited by Dr. Gardiner with the "Life and Trust Company" in New York, and Messrs. Corcoran & Riggs of this city, viz:

A.—Letter from the department, of July 25, 1851, to D. Thompson, president of the "Life and Trust Company," New York.

B.—His reply, dated July 28, 1851.

C.—Letter of department, of July 25, 1851, to Corcoran & Riggs.

D.—Their reply to the same, dated July 26, 1851.

E.—Letter to Corcoran & Riggs of July 9, 1852.

F.—Their reply, dated July 9, 1852.

G.—Statement from the First Comptroller, with statement of the payments made by the treasury under the award in favor of Dr. Gardiner.

In addition to the above, legal injunctions have been levied upon the amount in possession of the Trust Company and Corcoran & Riggs.

Very respectfully, your obedient servant,

WM. L. HODGE,

Acting Secretary of the Treasury.

HON. ANDREW JOHNSON,

Chairman Investigating Committee, Washington.

A.

TREASURY DEPARTMENT,

Washington City, July 25, 1851.

You are hereby notified that the claim of Dr. George A. Gardiner, recently allowed and paid under the late treaty with Mexico, which

appropriates three and a quarter millions of dollars to indemnify American citizens who had claims against the government of Mexico, is alleged to be founded in fraud, and sustained before the board of commissioners by fabricated testimony.

You are therefore informed that the government of the United States claim all the moneys of said Gardiner now in your custody, and require you to hold the same, subject to such claim; and if said allegations should, on further investigation, be proved, by satisfactory testimony, to be true, you will be required to pay said moneys into the treasury of the United States.

Yours, respectfully,

W. L. HODGE,

Acting Secretary of the Treasury.

D. THOMPSON, Esq.,

President New York Life and Trust Company.

P. S.—Please acknowledge the receipt of this, and state the amount of funds belonging to Dr. Gardiner, in your charge.

W. L. HODGE,

Acting Secretary of the Treasury.

B.

NEW YORK LIFE INSURANCE AND TRUST Co.,

July 28, 1851.

DEAR SIR: I am in receipt of yours of 25th instant, informing me that the government of the United States claim all the moneys of Dr. George A. Gardiner now on deposit with this company, of which due note is taken.

The amount now standing on the books of this company to the credit of the said Dr. George A. Gardiner is \$130,500—say one hundred and thirty thousand and five hundred dollars.

Yours, respectfully,

D. THOMPSON, *President.*

W. L. HODGE, Esq.,

Acting Secretary of the Treasury, Washington, D. C.

C.

TREASURY DEPARTMENT,

Washington City, July 25, 1851.

You are hereby notified that the claim of Dr. George A. Gardiner, recently allowed and paid under the late treaty with Mexico, which appropriates three and a quarter millions of dollars to indemnify American citizens who had claims against the government of Mexico, is alleged to be founded in fraud, and sustained before the board of commissioners by fabricated testimony.

You are therefore informed that the government of the United States claim all the moneys of said Gardiner now in your custody, and require you to hold the same, subject to such claim; and if said allegations should, on further investigation, be proved, by satisfactory testimony, to be true, you will be required to pay said moneys into the treasury of the United States.

Very respectfully, &c.,

W. L. HODGE,
Acting Secretary of the Treasury.

MESSRS. CORCORAN & RIGGS,
Washington City.

P. S.—Please acknowledge the receipt of this, and state the amount of funds belonging to Dr. Gardiner, in your charge.

W. L. HODGE,
Acting Secretary of the Treasury.

D.

WASHINGTON, July 26, 1851.

DEAR SIR: Your favor of 25th instant is received, and we take due note of its contents. The following are the securities we hold for account of Dr. George A. Gardiner, subject to his payment to us of our letter of credit in his favor on *George Peabody*, London, for £2,000, dated June 10; and of his letter of credit, dated June 17, for \$10,000, in favor of his brother, J. C. Gardiner:

\$20,000 Tennessee 6 per cent. bonds;
10,000 Licking 7 per cent. bonds;
10,000 Muskingum 7 per cent. bonds;
13,000 Pennsylvania and Ohio Railroad 7 per cent. bonds;
20,000 Missouri 6 per cent. bonds;
5,000 Dayton and Western Railroad bonds;
5,000 Greenville and Miami Railroad bonds;
10,000 New York and New Haven Railroad; together ninety-three
thousand dollars.

93,000

Yours, truly, &c.,

CORCORAN & RIGGS.

W. L. HODGE, Esq.,
Acting Secretary of the Treasury.

E.

TREASURY DEPARTMENT, July 9, 1852.

GENTLEMEN: Referring to your letter of the 26th July last to this department, you are hereby notified not to part with, or alienate in any mode, any portion of the securities or money in your possession, or

under your control, belonging to Dr. Gardiner, until the final result of the legal proceedings now pending against him on the part of the United States, and until you are notified to the contrary by this department, as the government will otherwise hold you responsible for the amount of said securities or money.

Yours, respectfully,

W. L. HODGE,
Acting Secretary of the Treasury.

CORCORAN & RIGGS,
Bankers, Washington City.

F.

WASHINGTON, July 9, 1852.

DEAR SIR: We have received your favor of this date, and shall strictly adhere to the instructions it contains.

Remaining yours, very respectfully, &c.,

CORCORAN & RIGGS.

W. L. HODGE, Esq.,
Acting Secretary of the Treasury.

G.

[No. 10376.]

TREASURY DEPARTMENT,
Fifth Auditor's Office, May 16, 1851.

I hereby certify that I have examined and adjusted an account between the United States and W. W. Corcoran, assignee of George A. Gardiner, and find that the sum of one hundred and seven thousand one hundred and eighty-seven dollars and fifty cents is due from the United States unto the said William W. Corcoran, assignee of George A. Gardiner, that sum being the amount of an award to W. W. Corcoran, assignee of George A. Gardiner, made by the commissioners under the act of 3d March, 1849, to carry into effect the 15th article of the treaty between the United States of America and the republic of Mexico of the 2d of February, 1848, the said award appearing as one of the awards on the list of all the several awards made by said commissioners, as certified by the acting Secretary of State on the 21st day of April last, and transmitted by him on said day to the Secretary of the Treasury, payable to W. W. Corcoran, his assignee, as appears from the statement and vouchers herewith transmitted for the decision of the Comptroller of the Treasury thereon.

STEPHEN PLEASANTON,
Fifth Auditor.

\$107,187 50.

To ELISHA WHITTLESEY, Esq.,
Comptroller of the Treasury.

COMPTROLLER'S OFFICE,
 May 16, 1851.

I admit and certify the above, and that there is due, by reason of the premises, to W. W. Corcoran, assignee of George A. Gardiner, the sum of one hundred and seven thousand one hundred and eighty-seven dollars and fifty cents.

ELISHA WHITTLESEY,
Comptroller.

To TOWNSEND HAINES, Esq.,
Register of the Treasury.

TREASURY DEPARTMENT,
Register's Office, September 20, 1852.

I certify the within report to be a true copy of the original on file in this office.

N. SARGENT, *Register.*

[No. 10378.]

TREASURY DEPARTMENT,
Fifth Auditor's Office, May 16, 1851.

I hereby certify that I have examined and adjusted an account between the United States and George A. Gardiner, and find that the sum of three hundred and twenty-one thousand five hundred and sixty-two dollars and fifty cents is due from the United States unto George A. Gardiner, that sum being the amount of an award to him, made by the commissioners under the act of 3d March, 1849, to carry into effect the 15th article of the treaty between the United States of America and the republic of Mexico of the 2d of February, 1848, the said award appearing as one of the awards on the list of all the several awards made by said commissioners, as certified by the acting Secretary of State on the 21st day of April last, and transmitted by him on said day to the Secretary of the Treasury, payable to W. W. Corcoran, his attorney, as appears from the statement and vouchers herewith transmitted for the decision of the Comptroller of the Treasury thereon.

STEPHEN PLEASANTON, *Fifth Auditor.*

\$321,562 50

To ELISHA WHITTLESEY, Esq.,
Comptroller of the Treasury.

COMPTROLLER'S OFFICE, *May 16, 1851.*

I admit and certify the above, and that there is due, by reason of the premises, to W. W. Corcoran, attorney of George A. Gardiner, the sum of three hundred and twenty-one thousand five hundred and sixty-two dollars and fifty cents.

ELISHA WHITTLESEY, *Comptroller.*

To TOWNSEND HAINES, Esq.,
Register of the Treasury.

TREASURY DEPARTMENT,
Register's Office, September 20, 1852.

I certify the within report to be a true copy of the original on file in this office.

N. SARGENT, *Register.*

EXHIBIT No. 7.

Whereas Thomas Corwin and Robert G. Corwin, in and by the hereunto-annexed instrument, bearing date the eleventh day of November instant, (1850,) did, in consideration of the sum of eighty thousand three hundred and forty-three dollars and ninety-four cents, (as therein specified,) transfer unto Jacob Little, of the city of New York, all the interest which Thomas Corwin then had, or might have thereafter, in sundry claims therein mentioned and referred to, for fees, or by virtue of this purchase thereof, the same being claims against Mexico, or cases in prosecution before the board of commissioners on claims against Mexico, all which will appear in the said hereto-annexed instrument, together with the agreement of the said Robert G. Corwin to continue the prosecution of the said cases until the money is finally collected, so far as the same can be done, and to settle with the said Jacob Little, as in the instrument expressed: and whereas the said Jacob Little, by another instrument, also hereunto annexed, bearing date the twenty-second day of November instant, did assign and transfer the same to George Law, of the city of New York, which said two instruments are hereby referred to for greater particularity in the premises:

Now, therefore, know all men by these presents, that I, the said George Law, for and in consideration of the sum of eighty thousand three hundred and fifty-seven dollars, to me paid by Marshall O. Roberts, of the said city of New York, have bargained and sold, and do hereby grant, assign, transfer, and set over unto the said Marshall O. Roberts, and his executors, administrators, and assigns, all and every the interest which the said Thomas Corwin then had, or may have, in the claims in the said instruments mentioned or referred to, which, in and by the said instruments, or either of them, or in virtue thereof, are transferred to me: and also the said hereunto-annexed instruments, and all right, title, interest, and claim under or by virtue thereof: and all my right, title, and interest in or to the said claims, or any of them, or any moneys collected, or to be collected, thereon; and all the benefits and advantages which could or might in any wise accrue to me under or by virtue of the said instruments, or the facts therein recited; to have and to hold the same unto him the said Marshall O. Roberts, and his executors, administrators, and assigns forever.

But this instrument is made, executed, and delivered to the said Marshall O. Roberts; and the said claims are to be prosecuted at our joint and equal risk; and any avails therefrom beyond the said sum of eighty thousand three hundred and fifty-seven dollars, after deducting

said expenses and interest, are to be equally divided between the said Roberts and myself.

In witness of all which, I have hereunto set my hand and seal, this 25th November, 1850.

GEORGE LAW. [L. s.]

Witness:

T. SPENCER KIRBY.

Number of claims eleven, amounting to \$82,600. Amount received, \$77,000.

The papers referred to in Mr. Law's assignment to me were given to my counsel in the matter, Hon. John Young, which, in consequence of his death and the absence of his family from the city, I have been unable to furnish. But the facts are the same. In substance and matter there can be no difference.

EXHIBIT No. 8.

TREASURY DEPARTMENT,
Register's Office, September 24, 1852.

SIR: The enclosed copies of the warrants and drafts issued on the award to George A. Gardiner, prepared in compliance with Secretary's reference to this office of your letter of the 21st instant, show, as requested by you in behalf of the committee, to whom the money was paid.

I am, respectfully, your obedient servant,

N. SARGENT, *Register.*

SIMEON SMITH, Esq.

TREASURY DEPARTMENT.

{ WARRANT. } To JOHN SLONE, *Treasurer of the United States,*
{ TREASURY.—No. 4,652. } GREETING:
{ Appropriation. }

Awards under the 15th article of the treaty between the United States and Mexico, of the 2d of February, 1848, as authorized per act of March 3d, 1849.

Pay to W. W. Corcoran, assignee of George A. Gardiner, or order, out of the appropriation named in the margin, one hundred and seven thousand one hundred and eighty-seven dollars and fifty cents; that sum being the amount of an award to W. W. Corcoran, assignee of George A. Gardiner, made by the commissioners under the act of 3d March, 1849, to carry into effect the 15th article of the treaty between the United States of America and the republic of Mexico of the 2d of February, 1848, the said award appearing as one of the awards on the list of all the several awards made by said commissioners, as certified by the acting Secretary of State on the 21st day of April last, and transmitted by him on said day to the Secretary of the Treasury.

Agreeably to a certificate of the Comptroller of the Treasury, No. 10376, dated May 16, 1851, recorded by the Register. For so doing this shall be your *warrant*.

Given under my hand and the seal of the treasury, this sixteenth day of May, in the year one thousand eight hundred and

[SEAL.]

fifty-one, and of Independence the seventy-fifth.

THOMAS CORWIN,

Secretary of the Treasury.

R. and E. 16.

[\$107,187 50.] Countersigned—

E. WHITTLESEY,

Comptroller.

Recorded May 16.

TOWNSEND HAINES, *Register.*

Received for the above warrant, draft No. 9296, on assistant treasurer, New York, \$107,187 50.

JOHN G. CLARKE.

TREASURY DEPARTMENT,

Register's Office, September 24, 1852.

I certify the within warrant and the annexed treasury draft, and the endorsements thereon, to be true copies of the originals on file in this office.

N. SARGENT, *Register.*

[No. 9296.] TREASURY WARRANT, No. 4652.—\$107,187 50.

TREASURY OF THE UNITED STATES,

Washington, May 16, 1851.

At sight, pay to W. W. Corcoran, assignee of George A. Gardiner, or order, one hundred and seven thousand one hundred and eighty-seven dollars and fifty cents.

J. SLOANE,

Treasurer of the United States.

[No. 9296.] Registered May 16, 1851. [\$107,187 50.]

TOWNSEND HAINES,

Register of the Treasury.

ASSISTANT TREASURER U. S.,

New York.

[Endorsed.]

Pay Corcoran & Riggs, or order.—W. W. Corcoran, assignee.

Pay J. Punnett, cashier, or order.—Corcoran & Riggs.

Received.—J. Punnett, cashier.

Paid May 17, 1851

TREASURY DEPARTMENT.

{ WARRANT. } To JOHN SLOANE, *Treasurer of the United States,*
 { TREASURY.—No. 4,650. } GREETING:
 { Appropriation. }

Awards under the 15th article of the treaty between the United States and Mexico, of the 2d of February, 1848, as authorized per act of March 3d, 1849.

Pay to W. W. Corcoran, attorney of George A. Gardiner, or order, out of the appropriation named in the margin, three hundred and twenty-one thousand five hundred and sixty-two dollars and fifty cents; that sum being the amount of an award to him, made by the commissioners under the act of 3d March, 1849, to carry into effect the 15th article of the treaty between the United States of America and the republic of Mexico, of the 2d of February, 1848, the said award appearing as one of the awards on the list of all the several awards made by said commissioners, as certified by the acting Secretary of State on the 21st day of April last, and transmitted by him on said day to the Secretary of the Treasury.

Agreeably to a certificate of the Comptroller of the Treasury, No. 10378, dated May 16, 1851, recorded by the Register. For so doing this shall be your *warrant*.

Given under my hand and the seal of the treasury, this sixteenth day of May, in the year one thousand eight hundred and

[SEAL.]

fifty-one, and of Independence the seventy-fifth.

THOMAS CORWIN,

Secretary of the Treasury.

A. & E. R. & E. 16.

[\$321,562 50.] Countersigned—

E. WHITTLESEY, *Comptroller.*

Recorded, May 16.

TOWNSEND HAINES, *Register.*

Received for the above warrant, draft No. 9292, on assistant treasurer, New York, \$321,562 50.

JOHN G. CLARKE.

TREASURY DEPARTMENT,
Register's Office, September 24, 1852.

I certify the within warrant, and the annexed treasury draft, and the endorsements thereon, to be true copies of the originals on file in this office.

N. SARGENT, *Register.*

[No. 9292.] TREASURY WARRANT, No. 4650.—[\$321,562 50.]

TREASURY OF THE UNITED STATES,
 Washington, May 16, 1851.

At sight, pay to W. W. Corcoran, attorney of G. A. Gardiner, or order, three hundred and twenty-one thousand five hundred and sixty-two dollars and fifty cents.

J. SLOANE,
Treasurer of the United States.

[No. 9292.] Registered May 16, 1851. [\$321,562 50.]

TOWNSEND HAINES,
Register of the Treasury.

ASSISTANT TREASURER U. S.,
 New York.

[Endorsed.]

Pay Corcoran & Riggs, or order.—W. W. Corcoran, attorney
 Pay J. Punnett, cashier, or order.—Corcoran & Riggs.
 Received.—J. Punnett, cashier.
 Paid May 17, 1851.

EXHIBIT No. 9.

[Copy from the books.]

DR. *George A. Gardiner in account with Corcoran & Riggs.* CR.

1850.			1850.		
Nov. 21	To check.....	\$500 00	Nov. 21	By deposite.....	\$15,000 00
Dec. 3	....do.....	750 00	1851.		
1851.			May 16	....do.....	321,562 50
Feb. 7	....do.....	450 00	16	....do.....	33,281 00
18	....do.....	135 00			
Mar. 3	....do.....	5,500 00			
22	....do.....	100 00			
April 3	....do.....	200 00			
21	....do.....	800 00			
May 14	....do.....	100 50			
17	....do.....	24,587 50			
17	....do.....	15,312 00			
17	....do.....	39,370 00			
17	....do.....	15,312 50			
19	....do.....	546 00			
19	....do.....	21,368 75			
20	....do.....	7,656 25			
21	....do.....	20,470 00			
22	....do.....	220,000 00			
23	....do.....	185 00			
June 16	....do.....	1,500 00			
		374,843 50		Checks surrendered	374,843 50

EXHIBIT No. 10.

Copy of instructions by Waddy Thompson to Dr. Gardiner.

Dr. Gardiner will obtain, if practicable, the original books of account of his mining operations. This is important, and I suppose can be done by leaving an authenticated copy in the public office in Mexico. If not, the copy must be certified on oath to be an exact copy of the original.

2. The deposition of the clerk who kept the books, that the entries were made by him, and that they are true.

3. Other depositions which, although they may not be specific as to sums, may state generally the large outlay on the mines, and the large profits which they were yielding at the time of your expulsion, and the probable increase of those profits.

4. Depositions that you had not done anything to excite the suspicion of the government, or its officers, of you individually, and that there was no personal reason for your expulsion, nor any other than the fact of your being an American. If the statement of the officer issuing the order to this effect can be had, it will be the best.

In addition to the general facts sworn to, each deponent will add:

The deponent, A. B., further swears that he is — years old; that he was born in —, and now resides at —; that at the time the transactions took place stated in this deposition, he resided at —, and that his occupation was that of —; and that he now resides at —, and his occupation now is that of —. He further swears that he is not the agent or attorney of the claimant, nor of any person having any interest in said claim, and that he himself has no interest, either direct or contingent.

The magistrate, or officer, before whom the depositions are taken, must be proven, by certificate, under official seal of the country, to be a person authorized to administer oaths and take depositions. The most secure certificate of this will be that of some American consul in Mexico, or the Mexican Secretary of State. The magistrate, in addition to the probate to the deposition, will certify as follows:

I do hereby certify that I am not the agent or attorney of the claimant, or of any one having any interest in the claim to which this deposition relates, and that I have no such interest myself, direct or contingent. I further certify that the deponent to said deposition is known to me, and that he is entitled to credit upon his oath. (If not known to the magistrate, he will certify as follows: C. D. swears before me that he is acquainted with A. B., who has sworn to the annexed affidavit, and that he is worthy of credit on his oath;) C. D. is known to me, and I certify that he is worthy of credit on his oath. I further certify that the above deposition was reduced to writing by me, or (as the case may be) by A. B. in my presence, and that said A. B. has no interest in the claim to which it relates, as agent, attorney, or in any other way. Signed by magistrate, with seal of office, if there be one.

The depositions and all the papers will be in Spanish, where the deponent does not speak English; and then they had better be in Spanish, unless taken before an American consul.

APRIL 30, 1849.

W. THOMPSON.

EXHIBIT No. 11

JUNE 28, 1849.

In consideration of the professional services of Waddy Thompson, esq., in the prosecution, before the commission under the late treaty between Mexico and the United States, of my claims upon Mexico for losses sustained by illegal expulsion from the country, and also the claims of John Hamilton Mears, of a like character, I hereby bind myself to pay to the said Waddy Thompson fifteen per centum upon whatever sum may be recovered on said claims.

G. A. GARDINER. [SEAL.]

EXHIBIT No. 12—A.

To the Hon. Messrs. King, Howard, and Chapman, members of the Select Committee of the House of Representatives, now sitting in the Capitol.

GENTLEMEN: I have been informed that, in the course of your investigations with reference to the official conduct of the Hon. Thomas Corwin, you have examined a number of witnesses, and received in evidence divers documents relating to my claim lately adjudicated before the board of commissioners under the Mexican treaty. I have not been notified of your purpose so to do. I had no intimation (and I find none in the resolution constituting your committee) of your authority to investigate and pass judgment on the legality, validity, and honesty of my demand allowed by that board. I presume the House of Representatives did not expect such investigation and such decision by you. It was aware, as you are, that I have been persecuted—first, by criminal proceedings in different shapes; secondly, by civil proceedings; thirdly, that the United States Senate has designated a select committee to overhaul all the Mexican claims, and the conduct of the board; and, fourthly, that I have been industriously and insidiously assailed in the newspapers by political partisans. If, on reconsideration, you decide that I am to pass a *fifth ordeal*, and that you take cognizance of my case, and propose to decide it, common justice demands that your proceedings should not be *ex parte*, and that I ought to be heard before you. I ought to be allowed the privilege of cross-examining the witnesses already sworn and examined, and those that may be hereafter adduced to impeach my claim or my conduct; and I ought to be allowed to give testimony to rebut the false testimony given against me. It is my right, therefore, to protest against your past proceedings, as I now respectfully do, as most unjust and unconstitutional; which would try me unheard, and decide my case *ex parte*; and to submit to you that common justice demands you should expunge from your proceedings all the testimony relating to me or to my case. Its falsity or invalidity has nothing to do with Mr. Corwin's conduct. The justice of my case does not exonerate him, nor the falsehood of it in any degree alter his case. I solemnly protest against being tried *ex parte* five different ways, and five different times, for the same im-

puted offence; not having the privilege of being confronted with the witnesses, and having the proceedings then made public, under the imposing form of a report of a committee of the House of Representatives—thus to prejudice me and my rights.

I respectfully request that this protest may be filed among the proceedings of your committee.

Respectfully, &c., your obedient servant,
G. A. GARDINER.

WASHINGTON CITY, D. C.,
October 5, 1852.

B.

WASHINGTON, *October 5, 1852.*

SIR: The undersigned acknowledge the receipt of your protest dated this day, at which they are not a little surprised. Before entering upon the examination of witnesses, to wit: on the 31st day of August last, we caused a notice to be served upon you to appear before the committee, if you should see cause, at the Judiciary Committee room in the Capitol, on the first day of September, 1852. In pursuance of that notice, Messrs. Bradley and Carlisle subsequently appeared before the committee as your counsel, and cross-examined witnesses on different days; which cross-examination, with the answers of the witnesses, is incorporated in the testimony taken before the committee.

On the 19th September last Messrs. Bradley and Carlisle addressed a note to the committee, waiving any further examination, and the committee have proceeded in their investigation, which, so far as the examination of witnesses is concerned, we supposed was concluded.

If you have any testimony to offer, proving the existence and character of the mine which was made the foundation of your claim before the board of commissioners organized under the treaty of Guadalupe Hidalgo, the committee will be ready to hear it on the 6th day of October instant, (to-morrow,) at 9 o'clock a. m. Your protest will be filed with the proceedings of the committee.

Very respectfully,

P. KING,
V. E. HOWARD,
C. CHAPMAN.

TO GEORGE A. GARDINER,
Washington, D. C.

EXHIBIT No. 13.

[SEAL.]

Manuel Verastegui, prefect of the department of Rio Verde: I certify this book contains fifty-four useful leaves, and that it is a complete and literal copy (having put my scrawl on each leaf) of the ori-

ginal which I have seen and compared, and which remains in deposit at the request of the creditors.

MANUEL VERASTEGUI.

J. PIO GUTIERREZ,
Secretary.

RIO VERDE, *June 12, 1848.*

[SEAL.]

Manuel Verastegui, prefect of the department of Rio Verde: I certify that the total amount of debit resulting from the anterior account amounts to one hundred and seventy-one thousand four hundred and two dollars and fifty cents; and that having revised the entries, they are in every respect similar to the originals.

MANUEL VERASTEGUI.

J. PIO GUTIERREZ,
Secretary.

RIO VERDE, *June 12, 1848.*

SEAL OF THE }
MEXICAN LEGATION. }

The undersigned, envoy extraordinary and minister plenipotentiary of the republic of Mexico: I certify that the above signature of Don Manuel Verastegui, prefect of the department of Rio Verde, in the State of San Luis Potosi, is legitimate, and the same that he uses in his official acts.

LUIS DE LA ROSA. [L. s.]

WASHINGTON, *April 20, 1849.*

[Copy of translation.]

RIO VERDE, *December 15, 1851.*

MY ESTEEMED FRIEND: I reply to your esteemed favor of 11th inst. by saying that your recommendation in relation to Don Teofilo Ramirez will be complied with, although it may be necessary to raise a subscription for Jaso, to prevent the unhappy man from dying of hunger, for he is very infirm and poor; and, with this in view, I supplicate you to be pleased to order paid punctually the pension which he enjoys, having been wounded in the defence of this place on the 9th of March, 1849, paying at the same time the arrearages.

Don Nicholas Barragan has come here proclaiming that he had been sent for by you to depose before the district Esparza Peredo, in relation to the Gardiner business, and to make me out a criminal, by express order of Don Julian de los Reyes; and by your instructions; that this

person Reyes has deposed in Mexico unfavorably to said business, and that my concealed enemies labored to destroy me. I, who am not without resolution and no coward, although I say it myself, (as the country people say,) have laughed at the occurrence—first, because I do not believe you capable of acting traitorously by me; and second, that, even if you should commit this villany towards me, I am not personally compromitted in the affair, for there is not to be found a signature of mine, either as an authority or as a private individual, in the document; for I have not come from driving turkeys:* I figure as the attorney of the creditors of Gardiner, or as interested in the payment of the money which he owes them, and nothing more.

That we Mexicans are a set of poor devils is not now a question to be mooted, for the whole world knows the fact, and there is no one to deny it. Much worse than that, as this very business is a clear proof of the fact; for, while the infamous government at Washington has robbed two-thirds of the territory of our republic, presented unjust and exaggerated claims against our fellow-citizens and our treasury, and purposes to exterminate our race, we are so superlatively honest that we must defend the treasure of the United States as if it were ours, and obey its government as if it were our father. I say the above, having in my mind the publication, in the nineteenth century, of 25th of October last, and on the supposition that Sr. Reyes has made his deposition. Faith! if claims of North Americans against our government were under examination, then you would see that all, from the first functionary down to the lowest watchman, would declare against us, and swear that an ox had flown! But we are very honest; and who is going to take it away? What I do feel is, that, for personalities and despicable revenge, this money will escape; but, inasmuch as he can do nothing more, your friend will have patience, &c.

MANL. VERASTEGUI.

[RUBRIC.]

JOSE ANTONIO BARRAGAN.

Additional.—I would remark to you, that I do not believe any treason of you; although I do not doubt it of others; for I know that when you fire a shot, you do it with the face unmasked, and not with it concealed behind the veil of friendship. I beg you to excuse my language: it is like that which, in similar cases, my friend, your father, uses, as when he contested officially to the observations of the Comptroller Camacho.

[Copy of translation.]

SAN LUIS POTOSI, *December 22, 1851.*

MY ESTEEMED FRIEND AND SIR: I give you a thousand thanks for the zeal with which I perceive you have taken hold of the affair of

* The expression here used is intended to signify that he was not to be taken for one of the poor, ignorant Indians who travel on foot, herding turkeys. They are considered as little better than simpletons.

Ramirez, in order that he may be established in your city out of the municipal funds. If Ramirez should decide to go, you will obtain a good teacher for the youth; but I fear that the small salary assigned him, will make him desist from his intention. Therefore, I think it would be well that Don Bonifacio should not leave; to whom, you may be sure, the government will attend as respects his pension, in case he leaves the school, for so the Governor has assured me.

It is true that the district judge, Esparza Peredo, by order of the general government, is making an examination into the claims made on the north by Gardiner and Mears; but you must not believe that there is the slightest villany in the affair; and if Señor Reyes, Goyeneche, and others, declared in Mexico, as have done some here, and I among the rest, that the mines have not existed as those which have been supposed, it is because whoever should dare to say the contrary would be marked with the brand of falsehood, for the falsity thereof could be proved by the declarations of all others, and, above all, by the non-existence of mines and machinery—much less of the magnitude of those which are represented. This fiction could only have been credited where they had not even the most distant knowledge of the country, as in effect did happen where there was no one to contradict it; but now, if it is asked of those who have lived in Rio Verde, do you believe that there is one who would have the courage to say that a thing exists which never was? See the Monitor Republican, number 2,189, of 19th of May, and you will see that the money in question belongs to Mexico, and not to the North, for the total of claims admitted comes up to \$3,203,523; so, that deducted from the \$3,250,000 which the North retains for the claims of its citizens, there remains to be delivered to the government of Mexico \$46,477; and this without counting the claims set up by Gardiner and Mears. To the first were adjudged \$428,747 50, and to the other \$153,125. These two amounts added to the anterior, make the amount \$628,349 50, which, undoubtedly, belong to the Mexican government. Don't believe that Señor Reyes, or any other person, acted under the influence of personal animosity, for the affair is not of that nature, nor is there a motive for it; but the fact is, that the affair has come to the point to which it has been brought by whoever excited the doubt, and you must know that anything so false is impossible of being sustained before any authority whatever, and even if all the witnesses were participators in it; and even much less can it be sustained when, in making out the papers, care only was taken to show in them some formulas, and persons are made to bear a part who will never be able to say that they had any part therein. And they were careless, also, of the time of office of the functionaries, without anything else, &c.

J. ANTONIO BARRAGAN.

DON MANUEL VERASTEGUI.

EXHIBIT No. 14.

[Copy of translation.]

RIO VERDE, *December 24, 1851.*

MY ESTEEMED FRIEND AND SIR: In reply to your agreeable note of 22d inst., I reply, saying, I only wait to know the salary with which Mr. Ramirez would be satisfied, to go to work and make up the necessary amount, for the municipal funds of this city are not capable of yielding the amount requested. It is sufficient to know that you feel an interest in his settlement here, and that he would be a useful preceptor, for me to resolve to remove every obstacle that may be in the way.

I am fully satisfied that Mr. Reyes, and the other persons who have declared against the claims of Gardiner and Mears, have done so without being influenced by hostile feelings towards me, and are inspired by patriotism alone; and now that it is Mexico which has to pay the value of this fraud, infamous would be the Mexican who should lend himself to uphold such pretension. I acted in this business, being deceived; and the more so, when *very respectable* persons in the capital to whom I with entire frankness communicated the project—deceived, undoubtedly, themselves—offered me their strong protection. Therefore, from to-day I change my course. Your information has been so very opportune, that some most interesting documents will not be sent now; documents in which would have been compromitted a large number of my friends, among whom are men of clear conscience, incapable of lying, and who, if deviating from the truth, did it in the belief that the blow would fall on the enemy's government, and that no third person would be injured, innocently, in this business. I give you a thousand thanks for your generous information, and it is to me satisfactory evidence of your fidelity to me. I with equal conformity deposite confidently in your bosom the ideas contained in this letter, and beg of you to conceal its contents from Gardiner; for in the deviation from the track, I must do it with prudence and gradually.

The document which Gardiner has presented in Washington is not the one made here, but another, very different, composed purely of fraudulent substitutions, for it is very certain that all those whose signatures are found thereto will be declared supplanted; for the operation was done so stupidly, that, as you say, the time of office of the functionaries was not taken into account. The style of every paper contained in the instrument of writing is that of a foreigner—in fact, the falsification of the whole is plain. The same holds true in reference to the papers presented by Mears; no Mexican will be found to be an accomplice in this fraud. It would have been very different if use had been made of the one which I drew up here, and the claim would have either passed, or many would have come out injured from the operation, which, fortunately, has not happened. I hope thus for your favor, for whatever may turn up hereafter from this investigation, for although I do not appear in any other character than that of the creditor of the claimants, your friendship will be of importance to me, and your advice also, so that I may get out well.

Your most affectionate friend and servant, &c., &c.,

MANUEL VERASTEGUI.

JOSE ANTONIO BARRAGAN.

Copy of the declaration of John C. Gardiner.

Whereas I have been requested to give evidence regarding the nature and character of my brother's (Dr. George A. Gardiner's) business in Mexico, I hereby state that, to the best of my knowledge, he went to Mexico in 1841, with a capital of about \$10,000, and that, possessing an ample knowledge of mineralogy, and extensive information of the resources of the country, he was well qualified to succeed in any undertaking. That his business tact and extensive correspondence kept him supplied with such information as rendered his aid invaluable to speculators, and brought around him a large circle of friends and capitalists ever willing to engage in speculations recommended by him, or advance funds for his own private benefit. I know that he speculated successfully in buying and selling shares in different mines, and realized in this way upwards of fifty thousand dollars. Independent of this kind of business, which was always very lucrative, he engaged, some time in 1844, in working on his own account a set of silver mines in the State of San Luis Potosi, for which he had been for a long time accumulating data. Such was the positive evidence he gathered as to the richness of these mines, that, in working them, he had unlimited credit extended to him; besides, his reputation as a mineralogist, close observer, and successful speculator, placed very large amounts at his disposal.

These mines, when he commenced them, were in a state of perfect abandonment and ruin, and filled with rubbish and water. He drained and cleaned them out, for which purpose he employed extensive machinery, and, I believe, about five hundred hands. The mines, when he commenced them, were considered to be about six hundred feet deep, with extensive workings under ground, all of which had to be timbered to support them and prevent their caving in, which was attended with very considerable expense. He also built a refinery (*hacienda de beneficio*) on an extensive scale, which embraced a vast quantity of machinery—water-wheel, crushing-mill, about sixty grinding-troughs, (*arrasters*) various smelting-furnaces, and improved systems of amalgamation, such as the German barrel machinery, and the caldron refinery, all of which required extensive massive buildings. Large and extensive storehouses were also erected, and stables for about two hundred mules, besides various other extensive massive buildings which are required in this kind of business. A large chemical laboratory was also constructed, with all its apparatus and assay furnaces. A sick ward or hospital for the hands, and immense granaries, besides a large pay-store or *Tienda de Raya*, well furnished with all the commodities used by the laborers. The building of this hacienda or refinery, as above stated, cost, to the best of my knowledge, upwards of sixty thousand dollars. He also invested a large amount in laying in a large stock of all the materials used in refining the ores, such as lead, quicksilver, salt, &c., and in iron, steel, powder, and other articles used in mining, as also in purchasing some two hundred mules, and procuring a sufficient supply of grain and provender for their support. It was generally

known, at the time this business got fairly under way, that the capital my brother had invested in it amounted to upwards of three hundred thousand dollars, and it was generally considered by all those versed in this kind of business as a most lucrative and promising undertaking.

I was at these mines in the latter part of 1844, for a short time. I returned to them again about the middle of 1845, and again visited them in the summer of 1846, and speak from personal observation, relying entirely upon my memory, as I have not examined my brother's books or accounts, nor paid any attention to them. I was absent from the mines when my brother was expelled from the country and his property confiscated and destroyed, and received a letter from him, some time in November, 1846, giving me a heart-rending and agonizing account of his trials and hardships, and total loss of property. I can confidently assert that his sufferings have been extreme, and that he has been entirely ruined by the arbitrary act of the Mexican government that deprived him of his property, accumulated by years of industry, perseverance, and extreme toil.

I am cognizant of the fact that my brother operated with a letter of unlimited credit that was furnished him by Count Perez Galvez, (well known as a gentleman of immense wealth—in fact a millionaire,) which letter I have seen; and that he is indebted now in Mexico to one house upwards of sixty thousand dollars for funds furnished him for carrying on this business, and to others upwards of fifty thousand dollars more for the same purpose, for all of which he is under heavy bonds. I have every reason to believe, from personal observation and the opinions of persons well versed in mining business who were familiar with this undertaking at the time, and also from general reports, that, had this enterprise been allowed to continue unmolested, he would have realized in a few months a very large fortune. I remember something of a proposition being made to my brother, in 1846, to purchase a *vara*, or share—the twenty-fourth part of his mines—for twenty thousand dollars in cash and some other contingent inducement, and that he declined the proposition, not wishing to dispose of any portion of his property, and regarding the offer as below the value and estimate he held the twenty-fourth portion of his mines in. I am confident that my brother was the sole proprietor of this business, and that he never disposed of any share or interest in it, and that he always looked forward to the happiness of returning home to the States, and never considered himself at home in Mexico. I also know that he has never renounced his allegiance to the United States, nor sworn allegiance to Mexico or any other foreign power, and that he is by birth, parentage, education, and principles, an American.

I have drawn up this statement at the request of his friends, not being myself interested, and avoiding anything like partiality. If I could have done so with justice to my brother, I would not have made any statement in his case.

My age is twenty-four years; I was born in the island of Cuba; my parents were citizens of the United States, but were temporarily sojourning in Cuba at the time of my birth for the improvement of my mother's health; my residence during the time when the events recited by me took place, was in Mexico. I was at my brother's mines during

portions of the time, as before stated; and, while there, assisted my brother in his correspondence and other clerical duties. At other times, I was travelling through the country. After General Scott went to Mexico, I was employed by him as an interpreter, and continued in that capacity until the close of the war. My present residence is in the city of Washington, and my principal business is the prosecution, as an agent, before Congress, of a claim which has been intrusted to me by a French house in Mexico.

I have no interest whatever, either direct or contingent, in the claim of my brother, concerning which I have testified. I am not the agent or attorney of my brother, the claimant in this case, nor of any person having any interest in said claim; nor have I any knowledge that any other than my brother has any interest in it.

JOHN CHARLES GARDINER.

DISTRICT OF COLUMBIA, }
County of Washington, } ss.

On this fifteenth day of January, A. D. 1850, personally appeared before me, the undersigned, a notary public for said county, John Charles Gardiner, who made and signed the foregoing deposition, who, being by me duly sworn upon his oath, stated that the matters and things therein set forth are true to the best of his knowledge and belief. I further certify that the foregoing deposition was written by the said John Charles Gardiner, the said witness, and before me it was signed by him. I further certify that the said John Charles Gardiner is well known to me; that he is a gentleman of good standing, respectability, and credit, and I believe his statements entitled to full credit. I further certify that I am not the agent or attorney of the said claimant; that I have no interest in said claim, and that I am not the agent or attorney of any person who has any interest in it.

Sworn and subscribed before me,

[SEAL.]

N. CALLAN, *Notary Public.*

B.

MEMORIAL OF GEORGE A. GARDINER.

To the Hon. George Evans, Caleb B. Smith, and R. T. Paine, Esquires, commissioners, &c., under the treaty with Mexico.

The memorial of George A. Gardiner respectfully shows, that he is a native-born citizen of the United States—was born in the State of New York, the 19th of March, 1818; that he is now a resident of Washington city: at the date of the transaction hereinafter stated he resided in the State of San Luis Potosi, in the republic of Mexico; that he has never, in any manner, renounced his allegiance to the United States of America, or sworn allegiance to any other country; that, early in the year 1844, he engaged in mining operations in the State of San Luis Potosi, on a very large scale; that he employed five hundred

hands, as laborers, in cleaning out said mines, extracting ores, building houses, erecting a large and complete refinery of metals, and the various other employments about such establishments, besides large investments in steam-engines and other machinery, horses, mules, provisions, &c., and men of science in the different departments of mining operations: in all of which your memorialist invested \$330,392. That from the month of June, 1846, your memorialist realized the principal fruits of his toil and immense outlay of capital. From that period to the 24th of October, when he was driven from the country by the Mexican authorities, he received upwards of twenty thousand dollars per month from his mines aforesaid, and that the expense of working them did not exceed ten or twelve thousand dollars per month. This being the very beginning of his operations, when he had to encounter all the inconveniences and losses of an incipient undertaking, cannot be regarded as a fair criterion of his future profits. At the time of his expulsion he had a large quantity of ores extracted from the mines, and would, beyond doubt, have realized, in the next month, not less than fifty thousand dollars, and at that rate, he confidently believes, for years afterward, as his machinery was new and his whole establishment in every way complete; all of which is verified by the book of accounts of his establishment and the depositions of numerous witnesses.

On the 21st of October, 1846, an order was issued by the governor of San Luis Potosi expelling all citizens of the United States from that State, within three days from its date; and on the 24th of said month your memorialist was compelled to abandon his immense establishment, and, after rifling it of everything of value, and which could be removed, a band of Mexican soldiers set fire to it, and everything was left a heap of ruins.

Your honorable board will see, by the order of expulsion which is herewith filed, that all American citizens, as such, were expelled; and that there was not even an imputation against your memorialist, of improper conduct individually; but that, on the contrary, he submits evidence from the highest source of directly the reverse; that is to say, that his conduct and deportment was free from all objections.

The twenty-sixth article of the treaty between the United States and Mexico, of 1831, is in the following words:

“For the greater security of the intercourse between the citizens of the United States of America, and of the United Mexican States, it is agreed now, for then, that if there should be, at any time hereafter, an interruption of the friendly relations which now exist, or a war unhappily break out between the two contracting parties, there shall be allowed the term of six months to the merchants residing on the coast, and one year to those residing in the interior of the States and territories of each respectively, to arrange their business, dispose of their effects, or transport them wheresoever they may please; giving them a safe conduct to protect them to the port they may designate. Those citizens who may be established in the States and territories aforesaid, exercising any other occupation or trade, shall be permitted to remain in the uninterrupted enjoyment of their liberty and property so long as they conduct themselves peaceably and do not commit any offence against the laws, and their goods and effects, of whatever class and condition they

may be, shall not be subject to any embargo or sequestration whatever, nor to any charge or tax other than may be established upon similar goods and effects belonging to the citizens of the State in which they reside respectively; nor shall the debts between individuals, nor moneys in the public funds, or in public or private banks, nor shares in companies, be confiscated, embargoed, or detained."

It was on the guaranty of this treaty stipulation that your memorialist was induced to risk his whole fortune in this enterprise, which he would not have done if he had supposed that he would have been subjected to the caprices of the unsteady and revolutionary government of Mexico.

Your memorialist deems it altogether unnecessary to say anything to prove that the act of the Mexican authorities above stated was a clear and gross violation of the treaty with the United States, and which has resulted in the utter ruin of your memorialist. The only question as to which there can be any doubt is, as to the amount of damages which you may award. That question he submits with confidence to your honorable board, acting as it does under the highest of all sanctions, and bound to decide justly between the parties—your memorialist on the one side, and on the other the government of the United States, which takes the place of the government of Mexico, the wrong-doer.

Taking the lowest rate of gross receipts for even the first four months that the refinery was but partially worked, and the highest rate of expenditures, and we have twenty thousand for the former and twelve thousand for the latter per month, or ninety-six thousand (\$96,000) per annum clear profit; which on a capital of five hundred thousand dollars (\$500,000,) would be about twenty per cent. per annum. But it is submitted that the testimony of all the witnesses (and they are all persons of the best character, as it may well be supposed that your memorialist would not have employed a different class of men in situations of so much responsibility in his mines) all concur in fixing the probable monthly receipts at not less than fifty thousand dollars (\$50,000) per month, for years to come; certainly so for the next ensuing month, because the ores to that amount were partially worked up. At that estimate it would be difficult to say what these mines really were worth. Your memorialist confidently asserts that they were at the time of his expulsion worth five hundred thousand dollars (\$500,000.) The sum may seem large, but not as large as the profits derived; and let it be remembered that the condition to which these mines were brought was the result of the labor for two years and upwards of five hundred laborers, and the outlay of upwards of three hundred thousand dollars. To fix the value at five hundred thousand would really have been less than the value of the use of that much money at the rate of interest usual in Mexico for two years; besides the risk incurred in such enterprises.

Your memorialist further states, that he was at the time of his expulsion sole proprietor of these mines, and that he is at this time sole owner of the claim now presented, and that no sum of money or other equivalent has ever been paid to him or to any other person having an interest in the claim above set forth, as in fact no other person has now or ever had any such interest.

This claim has, of course, never been presented to the former board of commissioners under the treaty of 1839, as the injuries complained of have all been suffered since the adjournment of that board.

G. A. GARDINER.

WASHINGTON, *November 30, 1849.*

On this 30th day of November, 1849, personally appeared G. A. Gardiner, and made oath that the facts contained in the above memorial are just and true to the best of his knowledge and belief.

F. S. MYER, *J. P.*

C.

BRIEF OR ARGUMENT OF GARDINER'S COUNSEL.

To the Hon. George Evans, Caleb B. Smith, and Robert T. Paine, commissioners to adjust claims of citizens of the United States against the republic of Mexico.

The board having decided that the claim of Dr. G. A. Gardiner is a valid one against the republic of Mexico, his counsel beg leave to submit the evidence of several witnesses, and such suggestions as occur to them, touching the value of the property destroyed, and the amount to be awarded by the board. In the opinion of the board, after reciting the illegal and sudden expulsion of the claimant, it is decided that he is entitled to indemnification for the losses he sustained by such immediate expulsion. It therefore only remains to ascertain the amount of his losses resulting from the unjustifiable act of the Mexican government, in expelling Dr. Gardiner, to determine the measure of the indemnity to which he is entitled.

It is not expected by his counsel that any award which may be made will afford him a full compensation for the wrongs and injuries he has sustained. Indeed, it would be difficult to determine upon any sum of money which would compensate for the entire destruction of a business as extensive and profitable as that in which he was engaged at the time of his expulsion from Mexico.

From the history of this case, as developed by the testimony, it appears that Dr. Gardiner, in 1844, having discovered in the State of San Luis Potosi an extensive silver mine, which had been abandoned during the Mexican revolution, availed himself of the rights conferred by the laws of Mexico upon foreigners, and others desirous of working mines in that country; and after a compliance with all the requisites prescribed by the laws, took possession of the mine and commenced the construction of machinery and other works necessary to put it in a condition of successful operation. From that time until October, 1846, he devoted himself with unremitting assiduity to this enterprise. All the capital he could command, either from his own resources or the credit which he had acquired in Mexico, was expended in bringing the mine to a condition to be successfully worked. After two and a half

years of toil, with very heavy expenditures, he had succeeded to the full extent of his anticipations. His mines abounded in rich ore. His machinery, refineries, &c., were all completed, and he was then realizing a clear profit, over the expense of working the mines, of at least \$30,000 per month. That the mines would have yielded a profit at that rate for several years is so clearly proved, that no room is left for doubt. It was at this point, when after years of toil and anxiety, and immense expenditures, he was upon the point of realizing the anticipated profits of his enterprise, when the rich harvest of all his labors was in view, and indeed already in his grasp, he was summarily expelled by the Mexican government, and the whole of his property given up to plunder and pillage, and he was compelled to flee for the preservation of his life, leaving everything he possessed to be plundered and destroyed.

An authentic copy of the book of the expenditures and receipts of the mines, recorded by weekly memorandums, as required by the mining ordinance of Mexico, and fully authenticated from the records by the highest authority, is now before the board as evidence. From this it appears that the amount expended was \$330,392 69. The last balancing of the books, which was made in October, 1846, after the mines were destroyed, shows an expenditure of \$287,847 50. A superficial examination of the book might lead to the conclusion that this was the whole expenditure, but a more careful examination will show that this was not the case.

The receipts and expenditures were balanced on the 1st January, 1845. They were then stated as follows :

Outlay or debit.....	\$224,883 18
Receipts or credits.....	42,545 19
	<hr/>
Balance.....	<u>182,337 99</u>

This balance was carried over as the amount of debit in the next year's account. Hence, when the account was stated, in October, 1846, the amount of expenditure then stated was the whole amount, less \$42,545 19, the amount of receipts which was deducted from the expenditures when the account was stated, 1st January, 1845; in other words, the amount expended was the amount stated when the account was balanced, in October, 1846, with the sum of \$42,545 19, deducted from the expenditures of the first year, added thereto. These sums amount to \$330,392 69 which was the entire amount expended on the mines. The receipts during the whole term were \$158,990 19. This amount is ascertained by adding to the amount of receipts stated in October, 1846, which was \$116,445; the receipts stated January 1st, 1845, but not carried over, being \$42,545 19.

This amount of receipts was a part of the capital with which Doctor Gardiner carried on his operations and completed his mines. It is clear from the foregoing statements, which are fully sustained by the record, that Doctor Gardiner expended upon the mines the sum of \$330,392 69. It may be alleged, however, that a part of this sum was expended for the labor of working the mines, and was therefore no part of the cost

of their construction. This is true, but to a very small extent. The dates of the sales of the several lots of ore, show that the greater part of it was sold while the mines and machinery were in a course of construction, and long before they were ready for mining operations. This ore was necessarily excavated in the process of sinking the shafts, and putting in the timbers which were used to keep the mines from caving in; and therefore nothing was expended in getting it out which was not a necessary part of the cost of construction. But if it should be admitted that the whole of the ore sold or refined was excavated by labor which was not employed in the construction of the permanent works, in order to ascertain the cost of the mines, machinery, &c., we should deduct from the gross sum expended the value of the labor necessary to get out the amount of ore which was sold. This, according to the estimates usually made by miners, would not exceed ten per cent., and this per cent. upon the whole amount of receipts would be \$15,899—which deducted from the gross sum, leaves \$314,493 69 as the total cost of the construction of the mines, machinery, &c.

Having thus ascertained, as accurately as may be, the cost of constructing the mines, &c., and having shown that the experiment of opening and working them had proved eminently successful, it remains for us to form an estimate therefrom of the value of the mines.

Several of the witnesses have testified that this mine was worth at least double the cost of its construction, and these estimates are sustained by the nature and risk of investments of this character. The question then arises, what was the value of this property? The application to the testimony of those rules of evidence which are recognised by every court of justice, furnishes a ready solution to the question. The judgment of the court of the value of every given article of property, must be based upon the opinions of witnesses familiar with the property in question. In determining how far the opinions of witnesses are entitled to credit, the court will look to their credibility, and their means of forming a correct opinion. If the credibility of the witnesses is unimpeached, and they are acquainted with the value of the property in question, and entirely competent to form an opinion of its value, in the absence of conflicting testimony, the court can only follow their opinions in forming its judgment. Let us apply these principles in the testimony in this case.

Antonio Marin, Juan Soto, S. B. Smith, Sebastian Pacheco, William Jackson, and John C. Gardiner, all testify that these mines were worth at least \$500,000. William P. Johnson estimates them at about \$560,000; José Ochoa at \$700,000; John C. Simpson at from \$640,000 to \$700,000. There were twelve witnesses testifying to the value of these mines, and the lowest estimate placed upon them is \$500,000. Are not the statements of these witnesses entitled to credit? Their testimony is taken in strict conformity to the rules of the board. The witnesses are disinterested, and their credibility is not only unimpeached, but is proved by the officers before whom their depositions were taken. No part of their testimony is contradicted, and nothing appears in the case to show that their estimates are exaggerated. Besides, it appears from the testimony that all these witnesses who have testified to the value of these mines were well acquainted with them—had

been employed as engineers or superintendents in their construction and subsequent operations. They were, therefore, fully competent to form accurate opinions of their value. Upon what principle, then, can the testimony of these witnesses in regard to the value of the mines be disregarded? The members of the board have no knowledge of the mines, or of their value, except that which is derived from the testimony. How, then, can they attach to them a value different from that which the witnesses place upon them? But we are not left to judge of their value by the mere abstract opinions of the witnesses. The correctness of their opinions is proved by the fact that Doctor Gardiner was several times offered \$150,000 for one-fourth part of the mines, and \$25,000 for the twenty-fourth part, all of which offers he refused. Upon the principle that an article is worth what it will sell for, these mines are proved by the offers to have been worth \$600,000. It follows, as a necessary consequence, that their destruction has injured Doctor Gardiner to at least that amount.

The value of these mines is estimated by several of the witnesses at double their cost; and, as we have before intimated, the history of mining operations in Mexico will show that this estimate is not exaggerated. Mining, as we have said, is attended with great risk and uncertainty; it is at some times very profitable, and at other times involves a total loss of the capital invested; large expenditures must be made before it can be ascertained whether the investment will prove profitable or otherwise. If the mines prove unproductive, the capital invested is lost; the uncertainty as to the profit of the investment must necessarily greatly enhance the value of a mine which proves to be productive. This was the case with reference to these mines; the investment at the outset was attended with the risk usual in such enterprises. Before they were destroyed, however, all doubts of their productiveness were removed; the chances had resulted in his favor, and the venture proved to be a fortunate one. The witnesses testify that sufficient ore was in sight to keep the mines in successful operation for a period of five years. It may readily be perceived, under these circumstances, that mines in the full tide of successful operation, and which must in a very short time have yielded to their possessor a large fortune, would be worth a sum at least double the cost of putting them in operation. The value of the mines, however, is not the only indemnity to which Dr. Gardiner is entitled. It is proved by several witnesses, that at the time the mines were destroyed there was in the refinery, in a state of amalgam, silver of the value of \$50,000; there was also a large quantity of ore, which had been extracted and was then ready to be worked, of the value of \$80,000. To these sums, in addition to the value of the mines, Dr. Gardiner is clearly entitled. It is evident, from the whole of the testimony, that the estimates of the value of the mines given by the several witnesses do not embrace the silver or ore above referred to. The several offers proved to have been made for portions of the mines, and which show a value of the whole of \$600,000, were made before the ore referred to was extracted or the silver refined. The lowest estimate made by any one of the witnesses of the value of the mines is \$500,000: add to this sum the value of the ore and silver, and we have \$630,000; which, with the

interest, is the lowest sum at which the board can assess the damages to which Dr. Gardiner is entitled.

In conclusion we would suggest, that this claim has now been before the board for a period of more than a year; in all this time nothing has been developed which is calculated to weaken the force of the testimony or cast a shade of suspicion over the statements of the claimant. The numerous testimonials which he has filed will satisfy the board of his high character for integrity and veracity, coming as they do from distinguished officers of the army, members of both branches of Congress, and others, although it is not claimed that they should be regarded as testimony to make out his case, should, at least, insure the examination of the evidence furnished, in a spirit of liberal justice.

The claim of Dr. Gardiner, it is true, is large, but its magnitude is not equal to the injuries which have been inflicted upon him. Every thing he possessed—the fruits of long years of toil and anxiety—has been taken from him, while he has been reduced from affluence to hopeless bankruptcy. A business which would have realized to him a princely fortune has been broken up, and he has been left without the means of subsistence. For these wrongs, the amount which he claims will afford him but an inadequate indemnity.

THOMPSON, CURTIS, LALLY, & CORWIN,
Counsel for claimant.

D.

No. 1.

[Translation]

SIMON DE LOS SANTOS, THIRD CONSTITUTIONAL ALCALDE AND JUDGE
OF THE FIRST PLEA OF CADEREYTA JIMENES.

On the day of the date hereof, appeared before me in this court, in my charge, the citizen Don Juan Soto, whom I swore in all legal form; and he deposed, that from the month of July, 1844, until the month of October, 1846, he was employed on the silver mines of the American, Mr. George A. Gardiner, situated in the Huasteca Serro Gordo, department of Rio Verde, State of San Luis, as superintendent of the (hacienda de beneficio) refinery; and that said Gardiner was the only known proprietor of said mines, he having wholly established them and employed steam-engines to drain and clean them out; that he also constructed a (hacienda de beneficio) refinery for extracting the silver, consisting of much machinery, furnaces, and extensive buildings, and that said mines were yielding an abundant supply of very rich ore, and the (hacienda) refinery extracting silver, and the whole establishment was in the most prosperous condition, when, on the 21st of October of 1846, the government of San Luis expelled all American citizens from the State, and that said Gardiner was expelled, as an American, on the 24th of said month and year, by a body of soldiers, who obliged him, with mal-treatment and violence, to abandon his said mines, which were taken possession of by the soldiery; and that they pillaged and

carried off all they wished, and then set fire to the mines and (hacienda) refinery, destroying them entirely; that at the time aforesaid of the expulsion, these mines were in a state of (bonanza) prosperity, and that during the months of June, July, August, and September of the same year, they yielded upwards of eighty thousand dollars of silver, and that for the month of October, had these mines not been destroyed, they would have yielded about fifty thousand dollars; and that, had these mines continued in operation, their yield would be about fifty thousand dollars per month for the term of five or six years, and the expenses of working them during this time could not exceed three thousand dollars per week; that said Gardiner had expended in establishing these mines and refinery, and in laying in a supply of materials for carrying on the business, such as quicksilver, lead, iron, and steel, upwards of two hundred and eighty thousand dollars, and that all was destroyed in the manner aforesaid; that these mines and refinery, the deponent is of opinion, were worth at the time of the expulsion at least five hundred thousand dollars; and furthermore deposes, that his name is as above stated; that he is 42 years of age, a native of Zacatecas, by profession a miner, and that at the time to which this deposition refers he resided at the said mines of La Sierra, and that his occupation was that of superintendent of the (hacienda) refinery; that he is now a resident of this city, and engaged as a planter, and that he is not the agent or attorney of said Gardiner, nor of any person interested in his claim, and that he has no interest, direct or contingent, in the claim to which this deposition refers.

In witness whereof, he signed it with me, the aforesaid judge, and witnesses present with whom I officiate in all legal right in this city of Cadereyta Jimenes, on the 21st of September, 1849.

To all I bear witness.

JUAN SOTO.

SIMÓN DE LOS SANTOS.

Witnesses present :

JESUS MA. LOZO,

DOMINGO RUIZ.

I certify, in all legal form, that I am not the agent or attorney of the claimant, nor of any person interested in the claim to which this deposition refers, and that I have no personal interest therein, direct or contingent. I further certify that the deponent is personally known to me, and that his oath is worthy of all credit. I also certify that this deposition has been reduced to writing in my presence by the scribe, Jesus Ma. Lozano, and that he has no interest in the claim to which this deposition refers, as agent, attorney, or in any other way whatever; and that this deposition has been read by me to the deponent, and he has approved it as being in accordance with his pledged oath; and that it may answer its desired object, I give this, and sign it with my assistant witnesses, on the 21st of September, 1849. I bear witness.

SIMÓN DE LOS SANTOS.

Witnesses :

JESUS MA. LOZO,

DOMINGO RUIZ.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoras, Mexico.

I, Thomas W. Slemons, consul of the United States of America at the port of Matamoras, do hereby certify that Simon de los Santos, who attests the annexed document, was, at the time of signing the same, the third alcalde of the city of Cadereyta Jimenes, republic of Mexico, and that to all his acts as such, full faith and credit are given in and out of court.

In testimony whereof, I hereto subscribe my name and
 [SEAL.] affix the seal of my office this 16th day of October,
 1849.

THOMAS W. SLEMONS.

No. 2.

[Translation.]

SIMON DE LOS SANTOS, THIRD CONSTITUTIONAL ALCALDE AND JUDGE
 OF THE FIRST PLEA OF CADEREYTA JIMENES.

In the city of Cadereyta Jimenes, on the 24th day of the month of September, 1849, appeared before me the aforesaid judge, Don Antonio Marin, whom I swore in all legal form; and he deposed, that from the close of the year 1844 until October, 1846, he lived at the mines of La Sierra, in the Huasteca, State of San Luis, in charge of the pay-store of said mines, belonging to Mr. George A. Gardiner. That said mines were named La Trinidad, Dolores, San José, and San Andres, and the (hacienda de beneficio) refinery San Cristobal; and that the whole belonged exclusively to the American citizen, Mr. George A. Gardiner; and that said mines were, in the month of October, 1846, in a state of (bonanza) prosperity. That during the months of June, July, August, and September of said year, this business yielded upwards of eighty thousand dollars of silver. That on the 24th of October of said year, said Gardiner was expelled by a general law of the government of San Luis, executed by a posse of troops, who took possession of these mines; and that after carrying off all they could of value, they set fire to the said mines and hacienda, destroying them completely. That there was also lost in this conflagration all the silver appertaining to the product for said month of October, which at the time was in a state of amalgam, and amounted in value to about fifty thousand dollars. That said Gardiner had invested about two hundred and eighty thousand dollars in this business, which at the time of the expulsion was worth at least five hundred thousand dollars. That had this business continued in operation, it would have yielded upwards of fifty thousand dollars per month for a term of five or six years, and its expenses would not have been upwards of twelve thousand dollars per month for the same length of time. Adding, moreover, that his name is Antonio Marin; that he is thirty-four years of age, a native of Matamoras, and by business a merchant. That at

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the time to which this deposition refers he resided in said mineral district of La Sierra, and that he had charge of the pay-store. That he is now a resident of this city, and his business is that of a merchant. That he is not the agent or attorney of the claimant, nor of any person interested in his claim, and that he has no interest, direct or contingent, in it.

In testimony whereof, he signs with me, the said judge, and attending witnesses, to day, date at supra.

ANTONIO MARIN.
SIMON DE LOS SANTOS.

Witnesses:

JESUS MA. LOZANO,
DOMINGO RUIZ.

I certify, in due legal form, that I am not the agent or attorney of the claimant, nor of any person interested in his claim, and that I have no personal interest, direct or contingent, in the claim to which this deposition refers. I also certify that I know the deponent, and that his oath is worthy of all confidence, and that this deposition has been reduced to writing in my presence by the scribe, Jesus Ma. Lozano, and that he has no interest in this claim, as agent, attorney, or in any other way, and that I have read this deposition to the deponent, and he has ratified it. In testimony whereof, I sign, with my attending witnesses, in Cadereyta Jimenes, on the 24th day of September, 1849. To all I bear witness.

SIMON DE LOS SANTOS.

Witnesses:

JESUS MA. LOZANO,
DOMINGO RUIZ.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoras, Mexico.

I, Thomas W. Slemons, consul of the United States of America at the port of Matamoras, do hereby certify that Simon de los Santos, who attests the above document, was at the time of signing the same the third alcalde of Cadereyta Jimenes, in the State of Nueva Leon, in the republic of Mexico, and that to all his acts as such, full faith and credit are given, in and out of court.

In testimony whereof, I hereunto subscribe my name and affix the seal of my office, this 16th day of October, 1849.

[SEAL.]

THOMAS W. SLEMONS.

No. 3.

[Translation.]

SIMON DE LOS SANTOS, THIRD CONSTITUTIONAL ALCALDE AND JUDGE
OF THE FIRST PLEA OF CADEREYTA JIMENES.

On the day of the date hereof, appeared before me, in this court, in my charge, the foreigner, William Penn Johnson, whom I swore, with all ceremony, on the Holy Bible, he having averred this to be the custom of his religion; and he deposed, that in the month of January, 1845, he contracted to construct a water-wheel and various pieces of machinery at the mines and (hacienda de plata) silver refinery of Mr. George A. Gardiner, situated in the mountains of La Huasteca Lagunillas, State of San Luis, and that he lived at said mines until the month of October, 1846; and that he knew that said Gardiner commenced working these mines about the middle of the year 1844, and that he was the only known proprietor of them; that when he commenced working them they were filled with water, and that he erected a steam-engine to drain them. He also built a (hacienda de beneficio) refinery to extract silver; and that in the month of October, 1846, the government of San Luis Potosi, by a decree dated the 21st of said month and year, expelled all American citizens in the State in the term of three days, and that said Gardiner was also expelled for being an American; that on the 24th of October of the same year, a party of government troops forced said Gardiner, by violent means and maltreatment, to leave his mines, they having taken possession of them, and not allowing said Gardiner to take anything away with him; that they plundered and carried off all the effects of most value, and set fire to the hacienda and mines until they were entirely destroyed; that the cost and capital invested in these mines by said Gardiner at the time of his expulsion was upwards of two hundred and eighty thousand dollars, and that their value at that time was probably upwards of double that sum; that these mines yielded, in the months of June, July, August, and September of said year, upwards of eighty thousand dollars of silver, and that in the month of October of the expulsion the product was expected to exceed fifty thousand dollars, which was not verified in consequence of the destruction of the mines and hacienda, as above stated; that, in the opinion of the deponent, the expense of carrying on this business would not have been upwards of three thousand dollars per week, and its proceeds would exceed fifty thousand dollars per month for the term of at least five years. The deponent, William Penn Johnson, furthermore swears that he is thirty-two years of age, a native of Liverpool, England, by trade a machinist, and that at the time to which this deposition refers he lived at said mines of La Sierra, in the State of San Luis, and his business was that of constructing machinery; that he is now residing in this jurisdiction, and he is employed in building sugar-mills; that he is not the agent or attorney of Mr. George A. Gardiner, nor of any person interested in his claim, and that he has no interest, direct or contingent, in the claim to which this his deposition refers.

In witness whereof, he signed this with me, the said judge, and witnesses present, with whom I officiate, this day, twentieth of September, one thousand eight hundred and forty-nine. To all I bear witness.

W. P. JOHNSON.

SIMON DE LOS SANTOS.

Witnesses :

JESUS MA. LOZO,
DOMINGO RUIZ.

I certify, in all legal form, that I am not the agent or attorney of the claimant, nor of any person interested in the claim to which this deposition refers, and that I have no personal interest, direct or contingent, in it. I further certify that the deponent is personally known to me, and that he deserves full credit on his oath. I also certify that this deposition has been reduced to writing in my presence by the scribe, Jesus Ma. Lozano, and that said scribe has no interest in the claim to which this deposition refers, as agent, attorney, or in any other way; and that this deposition has been read by me to the deponent, and he has approved it as being in accordance with the oath he has taken.

In witness whereof, I sign it, in this city of Cadereyta Jimenes, on the 20th of September, 1849, in presence of my attending witnesses, according to law. I bear witness.

SIMON DE LOS SANTOS.

Witnesses :

JESUS MA. LOZO,
DOMINGO RUIZ.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoras, Mexico.

I, Thomas W. Slemons, consul of the United States of America at the port of Matamoras, do hereby certify that Simon de los Santos, who attests the annexed document, was, at the time of signing the same, the third alcalde of Cadereyta Jimenes, in the State of New Leon, republic of Mexico, and that to all his acts as such, full faith and credit are given, in and out of court.

[SEAL.] In testimony whereof, I hereto subscribe my name, and affix the seal of my office, this sixteenth day of October, one thousand eight hundred and forty-nine.

THOMAS W. SLEMONS.

[Translation.]

JOSE ANTONIO LEAL, FIRST CONSTITUTIONAL ALCALDE, AND PRESIDENT
OF THE CITY COUNCIL OF THIS CITY.

In the city of Linares, on the 19th day of the month of September, of 1849, appeared before me, the aforesaid alcalde, acting with the attending witnesses, the foreigner, Mr. James Boswell Smith, whom I swore in all legal manner; and he deposed, that he was employed at the silver mines of Mr. George A. Gardiner, in the mineral district of La Sierra, department of Rio Verde, State of San Luis Potosi, from the commencement of the year 1845, until October of 1846, as machinist, to construct a set of barrills, and their corresponding machinery. That these mines were recognised as belonging to said George A. Gardiner, and that he commenced working them as early as the middle of 1844. That during the time the deponent was at these mines they improved daily, and progressed with rapidity. That on the 24th of October, of 1846, said George A. Gardiner was expelled from his mines, and from the State of San Luis Potosi, in consequence of being a citizen of the United States of America, and in virtue of a decree of said government, dated the 21st of October of said year; and that on said 24th of October, 1846, a body of government troops forced said Gardiner to abandon his mines, and that this body of troops took away all they found of value at the mines and (hacienda de beneficio) refinery, and set fire to the houses and buildings of the mines and hacienda, destroying them entirely. That when said Gardiner was expelled, and his mines destroyed, in the manner aforesaid, he had invested in this mining business near three hundred thousand dollars; and that the mines, and the whole business to which he has reference, were, at the time of the expulsion, in the most flourishing condition. That these mines, during the four months from June to September, inclusive, of 1846, produced upwards of eighty thousand dollars' worth of silver; and that in the month of October, of the same year, they would have yielded from forty to fifty thousand dollars, if the mines had not been destroyed as already stated. That these mines would have yielded from forty to fifty thousand dollars per month during a term of five or six years; and that their expenses during this time ought not to exceed ten or twelve thousand dollars per month. That, in the opinion of the deponent, when this mining business was destroyed, in October of 1846, it was worth about five hundred thousand dollars. That he knows that said George A. Gardiner was expelled for being an American, by a general law, and not for having given any particular cause.

The deponent, in conclusion, further swears, that he is thirty-seven years of age; a native of Edinburgh, Scotland; by trade a machinist; and that at the time to which this deposition refers he lived at said mines of La Sierra, and his occupation was that of constructing machinery. That he now resides in this city, where he has entered into a contract in the line of his trade. That he is not the agent or

attorney of the claimant, nor of any person interested in this claim; and that he has no personal interest, direct or contingent, in the claim to which this deposition refers.

In witness to all herein stated he signed with me, the aforesaid judge, and the attending witnesses, in Linares, on the 19th day of September, 1849. I bear witness.

J. B. SMITH.
J. ANTO. LEAL.

Witnesses:

MANUEL DORIA DE GUAJARDO,
PEDRO G. VALLE.

I certify, in due form, that I am not the agent or attorney of the claimant, nor of any person interested in his claim; and that I have no personal interest, direct or contingent, in the claim to which this deposition refers. I further certify that I know the deponent, and that his oath is worthy of all credit. I also certify that this deposition was reduced to writing in my presence by the scribe, Manuel Doria, and that he is not interested in the claim to which this deposition refers, as agent, attorney, or in any other way; and that I have read this deposition to the deponent, and he has approved it in all its parts. And, in witness thereof, I give this in Linares on the 19th of September, 1849, signing with my attending witnesses. I bear witness.

J. ANTO. LEAL.

Witnesses:

MANUEL DORIA GUAJARDO.
PEDRO G. VALLE.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoras, Mexico.

I, Thomas W. Slemons, consul of the United States of America at the port of Matamoras, do hereby certify that José Antonio Leal, who attests the above document, was, at the time of signing the same, first alcalde of the city of Linares, State of New Leon, republic of Mexico, and that to all his acts as such, full faith and credit are given, in and out of court.

In testimony whereof, I hereunto subscribe my name, and
[SEAL.] affix the seal of my office, the 16th October, 1849.

THOMAS W. SLEMONS.

No. 5.

[Translation.]

JOSE ANTONIO LEAL, FIRST CONSTITUTIONAL ALCALDE, AND PRESIDENT
OF THE CITY COUNCIL OF THIS CITY.

On the day of the date hereof, appeared before me, in this court, the citizen, Don Sebastian Pacheco, whom I swore in all due form; and

he deposed, that the American citizen, Mr. George A. Gardiner, worked a set of silver mines in a part of the Huastica known as Serro Gordo, near Lagunillas, department of Rio Verde, State of San Luis Potosi, from the month of July, 1844, until the month of October, 1846, and he named his mines La Trinidad, Dolores, San José, and San Andres, and a (hacienda) refinery that he built San Cristobal, and all together were named Mineral de la Sierra; that said Gardiner made use of steam-engines to drain these mines, and employed about five hundred laborers in working them; that the (hacienda) refinery was well provided with considerable machinery, large smelting furnaces, and extensive buildings, and that, in the opinion of the deponent, the cost and capital invested in this business was about three hundred thousand dollars; that said George A. Gardiner was expelled from the State of San Luis by a decree dated the 21st October, 1846, and that on the 24th of said month and year a body of government troops forced said Gardiner to leave his mines, using violent means, and maltreating him excessively; that said law of expulsion was a general law against all the Americans in the State, and in no way arising in any cause given by said Gardiner; that the soldiers took possession of the mines and (hacienda) refinery, and carried off upwards of forty thousand dollars' worth of quicksilver, lead, iron, gunpowder, and effects of the pay-store, and then set fire to the houses of the mines and hacienda, and they were destroyed entirely, and that these mines were completely ruined; that in the month of October, 1846, when this happened, these mines were in a state of (bonanza) prosperity, giving a large abundance of very rich ore, and the hacienda refining silver with success; that in the four months from June to September, inclusive, this business produced upwards of eighty thousand dollars' worth of silver; that the proceeds for the month of October, 1846, would have been about fifty thousand dollars, but was lost in the destruction of the hacienda, as it was undergoing amalgamation; that this business would yield, had it not been destroyed, for six years, about fifty thousand dollars per month, and its expenses ought not to be more than ten thousand dollars per month for the same length of time; that, in the opinion of the deponent, these mines were worth, at the time of the expulsion, in October, 1846, upwards of five hundred thousand dollars; and, furthermore, the deponent swears that he is twenty-seven years of age, a native of Linares, and engaged in commerce; that at the time to which this deposition refers he resided at said mines of La Sierra as superintendent of the mine of Dolores; that he now lives in this city, and is engaged in commerce; that he is not the agent or attorney of the claimant, nor of any person interested in this claim; and that he has no interest, direct or contingent, in the claim to which this deposition refers. And in witness thereof, he signed this with me, the said judge, in presence of my attending witnesses, in this city of Linares, on the 18th of September, 1849. I bear witness.

SEBASTIAN PACHECO.
 J. ANTO. LEAL.

Witnesses:

MANUEL DORIA GUAJARDO,
 PEDRO G. VALLE.

I certify, in due legal form, that I am not the agent or attorney of the claimant, nor of any person interested in his claim, and that I have no personal interest, direct or contingent, in the claim to which this deposition refers. I further certify that I know the deponent, and that he is worthy of credit on his oath. I certify, also, that this deposition has been reduced to writing in my presence by the scribe Manuel Doria; and that he is not interested in the claim to which this deposition refers, as agent, attorney, or in any other way, and that I have read this deposition to the deponent, and he has approved it. And in witness thereof, I give this in Linares, on the 18th of September, 1849, signing with my attending witnesses. I bear witness.

J. ANTO. LEAL.

Witnesses:

MANUEL DORIA GUAJARDO,
PEDRO G. VALLE.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoras, Mexico.

I, Thomas W. Slemons, consul of the United States of America at the port of Matamoras, do hereby certify that José Antonio Leal, who attests the annexed document, was, at the time of signing the same, the first alcalde of the city of Linares, State of Nueva Leon, republic of Mexico, and that to all his acts as such, full faith and credit are given, in and out of court.

In testimony whereof, I hereunto subscribe my name and affix the
[SEAL.] seal of my office, the 16th of October, 1849.

THOMAS W. SLEMONS.

No. 6.

[Translation.]

SIMON DE LOS SANTOS, THIRD CONSTITUTIONAL ALCALDE AND JUDGE
OF THE FIRST PLEA OF CADEREYTA JIMENES.

On the day of the date hereof appeared before me, the said judge, the foreigner, Mr. William Jackson, whom I swore on the Holy Bible, he having stated this to be the custom of his religion; and he deposed, that in the month of February, 1845, he contracted, as architect, to build a set of smelting furnaces at the silver mines of Mr. George A. Gardiner, located in the Huastica, State of San Luis Potosi, where he remained until October of 1846; that at this time (the last-mentioned date) these mines were in a most prosperous condition, giving abundance of very rich ore, and the (hacienda de beneficio) refinery working to all advantage; that this business produced in the four months of June, July, August, and September, a product of upwards of eighty thousand dollars of silver; that this business belonged exclusively to the American citizen George A. Gardiner, and that he had spent in putting it in the condition in which it was in October, 1846, upwards of

two hundred and eighty thousand dollars. That on the 24th of October of said year said Gardiner was expelled by a body of government troops, in compliance with the law of 21st of said month and year, that expelled all the Americans from the State. That these troops took possession of these mines and disposed of all the movable effects, and set fire to the houses of the hacienda and mines, until they were totally destroyed. That the silver undergoing the process of refining appertaining to said month of October, and amounting to about fifty thousand dollars, was also lost; and that in the opinion of the deponent these mines would have yielded upwards of fifty thousand dollars per month for the term of five years; and that their expenses ought not to be upwards of ten or twelve thousand dollars per month during the same length of time; and that at the time of the expulsion this business was worth more than five hundred thousand dollars; and that it was in the manner aforesaid entirely destroyed. That it is all he has to say: swearing, furthermore, that his name is as aforesaid; that he is forty-three years of age, a native of Manchester, England, and by profession an architect. That at the time to which this deposition refers he lived at the mines of La Sierra, State of San Luis, and his business was that of director of a set of furnaces and other buildings. That he now resides at Machuala, and he is engaged as architect. That he is at this city (*in transitu*) on a visit; and that he is not the agent or attorney of the claimant, nor of any person interested in his claim, and that he has no interest, direct or contingent, in the claim to which this deposition refers. Signing it with me, the said judge, in Cadereyta Jimenes, to-day, 26th of September, 1849, officiating with attending witnesses. To all I bear witness.

WILLIAM JACKSON.
 SIMON DE LOS SANTOS.

Witnesses:

JESUS MA. LOZO,
 DOMINGO RUIZ.

I certify, in due form of law, that I am not the agent or attorney of the claimant, nor of any person interested in his claim, and that I have no personal interest, direct or contingent, in said claim. I also certify that I know the deponent, and that his oath is worthy of all credit, and that this deposition has been reduced to writing in my presence, by the scribe, Jesus Ma. Lozano, and that he is not interested in this claim as agent, attorney, or in any other way whatever; and that having read this deposition to the deponent, he has approved it in all its parts.

In witness whereof, I sign it, with my attending witnesses, on the 26th of September, 1849. I bear witness.

SIMON DE LOS SANTOS.

Witnesses:

JESUS MA. LOZO,
 DOMINGO RUIZ.

CONSULATE OF THE UNITED STATES OF AMERICA,
Matamoras, Mexico.

I, Thomas W. Slemmon, consul of the United States of America at the port of Matamoras, do hereby certify that Simon de los Santos, who attests the annexed document, was, at the time of signing the same, third alcalde of the city of Cadereyta Jimines, in the republic of Mexico, and that to all his acts as such, full faith and credit are given, in and out of court.

In testimony whereof, I hereto subscribe my name, and
[SEAL.] affix the seal of my office, this 16th day of October, 1849.
THOMAS W. SLEMON.

E.

[Copy of translation A.]

The citizen Manuel José Othon, governor of the State of San Luis Potosi, to its inhabitants makes known:

That whereas the war in which the republic is engaged with the United States of the North increases daily, and with it the wrongs that we have to avenge; that, in such a state of hostility, the laws of nations sanction all prudent and precautionary measures by the power invaded; that the State of San Luis is very near that of New Leon, whose capital is occupied by the enemy's forces; that it is very natural to suspect that the subjects of the American government that reside in the State are, or will be, in communication with their countrymen, which would be an easy matter, on account of their proximity to them: in consideration, therefore, of all here set forth, I have thought proper to issue the following decree:

ART. 1. Within three natural days, counted from the publication of this decree, all the citizens of the republic of the North will leave the State, without any exception of persons.

2. The individuals comprised in the anterior article will present themselves immediately to the political authorities of the towns of their residence, that they may be furnished with the proper passport, and give information where they intend to remove to.

3. Any subject of the United States found in the State after the expiration of the time stipulated in article first, will be arrested and carried from post to post, until he is put beyond the limits of the State.

4. The political authorities of the towns, and the judicial where there are no others, will attend scrupulously to the strict fulfilment of the present decree, informing this government of the persons to whom they have given passports, and the place to which they have removed.

And that it may be known to all, and meet with punctual compliance, I have ordered it to be printed, published, and circulated to all whom it may concern.

Given in the Palace of the State San Luis Potosi, October 21, 1846.

MANUEL JOSE OTHON.

ALEJO O. DE PARADA,
Secretary.

[Copy of translation B.]

MANUEL VERASTEGUI, PREFECT OF THE DEPARTMENT OF RIO VERDE.

I certify that in the archives of this office, relative to the month of October, 1846, is deposited the original document of which the following is an exact copy:

HACIENDA DE SAN CRISTOBAL, *October 24, 1846.*

MR. PREFECT OF THIS DEPARTMENT: Having received this morning, through the justice of the peace of this district, the decree of the supreme government of the State, dated the 21st instant, which forcibly expels from the State, in the peremptory term of three days from its date, all American citizens: and whereas I am notified that I am not only comprehended in the expulsion, but especially informed by the local authorities that their orders are such as not to allow me, under any plea, extension of time, at the expiration of the term set forth in the law, thereby augmenting this general act of injustice; for if said law grants three days to those expelled to arrange their business, it merely grants me a few hours, being notified that to-day, the 24th, in which I have received the notification, the term stipulated expires, and that I will positively have to leave before to-morrow's dawn, or subject myself to be maltreated and turned out by a body of troops that are hourly expected, with the sole object of carrying me, by main force, out of the State, in case I object in the slightest manner to the fulfilment of the law.

It would be impossible for me to represent in its true light the surprise and astonishment that this arbitrary act has inspired me with. To see the person who has encouraged the industry of the country; who has raised this mining district from a state of oblivion to be one of the first in the republic; who supports upwards of five hundred families, and is the cause of the prosperity of the whole district; who has invested a capital of upwards of three hundred thousand dollars, and has never interfered in matters of politics, nor given any cause of complaint; who has always helped the government, whenever it has called on him, with copious sums—to behold, I again say, he who has all these recommendations, made the target of revenge of a government, cannot but inspire horror. Your honor is a witness, as are also all the authorities of the department, that I have worked two years, investing a capital of three hundred thousand dollars, in raising and causing this mineral district to prosper, which was in a state of decay, and which is at present in a most flourishing state of prosperity. It is also well known that my presence is absolutely requisite for its prosperity, and I cannot look with indifference on the arbitrary law that obliges me to abandon to the plunder and cupidity of evil-doers my extensive property, my brilliant and flattering future. I therefore solemnly protest, as I best can by law, against the law of expulsion of the 21st of October of the present year, issued by the government of the State of San Luis, as illegal, arbitrary, and unjust. I furthermore protest against such an unjust act as being contrary to the laws of nations, contrary to the customs of other countries, and in diametrical opposition to the treaty between the Mexican republic and the United

States, that grants six months to the citizens of both countries established on the coast to settle their business, and a year to those in the interior, after a declaration of war. I further protest against said law, because it obliges me to abandon precipitately, in the peremptory term of twenty-four hours, my extensive mining property, (hacienda de beneficio) refinery, stock of ores, grain, and effects; ores in a state of amalgamation, and everything appertaining to this kind of business. For the reasons here set forth, and as far as I have a right by law, I protest and hold the government of the State, and that of the whole nation, responsible for the damages, injuries, disturbances, and losses that my interest and business suffers, and charge it with whatever I am debarred from realizing by a stoppage of my business, the losses I may encounter or expenses incur. All of which I have the honor of making known to your honor, that you may forward the same to the supreme government of the State for the desired end.

I reiterate to your honor the considerations of my respect.

GEORGE A. GARDINER.

And at the request of the party interested, I give this in Rio Verde, on the 20th of June, 1848.

MANUEL VERASTEGUI.

J. PIO GUTIERREZ, *Secretary*.

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[Copy of translation C.]

PREFECT'S OFFICE OF THE DEPARTMENT OF RIO VERDE.

I enclose to you the original answer, which I have received from the supreme government of this State, respecting the authorization of your books and documents by this Prefecture, by which you will see that this just step has been approved.

I protest to you the assurance of my particular esteem.

God and liberty. Rio Verde, July 3, 1848.

MANUEL VERASTEGUI.

Mr. GEORGE A. GARDINER.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic: I certify that the foregoing signatures of Don Manuel Verastegui, prefect of the department of Rio Verde, of the State of San Luis Potosi, are legitimate, and the same that he uses in all his official acts.

LUIS DE LA ROSA

WASHINGTON, *November 29*, 1849.

[Copy of translation D.]

GOVERNMENT OF THE STATE OF SAN LUIS POTOSI.

His excellency the governor having informed himself of your honor's note of the 26th of June, in which you inform him that you have certified the books and documents of the American citizen, Mr. George A. Gardiner, with relation to the damages and injuries that his mining business of Sierra Gordo suffered in consequence of the supreme decree of the 21st of October, 1846, by which he was expelled, his excellency approves of this step in the cause of justice, as there do not appear, in the expulsion of this individual, suspicions of any kind, having been a victim of a general law, without having individually given any motive whatever, and returns said documents, according to their respective ideas.

I reiterate to your honor my esteem and consideration.

God and liberty. San Luis Potosi, July the 1st, 1848.

LUIS GUZMAN.

To the PREFECT OF THE DEPT. OF RIO VERDE.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic: I certify that the above signature of Don Luis Guzman, secretary of the government of the State of San Luis Potosi, is legitimate, and the same that he uses in all his official acts.

LUIS DE LA ROSA.

WASHINGTON, *November 29, 1849.*

F.

Deposition of C. J. Learned.

WASHINGTON CITY, }
District of Columbia. } *ss.*

Be it known, that on this 11th day of February, A. D. 1850, personally appeared before me, a notary public in and for the District of Columbia, C. J. Learned, who, on solemn oath, declares that in the autumn and winter of the year 1847 he was at Tampico, Mexico, officiating as judge of the American court of that city, and that while there he became acquainted with Doctor George A. Gardiner, an American citizen, who, as this deponent understood and believes, had come down from the interior of Mexico, from the vicinity of San Luis Potosi, where he had been extensively engaged in mining operations, and had been expelled by the Mexican authorities and stripped of his property. Before becoming personally acquainted with Doctor Gardiner, deponent had heard of the violent expulsion of Doctor Gardiner from that part of the country where he had been doing business, the confiscation of his property, and the harsh and cruel usage he had received. Frequently heard it asserted by most respectable persons at Tampico, that the loss of Doctor Gardiner was very large, amounting to several hundred thousand dollars. This was the general rumor in

circulation. While in Tampico Doctor Gardiner consulted deponent on different occasions in his, deponent's, capacity as a lawyer, as to the proper course to be pursued by him to obtain redress for his losses. In these consultations Doctor Gardiner represented that he had been extensively engaged in mining near San Luis Potosi, for some considerable length of time, and that he had encountered many obstacles and undergone many hardships in prosecuting his operations; that he had eventually succeeded in getting his establishment in a most prosperous condition, and had the most flattering prospects of speedily accumulating a large amount of wealth, when he was interrupted by the Mexican authorities, who expelled him from his premises by force, took possession of all of his property, and obliged him to depart with only his personal baggage. Doctor Gardiner also stated to deponent at these consultations, or at one of them, an estimate of his losses on this account. Deponent does not remember the precise amount, but remembers that Doctor Gardiner claimed that so great was his loss, that several hundred thousand dollars would be required to indemnify him. Deponent further states that Doctor Gardiner stood deservedly high with the officers of the American army, and other persons at Tampico, as a gentleman of character and veracity. Deponent always entertained a high regard for Doctor Gardiner as a gentleman of honor and strict veracity; nor has he ever heard him represented in any other light. Deponent further states that he is a native of the State of Vermont, is thirty-eight years old, and by profession a lawyer. That at the time referred to in this deposition, he resided at Tampico, Mexico, and was acting as the American judge in that place; now resides in Missouri, and practises the law as a profession. Deponent further swears that he is not the agent or attorney of Doctor G. A. Gardiner, nor of any person having any interest in his claim; and that he, the deponent, has no interest, direct or indirect, in any way whatever, in the claim to which this deposition refers.

C. J. LEARNED.

Sworn and subscribed before me.

N. CALLAN, *Notary Public.*

DISTRICT OF COLUMBIA, }
County of Washington. }

I, Nicholas Callan, notary public as above stated, do hereby certify that I am not the agent or attorney of G. A. Gardiner, the claimant, or of any person having any interest in the claim to which this deposition refers, and that I myself have no interest, direct or contingent, in said claim; and I further certify that the deponent is known to me as a gentleman of respectability and credit, and that he is worthy of credit on his oath or otherwise, and that this deposition was reduced to writing and read to him by me, and that he approved it as being in accordance with the oath he has taken.

In witness whereof, I have hereunto affixed my hand and seal
[SEAL.] notarial, this eleventh day of February, A. D. eighteen
hundred and fifty.

N. CALLAN, *Notary Public.*

G.

Deposition of Colonel William Gates.

STATE OF RHODE ISLAND, }
Town of Newport, county of Newport. }

Be it understood that on this first day of February, in the year of our Lord eighteen hundred and fifty, personally came before the undersigned, a notary public, within and for the county aforesaid, Colonel William Gates, who on solemn oath declares and says, that while he was in command as civil and military governor of Tampico, Mexico, on or about the month of July, 1847, Doctor George A. Gardiner, an American citizen, came to my office and reported to me his arrival from the interior of Mexico, as was then necessary and proper for him to do, according to order. That he stated to me his abuse and expulsion by the enemy (the Mexicans) from his position near San Luis Potosi, where he had been extensively engaged in the business of mining, and where he had been in possession of a large amount of property, all of which he stated to me had been taken from him by the Mexican authorities; and to the best of my recollection he represented his loss to amount to several hundred thousand dollars. That his expulsion from his mines had been harsh and hasty, depriving him of all opportunities of making any arrangements or settling his business, and that he was left destitute of everything, and consequently suffered many hardships and trials, for he had been compelled to depart without any of said property but his personal baggage. That being thus situated, he, Dr. Gardiner, then and there assured me of his qualifications and good standing as a surgeon and physician, and did request to be employed in the service of the United States. That he was soon after contracted with and did serve as such, during the chief part of the time I was in command of the troops at Tampico, and in a manner entirely to his credit and my satisfaction. That while he, Dr. Gardiner, thus continued under my notice, it was currently and frequently asserted by many of the good citizens of Tampico, and by them fully believed (and such was my own conviction,) that the said Dr. Gardiner had been greatly abused and injured by the enemy in thus taking from him his property and forcing him from it.

I further state, that I have uninterruptedly entertained a respectful and high opinion of Dr. G. A. Gardiner, as a physician and a gentleman, and that his veracity as such has never been questioned by all who knew him at Tampico, or elsewhere. The deponent states that he is sixty years of age, a native of Massachusetts, (United States) and by profession an officer in the army of the United States, and that, at the time when the facts above set forth transpired, he resided at Tampico, and was the civil and military governor thereof; that he now resides at Fort Adams, Newport harbor, of which station he is in command at this date; that he is not the agent or attorney of Dr. George A. Gardiner, nor has he any personal interest, directly or indirectly, in his claim; and that he has no contingent interest in this claim, in any shape or form, to which this deposition refers.

WM. GATES,
Colonel 3d Artillery.

STATE OF RHODE ISLAND, *Newport, ss:*

The undersigned, notary public, as above stated, certifies that he, the said notary public, is not the agent or attorney for said claimant, nor of any person interested in said claim, and that he has no personal interest, direct or contingent, in it. That the said deponent is personally known to him, and that he is a gentleman of respectability and credit, and that his statements are entitled to full faith and credit; that this deposition was reduced to writing by the said deponent, who has approved of it as being in accordance with the oath he has taken.

In witness whereof, I have hereto set my hand and affixed [SEAL.] my notarial seal this first day of February, eighteen hundred and fifty.

WM. GILPIN, *Notary Public.*

H.

Copy of a letter from W. Thompson to R. T. Paine, Esq.

WASHINGTON, *April 12, 1851.*

SIR: I have learned indirectly that the award contemplated, if not decided on, in the case of Dr. George A. Gardiner, is an amount greatly below what has been proven to have been the market value of the property, and equally below its real value, as estimated on the basis of the regular profits. I am informed that a quicksilver mine, now in controversy, and in which the respective agents are Robert J. Walker and John Parrott, has been fixed at the value of two millions, as a basis of a negotiation for a settlement between the parties. The monthly revenue from this mine is much less than that from the mine of Dr. Gardiner. One less conscientious than Dr. Gardiner would have stated his claim at double the amount, at least, which he did.

It has been suggested that the board may have been influenced by the consideration that the mine was still the property of Dr. Gardiner. This is a mistake. A failure to work the mine for four months is a forfeiture of title. I send you the original Spanish law on the subject, with a translation.

But if the mine were still his property, it would cost twice as much to bring it into operation as it did in the first instance; at least two-thirds of a mile of the subterranean work was supported by large timbers, which being consumed by fire, the roof and upper works necessarily caved in to an immense extent, and even exploded, tearing away large masses of earth near the mouths of the shafts, so that it would cost at least all that is proposed to be awarded, and, considering the necessary expenses of prosecuting the claim, much more than that sum, to bring the mine again into operation, if, indeed, it can be done at all, and the claimant will have lost the profits for nearly five years.

It is hoped that if nothing more is added, the board will at least add the value of the silver and ore which was on hand at the time of the expulsion.

Respectfully, your obedient servant,

W. THOMPSON.

R. T. PAINE, Esq.

I.

Copy of Dr. Gardiner's supplementary memorial.

To the honorable Board of Commissioners for the adjustment of claims in favor of American citizens against the Mexican republic, under the late treaty between the United States and Mexico :

Having recently sold to W. W. Corcoran, of Washington city, one-fourth part of my claim now pending before the above board, said Corcoran is entitled to an award in his own name for that proportion of the whole sum which may be awarded on said claim. These are, therefore, to request that three-fourths of the whole sum may be awarded to me, by name, and one-fourth of the whole amount to said W. W. Corcoran.

Given under my hand and seal at Washington city, this 19th day of February, A. D. 1850.

G. A. GARDINER. [L. s.]

Attest: R. G. CORWIN.

Know all men by these presents, that I, George A. Gardiner, for a valuable consideration, have assigned and transferred to William W. Corcoran the one-fourth part of a certain claim now pending before the board of commissioners to adjust claims against Mexico, under the treaty of 2d February, 1848, between the United States and Mexico, being a claim for the value of certain mines in Mexico, and other property, from which I was expelled in the month of October, 1846, by the Mexican government, and said property destroyed.

Given under my hand and seal this 19th day of February, 1850.

G. A. GARDINER. [L. s.]

J.

Copy of deposition of George A. Gardiner.

DISTRICT OF COLUMBIA, *city of Washington, ss :*

Before the undersigned, a notary public within and for the city and District aforesaid, came, in his own person, George A. Gardiner, who, on oath, said that the laws and usages of Mexico require that foreigners residing there shall procure from the general government, through the consuls and diplomatic agents of the State of which such foreigner may be a citizen, a letter of security for each year that said foreigner may reside in Mexico; that affiant, soon after he went there, procured such a letter, and renewed the same every year, until he was expelled from the country. At the time of his expulsion he had a letter, which had several months to run before the time limited in it would have expired. Affiant has recently made diligent search for these letters among his

papers, but has not been able to find them, or any of them, and supposes they were either lost or destroyed with his other papers and property in Mexico.

G. A. GARDINER.

Sworn to and subscribed before me this 6th day of March, in the year 1850.

N. CALLAN, [L. s.]
Notary Public.

EXHIBIT No. 16.

To the Federal Judge of the District of the State of San Luis Potosi :

The undersigned, an agent of the government of the United States, and recognised by you, appointed to investigate in the most legal manner, and conformably to rigorous justice, the truth of the facts relative to the claim made against the said government by Dr. George A. Gardiner, an American citizen, under the treaty of peace of Guadalupe Hidalgo, for losses and damages which he asserts he sustained in October, 1846, in consequence of the acts of the authorities and troops of this country in the department of Rio Verde, in this State of San Luis Potosi : and in order to fulfil this mission in a proper manner, the undersigned asks and petitions you, Mr. Judge of the district, to please interrogate under oath, and with notice to the district attorney, the Mexican citizens or foreigners who may be successively presented to you for examination, to the tenor of the following questions :

1. Let them be asked their names, age, place of nativity, profession, employment in the government, and the other general questions required by the laws of the country.
2. Did they know personally the said George A. Gardiner, and from what period did they know him? In what place, and what profession, art, or trade, did they see him exercise, or knew that he exercised?
3. Do they know positively, or have they heard say, in what year Gardiner came to the republic of Mexico; and during his residence therein, what was the amount of capital accumulated by him, and in what business had he it invested?
4. Is it true that in the Sierra de la Huastica, in a place called Lagunillas, there exists an old silver mine, having several shafts and planes, filled with water and rubbish, and which has been abandoned from the epoch of the independence of the country up to the year 1844, in which it is alleged to have been denounced by Gardiner?
5. If such fact be certain, the witnesses will declare if it be also true that the denouncement was made by Gardiner in July of the aforesaid year, and before what judge or other authority was it made; expressing his name, by whom, and in what month was possession given him; who was the experienced person in the mining business named to examine according to ordinance; the direction and inclination of the veins; and to measure the space allotted to the mine, and of how much did this measurement consist, and what name was given to the mine?

6. Is the said mine comprehended within the department of Rio Verde, in the State of San Luis Potosi, and what is its present condition?

7. If Gardiner drained and cleaned out all or any of the mines, or the workings of the same, which ones were they, how much time did he occupy in these operations, how many laborers did he employ in them, and what were the exterior works constructed?

8. In what month and year did he begin to extract ores for reduction and how many mule loads did he obtain weekly?

9. How many machines, and of what class were they, which Gardiner set up for the purpose of draining his mine, for taking out the rubbish and afterwards the ores; what was, and is now, the depth of the shafts, of the planes, and lowest workings of the mine?

10. Who were the directors of the exterior and interior works?

11. If, for the reduction of the ores extracted, he constructed or commenced constructing any establishment for the same, how far was it from the mine; what was its extent; how many offices or departments had he for habitations, and for reducing the ores; if there were established the processes of reducing them by smelting, by amalgamation, by the caldron, and by barrels; and consequently, how many reverberatory and smelting furnaces and how many refining furnaces were there; how many mortars or mills; how many grinding-machines, called *arastres*; how many *tonelas*, washing-machines, and other necessary departments, for the respective modes of reducing the ores, were there constructed; who were the directors, and how many operatives were there employed in the reducing establishment?

12. Do they know, or have they heard say, although it be not precisely, the number of marks of silver, of all classes of reduction, which were obtained weekly or monthly, and to what city or place, and by how many men, was it guarded and conducted, for the purpose of being assayed and coined?

13. Do they know whether there were persons who offered to purchase of Gardiner shares in mines, and what was the price they offered for each share? Did he sell any, and to whom; if no, why did he not wish to sell?

14. If Gardiner, before working the mines in the Sierra, in the point called Lagunillas, was the proprietor of, or partner in any other mines, where were they situated?

15. If Gardiner was expelled in October, 1846, in consequence of the law dictated by this State; if he left suddenly and hastily from the mines in the Sierra; if his mine and other property in that place was pillaged and burned,—by order of what authority was it done; by what troops, and who was the officer that commanded them for the fulfilment of such order and for the burning of his establishment; and if all was destroyed, on what day and in what month and year was it done?

16. Could Gardiner have worked a mine at the time, and in the place indicated, without the fact being known to the witnesses?

17. If Gardiner had a steam-engine, and if it was in operation in the mines in the department of Rio Verde?

18. What silver mines exist in the department of Rio Verde, and if they have been worked by any person: if so, by whom, and at what period?

19. If they know the origin of the claim of George A. Gardiner, and if they remember the date when the documents were made in support of it, and by whom they were made?

20. If they know personally Don Manuel Verastegui, and know positively, or have they heard say, by persons worthy of credit, that said Verastegui has any interest in the claim of Gardiner, and what part he has taken in the said claim, and in originating or making the proofs, by witnesses or documents?

21. If they know, or have they heard say, that these proofs are supposititious or false, and if any other persons have intervened in procuring them, whether of this country or foreigners?

22. If they know, or have heard say, that there existed and were in the service of Gardiner, in the mines of Sierra, the following persons, viz: José Ochoa, Santiago Gomez, Joaquin Espinosa, Juan G. Simpson, Andres Arrellano, Juan Soto, Antonio Marin, W. Jackson, and James Boswell Smith; and if they know whether those individuals were in Rio Verde in June, 1850, and deposed in favor of Gardiner; if so, before what judge or alcalde did they depose, and who presented them for examination; was it the said Gardiner, De Manuel Verastegui, or any other person?

23. If they saw John Charles Gardiner in the department of Rio Verde, from 1844 to 1846, and what was the appearance of his pecuniary circumstances, and what his employment?

Lastly. Let them state all that they may know to be public and notorious in relation to the foregoing questions; the persons who may be able to depose in the matter, and aught else relative to the same, though not contained in these interrogatories.

When these depositions may have been concluded, the undersigned would request the judge of the district to order two copies of the same to be made and certified in the proper form, and that they, as also the originals, be delivered to him for the uses suitable to the objects of his mission. In doing thus, the judge will exercise acts of justice, by virtue of his high office, which are requested by the undersigned.

GEO. W. SLACUM.

SAN LUIS POTOSI, *December 9, 1851.*

SAN LUIS POTOSI,
December 10, 1851.

Let the witnesses who may be presented be examined, previously citing the district attorney (ministerio fiscal) to see them sworn, and for all other purposes required by law. Thus I have decreed and signed the same; I, the judge of the district officiating, with assistant witnesses.

L. JOSE MA. ESPARZA.

Assistant witnesses:

JUAN MURILLO.
PABLO DE SALAS.

On the same day, the district attorney being informed of the foregoing decree, said he heard it, and that he would attend at the hour which should be named for the purposes expressed therein, and signed the same with me, the judge officiating, with assistant witnesses.

SLACUM.

L. ESPARZA.

Assistant witnesses:

JUAN MURILLO.

PABLO DE SALAS.

In the city of San Luis Potosi, on the 10th of December of the year one thousand eight hundred and fifty-one, I, the judge of the district of this State, being in open court, Don Nicholas Barragan was presented as a witness for the investigation petitioned for by Mr. Slacum, commissioned by the government of the United States, to whom, in the presence of the district attorney, I, the judge, administered to him the oath in due form and according to law, by virtue of which he offered to tell the truth, as far as he knew and might be questioned; and being questioned according to the tenor of the interrogatories presented by Mr. Slacum, he answered—

To the 1st question: That his name is as above expressed; that he is the collector of the public revenues of this State in the city of Rio Verde, and that he finds himself in this capital, at present, by accident, he having come for the purpose of obtaining some receipts belonging to the office under his charge, and appertaining to the present year; that he is fifty-two years of age, is married, and that he has no interest, either directly nor indirectly, in the business which is the cause of his presentation as a witness, nor in the persons named therein.

2d: That notwithstanding he was absent from Rio Verde from the year 1837, he returned there in 1843, and has not been away from there since that time, until now, but he did not know George A. Gardiner, because he doubtless was there but a short time. His knowledge of the name of this George, and of that of his brother Charles, is in consequence of his having known by the newspapers of a claim made by Gardiner, and John H. Mears, on account of some mines they say they had in Rio Verde; that the deponent has heard say that George was a doctor, but he never saw him exercise that profession in Rio Verde; and that Charles was a dentist, and who, as he knows, made a set of teeth for the Rev. Doctor Pomposo Zapiaim, who lived in Ciudad Fernandez, which set of teeth, notwithstanding it having been paid for, said Charles carried away with him when he went to Tampico.

3d: That as deponent did not know George A. Gardiner, he does not know in what year he might have come to this republic; and, this being the case, he does not know of what his capital consisted.

4th: That he is absolutely ignorant of there being, or of their ever having been, in the point called Lagunillas, or in any other of the department of Rio Verde, those old great mines, nor of Gardiner having denounced them; and it is very probable that he, the deponent, should have known something of it had the same been true, because Lagunillas is not eighteen leagues distant from Rio Verde, and in the period al-

luded to he was an officer in the department of the tobacco revenue, and knew the little consumption there was in that town of segars (*labrados*;) and he had even to make a visit there in the year 1846, but at that time, nor by the intercourse he has had with the residents of said place since, has he known that there exist there now, nor that there have existed, such mines. That, in consequence of what he has stated, it appears to the deponent that he has answered the question; and answers to the—

5th: That as it is not true that the mines did exist, neither is there truth in what is contained in this, the 6th, 7th, 8th, and 9th questions, because there never has been known, at least since the deponent can remember, any kind of machinery, and much less a steam-engine, for the purpose of working mines in the department of Rio Verde, because there are no mines there.

10th: That, in consequence of the foregoing, it cannot be said that there were directors of the exterior or interior works of the mine.

11th: That there has not been, nor is there known in the department of Rio Verde, an establishment for reducing ores, (*hacienda de beneficio*;) because, as has been said above, there are not, nor have there been, any mines there.

12th: That there having been no silver reduced (*beneficiadas*;) the question has no object.

13th: That he never knew, nor has he heard say, that Gardiner had any part, as partner in or proprietor of any mines in the mineral districts of the country; with which the 14th question is answered.

15th: That the facts contained in this question are false, because, as deponent has said that Gardiner not having had in any place in the department of Rio Verde any property, there was no such pillaging nor burning of the same, and that he knows that Gardiner left of his own accord to go to the port of Tampico, where he resided during the period that the troops of the United States occupied the said port. That there is nothing sooner known, and it is notorious in the republic, when a mine is worked on a large scale, and yields plentifully; and if what Gardiner alleges had been true, it would not only have been known by the deponent and the population of Rio Verde, but by all the towns in the republic, and such an occurrence would have been published in the newspapers; and there having been nothing of this, it is clear that the mines said to have been worked by Gardiner do not exist.

17th: That deponent has already declared that there never was such steam-engine; and he declares the same in respect to the 18th question, and answers to the—

19th: That in general he has heard say that claims have been made by Gardiner against the government of the United States, based on the facts contained in the questions put to the deponent; and that in private conversations among the residents of Rio Verde, it was said they were on account of mines; but they did not designate them. And in regard to the documents which were drawn up, it is publicly known that they originated with Don Manuel Verastegui, and were formed by Don José Pio Gutierrez, Secretary of the Prefecture of Rio Verde, and the books of the expenses and products of the supposititious mines were made up by Don Domingo Ithurry, a French citizen.

20th: That he knows Don Manuel Verastegui personally, and he has had intercourse with him since his youth, and that it is well known and notorious in all Rio Verde, and even Verastegui himself has said in the same manner, that he was to receive more than twenty thousand dollars of the indemnity on account of the claim of Gardiner. That it is also said that on the same account the aforesaid Pio Gutierrez, and the Frenchman, Ithurry, were to receive a certain portion of said claim, and that the principal originator of this business is Verastegui and his collaborators, the former persons; and deponent does not know positively what other persons may have aided in it.

21st: That, as the deponent is persuaded that the principal facts relative to the working of these mines, and the construction of establishments for reducing the ores, are not true, he believes that all the documents and proofs which have been produced respecting this particular are also false and supposititious; and that respecting the persons who may have intervened in the affair, he has already stated in the preceding answer what he knows in respect to this particular; and answers to the—

22d: That he does not know, nor has he heard of, the persons mentioned in this question; that he does not know, nor has he heard say, that these persons were in Rio Verde in July, 1850, nor before nor after that date, for the purpose of deposing before any authority; that in the said month—the same in which the cholera invaded Rio Verde—deponent had charge of a commercial establishment, and he remembers that at that period Don Manuel Verastegui was not in Rio Verde, nor was the said Gardiner there.

23d: That he never saw Charles Gardiner in Rio Verde, but he knew that he had been in *la Ciudad Fernandez*, situated a little more than half a league from Rio Verde, for the purpose of making a set of teeth, as before said; and in respect to his pecuniary circumstances, deponent thinks they were poor, because he (Gardiner) collected a hundred dollars for the said set of teeth, and carried both money and teeth away. And,

Lastly: That in respect to persons who can depose in regard to all or some of the facts contained in the questions proposed to deponent, the truth of which is desired to be investigated, Don Miguel Laso, who was at the time alluded to the lettered judge of the court of the first instance of the department of Rio Verde, and resided in the said city of Rio Verde at the time of the occurrence of the facts alluded to in the aforesaid questions, and who is now a deputy in the honorable legislature of this State, can depose. Also Don Pedro Arcos, a resident of Rio Verde, and who resided in said city in the epoch alluded to in these questions, and who is now also a deputy in the aforesaid honorable legislature. Also Don José Antonio Barragan, the present comptroller general of the revenues of the State, who also resided, in said epoch, in Rio Verde. Also the licentiate Hernandez Soto, who is at present a magistrate (*magistrado*) *ad interim* of the supreme court of justice of the State, and has also been the lettered judge of Rio Verde since the year 1848, until a few days ago, when he came to fill the office of magistrate. Also Don Guadalupe Fernandez, the postmaster of Rio Verde, who, on account of his notorious probity, can depose respecting the facts.

Besides these, there are other respectable persons who can depose, among whom is Don Vicente Hernandez, a respectable resident of la Cuidad Fernandez, who has obtained high employment in the government. And this deposition having been read to the deponent, he ratified the same under the oath he has taken, because what he has stated is what he knows to be true, and what he has heard say, and signed it with me, the judge of the district, and the witnesses with whom I officiate.

NICHOLAS BARRAGAN.
L. ESPARZA.

Assistant witnesses :

JUAN MURILLO,
PABLO DE SALAS.

In the city of San Luis Potosi, on the 17th of December, one thousand eight hundred and fifty-one, being in open court, I, the judge of the district, in the presence of the district attorney, administered the oath to Don José Antonio Barragan, in the form prescribed by law, by virtue of which he offered to state the truth, as far as he knew and might be questioned as a witness, presented by Mr. Slacum; and being questioned conformably to the tenor of the interrogatories that this gentleman has presented, he answered to the—

1st question : That his name is as above expressed; he is forty-nine years of age, is married, and is comptroller general of the revenues of the State; and that he has no connexion with the persons who may be interested in the matter in regard to which he is about to depose.

To the 2d: That in August or September of the year 1846, there was a Mr. Gardiner in Rio Verde, with John H. Mears, but deponent cannot say positively whether it was George or Charles; that for the same reason he cannot say what art or trade he exercised; but he has no doubt that one of the two Gardiners made a set of teeth for the Rev. Dr. Pomposo Zapiain. He knows that Mears called Gardiner doctor; nevertheless he does not remember whether it was George or Charles who made the teeth.

To the 3d: That he does not know, nor has he heard say, in what year George A. Gardiner came to this republic; nor that he had any capital.

To the 4th: That it is not true that there have been worked in the point called Lagunillas, or within the department of Rio Verde, any mines having shafts and workings filled with rubbish; and, therefore, it is absolutely false that Gardiner worked any mine in the said point in the year 1844; neither was the name of Gardiner known in Rio Verde until August or September of the year 1846.

To the 5th: That all comprehended in this question is false.

To the 6th: That there is not now, nor has there ever been, any mine worked in the department of Rio Verde with profits.

To the 7th: That there being no mine, as deponent has said, nor Gardiner the owner of what has not existed, he could not drain any.

To the 8th: That in consequence of what the deponent has said before, no ores could have been extracted, neither weekly nor monthly.

To the 9th: That in consequence of what deponent has stated, nothing comprised in this question is true.

To the 10th: That there could have been no directors when the thing to be directed did not exist.

To the 11th: That all comprised in this question is also false, as a necessary consequence of what the deponent has stated above.

To the 12th: That the deponent answers the same to this as he did to the question relative to the same matter put to him on the 15th inst., in the business relative to Doctor Mear's; that is to say, while the deponent was the administrator of the public revenues of Rio Verde, he did not issue one permit, (*guia*,) nor one passport, (*pase*,) for silver in bars, which might be sent from Rio Verde, whose jurisdiction for the collection of interior duties (*alcabalatorio*) extends to Lagunillas; and, even supposing that the silver should have been smuggled out, it is false that Gardiner was the owner of any mine in Lagunillas.

To the 13th: That Gardiner not being the owner of any mines, no share of the same could have been bought of him, nor could he sell any.

To the 14th: That he has already stated in what manner he knew Gardiner; but he cannot say positively if it was George or Charles.

To the 15th: That deponent does not know whether Gardiner, the doctor, was expelled or not; but he can say positively, that no person was sent out violently from Rio Verde, in 1846, and that it is false that in that period any troops of the government, or any authorities, burned or pillaged the property of any person; that the only troops of the government that went to Lagunillas, and passed through Rio Verde, were those the government sent under the orders of Don Lugardo Lechon, then inspector of the national guards, in consequence of the depredations that were being made by the insurgents of the *Sierra Gordo*, in order that the said chief might pursue and punish the said insurgents; and that the deponent is convinced that Señor Lechon and his troops did not cause any damage to the persons or property of the inhabitants of Rio Verde; that the said Señor Lechon is at present living in Mexico, who, as also all the inhabitants of the State, can depose that no mine, nor establishment for reducing ores, belonging to a native or foreigner, was ever attacked, much less destroyed.

To the 16th: That it is impossible that Gardiner, or any other person, could have had a mine there—not even of much less importance than that supposed—without the fact being known by the deponent, and by any other person residing in Rio Verde or in any other points of the State.

To the 17th: That there never has been seen, nor has any one heard say, since Rio Verde has existed, that there have ever been steam-engines in any of the places comprehended within its department; and if the mine had been in the mountain (*Sierra*) that, maliciously or by mistake, has been cited by Gardiner, and mentioned in the fourth question, which deponent now answers, it would have cost a heavy sum of thousands of dollars to get the boilers and other pieces of great bulk up the mountain; because it would have been necessary to level the ground and make a suitable road to convey them, by means of art, it being impossible to have the same conveyed on the backs of animals.

To the 18th: That no mines, as deponent has already said, have been worked with any favorable result in the department of Rio Verde; and notwithstanding some few persons have made some investigations, in search of mineral veins, they have very soon been undeceived in respect to finding any that would yield a tolerable result. These investigations have been nothing more than mere assays; and there never have been any buildings, of any class, constructed for the reduction of ores, (*para beneficiar metales,*) as would have been done had there been mines discovered which would yield a profit, or ores sufficiently good to pay the expense of working them.

To the 19th: The deponent has heard say that the claim of George A. Gardiner was made in consequence of the treaty of peace of Guadalupe Hidalgo, for the supposititious losses and damages on account of some mines he says he had in Lagunillas; that he does not know at what time the documents were made out, nor who substantiated them, but during the time the deponent resided in Rio Verde until January, 1848, nothing was done.

To the 20th: That he knows Don Manuel Verastegui perfectly well; that he has heard it very generally said that this gentleman has some part in the money (*libramientos*) proceeding from the claims against the United States government, but he does not know positively what amount corresponds to him, nor whether it be from George A. Gardiner's or John H. Mears's part; and that he has also heard say that Verastegui had some intervention in the formation of the proofs, but he cannot speak from his own knowledge, because, as he has stated, he left Rio Verde in January, 1848, and up to that time nothing had been done.

To the 21st: That without any doubt the said documents are false, because the origin to which they refer is false; that deponent has also heard say that Domingo Ithurry and Don Pio Gutierrez intervened in the formation of the said documents, but he cannot assert it on account of not being in Rio Verde since January, 1848.

To the 22d: That none of the persons mentioned in this question have been under the orders or in the service of Gardiner in the mining business in Rio Verde, because such business has never existed; and that the deponent has not even heard of such persons, with the exception of Don Santiago Gomez and Don Antonio Marin, the first of whom is a Spaniard in comfortable circumstances, residing in Guadalupe, and the second is a merchant, residing in this capital, but neither one nor the other has been in Rio Verde; that deponent does not know, nor has he heard say, that Gardiner was in Rio Verde in the year 1850, because he, deponent, has resided in this capital, for which reason he does not know, nor has he heard, that the individuals named in the question were in Rio Verde and were presented by George A. Gardiner or Manuel Verastegui, or any other person, for judicial examination respecting the supposititious existence of this mining negotiation; but this negotiation not having existed, it is positively certain that such witnesses were never presented, for if such had been the case in so small a town as is Rio Verde, the presence of these persons would have attracted attention, more particularly that of the foreigners, Jackson and Smith, who, as such, had they presented themselves to depose, it is very probable that some of the many residents of Rio

Verde who came to this capital would have communicated the fact to the deponent.

To the 23d: That he has already stated that the name of Gardiner was not known in Rio Verde until the month of August or September of 1846; and whether it were George or Charles, he, deponent, never knew that he had any capital, but that one followed the occupation of a dentist, and the other that of doctor.

To the last: That all relative to the non-existence of the mining negotiation of Gardiner in Lagunillas is public and notorious in all the State, and particularly in Rio Verde and in this capital, respecting which, the same respectable persons can depose that the deponent has cited in the deposition he rendered in the matter relative to John H. Mears; and the deponent believes he stated that, after the intervention of the claim of Gardiner, there was an introduction of some bars of silver into the mint of this city, under the name of George Gardiner, made, perhaps, with the intention to make it appear that he had a mine yielding products; but the deponent does not know the number of bars, nor who the person was that introduced them, nor to whom they really and truly belonged; neither can he assert, on his own personal knowledge, the reality of the said fact.

And this, his deposition, having been read to the deponent, he ratified it under the solemn oath he has taken, because what he has stated is the truth, and he signed the same, with me, the judge of the district, and assistant witnesses.

I hereby certify to the same.

J. ANTONIO BARRAGAN.
L. ESPARZA.

Assistant witnesses:

JUAN MURILLO,
PABLO DE SALAS.

I have the honor to return to you your esteemed note dated 19th instant, together with the certification which I have given on the same sheet, in fulfilment of the order of your court, including, also, the documents you were pleased to send me, all relating to the commission which brings George W. Slacum, a citizen of the United States, to this republic.

With this motive, I have the honor to offer you my respects, and the assurance of my very particular regard.

God and liberty. San Luis Potosi, December 30, 1851.

Licentiate MIGUEL LASO.

Licentiate JOSE MARIA ESPARZA Y PEREDO,
Judge of this District.

District Court of the State of San Luis Potosi.

George W. Slacum, esq., commissioned by the government of the United States of America for the purpose of investigating whether the causes which have induced George A. Gardiner to institute a claim against the said government, according to the treaty of peace of Guadalupe Hidalgo, exist, or do not exist, has instituted a judicial inquiry before this district court, in order that, conformably to the tenor of the same, the witnesses shall be examined, who are presented by the said Mr. Slacum, or cited by those already examined; and you being one of the latter, as the late licentiate judge of the court of first instance of the department of Rio Verde, Mr. Slacum has requested that this court solicit your attestation in a sworn certificate, and as detailed as possible with regard to the facts relative to the said investigation.

By virtue of this request, I remit to you the original interrogatories presented by Mr. Slacum, in order that corresponding judicial inquiry may be had; and to the end that you may, in continuation of this note, certify under oath, according to law, to that which you know positively, and have heard from reliable sources, in relation to the matter contained in the aforesaid interrogatories. When this certificate shall have been done, I hope you will please send it to this court, together with the interrogatories, in order that it may have its place in the respective proceedings.

I have the honor to reiterate to you the assurance of my consideration and esteem.

God and Liberty. San Luis Potosi, December 19, 1851.

L. JOSE MARIA ESPARZA Y PEREDO.

Licentiate MIGUEL LASO,
Deputy of the Hon. Congress of this State.

—

I, the citizen Miguel de Laso, advocate of the tribunals of the republic, and deputy in the present honorable legislature of this State, hereby certify and swear, in due form, to the following: *First*, that I do not know, personally, George A. Gardiner, neither do I know in what year he might have come to this republic, nor what might have been his pecuniary resources; but I have heard say, that when he came to reside in this State, he followed the occupation of dentist. *Second*, that it is not true that there is any mine of silver existing in the Sierra de Lagunillas, (at least none has been discovered up to the present time,) and consequently there is no shaft nor workings, nor anything of the kind there. *Third*, that neither is it true that the said Gardiner denounced any mine in the city of Rio Verde in July, 1844, because, at that time, and up to the year 1845, the undersigned was the licentiate judge (*juez de letras*) of the court of first instance of the department of Rio Verde; and, consequently, the only authority before whom the denouncement of mines ought to have been made; and the undersigned is positive that before his authority there was no denouncement of mines, neither by Gardiner nor by any other person. *Fourth*, that there be-

ing no mines known, as he has stated before, in the department of Rio Verde, there could have been no draining or cleaning out of workings of what never existed; neither have there been any steam-engines introduced into the said department, nor has there been constructed there any establishment for the reducing of silver ores, (*haciendas de beneficio*;) and lastly, neither has there ever been even a bar of silver extracted there from the ores. *Fifth*, that in consequence of the publicity of the claim of Gardiner, he has heard of it—has been generally qualified as fraudulent—and that in respect to losses and damages, there never were any caused, neither to Gardiner nor to any other person, whether native or foreigner, in consequence of the war with the United States. *Sixth*, the undersigned has heard that Don Manuel Verastegui was interested in the claim of Gardiner, without knowing whether this be true, nor what may be the origin of the said interest of Verastegui.

And at the official request of the judge of the district, contained in the foregoing document, I sign the present.

Given in this city of San Luis Potosi, on 30th of December, of the year one thousand eight hundred and fifty-one.

Licentiate MIGUEL DE LASO.

THE NATIONAL MINT in *San Luis Potosi*.

In consequence of your note, dated 5th instant, your decree in the proceedings was complied with; and I return you the same, with the effective exposition of the treasury comptroller of this mint, by virtue of which your order has been obeyed.

I have the honor to reiterate to you the assurance of my esteem.

God and Liberty. San Luis Potosi, January 7, 1852.

MANUEL RAMOS.

The JUDGE OF THE FEDERAL DISTRICT
of *this State of San Luis Potosi*.

To the Federal Judge of the district of the State of San Luis Potosi:

The undersigned, commissioned by the government of the United States of America, and recognised by you, to investigate in the most legal manner the truth of the facts relative to the claim alleged against the said government by Doctor George A. Gardiner, respectfully asks and requests you, Mr. Judge of the district, to issue the necessary requisition to the director of the mint of this city, or other proper officer of the same, in order to ascertain the following:

1. If the said George A. Gardiner, at any time, from the year 1844 to the month of October, 1846, introduced into the said mint any silver to be coined; and if so, how much did he introduce, on what date, and from what mines?

2. If the said Gardiner, at any time after the month of October, 1846, introduced into the said mint any silver to be coined; if so, how much, and on what date did he introduce it?

And when this investigation shall have been concluded, the undersigned requests the judge of the district to order two copies of the same to be made and certified to in the proper form; and that they, as also the originals, be delivered to him for the purposes suitable to the objects of his mission. In doing thus the judge will exercise acts of justice by virtue of his high office, which are requested by the undersigned.

SAN LUIS POTOSI, *January 5, 1852.*

GEO. W. SLACUM.

SAN LUIS POTOSI, *January 5, 1852.*

Send this petition, previously citing the district attorney, to the director of the mint, in order that he may please order that the treasury department of the same give the information required, in relation to the facts referred to in the said petition.

Thus decreed and ordered the judge of the district; and he signed the same, with the assistant witnesses with which he officiates.

LA ESPARZA.

Assistant witnesses:

JUAN MURILLO,
PABLO DE SALAS.

On the same day, the district attorney being informed of the foregoing decree, he said he heard it, and signed the same. I hereby certify to the same.

Licentiate RAFAEL DELGADO.
LA ESPARZA.

Assistant witnesses:

JUAN MURILLO,
PABLO DE SALAS.

On the same date the foregoing petition, with the corresponding official note, was sent to the mint of the State; in proof of which, note is here made of the same.

SAN LUIS POTOSI, *January 5, 1852.*

The treasury comptroller of this mint will please give the information required, as is requested by the judge of the district, in his foregoing decree.

MANUEL RAMOS.

NATIONAL MINT OF SAN LUIS POTOSI,
*Auditor's and Treasury Department of this National Mint
of San Luis Potosi, January 7, 1852.*

In compliance with the preceding orders, this department, in my charge, gives the following information, viz: that the books in the archives, bearing the title of principal, having been thoroughly examined, and being those in which are set down all the names of the per-

sons who introduce silver to be coined, as also the respective number, quality, weight, and value of each piece, there is not found any of the name of George A. Gardiner, who introduced any silver in the years referred to in the foregoing petition.

JOSE IGNACIO DE LARA.

Title to the mine.

El ciudadano Franco. Fernandez, Prefecto de Rio Verde, Estado de San Luis Potosi.

Certifico que en el libro de registro de minas de esta oficina correspondiente al año de mil ocho cientos cuarenta y cuatro, se en cuenta á fojas 15 vta. un a ciento 9 a la letra es como segur.

“Julio doce el ciudadano Americano, D. George A. Gardiner, de profesion medico, de veinte y seis años de edad, y residente en esta a denunciado con esta fecha un antiguo mineral de plata con varios tiros y labores con aqua i insolve y totalmente abandonado y despoblado y no trabajado desde el tiempo de la independenciam, situado en un ramal de la Sierra de la Huasteca, demarcacion de Lagunillas en este departamento, corre la veta de N. á S., con corta inclinacion al poniente de 45 grads y aucho de mas de ocho varas: sus metales de plata sulfurea roja, y pide los privilegios de restaurador de mineral abandonado. Concedido y aprobado como lo pide de marcandole los sesenta dias de ordenanza para pedir su posesion. Sept. 3.—Con esta fecha se ha dado posesion a D. George A. Gardiner, con arreglo a la anterior denuncia de la citada antigua mina concediendole tres pertenencias a hilo de veta, con los limites y medidas marcadas en el terreno, y prescritas por las ordenanzas, contodos los privilegios de restaurador de mineral abandonado—y ha puesto por nombré a los tiros la Trinidad Dolores y San José y en conjunto el mineral de la Sierra y se le ha estendido la escritura y titulos correspondientes, constituyendole legitimo y unico dueño con pleno poder, y derecho de vender ó disponer de ella como unjor quisiera; y como su propiedad, 9 es sugeto siempre a las ordenanzas del Ramo.”

Ya pedimento del interesado le doy este en la ciudad de Rio Verde a tres de Julio, mil ocho cientos cincuenta.

FRANCISCO FERNANDEZ.

J. PIO GUTIERREZ, *Secretario.*

To the Federal Judge of the district of San Luis Potosi:

The undersigned, an agent of the government of the United States of America, and recognised by you, appointed to investigate, in the most legal manner, the truth of the facts relative to the claim made against the said government by Dr. George A. Gardiner; and, in order to fulfil this mission in a proper manner, he respectfully asks and petitions you, Mr. Judge of the district, to please issue the necessary requisition to

Don Francisco Fernandez, the present first alcalde of Rio Verde, so that he shall declare in due form of law whether the document which contains his signature, and which is hereunto annexed, is false or true.

The document referred to is a faithful copy of the original, which is now in the archives in Washington, and was presented by the said George A. Gardiner in support of the claim he made against the same government, under the treaty of peace of Guadalupe Hidalgo.

When this investigation shall have been concluded, the undersigned would request the judge of the district to order two copies of the same to be made and certified to in the proper form, and that they, as also the original, be delivered to him for the uses suitable to the objects of his mission. In doing thus, the judge will exercise acts of justice by virtue of his high office, which are requested by the undersigned.

GEO. W. SLACUM.

SAN LUIS POTOSI, *January 9, 1852.*

SAN LUIS POTOSI, *January 9, 1852.*

With a notification to the district attorney, let this petition, together with the annexed copy, be remitted to the first constitutional alcalde of Rio Verde, Don Francisco Fernandez, in order that, with the said copy before him, he may certify under oath, conformably to the request of the agent of the government of the United States of America.

Thus I, the judge of the district, have decreed, ordered, and signed the same, in the presence of assistant witnesses with whom I officiate.

L. JOSE MA. ESPARZA Y PEREDO.

Assistant witnesses :

JUAN MURILLO,
PABLO DE SALAS.

On the same date the district attorney was informed of the foregoing decree, and signed. I hereby certify to the same.

Licentiate RAFAEL DELGADO.
L. ESPARZA.

Assistant witnesses :

JUAN MURILLO,
PABLO DE SALAS.

JANUARY 16, 1852.

Let the foregoing decree of the judge of the district be complied with. The undersigned will certify in all regarding himself, and with respect to that relating to Don Pio Gutierrez, inform the second alcalde, in order that, after taking his deposition, he return me this document, so that it be sent through me to the authority from whom it came. I hereby certify.

FRANCISCO FERNANDEZ.

Assistant witnesses :

JUAN CRISOSTOMO LARTUNDO,
JUAN JOSE SANCHEZ.

I, Francisco Fernandez, first constitutional alcalde, and judge of the court of first instance, officiating with assistant witnesses (*por receptoria*) instead of a notary public, do hereby certify and swear that I never put my signature to the foregoing document; nor have I ever seen any register of denouncements of mines in the archives of the Prefecture that was under my charge; in consequence of which I can confidently assert, with all truth, that the said document is false in all its parts, and because it is at once seen that the forger of it is completely ignorant of the laws of the country, because those denouncements are always made in the courts of the first instance, the mines being registered in the mining tribunals, (*tribunales de mineria*,) and not in the Prefectures; also because the proceedings in such cases are very different, in which there are a great number of formalities and requisites necessary that do not appear in the above-mentioned document.

I also certify and swear that Lagunillas has its own corporation, on account of being a different municipality; and that in all of this department there is not a mine nor a mountain (*cerro*) that bears the name of "la Huasteca," because the Huasteca called *potosina* is situated in the department of Tancauhuitz, and not in this; from which fact it is perceived that the forger (*suplantador*) is also ignorant of the geography of the country.

And in proof of the above I set it down in writing, (*lo siento*,) and sign the same, in this city of Rio Verde, the 16th of January, 1852. I hereby certify to the same.

FRANCISCO FERNANDEZ.

Assistant witnesses:

JUAN CRISOSTOMO LARTUNDO,
 JUAN JOSE SANCHEZ.

The proceedings were sent to the second alcalde to obtain the deposition of Mr. Gutierrez.

A RUBRIC (or flourish.)

RIO VERDE, *January 17, 1852.*

In compliance with the foregoing decree of the first constitutional alcalde of this city, let the citizen José Pio Gutierrez be cited, for the purpose of taking, under oath, the corresponding depositions referred to in the said decree. Domingo Ithurry, the second constitutional alcalde, decreed, ordered, and signed the same, in the presence of his assistant witnesses, with which he officiates.

DOMINGO ITHURRY.

Assistant witnesses:

J. BLAS URIBE,
 JOSE CLAUDIO P. Y GUTIERREZ.

The proper citation was sent to the citizen José Pio Gutierrez, as is ordered; in proof of which I note the same, and place my rubric.

[A RUBRIC.]

The citizen Francisco Fernandez, prefect of Rio Verde, State of San Luis Potosi: I certify that in the book of registry of mines of this office,

appertaining to the year 1844, at page 15 and following, is to be found the following entry, viz :

“ July 12.—The American citizen, Mr. George A. Gardiner, by profession a physician, of twenty-six years of age, and a resident of this place, has denounced, on the date hereof, an old mining district of silver, having a number of shafts and mining excavations, containing water and rubbish, entirely abandoned, without inhabitants, and not worked since the time of the independence, situated on a branch of the Sierra Madre, opposite Serro Gordo, in Sierra of la Huasteca, county of Lagunillas, in this department. The vein runs north and south, with a slight inclination to the westward, and dips to the westward about 45°, and is upwards of 8 varas in width ; its ores are the red sulphuret of silver ; and he claims the rights and privileges conceded to restorers of abandoned mineral districts.”

Granted and conceded as requested by the petitioner, subject to his applying for possession within sixty days, as provided by the ordinance.

September 3.—On the date hereof, possession has been given to Mr. George A. Gardiner, in conformity to his previous denouncement of said old mine, granting to him three lots on the line of the vein, with limits and measurements marked on the ground as prescribed by the law, with all the privileges as a restorer of an old abandoned mineral district, having named the shafts La Trinidad, Dolores, and St. Joseph, and all together the Mineral of the Sierra ; and he has been furnished with the necessary deeds and papers to constitute him the legitimate and only owner of the same, with complete power and right to sell and dispose of as he may see fit, being by this constituted his property, subject always to the mining law.

And at the request of the petitioner, I give this at the city of Rio Verde, on the 3d of July, 1850.

FRANCISCO FERNANDEZ.

J. PIO GUTIERREZ, *Secretary*.

On the same day the citizen José Pío Gutierrez being present, and informing him of the cause of his citation, interrogated him as to his name, and put to him the other general questions required by law, to which he answered by saying that his name is as above expressed ; he is forty-three years of age ; married ; by profession a clerk, (*escribiente*,) and a resident of the city Fernandez. Being questioned if he, in the year 1850, authenticated with his signature, as Secretary of the Prefecture of this department, a certificate given by Don Francisco, as prefect, (chief of the police department) at that period, relative to a denouncement of a mine, made before said prefect at that time by the American citizen George A. Gardiner, he answered, that since the year 1847, during which time he has held the office, without any interruption, of Secretary of the Prefecture of this department, there never has been any document containing a denouncement of a mine authenticated with his signature.

Being questioned whether he knew or has learned that the said Mr. Fernandez gave the above-mentioned certificate, and if in the archives of the Prefecture there be a book for the registering of mines, he said

that he did not know, nor has he ever learned, that the said Mr. Fernandez gave, as prefect, the foregoing certificate, asserting to be false the existence in the archives of the Prefecture of any book for the registry of mines, because he never has seen such book named in the inventories, and because it does not appertain to the Prefecture to take cognizance of those denouncements, but to the respective judge of the court of first instance, (1^o instancia.) That what he, deponent, has stated above is the truth, rendered under oath; he signing the same in proof thereof, with me and my assistant witnesses.

J. PIO GUTIERREZ.
 ITHURRY.

Assistant witnesses:

J. BLAS URIBE,
 JOSE CLAUDIO P. Y GUTIERREZ.

RIO VERDE, *January 17, 1852.*

The deposition of the citizen José Pio Gutierrez being concluded, let these proceedings be returned to the first alcalde, according to his decree of 16th instant. The second constitutional alcalde decreed, ordered, and signed the same, with the assistant witnesses with which he officiates.

DOMINGO ITHURRY.

Assistant witnesses:

J. BLAS URIBE,
 JOSE CLAUDIO P. Y GUTIERREZ.

On the same date, proceedings, consisting of five leaves written on both sides, are returned completed to the first alcalde of this city, as is ordered. In proof of which, I note the same and place my rubric.

[A RUBRIC.]

On the margin: *Court of the second alcalde of Rio Verde.* Fees for this business, three dollars and sixty-three cents; they are not less, I swear it.

[A RUBRIC.]

RIO VERDE, *January 19, 1852.*

These proceedings being finished, let them be remitted to the judge who ordered them. I hereby certify to the same.

FRANCISCO FERNANDEZ.

Assistant witnesses:

JUAN CRISOSTOMO LARTUNDO,
 RAMON E. PEREZ.

What was ordered has been done according to law and custom.

[A RUBRIC.]

On the margin: Court of the first alcalde of Rio Verde. Fees for what was done in this court, \$3 25; they are not more.

[A RUBRIC.]

To the Federal Judge of the district of the State of San Luis Potosi:

The undersigned, agent of the government of the United States, and recognised by you, appointed to investigate, in the most legal manner, the truth of the facts relative to the claim alleged against the same government by Dr. George A. Gardiner, respectfully asks and petitions you, Mr. Judge of the district, to please interrogate Mr. Robert Marri-ner, under oath, agreeable to the tenor of the following questions:

1. He shall be asked his name, age, country, profession, and all the other general questions required by the laws of the country.

2. How long has he resided in San Luis Potosi?

3. Does he know, personally, Dr. George A. Gardiner and John Charles Gardiner; if yea, at what time, in what place, and under what circumstances did he make their acquaintance?

4. Did the said George A. and John Charles Gardiner claim to be citizens of the United States, and pass as such?

5. How long was he in the company of the said Gardiners; and during his intercourse with them did they, or either of them, speak of mines, or of losses sustained by either in mining operations; was any allusion made by them, or either of them, to their having been expelled from this State or country?

6. In what State or department is the valley of Maiz comprehended?

7. Has he ever heard that a mine of the precious metals existed in Rio Verde; how far, more or less, is Rio Verde from San Luis Potosi?

8. What profession or occupation did he know them to exercise when he knew them, and what was the appearance of their pecuniary circumstances?

Lastly. Let him state all that he may know to be public and notorious in relation to the foregoing questions, and aught else relative to the matter, though not contained in these interrogatories; and when concluded, the undersigned requests the judge of the district to please order two copies of the same to be made and certified to in the proper form, and that they, as also the original, be delivered to him for the uses suitable to the objects of his mission. In doing thus the judge will exercise acts of justice, by virtue of his high office, which are requested by the undersigned.

GEORGE W. SLACUM.

SAN LUIS POTOSI, *January 26, 1852.*

SAN LUIS POTOSI, *January 28, 1852.*

The foregoing petition is hereby acknowledged to have been presented. Let the depositions solicited be taken, previously citing the district attorney. I, the judge of the district, have hereby ordered and signed the same in the presence of the assistant witnesses. We hereby certify to the same.

L. ESPARZA.

Assistant witnesses:

FRANCISCO P. DE CAMPOS,
PABLO DE SALAS.

On the same day the district attorney was informed of the foregoing. We hereby certify to the same.

Licentiate RAFAEL DELGADO.
L. ESPARZA.

Assistant witnesses:

FRANCISCO P. DE CAMPOS,
PABLO DE SALAS.

In continuation, Mr. Robert Marriner appeared in this court, and I, the judge, administered the oath to him in the legal manner, in order that, under it, he should declare the truth respecting what is contained in the foregoing interrogatories; and offering to do so, and being questioned, he answered—

To the first question: That his name is as above expressed; is forty-one years of age, a native of England, a merchant, and a resident of this capital.

To the second: That he has resided in it since the month of August, 1842.

To the third: That he knows Dr. George A. Gardiner, and his brother, John Charles Gardiner, personally; that when deponent made a journey to the port of Tampico de Tamaulipas, in January, 1847, he passed through the city of Maiz, and in said city he met the two above-mentioned brothers, who were presented in the house of Mr. Guillermo Senisson. They, at the time, were living at the house of the Señora Dona Juana Barragan y Gutierrez, whose son-in-law, Don Mariano Arguinzonis, was then the prefect, or political chief, of the said city.

To the fourth: That the said Gardiners did not claim to be citizens of the United States at that period, but natives of the Havana; and the deponent understood that they had obtained passports as such from General Antonio Lopez de Santa Ana, who was at that time President of this republic.

To the fifth: That when the deponent passed through the city of Maiz, he remained there two days, and during that time he saw the said Gardiners repeatedly; that John Charles Gardiner asked permission of the deponent and of his friend and fellow-traveller, Don Teodora Sartigue, to accompany them to the port of Tampico, where he said he was going to exercise his profession of dentistry; and having given him permission, he did accompany them to the above-mentioned port. That in order to enable the said John Charles Gardiner to make this journey, the Señora Dona Juana Barragan y Gutierrez lent him a horse, on which he rode, and also a mounted servant, without charging him anything for either, and his expenses on the road were paid by this deponent and his friend, the said Mr. Sartigue; that neither during the two days the deponent remained in the city of Maiz, nor while on the road to Tampico, did he hear either one or the other of the Gardiners say anything in regard to mining operations, or of losses sustained by the said Gardiner or by his brother, Dr. George A. Gardiner, in consequence of mining operations, nor much less of their having been both expelled, because, as the deponent has already said, they passed as natives of the Havana, and lived in the city of Maiz, in

the same house with the prefect, who, at that time, was the aforesaid Arguinzonis, the son-in-law of Mrs. Barragan; and even in regard to this circumstance the deponent ought to say, that his friend, Don Teodoro Sartigue, a native of the Havana, and John Charles Gardiner, called one another countrymen during the time they were on the road to Tampico; and, in fine, that Dr. George A. Gardiner remained in the city of Maiz in the character of a doctor; and since that time, which was about the middle of January, 1847, this deponent has never seen him.

To the sixth: That the valley or city of Maiz corresponds to the department of Rio Verde, and this latter to the State of San Luis Potosi.

To the seventh: That this deponent has never heard that any mines of the precious metals exist in the department of Rio Verde, and that the said city of Rio Verde is about twenty-eight leagues distant from the city of Maiz.

To the eighth: That when the deponent passed through the said city of Maiz, he observed that Dr. George A. Gardiner pretended to be a medical doctor, and his brother, John Charles Gardiner, a dentist.

And that all the foregoing is what he knows to be true, and can depose, in regard to what is contained in the foregoing interrogatories, because it is the truth, which the deponent ratified; when this, his deposition, was read to him, and he signed the same with me, the judge, and the assistant witnesses.

We hereby certify to the same.

R. MARRINER.
L. ESPARZA.

Assistant witnesses:

FRANCISCO P. DE CAMPOS,
PABLO DE SALAS.

I, the licentiate Luis Guzman, secretary of the government of the State of San Luis, certify, and swear, should it be necessary: That having carefully examined the archives of this office, there does not exist in it any communication of the prefect of Rio Verde in which he advises that he has certified the books or documents relating to the losses or damages of any kind of the American, Doctor George A. Gardiner; neither does there exist, as there should, a minute or exact copy of the communication from this office relating to this affair. For the above reason, and for the reason that the communication, a copy of which is inserted in these proceedings, is dated on the 1st July, 1848, not corresponding with the time of departure of the first mail in the above-mentioned month, which was not effected until the 3d, and not on the 1st, the communication cannot be any other than a forgery. I also certify, that during the time in which this secretaryship has been in my charge, the governor has not authenticated the signatures of any authority in the State who may have certified documents relating to mines, or any interests of any other kind, of the aforesaid Gardiner; and as the copies of the aforesaid authentications are

entirely different from those in use in these cases, they are undoubtedly forgeries. The form used in the books of the tribunals is as follows:

"The citizen N. N., constitutional governor of the free State of San Luis Potosi, certifies, that the signature (and sign, if a notary public is referred to) which authenticates this document is that ordinarily used by Don N. N. in his private and official business, and is entitled to full faith and credit in and out of court. And have written the above for the party interested, in the city of San Luis Potosi, capital of the State in my charge, and dated as may be."

In compliance with the decree of the district judge, by order of his excellency the governor, I have given the present document in San Luis Potosi, the 29th day of January, 1852.

LUIS GUZMAN,
Secretary.

The Licentiate JOSE MA. ESPARZA Y PEREDO,
Judge of the District of San Luis Potosi.

Certified, according to law, that the preceding is a faithful copy of the original. San Luis Potosi, February 4, 1852.

Licentiate JOSE MA. DE ESPARZA Y PEREDO.

Witnesses:

FRANCISCO P. DE CAMPOS,
 PABLO DE SALAS.

I, José Pedro de Ancos, deputy in the legislature of the State from the district of Rio Verde, in compliance with the requirement which the judge of this district makes in his note of the 12th instant, and in conformity with the interrogatory presented in his court by Geo. W. Slacum, commissioned by the government of the United States, that I should tell what I know concerning the mines worked by Dr. Geo. A. Gardiner, within the district of Rio Verde, certify, that I knew, but never was personally acquainted with, Dr. Geo. A. Gardiner, in the city of Rio Verde, in the year 1846; that he appeared there in the character of a dentist, the profession of which he only exercised to my knowledge, having made a set of teeth for Don Manuel Pomposo de Zapiain. That I do not know the year in which he came to the republic. I have heard it said by those who were intimate with him, that he assured them that he was born in Vera Cruz, of English parents, and he had received his education in the United States; that at his arrival at Rio Verde he was not known as being possessed of capital. I do not know that he had accumulated any, or left any in any other place. His residence in the city of Rio Verde was so short, and his profession of so little importance, that he only attracted attention from the circumstance of being a foreigner. That there never has been a mining population for the extraction of silver in any part of the Huasteca, which pertains to the State of San Luis, much less in the village of Lagunillas. That neither in the year 1846, in which Gardiner made his appearance in Rio Verde, nor before nor since, has he known or even heard that a mine had been

denounced in the district of Lagunillas; and consequently does not know by what authority possession was given of the same to Gardiner, nor by whom an expert was appointed to regulate the workings according to the mining ordinance. That there never having been a mineral town in the department of Rio Verde, it is clear that the condition of the supposed one in Lagunillas is as false as the assertion that there ever was one; consequently I believe that it is unnecessary to reply succinctly to the 7th and subsequent questions up to the 11th, for, there never having existed a mine in the department of Rio Verde, there could have been none from which to extract the water, or for which to erect machinery, nor amalgamation buildings, nor houses for offices, or to employ directors or operatives.

That I never heard, during the time that Gardiner remained in Rio Verde, that he extracted from any mine worked by him a mark of silver, or that he employed a single individual to escort or take it from one place to another—a circumstance that would have been known to the humblest inhabitants.

That the time of Gardiner's stay in Rio Verde having been so short, as I have already said, and he not having worked any mine—for in that country there are none—I never saw, or heard say, that he had employed himself in selling shares.

That, as I have said above, when Gardiner came to Rio Verde he announced himself as a dentist, and he was only known in that character; that it never was known that he was in a company, or had any property in mines, although he may (desiring to practise dentistry, having been very reserved on this subject) have been possessed of mines in California, or some other place distant from Rio Verde; for if he had been engaged in mining in any of the States adjacent to that of San Luis, the fact would have been known, although he may have desired the contrary.

That I do not know that Gardiner was prevented from returning to Rio Verde by the expulsion law of 1846; but I will say that when that decree was promulgated, he was not in Rio Verde, and that I do not know in what part of the republic he was; that there never having been any mines, as I have before said, it is evident that even if troops of the government had passed through Lagunillas, they would not have had to destroy or burn a rope belonging to the windlasses used in extracting water; but the fact is, that not one single soldier of the government had to pass through Lagunillas to encounter the invading forces from the north: the only troops that have passed through that section of country have been those in pursuit of the robbers of Sierra Gordo.

That in the department of Rio Verde there is not, and never has there been seen, a steam-engine, nor has there been an object, as yet, for which one was needed. That I have generally heard in this city, being a deputy here, that the claim of Gardiner was got up in Rio Verde; that I have known Don Manuel Verastegui; that I do not know José Ochoa, John G. Simpson, Santiago Gomez, Joaquin Espinosa, Andres Areyano, Juan Soto, Antonio Marin, W. Jackson, and James Boswell Smith, nor have I ever heard their names mentioned.

And, finally, the cause for which the interrogatory was intended being false, it is false in all its parts. And in truth of the above, I affix

my signature to this certificate at San Luis Potosi, on the 3d February, 1852.

JOSE PEDRO DE ANCOS.

Licentiate JOSE MA. ESPARZA Y PEREDO,
Judge of the District of San Luis Potosi.

I certify, according to law, that the above is an exact copy from the original. San Luis, February 4, 1852.

Licentiate JOSE MA. ESPARZA Y PEREDO.

Witnesses:

FRANCISCO P. DE CAMPOS,
PABLO DE SALAS.

The undersigned, minister of foreign and interior relations, certifies that the foregoing signatures, and all those to the documents authenticated by the licentiate Don Ma. Esparza y Peredo, judge of the district of San Luis Potosi, are authentic.

JOSE FCO. RAMIREZ. [L. s.]

MEXICO, *January 15, 1852.*

EXHIBIT No. 16.

ALEXANDRIA, VA., *May 7, 1852.*

SIR: Respectfully referring to my report to the Hon. R. P. Letcher, dated San Luis Potosi, January 31, 1852, I have the honor to present to you this supplemental statement in relation to the cases of George A. Gardiner and John H. Mears. Being in the city of Mexico on the 10th of November last, I accepted from Mr. Letcher, with great reluctance, the appointment of agent, on the part of the United States, to inquire into the claims set up by the above-named persons against the United States, and by legal proof to determine their truth or falsehood.

On the 17th of November I left the city of Mexico and proceeded to San Luis Potosi. As soon after my arrival at the latter place as circumstances would permit, I instituted the proper inquiries; and having ascertained that a number of gentlemen of character and probity were willing to give testimony, I drew up a set of interrogatories, sufficient, in my opinion, to elicit the truth, and carried both cases before the federal judge of the district, by whom all the testimony was taken, according to the law of Mexico and the established rules of evidence. The documentary evidence transmitted to the Department of State in February last (to which I beg leave to refer) is the result of my investigation; and it will be found to be conclusive of the fact, that the claims of Gardiner, as well as that of Mears, are pure fictions, sustained by perjury, forgery, and fraud.

The witnesses who have testified are known to me to be gentlemen of character, holding the highest official and social positions, and their testimony establishes, among others, the following points:

1. That Gardiner made his first appearance in Rio Verde in the summer of the year 1846; that he announced himself to be a dentist,

and during the short time he remained there he practised dentistry as the only visible means of support.

2. That he was not expelled the country, or State, nor was he in the town of Rio Verde when the decree of expulsion came down; that on the middle of January, 1847, about three months after he says he was expelled, he was living in Ciudad del Maiz, (City of Corn,) 22 leagues from the town of Rio Verde, in the department of that name, and in the same house with the chief of police, practising medicine.

3. That he has no interest in mines in that department, much less the entire proprietorship in a silver mine, there being *no mines* in the department of Rio Verde.

4. That the title-deed to his mine, which he presented in support of his claim, is declared, under oath, to be a forgery, by Francisco Fernandez, mayor of Rio Verde, whose signature it bears.

5. That the certificates to which are appended the signatures of Julian de los Reyes, governor, and Luis Guzman, secretary of state, for the State of San Luis Potosi, are declared by the latter to be forgeries.

6. That the official biennial report of Governor Reyes to the legislature of the State, dated 3d January, 1849, proves conclusively that *no mines* exist in the department of Rio Verde.

7. That the directors of the mint at San Luis Potosi certify that Gardiner never introduced an ounce of silver into the mint for coinage.

8. That Gardiner did not claim to be a citizen of the United States, but passed for a native of Havana, (Habanero.)

9. That the fictitious papers presented by Gardiner and Mears were made up by Manuel Verastegui, a Mexican citizen, resident in the town of Rio Verde.

The witnesses swear positively that no mine of silver or quicksilver has ever been discovered in the department of Rio Verde. And here it may be well to remark, that though they deposed in the city of San Luis Potosi, most of them resided in the town of Rio Verde when Gardiner and Mears made their first appearance there, and during the time of their pretended mining operations.

Of the gentlemen who have given their depositions, I may name Judge Soto, of the supreme court; Judge Laso, of the court of first instance, and a deputy in the State legislature; Mr. Arcos, a native of Rio Verde, also a deputy in the legislature; Mr. Antonio Barragan, comptroller general of the State; Mr. Nicholas Barragan, collector of the public revenue for the district of Rio Verde; the director of the mint at San Luis Potosi; Mr. Luis Guzman, secretary of state; and Mr. Robert Marriner, an English merchant of the highest standing.

It should be borne in mind that the town of Rio Verde is only eighteen Spanish leagues, or forty-five English miles, from Lagunillas the township in which Gardiner's title-deed describes his mine to be while Gardiner himself, in his memorial, takes the whole State of San Luis Potosi for a location. And it should also be recollected that many of the witnesses were well acquainted with that district of country, particularly the comptroller general, the collector of the public revenue, and the mayor of Rio Verde. In the case of Mears the foregoing observations will generally apply. He arrived in Rio Verde in the year

1845. He owned no quicksilver mine, for the *capital reason* that no mines of silver or quicksilver have ever been discovered within that department. He was not expelled: on the contrary, he remained in the town of Rio Verde, practising medicine as the only means of support, until the year 1848.

Mears was the only citizen of the United States (as I understand) in the town of Rio Verde when the decree of expulsion was issued, and that decree would have operated against him; but, on the petition of the inhabitants of the place, the governor of the State permitted him to remain, and the most respectable citizens made up a subscription for him of one hundred dollars per month for two years, and he entered into a contract with them for that time, and upon those terms.

But, after all, I may be asked why I did not go to the place where the mines of Gardiner and Mears were said to be. To this I answer—

1st. That the title-deeds in both cases, describing and locating the mines, are declared to be forgeries by Francisco Fernandez, whose signature is affixed to them.

2d. I could find no person *who knew the road*.

You have already been informed of my serious and protracted illness (intermittent fever) while at San Luis, and the consequent delay in the discharge of my duty.

I have the honor to be, sir, your obedient servant,

GEO. W. SLACUM.

The Hon. DANIEL WEBSTER,
Secretary of State, Washington City.

EXHIBIT No. 17.

Mr. Letcher to Mr. Webster.

[Extract.]

[No. 99.]

LEGATION OF THE UNITED STATES,
Mexico, November 12, 1851.

I have sent B. Smith, secretary of legation, to Tampico, Matamoras, and Camargo, to take some very important testimony in the Gardiner case.

I had reason to apprehend the witnesses *might* be induced to keep out of the way, if the agent of Doctor Gardiner should get there before their depositions were taken. He is now in San Luis Potosi. I am fully apprized of all his movements.

Mr. Slacum will leave here to-morrow, for San Luis Potosi, as the employed agent to take testimony in regard to the claims of both Mears and Gardiner against the United States.

I was not able, after using every effort in my power, to employ a competent agent sooner. The compensation which I was authorized to offer was objected to as altogether inadequate.

The distance from this city to San Luis Potosi is very nearly four hundred miles, and the accommodations on the route are said to be very bad: travellers, in fact, have to pack their beds and provisions.

Mr. Slacum, after much persuasion on my part, has consented to undertake the agency. I have entire confidence that he will perform the duties confided to his charge with discretion and ability.

He is fully instructed upon every point; and, moreover, has letters of introduction to some of the leading characters of the city of San Luis Potosi, who will afford him every facility he may desire in accomplishing the object of his mission.

I am reliably informed he will find no difficulty whatever in obtaining all the evidence the government wants in respect to the claims alluded to.

I send you, by Captain Glover, bearer of despatches, fifteen depositions taken in this city in relation to Doctor George A. Gardiner and *his claim*. In five or six days I shall be able to transmit some eight or ten more.

Taking depositions in this country is a very slow and difficult business.

I have the honor herewith to enclose a letter which I received a moment ago in answer to a note of inquiry which I addressed to the writer in regard to his knowledge of Doctor Gardiner and his claim.

I am well acquainted with Mr. Goyeneche, and know him to be a gentleman of most excellent character. You can see what he says upon the subject.

I have also seen and conversed with the governor of San Luis Potosi, and with Mr. Marriner, a highly respectable English merchant, who has resided in the city of San Luis Potosi for twenty years. After reading, carefully, the synopsis of the proof taken in support of both claims, these gentlemen used much stronger language in respect to the whole affair than Mr. Goyeneche has employed. As their depositions will be taken in a short time, I deem it unnecessary to repeat what they did say.

I have the honor to be, sir, your obedient servant,

R. P. LETCHER.

[Translation.]

MEXICO, *November 11, 1851.*

SIR: In reply to the letter which you were pleased to address me, under date of the 5th instant, and in consideration of the documents which you thought proper to place in my hands, relative to the claim of Mr. George A. Gardiner, I must say to you that I was very slightly acquainted with that gentleman in this city, during the year 1844. After the lapse of a few months I saw him again in the city of Rio Verde, at which place he only resided a short time; but I never heard it stated that he was engaged in any mining operations, conducted in the manner mentioned in the certificates which appear on the record.

I can assure you, that in the department of Rio Verde, from the year 1836 down to 1846, there has been no silver mine in operation, nor any working at other precious metals, and much less has there been employed any steam machinery, either for this or other purposes.

Without doing more than justice to the authorities and inhabitants of Rio Verde, I must state to you that their conduct was worthy of enlightened men. Lamenting the causes which compelled the government to pass the law of October 21, 1846, in consequence of which all citizens of the United States had to leave the country, they showed favor to the only American who was then residing in the department, giving the most satisfactory accounts of his conduct to the authorities; and if he finally left his place of residence he did so of his own free will.

With this occasion, sir, I declare myself your most obedient servant, who kisses your hand.

WM. GOYENECHÉ.

To D. R. P. LETCHER,
United States Minister.

[No. 102:] LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, December 28, 1851.

SIR: Mr. George W. Slacum, who was the agent appointed by me to proceed without delay to San Luis Potosi, and, if necessary, to Rio Verde, for the purpose of collecting testimony respecting the awards which ——— Mears and George A. Gardiner obtained against the United States before the board of commissioners in Washington, under the treaty of Guadalupe Hidalgo, has informed me by letter, bearing date the 20th instant, that he had very nearly finished, in a satisfactory manner, the business confided to his charge.

He has taken testimony, of the strongest and most conclusive character, establishing the fact beyond doubt or controversy that those claims are not only unjust, but fraudulent in every particular.

It is clearly shown that the claimants *never owned, never worked, and never occupied*, for a single day, mines of any description in that entire region of country.

The witnesses by whom all these facts are proved are persons of the highest standing and most irreproachable character, as I understand not only from the agent, but also from reliable gentlemen who reside in San Luis Potosi.

So soon as I ascertained that positive and satisfactory testimony could be had at San Luis Potosi in regard to the affair, I immediately despatched orders to Mr. B. Smith, who had been sent in a different direction to take depositions deemed important, to return to this city without delay. He has not returned; indeed he has not had time.

The agent complains bitterly of the many obstacles which were thrown in his way by the friends of the claimants and their confederates, in order to prevent witnesses from deposing. By such foul means his progress in the business has been greatly retarded.

Several gentlemen of acknowledged reputation have consented to go to Washington for the purpose of testifying at the trials. The President, day before yesterday, at my instance, granted leave of absence to Mr. Aguirre, who holds office under the government, to enable him to attend the trials as a witness. He is a very important witness, and resides in the city of San Luis Potosi.

The agent was instructed to take duplicates of each deposition, and transmit them to you by the way of Matamoros. I directed him to send the originals to me as soon as possible. They shall be forwarded, as soon as they arrive, by the first opportunity.

I have the honor herewith to enclose a duplicate certificate, showing that no one has ever claimed the premium which was promised by the government to the discoverer of a quicksilver mine. The fact is, there is no quicksilver mine in this whole country which yields a profit of one dollar per annum.

I herewith enclose, also, two depositions in relation to the matter.*

* * * * *

With sentiments of warm regard, I have the honor to be, sir, your obedient servant,

R. P. LETCHER.

HON. DANIEL WEBSTER,
Secretary of State.

CONSULATE OF THE UNITED STATES OF AMERICA,
City of Vera Cruz.

Personally appeared C. Markoe, a gentleman well known to me, and whom I believe to be of truth and veracity, doing business in this city as a merchant, and is of the firm of Markoe, Price, & Co., who makes this his affidavit, and says:

I knew George A. Gardiner in this city, to which he came at the end of the year 1839, or the beginning of 1840, and remained for about one year, when, to my best knowledge and belief, he went into the interior, I think to the city of Mexico. While he resided in Vera Cruz he lived with a writing-master by the name of Halsey, whose given name I think was J. B., and they occupied a room together, in which they slept, and in which Gardiner also practised dentistry.

Mr. Gardiner had not the appearance of one having much means, and lived at a rate of about five hundred dollars a year. I think this city has never been a place where a dentist could earn much, and believe that said Gardiner could not have made much more than a living. He certainly lived in a quiet and small way—having no carriage, no horse, and, I believe, no servant, and no property that I know or ever heard of.

I am a citizen of the United States, and a native of the island of Saint Croix, and in the forty-first year of my age.

C. MARKOE.

Signed, sworn to, and subscribed, by the said C. Markoe, before me, at the city of Vera Cruz, this ninth day of November, in the year of our Lord 1851, and in the Independence of the United States the seventy-sixth year; and, in testimony whereof, I have hereunto set my hand and affixed the seal of this consulate.

LR. ESCHEZ, [L. S.]
Consular Agent of the U. S. of America.

* But one received at the Department of State.

[No. 103.]

LEGATION OF THE UNITED STATES,
Mexico, January 4, 1852.

SIR: The enclosed letter reached me a moment ago. As you will perceive, it contains full and satisfactory information in regard to the Mears and Gardiner claims. The investigation has brought to light the whole affair.

The indisposition of the agent may occasion a delay of some eight or ten days before the business is finally closed. But the testimony already taken, if I am not misinformed, is all the government can desire or expect.

* * * * *

With sentiments of warm regard, I have the honor to be, sir,

Your obedient servant,

R. P. LETCHER.

HON. DANIEL WEBSTER,
Secretary of State.

[PRIVATE.]

SAN LUIS POTOSI,
December 27, 1851.

MY DEAR SIR: I regret to say that Mr. Slacum has been ill since last Sunday, he having had a slight attack of intermittent fever; he is now, however, convalescent, and his physician says, and we all believe, he is in a fair way to be up again in a few days. Being, nevertheless, still weak, he does not write you at present, but desires me to do so, in order to sooth any disquietude you might feel, perhaps, should you not hear from him, directly or indirectly, by this post.

Mr. Slacum is most happy to say that all goes on well, and as rapidly as possible. Yesterday afternoon Don Antonio Barragan called in to spend an hour with him, when he informed Mr. S. that he (Don Antonio) had that day received a letter from Rio Verde, stating that an entire revolution had taken place in the public opinion of that village in regard to Gardiner, Mears, and Verastegui.

It appears that Don Antonio Barragan had boldly written to some friend in Rio Verde, announcing that he and his brother, Don Nicolas Barragan, had made depositions against Gardiner and Mears, and that they would be followed and sustained by Judge Hernandez Soto, of the supreme court of the State, and the deputies, Srs. Laso and Arcos, all of Rio Verde; and also by Srs. Goyeneche and Julian de los Reyes. This announcement, exhibiting the weight of character brought to bear against them, at once destroyed all hope in future resistance on the part of all those concerned in this atrocious act, and they have given up in despair. Don Antonio says that there will be no more tricks nor resistance, the whole question being closed as soon as the depositions are concluded; and even Verastegui is seeking to abandon the cause of his friends, Gardiner and Mears, and is feeling his way to save himself. Letters to the above effect have been written to persons in this city.

Mr. Slacum says that he thinks now you have sufficient data upon which to frame a conclusive despatch to the President, and thinks that

he (the President) should be as timely informed of passing events here, as Doctor Gardiner no doubt will be by his friends in this place, and in Rio Verde.

Mr. Marriner arrived home the day after Mr. Slacum was taken ill, and has been unremitting in kind attentions to him. A letter was received this day by Mr. Marriner from the house of Tarnava & Co., in Monterey, acknowledging the receipt of Mr. Slacum's letter to Mr. Smith—a copy of which was sent you—stating they held the same for Mr. Smith's arrival.

I think it probable that Mr. Slacum's temporary illness is owing to the irregular living on the road, the exertion and fatigue attendant upon travelling in this country, as also to the continual anxiety he has felt respecting the business he has in hand.

Mr. Slacum desires me to state that he had not the pleasure to receive any letters from you by last mail.

Very respectfully, my dear sir, your friend and servant,

CHARLES E. BOWES.

Hon. R. P. LETCHER, *Mexico*.

P. S.—Mr. Slacum thinks that an official despatch from you to the President, founded upon his (Mr. S.'s) personal responsibility, as to the result, will be sufficient ground for any immediate restrictive measures the government might deem it proper to take in respect to Dr. George A. Gardiner; such, for instance, as an increase of bail, or commitment for trial. Mr. Slacum throws this out as a suggestion, leaving to your superior judgment to decide the legal point involved.

Mr. Slacum's kind regards, as well as mine, to yourself, Lee, and Marks.

C. E. B.

[No. 108.]

LEGATION OF THE UNITED STATES,
Mexico, February 16, 1852.

SIR: I have the honor to transmit, by Doctor Kennedy, certified copies of twelve depositions, taken by Mr. George W. Slacum, under my instructions, at the city of San Luis Potosi, respecting the awards which Dr. George A. Gardiner and J. H. Mears obtained before the board of commissioners, in the city of Washington.

The deponents are all reputed to be gentlemen of excellent standing, and in every respect of unblemished character; some of them occupy high official positions.

The testimony has been taken according to the requisitions of the laws of this country, and taken in a manner altogether worthy of commendation.

Mr. Slacum arrived here a few days ago, having partially recovered his health. He will proceed on his journey to the United States, with the original depositions and documentary proof, the moment he feels able to travel.

I need not say a single word in relation to the character of the testimony which he has taken. It speaks for itself, in clear and conclusive language, which admits of no doubt.

I transmit, also, a translation of the proof taken in the case of Gardner, which Mr. Slacum brought with him, remarking, it is complete, with the exception of the declaration of the deputy Arcos, and the certificate of Mr. Guzman, secretary of state of San Luis Potosi; which, for the want of time, were not translated.

Mr. Buckingham Smith, as I had the honor heretofore to inform you, was despatched in a different direction for the purpose of collecting testimony in the same case, deemed very important. He returned to this city about the 21st ultimo. The tour he performed was, unquestionably, arduous and difficult. Owing to the fact that the country through which he passed was in a state of revolution, and to other causes beyond his control, he was not able to obtain all the testimony which was anticipated.

His report, with sundry letters and certificates appended to the same, I have the honor, also, to transmit. I transmit, also, the report of Mr. George W. Slacum, by the same conveyance.

I have the honor to be, sir, very respectfully, your obedient servant,
 R. P. LETCHER.

HON. DANIEL WEBSTER,
Secretary of State, Washington City.

[No. 1.]

LEGATION OF THE UNITED STATES,
Mexico, March 13, 1852.

SIR: I have the honor to transmit, by Mr. George W. Slacum, the original depositions taken by him in the award cases of Mears and Gardner; certified copies of which were heretofore transmitted to you.

Mr. Slacum will also deliver to you documentary evidence, properly certified, having a direct bearing upon the cases alluded to.

I have the honor to be, sir, your obedient servant,
 R. P. LETCHER.

HON. DANIEL WEBSTER,
Secretary of State.

[No. 6.]

LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, April 24, 1852.

SIR: Agreeably to your instructions No. 91, I have succeeded in prevailing upon James Wright, John M. Togno and ——— Saysr to go to the United States for the purpose of testifying upon the trial of George A. Gardiner.

James Wright is a newly discovered witness, whose testimony is deemed very important. I have found it altogether impossible to persuade other witnesses residing in Mexico, and deemed by Mr. Fendall

important, to attend this trial. To defray the expenses of the three witnesses mentioned, I have drawn a bill upon the State Department of this date for four hundred and eighty dollars.

I have made no promises of any specific compensation, but have told them they must rely upon the government for their reasonable expenses and nothing more. I am informed that Noah E. Smith, of New Hampshire, James Walker, of the city of New York, and ——— Terry, of Newark, New Jersey, are material witnesses in the case. Mr. Wright will inform you of the place of residence of Noah E. Smith. Four witnesses from San Luis Potosi, Antonio Barragan, and three others, will set out for the United States by the way of Tampico in a few days. Upwards of three weeks ago, anticipating your instructions, I had furnished these last witnesses with a draft for their expenses. Apprehending, however, that it might be regarded by their enemies as a bribe, and presuming that I should make some other arrangement for their payment, they returned the draft. I have therefore provided them with money by directing Messrs. Marriner and Jolly to make the necessary advance, and to draw upon me for the amount. This will no doubt be promptly attended to. I have found it very difficult to prevail upon Mexicans to go to the United States as witnesses.

I received a letter from the Governor of San Luis Potosi, and from Antonio Barragan, informing me that the witnesses would certainly go from Tampico. The governor of San Luis Potosi assured me of the high respectability of the witnesses.

I can add from personal knowledge that those witnesses who go from the city of Mexico are persons of excellent reputation. * * * *

I have the honor to be, sir, your obedient servant,

R. P. LETCHER.

HON DANIEL WEBSTER,
Secretary of State.

[No. 9.]

UNITED STATES LEGATION,
Mexico, June 15, 1852.

SIR: Your despatch No. 97, bearing date the 25th of April, which came by the way of Tampico, I had the honor to receive this morning.

At the same time I received a copy of a letter, addressed to the President by the Attorney of the United States for the District of Columbia, mentioning the names of other witnesses whose testimony would be necessary for the success of the prosecution against Gardiner.

I must say in a few words the persons (with one exception) designated by the attorney cannot be prevailed upon to attend the trial.

I have heretofore made repeated efforts to prevail upon the governor of San Luis Potosi to go to Washington as a witness, but he declared it was altogether out of the question for a moment to think of such an idea.

There is no such person in this city as Calogin de Esparati Sante; a mistake no doubt in the name.

John B. Halsey is in California.

Isaac D. Marks has been here for some months, engaged in procuring title papers to lands in California, and is about to set out for that country; indeed, I believe he leaves to-day or to-morrow. I endeavored, by every argument I could legitimately employ, to induce him to go to Washington and testify at the trial; but it was all in vain.

Charles B. Gallager will be there in time to give his testimony.

The statement of the friends of Gardiner to which the attorney alludes—that application had been made, on his behalf, to the government agent to proceed to the alleged site of his mine, and there to take testimony, etc., etc., and that this application was refused—is all new to me.

I find in my instructions to the agent the following:

“Go yourself, and take witnesses with you, to the places described and sworn to by Gardiner and Mears as the mines they have worked.”

Upon his return to this city he said it was impossible to comply with that part of the instructions, because there were no such places to be found.

It is not possible now to engage a competent person to go to the pretended site of the mine, and then to reach the city of Washington in time to testify to the result of his examinations. It is upwards of five hundred miles from this city to the department of Rio Verde, and, as the rainy season has commenced, travelling between the two points would be greatly retarded. Besides all this, I know of no one who would be willing to engage in the undertaking.

There are not more than some half a dozen Americans in this city, not all of whom could be induced, for a fair and just compensation, to encounter the difficulties and perils of the journey.

The witnesses who left San Luis upwards of a month ago are all, I presume, before this time, in the city of Washington. If I am not misinformed, they will be able to prove all that a witness sent from here could prove, and, in fact, from their intimate knowledge of localities in the mining district of Rio Verde, much more.

Within the last three weeks, I have written twice to Mr. Marriner, of San Luis Potosi, urging him most earnestly to send one—if possible, two more witnesses, and to request the governor to unite with him in his efforts to induce them to set out without a moment's delay.

Very respectfully, I have the honor to be your obedient servant,

R. P. LETCHER.

HON. DANIEL WEBSTER,
Secretary of State, Washington.