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The New York Times

7 January 1853, 6

The St. Nicholas Hotel.

This magnificent establishment, which in extent of accommodation, completeness of arrangement, costliness and chaste elegance of decoration, and combination of all modern improvements, takes place as the Hotel *par excellence* of our day,—opened yesterday morning for business, and already a great portion of the apartments have been engaged. During the day the house was thronged with visitors, to whom every attention was shown by Messrs. TREADWELL & ACKER, the obliging proprietors, and their assistants.

The St. Nicholas is situated in Broadway, between Broome and Spring streets. The front is of pure white marble, in the Italian style of architecture, 6 stories in height, and 100 feet long. The narrowness, in proportion to its height appears a defect; but this will be remedied during the year, it being under contract to extend the building along Broadway, 75 feet south and north, to the corner of Spring-street, which, when completed, will render the whole a truly magnificent building. There are three sections, or separate buildings,—front, centre, and rear,—extending back to Mercer street connected through the centre by a transverse building, and having a space of twenty-five feet between each. The middle and rear buildings are only five stories in height. The main entrance, between four fluted white marble columns, with carved capitals, leads to a spacious hall, paved with marble, the ceiling being beautifully frescoed and supported by arched transoms, with pilasters and gilded capitals. To the left of the hall is the gentlemans' drawing-room, also paved with marble, and decorated in the most elegant style. Here and in the reading room, connected with it by folding-doors, are two costly bronze chandeliers. The reading-room is lighted by a large dome, ornamented with relief and gilt work. The central part of the building is occupied by the reception-room, which is very spacious, the ceiling supported by columns. From the reception-room, a staircase, built entirely of white oak, leads directly to the main hall of the second and principal story.

A very fine painting of the patron saint of the house, representing him with a face full of Christmas jollity, depositing in the expectant stocking gifts from the ample stock he carries, ornaments the first landing. A magnificent chandelier, the cost and fitting up of which amounted to $1,100, is suspended above. The hall on the second story is 11 feet in width, and extends through the building from Broadway to the dining-room, on Mercer-street. This is a handsome apartment, 82 by 42 feet, affording accommodation for 400 persons. The ceiling is decorated with fresco painting and gold work, and is supported by pilasters and enriched capitals. It is illuminated by three massive chandeliers, of twenty lights each. South of the dining saloon is the pantry, provided with a steam-table for heating dishes, and from which a dumb waiter descends to the kitchen; also a wine-room. Leaving the dining saloon, we enter the tea-room, to the left—a beautiful apartment, 30x25 feet, furnished in the most costly and elegant manner. Proceeding to the front building, we enter the state and bridal chambers. The latter is exceedingly beautiful. From a mass of elaborately carved work, overlaid with gold, in the centre of the ceiling, depends a magnificent canopy of white satin over the bridal bed, gathered in heavy folds at each corner. Four chandeliers, sparkling with crystals, shed light through this fairy-like apartment. The bedstead, which is cushioned with white satin, is surrounded by a continuous foot-cushion of the same material. The bed-spread is of elaborately embroidered canary-colored satin, and over the whole is a covering of rich lace. The white satin with which the walls are plaited cost alone $500.

Public and private parlors occupy the front of the second story; and these are elegantly furnished. The carpetings are made to order in one piece; and the hangings, chair and sofa covers, both of rich satin damask, correspond with the carpeting in each room—so that when the connecting doors are thrown open, the whole presents the most beautiful appearance of "various unity." The furniture throughout the house, excepting in the fifth and sixth stories, is of carved rose-wood, covered with satin damask. The total expenditure for furniture was $125,000.

Chief among the objects of attraction here, is a magnificent Æolian Piano, made by T. GILBERT & Co., of Boston, furnished from the warerooms No. 333 Broadway. It exceeds anything of the kind we have seen in soft brilliancy of tone and exquisite finish. The case is of rosewood, richly carved in wreaths of flowers, and the keys are faced with pearl, possessing great elasticity of touch.

The third floor consists of *suites* of rooms, embracing every convenience and elegance. The upper stories of the first and second, and the rear building, are arranged in single rooms. Every room in the establishment is supplied with hot and cold water and gas. Over the dining saloon is the servants' dining room, intended for the servants of families; and the fifth story is fitted up for their accommodation. The suits of rooms for families consists of, some a parlor and one, and others a parlor and two bed-rooms, with a bath-room and water-closet.

The house is heated by steam, which is conducted throughout every part of the establishment by metallic pipes. In addition, there are marble mantles and fire-places in the principal apartments. In the basement are two large iron boilers, nineteen feet in length, by forty inches in diameter. Above these is a hot-water tank; and a half-dozen other reservoirs of water, hot and cold, capable of holding several thousand gallons, are placed in the attic of the building, by which the house could be instantly deluged, in the event of fire. These are kept supplied by steam-pumps. The kitchen contains cooking ranges, ovens and roasting furnaces, on the most approved and compact principle. The greater portion of the cooking will be done by steam. This power is made available in driving the washing and drying machine—an ingenious piece of mechanism. This machine is driven by a six-horse-power engine—the same that furnishes motive power for other operations—and is capable of rinsing, washing and drying, with the aid of a single person, 5,000 pieces in a day.

In the important matter of ventilation, a great improvement has been introduced by placing the ventilating and heating flues parallel, so that the latter rarefies the aerial column of the former, thus creating a strong draught. Wires from an enunciator, extend through the house, so that by pressing a small projecting knob, the magnetic current is connected with the office, the bell rings, and the number is disclosed on the indicator.

Mr. D. M. HAIGHT is the owner of the St. Nicholas. It has been built and the arrangements completed under the supervision of Mr. TREADWELL, formerly of the Franklin House, and will be conducted under the control of that gentleman, and Mr. ACKER, long and favorably known in connection with the North River Steam Palaces. At present, the Hotel contains 350 rooms, 200 of which are bed chambers; 130 waiters, chambermaids, and other servants will be employed. When the enlargement is completed, more than double the present number can be accommodated, perhaps nearly one thousand lodgers. The cost of construction has been $300,000; of furniture, about $145,000; of silver-ware and Sheffield plate, &c., upwards of $27,000; the cheapest dish being $32 50. Total cost, including ground, $675,000.

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Arrivals at the Principal Hotels—Jan. 12.

ST LOUIS HOTEL....A H Ryland, Mobile; J Christie, E J Glasgow, St Louis; R Plumer, F Lyman, H G Heartt, C S Heartt, H L Williams, B Johnson and lady, Miss Jones R H Johnson, G Stowers and lady, NY; A Guyuemer, SC; J H Digges, Boston; R Geddes, O P Peckham, J B Britton, J R Smith and lady, NO; A Mitchell, Conn; Dr Lyle and lapy, P Maher, W Baily and lady, G R Price, W E Edwards G Lowel, J Hart, D N Barrow, La; J B McIlvaine, H Clements, Ky; W Miller, Pa; F K Beshon, Ill; J Paul, Ohio; J Bright, England; Mrs J B Camden.

VERANDAH HOTEL....W B Robertson, J J Powell, Gen A G Carter, P O Bethel, G K Nash, J Bartlett, J B Beard, J Denseur, R N Campbell, G W Jones, Dr J L McCormick, J K Smith, La; E Moore, Pa; W Peck, St Louis; Dr G W Files, G Goldthwate, Dr J M Jordan, J J Moss, W Tilby and lady, Mrs Meyers, Ala; T B Power, R S Grant and lady, Texas; A McWillie, W E Gibbs, J G Points, D Strong, T W Trice, L L Bridges, W G Conner, Miss; W E Shipley, Ga; T L Smith, SC; E R Perry, Ky; Prof J M Sanders, Tenn; P W Johnson, NO; T L Darnell, Md; W S Shepherd, Mobile; C C Miller, NY; G W James, Tenn; G Nail, NY; S V Mitchell, T C Kellham, O T Morgan, W Brown.

CITY HOTEL....L Casper, H A Castle, F Lewis and family, A M Gray, J Owen, J W Keen, T V Davis, Mrs Owen and daughter, W S Owen, E S Owen, G Stowe s and lady, La; S J Seymour, H L Franch, Col J B Todd, J P Ensign, G Woodward, J M Field, Mobile; R D Gill, T White, C R Marshall, Miss; B F What, Va; W T Hilyard, Ill; Col C S G Doster, J S Burch, Miss M Whetstone, Mrs Feikel, Mrs L R Howser and child, Dr J A Whetstone, Ala; S L Hoggs, A C Grayson, Ark; T C Butler and lady, Cin; P H Johnson, M B Aberhethy and lady, W A Harney, J Owen, NO; S Hudson, Aa; W L Marler, Texas; S Beele, J Smith NY; J M Olero, Cuba; W S McRibben, Ky; H H Simmons, Tenn.

ARCADE HOTEL....F Best and son, A J Edie, T Berry T Park, Mr Parks, J S Robinson, J M Bedwell, Miss; Dr Morgan, R English, Dr Malben, E Whitten, J F Blevins, J McCanaban, H J Means, Ala; G B King, Ark; F S Ray, W Tolliver, NO; W P Darst, Ohio; F B Richardson, S T Deeson, R N Campbell, F A Robert, J Galloway and sons, W Berry, La; O W Austin, J W Scarborough, Mobile; P H Taler, E Cruben, W L Merler.

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Arrivals at the Principal Hotels—Jan. 19.

ST LOUIS HOTEL....A R Syme, Pa; D G Mitchell, H E Lockett, W T Ross, NY; W Hamilton. J S Preston, LC; Dr Page, Va; J Chapman, SC; L H S awell, Miss Fanny Seawell, J J Seawell, Ala; A McPheetus, Miss M J McPheetus, F Hayslup, E A Kennedy, T B Kennedy, L D Forbes, S L James, R R Richardson and son, Miss; A Harrington, A Laxifon, G Webb, NO; Capt Meody, A L Gains, L H Lindsay, Mobile; B Moffitt, H Wilson, Ky; R W Bush, La; P L Stubbs, E H Moon, T B Moon, W R Winnbish.

VERANDAH HOTEL....G W Polk W Way and lady, Tenn; J H Hilliard, W L Moulding, Ark; C Johnson, Pa; E Pugh, J C Beatty and family, J T Mills, La; C M Green, NY; A McKinstry, W Dade, R S Kirk, B B Little, L F Summers, Mobile; E L Wells, F S Hunt, W D Carter, W F Stanabury, J Black, S A Eggleston, Miss Eggleston, P Corbett, Miss; W R Hudson, NO; S Williams, Ky; E C Palmer, England; C Carroll, NY; F S Hunt, Miss; Mrs J C Ely and daughter, C C Morris, Cin; C Harris, Boston; T A Wright, T L Bossenn, St Louis; H F Ingraham, O Le B Ingraham, R P Mills, J J Brown.

CITY HOTEL....J B Robinson, S M Hart, J W Seymour, J B Bailey, Mrs E Woolfolk, T Johnston, J Patrick, W L Wynn, W D L McRae, H Skipweth Jr, Col Hodge, J Y Mills, W D Carter, La; J Laggett, W J Chinn, Ky; N S Dickson, W L Cage, T R Crafts, S S Preston and lady, P Corbet, Miss; W McNeill, Col J W Breedlove, W W Shaw, NO; W H Moore, Ala; J G Heald, Ark; M Fowler, Lafayette; H W Poor, Cin; J Sticknay and lady, Tenn; W Adair, Mrs Adair and family, S J Richardson, Miss E J Richardson, Miss M J Richardson, Texas; N Carrington, NY; W Wilson, Cali; W B Brooks. Ohio; J Frazier and lady, Dr A H Repeton and lady, L W Pipkin and lady.

ARCADE HOTEL....A S Leman, NO; R J Manning, Ala; W Dolby, J Turnbull, H S Havard, W C Alexander, R Cook, La; D Temple, S Hoskins, Miss; W R Smith, W R D Ward, W C Sivonson, W D Bell, Texas; Col Ward, Tenn; C T Morgan, RI.

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Arrivals at the Principal Hotels—Jan. 24.

ST. CHARLES HOTEL....R J Ward and lady, Dr R F Hunt and lady, Dr Bodenhamer and family, J Laughlin and lady, Jno Bacon, J W Shelby, J Beckwith, W G Miller and lady, R J Ward, Jr, J Ford, Jr, Mrs C F Ford and daughter, Mrs Steele, Miss Bell, L Chambers, Dr Laton, J March, J Adams, Dr C J Blackburn, Mrs Martha W Price, Mrs A E Meriweather, W Daniel, J M Chiles, J E Smith, B Busleman, D T Adams, Mrs Pugh, J H Hannah, J A Humphreys, Miss Mary D Weir, Miss Betty Meriweather, B B C utler Kentucky; W J Pendleton, J M Pendleton, Chas H Bergman, C Keith, Mr. Thillon, Mme Thillon, Mr Hudson, S D Bowers, J T Shepherd, D Nichols and lady, A J Burris and lady, J Sidway, J N Sears, C E Draper, New York; W D Winter and family, Dr J Perkins and family, S H Gillman, T J Cooley and lady, P R Barker, L C Beatty and family, B F Moore, S Bassler and family, J Andrews, Miss E Andrews, Miss R Andrews, J L Mathews, A W Jourdan, Louisiana; G Calhoun and daughter, J Surget and lady, Miss M Linton, J J Paiugle, L Surget. R Stanton and family, Miss Chapener, W P Mitchell and family, Mrs A V Martin, Miss Sallie Moore, W G Martin, T C Prindle, W L Robards, B Roach and lady, J M Vernon, H W Schwentz, L Walter, J F Hurst, S Owens, Mississippi; E L Denton, Landon; T Lartegue, Tampico; D Knoofe, Bremen; A Gilty, Robert Bell, Miss M E Kennedy, T Wilson, W Holmes, Pennsylvania; J H A Frost, Dr A Hester, M Cuddy, D M Haydon, H F McKenna, G Cleveland, A McConocele, Dr J H Douglass, Felix Walker, Geo Forman, A L Gaines, L C Jurey, Mr Dobbins, Alfred Penn, Dr B Ritchie, R M Graham and lady, P G Mitchell, E C Hancock, Felix Walker, R Geddes, Frank Williams, H O Anderson and lady, Dr Belden, J M Burbridge, L M Day, R B Bell, H R Carter, H R G Green, Jr, J W Price, J M Carroll, W Wendel, Ben Bell, W J Stevens, Dr J W Dalton, H E Johnson, E J Carroll, J H Bass, W C Damner, B S Tappan, Jr, J B Wright, N L Robinson, J T Caruthers, R Milliken, W B Atwood, T H Parish, R C GwatCmey, W G Bibb, Thos H Maddox, J C Goodrich and lady, Dr L Hensley, R P McMaster and family, E G Rogers, J M Converse, W J Freeman, New Orleans; A Deberry, H C Walker and lady, Mrs John Trigg, M Chatham, Mrs J W Walker, G A Washington, O M Davis and family; J C Thompson, J M Wormley and lady, J H Samoner, E K Harris, A S Rogers, Tennessee; C W Lord, Mr Graf, H G Rice, Jr, Dr Robinson, W Robinson, J W Rollins, Maryland; P O Powell and lady; Miss Onwell; W F Davis, J Fry; W C Whitridge, U S A; Carl Von Rath, Otto Boninger, Prussia; J D H; Miss Logan, Miss Edwards; S F Richardson, Texas; L A Benoist, S H Benoist, J Christy, St Louis; J R Leary, Texas; L G Gawn, Alabama; J C Jenkins, Philadelphia; H Crangle, E W Paxton W A Brigham, Virginia; S Sturges and lady, Miss L Stuges, Mrs Wm Sturges, Mrs S S Beecher, Miss E Buckingham. B Stuages, Wm Buckingham, Ohio; J M Kelly and lady, Illinois; N S Walker and lady, Arkansas; J S Weyer, Indiana.

ST LOUIS HOTEL....A J Donelson, J G Picets, W M Ogburn, H H Sackelford, J M Jenkins, L L Leedes, T W Trick, Mr Hutchings and lady, Mr Chaplain and lady, Miss Chatard, P B Starke, Miss; C W Farnum, W C Talmadge, J N Sears, NY; D Creaswell, Miss Butler, Miss Eliss, Col Brady and lady, J M Brunot, J M Elam, J Routh, Miss Routh, C W Ogden, Mrs E Choppen, S W Dorsey and lady, L Bush, La; C Dethan, England; J H Newhall, Phila; R Fletcher, R C Brinckley, Tenn; W Gordon and daughter, Fa; Mrs Eliza Dixon, Miss A Dixon, Mrs Overton, Hon J H Overton; C C Morris, Cin; W C Whitridge, USA; J K Dixon, M Courtley; W R Millan, Va; W B Richmond, USRM; Capt Leadbetter, USE; J C Morrell, Mobile; R W Cooper, Dr C Graham, Miss Graham, Ky; Mr Pringle, SC; W L Ferls and family, J W Shelby, St Louis; H S Routh, NO; J B Cooke, England; D McCandless, Pa; E B Kimball, St Louis.

VERANDAH HOTEL....A G Ross, H R Moore, Mobile; Dr J J Juge, J Torrey and lady, Miss Torrey, J B Bailey, Dr W B Smart, Elf McGehee, W R Mills and family, Miss W Adams, Miss E Adams, Miss M Rhenvir, R N Downing and family, W T Mills, J B Hunter, E S Perkins, W F Davis, H E Monroe, W P Mitchell and lady, Mrs Martin, Miss; H Wilson, USA; C W Lord, Md; A F Given, W H C Hudgins, A L Pickens and family, Ala; N G Wormley and lady, Miss Kennedy, E R Harris, J H Sounner, S P Read and lrdy, Tenn; E H Summers, J N Lartcliff and lady, Ky; J McDonnell and lady, J S Depnty, Ark; H B Waller, J T Mills, J T Powell and lady, T D Powell and family, W C Crawford, J Fry, Mr Davis and family, Texas; Miss Kiba, Dr G W Tucker and lady, Miss Tucker, J T Strother, D M Lang, J J Duke, J L Holstein, S Bossler and family, Mr P E Bossler, Dr J S Fall, H S Thorpe, C Ratliff, La; W R Swann, S R Craig, H Wilson, W H Cosgrove, NY; R Gray, Mrs Maddox and family, J W Briace, H Davis, A Wright, NO; R Bell, Pa.

CITY HOTEL.....J Cables and lady, Miss; L Snow, NY; A M Hill, Ga; J W Kerr, Ala.; P Asaburn, J M Moore, J W Davenport, La; J Milchell, Ind; Dr J J Inge, J Griffin, J P Yerger, Miss; J Henderson, J H Mosely, La; B Huatt, Ky; W G Huskins, J M Marshall, N O; J Henderson, C S Bown, Miss; J W Huges, Ala; P S Gerald; J Lovett and lady, NO; D W Wilson, Thos J Brown, M R Mills, F Noble; E Noble La; J M Cookes, Eng; F M Schell, Cal; G H Owen, W L Harper, Dr E W Harding, L B Staples, Miss; Dr R Nance, F A Peterson, F Haynte, S B Bridges, Ark; D H Hadden, M Clark, NY; W F Dunnard, La; T J Merideth, Dr W J Russell, Ala; H W Shaw, Ga; J B Ferguson, Tenn; L S Delaplain, Va; J McLean, Mrs S F Taylor, Tex; Miss Lizzie Brett, Ky; S Polleys, Ind; W M Burney, W C Bradford, S Dunbar, J C Bates, Tenn; T M Beyley, Texas; A Speldon, Conn; S J Steven, Oregon; D T Adams, Ky; R W Jardan, Ga.; Mrs A J Daniels and family; J S Chaubourne, La; Miss Quitman, Miss.

ARCADE HOTEL....Chas H Norris, Ala; J W Furguson, R H Turner, W N Ghiselin, H M Crenshaw, N O; J J Franklin, Phil; J H Ousleton, J Latum, Jr, P V Wesson, J Hill, A T Beller, E K Christopher, Ark; W L Loures, M W Goff, Dr R J Laurence, J Browning, G Newton, O Loften, J S Caldclugh, W G Turner, L W Taylor, La; D L Kilgore, J W Logan, E C Beller, G Loake, N Loake, Ark; S D Blackburn, Ky; B F McDonough, W M Messenger, W P Cornellius, J S King, Texas; W Beaty, N O.

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Arrivals at the Principal Hotels—Jan. 25.

ST. CHARLES HOTEL....A Nye, N O; G Wrigt, Jr., Liverpool; M T White, Mass; R S McReynolds, N O; Dr E Borland and family, La; T B Taylor, A H May, N O; L D Hutchinson, Pa; J G Robertson, Ala; Parker Craig and lady, Miss Craig, J W Scott, Ky; W T King, Ala; J Dodson, La; L W Wiley, NY; Capt L Jones, U S A; A W Sanford, Dr Wetzel, NO; J D Powell, John D Powell' J H Yarborough, NC; A L Landis, Ten; W B Lawrence and family, R I; L B Monroe, E P Monroe, Mass; C C Perry, Wm J Hutchins, E W Taylor, A Klim, Tom Conklin, Texas; N Haydon, Ark; Dr Birdsall, Cal; Dr S G Moses, Mo; H H Loomis, NY; P J Hetich, Wm W Miller, J B Larwell, Ohio; J Ritchie, H O Anderson and lady, NO; M Seaton, T W Sones, D C; E A Phillips, Mass; J Lawson, Va; J A Miller, Mrs Miller, NO; G J Rabb, Ky; J W Cockrell, Cin; A W Larrel, Mo; C Bramsler, NY; R McConnell and family, Miss Grinize, E P McLane, J J Day and family, NO; A B Burnet and family, Ind; J X Masterson; E W Digges, NO; A P Lyon, Pa; J A Frazer and lady, A McCormick, J J Sudor, S Wann and lady, J W Nelson, Cin; S Zimmerman, J C Ragan, Miss; W H C Heidgins, Ala; E W Digges, C H Poumatras, W G Daley, M C Edwards, J J Robson, NO; J Henderson, Miss; E Axf Md; Kennedy, Miss; P H Draughon, A D Cleveland, R D Patrick, J W B Nelson, Mr Nephus and family, La.

ST. LOUIS HOTEL....T S Wilson, B B Hart, NO; H LeRowe, Havre; H F Givens and lady, Miss W Watts, Ky; E A Davis, B O Hamilton, Texas; Dr. L L Birdsall, Cal; J Ward, A L Ward, NY; W Middleton, SC; R Hyslop, Jr, W Gillispie, A M Smith, NY; A Webb and lady, S W Wickoff, T Ellis, La.

VERANDAH HOTEL....G B Moss, G Dunn, Ky; C S Ellis, Mobile; Capt Sawyer, Capt Demwoll, stmr American; O B Colwell; Ark; H E Monroe, Miss; H M Crenshaw, W. D Kelly, NO; J M Davidson, G N Seagrave, La; W D Jones, C Welch, Miss; J Tait, Mobile, A W Hughes and family, Mr Wallace and family, Mm Wallace, Jr. Texas. A S Brown, NC; P B Taylor, T T Tunstale, Ky; G H Sargent, NY; J Butler and lady, Texas; N B Forrest, Tenn; W J Cammon, S P Holloway, A H Logan, Ark; H Gdrretson, R McConnell and family, Miss Grenige, Dr E R McLean, Ohio; S J Tallman, Miss Tallman, Me; Dr J S Meng, F W Battalle, Miss; C W Farnam, J Hathorn, La; W T White, Dr A K Brenham, Miss; G J Branelle, Tenn; D N Cauch, NY; W F Clark, W J Clark, Jr, Boston; L D Brewer, M B Phillips, La.

CITY HOTEL....Forbes Britton, Frank Armstrong, NO; P L Rhodes, NY; D Ayres, H Rosenberg, Texas; W W Loomis, Wm Mitchell, A Lyons, J Perry, Mobile; W Montgomery, A Cunningham, Ala; T S Brown, Cin; P K Chevoy, W B Stewart, Mrs Bankston, Mobile; H S Newland, W C Williams, J C Jones, Miss; R Harper, Texas, H M Elmore, W H Lewis, A W Jones, Ala; G H Briscoe, H Tinker and lady, Texas; T W Newman, Miss; J H Strobeck, N. Y; Miss E Andrews, Miss Kate Andrews, John Andrews, S L Isett, La; W W Shaw, O Riley, NO; O W Davis and lady, Tenn; L S Pepper, Phila; J S Bossier, La.

ARCADE HOTEL....W C Porter, N O; B L Roberts, Miss; Jos Davis, La; B F Carnther, Texas; N P Perkins, N Y; G H Cunningham, Mr Alslep' Mr Fields, Mr Ellis, Mr Singleton, Pontotoc; T C Hills, J E Pearce, J B Pye, S C Davis, La; J A Colton, W Carrabrsus, N Y; T F Davis, Texas; C P Chapman, W McClanahan, J N Davis, M Conner, Ky; R D Selmms, S M Dold, Va; G F Williams, H H Archer, Ark; J M Stull, N O.

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Arrivals at the Principal Hotels—Jan. 26.

ST CHARLES HOTEL....A B Henshaw, L Harding, J W Cleveland, J T Felps, E B Scott, Dr J W Dederick, Dr A Dederick, Miss Jane Barrow, W Barrow, A Barrow, D N Barrow, W Ratcliff, R McCall, C Pendeclaux, J Waddell and son, La; C Barnes, Ky; E R Goodrich, Bosson; W C Alber, W G Stevenson, W G Stevenson, Ala; J R Bryan, Mrs Buckner, R H Buckner, T H Early, Dr Moon, Miss E C Stewart, Va; J B Bois, C Bruff, NY; T S Dugan and lady Cin; W J Cain, J H Manly and lady, Texas; J S Hobson, J Durkins, Miss; R H Bayley, P L Massy, J W Breedlove, D Spence, NO; J Currie, W R Adams, NY; A Zeltenger, Mo; B P Gaines, Miss A A Gaines, Miss M M Gaines, J H Davis and family, C C Stuart, Ark; Miss M D Masersan, NC; W J Rinehart, T Jennings, Balt; Miss M Pilcher, Tenn.

ST LOUIS HOTEL....R A Barrow, A Knox, H M Waddell, La; Dr W P Allison and lady, Miss F Langborne, Va; J M Penpleton, W S Pendleton, C H Bergman, NY; H C Ashley, Ark; Dr W H Moore, NC; S Sturges and lady, Mrs W Sturges, Miss L Sturges, Miss E Buchingham, B Sturges, C Barnes, Ohio.

VERANDAH HOTEL....P J Gibson, O H F McGinnis and lady, Miss; J B Tartt, Ala; J Todd, W M Pickett, A J Isacks and lady, R Mackay, M Bryce, La; W A Douglass, Texas; J J Potts, E Faison, W B Faison, W W Guy, Tenn; J H Wingfield, NO.

CITY HOTEL....D J Fluker, J E Dunham, R Mackay, J Compton, L G Compton, La; J A Bailey, Va; J Warner, Ky; Madam Thillon and husband, Mr Hudson, J Pornall, NY; G A Hilton, Boston; J Smith, Ill.

ARCADE HOTEL....F E Morse, Maine; A G Newport, R Walter, W Sewell, J Madden, S P Gee, H Sibv, La; D D Mason, NO; J L Neal, B R Mathews, A W Falkner, R G Wynn, W C Bradley, Ark; W A Akin, Tenn; C White, Mass; J M Jennings, Ala; H B Holley, A Broadwell, NY; T Featherley, Ohio; T S Gerard, Miss; S Rhine, Texas; J W Thompson.

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Arrivals at the Principal Hotels—Jan. 28.

ST CHARLES HOTEL....A Ingraham, Mrs Ingraham, Judge Maury, S S Boyd, G Torrey, J H Duncan, J Dunbar Jr, E K McClery, N G Watts, W A Britton, G W Johnson, Miss; Dr J W Percy, J O Ewing, Miss Felicia Bass, Prof J E Sanders, J H Kraft, Tenn; J R Viley, M F Ward, R S Williams, E B Powell, Miss A Key, Mrs P A Key, Ky; P A Chazal, J Miot, Capt W M Lubcock, H S Lubcock, SC; Mrs Gen Morse and daughter, B F Hanna, Cal; Dr T J Harding, W D Smith, J A Dardenne, J Perkins, D Adams, La; R Gilkisin, Glasgow; A Cowles, Mo; E J W Merse, Mass; W Lees, Miss McGraw, Dr G A Kitchen and lady, E W McGinnis and lady, Mobile; E Smith, G B Tate, S R Hendrick, Dr W N Head, NO; J W Hewitt and lady, St Louis; W A Brigham, Va.

ST LOUIS HOTEL....A V Davis, Natchez; Maj Chase, USA; S D Rauth, Ala; J H McRaven and daughter, Miss L M Jones, F C Jones, Miss; S W Leighton, Mrs M A Gibbons, S Gallagher, S W Inge, Cal; T J Packwood, La; H W Hensdall, Ill; R McKnight, Cal; Dr Wills, Miss Wills, Miss McLembergh, W J Whiteman, Miss Whiteman, Miss Irwin, Miss Hazen, Ohio; O P Renelaer, C Tricker, NY.

VERANDAH HOTEL....C M Simpson, W K Gallagher D R Steele, D J Poindexter, H C Wilson, G M Beaman, N O; D B Branch, M M Langhorne, C W Pierce, M S Modes, A Evans, J Barnshum, W McKinney, F Defendorf, J R Gilchrist, J P Gates, W Corbett, R Armstrong, R Albert, M N Mavant, W H Dugan, J D Curry, J Mitchell, Cal; J W Fewis, Ind; F Givomde, J E Morris, Canada; O Wetzell, St Louis; C Beamon, Rapides; G A Atkins, Tenn; J C Walter, Ill; E L Green, Mo; J T Taylor; W B Lanier, Ga; J D Williams, Ala; G M Eason and lady, H H Emons and family, P G Mathews, H R Mathews, Mich; G S Sawyer, J Nettles, O P Richardson, P E White, A Rhodes, A S Newton, W C Peck, S L Sims, O F Park, W Park, La; D C Mickin D Mickin, J F Leathers, Dr E R Sproul and family Natchez; L H Lambdin, Miss.

CITY HOTEL....E O'Brien, Me; B F Elliott, Ga; W J Chinn, Ky; J O'Burne, C O'Burne, H O'Burne, Thos P Downer, Cal; Dr J S Scofield, Ia; R R Bearsley, Va; J P Terrell, T H McManus, La; T C Hall and son, P J Penn, Ohe Hill J R Downs, S B Baldwin, La, Thos Jackson, Mo; R G Wynn, J Collins, Ark; P Penofre and lady, Mrs Poole and daughter, Miss Caufield, B F Wharten, H B Chase, W Wilcox, W B Grayson, R W Campbell, La; F P Quitman, Miss; S M Jordan.

ARCADE HOTEL....W H Phelps, Pa; H L Becton, W M Cay, J M Carr, J W Lilly, W C Walker, Ala; L W Leadough, Ga; R A Ford, E W Roy, D A Blackshee, T Lewelling, J P Hayworth, W H Jones, A Short, La; C E Greenwood, NO; C G Coffee, J Kirkland, S C Booth, Miss; N O Perkins, NY; N Bark, L A Ellis, Ark; S R White, M E McKenzie, L R Davis, Ky; A S Kellebrew, H R Street, N D Elliott, Tenn; J Huyden, W H Stubbfield, J R Weathaly, Texas; C Duke, Mo; E Whittied, H T Chery, W Whitlen, Ala; E A Murphy, T L Huff, La; L A Perkins, Ark; J Crear, D Crear, Texas.

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THE REPUBLIC.

WASHINGTON

2 February 1853,

SPEECH OF HON. E. BARRERE,

OF OHIO,

In the House of Representatives, January 11, 1853, on the subject of prosecution of claims against the Government by members of Congress, &c.

Mr. BARRERE said:

Mr. SPEAKER: I had not expected to address the House this morning. I would have preferred submitting my remarks after hearing from the other side, or at any rate after hearing from another member of the committee, who I understand intends to present his views on this subject, and differing perhaps from those just presented by the honorable gentleman from Connecticut, (Mr. CHAPMAN.) But this being so convenient a time as will probably occur to me, I shall proceed now.

Mr. Speaker, I feel it to be my duty—representing as I do a portion of the people represented for a long time in Congress by Mr. Corwin, with great acceptability to them and distinguished credit to him—to participate in this discussion. I do not propose to enter upon the merits of the bill now before the House. I have not found it necessary for my present purpose to look into it with any degree of care. I shall examine it before I am called on to vote upon it, and if upon examination I think it necessary or useful, towards preserving the purity of the Government or the purity of the action of the two Houses of Congress, I shall support it by my vote.

I have for a long time looked upon Mr. Corwin as one of our most prominent men; distinguished alike for his high intellectual endowments and the purity of his moral character. He has ever been a favorite in Ohio—and when I use that word I mean a favorite with the people of the State generally—with Whigs and Democrats. In that part of the State in which I am best acquainted, I may safely say that the high estimate of his character is not confined to any party, but that he holds an exalted place in the affections of the people of all parties. In early life Mr. Corwin was comparatively poor, and had to struggle with the disadvantages incident to our then wilderness country; but by his talents and energy he has risen to his present position. He has, unaided, and with but few advantages, risen from the humbler walks of life to what we consider one of the highest positions, morally and intellectually, as well as politically, that any gentleman occupies in the country. I do not pretend to an extensive acquaintance with distinguished men, and have not that high appreciation of what are called great men that some persons have. I believe, among cultivated men of clear heads and honest hearts, there is not that vast difference that is sometimes supposed. Much depends upon circumstances. Men of fixed purpose, sound common sense, and incorruptible integrity, possess the elements of greatness, and will, when placed in the proper positions, generally prove themselves to be men of ability. This, however, is but mere speculation; for there are a few, and but a few, who stand out in bold relief as greatly distinguished, and who command the admiration and respect due to really great minds. The characters of such men are invaluable to the country; and while it is the duty of this House to expose unsparingly corruption in high places, it is equally the duty, and ought to be the pleasure, of the House to shield and protect the reputations of deserving men from wanton and unjust aspersions.

Since I have been a member of this House, I have made it my business to observe, with as much scrutiny as I could, the persons of distinction whom I have had the pleasure of seeing in this city; and I have endeavored to satisfy myself as to the relative claims of each and all of them to the considerations accorded to them by their respective friends. Not long since I heard, with great pleasure, the eloquent eulogies delivered in this House upon the character of Mr. Webster. All seemed to agree that he was the great intellectual giant of the age. I fully concurred in that opinion. With the exception of Mr. Webster, I have come in contact with no man in the District of Columbia who, in my opinion, is the intellectual superior of Thomas Corwin. He is prized at home, however, much more for his high character for purity, honesty, and integrity, than for his mental capacity. His neighbors are proud of his attainments and his abilities; but on account of his noble, generous nature, and his incorruptible integrity, as they believe, they love him. No suspicion of dishonor ever rested upon him in the country where he has lived most of his life. He is looked upon by the people there as their safest adviser in matters of the highest individual interest; and in all the situations of life in which men desire counsel or advice, I know of no man in the section of the State where he resides that is consulted so much in matters pertaining to private interests and the social condition of his neighborhood. No man anywhere ever enjoyed the entire confidence of his neighbors more fully than Mr. Corwin. They look with deep interest upon this proceeding, as they do upon every thing that involves his character and standing.

I was highly pleased the other day with the remark of the honorable gentleman from Maine, (Mr. SMART,) when speaking upon another subject. He said that it was the duty of the Government to protect its humblest citizens; and he thought that the Government of the United States appeared in its highest and best character when affording protection to the rights of the humblest of her citizens. I thought with him. But, I do not think the right of property or liberty more worthy of protection, even in the humblest citizen, than the character and good name that he may possess. *Why, Mr. Speaker, we do throw around the private citizen the broad ægis of the law, as a shield to protect, not only his person and property, but his reputation and character.* The high and the low, the rich and the poor, are equal in the eye of the law. They have equal legal rights, and ought to have equal protection. But reasons of State policy, founded in justice and the very spirit of our institutions, have made it imperiously necessary to withhold from men in official positions that protection to character which is afforded to private citizens. The private citizen may resort to the law when he is assailed in his character. But the politician, the office-holder, must depend upon the justice of *public opinion*. Inquiry into the conduct of public men must be free and untrammelled, as a security against corruption, and to protect liberty itself. But as public opinion is the only protection afforded to a public man, we ought to be as zealous and earnest in our efforts to shield the honest and faithful public servant from unjust assaults, as we are to expose the dishonest and corrupt. Public opinion ought, at least, to afford as energetic and powerful a means of defence for the good name and character of our public men, as the law affords for the protection of the reputation and property of private citizens. If we have any security in this country for good government, for liberty, and for all that we prize highly, it is found in the honesty, integrity, and uprightness of the people, and in the due appreciation of the worth and value of pure and honorable public men.

Mr. Speaker, the special committee who reported the bill under consideration sat during the recess, and acted under the authority of the following resolution:

"Whereas a strong suspicion rests upon the public mind that fraudulent claims have been allowed by the late Mexican Claims 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 to investigate all the facts touching the connexion of the said Thomas Corwin, the present Secretary of the Treasury, with the 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 as condition of said purchase; what time he ceased to act as counsel or agent of said Gardiner; to whom and for what consideration he disposed of his interest; to whom and for what consideration he disposed of his one-fourth interest in said claim."

The committee made their report in the recess. They directed their inquiries to two points: First. Was the claim of George A Gardiner, as allowed by the Board of Commissioners under the treaty of Guadalupe Hidalgo, meritorious or fraudulent? Second. What was the connexion of the Hon. Thomas Corwin, the present Secretary of the Treasury, with said claim?

On the first branch of the investigation the committee in their report say:

"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 $428,760, 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 stock 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 $94,532 was paid to counsel, and $107,197 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 other branch of the investigation, the committee say:

"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 of 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-six 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, $89,357, 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."

Now, sir, it is said that this report does not acquit Mr. Corwin of the charges preferred against him. It is difficult to determine what charges were preferred against him. But, in the opinion of the committee, they involved an inquiry into the merits of the Gardiner claim. No express authority was given to the committee to inquire into the character of the Gardiner claim. But the several matters set forth in the resolution could not be investigated, they thought, so as to ascertain whether Mr. Corwin's connexion with that claim was improper, without first ascertaining the character of the claim itself. If the committee could have made the investigation required at their hands, without inquiring into the merits of the Gardiner claim, they ought by all means to have done so. His case is before the proper judicial tribunals of the country, undergoing a rigid investigation. Two civil suits are pending against him, and two criminal prosecutions are now in preparation for trial. The whole policy of our laws and the whole spirit of our criminal jurisprudence are against any investigation into the merits of his claim by this House, while those suits are pending against him in court. He is entitled to a fair and an impartial trial, and any investigation of the merits of his claim here is calculated to defeat that constitutional right, or at least to prejudice it.

But as a high public functionary of the Government was charged with improper connexion with the Gardiner claim, public policy imperiously required that any prejudice that might result to Gardiner from an investigation into its merits should be disregarded, in order that the conduct of the Secretary of the Treasury should be inquired into, and either exposed or vindicated.

The committee, therefore, thought it to be their duty to inquire into the character of the Gardiner claim. They determined that the propriety or impropriety of Mr. Corwin's connexion with it depended, in the first place, upon the honesty or dishonesty of the claim itself. In this I think they were right; for it is evident that, unless the claim be fraudulent, the whole charge falls to the ground. This view is further sustained by the fact, that although Mr. Corwin was connected as counsel with thirty-six other claims before the Board of Commissioners which are not questioned, no one has pretended that his connexion with *them* was improper.

Having decided the Gardiner claim to be fraudulent, and sustained by perjury and forgery, the committee next inquired into Mr. Corwin's connexion with it, and after stating the facts, showing the nature, character, and extent of that connexion, they found that there was no evidence before them proving, or tending to prove, that Mr. Corwin knew the fraudulent character of the claim. If, then, Mr. Corwin has not been exonerated and acquitted by the committee, of the charge preferred against him, he has been improperly connected with the crimes of perjury and forgery, and instead of being Secretary of the Treasury of the *United States*, he *ought to be* within the walls of the penitentiary of this District. This position cannot be avoided. The committee have either acquitted him, or they have shown facts that make him *particeps criminis* in the crimes of perjury and forgery. From the facts exhibited, it is clearly shown that his connexion with the claim, if improper, is so because the claim is fraudulent and sustained by perjury and forgery, and for no other reason.

This is a grave charge to be brought against any man. The committee report that there is no evidence going to show any such guilt; that there is not a particle of proof tending to show that he had any knowledge whatever of the fraudulent character of the claim, or of the proofs adduced to sustain it. Yet my colleague (Mr. OLDS) says that is no acquittal.

I have had some experience in practicing law. We have an action in my State, and I suppose it is an action in use throughout the country, and not only so, but in every country where the common law obtains—(it was truly said by the gentleman from North Carolina (Mr. VENABLE) the other day, that liberty exists nowhere except where the common law prevails)—I repeat, wherever the common law has obtained, the action for malicious prosecution is known. Where a person is charged criminally by another, and on trial the prosecutor fails entirely to sustain his charges by proof, the person charged has a right to an action for malicious prosecution. If, in one of our courts, a citizen were charged with a heinous offence, and the prosecution should fail to produce a *shadow of proof* to sustain the accusation, and afterwards upon a trial for malicious prosecution between the same parties, the defendant should fail to produce evidence, either proving or tending to prove the truth of the charge he had previously preferred against the plaintiff, what would be the conduct of the jury in such a case? I hazard nothing in saying, that damages would be awarded by a jury in any court in the country. Yes, sir, actions for malicious prosecution are known to all of us, and they are always sustained, where a party has brought a charge against another which he has produced no proof whatever to sustain. Where a party produces evidence showing that he had reasonable cause to institute the prosecution, in such a case there would be evidence tending to prove the truth of the charge; and, though it might not show guilt, still the defendant might be relieved from damages on account of malice. But in a case where the party fails to produce any evidence tending to prove the truth of the charge, our judges would charge the jury that a case was fairly made out, entitling the plaintiff to vindictive damages.

Mr. Speaker, I have examined this testimony with care. I am not disposed to question any thing that the committee have done. They have embodied in their report a summary of the facts that occurred to them as the most important; and, so far as they go, they are correct. But there are some other proofs furnished to them, and taken by them, which are not embodied in the report, and which were not necessary to be put in the report, that I think may be profitably adverted to. The committee say, and the gentleman who has just taken his seat, who was a member of the committee, repeats, that there was no evidence of any sort or description tending to show in the slightest degree that Mr. Corwin had any knowledge that a fraud was about to be perpetrated upon the Government. I think a close examination of the testimony will satisfy every unprejudiced person, not only that Mr. Corwin had no knowledge of the contemplated fraud of Gardiner, if his claim is really a sheer fraud, but that all the testimony in the case before the Board while he was connected with the claim, and when it was finally allowed, showed an honest, fair case. I will say further that the evidence before the Board of Commissioners in favor of the claim was far stronger than is the testimony before the committee that it is fraudulent. The testimony was entirely satisfactory, in the absence—which was the case—of any suspicion of its not being genuine.

In the first place, Mr. Corwin never knew Dr. Gardiner until after the treaty was made and the Board of Commissioners had been established and organized. He was then employed in the case, not by Gardiner, but by General Waddy Thompson, a man of high character in the country—a man who had served with him in Congress for a number of years, whose integrity and honor had never been questioned, and who had been our Minister in Mexico. Thompson had known Gardiner in Mexico from 1842 to the latter part of 1843, or early in 1844. He had made his acquaintance when he first went to Mexico, Gardiner having been the chairman of the committee of the American citizens residing in the city of Mexico to invite General Thompson on his arrival there to a public dinner. Gardiner was in the city of Mexico practicing his profession at that time, and engaged to some extent in mining operations. In the fall of 1843, or early in 1844, he left for the interior, and said he was going to look for mines. Thompson saw no more of Gardiner until late in 1848 or early in 1849, in this city, when his first inquiry was to know of Dr. Gardiner whether he had made a fortune in mining, when Gardiner told him of his operations and his losses. Mr. Gardiner had letters from the Hon. Jefferson Davis, Solomon U. Downs, Colonel Gates, Dr. Hitchcock, and other distinguished American officers, who had been in the army in Mexico, representing him to be a man of honesty and integrity.

It was natural that Dr. Gardiner should apply to General Thompson, from their acquaintance and his high professional character. After proper consultation, and hearing from Gardiner the nature, character, and extent of his claim, as he alleged it, General Thompson engaged to prosecute the claim before the Board for fifteen per cent. upon the amount that should be finally awarded. Mr. Thompson employed Mr. Corwin, and agreed to give him five per cent. upon the amount that should be finally awarded out of his fifteen per cent. This was the precise manner of Mr. Corwin's first connexion with the claim, as General Thompson swears. Thompson, when he was retained, as he states, reserved to himself the right of employing additional counsel if he desired, to be paid out of his own fee. Mr. Corwin was not employed by Gardiner, or to be paid by him. There was surely nothing at that time to excite suspicion in the mind of Mr. Corwin. There is scarcely a man in the United States who could procure better testimonials, if he desired to use them in the furtherance of his rights, than Dr. Gardiner had obtained when Mr. Corwin first became acquainted with him.

In May, 1849, Mr. Corwin was employed. During the summer and fall of 1849, Dr. Gardiner went to Mexico to procure the necessary legal proofs to sustain his claim. On the 30th of November, 1849, the memorial of Gardiner was filed, and the proofs that had been then procured. In February, 1850, Robert G. Corwin, esq., bought one-fourth of the claim from Gardiner, and in the arrangement the Secretary of the Treasury became the owner of one half of that fourth.

On the 12th of March, 1850, the claim was passed upon by the Board as a valid claim. In July, 1850, Mr. Corwin sold out his interest in the Gardiner claim and all other claims (thirty-six in number) in which he was interested, then pending before the Board of Commissioners, to George Law, and at that time resigned his seat in the Senate, and afterwards became a member of the Cabinet. This whole transaction took place while Mr. Corwin was a Senator, and no part of it since he has been Secretary of the Treasury. I make no question of the right of this House to inquire into the conduct of a Senator of the United States, although I think it has not that right. If Mr. Corwin is culpable in this matter, I do not desire that he should be shielded from exposure because of any plea to the jurisdiction. I desire the fullest investigation.

I will now endeavor to show the character of the proofs that were before the Mexican Claims Commission. For this purpose I will quote the whole of General Thompson's testimony:

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.

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THE REPUBLIC.

WASHINGTON

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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 Acapulco, 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, 1845, or in January, 1846. 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 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 before had to live by his wits, 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 25th 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 Pecbeco, 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 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, 1848. 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 first six 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 Dr. Gardiner submit to you when he first consulted you?

Answer.—The book of accounts, the order for his expulsion, and the official certificates referred to; his protest, and a mass of depositions, generally, if not entirely, from the witnesses whose depositions 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 rule adopted by the Commissioners.

Question by the Committee.—Do you know any thing 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 $3,000 paid on their fees, leaving $20,000.

Question by the Committee.—Did the Corwins receive fees and 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 was 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 understand.

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

Answer.—My own commissions, of ten 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 proved 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 do 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 this 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.

There were two several sets of depositions and proofs procured from Mexico, and used as evidence before the Board of Commissioners. Those taken first, together with the depositions taken in the United States, were all the evidence that was in the case during Mr. Corwin's connexion with it. This appears from General Thompson's deposition, and also from the deposition of Robert T. Paine, one of the Commissioners. The depositions and papers filed with the memorial, or about that time, were the following, as also appears from General Thompson and Mr. Paine's depositions.

The book of account of daily expenditures and receipts. This book of account is, I understand, a large book, and has not been copied into the testimony. It is certified as follows:

Rio Verde, June 12, 1848.

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 original 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.

Manuel Verastegui, prefect of the department of Rio Verde: I certify that the total amount of debit resulting from the anterior account amounts to $171,402 50; and that having revised the entries, they are in every respect similar to the originals. MANUEL VERASTEGUI.

J. Pio Gutierrez, Secretary.

Washington, April 20, 1848.

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.

There was also filed with the first papers the following proclamation, protest, and certificates:

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 wrong 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, counting 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.

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 supreme government of the State, dated the 21st instant, which forcibly expels from the State in the perentory 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 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 be 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 national, 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

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THE REPUBLIC.

WASHINGTON

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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 every thing 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.

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 last 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.

Government of the State of San Luis Potosi.

His excellency, the Governor, having informed himself of your honor's note of the 26th 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 Department 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.

Also the depositions of Juan Soto, Antonio Marin, W. P. Johnson, and William Jackson, taken in September, 1849, before Simon de los Santos, third constitutional alcalde and judge of the first plea of Cadereyta Jimines; also the depositions of J. B. Smith and Sebastian Pacheco, taken in September, 1849, before José Antonio Leal, first constitutional alcalde; and President of the City Council of Linares. These depositions are certified by the officers who took them, and the official certificates of the officers before whom they were taken, or purport to have been taken, are certified, and the official character of said officers is certified by Thomas W. Stemons, Consul of the United States at Matamoros, Mexico. There was also an official certificate, or an affidavit in relation to the nature of Gardiner's title to the silver mine in the Sierra of Huasteca, county of Laguinillas, in the prefecture of Rio Verde, in the State of San Luis Potosi. That paper is not copied into the testimony, and was not before the committee.

The foregoing embraces all the testimony and papers filed at or about the time of filing the memorial of Gardiner. Subsequently, in January and February, 1850, the depositions of John Charles Gardiner, Colonel William Gates, and C. J. Learned, esq., were taken and filed. And these several papers, to wit: the book of account of daily expenditures and receipts, the order of the Governor of the State of San Luis Potosi, Gardiner's protest, the six depositions taken in Mexico in September, 1849, and the three depositions taken in the United States, as far as the committee have ascertained, are all the proofs that were before the Board of Commissioners during Mr. Corwin's connexion with the claim.

All of these papers, whether they state the truth or not, are genuine. It is proved by witnesses from the State Department that the certificates of Stemons, the American Consul at Matamoros, and the certificate of Mr. Ross, the Mexican Minister, are genuine. José Antonio Barragan, comptroller general of rents of the State of San Luis Potosi, one of the principal witnesses, by whom the claim is proved to be fraudulent, swears that the certificates of Manuel Verastegui and J. Pio Gutierrez to the book of accounts and the protest of Gardiner against his expulsion from the country are genuine. The certificate of Luis Guzman is the only one. The certificate of Luis Guzman is the only certificate that is disputed. Mr. Barragan says it is not genuine, while Mr. Ross, the Mexican Minister, certifies to its correctness. There is among the papers brought from Mexico in relation to the Gardiner claim a statement of Luis Guzman, dated December, 1851, in which, after describing the statement of Verastegui in relation to the protest, he says there exists no such paper in his office, nor a copy of his reply thereto, as there ought to do, if it is genuine. And because the paper bears date July 1, 1848, instead of July 3, 1848, when the first mail from San Luis Potosi in that month left for the direction of Rio Verde, he thinks it is a forgery. He does not, however, deny that he gave such a certificate, but merely states that there are no such papers in his office, as there ought to be, if it is genuine. All the proof, depositions, and documents that were before the Board when the claim was allowed, and passed as a valid claim in March, 1850, are therefore shown to be genuine, except the certificate of Luis Guzman, and that is not successfully impeached. There is not in the testimony first presented, and upon which the claim was allowed as valid, any thing to enable a person skilled in the mining laws of Mexico, and having a knowledge of the official seals and certificates of her public officers, to detect a fraud, or raise a suspicion of fraud.

If the claim of Gardiner is a sheer fabrication, and a naked fraud, the testimony upon which it was allowed by the Board in the first instance is false, and the officers of the Mexican government whose seals of office and official certificates were used and procured, were joint perpetrators with Gardiner of the fraud, and the six witnesses who testified in September, 1849, were perjured. If, in truth, Gardiner had no mines, all his proofs going to establish the fact that he had must be false. Yet they were all genuine, and had all the appearance of legal validity that evidence could have, and could only be disproved by persons acquainted with the locality, and knowing that they were untrue. They were not forgeries, and of course could not be detected by any supposed knowledge of the official signatures and seals of the officers of that department of Mexico. The testimony before the Commissioners, and on which the claim was allowed on the 12th of March, 1850, proved clearly that in July, 1846, Dr. Gardiner commenced mining operations on a large scale, in the State of San Luis Potosi, in the department of Rio Verde, at La Huasteca; that at the place of his operations silver mines had long previously been worked, and abandoned; that he opened and re-established them, and made large improvements and outlays in commencing the business; that he had put up machinery and fixtures necessary for the business; that he had prosperously and successfully pursued the business, until October 24, 1846, when he was expelled by force; that his establishment, and every thing belonging to it, including a large amount of silver in the form of amalgam, was taken from him by Mexican soldiers, and the buildings destroyed by fire; that he had expended a large amount of money, and was, at the time of his expulsion, making $50,000 per month; that his losses were very heavy, estimated at from $450,000 to $500,000; that, being expelled under an order of the Governor of the State of San Luis Potosi, of October 21, 1846, on the 24th of October, 1846, he protested to the prefect of the department of Rio Verde against his expulsion, as a violation of the treaty between the United States and Mexico, of 1831; that in 1847, in the month of July, he went to Tampico, and there made application for the place of surgeon in the American army then occupying that city; that he made known to Colonel Gates, military governor of the city, and to C. J. Learned, esq., judge of the place, under military authority, the circumstances of his expulsion from his mines, and his losses; and consulted with Mr. Learned how he should proceed to establish his claim against Mexico for his loss; and that he remained at Tampico during the stay of the American army in that city, acting as surgeon to the troops. This proof would seem to be entirely conclusive, in the absence of any thing to throw suspicion upon it.

Mr. Corwin, in February, 1850, with the case before him as it was then presented, purchased one-eighth of Gardiner's interest. As is shown by Thompson's deposition, the number of claims before the Commissioners was so great that it was not expected more than one-half the amounts finally awarded could be paid with the sum provided by the treaty under which the Board had been created. General Thompson swears that that was his impression, and that such was Gardiner's at the time of the sale. For the interest that Mr. Corwin purchased, he paid $11,000 in money, and what he supposed was about as much more in his expected fees on the balance of the claim; and for which, if but one-half should be paid—if all that was claimed by Gardiner should be finally awarded—he could realize but about $32,500.

It is true that afterwards he sold his interest for about $50,000, perhaps not so much, (having sold his interest in the Gardiner claim, with his fee interests in thirty six other cases pending before the Board, together, for $80,270.) The precise amount that he received of Mr. Law for his interest in the Gardiner claim is not shown. I think the evidence shows that it was less than $50,000. After the final award, Mr. Roberts, or Mr. Law, as assignee of his interest, received $53,593 75.

It is urged, as an objection against Mr. Corwin, that he became a purchaser at all. Whether that be a good objection or not, the fact and manner of his purchase proves conclusively that, whatever the Board or others might think of Gardiner's claim, he thought it a good claim for the full amount, or nearly so, that was claimed; or, if he did not, that he was aware that it was fraudulent, and was willing to give a large amount of money, and his services, to carry out a fraud that ought—and would, if exposed—to consign him to infamy, for a contingent interest in the result from which he could not probably realize more than twice or thrice the amount that he paid. That would be a monstrous supposition. The fact of his purchase in the manner shown by the testimony proves conclusively that he did not know that the claim was fraudulent, and sustained, or to be sustained, by false testimony; that he had no suspicion at all of unfairness in the claim, but, on the contrary, had every reason to believe and did believe that it was a good claim for the amount demanded.

The testimony taken in Mexico, in July, 1850, and filed before the Board in November, 1850, which is proved by several witnesses that have been examined, and testimony taken by the authorities of the United States in Mexico, in December, 1851, to be forged, consists of a paper purporting to be a record from the book of mines of the prefecture of Rio Verde, certified to by Don Francisco Fernandez, prefect of Rio Verde; J. Pio Gutierrez, Secretary; Julian de los Reyes, Governor of San Luis Potosi; and Luis Guzman, Secretary of State, together with six depositions. All of these signatures, seals, &c., are shown by this testimony to be forgeries. This testimony, filed in November, 1850, was taken and filed long after Mr. Corwin had ceased to have any connexion with the claim. It was procured, not to satisfy the Board of the validity of the claim, but to increase the award.

I mention this distinction between the testimony which was before the Board when the claim was allowed in March, 1850, and the testimony taken afterwards, for this reason: I think I have shown, not only that there is no proof tending to show that Mr. Corwin knew that the testimony was false or forged, but that the first evidence produced was of such a character that he could not have known it, without a personal knowledge of the district of Laguinillas, in Rio Verde. And of the character of the last testimony he could have known nothing, for the reason that he never saw it. The testimony of Edward W. Johnston, Secretary of the Board of Commissioners, and of Robert T. Paine, one of the Board, show how carefully this claim was passed upon by the Board:

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 Dr. 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 Mexico had been that of a dentist, they of course conceived from this fact 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 purposes. 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 in great measure a matter of gambling in Mexico; and nothing but talent and skill could make it any thing else. The great king of Mexican mines, Perez Galvez, at last remarked to (Gardiner) "all are chances," and, taking him into favor, ventured 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. To extent I cannot speak of. I am not sure that it established any thing 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 Gen. 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—not known even to the secretary himself; but this is not because he could not know, but voluntarily.

Question by the Committee.—When the decision in favor of Dr. 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 the (Gardiner) did not know the amount, nor his counsel; and I understood, at the time, that an intimation was given to Dr. 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 particular 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, but 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 Dr. 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 Dr. Gardiner shown in the progress of his case great acuteness, but the most unexceptionably fair behavior in every thing 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 Dr. 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 understand 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.

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 10th of April, 1849. It adjourned on the 18th or 19th 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

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testimony was filed; but it was not laid before the Board until the meeting of the Board in November, 1850.

Question.—The claim of C. 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 mines 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 any 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 claimants. The award was, however, not considered final by the Board. It was left open for revision, if necessary. 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, because testimony might, after words, be introduced or discovered which might materially affect the award. Memoranda were kept by deposition 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.

Mr. Speaker, I am done with the case in the aspect in which it was presented to the Board, and have assumed that it is true, as stated by the committee, that the claim is now shown to be a naked fraud. That question I am content to leave as the committee have left it. The question for us is, had the Secretary of the Treasury any knowledge of its fraudulent character? The committee say that there is no proof that he had, and I have attempted to show that it is proved he had not.

But it is due to Dr. Gardiner to say, as has been said by the gentleman from Connecticut, (Mr. CHAPMAN,) that the testimony against him is almost wholly *ex parte*; and I will add, that although it makes a strong *ex parte* case against him, it is far from being conclusive as to his guilt. If it shall finally appear that the claim of Gardiner is a sheer fabrication, it is not only one of the most stupendous frauds ever committed, but the most extraordinary.

It is shown by the testimony that he went to Mexico in 1839 or 1840, and resided at Vera Cruz and the city of Mexico until 1841, when he left for the interior; and from 1841 until the fall of 1846 it is not shown where he was by the testimony against him. In October of that year he appeared in the department of Rio Verde for the first time, as the witnesses examined by the committee state; but William Goyeneche, in a letter to Mr. Letcher, which is printed with the testimony taken by the committee, states that he saw him a few months after he left the city of Mexico in 1841 in Rio Verde, where he staid a short time. Gardiner's proof before the Board shows where he was from July, 1844, to October, 1846, but the testimony against him does not.

The Mexican witnesses, Mr. Barregan and others, swear that his claim was fabricated in 1848, at Rio Verde, by himself, Manuel Verastegui, Jose Pio Guttierres, and Domingo Ithurry, and that it was publicly known to have been gotten up by them in Rio Verde in consequence of the treaty of Guadalupe Hidalgo. This, they state, was generally known in the city of Rio Verde.

Now, sir, this cannot be true, unless the testimony of Colonel Gates and C. J. Learned, esq., both men of high character, taken to sustain the Gardiner claim, as before stated, and that of Anne Chase, the wife of our consul at Tampico, taken by the committee, are false, which, I suppose, will not be pretended. The fraud of Gardiner was designed by him, if it is a fraud, before the treaty of Guadalupe Hidalgo was made. That treaty was made on the 2d of February, 1848. The witnesses above named say that he came to Tampico in the summer of 1847, as early as July. He applied for a surgeon's place, and obtained it, and continued there as surgeon until the American troops left the city. He represented there that he had been driven out of Mexico, and described his large property, his silver mines, and consequent losses upon his expulsion. He consulted with Mr. Learned, who was judge of the place under American authority, as to what course he should pursue to establish his claim against Mexico.

It was generally understood in Tampico, during the time our forces were there, that Gardiner had been driven out of Mexico, where he had a large property in mines. At that time there was no treaty of Guadalupe Hidalgo. General Scott had not taken the city of Mexico. It was between the time of the capture of Vera Cruz and his arrival in the city of Mexico. It was in the midst of the war—*flagrante bello*. It may well be asked, what object Gardiner could have had prior to the treaty to make these representations? The war was then in progress, and no man could tell what would be its termination. At that time he could have had no other expectation than that he would have to make his claim against Mexico under the treaty which he claimed had been violated in his case.

After the Commissioners made their final award in April, 1851, Gardiner deposited in this city and New York $320,000, nearly the whole of the amount awarded, that was coming to him; and when in July suspicions that the claim was unjust were entertained, and proceedings commenced against him, that amount was found in the hands of Corcoran & Riggs, of this city, and in the Life Insurance and Trust Company of New York.

In this connexion, there is a singular correspondence between Manuel Verastegui and Jose Antonio Barregan, printed in this book of evidence which was furnished to the committee, I suppose by Mr. Barregan, or brought by Mr. Slacum from Mexico, with the testimony taken by him as agent of the United States, in December, 1851. The letters are dated in December, 1851, at the time Mr. Slacum was in San Luis Potosi. The first letter is dated Rio Verde, December 15, 1851, and is written by Verastegui to Barregan, in which he complains that the Mexicans are a set of poor devils, and blames Mr. Barregan and others for the course they were pursuing in relation to the Gardiner claim, and implicating him in it. He protests that what he did was for the benefit of creditors. Barragan replies on the 22d of December, 1851, and, after protesting that he was doing nothing unfair towards Verastegui, he charges that the whole story of Gardiner's mine is a pure fiction, and then proceeds:

"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, it is asked of those who 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 Republicano*, number 2,189, of 19th May, and you will see that the money in question belongs to Mexico, and not to the North, for the total of the 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 Meare. To the first we adjudged $428,747 50, and to the other $153,125. These two amounts added to the anterior, make the amount $628,249 50, which undoubtedly belong to the Mexican government."

To this letter Verastegui replies on the 24th of December, and says that he will now change his course.

This correspondence shows two things: first, that Verastegui, when acknowledging his entire want of moral principle, insists that Gardiner had creditors in Rio Verde, whose interests he was looking after; second, that Barregan, who is comptroller of rents of the State of San Luis Potosi, in his testimony and his activity in this affair, believed that the fraud perpetrated by Gardiner is not a fraud upon the United States, but upon Mexico. How far that idea may have influenced the witnesses who have testified in relation to the claim, I do not know. The tenor of the correspondence referred to would indicate that its influence was considerable.

This much I have said in relation to the case of Gardiner himself, not that it has any connexion with the propriety of Mr. Corwin's conduct, but simply as an act of justice to the cause of truth as applicable to him. I therefore repeat, that if it shall turn out that the claim of Gardiner is a sheer fabrication, it is not only a most startling and stupendous fraud, but one of the most extraordinary in the history of crime.

Mr. Speaker, I will now take another view of this matter. The first clause of the fifteenth article of the treaty of Guadalupe Hidalgo reads as follows:

"The United States, exonerating Mexico from all demands, on account of the claims of their citizens, mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding $3,250,000. To ascertain the validity and amount of those claims, a Board of Commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive: *Provided*, That in deciding upon the validity of each claim, the Board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico, on the 20th day of November, 1843; and in no case shall an award be made in favor of any claim not embraced by these principles and rules."

This treaty bears date February 2, 1848. On the 3d of March, 1849, an act of Congress was passed providing for the appointment of a Board of Commissioners to carry into effect the agreement of the United States, contained in the fifteenth article. The Board was appointed soon afterwards, and in April, 1849, met and organized. In May, 1849, Mr. Corwin was employed by General Thompson to assist him in the prosecution of the Gardiner claim. On November 30, 1849, the claim of Gardiner was presented to the Board. In February, 1850, Mr. Corwin purchased one-half of one-fourth of the claim. In July, 1850, he disposed of his interest in that claim, with his fee interest in thirty-four other claims pending before the Board, to George Law, esq., by an absolute, unconditional sale. In November, 1850, he received from Mr. Law the money for his claims, and made the final written transfer.

On the 3d of March, 1851, Congress passed an appropriation bill, of which I will read a section:

"For the payment of the money to those entitled under the fifteenth article of the treaty between the United States and Mexico, concluded February 2d, 1848, according to the provisions of the sixth section of an act 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 2d day of February, 1848,' the Secretary of the Treasury is hereby authorized to sell the stock to be issued under the said section, and to issue it under the same restrictions, limitations, and provisions as are contained in the second section of an act entitled 'An act authorizing the issue of treasury notes and a loan,' and approved July 22, 1846: *Provided, however*, That the stock so issued shall not bear a rate of interest greater than five per centum per annum, and that it shall be redeemable in ten years from its date."

By this section it appears that eight months after Mr. Corwin had ceased to have any interest in the Gardiner claim, and more than three months after he had made the final transfer and received the money, Congress authorized him to sell United States stock to pay the claims of those entitled under the fifteenth article of the treaty of Guadalupe Hidalgo. What claims? Those that had been and should be awarded by the Board of Commissioners.

At the time of the passage of the law of March 3, 1851, the Gardiner claim had been passed upon by the Board of Commissioners nearly a year. Congress then knew as much about the character of this claim as Mr. Corwin. It was also known that he had been interested in claims before that Board, and had sold out. Did Congress at that time think the conduct of the Secretary of the Treasury improper? So far from it, they authorized him to sell United States stocks to pay all the claims that had been or should be allowed by the Board! The Gardiner claim had been allowed before, and was finally decided upon in April, 1851, and was paid—not a dollar of it, however, to Mr. Corwin.

Some importance is attempted to be given to this affair because Mr. Corwin, being a Senator, was engaged in the prosecution of claims before the Board of Commissioners—because, being a Senator, he was prosecuting claims against the United States.

Is it true that the claims allowed by the Board of Commissioners were claims against the United States, and were those engaged in their prosecution engaged in prosecuting claims against the United States? The Government of the United States had agreed to pay the claims to a limited amount—that is very true. But they were not that class of claims usually meant when we speak of claims against the Government. We had agreed to absolve Mexico from all liability for the claims of our citizens against that Republic, and to pay them to an amount not exceeding $3,250,000. We then established a court for the adjudication and settlement of the claims of our citizens against Mexico. Our Government by this arrangement liquidated the gross amount of these claims, and agreed to pay it out in the manner stipulated.

If we could pay the claims of our citizens against Mexico with a much less amount than was stipulated, Mexico would have no right to gainsay it. And yet there is some reason in the view taken by the Mexicans that they are entitled in equity to all the surplus, after the payment of all the valid claims of our citizens. We exacted from them the amount fixed upon, and received value for that amount. If the claims of our citizens against Mexico fell short of the amount agreed upon, the United States, by the arrangement, had the advantage of Mexico to the extent of the surplus. But if the claims of our citizens had exceeded the amount agreed upon, then Mexico would have been benefited to the extent of the excess, and our citizens would have been the losers. It was an arrangement by which we secured from Mexico $3,250,000 for the benefit of our citizens.

The claims presented before the Board of Commissioners were, as I conceive, in no legitimate sense of the word, claims against the United States. The Commissioners were merely appointed to award to the several claimants their proper shares of the sum stipulated for their liquidation.

I have adverted to this for the sole purpose of showing that there is no real difference in principle between the prosecution of claims of this character and the prosecution of claims against private individuals.

The Mexican Claims Commission was a court created by law, and to all intents and purposes a judicial tribunal; not a permanent court, to be sure, but one created for a special purpose, all of whose functions were judicial. Such tribunals have been created from time to time since the organization of the Government. There have been two or three for the purpose of adjusting Mexican claims; one under a treaty with Spain a number of years ago for the settlement of claims against that country and several others at different periods.

The practice has always been for members of Congress to appear before them. From the first, sir, men of the most undoubted honor and integrity, and of commanding influence in Congress, have engaged in practice before such courts. They never dreamed of its being improper, or a disparagement to their character or position. No one thought so. The celebrated Mr Pinckney, one of the ablest, as well as purest public men of his day, appeared before the Board of Commissioners for the settlement of claims against Spain while he was a Senator from the State of Maryland.

In this very case, Mr. Corwin was not the only Senator or member of Congress who appeared before the Board of Commissioners and prosecuted claims. A distinguished Senator from Missouri, (Mr. BENTON;) the able Senator from Indiana, (Mr. HENDRICKS;) the highly accomplished Senator from Louisiana, (Mr. SOULE,) all appeared before the Board as counsel, I am informed. Mr. Webster had many cases before it. Gentlemen of distinction in this House appeared before it; and several gentlemen who were then members of Congress, but are not now, had cases before the Board, as I have been informed.

Why, then, should Mr. Corwin be singled out from all the host who appeared as counsel before that Board, and other Boards, as the object of reproach? Why should any man be reproached for appearing before that and similar tribunals? There was no law against it. No principle of morals or propriety forbade it. And if Mr. Corwin deserves censure, then the whole practice of our public men, from the beginning of the Government, is deserving of censure. The other members of Congress who appeared before the same Board are equally subject to reproach.

I cannot see any violation of sound morality, or even punctilious propriety, in the practice. The Board of Commissioners was a court as much as the Supreme Court of the United States is a court. It was a court of high character, composed of men of distinction and ability as lawyers and statesmen—man appointed by a Whig President and confirmed by a Democratic Senate. I can see no more reason to censure a Senator for practicing before such a court, than to censure him for practicing before the Supreme Court of the United States, or before the State courts. In a lawyer to lose his character as such when he becomes a member of Congress I suppose, in fact, many men become members of Congress because they are considered good lawyers; and why should they to c their characters as lawyers, and cease to practice their profession, because they are members of Congress? If that rule should be adopted, I think the bar would lose much, and the country and the cause of justice would lose more.

Mr. Speaker, I consider this to be the whole point, and the only point in this case: Shall members of Congress for the time being cease to practice their profession, if they are lawyers? If it is thought best to make such a rule for the future, I shall not object to it, though I can see no propriety in it.

Mr. Corwin was employed in the usual manner that lawyers are employed to collection cases. He was to receive a certain per cent. on the amount collected. The manner of his employment is not objectionable; his being employed at all is the impropriety, if any, in his conduct. His purchase of an interest in what he considered an honest claim is not, surely, a matter of just reproach. It is as perfectly legitimate, for aught I can see, to purchase a claim for money pending before a proper tribunal for adjustment, as it is to purchase any other species of property which is the subject of litigation. I know of no law anywhere to prohibit such purchase; nor any principle of morality that is violated by it.

It is not, therefore, the manner of the employment, nor the fact of his purchase of an interest, that makes Mr. Corwin's conduct censurable; but his employment in the case as a lawyer, that is the subject of complaint. On this subject I think I have said enough.

But this claim of Gardiner is about to be fraudulent—a fact which it is admitted Mr. Corwin did not know, and which it is abundantly shown he could not have even suspected—and therefore his appearance before the Board in the prosecution of the claim was improper. In other words, a lawyer is to be held responsible for the forgeries, perjuries, and other villanies of his clients and their witnesses. Mr. Speaker, this would be a fearful responsibility. That proposition is too monstrous to be thought of. If that vale shall obtain, we may well exclaim, "We want no lawyers!" Mr. Clay once said in the Senate, by way of compliment to Mr. Grundy, that if he (Mr. Grundy) were to be held responsible for all the reasons he had saved from the gallows, he would have a fearful account to render. If lawyers are responsible for all the bad causes they have, for all the perjuries and forgeries committed by their clients and their witnesses, God forbid that any of us should practice the profession.

I can see a manifest impropriety in members of Congress being interested in the prosecution of claims before Congress. I can also see that their attending to the prosecution of claims before the Executive Departments, and becoming interested in them, might lead to abuses. The intercourse between the Executive Departments and members of Congress is so intimate that the practice might lead to abuse. The prosecution of claims before Congress by the members of Congress for a compensation, is morally wrong; for upon such claims members have to decide. In the prosecution of claims before the Executive Departments the case is different, and though the practice may lead to abuse, it is not morally wrong. Claims pending before Congress and the Executive Departments are properly said to be claims against the Government; but claims pending in court are wholly different, and are beyond the reach of executive or legislative influence.

Mr. Speaker, as I have said, the Mexican Claims Commission was a court, and one of high character; and neither law, morality, or propriety, was any more violated by practicing before it, than by practicing in the Supreme Court of the United States.

But it is said Mr. Corwin was employed because of his high political position, and therefore his conduct was improper. My experience is, that men will follow blindly after political and religious leaders; that they will be duped and humbugged in almost all the relations of life; but that lawyers are employed because of their legal abilities. In that matter, men generally act with reason and discretion. Lawyers are not employed because they have been judges, or because they are Senators, Governors, or Representatives, but because they are lawyers.

Mr DEAN, (interrupting.) Will the gentleman from Ohio allow me to ask him a question? I understood the gentleman to say that these persons who prosecuted this Gardiner claim were employed because they were lawyers, and for their standing at the bar. Does the gentleman mean to say that Major Lally was employed for the same reason, because he was a lawyer?

Mr. BARRERE. I do not know what the gentleman from New York understood. I said nothing about the reasons why the gentleman in this particular case were employed, for I do not know. I stated a general proposition as the result of my experience. What was Gardiner's motive for employing Major Lally I do not know, nor the motive of General Thompson for employing Mr. Corwin. Major Lally was a distinguished officer in the army; whether he is a lawyer or not I do not know. I have understood that he is the confidential friend of the President elect, and I suppose is a very honest and upright man. I never heard any

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thing to his disparagement. I understand that he is a business man of high character.

The morals of the profession of law I think as high-toned and elevated as those of any other class of men. I know, sir, that there are those who consider the bar as corrupt and dangerous members of the community. The question has even been argued whether a man can be a Christian and a practicing lawyer. It is not uncommon for demagogues to denounce lawyers, and to heap odium upon the profession. But as a class I know of no more useful, honorable, and upright body of men, none who have done so much to plant and establish liberty and justice in the world. The profession, true to itself, its honor, and the cause of justice, will always condemn its unworthy members and their unworthy practices, as the whole American and British bar did the celebrated Mr. Phillips for protesting to his belief of the innocence of a client who had confessed his guilt to him. But the profession never dreamed that they were responsible for the justice of their clients' causes. Like others, they are liable to imposition, and when they become cognizant of the frauds or misconduct of their clients, then it is their undoubted duty to expose them; and that an honest lawyer will do to the extent of his ability.

In this case Mr. Corwin has been shown to have rendered every assistance in his power to the full development of the nature of this claim. In July, 1851, the claim became suspected for the first time by an officer in the State Department, and from that time to the present the Administration have been using their utmost endeavors to ferret out the true nature of the Gardiner claim, and to bring the perpetrators of the fraud to justice.

I fear, Mr. Speaker, that I am insulting the House and the country by seriously arguing this matter. The committee have reported that there is nothing found in all this investigation even having a tendency to prove that Mr. Corwin had any knowledge of the unfounded character of Gardiner's claim, or that any improper evidence was used or to be used. That, his friends have thought, was an entire acquittal of every imputation cast upon him or attempted to be cast upon him, by getting up this investigation. But from the finding of the committee an appeal has been taken to the country. The question is before it. The committee say that the Government has been defrauded without his knowledge. They do not question either his honor or his integrity, but by their finding have vindicated both. This finding is not the work of his political friends, but of his political adversaries, arrived at, too, in the midst of high party excitement. If it were improper to appear before the Board of Commissioners at all, that censure he must bear; but he will bear it in company with many of the purest and most distinguished men that have lived, among us in the earlier, and as some have thought, better days of the Republic, as well as with some of the most distinguished of his contemporaries.

Mr. Speaker, I have not spoken on this subject because I thought it was necessary for me to vindicate the character of Mr. Corwin. That the committee have done in the amplest manner. I have spoken because my constituents love the man. Mr. Corwin has never sought office; office has sought him. He desired not his present position in the Cabinet. He was importuned by his friends until he accepted the place. He served in our Legislature several years; was a member of this House ten years, then Governor of our State before he took a seat in the Senate. During all that time he escaped the bitterness of partisan opposition. Until he made that celebrated, that immortal speech against the Mexican war, I never knew of any bitterness of political hostility against him. But since that time he has been the subject of constant vilification and abuse by the baser sort of his political opponents.

I care not what any man may say about that speech, or what he may think of the time and the occasion of its delivery; it is a speech that will live, not only as a production of brilliant eloquence, but for its high and noble moral sentiments. No man but one of high moral bearing could have made that speech. It required a moral hero to do it. It was not a speech made to suit the popular clamor of the day. The man who believes that the Mexican war was just and right—that the Government acted right in prosecuting it with all its energy and power, looking to the circumstances by which Mr. Corwin was surrounded at the time—must concede, if he have a proper appreciation of true merit, that it was not only an eloquent and powerful speech, but a speech which showed him to be possessed of superior moral powers.

What was that speech, viewed in its true spirit? Why, sir, it was nothing more nor less than an effort to impress upon the mind and conscience of this great people the importance of the rule, that they should do unto others as they would that others should do unto them.

The history of nations teaches us that the stronger powers have always disregarded the rights of the weaker, when in conflict with their schemes of interest or ambition.

Mr. Corwin was among the first of the distinguished men of the country who assumed the position that the law of nations ought to be practically what it is in theory: that the United States should disregard what they might suppose to be their interest, when the eternal principles of justice were in conflict with it; that the laws of God, the laws of morality, should be the rule of our foreign policy. This is the scope and spirit of that truly eloquent speech.

Mr. Corwin had then been long in public life, and had almost entirely escaped the bitterness of partisan hostility. Since he made that speech, however, he has been the object of calumny, detraction, and unsparing and unscrupulous abuse. He cares nothing about that. He knows that political abuse will pass away with the hour, and that his character and motives will be appreciated by his countrymen. The charges that gave rise to this investigation were of a different character. They impugned his honor and his integrity as a man. For that reason he demanded inquiry into his conduct in this transaction. The committee have honorably acquitted him of the injurious imputations preferred against him. Still it is insisted that he is guilty. I therefore repeat what I said in the outset, that if guilt attaches to him at all, it is of that kind that ought to consign him to the penitentiary. And I will add, if no guilt attaches to him—if he stands vindicated from the foul aspersions attempted to be cast upon him—that they ought to be in the penitentiary who wantonly and maliciously insist upon his guilt.

NOTE.

I heard but a part of the speech of my colleague (Mr. Olds) when he opened this debate. Since I made my remarks, I have seen his published speech, in which I observe that he has incorporated the bill reported by the select committee as an argument to show that the committee intended by it to censure Mr. Corwin. To which I reply that the investigation was principally made by the members of the committee who made the report, viz: Messrs. King, of New York; Howard and Chapman, all three of whom took part in the debate. Neither of these gentlemen avowed any such purpose on the part of the committee, and Mr. Chapman expressly disclaimed any such intention.

The committee were authorized to report this, and nothing more. It was no part of their duty to report a bill. The bill they reported came before the House by unanimous consent, as it could come before it in no other way by the rules. The honorable gentleman from New York, (Mr. King) introduced the bill, and in debate said it was a Senate bill, with some slight alterations.

On the 6th of April, 1852, the Hon. Mr. Badger, of North Carolina, introduced into the Senate a bill containing substantially the same provisions contained in the first, second, and fourth sections of the bill introduced by the special committee. It was the read twice and referred to the Committee on Claims. On the 20th of April, 1852, the bill was reported back to the Senate by the committee to which it had been referred with an entire new section, a corresponding almost exactly with the provisions of the third section of the bill introduced by the select committee.

On the 12th of May, 1852, the bill, as amended, passed the Senate, and was sent to the House, and is now on the Speaker's table.

The bill of the Senate, now on the Speaker's table in the House, is essentially the same reported to the House by the select committee. The wording is a little different, and some of the penalties are different; but the essential principles of the two bills are the same.

The bill of the Senate, as it passed that body, and which is now on the Speaker's table in the House, is as follows:

A Bill to amend and extend the provisions of an act approved July twenty-ninth, eighteen hundred and forty-six, entitled "An act in relation to the payment of claims."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all transfers and assignments *hereafter to be made* of any claim upon the United States, or any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor; and all contracts or agreements *hereafter to be made* for allowing compensation to any agent for claims, or other person or persons, for or on account of services performed or to be performed in procuring testimony in support of, or otherwise aiding in obtaining the allowance of any such claim; and all powers of attorney, orders, or other authorities, for receiving payment of any such claim, or any part or share thereof, shall be absolutely null and void, unless the same shall be freely made and executed in the presence of at least two attesting witnesses, after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof.

Sec. 2. *And be it further enacted*, That any officer of the United States, or person holding any place of trust or profit, or discharging any official function under or in connexion with any Executive Department of the Government of the United States, who, after the passage of this act, shall act as an agent for prosecuting any claim or claims against the United States, or shall in any manner or by any means, otherwise than in the discharge of his proper official duties, aid or assist in the prosecution or support of any such claim or claims, shall be liable to indictment as for a misdemeanor, and on conviction in any court having cognisance thereof, shall pay a fine not exceeding one thousand dollars, or suffer imprisonment not exceeding six calendar months, or both, as the court in its discretion shall adjudge, due regard being had to all the circumstances of the case.

Sec. 3. *And be it further enacted*, That any member of either house of Congress who, after the passage of this act, shall, for compensation paid or to be paid, certain or contingent, act as agent or attorney for prosecuting any claim or claims against the United States, or shall in any manner or by any means, for such compensation, aid or assist in the prosecution or support of any such claim or claims, shall be liable to indictment and prosecution, as in the cases mentioned in the second section of this act.

Sec. 4. *And be it further enacted*, That the provisions of this act, and of the act of July twenty-ninth, eighteen hundred and forty-six, entitled "An act in relation to the payment of claims," shall apply and extend to all claims against the United States, whether allowed by special acts of Congress or arising under general laws or treaties, or in any other manner whatever.

The resolutions of inquiry under which the select committee was appointed, were passed on the 23d of August, 1852.

It therefore appears that more than three months before the select committee had an existence the bill they reported in all its essential particulars had passed the Senate, and was on the calendar of the House; and could not and did not originate with the select committee; and did not grow out of or have any connexion with this investigation.

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http://www.latinamericanstudies.org/

The Daily Picayune.
8 February 1853, 2

Arrivals at the Principal Hotels—Feb. 7.

ST. CHARLES HOTEL....J A C Gray and family, Col H Fuller, Miss Morell, S B rush, T Johnson, R M C Graham, R S McIntosh, NY; Mrs Chase, Tampico; J Leach, Mo; C Belcher, NO; G A Belcher, NO; E H Anderson, C C Shackleford, W P Sweeny and lady, W H Johnson and lady, Miss Ellis, Miss Porter, Miss Green, Miss Durane, Dr Crump, R H Crump, Judge Shackleford, S Walker, R M Johnson, B W Johnson, M Bonney, Dr D W Finncaw, J C Harris, Miss; R A Johnson, Ky; T A White, Cin; Dr J M Hereford, Ala; J L Mothews, La; Miss Saxon, Tampico; W Griswell S A Moore, Ohio; A J Curtis, Dr T O Meaux, NO; Judge Ames, Cal; H L Cestertine, Mr Daure, Gen W Vick, St Louis; W K Pendleton, Va; Dr G W Tucker and lady, J M Foley and family, Mrs G W Phillips, Mrs Hardesty, Misses Watts, G N Rhes, La; T Ellis, B Chapine, Ky; W T Speed, M A Blythe, Tenn; D Bell, Miss; B Pendleton, Natchez, J H Hyde, Ct; J Dougherty, Miss. S B. Curry and lady, NO; H W Shaw, Ga; W H Murphy, NO; S Robb, J M Denman, NC; E Knuson, La; L E Caperton, J H McNutt, Va; J N Bills, J M Snider, J C McKeen, La; S Lory, Jr, Tenn. A T Rainey, M A Lacey, T B Carrington, T A Rainey, Ark; J H Dinkgrave, B B Henliken, La; M W Steele, Ala; M B Brady and lady, NO; J L Farwell, Wis; G Mallinsbrook, Mo; Mr Petry, Jr, Mr Potias, Quebec; H C Walker, J L Webb, Tenn; B S Fitzgerald, Texas; C G Hatton, T Beatty, J C Jones, B Williams, W P Bradburn, P E Freely, La; J Flaut, Mobile; H W Farley, NO; P Neuland, NJ; L Dyer, Cal; M Slaughter, M H Cooley, La; A Baxter, Ga; J M Hodges, Mobile; Capt Tattnell, Lieut Brent, USN; Mr Hart, Fla; Mrs Levelt and daughter, Mobile; D D Byerly, NY; C G Hunter, R M Doyson, La; Mrs Dr Page, R Page, La; A R Smith.

ST LOUIS HOTEL....R Baxter, L Daunis, W C Wilson NO; J Brown, C Frazier, Mr Edwards, A Macallister and family, J M Weston, W H Levy, W Chilton, NY; E Hammond, LI; C Wilson and lady, NH; J Jeffrey, Cin; E G Palmer, SC; J Cook, J Welsey, L B Stockwell, Mobile; H L Bonner, Miss; T S Farley, Ala; D S Stacey, H P Sauve. E Waggaman, La; Mr Ximeno, Havana; Capt Tattnall, Lieut Brent, USN; S T Hartt, Fa; J P Sheldon and lady, Ill.

VERANDAH HOTEL....Capt L Gage, Phila; W G Miller, H A Dumesnil, Ky; A S Robertson, H Marshall, S Lee, J L Moore, Mr Lanoul and lady, Mrs R C Dunn, S A Moore, W H Hackett, La; D Harrison and family, Mrs E E Bfiscoe, R Shotwell, H L Conner, G G Noland, J M Batchelor, L H Drake, J Oates, Mrs DeSharron, Mrs Hamilton, Miss Hamilton, C D Hamilton, E C James and lady, M E Saunders, H F Shafer and family, W B Wood, W B Knox, Miss; C L Hill and lady, H A Hawkins, H Berthell, C F Stewart, S C Humes, J G Stevens and lady, E Stedhens, P Booth, Ark; A W Evans, USA; W T McCall; J H Eckford, Miss; J A Dougherty, W N Ghiselin, O Wickham, J Beene, NO; J Stiles, Capt J B Walker, P Meyer, L Meyer, E M Sager and lady, J B Hartley, Mobile; A W Reynolds, Vt; R H Powell and lady, Ala; M Raily, Va; T G Wright Texas.

CITY HOTEL....Dr J S Crockett, J H Palmer, W M Palmer, C W Gould, C Horton, J W Murrell, C M Vinsen, W P Bradburn, H A Drew, H McWilliams, J M Berry, J H Martin, J W Pullen & lady, S M Lynch, R P Miller, La; Gen Quitman, Judge H Turner, Natchez; E P Scott, Va; J E Brown, F A Jones, Ky; L C Braddy, G L Hacker SC; H W Shaw, Ga; H M Raymond, L Merchaut, H P Ensign, Mobile; J H Peebles, Pa; S J Kellogg, D H Morton, Cin; T Williams, Ala; Col B Lynch, Ireland; A Hyner, J D Colburn, E Philips, F L Neal, Ark; P J James, J James, W J Jackson, M Van Fleet, Miss; S J Jones.

ARCADE HOTEL....G Scott, W Abernathy, J Shepard J F Casey, R N Featherstonh', J A MacVey, C Bonnabel, NO; B F Morse, M B Kidd, J Moore, G Everett, G M Goodwin, J A Creath, J A Moreden, W A Daniel, W B Carter, J Kelly, T Gray, W H Cole, J Dasher, W H Morris, J K Underwood, J C Brown, La; J H Strobech, A Broadwell, H B Holley, NY; C Knowlton, Boston; D F Hagler, S Hagler, L B Langfern, W A Ward, G S Green, W Harper, E Cabness, H Cabness, N B York, D Gillies, J J Bell, H L Dearing, G A Cawb, F W Laney, H Nasworthy, M H Blakemore, L R Harris, Ark; E M Campbell, Mo; H L Richardson, S H Pugh, Tenn; M J DeJarnill, Ala; T J Carrington.

Robado del Archivo del Dr. Antonio Rafael de la Cova
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The Daily Picayune.

9 February 1853, 2

Arrivals at the Principal Hotels—Feb. 8.

ST. CHARLES HOTEL....Thos Bachino, Dr D S Stacy; V McKnight, Col J T Pickett, A J Ferguson, Mrs E J Martin, B Chapline, Ky; R G Higgins, Ark; J P White, J Orr, T Upshaw, Va; J M Ball, C Lewis, J W King, Ga; J H Randolph and son, D J Blackburn, H M Cobb J M Boatner, G Stevens and lady, E Palfrey, La; W T Hall, Md; Mr Clearman, W Gibson, jr, NY; R Rice, Boston; S Caruthers, Mo; B J Sage, J James, J C Ricks, C Myers and lady, NO; H Cohson, J Gooch, A B C Calhoun, Texas; D Loring and lady, G Loring, E A Morris, C Merriam, E D Knight, Mass; S Chamberlain, Miss; Capt A T Lee, Col W W Loring, Lt Col A Porter, USA; J A Stewart, Md; A Herring, Ala; J L Webb, Miss Rawlings, Miss Webb, Tenn; J D Smith, Philada.

ST LOUIS HOTEL....H Osgood, J G Osgood, Coast; Dr Fitch, steamer Crescent City; B B Wood, Miss; R G Cringle and son, E P Miller, Ohio; Col J B Grayson, USA; J W Kerr and lady, Ark; J Paillard, NY; B F Kerr, St Louis; J Prestwood, Ark; S R G Mills, SC; F N Waddell, jr, NC; G Ervin, Phila; H McGill, Pa; W T Hall, Md; J J Warren, Bishop Polk, La; Mr Bateman and lady, Miss Kate Bateman, Miss Ellen Bateman, W E Wilson, B G Skinner, J Brown, jr, E Davis.

VERANDAH HOTEL....J Harrison, Mo; C G, N Hobart, steamer Florida; J M Davidson, E H Jordan, W H Legarden, Dr G W Purnell, D F Blackburn, R H Norris, W H B Croswell, W S Eakridge, J M Davidson, J D Eastler and lady, B F Stewers, La; J H Malone, W C Moore, J L Hopper, Tenn; C Hillsburg, NY; Dr L A Bryan, T Harrison, B B Baxter, F Johnson, S B Payen, G P Post and family, Mrs Jones, Texas; Dr W W Cleaver, Ky; J S Anderson W H Garland, Ark; W T J Purnell, Teernan, Md; J Williamson, T S Leathers, W C Lorften and lady, S Stowers, C R Bass and lady, Miss A Bates, Miss; J Christie, D H Morton, Cin; H P Herndy, Ohio; Capt B D Monton, Carleton, NO; J E Clardy, Mo; W M Gilt, St Louis: S Woodson; B S Small, T W Furlow.

CITY HOTEL....S Semple, Pa; C C McDermott, Ark; B F Morse, R C Camp, T J Couch, P Greyer, J Doyel, R W McMillan, E Daly, Webb Ross, W Stephens, G Shropshire, S Thompson, J R Merry, La; F Scranton, E T Silalee, Texas; N Thompson, Ky; W L Pugh, A M Buford, Tenn; W A Grice, Capt Hawks and family, R Sisaam, NO; E J Groves, NY; Chas Baldwin, S Upshaw, jr, Va; S Sellick, jr, Ind; N Thompson.

ARCADE HOTEL....E Mills, Ark; L Shankelford, D H Mallory, E W Wilson, R Kelly, Maj B Whitlock, S Turner Texas, J H Shell, Miss; J W and H M Bigelow, Ohio; S Dixon, J D Watkins, Thos Geaom, J D Thomerson, S R B Jones, J D Carr, M B Holt, J R Wynne, C C Coleman, J H Powe, W S McIntosh, W S Grayson, Frank Garet, Dr W P McRae, La; A Schatt D C; T Frey, G W Luke, NO; R E Perry, A G Owen, Thos Cates, W G Boney, Ala; Thos M Borford, J M Sullivans, R A Shrader, Ky; J Aldoct, NS; J Yates, Eng; P G Cartwright, Tenn; H B Holley, NY; J D Stilwell, Cin, J Clapban, D Louis, Eng; J S McDougall, la; E Randall; Wm McPhaul; G W Miller; J Wever, H M Hat; M Fo.

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11 February 1853, 2

NEW ADVERTISEMENTS.

Important Notice.



The members of ANGELA DIVISION, No. 5, Order of the Lone Star, will meet This (Friday) Evening, 11th inst., at DEKALB LODGE ROOM, at ½ past 7 o'clock.
By order of (feb 11) J. ANTROBUS, Sec'y.

GEORGIA HISTORICAL SOCIETY.



The fourteenth anniversary meeting of the Society will be held To-Morrow Evening, the 12th inst, at the Historical Hall, at 7½ o'clock. A full attendence is requested.
feb 11 2 R. D. ARNOLD, Recording Sec'y.

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THE REPUBLIC.

WASHINGTON

12 February 1853, 3

ARRIVALS AT THE HOTELS.

WILLARD'S HOTEL.

B F Hawks, N C
Mr Dickinson & l, Mass
W H Dickinson; do
B H Smithson, Ark
J D Adair, Choc Na'n
J Pegg, do
J Nugent, Pa
Hon B J Butler
Mr Nile and daughter
L Carr, D C
S W Hawes, Mass
W Noble, Cal
J Blunt, N Y
H Little, U S A
G F Bartlett, N Y
J A Hoseeia, Phila
F H Warren, D C
J B Hoffman, N Y
E O Phillips, Mass
J Lawson, Va
W G Field, Phila
T Andrews, N Y

BROWN'S HOTEL.

W O Talburtt, Md
T N Cummins, N Y
D Rich, Pa
J Hoskinson, do
W Hoskinson, do
J Shower, Md
D L Hoover, do
S N Palmer, Pa
C Polk, Del
E B McClees, do
G W Blackburn, Ohio
W Kirkpatrick, do
G P King, N Y
S Clarke, do
J C Green, Ga
J A Thomson, Va
T C Nye, N Y
C G Gracey, Va
J M Grymes, D C
W F Smith, Md
E Miller & l, N Y
W L Brown, Pa
N Baker & l, Mass
Gen L Blake, Fla

NATIONAL HOTEL.

Mrs Cutter
G Forbes, Md
M F Smith, do
W S Martin, Pa
H W Hicks & lady, N Y
G W Norris, Md
B R Baird, Va
T A Baird, do
H T Clackner, Md
T B Stevenson, Ky
L P Blodgett, Vt
L B Blodgett, do
D A Smalley, do
H W Shiffer, S C
J A Clifton, Md
R L Brown, Va
Mr & Mrs T Palmer, N Y
G Knight, Mass
V D Boncsteel, N Y
W Jones, La
G S Greene, R I
J Cadwalader, Pa
Mr Bissell, N Y
Mrs Schoonmaker, do
J Freeman & lady, do
Mr Dey, do
G Merrick, N O
Mr Pecan, S C
J S Brinsman, Va
B Sellbar, do
J Barbour, do
C G Croghan
C H Cummings, Pa
Mr. Kennard, do
D Hamilton, N Y
Hon J H Boyd, do
H W Johnson, do
H B Miller, do
M H Smith, Mass
W H Babcock, N Y
L Snow, do
J Maguire, Ala
W S Chancey & daughter, N Y
F W Ballard & lady, N Y
J H Lendrum, U S A
W Price & lady, Md
S M Shoemaker, do
Dr Birdsall & daughter, California
G P King, N Y
S Steele, do
Mrs Steele, do
R W Habersham, Ga

GADSBY'S HOTEL.

B A Smithson, Ask
J Fleming and lady, Pa
J Harris and two ls, Md
Capt Latimer, U S N
J H Coates, N Y
Mr Ogle, Md

UNITED STATES HOTEL.

J Stern, Va
S Stern, do
W S Morrison, do
W N Seymour, Wis
T H West, Va
R Allen & l, N Y
A A Colley, Cuba
J W Middleton, Pa
V Hannot, N Y
J S Morrison, Va
G N Tunstill, do
Miss Crump, do
S Stout, Ky
J Martin & l, Pa
W H Mitchell, Md
W Bonifant, do
A Maddux, Va
E T D Myers, do

IRVING HOTEL.

Dr Coles, Boston
Miss Coles, do
J C Morriss, D C
M F Smith, Balt
W H Seymour, Miss
R S Bowie, Balt
W B Merideth, Pa
S B Simpson, do
S Moore, Pa
J F T Semmes, do
Miss Scott, Va
Mrs Ward, do
G L Semmes, Balt
W H Fry, Boston
J K Bowers, Va

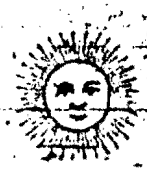
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SAVANNAH MORNING NEWS.

17 February 1853

NEW ADVERTISEMENTS.

NOTICE.



The members of Zerubbabel Lodge, No. 15, A. Y. M., will assemble at their Lodge room, This Morning, at 10 o'clock, to attend the Funeral of Brother JOSEPH DAWSON.

By order of

feb 17 GEORGE A. CUYLER, W. M.

☞ Members of other Lodges are invited to join with Zerubbabel Lodge.

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THE REPUBLIC.
WASHINGTON
19 February 1853, 3

ARRIVALS AT THE HOTELS.

WILLIARD'S HOTEL.

J M Cousin, Md
D D Egbert, U S N
C R Train & l, Farmingham
R J Lyons & l, Ohio
H Hanley & l, do
S Ward, N Y
Col R W Abbott, Mass
J Glover, N Y
A Rogers, do
J M S Scoville & son, Ct
W A James, N Y
W S Lewis, Va
J B Lewis, S C
J Thoma, Pa
Capt J S Slocum, D C
Capt Lindsey, N Y
S Small & l, Pa
J H Hammond, Mich
C W Evans, N Y
Miss E J Gwinn, do

BROWN'S HOTEL.

W Steele, S C
M A Root, Pa
O Shead, Me
Mrs M Waters, Mo
G W Thatcher, N Y
G F Comstock, D C
W J Hough, N Y
S E Hitchcock, do
J D Delapiane, Ohio
J A McCrate, Mass
M H Jeffers, N Y
E M Bosley, Md
Capt G W Morgan, Tenn
G P Hamilton, Ga
A Abercrombie, Ala
R S Abercrombie, Ala
G S Eaton & sister, Ga
G Stacy, Montreal
W Hopkins, Md
W M Corry, Ohio
A R Boteler, Va
C W Patten, Me
J R Webb, Mass
R D Mullikin, Md
T H Osbourn, do
Mr Plummer, do
Hon J Morton, Va
Mrs Halsey, do
T J Wilson, Md
R J Scott, jr, do

NATIONAL HOTEL.

L R Wilson, Md
A R Wood, do
P W Crain, do
J W P Lewis, Pa
D Van Bell, do
S Knowlton, N Y
A W Cummings, Pa
E L Clark, do
Capt C Foulkes, do
J Small & lady, do
W Rutledge, Md
Rev S R Lambert, U S A
J Adams, Mass
J R Tyson, Pa
L Norcross, Mass
C H Mellon, Pa
S B Lauffer, do
J G Cormick, Ohio
S R Packer, N Y
W R Wells & l, Pa
E M Martin & l, Pa
D E Sykes, Ct
W R Dutton, Pa
R W Peckham, N Y
J H Duncan, jr, Mass
Col Stamford, U S A
J G Cook, Balt
Mrs Lynch, N Y
Miss Lynch, N Y
Mr Butler, N Y
Com Bailey, U S N
Miss Bailey, do
N P Bailey, w & dau, do
Dr T Ward, do
Miss Hale, N H
W F Lee, N Y
C H Henshaw, R I
S W Inge, Cal
E C Betts, Ala
S H Lothrop, N Y
Dr J M Green, Ga
C L Helm, Ky
R H Ford, Va
J A Muir, do
J F Webb, Mass
J Monk, Balt
C W Seely, N Y
James Guthrie, Ky
Mrs Wilson, do
J A Jee & wife, N Y
E Dingee, Pa
J R Kenly, Md
Col Fuller, N Y
R McC Graham, do
R Colton, Md
R S Lawrence, Vt
T P Lynos, do

GADSBY'S HOTEL.

Dr W M Gammill, Md
Mrs Gammill, do
Miss Henderson, Pa
Miss Baker, do
P A Johnson, Va
Col R Paine, N C
W Mitchell, Md
J Jagger & lady, N Y
J G Chapman, Md
A B Dickman, do
H C Leffey, Va
W D Merrick, Md
R Colton, do
S Berlin, Va

UNITED STATES HOTEL.

C Brewster, Md
T P Shooley, Va
T Ward, N Y
L R Packer, do
A Bangs, Md
T Walman, do
S C Bangs, Va
T J Massie, do
J Bigler, N Y
A Wallace, Pa
F H West, Va
M D Thomas & lady, NY
G W Hanzche, Germany
E M Asquith, Va
W Bonifant, Md
E W Henry, Va
H C Tiffey, do
A B Dickinson, Md
C Brooke, do
T Symington, do
J Janney, Va
E M Bissell, N H
R Furman & lady, N Y
J S Rees, Va
W H Grafton, Md

IRVING HOTEL.

T D Bryant, Mo
J D Foster, N O
Wm Brindle, Pa
Gen A J Gonzalez, Cuba
W Martin, N Y
G L Riley, Md
S L McIntosh, Md
R Brown, Va
C Patterson, N J
P J Wallis, Pa
G Furguson, Va
B Whiting & l, Md

AVENUE HOUSE.

L C Forsyth, Mich
L Q Washington, Washington
Judge Mason, Md
Capt Sutherland, Washington
T S Day, St Louis
C V Barse, N Y
Mrs F Martin, do
Miss Martin, do
Mr and Mrs Nicholas, do
T L Moore
D S Howard, Lyonsdale
P H Perry, Ala
H M Wheeler, Mass
Mr Chauncy & 2 l
H Mower, Santa Fe
P W Strother, Va
L Fairchild, do
Lt Geo Croghan, Ky
Mr Mason & family, N Y
Mrs Greenleaf, N B
A Srigo, Balt
Mrs Fairfield, Boston
G R Seely, N Y
A M Robertson, Va
Dr J S Workman, S C
S Phillips & l, Balt
W E Hooper & d, do
Miss Couch, do
Miss J Henderson
Dr Baynard
R Latimer

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THE REPUBLIC.

WASHINGTON

21 February 1853, 3

ARRIVALS AT THE HOTELS.

WILLARD'S HOTEL.

J R Savage, Ala
A Vanzandt, N Y
D B Miller, California
Mr and Mrs Mason, and servant, N Y
Mr Miller, do
Hon W L Marcy, do
B H Jarvis, do
B Ellery, do
C C Haswell, Mich
S T Dupont, U S N
Capt Willoughby, Mich
W S Barton, Va
G W Billings, Ill
B M Vick, N C
Mr & Mrs G McJewett, Bangor
Col Taylor, U S A

BROWN'S HOTEL.

J B Hunter, Md
R H Hebb, do
T Wilson, do
W Bayne, Va
W McClure, Pa
J D Landing & son, Ill
M G Dale, do
E T Bridge, N J
E Merritt & lady, N Y
N Brock, Panama
J L Hansburg, Md
G Sterling & l, Pa
P Donlop, Cal
Gen W H Richardson, do
Capt W H Hull, Mexico
H Hoblitzell, jr, Va
Mrs Heath, do
Miss Handy, do
C Jones & lady, do
Z T Davis, Ala
M Duffey, Tenn
J A Sherin, Va
A Kelley, Ohio
R T James, Tenn
W Kelly, N H
D Quinn, Ohio
G W Morris, N Y
J Fisher, Balt
J S Lemby, Miss
J H Lee, Va
B R Bagg, Mich
P H Hooff & ser't, Cal
J J Fain, Ala
J G McPheeters, Chili
J S Blair, N Y
W W W Bowie, Md
J S Barbour, jr, Va
E Manon, N Y
T W M Rabor, do
N C Scott, Md
Capt Willoughby, Me
N C Brockney, Tenn
J S Marling, do
T Boyes, do
R H Fairchild, Mass
C P Crawford, Ga
F E Rives & lady, Va
S A Saxon, do
D Ayers, Texas
A P Lone, Ala
J T Bell, Texas
A M Jackson, Md
G Knupp & dau, Ohio
F A Tiernon, N Y
W M Stephens, Texas
A P Blythe, Miss
N Terry, Ala
W E Coleville, Tenn
J C Ryon, do
R B Shirley, do
Ben McCulloh, Texas
D H Armstrong, do
W A Linn, do
J Williams
S B Farwell, Cal
H Fries, N C

IRVING HOTEL.

J B Gibbs, Boston
W D Beloate, Tenn
Mr Mortimer, Pa
Harry Connelly, Phila
J H Lane
Hon J D McCrate, Bost
W Belrose, N Y
H D Brady, l & 2 children, Va
Maj O L Shepherd, U S A
Ex-Gov Dewey, Wis
Hon J Delaney, do
Hon H C Hobart, do
Hon J B Macy, Wis
R Garrigue, N Y
J G Mowry, Pa
E H Day, do
Alfred Kelly, Ohio
G L Spencer, Pa
Mr Gregory, Ga
S McKnight, N Y
A Murray, do
Somerville Garraud, La
D B Sergeant & l, N Y
F Maynard, do
P Stuart, Md

NATIONAL HOTEL.

W G Krebs, Md
Gen T F Bowie, do
R H Hebb, do
R W Bowling, do
J B H Tompkins, do
G V Brooks, do
W T Brunden, do
R G H Ellet, jr, Pa
R H H Jarvis, N Y
M W Jarvis, Conn
Miss E H Jarvis, do
Miss T H Jarvis, do
Mrs H B Beach, do
H Baker, N Y
J A Notte, France
H P Foulke, Pa
D S Sundrill, Md
J Carter, jr, N Y
S C Jackson, do
J T Bellson, Md
H Spaulding, Me
J D Adams, Ark
C H Carter, Md
A S Siglor, do
J G Dickie, do
J S Cawley, N Y
W W Riel, do
T P Shirley, Va
T C Rice, N Y
S G Williams, U S A
T W Tansill, Va
J Brown, Ky
T McKinstry, Ohio
Lt Wenthong, U S N
Mrs Horwitz, N Y
Miss Sartizer, do
A H Boyd, Me
G Percival, jr, Va
Dr J R Knox, Pa
M N Falls, Md
F C Humphreys, Fla
Capt J R Henham, do
J Fisher, Md
J K Walker, Tenn
S B Laupfer, Pa
J G Cormick, Ohio
Mr Placide, Va
T S Coyle, do
R S Ripley, Md
R W Chew, do
J B Brooke jr, do
G Vail, N J
W Hamilton, Pa
R C H Huntington, N Y
R S Robertson, Md
D W Irwine, Ky
J Workman, Va
C J M Gwinn, Md
Mr Croswell, N Y
J Eddy, Me
E F Adams, Boston
S R Beardsley, N Y
A A Parker, Pa
J M Prendergast, N Y
C A Silliman, do
G F Seymour, do
Col J S Keyes, N H
Hon D C Baker, Boston
J H H Perkins & l, N Y
P Dunkinson, do
C W Carrigan, Pa
R H Du Val, Pa
W S Humphreys, N Y
W W Seymour, do
Miss Seymour, do
R M Boykin, Va
J G Bruce, do
O B Matteson, N Y
E T Osgood, do
W Williams, do
R Sedgwick, do
G H Loomis, Mass
G H Sargent, N Y
E Robinson, Va
A H Saunders, do
W Chauncey, N Y

GADSBY'S HOTEL.

M J Barton, Va
H Retzchlaut, S C
Mr Partridge, Md
A F Morrison, Ia
J M Sallett, do
W H Rogers, Va
J Matterslee, Md
J S Holcraft, do
Col J C Murray, N Y
Mr Kent & lady, Md

UNITED STATES HOTEL.

W M Wade, Va
S Ritchey, Mo
S Fisk, N Y
J M Stewart, Va
J B Gibbs, Conn
J Mason, Md
A Davidson, Pa
Dr Sutherland, N Y
J Pringle, do
Miss A B Henry, Va
A M Fitch, Mich
W Seaye, Md
W S Morrison, Va
S Craighead, S C
H C McLaughlin, Va
Mr London, do
N Y Sales, Iowa
J M Whittle, Va
J Daniels, St Paul's
S Norress, N Y
J S Rogers, do
Mrs Riley, N Y
J Renshaw, Balt
E A Pennilman, Pa
R L Gilbert, Va
N E Wildman & son, do
J H Young, do
Miss L N Thompson, Va
Miss M E Mayo, do
J M Thompson, do
L Mayo, do
R Elward, Miss
Mrs H Walden, N C
G B Wallis, do
F M E Fant, S C
C H Hanford, Va
D C Herndon, N C
Lt Col Lindsley, China
W M S Hopkins, D C
J Vanesson, do
J C Barry, do
R M Clarke, Ga

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The Daily Picayune.
22 Feb - 1853, 2

Arrivals at the Principal Hotels—Feb. 21.

ST CHARLES HOTEL....H W Waeter, Miss; W R Dent, Ky; T J de Yampart, Mobile; Jas Hamilton, Miss, W P Hamilton, Mobile; J M Gardiner, J W Cooper, S C; G J Beck, La; Dr Thos E Gorman and lady, Miss Westmoreland, Col J T Coleman, Ga; E Moore and lady, Misses Moore. La; J M Covington and lady, Ky; Miss B Berry, Miss; R S Gosney, Ark; J D Powell, John D Powell, N C; R R Cox, Tenn; W N Brown, Miss; J W Austin, La; J H Waldron, St Louis; J W Ingersoll, Ill; R Catlery; J H Humphreys, John B Humphreys, W B Humphreys, La; A G McLemore, Tenn; J L Tanner, B Tanner, La; J S Bryan, Ky; H W Walter, Miss; W C Wallace, W A Ransom, Cal; M H Crenshaw, La; E J Townsend, Cal; Dr R M Harris and lady, Miss Crawford, La; A Cummings, USA; Mr Bloomfield and lady, L S Watkids, NY; W A Sykes and lady, Miss Sykes, Mrs McAllister, J T Fortune, Dr F Gillett Miss; G W Blair and lady, Miss Blair, Mobile; J R and B H Cooksey, R A Harper and lady, G C Eaton, Ark; Dr Dougherty, Canada; J S Williams, Dr M A McLeod, Mr Hood and family, La; E F and J E Strong, M L Semmerville, Teos A Benton, Ark; R B Bowler, Mrs Bowler and family, Cin; Benson Blake and lady, C C Shackleford. Mrs Shackleford, Miss Bransford, Miss Prietley, Miss; J W Homan, P C Wright, NO; J H Smallwood, A Church, NY; Miss Crandler, Miss Mason, J F McConnell, A Covington, Ky; J E Crane, W B Whitehead, Va; G W Knox, Robert Bell, Pa; Fco Temenez, M Aleman, F de Hurbide J E Farneaux, Capt E A Mejia, Gen Bruff, H R Leroy, Mrs Col A C Ramsay and family, Albert Speyers, Wm M Yandell and lady, W S McRae, Wm G Stewart, Mexico; E J Townsend, M C Wallace, Mr Ransom, Cal; C Oglesby, Ohio; R R Cox, Tenn; J Brown.

ST LOUIS HOTEL....R Percy, Mrs and Miss Sargent, W H Lee and son, Jas Yerger, Mrs Percy and child, Chas Robards, Mr Roberts, R C Case, Miss; L J and Misses M B and M J Polk, Mrs Pope, R R Cox, T Tyber, Tenn; Dr Wright, Eng; Lt Jones, USN; Col J O Fallon, St Louis; J T Sweridger, N O; R H Means, S C; H E Lockett, Ala; A Erickson, Miss Erickson, NY; H McQueen, Texas; Dr J S Evans, H W Hinsdale, Ill; Mrs C E Rusn, Philada; L T Spencer, Jas Chadwick, str Philada; J J Harrora, Nathan Fisher, Thos P Manly, G Wailes, La; R C Edwards and lady, Misses V and Mary Edwards, Miss; J J Ames, Cal; M M Arrano, Pedro P Veler, E Bellotti, S Rosi, J A Herrera, Miss E Luyago, F'co Maseras, Italian opera troupe.

VERANDAH HOTEL....H Rogely, Dr G H Tucker, L B Morris, J W Anston, J H Armet, J H Brigham, H J Peck, J W Murdock and lady, Col W Gartley and lady, Miss M G Garley, L K Preston, La; J K McCall, N O; G W Knox, Pa; L Watkins, Mrs Watkins, J B Billingsly, Thos H B. G P Warren, Josiah Locke, Isaac Locke, W Briscoe, W L Balfour, J W Balfour, C R Balfour, M J Denson, Dr W H Thompson and lady, J W Crysler and lady, G L C Davis, Miss; W L Thompson, Masters Schlieke and Thompson, J F Hedges, E Shenling and lady, Mexico; L W Delonb, E Allen and son, L C Clolton, A Pitts, W D Hester, Mr Braune, W M Dunlop, S Pawers, R E Evens, R K Elliott, Texas; W A Fanshaw and family, Mo; E F Strong, J E Strong, S A Strong, Mrs S C Buchanan and children, S C Buchanan, J C Green, Jr, B S Montgomery, Ark; J R Hobbs, A J McLemore, L S Lewis, N Anderson, W N Cox, Tenn; J B Dawner, N Y; C W Westmoreland, Putaski; Putaski; A Hangood, N Y; W P Fulgood, J B Jennis, H K Plank, J Vann, W B Carker, Ala; Capt P Key, steamer Belle Key; P M Nixon, England; C R Wheat, N C; W A Tennison, D C; Miss Melville.

CITY HOTEL....Mrs Barrett, C Bell, J Cline, R S Dumont, A McAlpin, Cin; L Houston and lady, H Houston, R R Barnett, Ala; G Hill, Ga; W B Hudson, W A Andrews NO; Capt J Jonson and lady, Buffalo; T D Cleaman, R McRae, NY; D T Ferguson, Mr Eaton, Camden; J Henry and lady, Ark; J O Robertson, J Boyd, A Boyd, H B Hill, Capt Hunter, J H Brigham, Dr Peck, L V Leeves and lady, R H Gatewood, S Jones, J Minnis, J H Moseley, C Collins, La; J F Brock, J Burroughs Col Kyle and lady, Col C S Tarpley T S Anderson J McAdorey, S W Goodfrey, T Rowan and family, Dr Atchison and lady, Miss; Col S J Jones, Mobile; D Adams, W A Reed, Const; E Nelms and lady, N C; Dr Coleman and family, W A Stewart, Ga; S W Gray and family, Va; A Underwood, A Winston, W P Hill, Tex; H Lockhart, Ky; Capt A C Olds steamer Wetumpka; W H Levin, J J Gridin, W G R Paulet.

ARCADE HOTEL....B Overman, Pensacola; J Montgomery, D Partridge, Mobile; Weedon, Noel, Tenn; J Maples, S Foulkes and son, Mount, Memphis; R W Williams, G Pope, T G Lightfoot, S Haskins, P Klotz, M Aron, Mr Kaufman, S Rossen, M Klotz, H W Monnack, J W Ford W F Flower, Miss; T A Alford, C B English, Tenn; T G Goodman jr, Ind; A Edwards, Marks, A Marshall, NO; C W Gorrest, A Lefils, J Jeffries, E H Moore, J H Burritt, W M Ross, N G Garrett, P F Mark, J K Snadon, H Dean, R G Harper, J Sims, J Foster, E C Paschal, W R Machin, W S Meek, L Burks, T D Frazier, J Phillips, J B Hamilton, Ark; Z S Mabry, H Rogely, Dr J Phillips, T L Prothero, W Dimis, T Rawlins, W Marbury jr, M H Ashley, J G Williams, M Davis, La; H H Lee, J A Pelham, Ala; A Broadwell, N Y; W F Calloway, J M Snell, H M Truett, N McLean, A B Wright, C Thetford, J T Lehr, Texas; J M Fraser.

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THE REPUBLIC.
WASHINGTON
23 February 1853, 3

ARRIVALS AT THE HOTELS.

WILLARD'S HOTEL.

Gen FRANKLIN PIERCE, Concord, N H
Sidney Webster, do
Sergeant O'Neil, do
Pierce Butler, Phila
Chancellor Johnson, Md
A de Marc, Santafer
C H Marshall & l, N Y
Capt Lendum, U S A
Dr Woodsworth, U S N
Dr Hammond, U S A
C K W Horry, N Y
J W Spencer, Ia
N Webb, do
Col B Huger, U S A
Capt Hunter, Cal
O P Hull, do
A S Bogart, N Y
S Westbrook, do
J V Longvas, Phila
Dr Nelson, U S N
Mr Hayan, Balt
Capt Lowber
J G Davis, Balt
F M Ballow & ser, Mass
G F Wilson, R I
L O Rouke, Md
Mrs C Kentz, do
Miss S C Kentz, do
Mr White & l, N Y

BROWN'S HOTEL.

S M Blake, N Y
S W Carnahan, Va
R L Gilloch, do
E Helknap & l, N Y
T A Marshall, Pa
J H Martin, N Y
Mr Wilcox & son, Pa
J J Heister
C Ehrmann, Md
J P McMillen, Ala
S R Whiteside, do
R F Follett, N Y
H W Herbert, Va
E Morrison, N Y
E De Freville, S C
J E Stewart, do
E Deming, N Y
R F Williams, do
F Slaughter, Va
B Bowering, do
P White, Wis
P H Hoeff, Cal
C W Cockey, Md
G Baker, do
Mr Harding, do
G W Shook, Md
J P Rolfe, R I
A Hallowell & wife, Va
J C Macy & l, do
C V Brent, Md
H B Snow, Ala
B F Morrison, do
G Law & l, N Y
Miss Jameson, do
Miss Cheatham, do
Col Jennings, N O
W J Kellinger, Md
W A Pendleton, lady & serv, Va
Mr Cunningham and dau, do
C R Jordan, Miss
A M Lawrence, N Y
E A Oelrichs, do
H F McClosky, Ill
J Owner, jr, Iowa
G M Adams, Ohio
J Wingate, Md
Col C May, U S A, & l

NATIONAL HOTEL.

Dr Wernicke, N Y
G P Fox, do
H M Tupper, do
H Winter, Md
Miss M Robb, do
Dr J McL Mullikin, do
Mr Hillaye & l, N Y
J Jamison, Va
J C Harris, Ark
H Wilson, Va
C H Glover, N Y
T P Dandridge, Va
J Ambler, do
L G Morris & l, do
T C Day, Ohio
W Delafield, N Y
G T Elliot, do
A Crosby, Ill
G W Cass, Pa
J E Sickels, N Y
J A Horman, do
Mr Bunn, London
Mr Chapman
J Yerkes, Pa
W W Gallaer, Cal
G Smith, Ill
J A Thomas & l, N Y
W H Witte, Pa
J E Lawrence, Cal
G B Mickle, do
H H Goodman, Ohio
P C Calhoun, Conn
J S Rend, N Y
A Olron, do
Mr Addison, Cal
J C Hays, do
B Bradlow, Vt
J B Bowditch, do
J A Fulton, Pa
J Lowry, N Y
A S Arnold, Pa
C Lyman, do
W G Ward, N Y
E Street, Pa
J Flegin, do
T Robinson, do
Gen Cameron, do
J A Gibson, do
Mr Fry, do
E R Sprague, Md
G Hand, do
Mr Morstell, N Y
J Showacre, Md
E T Bridge, N J
D C De Leon, U S A
W H Perkins, Va
C M Curtis, N Y
Mr Viele, do
Mrs Viele, c'd & ser, do
J S Waterhouse, Va
J W Royall, Va
J H Singleton, do
Dr A S Piggott, Md
G S Greene, R I

GADSBY'S HOTEL.

R R Nelson, Minn
J B Murray, N Y
G Schley, Md
Mrs Walker, do
R D Mulliken, do
J Smith, N Y
H M Godwin, N Y
E De Treville, S C
E Barbour, Va
A H Larrabee, Wis
H Dyer, Md
R D Bowling, do

UNITED STATES HOTEL.

S D Castleman, Va
H B Loomis & l, N Y
D B Kutz, Pa
D F Hottenstein, do
N Marmion, Va
H B Hines, N Y
P F Dickinson, Mass
C B Rice, do
J L Maguire, Md
Miss M V Massie, Va
A Crasley, Ill
Mr Clausen & l, N Y
W Stimpson, Wash
A T Lyman, Boston
M C Smith, Va
A Gilklson, N Y
J H Strider, Va
R Ketcham, do
M H Cruikshank, Ala
G S Peirce, Ohio
J Hariden, Va
Hon G Sykes, N J
W C Stockton, do
S Stockton, do
P Bruere, do
N Earl, do
H C McLaughlan, Va
H A Muhlenburg, Pa
J T Wooten, Va
W H Wooten, do
Maj T Hill, do
T W Ball, Md
Maj H Hill, U S A
T Hill, Va
J S Rhey, Pa
J C O'Neill, do
G Youngson, do
M S Hunt, Md
J M Schofield, Cal

IRVING HOTEL.

H B Brooks, N Y
M W V Cooke, do
J D Foster, La
M Carr, Pa
Dr W Helm, Va
Hon T G Davidson, La
C Lyman, Pa
J Lowrey, do
A S Arnold, do
J A Fulton, Pa
H J Anderson, Me
Miss Patten, Mass
Miss Levin, do
W Eaton, do
W McLaughlin, Ky
W Williams, do
L H Peck, Vt
C T Longstreet & l, N

AVENUE HOTEL.

Mrs A G Stout & d, N Y
A H Morris, do
Mrs Parker, San Fran'o
A Alvarez, do
A Sullivan, do
F Ward, do
Lt A M Pennock, U S N
G Loyall, jr, Va
G A Sommerby & lady, Mass
N S Pendleton, Ga
Miss J M Pendleton, do
A A Adams, do
G H Robinson, Me
O B Savage, Ala
Mrs Savage, Ct
Mrs Spofford, do
H Winter, Balt
Miss M Rob, Balt
J B Clements & lady, Pa
2 Miss Clements & st, do
C A Rand, St Louis
J H Wright, do
E E Bourne & l, Me
Col J Hays, San Fran'o
Gen Addison, do

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Florida Republican.
JACKSONVILLE, FLA.

24 February 1853, 2

Meeting of Stockholders
OF
JACKSONVILLE AND ALLIGATOR Plank Road Company.

At a general meeting of the Stockholders of the Jacksonville and Alligator Plank Road Company, held at the Court House in Jacksonville on Saturday the 19th day of February, pursuant to a notice published by the Commissioners under the provision of the Charter, Dr. Charles Byrne was called to the Chair, and Col. George W. Call was appointed Secretary.

The object of the meeting was stated by the chairman to be to organize under the provisions of the charter, and to elect a board of Directors for the current year.

The books of subscription which were opened in Alligator and Jacksonville being present, on motion of Col. J. P. Sanderson, M. Whit Smith, Esq. was requested to furnish the number and names of the stockholders whose subscription he had obtained, as the agent of the company, in the cities of Charleston and Savannah.

Mr. Smith reported the subscription in Charleston to be eleven thousand dollars, and in Savannah seven thousand, and stated that the books were still open in Savannah, where it was believed further subscription would be obtained.

On motion of Col. J. P Sanderson, the lists of stockholders were then called, when it was ascertained that sixty one thousand and one hundred dollars had already been subscribed, of which two hundred and nineteen shares were represented in person by the stockholders present.

On motion of Col. G. W. Call, a committee of three was appointed by the Chair to receive and examine the written proxies of the absent stockholders.

The Chair appointed G.W. Call, J. P. Sanderson and F. C. Barrett, and on motion the meeting adjourned until 4 o'clock P. M.

The meeting being again called to order, the Committee reported that they had received and examined the written proxies representing one hundred and eighty four votes, which, with the stockholders then present in person, represented a majority of the stock taken. On motion of Maj. F. C. Barrett, the meeting then proceeded to ballot for nine Directors, when Messrs. I. D. Hart, J. P. Sanderson, Thos. Douglas, Thos. Ledwith, S. D. Fernandez, Wm. B. Ross, Jas. M. Baker, of Florida; H. R. Fort, of Savannah, and Otis J. Chaffee, of Charleston; each received a majority of all the votes cast, and were declared duly elected directors for the current year.

On motion of Mr. Fernandez, Resolved that the thanks of the Company be tendered to M. Whit Smith, Esq., our agent, for the able and efficient manner in which he has discharged the trust confided in him, and that the Directors be instructed to provide suitable compensation for his expenses and loss of time, while engaged in this duty.

On motion of G. W. Call,—Resolved as the sense of the stockholders, that the Directors now elected be instructed to prosecute the building of the road, with all the energy and expedition poesible.

On motion of Mr. Sullivan, the proceedings of this meeting were ordered to be published in the Savannah, Charleston and Jacksonville papers.

On motion of Mr. Chafee, the meeting then adjourned.

C. BYRNE, Chairman.
G. W. CALL, Secretary.

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THE REPUBLIC.
WASHINGTON
26 February 1853, 3

ARRIVALS AT THE HOTELS.

WILLARD'S HOTEL.

J Schlyter
D S Wilson, Md
B Barstow, Cal
G W Ogston, Md
J Snider, jr, Pa
J A Hosier, do
J L Newbold, do
Hon W A Walker, N Y
Col F T Lally, Me
J Glackin, Mass
R McDorkey, N Y
Mrs McDorkey, do
Miss Read, do
Mr T T Read, do
T H Hardenburgh, N C
C W Copeland, N Y
E Morrill, N H
H Seymour, N Y
J Robie, do
Hon C Cushing
J W Mitchell & l, Pa
S W Whitaker, N C
G H V Wilson, Ohio
H J Jewett, do
D L Morse, Cal
J C Buffum, Pa
F N Fisk, N H
D Gardiner, N Y
W J Barkadale, Va
W C Johnson, Md
W Buchanan, Va
Judge Glenn, Md
Mr Gatchell, do
A C M Pennington, N J
S A Chandler, do
Col O B Debble, Mich
A Tendryck, Cal
Dr Potter, U S N
L F Williams & l, N Y
W H Webb, do
C S Ward, Pa
E M Kerp, do
C Marion, Del
W A Vine, Md
A Stewart, N Y
G B Laws, N Y
H M Bedford, do
J W Pondford, do
J H Wyman & l, U S N
J M Caldwell, Ia
Capt E D Keyes & l
C Carroll, jr, Md
J Ilgelow, N Y
D S Benedict, Ky
C O O'Donald, Md
Mrs O'Donald, do
Miss Harper, do
Miss Lee, do
W C Waddell & l, N Y
2 Misses Rich, do
Capt G Knap
Mrs Hart, Montreal
Miss Hart, do
J B Davis & l, U S N
W F Johnson, Va
R M Nimms, do
J N Shin, do
T Sweeny, do
W F Chittenden, Mich
D Stewart, do
Col W W Loring, U S A
H G Roberts, Mich
G R Griswold, do
H W Wallen, do

BROWN'S HOTEL.

P C Lander & l, Cal
W Jopson, Boston
J Drenner, Ark
H S Biscoe, do
W R Guy, do
J Clark, Iowa
J M Preston, do
J J Henkel, Pa
W D Beloate, Tenn
T H Rich, Geo College
J Barnes, Balt
R Wallace, Ky
Col Leathers, do
W B Tuell, Ia
D Dodge, N Y
B V Conner, Wis
G Folsom, Iowa
Mr Hackett, N Y
W Patterson, do
W McLaughlin, Ohio
B B Cary, Wis
W Brownell, Iowa
Mr Roberts, Ohio
T Kensett & l, Ohio
H A Stone, N Y
Dr R Harris, Pa
J M Codman, Boston
G B Sohier, do
M Bennewir, do
R S Banks, Balt
F A Gibbons, do
S T Bodine, Pa
H Leeger, Ark
C B Wagner, Md
O S Taylor, Va
Hon W H Bissell, Ill
Hon T L Hayne, do
Mr McCook, do
P H Dunas, do
Mr Poindexter, Va
Mr Lipscomb, do
Mr Criston, do
P M Grubbs, do
W L Bowman, Pa
D C Gaskill, Wis
Maj L Taliaferro, Pa

NATIONAL HOTEL.

A A Nunes, Fla
E S Wilson, Md
V G Anderton, N Y
S Upson, Ga
J S Curtis, Conn
Mr Elliott, do
J Tyler, Va
J A Washington, do
C S Mattoon, Ohio
Q W James, Md
C P Hull, Wash'n
Maj C H Larnard, U S A
J Brust & l, N J
A B Reed, Ala
W G Wade & l, Wash'n
W A Jackson, Pa
J M Read, do
T Williams, do
T B Read, do
Mr Budd, do
Mr Rawle, do
E B Litchfield & l, N Y
E A Lambert & l, do
J R Shepard, do
E B Musso, Italy
D D Briggs, N Y
D M Von Homburgh, do
J S Pike, N Y
H H Taylor, do
W G Ray, do
W M Evarts, do
Mrs A R Eno, do
Miss Eno, do
F J Pitts & l, N Y
W Wetmore, do
T K Whitney, do
J Potter, Ohio
N Eddy, Indiana
D P Tyler, Conn
C W Bradley, do
A De Iturbide, Mexico
C E Phelps, Md
S H Whitman, N J
T Palmer, Pa
W F Chittenden, Mich
J Niles, do
J D Paine, do
Mr & Mrs B Fallerts, do
A P Hill, U S A
J N Brimmer, Boston
J M Codman, do
G B Sohier, do
C F Flynn, Mich
J J Eckart, Md
J Porter, Ohio
J R Daniel, Cal
W B Reed, Pa
C G Hall, Balt
E L Fant, Va
W M Peyton, do
Miss G Peyton, do
D Price, N J
E S Sanborn, Md
J Mayall, do
Mr Holbrook, Ohio

UNITED STATES HOTEL.

C L Wilson, Md
J Addams, Fla
H W Coleman, S C
L J Campbell, Ga
E H Cohen, do
J M Clark & son, do
J G Wilson, Va
J W Beller, do
Dr W A McCormick, do
J McDowell, do
F De Masso, Italy
T D Burgess, Boston
H Clay & l, do
H H Harris, Ky
A Boyd, do
W D Holt, do
R H Perry, do
R M T Barnes, N H
W Harris & son, Fla
Gen Harring, Ga
E G Lucas, Mass
Col R Wallace, Ky
Capt J W Leathers, do
H Thompson, Ohio
R B Dixon, do
F H Wright, Ky
Dr B Lloyd, do
W J Garvin, Pa
J Stewart, Balt
Hon M H Russell, Ill
Hon T S Hayne, do
Mr McCook, do
H S Olsen, do

IRVING HOTEL.

C W Rand, Mass
F C Norbin, Stockholm
P B Morisey, N C
H J Hobbs, do
R T Long, do
L M Day, Va
H Hughes, Mount Alto
W G Overton, Va
Miss F T Overton, do
A Curtis, do
Miss M Curtis, do
C Carroll, Md
J J Barrh, do
H Fowkes, Md
C H Scruld, Pa
E L Bushnell, N Y
T M Niven, do
J Beckel, do
J D Burgess, Mass
Col J M Petriken, Pa
D S Morgan, N Y
Maj C H Larnard, U S A
S G Davis & l, Mass
C Fuller & l, N Y
L W Wells, do
E Flagg, do

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THE REPUBLIC.
WASHINGTON
28 February 1853, 3

ARRIVALS AT THE HOTELS.

WILLARD'S HOTEL.

H N Walker, Mich
Mr McCaulley, do
Mr Saunders
Mr Shumaker, Md
W C Rhodes, N Y
S B Strange, do
P H Smith, Wis
G W Chase, N Y
W Walker, do
Mrs Prentice & son, Ky
C W Denison, Mass
H Nias, N Y
J P Hill, N J
L Hill, do
Purser Semple, U S N
Maj J Van Horn, U S A
S B Jones, Ark
R M Johnson, Ark
G W Edwards, Mass
A N Ramsdell & l, Conn
J Primmer, Mass
J M Codman, do
G B Sholer, do
Maj J G Camp, Ohio
E Riddle, Mass
Col P Dunbar, do
Dr McDougall, U S A
Thos Francis Meagher, N Y
G Sayer, N Y
E P Brooks, do
G F Emery, Mass
G Demmett, do
W D Townsend, Pa
D N Carpenter, Mass
Capt Cullum, U S A
S L Crocker, Mass
S Wairs & l, N J
A S Haalton, N Y
J C Palmer, Cal
E Morrow, Wis
A J Upham, do
M B Williams, do
W H Davidge, N Y
A B Coon, Ohio
J L Curtis, N Y
A Spyers, N Y
Gov McDougall, Cal
E K Collins, jr, N Y
J P Byrne, Va
C H Dabbs, La
J F Fenner, Texas
A H Cole & l, Fla
H B Stanton, N Y
W L Hardin, D C
Hon J P Benjamin, La

NATIONAL HOTEL.

W D Lewis, Pa
C H Fisher, do
H White, do
J Hazleburst, do
N B Thompson, do
B B Comegys, do
J Y Thurber, Mich
H Taylor, Wis
J B Bagge, jr, Pa
D A Noble & l, Mich
J C Pedrick, Boston
J Moore, N Y
A Ripka & l, do
A Storer, do
W Sewell, do
J R Jones, Pa
A Edwards, N Y
W R Bernard & l, Mo
J C Trippe, N Y
S B Bley, Mass
A J Bemis, N Y
E Morrow, Wis
D C Gaskill, do
R Curtis, Conn
Miss Curtis, do
Miss Cook, do
Mrs W Colton, Pa
W D Bowie, Md
H Winkley, N Y
B C Prentiman, Md
J B Thomas, Iowa
H Bergh, N Y
J A Noonan, Wis
Capt Marcy, U S A
Mrs Marcy
D Johnson, Mich
H C Thurber, Mich
A McKinley, l & et, Ky
C Van Husan, Mich
Col J Frink, Ill
S B Jacobs, Va
J L Hinkley, do
J B Gibbs, do
F Clay Maddox, do
Miss Schermerhorn, do
C D Mead, N Y
T D Johnston, N C
A V Dunnavant, Va
S G Miller, do
J B Atkinson, Md
M Torrance, Ga
W B Lawrence, R I
Mr & Mrs G D Prentice & son, Ky
S B Jones, Ark
W R McClory, Ky
Hon P Rowe, N Y
A B Wenden, Ohio
H Beard, do
R W P Muse, do
B P Angel, N Y
W A Dean, Md
Lieut O Toll, Swe Navy
J H Waring, Md
R T Twombly, Mich
S P Beers, Ct
Gen Schwarz, Mich
S Kelly, N Y
A C Russell, Mass
Dr M Hall & l, Eng
A Birdsall, N Y
Dr Beekman, do
S Van Buren, do
C P Willet, do
Capt A S Lee, U S A
J S Bonright, S C
G V Antwerp, do
W Glaze, do
W B Johnson, do
A Schell, N Y
J Elbridge, Boston
M L Morris, Iowa
L M Northrop, N Y
R O Starke, do
T P Butler, S C
G A Jones, Ohio
J Cron, do
D Myers, Ala
H C Skinner, N Y
W H Dyckman, do
P K Dickinson, N C
W D Clark, Va
W F Evans, do
G Godfrey, do
B F Webb, do
T L Farish, do
G R Elmore, Ala
Col R E Coxe, do
J D Randolph, do
J M Tarlton, do
J Birney, do
J H Wiley, Pa
G R Griswold, Mich
H S Roberts, do
H Mackenzie, Va
C R Harrington, Vt
C E Richardson, Boston
C H Axson, S C
J A L Lee, Ga

GADSBY'S HOTEL.

A W Austin, Mass
C W Copeland, N Y
W C Myotte
H Y Coolidge
E J Miller, Md
B R Abell, do
J D Toll, Mich
Hon N H Purple, Ill
Hon T L Hayne, do
M McCook, do
H K Davis, do
J Mundy, Md
J Walker, S C
C W Blincoe, Va
C Pettigrew, N C
J Sheriff, Va
B Brown, Wis
Mr Fox, N Y
R Dawson, do
H Shackleford, Va
W Fox, do
Capt W P Cone, do
Miss Julia Bradford, Va
R Colton, Md
J B Woodbury, N Y
J A Page, Vt
N Willard, Ill
J Adams, Mass
S Marshall, N Y
C B Harrington, Vt
Mrs Hall, Pa
Mrs Merrick, do
J Spraker & lady, N Y
Mr Helm, Va
O Heartwell, N Y
C West, Mexico
J D Marsters, Md
H Hart, do
E P Ferry, Ill
E B Ames, do
Gen J A Peden, Fla
J G Dell, do
C F Boffington, do
T G Mackenzie, Va

BROWN'S HOTEL.

W R Bernard, Mo
A N Stepper & son, N Y
E V Merceen, do
G W Runyer, Ohio
R J Morrison, Va
B R Wellford, jr, do
A N Ramsdell & lady
J V Reinston, Ohio
R W McGavock, Tenn
H B Davenport, Va
C G Kelly, Ky
A D Mansfield, do
J H Harney, do
W S Grant, do
J W Stevenson, do
J F Browne, N Y
J Lewis, Tenn
R H Burke & lady, Va
C C Hanes, do
J Whitfield, Miss
Mrs Harrison, do
Miss Morton, do
Miss Oldmeal, do
Dr Lopez, Ala
Dr Barnes, do
Gen Flournoy, Ark
Judge Dale, Ct
Dr Roberts, Ky
Dr Hope, Ill
Mr Goodrich
J C Allen, Ill
H Wilton, do
W A J Sparks, do
G V Hebb, Tenn
Judge Hewitt
Dr English, Ky
M P English, Ill
Judge Benedict, do
D Curran, do
J P True, Mich
C Nichols, Ct
R P Herrickson, Pa
J McK Wakins, Md
E Hamm, do
W G Scott, Va
E H Carmick & l, N Y
S H Buell, Ind
J D Lansing, Ill
J W Willard, Mich
F H Stevens, do
E W Ferris, Miss
P Patten, N Y
E W Edgerton, S C
Dr A P Hayne, do
T Y Simons, jr, do
Lt Daniel, U S A
J M Withers, Ala
S N Hurd, Ga
D Fern, N C
J F Gibbons, Md
J P Haggin, Ky
J H Wiley, Pa
J MacDougal, Cal
C B Wagner, Md
R L Morehead, Ga
W G Scott, Va

UNITED STATES HOTEL.

T M Mason, Va
F B Bailey, do
J R Moers, Miss
R M Rearn, l & d, Wis
H J Adams, Ohio
Gov Fort, N J
T Allison, do
Chan Williamson, do
J E Bonham, Pa
Gen Rust, Va
Col A W Martain, Mo
Capt Brassamer, Ohio
Col Leiper & 2 fds, Pa
H B Davenport, Va
A R Prentiss, do
Dr Miller, Ohio
Col Dilworth, Geo
S G Bergen & wife, N Y
Mrs A Young, do
M Turpin, do
J B Teffy, Va
J F Browne, N Y
S A Stone, do
J T Wareham, Md
J Warehajn, Md
T J Wilson, do
C Hubbs, N Y
J S Frost, do
S Raguermont, do
T E Peters, N O
Mr Gaston, Paris
J G Goocb, Texas
N Boardman, Vt
A R Coleman, Miss
S A Buell, In
R B Carpenter, Ky
M L Morris, Iowa
W Glaze, S C
J S Boatright, do
H B Johnston, do
Hon P Rowe, N Y
J M Hewitt
T Adams, Wash
J C Barry, do
J P Pierce, Va
F M Bayhin, do
Capt Browne, do
J K Cooke, do

IRVING HOTEL.

B K Mason, Va
Mr Schovenberg, do
G G Freer, l & ser, NY
E J Damaret, Fla
G H Brown, Cuhacan
W Busey, Vera Cruz
J Muldonado, do
C Cipra, Cuhacan
Mrs E Conklin, Wis
J Fitzgerald, do
J D Brown, N C
Mrs Gibson, do
G Kellogg, Ga
J A Noonan, Wis
D S Wilson, Iowa
E Trippe, N Y
D Olmstead, Min
J A Page, Vt
Gov Hempstead, Iowa
Dr Holt, do
J H Emerson, do
J A A Murray & l, Tex
Miss James, do
Mrs James, N C
A Sierra, Mexico
Dr W Helm, Va
D Stubblefield & l, Va
J North & l, N Y
Mrs W Hibbard, Vt
P C Jones, do
D Blanchard, Mass
J Agin, do
T Mead, do
Mr Finly, Ga
A B Sharpe, do
C T O'Keefe, do
J Thomas & l, Pa
C H Larrabee, Wis
B Brown, do
H Burgh, N Y
L Chapin & l, N Y
N E Paine & l, do
J Howe & d'r, do
Miss M B Allen, do
E B Quiner, Wis
Gov Leake, Va
W H Lovett, Mass
N Randall, N Y
D G Lang, Mass
H Fowkes, Md
C H Sorlven, Pa

AVENUE HOTEL.

J P Schooly, Va
G W Stillwell, Pa
H Davis & l, Md
Miss Garrot, do
Miss Hammond, do
Miss Davis, do
Mr Brown, Md
Mr Seymour, do
Mr Roman, do
Miss Gorman, do
J A Rice, Ala
O Ashmead & l, Pa
S S Thorn & l, N Y
B Shaw & l, do
Mrs McClaine & d'r, do
G Borden, do
J F Cox, Va
N D Vansant & l, N Y
E Quarles & l, Md
Miss Horton, Pa
R Sappington, Md
W H Guion, N Y
J Parment, Mo
T Fiske, Pa
W Green, Va
H W Vandergrift, do
A M Rixy, do
D K McRae, N C
J S Dewey, do
G H Curtis, Va
Judge Mason, Md
T S Ridgeway, jr, Mass
H Chase & l, Md
J Winans, do
Miss Winans, do
J Harrison, do
Mrs Harrison, do
A W McDonald, Va
Mrs T W Denison, N Y
Miss Martin, do
A Ripke & l, Pa
J M Daniel, Va
Dr H Carver, N Y
G H Robinson, Me
T C Glasscock, Ala
Gen Garrett, Ala

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Boston Republican.
3 March 1853, 1

Cuba.

The London *Spectator* thus remarks on the Tripartite Convention proposed at the close of the last year by France and England to the United States—by which the three powers would have been bound to renounce all purpose, under any circumstances, to acquire Cuba—and to which the able protest of Mr. Everett, communicated to Congress, was the response. The leading presses of London have recognized the good sense of the arguments presented by Mr. Everett. The *Spectator* thinks England should be better engaged than in any new-fangled alliance with "melo-dramatic" France:

"The declaration of Louis Napoleon's scribe, M. Granier de Cassagnac, that his master is going to make new conquests by steam navigation in America, is met by the resolution which Gen. Cass has moved before the American Senate, protesting against any European colonization of America, and by the published correspondence in which the American Government rejected the Tripartite treaty for guaranteeing the possession of Cuba to Spain.

"Mr. Everett has the merit of having set forth very clearly the rationale of the grounds on which his Government, while respecting the territorial rights of Spain, will refuse to suffer the acquisition of Cuba by any European power; and in referring to the acquisition of Florida, Louisiana, Texas, and California, the American statesman shows that the opinion which assigns Cuba ultimately to the Union as the key of the Mississippi, is not limited to the order of the 'Lone Star,' but is in fact a national opinion.

"As to the moral grounds, this is no place or time to discuss them; but it is to be remarked that the position taken up by France and England was grossly irrational—an attempt to maintain a decayed and sinking power by a paper bulwark against the march of transatlantic events. Did France instigate that revolutionary conservatism? We know not: but we know that she is disclosing fantastic schemes in that region, that she has not those possessions to lose which England has, and that the ruling mind of her melo-dramatic adventurous empire is as irresponsible as he is crafty and inscrutable. It was a false alliance for England; and she is far better employed about her old hobby of chasing slavers and exposing the hollowness of Spanish treaties—little as that work has been, and ever will be, while it lasts."

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THE REPUBLIC.
WASHINGTON
7 March 1853, 3

ARRIVALS AT THE HOTELS.

WILLARD'S HOTEL.

Mr Cole & l, Fla
H W Peaslee, N H
C H Ward, N Y
J H Polhermus, Phila
Capt Wooster, U S A
J Abbott, Mass
W P Foster, do
J H Raymond, N Y
W A Shepard, do
F Osgood, do
R J Dillon, do
Mr D Sickle & l, do
A Robeson, Mass
A Robeson, jr, N Y
A Snodgrass
R Brandt
G W Wilson, Mass
W F Riddick, N C
Dr J Parker, do
Hon G Hastings
L Etting, Balt
R P Maclay, U S A
Hon W Wright, N J
E S Chapin, Mass
Mr Smith, Md
Ch Jus Gilchist, N H
B K Rhodes Pa
Mr & Mrs J S Carpentiere
Mr Crawley, N Y
Mr Nimrus, Pa
R P Maclay, U S A
Mr Miller, N J
S D Church, Cal
J B Jones, do
E H Cornwall, N Y
Lt Boyd, U S M C
Miss S Butler, Phila
A G Holmes, do
A Fuller, Mass
D S Fuller, do
Mr McKibbin
W F Brown, Balt
C Fox
Geo Fox
Col Strong
O S Halslett
A Wright, jr, Phila
W C Whiteman, do
S M Bond, do
W M Hickman, Del
W Towbert Phila
R E Fleming, do
J S Hanalen, L Island
J M Kunkle, Md
Hon Jef Davis, Miss
L R Mingen, N Y
Capt C Wright, Del
J C Ruggules
J C Holland, N Y
Maj Denton, N J
Mr Chapin, Mass
R Daggett, R I
G W Smith, Ala
D P Parker, do
J Ryan, N C
J Leiden, N Y
J Lakeman, Lynn
S J Otis, N Y
Mr Kean, Ky
R H Stout, Ky
J B Boon, do
W J Lord, Mass
G B Loring
H W Jones, N Y
P Kibben, Mich
C C Walden, N Y
G T Thompson, do
Col Taylor, U S A
Maj S B Phenney, Mass
W Tweman
J W Grant
J Knowen, Albany
J Cornellson, Va
Mr Hogg, N Y
Mrs J Brodhead, Phila
J J Wilson, N Y
Hon W B Lawrence, R I
W B Lawrence, jr, do
J Amery, Boston
J A Hosurn, Phila
J D Townsend, N Y
Dr Gilchrist, N H
B H Smithson, A R R
W T F McCargo, Va
P A Van Berger, N Y
F Bell, do
G F Santos, Portugal
W H Allen, Ohio
A T McReynolds, Mich
Mr Holland & l, N Y
Miss F M Hawkins, do
P J Brewers & s, do
Capt F Rood, Oswego
J W Buttolph, do
F S Henry, N Y
Mr Hicks, do
F W Bokee, do
M H Emery, Phila
Mr Hearn, Md
H W Crotzer, Pa
J Huggins, do
C V Kinnear, do
J Ridgway, N Y
A Medcalf, Balt
J G Howe, Ind
W A Hillyer, N Y
S Brown, do
Mr Alnew
Mr Low
J Lakeman, Lynn
J P Fairlamb, Phila
C McNeal, do
E E Petit, do
S A Hagner, do
Mr Ogden, N J
Dr L H Stone, U S A
S B Van Buren, Cal
Hon Mr Tweed, N Y
H Coleman, Boston
J B Coesenham, Va
Gov Ross, Del
Mr Cannon, do
Col Green, do
A S Pierce, Md
J J Hodson, do
A Thomas, do
Col S C Stamhaugh, Pa
Hon Mr Parker, do
J N Hutchingson, do
Judge Tyler, do
J Donnelly, do
Mr Edman, do
H S Mott, do
W H Halters
D Strong, N Y
J S Samson, do
T C Ladd, do
H B Clitz
A Starky, R I
C B Chapin, N Y
R H Tyler, do
H J Kellogg, U S A
Mr Lynn, Buffalo
L A Hithcock, Mass
Wm Allen & l, Miss
P Dicker, Balt
W E Richardson, Mass
W S Jackson, Md
W E Arnold, N Y
Mrs Wagers & son, do
G W Hazzar, U S A
W H Coleman, Phila
G A Parker, Cal

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The Daily Picayune.
8 March 1853, 2

Arrivals at the Principal Hotels—Mar. 7.

ST CHARLES HOTEL....M H Bowman, V M Flournoy, A B Reading and family, Miss S E Stovall, T Ridgley and lady, H Heisenbattle, G R Hordesto, Miss; Miss L Hunter, Miss L Winn, Miss Sarah Pickett, J B Pickett, J G Jones, J Q Edgerley, J B Gilmer, La; W C Watts, Ind; B T Henderson, J W Jenkins, W E Bartlett, Md; W A Davis, Mo; Maj L Schleisenger, Col Breedlave, J Henderson and lady, NO; W Kersteman, Va; B C Emerson, Boston; W P Johnston, Miss Johnston, W J Carlysle, Ky; W L Brown and family, Ala; J Geddes, Cinn; S T Lippincott, J W Phillips, Miss M E Phillips, Miss Annie Phillips, NY; W F Moon, Miss L R Moon, Na; J W Moon, D W Leasternan, Tenn; J Todd, Ky; G W Pendleton, Ark; Dr S B Toqey, R I; A H Jones, Va; A Ward, C D Leanee, Miss; A Bryan, W G Williams' M W Murphy, W L Williams M Hale, D C Bryan, Mrs Harvard, J Wright, Ala; R B Johnson and family, SC; S Wilshire and lady, Ohio; Col C S Todd, Miss L Todd, Minesota; Mr Wortulogton, Miss M Worthington, W M Worthington, W H Wortuingt.n, A Wickliffe and lady, M R Mester, W Lake, G P Lake W J Bryant, A Wheelock, C B Churchill, Dr J C Inge and lady, Dr R H Dalton, Dr J L Tendall, Dr Finecane, J Liddell, Dr R H Hinton and lady, J Cochrell, T A S Doniphan, T A Watklus, Miss Sykes, H Hitzhline, Miss; Dr Lake, Va; W F Pratt, E Shiff, A H Gall, NY; F V Cluis and lady, H L Bromson, Mobile; Col Erwin, H Thompson and family, Ala; J D Chadwick, W H Elles and lady, M L Miller, G P Smith, C Johnson, Mo; G Foreman, J S Hart, J K Dixon, NO; E P Randolph, Fa; E H Chaffin, Tenn; Mrs W Footman, Fa; J A McWaters, L A Stafford, V Gould, J Marks, J Blaird, W F Cheney, La; J H Woodward, Mass; M Gilbert, US CS; T N Gill, Ill; D Hare and lady, M Hare, Miss B Hare.

ST. LOUIS HOTEL....Mr Lantor, Texas, Mr Jencks, Cuba; A Erwin, Tenn; R H Percy, Mrs J W Percy and family, Miss; G Guilleman, Mexico; Mrs N A Speer, Miss Bettie Speer, A E Mouton and son, E Smith, B Metoyer, F Anderson, Mrs F Anderson, W P Scott, Mrs W P Scott, Miss; S Roux, Havana; John Twahey, Texas; F W Frank, H Morris, E Grason, H E Granniss, M'me Emma G Bostwick, Miss Annie Oliver, NY; J H Dinkgrave, Charles W Mathews, O Muscrole, A Elkins, Ala; Mrs B I Adams, W H Bacon, Ky; Mrs Oliver, Miss Ada Hopkins, Ohio; J W McMoin, J L LeBourguis, H Cage, C E Greneaux, G L Lacy and lady, S M Routh, Job Routh, H Nutt and lady, D D Richardson and lady, Miss Richardson, Mrs McGill and daughter, F D Richardson and family, Tos G Polk and lady, L Desobry, H Desobry, I A Dandeine, La

CITY HOTEL....D Dicker, S C; B Randall and lady, Mrs Bawmen, Bath; L Hyer, Florida; C Lefiore, W Johnson, W Halamigh, R W Durfey, A Nile, W P Daconer, W J Wara, John Liddle, J F West, Miss; H Davis, Mass; J J Dana, Mrs Dana and child, Miss H L Daniels, boston; T W Hitlings, A Collins, H Collins, J C Gray, R Tanner, P L Rousel, M A McLeod, D F Dickson, W A Dickson, C Noyes, E W Prosety, J W Henshaw, J H Thomas, R C Camp, John Hagan, jr, Dr J Tornillon, Thos Cattman, W H Bowman, J W Harris and lady, Miss S Lawrence, Mrs S A Cage, H Polk, G Harris, M Harris, G C Smith, W Bailey, W C Duffield, J C March, [illegible] H Smith, Mobile; N G Phillips, S Henderson and lady, W H Pierson, Joseph Lacey, S J Moore, NO; J W Van Wagenen, Memphis; W L Brown and family, F Coyle, Ala; C Shutts, Mrs J Leach, Mrs M Pierce, Ky; Miss Minuse, J W Laflin, W P Drinkhard, C Braddlee, NY; E H Satterfield; Miss Parsons; J C March; L B Wiggins, G H Stinson, N S Graves, H D Marr, W G Wright, T M Wright, C L Fulline, W O Locke and lady, D Lanis and lady, Miss E P Peters, Miss V E Tabin, Miss O C Moore, Ark; T J Wellman, R King, H Penny, Texas.

VERANDAH HOTEL....Mr Frost, N O; M J Johnson, Mobile; Mr Van Fassen, N O; B Humphreys, jr; K O McCoy, J F Jefferies, Miss; Wm Glascock and family, N C; E R McLean, Miss; Mrs E M Yerzer and family, H F Felton, G F Ethoud, jr, Tenn; R H Green, W L Taylor, S E Taylor, Mrs S E Taylor, Miss L M Green, Tenn; H Hitzheim, H F Fisher, Miss Dr J S Fall, N O; R H Hurlbut, Ind; G W Pitkin, Conn; W J Carlysle, Ky; B N Miller, Ga; J L Jones and lady, W J Turner and lady, E S Babcock and lady, Tenn; W M Rice and lady, Texas; J T Williams, Ind; O C Woodward, W K Beck, Tenn; Henry PeGuy, Ala; J Stanthrough, H E Henning, La; Joseph Losey, N O; C A Hon, La; J A Cohen, J B Walker, Mobile; Dr Reives and lady, Ala; J W Gordon, Texas; T H Hogan, Ga; Mrs M Henderson, Mrs J Potter, W C Johnston, N Y; W E Hubbell, Mobile; H E Bisehy and lady, Cin; J T Roach, Miss; C P Wright, S L Wright, J Grassrand, Chs Decom, H Johnston, La; H H Freeman, A Vignes, N O; V Vignes, La; J Higham, N O.

ARCADE HOTEL....W H Jordan, Ky; J S Caldclugh, A R Rembert, S Rosenbaum, S G Rosenbaum, L Meyer, W T Forte n, W G Pearsm, G Goodwin, D Hart, D A Davidson, G A Hudson, W Gleason, V J Bird, T W Wilson, A B Cooper, W Bailey, G C Smith, A J McFarland, R H Newell, H Cosgrove, La; W W Briggs, B J Tierce D W Wells, W P Dickson, John Gordon, Texas; W W DeLacy, Thos N Drew, A Ceradin, A C Watts, D J Cammack, NO; W Hill, Tenn; J A T Mason, J P Barnes, C Pord, A Steel, J A Amacker G J Wooren C Trawick, J M Buckley, Thos Wolverton, Rev P McLain, W H Nichol, T B Johnson, Mississippi; E O Handley, Jas Crossart, A L Sloan, W T Morrison, J L May, R Tenison, O A Hill, W Owens; L Cammack, C P Colbert, J D Haynes, W Kinnlard, J M Regar, P Connolly, Ark; J H Hatford, Ohio; B T Harris,

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Florida Republican.
JACKSONVILLE, FLA.

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The Pampero.

This familiar acquaintance of the East Florida public is now on the line from San Juan, the eastern terminus of the Nicaragua route, to New Orleans. She arrived at the latter city on the 2d inst., from San Juan.

She reports that the steamer *Columbus*, from Panama, for San Francisco, with the passengers of the *Winfield Scott*, was detained several days in the bay of Tehuantepec, in consequence of her springing a leak. Her provisions gave out and about 40 of her passengers died of the fever. She finally reached Acapulco, whence she sailed for San Francisco with most of her remaining passengers on the sick list.

The floods had done great damage in Oregon, sweeping off bridges, dwellings, saw-mills, &c.

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10 March 1853, 2

More Difficulties with the Havana Authorities.

The Charleston *Courier* learns from a passenger by the *Isabel*, that some excitement existed in Havana in consequence of the authorities having broken open the mails from Havana, which were placed on board the U. S. mail steamship *Empire City*, Capt. Windle, for New Orleans on the 19th inst., by the agents, Messrs. Drake & Co. The *Empire City* was advertised to sail on that morning at seven o'clock, but prior to that hour was boarded by the Chief of Police, two Commissioners and three Police officers, who proceeded to open the Havana letters, detaining thereby the steamer until half-past eight o'clock—one hour and a half. The following morning the U. S. mail steamship *Crescent City*, Capt. Dexter, just as she was about proceeding to New York, was similarly treated, and detained one hour and a quarter.

It is said that the authorities have adopted this course in order, if possible, to discover what Creoles in the Island are engaged in correspondence with the Fillibusters of the United States. On the 21st inst., however, the U. S. Consul at Havana, Judge Sharkey, addressed a communication to the Captain-General, protesting, it is said, in energetic terms, against the right of the Cuban authorities to search any U. S. mail steamship No response had been received by our Consul, prior to the departure of the *Isabel*. The *Isabel*, however, was permitted to leave Port without undergoing any examination; the communication therefore, of our Consul, seems to have had a desirable effect.

THE FIRING AT THE BLACK WARRIOR.—Capt. Shufeldt, of the steamar *Black Warrior*, in a letter published in the New York papers, considers the Spanish man-of-war was justified, under the circumstances, in firing into his vessel. He was not aware the brig was a vessel of war, or he would have hoisted his flag before she fired; and as the *Black Warrior* was going very fast at the time, she would have been beyond the reach of the Spanish vessel in a few minutes, had the latter not immediately fired a gun in order to let him know she was a national vessel. The second gun was fired before the order of Capt. S. to hoist his flag could be executed. The Captain says—

"I only waited for her to fire a shot *after the American flag* was flying, to prove to her Captain that neither he, nor any other person could do so with impunity."

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DIED,

In St. Augustine, Fla., on the 25th ult., the Very Rev'd F. VARELA, Vicar General of the Diocese of New York.

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THE LONE STAR.—A Division of this Order, under the title of Washington Division, No. 2, was organized in Marianna, Florida, some weeks ago, and, as we learn from the *Whig*, is steadily increasing in numbers.

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ARRIVALS AT THE HOTELS.

WILLARD'S HOTEL.

J Farrell, N Y
E E Anderson, do
Dr McDougal, U S A
W Quail, Va
Mr McAllester, Cal
Capt Nye, U S N
W J Crane, Phila
H R Kneass, do
G R Berrell, do
Purser Bradford, do
P A Hargous, N Y
Capt Inman, N J
L Gibbon, U S N
R C McNeil, N Y
C A Bacon, do
J J Ring
J C Rowan, U S N
A P Neville, Ct
J J Archer and R H Archer, Md
R W Bushnell, D C
C A Mott, N Y
Col J G Davies, Balt
Miss Gwin, N Y
J Greenleaf, Ohio
J Parrott, Cal
A Flannegain, wife & daughter, Balt
Dr T D Parker, Ala
R F Harris, Va
J Brown, Mass
J P Bradman, Boston
F de Iturbide, Mexico
F Turnper, do
M Aleman, do
W Sands, M D, Md
Hon J Cramer
C T Brainbridge and lady, N Y

BROWN'S HOTEL.

E H Ward, N C
R H Brockway, Tenn
J L Marling, do
H C Smith, Md
A B Gray, Cal
J F Cowan, Pa
J O'Brien, do
Gen Halsey, N Y
W H Ramsey, Wis
W D Balvate, Tenn
W F Collins, N Y
A McKinney, Pa
J B Wills, Ill
B F Watson, Mass
E G Greenlee, Va
P L Richeson, do
J H S Morrison, Tenn
G B Henry, Ga
C A Dencke, N Y
J W Goin, do
L Berry, do
D E Price, do
J Magee
Mrs Lilley, Ohio
T J Carlin, do
E Gay, N H
J Murphy, N Y
W D Walton, Ga
A C Hill, do
W H Harwell, Va
J D Johnson, Ala
L S Salmons, Ga
J G Swann, S C
N S Parker, N C
J G Rowland, Ga
P E S Jennings, do
C W Allen, N C
A W Palmer, do
M Richwise, do
J N De Berry, S C
H Y Howze, N C
D B Lang, Pa
J B Wilkinson, Ala
H J Crocheron, do
F Coghill, Miss
J F Reed, Ind
W R Greathouse, do
C S Barrett, N C
L P Henderson, do
O M Wozencraft, Cal
J L Dean, Ga
W Cleveland
W M Semple & l, Pa
L B Robson, Ga
S H Rogers & l, N C
Miss B Haywood, do
W Todd & l, Va
R H Magruder, Md
R P Noah, N Y
W B Clarke, Pa
J F Nicholas, do
J Peters, jr, do
J Dundas, Va
M L Beckwith, N H
J Y James, Pa

NATIONAL HOTEL.

Prof Gardner, Conn
T F Bowie, Md
C C Magruder & son, do
S Guilford, Pa
W D Bowie, Md
Dr Cohen, do
Dr S H Weems, do
Hon J C Weems, do
T E Martin, do
R B Willis, do
T T Martin, do
J H Carlisle, U S A
J Ebbinghausen, N Y
F J Rickerman, do
B F Cooke, Mass
J D Monell, N Y
C L Monell, do
W H Lindsay, do
C A Secor, do
T C Field, do
W A Seaver, do
G W Pomeroy, do
J L O'Sullivan, do
R H Belden, do
E Goddard, do
L E Hopkins, do
J W Beekman & lady, N York
E W Farley, Me
C K Nelson, Md
J Williams, jr, Va
G N Jordan, do
L Hotte, family and two servants, Mexico
F H Hildreth, Mass
A B Cooley, Pa
T S Speakman, do
T L Baldwin and lady, Virginia
Miss E G Baldwin, do
Col A Cummings, Pa
J A Bullen, Minnesota
C Ruggles, Pa
G A Clarke, N Y
O O'Brien, Md
J B Weyman, Ala
Miss J Thompson, do
Miss L C Weyman, S C
R W Griswold, N Y
W Hawkes, do
G H Storms, do
H A Moore, do
J A Thomas, do
B Berend, do
W Clark, do
W V Many, do
J A Sire, Mo
H Steele, jr, Ohio
G G Gillett, do
W D Gillison, S C
W McGilvery, Me
E Dunbar, do
W Vogdes, Pa
B Lucy, do
A Greene, N Y
J B Bigger, do
J Dolen, do
Judge Sutherland, Pa
W Badger, do
D C Digges, Md
H Watkins, Va
A Dabney, do
B C Cumminge, Me
A Flannegan, wife and daughter, Md
J J Hepkart, do
W Jefferson & lady, Pa
J C Patterson, Mo
T J Carlin, Ohio
A W Taylor, Mass
T Slatter, Mexico
R E Rodgers, Ohio
G S Greene, R I
C W Bentley, Md
Mrs Wolfe, Pa
C Digges, Md

GADSBY'S HOTEL.

J Maurice, N Y
T W Chadburne, Me
H W Owen, do
C M M Hawley, Va
P Cahill, Md.
G H Hickman, do
A G Sumner, S C
Hon R M McLane, Md
S M Wain, Pa
J W Grady, S C
F F Beattie, do
Prof H A Heckley, lady and servant, Ohio
J R Webb, do
A C Twining, C E
T Trean and wife, N Y
S V Roberts & lady, do
J B Wickes, Md
C Gault, do
H Murray, do

UNITED STATES HOTEL.

R S Lanyer, N Y
J Gilligan, do
J Q A Perrin, Ia
J W Middleton, Pa
J Brixey, do
J D Caldwell, Ala
D Scott, Md
B A Curtis, Va
R T Pelham, N C
H C Watkins, Va
J W Scott & lam, Md
E Wilson, Me
A Middleton, jr, Pa
E M Sanger, l & svt, Ga
Z Kidwell, jr, Va
W F Westmoreland, Ga
Capt W F Blakey
M Bowen, Va
T Brownell, U S N
V Fearley, Pa
S Gordon, La

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THE REPUBLIC.

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THE GARDNER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States, and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

Mr. FENDALL proposed to take up case 34 on the docket—that of John Charles Gardner.

Mr. BRADLEY objected, saying that he and his associates were not ready in this, having directed all their attention to the case of George A. Gardner, being perfectly satisfied that if the United States should fail in the first they would not press the second case, which is that of John Charles Gardner. They were ready to try the case of George A. Gardner, and the proposition now made was a surprise.

Mr. FENDALL argued that it had been the usage of the counsel of the Government to regulate the order of trial, and he trusted that this would not now be departed from. He gave notice on Monday that he would ask to take up the case of John C. Gardner, and therefore did not intend a surprise.

Mr. BRADLEY repeated that he and his associates were taken by surprise. The case of John Charles Gardner had never been called; his counsel was not ready; and now it was proposed to try it. The counsel of George A. Gardner, however, were now prepared for trial in the last-named case.

Mr. FENDALL said that the cases were arranged on the docket: 33, George A. Gardner; 34, John Charles Gardner; and 35, George A. Gardner. They were all for trial during the present term; and beside, it was important for the ends of public justice that the case of John Charles Gardner should first be tried.

Mr. CARLISLE contended that the case of George A. Gardner should first be tried, as it went to the very root of the whole matter. He is accused of presenting a claim based on a mere vision. If this is true, all the depositions in its support are founded on fraud, as a matter of course. Why, then, propose to try the case involving a single affidavit in support of the claim? Why not march up to the strong part at once? The case of John Charles is a minor point, and there was no reason why that of George A. Gardner should be now thrust aside.

Mr. MAY said the simple question was as to the order of trying cases. The court would find that there are three indictments touching this transaction of a fraud committed on the Government. Two of these are against George A. and one against John Charles Gardner. They stand together. The case of the latter is intermediate of the other two. The District Attorney offers to try the case of John Charles Gardner. He thinks it is his right to regulate the order of trial. And he (Mr. May) concurred in this view. The case of John Charles Gardiner was the principal one on the record, and the most comprehensive of the three. The paper is more comprehensive, and contains more facts than the memorial of George A. Gardner before the Board of Commissioners. In support of this he appealed to the indictments found by the grand jury. Therefore, if gentlemen are prepared to try the one case, they are prepared to try the other. The grounds assigned by counsel on the other side are, that the case of John Charles Gardner is less important, and that in this they are not ready. And he called on the court to act according to the principle it asserted the other day, and permit the District Attorney to regulate the order of trial. If this right be taken away by the court, it would be with a full knowledge of the result to public justice.

Mr. FENDALL said this was a proposition on the part of the District Attorney to take up the accessory before the principal. If any one was indicted for murder, and there was an accessory, the District Attorney would try the accessory before the principal is tried. He asked the gentlemen on the other side to point out the distinction between the two cases. It is known that a man by the name of Geo. A. Gardner is accused throughout the length and breadth of the land of having perpetrated a monstrous fraud, and that his brother is charged with aiding and abetting him. Counsel have been employed by Dr. Gardner, witnesses have been brought from abroad, and he (Mr. Perry) was here from South Carolina to assist in the defence. If John Charles Gardner should be tried first and acquitted, it would amount to nothing as to the guilt or innocence of Dr. Gardner. He had heard no reason assigned for first trying the brother of Dr. Gardner, except a discretion on the part of the counsel for the United States.

Mr. BRADLEY remarked that this was not a question of order of business, but a question of the right and privilege of the Government to take up what case it may please, whether the other party is prepared or not for trial. This was now urged upon the court. Such a proposition was never entertained for a moment in England, and he trusted it never would be in a American court of justice. He denied that such a rule had existed in this court from the beginning.

Mr. FENDALL replied, saying he had not claimed a right on the part of the United States to try a defendant whether he was ready or not. He claimed that it had been the practice of this court, of the circuit court, (when it had criminal jurisdiction,) and of every other court of the United States having such jurisdiction, to allow the attorney of the Government a discretion as to the order of calling up cases. Experience had shown that this usage was conducive to purposes of public justice. If when a case was called up the defendant was not ready, it was incumbent on him to show legal cause for not being ready. The cause now assigned was that the defendant's counsel were taken by surprise. They ought not, however, to be surprised. They were bound to be ready in all the three cases.

The COURT explained the rule of the Court, saying he could see no possible advantage, or rather the advantage the Government ought to derive by such an arrangement; and decided, for the reasons which he gave, that the case of George A. Gardner must first be tried.

A jury was then empanelled, consisting of the following citizens: Peter Magruder, John M. Johnson, Alexander Borland, Abram Butler, Eben Brown, Jesse B. Wilson, James Fullalove, Charles H. Lane, John Rayne, William H. Gilman, John Wilson, and George Crandell.

The witnesses were excluded from the court-room until they shall be severally called to testify.

All witnesses in other cases were discharged until next Monday week.

Mr. MAY (at a quarter to two o'clock) opened the case; and, in addressing the "gentlemen of the jury," he expressed the great pleasure which he experienced in renewing his relations with them, which in former days had been so pleasant. This pleasure was enhanced by the responsibility of the office which he now occupied as the humble assistant of the District Attorney in the prosecution of this case. It was enhanced, too, by the fact that this was the most important case upon which any one of them had ever been called on to act, and in a long lifetime may never again be called upon to act on one involving such momentous features and results. He was gratified beyond measure that this case, under these circumstances, was confided to those who occupy the position of intelligent men, substantial men, who are identified with the respectability of the people, and the support and dignity of the Government. The importance of the case grows out of the fact that this is not only the boldest but the largest and most successful scheme of fraud ever, within the whole range of human history, perpetrated against the Government. The very dignity and respectability of the Government of the United States were at stake on this issue. It was a question, in the eyes of the world, whether a great republic like ours, in the administration of its duties by its subordinate agents, is honest and capable enough to protect itself against fraud. After further preliminary he said, with respect to the accused he stands here with the presumption of being an innocent man, and must be allowed the benefit of that presumption until his guilt is proven. The law presumes him to be as innocent as a stranger, and the Government must be allowed to stand in the attitude of merely performing its duty through its agents.

He then proceeded to give an outline of the character of this case, and of what the Government expects to prove, to show whether the prisoner is innocent or guilty. It would be within the knowledge of the jury that the war which existed between the United States and Mexico was terminated by the treaty of Guadalupe Hidalgo, in February, 1848. One of the provisions of the treaty was that the United States, in consideration of the cession of California and New Mexico, stipulated to retain, out of the large sum of money agreed to be given to Mexico, three millions of dollars, for the purpose of paying all just claims of American citizens against Mexico, provided that Mexico should be relieved and exonerated from the responsibility of those claims. In order to carry the treaty into effect, Congress passed a law creating a board of three commissioners to sit as a kind of court to ascertain whether the claims were just or not. They were authorised to convene in this city, which they did. One of their rules required that every claimant should file his memorial; or, in other words, the statement of his claim; its general character, its amount, and the principal features and grounds on which he presented it; and, in order to secure an honest presentation of claims, they provided that the memorials, in every case, should be sworn to. Shortly after, by resolution of the board, the accused, now at the bar of the court, George A. Gardner, presented his memorial, in which he described the character and nature of his claim, and this paper was sworn to, he (the true) before P. B. Myer, a justice of the peace of this city. It is for having made that oath, and presented that paper to the commissioners, that George A. Gardner now stands indicted.

The laws of the United States, of March 3, 1823, provides that any one who shall take a false oath in support of any claim against the United States, or which concerns any expenditure of public money, shall be punished for the crime of false swearing.

The prosecution expect to prove that the accused filed with his memorial other papers, depositions purporting to be from persons residing in Mexico, tending to prove that he was the owner of a mine in that country. Mr. May then read from Dr Gardner's memorial, presented to the Board of Commissioners, stating, among other things, that he is a citizen of the United States, and was born in the State of New York; that, early in the year 1844, he was engaged in mining operations in the State of San Luis Potosi, on a very large scale; that he employed five hundred men as laborers, and had invested $330,392 in men, steam-engines, buildings, horses, mules, and *men of science*, and that in 1846 he was compelled to abandon his establishment, his property having been despoiled by the Mexican soldiery—property which would have yielded him fifty thousand dollars per annum for years to come; the proceeds for one year having been $96,000. The memorialist confidently asserted that at the time of his expulsion his mines were worth $800,000. Mr. May commented upon these statements, and then said: It is on the truth or falsity of these assertions that the issue is raised between George A. Gardner and the Government of the United States; affirming on one hand that every statement in the memorial, and every paper presented by him, are false and fabricated, and that there is not one syllable of truth in them from beginning to end; and that it is a pure fiction and invention. He received, as the fruits of his enterprise, from the United States, $428,760, almost half a million.

In support of the truth of the memorial it was required that he should be more definite in the location of the mine. He had only located it in San Luis Potosi, a large State of the Mexican republic. About a year after his memorial was presented; he accordingly filed what he represented as a copy of his mining title, and was required by the commissioners to support it by evidence of persons residing in that country. But no such persons as those whose names he pretended to furnish ever lived or were to be found in Mexico, and every one of the depositions was made in the city of Washington. The mine title was manufactured here—the whole case was invented and manufactured here, as there was reason to believe.

The principal fact is as to the existence or non-existence of the mine. The Government discovered, by the help of Providence, that this was all a fraud; and it was able to find persons in Washington just in time to save the Government from losing the money before the lapse of the statute of limitation.

It was necessary that the Government should support these things by indubitable proof.

The Government expected to show that the mine was so vaguely located that it could not be found: A commission was sent to Mexico, and although a reward of five hundred dollars was offered, no person could be found to designate where it was. The Government likewise expected to show that there is no mine in the section of country claimed for it, and that the prisoner, a poor dentist, never could have worked such a mine as he describes. Instead of working the mines, he was working in teeth hundreds or thousands of miles distant, and peddling small wares on the Pacific coast. There is evidence to show that the mining title, the seals, and the signatures of public officers in Mexico are all forged.

The above is but a brief sketch of the remarks of the gentleman, who eloquently addressed the jury in conclusion.

Mr. BRADLEY (it being now three o'clock) said that he could not make his opening speech in an hour, and within that time present the whole question. He had not anticipated that the counsel for the prosecution would address the jury this afternoon. If the court would adjourn now, he would be prepared by to-morrow morning.

The COURT. I am willing to sit here.

Mr. BRADLEY. I am aware of that. Your honor is always ready to sit here, as we well know. [Laughter.] If the United States will examine a single witness, we will resume the opening on the part of the defence until before the cross-examination, which we have the right to do.

Colonel William O. Niles was then called, and testified that he first saw Dr. Gardner at Mrs. James's boarding-house. In the course of conversation the doctor said he had a claim for spoliation of his property in San Luis Potosi. The Mexicans despoiled his mines, burnt his buildings and machinery, and let the water into his mines. He stated that the amount was not less than sixty or a hundred thousand dollars, but whether he meant

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his loss or the claim the witness could not tell. This conversation took place somewhere in the spring of 1849.

Cross-examined.—Dr. Gardner showed me a large crystal of gold, and I saw other specimens said to be from his mines

Philip O. Johnson testified that he was acquainted with Dr. Gardner, who came to him after Mr. Evans (one of the Board of Commissioners) arrived in the city, and asked him whether he was acquainted with that gentleman, the witness being from the same State, (Maine.) The Doctor wished him to see Mr. Evans, and ascertain when his claim would be taken up. He consented to call upon Mr Evans; and, it being necessary that he should know something of the claim and the amount of it, the Doctor informed him that he was obliged to abandon his mining operations in Mexico. He said that the amount was $150,000 or $170,000, and that "we" could make it what we pleased. His brother Charles was at that time with him. This was pretty much all the conversation he ever had with Dr. Gardner. Charles spoke to him to see his brother the Doctor. George never said any thing about Charles being interested with him. The witness did not think any interest was talked about when they were together. Dr. Gardner said we would give fifteen, twenty, or thirty thousand dollars to have the claim taken up at once. The object of having the witness go to Mr. Evans was to have the claim taken up at once.

Cross-examined.—Saw Mr. Evans at the instance of Dr. Gardner, and told Mr. Evans what Dr. Gardner had said. The anxiety expressed for the taking up early the claim was, that their business was such that they wanted to get away. Mr. Evans said that he could give no definite answer until the board was organized.

It being now about the usual hour of adjournment,

The court reminded the jury that this was an important matter, and requested them not to indulge in conversation out of doors respecting it.

An adjournment until this morning then took place.

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THE REPUBLIC.

WASHINGTON

14 March 1853, 2

THE GARDNER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

Second Day.

Mr. BRADLEY said: We had seriously hoped that the United States would have thought it necessary only to make to you a plain, simple, and unvarnished statement of the facts which they expected to prove, and of the points they would be obliged to make out by the nature of the offence. It has been thought better, however, on the part of the United States, to depart from this common, simple, and exceedingly good usage, and to present to you, not a simple statement of the facts which they intend to prove, but to present the case with all the force of evidence and with all that brilliancy of imagination and that imposing eloquence for which the learned counsel is so eminently and deservedly distinguished, until the case has swelled, from that of an alleged fraud against the Government, to one of the most enormous, widely-extended, and incredible frauds that ever was perpetrated almost within the history of mankind, certainly within the history of this Government. And these magnifying spectacles have been used from the commencement to this day, and every event has been seen through either a distorted or enlarged medium, so that if you believe one-half or one-quarter of what was stated to you at the opening of the case, the defendant has no right to the favorable rule by which the accused stands before you; no right to look to you. On the other hand, I have nothing to exaggerate, nothing to extenuate, nothing to enlarge upon in the statement I am about to make, but shall present a plain, simple narrative of facts, and shall endeavor to confine myself to the statement of those things of which I have either seen or heard the evidence. I was not there. I cannot throw into this defence the weight of my personal character and responsibility. I cannot state as counsel what I would state as witness. I cannot appeal to you in support of the witnesses we may examine, because I also know the facts to be so. My information is to be derived either from other persons, or from written papers, which will admit of no gloss, which can neither be exaggerated nor diminished; the memory of which will not pass away, but will stand as long as the papers remain. I will present such a case as has never before been heard of by you. I will show you a case of persecution against my client at which the mind revolts, at which the heart of every man, who has a heart that beats for liberty, is shocked. I make no charges with respect to motives, but present simple facts. I will show you the case of two great governments combined to deprive the defendant of means of defence. I will make out the case not from glosses and witnesses, but from written documents. And now what is it? I will advert somewhat to the order in which the incidents occurred, and will endeavor to present it to you. On the 15th of April, 1851, a Board of Commissioners appointed by Congress to investigate the claims of American citizens against the Mexican government, protected by the treaty of Guadalupe Hidalgo, announced an award in favor of Dr. George A. Gardner in the large sum of $428,750, to be paid on the 15th of May. The claimant was in this city, and, I am happy to say, was known and estimated by many of you. He remained here and received from the Treasury of the United States payment of the award. He did not withdraw it from the Treasury the moment the day arrived, but allowed it to remain until the time which best suited his convenience; and he himself remained here without disguise, invested the money, and deposited the vouchers with Messrs. Corcoran & Riggs. He settled with his counsel, and having squared up all his affairs in this country, departed for Europe.

I will not say that suspicion set against this claim at that time; for there is not a case in which suspicions are not raised against some one. He is a professional gentleman, educated to the medical profession, accomplished as a surgeon and physician. Of that, fortunately, we can give you most indisputable proof; for there are now living in the United States, and I doubt not there are within the sound of my voice men who are an honor and an ornament to the country, who can speak of his professional accomplishments; and there are men now living, who are living because of his skill and care of them while they were confined in the hospital at Tampico—men who had been left to die by their physicians, and who, through his skill and care, had recovered. Of this we have indubitable proof in the living witnesses themselves who were saved by him. On his arrival at New York—for he is still a young man, but twenty-eight or thirty years of age—he determined to go to Europe to accomplish himself still further in the profession to which he had devoted himself, to acquire knowledge and to enjoy the fortune which he had acquired by his labor.

In the city of New York he met with some old friends, and among others a gentleman who we understand is in this city. He met also, as he was going to a steamboat, with an old Frenchman whom he had seen in Mexico. He said to him, "Aha! you done pretty well; got good lump in treasury, and are a-going to Europe to spend it." Who believed it? And yet it was reported from mouth to mouth that Dr. Gardner had got a large sum out of the treasury, and was going to Europe to spend it. And what next? That one of the men who had argued the case before the commissioners had been employed by him as counsel. But I will say nothing about that. The man now denounces the case. He does not give back the money he received, but he denounces the case as an idle whisper. What then? Why, Gardner is gone to Europe, and while he is away they get up a prosecution against him for having obtained this hundred thousand dollars, and before the Grand Jury witness after witness appears to be examined, and not one, or but one, of the witnesses who were examined then is here now. I charge, then, that the Government of the United States—whatever may have been their motives or instrumentalities for doing it—have instituted a prosecution against this defendant upon naked suspicion. I shall read to you by and by the names of those witnesses, and here are the same number of witnesses on the part of the United States. What next? The first thing that Dr. Gardner hears from America is, that he has been indicted for obtaining money by false swearing. There are no treaties existing between the United States and England by which he could be brought back. His funds are subject to his control; he has but to draw for them, and they are forthcoming. This inveterate schemer—fool as well as knave—writes immediately to the District Attorney of this District, stating that he is informed of the prosecution which had been instituted against him, and desires to meet it on the 7th of July, 1851. What follows? Counsel are employed. A correspondence is held with the President of the United States, and it is expressly stipulated and agreed that if Dr. Gardner will return to the United States to answer to the charge of having fraudulently obtained money from the United States, he shall be released from bail and stand to suit. And then what? Why, of course, the United States were ready to enter into trial the moment he came back. He appears in court, and, so far from the United States being ready, the case is continued, for their benefit, until the next term. The next term arrives, and he is here, ready—ready with his witnesses, ready to try the case. The United States is not ready. Let me go back a little. So soon as the awards were declared by this commission, and it was ascertained that there was a surplus remaining unappropriated by those awards, that surplus was claimed by Mexico. By the treaty of Guadalupe Hidalgo three and a half millions of dollars were set apart to satisfy the claims of American citizens against Mexico; it was to be full satisfaction for all claims, and Mexico, as the United States understood the treaty, was to have no interest in it; but as the amount of the claims did not amount to three and a half millions, Mexico, through her representative to this Government, claimed the surplus, and from that day to this she has claimed it, and she and her agents and ministers have attacked this claim with the expectation of bringing it back, to be paid over to her government.

So soon as the awards were made by the commissioners, M. La Rosa, the Mexican minister in the United States, claimed the surplus remaining, after satisfying the claims, for the Mexican government, which he represented. One of the witnesses to the grand jury—a worthy, estimable man, and whom I in no way design to impeach—a Mexican general in this country, claimed all the surplus, and a large amount besides. It was to the interest of this witness, therefore, to break down the claim of Dr. Gardner, as it would swell the surplus, which he claimed for himself. But he was forced to declare, through the newspapers, that he was mistaken about a material fact to which he had testified. He was not the only one. Another of the witnesses before the grand jury has since publicly disavowed a statement which had been imputed to him.

Before I go further into the detail of the facts, I will go back a little, and see what this claim was before it was presented to the commissioners. He had already adverted to the treaty; that, in consideration of other provisions, it set apart three and a half millions to satisfy the claims of American citizens against Mexico, if they should amount to so much. That treaty was ratified in 1848. The act of Congress to carry this part of the treaty into execution was not passed till the 3d of March, 1849. In January, 1849, Dr. Gardner came to the United States and remained here for a few months, and then returned to Tampico, to obtain some proofs of his claim; and while there, he consulted with General Waddy Thompson relative to it; and in March, 1849, Thompson prepared the draft of his petition, which contained the proofs of this claim in all particulars, as it was allowed by the Board of Mexican Commissioners. That claim was for $330,000. I will not stop to notice the remarks made upon his stating his claim at one time to be sixty thousand, at another eighty thousand, &c., but content myself by showing that at the time the draft of his petition was first prepared by General Thompson, it was for the same amount which was allowed by the Board of Commissioners, the interest on it swelling it to $428,000 and some odd cents. The commissioners have been spoken of by the gentlemen who opened this case on the other side. Who were they? One was a gentleman distinguished for his astute mind, his legal learning, his ability as a statesman; and if there be one man in the country remarkable for the soundness of intellect, clearness of judgment, and experience as a lawyer and a statesman, he was that one; and there were very few if any who were superior to George Evans. No one was more qualified than he to ferret out fraud if it existed, no one more prompt to reject it. Another of those commissioners was Caleb B. Smith, of Indiana, who perhaps in some things was inferior to Mr. Evans, but who was well skilled as a lawyer, and a gentlemen of integrity and understanding. The other was Mr. Payne, of North Carolina, whose ability and character was vouched for by the prosecution. Here were three gentlemen fully competent and well skilled in the examination of causes, and who examined and allowed this claim. What was that claim? This memorial set it forth. It was said on the other side that all the rest of the papers filed by Gardner were forged. We will prove to you, gentlemen, that there was not a paper in the case but what was proved and verified, and authenticated by the Mexican minister in this city. There was a paper verified and certified to by the alcalde of the district of Rio Verde, attested by the prefect, with the seal of the prefecture, and authenticated by the Mexican minister in this city. Every paper filed by Dr. Gardner in support of his claim was verified and authenticated in conformity to the forms of law, and the regulations required and established by the Board of Commissioners, and was genuine in every particular, as we will show and prove. Every signature to the papers, and every attestation thereto, from the clerk in the alcalde's office up the signature of the Mexican minister in this city, was genuine. When in Mexico his books and papers were seized by his creditors upon his expulsion from the mines and were deposited in the office of the prefecture of that district. An authenticated copy of those books was filed by Dr. Gardner, and the copy is verified and authenticated to be a true copy of those in his office by the alcalde of the district, with all the forms of law. We will come to the proof of all this by and by. Mr. May keeps up a commentary on my remarks as I go along.

Mr. MAY. My commentary was simply a smile; and you did the same yesterday while I was speaking.

Mr. BRADLEY. If I did so I was not aware of it. In Mexico the papers and books of a debtor are seized and deposited with the prefect of the district to which he belongs; no warrant is necessary for this purpose. By law copies of these papers and books, when authenticated by the proper officers, are evidence. The commissioners had this evidence—the books thus verified by the local officers, and authenticated by the Mexican minister in the United States—before them at the time of deciding upon this claim. But they were not satisfied with this; they did not stop here. One of the commissioners went in person to the Mexican minister to ascertain if the verifications were correct. The commissioners did not even stop here. They brought the defendant before them, and proposed to examine him on his claim. His counsel objected to this proceeding, stating that he was present there by counsel, and should be heard by counsel. Dr. Gardner, however, said, "Let them examine me; if they are not satisfied with the proof, I can indicate to them where the proof can be found." He was then examined and cross-examined for three hours by the commissioners on the claim. We hear nothing of all these facts in the statement of the case made by the prosecution. I desire, however, to state them, and to say we will prove them, and will prove that this defendant, from the very commencement of the claim down to this hour, has done every thing, and has given to the Government every opportunity to prove the truth and justice of the claim.

It was said that there was no proof of title to the mine, and that what was offered was fabricated; but we will prove to the satisfaction of the jury, by the commissioners themselves, that the claim had been allowed before this paper containing the evidence of title to the mine on which this case rested was filed before them. To understand the matter correctly, it will be necessary to go back somewhat in the history of events. The people of that region raised a rebellion against the government of Mexico, they issued their pronunciamento or proclamation; they offered to General Scott to place themselves under his command against Mexico; they are not Mexicans, but Indians or mixed breed. The insurrection extened, and the village of Laguinillas, in San Luis Potosi, containing — inhabitants, was captured by them. They then continued their march, and took possession of the Rio Verde, the capital of that State; they not only took possession of the district, but they destroyed all the public records in the public offices; they destroyed the records of deeds for that district. This was in 1849. The insurgents held possession of the place for two years. At the very time when Dr. Gardner left the United States to go to Mexico to obtain his proof, he found it impossible for him to go to that place in consequence of

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the disturbed state of public affairs. He went to Brownsville, in Texas, and from there sent by a known hand to a friend of his in the district of Rio Verde a memorandum of what additional proof he desired, and which had been suggested by his counsel. He went to other places, and obtained some depositions, and while so engaged was attacked and wounded nearly to the death. He remained there until he received the papers, which were sent to him by the governor of Rio Verde, and which were delivered to him by the governor of New Leon. These papers, every one of them, were authenticated under seal by the American consul at Monterey; and yet we hear now that these very papers, certified to under the seal of the American consul at Monterey, were fabricated and forged in the city of Washington. We will prove that the certificate and seal of the consul are genuine, and that the whole papers are authenticated and verified in due forms of law. We will prove that they were delivered by the governor of New Leon to Dr. Gardner as papers received from the governor of San Luis Potosi; and that the certificate and seal of the American consul there are genuine and true.

Mr. BRADLEY said he would now like to have produced all the papers in this case which were before the commissioners, and to which the defence had been denied all opportunity of examining. After a short interval, the papers being produced, he resumed.

The counsel for the United States who addressed the court yesterday had pronounced the whole of the testimony in support of the claim as false and fabricated; and as prepared and forged by persons who were ignorant not only of the topography of the country, but of the laws of Mexico; and he stated, with great confidence, that the particular evidence obtained by Gardner from Rio Verde, transmitted by the Governor of Potosi to the Governor of New Leon, and by the latter delivered to him, which had been certified to under seal by the American consul at Monterey, was fabricated in this city.

If the gentleman's confidence in the whole case had no better foundation than it had in this instance, it was not difficult to foresee what would be the result of this case, for we will prove they were fabricated at the proper place, and at the proper time, and by the proper persons in the proper mode, and that all the seals and certificates attached to them are genuine and true. I have not seen these papers till to-day, with the exception of a few minutes, while before the Senate committee; but I am assured, and will prove by witnesses, that every paper filed before that commission, in the claim of Dr. Gardner, was authenticated in due form of law, and in the manner required by the rules of the board of Commissioners; and that such authentications are genuine, original, and true; and that the commission, composed of gentlemen of learning, ability, and integrity, could not have passed the claim, after a cross-examination of Gardner for three hours, with all the papers before them, unless the authentications were genuine and true. They were not only authenticated and verified by the officers whose duty it was to do so in Mexico, but by the Mexican minister in this country—De la Rosa.

The counsel on the other side had called particular attention to dates, and said that in his memorial Doctor Gardner declared he commenced operations in June, 1844, and in his evidence of title he said he denounced the mine July 12, 1844, and called particular attention to the inconsistency. It was no disparagement of the jury to say that the commissioners who had the whole case, the papers, and testimony before them, were as competent, and had as full opportunities as this jury will have to examine and decide on the truth or falsity of these papers and evidence. This very fact, which the learned counsel thinks such an enormous inconsistency, was before those commissioners, and was adjudicated upon by them.

Mr. MAY suggested that, in the opening of the case by the counsel, it was somewhat out of place to enter into an argument upon the facts and the merits of the case, none of which had yet been disclosed by evidence to the jury.

Mr. BRADLEY replied that the opening statement on the other side had taken so wide a range, that it was necessary he should go more into detail of the facts and evidence of the defence, than he would otherwise have done.

The COURT said that an argument on the merits of the case was not proper at this time, but in a statement of facts, counsel must be allowed to show their connexion one with the other; otherwise their force and object could not be understood.

Mr. BRADLEY said that had the counsel for the United States yesterday confined himself to a narrative, or an opening of the case, as would not have said one word by way of opening till the prosecution had closed its case; but the learned and eloquent counsel went far beyond the line generally followed in such matters, and throughout his remarks made an impassioned, eloquent appeal to the jury upon the merits of the case as he presented it.

Mr. MAY said if he had done so he was not conscious of it.

Mr. BRADLEY said he thought at the time the gentleman was not conscious of it. The gentleman commenced by telling the jury he would say nothing to arouse their passions, excite their feelings, or create prejudices in their minds, but would confine himself to a simple statement of the facts, and then immediately did the very thing he told the jury he would not do. He told the jury, in the eloquent and forcible manner for which he is so distinguished, that they were the custodians of the treasury of the United States, that they were here to protect it, and that it was their money that the Government had been defrauded of.

Mr. MAY said the remark was made generally, and that it had no special reference to this case.

The COURT said that it was nevertheless the fact that such remarks were made.

Mr. BRADLEY resumed his remarks. The learned counsel told the jury to be particular in observing dates, for they were material. There was not a single fact which the prosecution would produce in evidence, unless something be sprung upon us to take us by surprise, which we will not meet fully and satisfactorily. This the defence feel prepared to do, from looking at the names on the list of witnesses for the United States. But the evidence will disclose to the jury the fact that the governments of two nations have united to crush this defendant. When this prosecution was first commenced we were ready for trial and the Government was not. It was proposed to send a commission out to Mexico; we did not desire to wait for it, but at that time witnesses were on their way to this place to testify in behalf of Doctor Gardner; they, however, were intercepted on their way here by the Mexican authorities, and prevented coming here, on the ground that Mexico claimed whatever surplus there might be of this three and a half millions, and it was not the duty or place of any good citizen of Mexico to do any thing which might defeat that claim or lessen the amount which it would be swelled to, as they thought, if Doctor Gardner's claim were thrown out. We got some proof, however, and were ready for trial. The United States were not prepared. The case went over to the next term. During all this time the defendant had been knocking at the door of the Government and demanding to be tried.

When this indictment was first found, Dr. Gardner was in Europe. There was no extradition treaty under which he could be brought here for trial, or any way to get him here except by his voluntary act. He addressed a letter to the District Attorney of this District, avowing his willingness to come here for trial if any charge was made against him.*

Before his arrival here Mr. Carlisle, his counsel, without any authority or direction to do so, from Doctor Gardner, but acting under a sense of justice, and of what was eminently proper and just, had an interview with the President of the United States to obtain his guarantee that when Dr. Gardner returned to this country and gave himself up for trial, he would release so much of his funds which were taken by the Government as would indemnify his bail. The President, Mr. Fillmore, than whom a purer or more upright man never filled that chair, acceded to the request, he seeing nothing in it but what was fair and proper. The Government then got up a new charge against Dr. Gardner, and on his arrival he was placed in jail, and bail to the amount of a hundred thousand dollars was demanded, but which the sense of justice of this court reduced afterwards to $20,000. The guarantee made by the President the Government refused to carry out; and the defendant was answered, when he made application for a release of so much of his money as was necessary to indemnify his bail, by a chief clerk in the State Department, that although that arrangement might have been all very right and proper at first, when it was presumable he was innocent, it was not so now, when new charges were made against him, and he was presumed to be guilty; the tables were turned, and the guarantee made by the President, and under which Dr. Gardner voluntarily surrendered himself for trial, could not be carried out. This chief clerk of the State Department, (W. Hunter,) in a letter to Mr. Carlisle asking for the release of this money to indemnify the bail, says that no matter how good the arrangement was as for the first indictment, now that Dr. Gardner is in the custody of the law, and *is guilty*, as he has a right to presume from the new indictment that he is *until the contrary appears*, the arrangement cannot extend to the new case. The intention on the part of the Government was to force Gardner into jail, and to keep him there by depriving him of the means of getting bail. But he got bail, notwithstanding. Mr. Fillmore was not to blame; he was honorable, upright, and manly; no one could suspect him of improper motives. There were others, and other influences, however, at work. An election was coming on; there had been a Galphin claim, and it was for some unknown purpose that this proceeding took place, and the distinct guarantee of the President was withheld from Dr. Gardner.

It was said in the opening of the case by the prosecution that Dr. Gardner was offered every facility of going to Mexico and pointing out to the Government agents there the mines, and that he refused to avail himself of them. Long before it was proposed that the Senate committee should send out a commission, we proposed to the President of the United States, in behalf of Dr. Gardner, that a commissioner or special agent should be appointed by the President of the United States, which said commissioner or special agent shall be such person as should be approved by the defendant or his counsel, and who, when so appointed and approved, should have the duties and powers in the premises which were specified.

He should proceed, in company with the defendant, or such other person acquainted with the localities as might be designated by the defendant, to the place where the defendant's mines were located, or alleged to be; and should there personally investigate and ascertain whether such mines existed and were the property of the defendant, and whether he was expelled therefrom as alleged by him. And such agent should be instructed that if upon such examination it should manifestly appear that in fact the defendant had such mines and was expelled therefrom as alleged, he should so certify in duplicate—one of which certificates should be by him delivered to the President of the United States, and the other to the defendant. And in such case no testimony should be taken, but the prosecution should be dismissed, and the funds detained should be released by order of the President. But if upon such investigation it shall not manifestly appear that the defendant had in fact such mines and was expelled therefrom as alleged, then the commissioner aforesaid shall proceed to take the testimony of witnesses in the presence of the defendant, or his agent, or upon reasonable notice to him, who shall have opportunity to cross-examine all such witnesses, and to adduce such witnesses on his behalf at reasonable times and places, with like opportunities of cross-examination on the part of the United States.

And all such testimony shall be taken before some judicial officer competent to administer oaths and according to the law of the place, and together with such record and documentary evidence, certified according to the law of the place, as either party may think proper to procure, and all the records and files of the late Board of Commissioners in relation to the claim of the said Gardner, shall be admitted and received as evidence on the trial of this prosecution in like manner, and to the same effect, as if the same facts were testified to *viva voce* by the witnesses themselves before the jury. This agreement was not to affect the right of either party to adduce other testimony which may be competent on the trial, nor to affect any other legal right whatsoever of either party, except as was therein expressly waived. [Mr. B. did not read the proposition, but stated its substance; the reporter has taken the privilege of giving it more in *extenso* than was done by Mr. B.]

Mr. BRADLEY said that this proposition contained the most unusual offer of allowing evidence to be taken by deposition, to be used against a party in the trial of a criminal charge. The offer did not stop here; when it was laid before the President, the counsel of Dr. Gardner agreed, if required to do so, to strike out that part of the proposal which referred to the defendant, being allowed to adduce witnesses before this agent or commissioner in his behalf. The President was satisfied with it; he said he considered it a very fair proposition; but as he did not wish to interfere with the matter by taking it out of the hands of the District Attorney, he would refer it to that officer. The matter was referred to the District Attorney, and for some reason that gentleman refused it without even giving any expression of any reason for so doing.

The defence was shortly after notified that the United States intended to examine some witnesses in the mayor's office in the City Hall. The House of Representatives about the same time appointed a committee of investigation, which undertook to examine this case; the Senate also appointed a like committee. Here then at one time was the judiciary, the House committee, and the Senate committee, all bearing down on this poor, defenceless man, whose money had been taken from him, and who had been denied the means of procuring bail. The defence went on, under the notice, to take testimony in the City Hall, and had got through with the evidence of one Barrigan, a Camanche; and at the moment when Dr. Gardner's counsel were busy with his case before the two committees of Congress, they received a notice from the counsel of the United States that the commission to take the testimony of the other witnesses, who were named in the original notice, was to be removed to the State of Virginia, where that testimony would be taken.

When we were before the Senate committee of investigation, the chairman of that committee seemed to take it as settled that things alleged against Dr. Gardner were proved, and treated Gardner as guilty, as one to whom he was to act as in mercy; and as if in mercy to Gardiner, and to afford him an opportunity to show how much truth and how much fiction there was in this matter, he said he would send a commission to go to Mexico on the part of the committee of the Senate, along with which Gardiner might go if he pleased, for the purpose of pointing out his mine. Notwithstanding this outrage upon his feelings, and what any one would have felt as an insult, Dr. Gardner, who was sitting at the table in the committee room, wrote an answer, stating that he accepted the proposition with pleasure, and that he had offered the same thing to the President long before, but it was declined. He was then—on the 27th of August—told to hold himself in readiness. He answered he was prepared to go at any time. The 15th of September was named as

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the day for the departure of the commission. All this was in writing, and would be produced. The criminal court was to meet on the first Monday in December, and Gardner received notice from the United States that the Government did not recognise the action of the committee of the Senate in sending out a commission to Mexico, or of Gardner accompanying it, and that if he goes he goes on his own responsibility; that the United States will expect him to be here on the first Monday in December for his trial..

Owing to the great confusion and conversation near the reporter's table, he was unable to hear much of what Mr. B. said further on this point, but thinks the substance of it was, that Dr. Gardner lingered here till the 6th of October, without hearing anything further from the Senate committee, when he was summoned before it; that he was then told that the commissioners were appointed, but who they were were not named to him; that he said if A, B, or C be appointed on the commission, they have made up their minds on the case, have formed opinions upon it, and have expressed judgments against him; and as they would not be impartial men, he would not go with the commission. The chairman of the committee (Mr. Soulé) took this as a refusal to go, and rebukes him as for presuming to interfere with the nomination of a commission to be appointed by the committee of the Senate. It ought not to have been expected by any gentleman that Dr. Gardner could have gone with a commission on which were men who had fixed opinions and judgments against him. It was said by the counsel who opened the case, that Dr. Gardner's acts were conducted with great diplomacy; they were all done by the advice of his counsel, who were rather more straightforward, plain-dealing men, than diplomatists.

Dr. Gardner received a letter from the Assistant Secretary of the Treasury, directing the collector of customs at New Orleans to place one of the revenue vessels at the service of Dr. Gardner, to enable him to reach Mexico, the commission having gone by another conveyance; and on his arrival there a letter, dated the day after this one, was received, countermanding the order, refusing him this privilege, and telling him he should not go out of the United States in any Government vessel; the United States, it seems, having derived the idea that, if they enabled him to leave the United States, they would in some way or another release his bail. He was thus denied a privilege and a facility of reaching Mexico with the commission, which had been offered to him, and was then forced either to remain in the United States, or go with such means as he could command.

In that hour Doctor Gardner found friends. Though charged with crime, though denounced in every form, and oppressed by his own Government, he still had friends—friends who had stood by him throughout, who stand by him still, and who have deep convictions of his entire innocence, of his honor and integrity, and of his ability to prove it. Two of these friends resolved to aid Gardner and to accompany him to Mexico. The commissioners appointed by the Senate, with the means furnished them by the Government, had gone off with flying colors. After considerable difficulty, Gardner and his two friends reached Tampico, and there they found a man who had silver—not the coin of the Government, but silver obtained from the mine of Doctor Gardner, with his stamp and marks upon it.

They then left for the mines, and they reached the village of Laguinillas before the Senate commission, who had taken another route. On the arrival of Doctor Gardner with his friends at the very confines of San Luis Potosi, he was met by a peremptory order from the Mexican authorities that Dr. Gardner and his friends should not be permitted to enter that territory; and that if they were there already, they should have to depart. This order was served on Dr. Gardner in half an hour after his arrival at that place—a copy of the order would be shown to the jury in the trial. If any thing was necessary to confirm the fact that the action of the two governments was unitedly directed not only to assist and promote the prosecution of Doctor Gardner, but also to prevent his procuring evidence in his behalf, this circumstance fully demonstrated it.

The two friends of Doctor Gardner next day went into the office containing the records of Laguinillas, and there they found on record *the deed to George A. Gardner of this very mine.* The history of the preservation of that deed was remarkable. It was among the records at the time when the town was sacked by the insurgents, and when they sought to destroy them all. This deed and some other papers were secured by the alcalde, who buried it in his own yard, and refused to deliver it up, though they tied him to a tree, and his son was slaughtered before his eyes, in the endeavor to force him to tell where the records were buried. They took a copy of the original deed, and it will be presented to the jury. These two gentlemen, as they came out of the recorder's office, asked for a guide to show them where the mine was that was described in that deed. A guide was furnished, and they started to the place. On the route they heard a voice exclaim, "Ma, here is Doctor Gardner;" and one of the party, astonished, asked if the people of that country spoke English. On inquiring, the remark was found to have been made by a young woman whom they saw entering a house, and who was the daughter of a Scotch woman, who had married a Spaniard, and who were all acquainted with Doctor Gardner.

They proceeded to the mines described in the deed to Dr. Gardner, and one of them went down by a ladder into a mine to a great depth, and as far as prudence would permit; they then threw stones into them, and from the sound of the falling stones they judged its depth to be several hundred feet. They visited all three of the mines said to be Dr. Gardner's. They then returned to Laguinillas, where two of the party—Dr. Gardner and one of his friends—were taken very ill, and remained so for some time. This was on a Monday. The commissioners appointed by the Senate arrived there on Tuesday. A notice or advertisement was stuck up by them offering a reward of five hundred dollars to any one who would show the mine of Dr. Gardner. Mr. B. then stated the substance of the advertisement and of the correspondence which followed.

Mr. MAY asked if the gentleman had the papers in court.

Mr. BRADLEY said he had, and would read them now, if desired.

Mr. MAY said they might be read.

Mr. BRADLEY then read the following:

Translation of a placard posted in the public places of the town of Laguinillas, Mexico, entitled "Aviso al Publico."

The subscriber offers a reward of $500 to the person who may give him exact and circumstantial information in regard to the silver mine and refinery which, it is said, belonged to Dr. George A. Gardner, and which he worked in the years of 1844 to 1846, and which were situated "on a branch of the Sierra Madre, opposite Cerro Gordo, in the Sierra de la Huestaca, jurisdiction of Laguinillas," in the department of Rio Verde, State of San Luis Potosi, &c.

(Signed) HENRY MAY.

LAGUINILLAS, December 14, 1852.

SIR: The undersigned has read a notice entitled "Aviso al Publico," published at Rio Verde, December 1st, 1852, and signed "Enrique May," offering a reward of $500 to any person who can give exact and circumstantial information in regard to the silver mine and refinery which it is said belonged to Dr. George A. Gardner, and which were worked on his account during the years 1844 to 1846, situated in the Huestaca range of mountains, in the jurisdiction of Laguinillas and Republic of Mexico.

The undersigned has lately examined said mines and refineries, and will give the following information, deeming it be deemed sufficient for the reward offered by the notice of "Aviso al Publico."

First. He will accurately describe the locality of the mines and refinery, their direction from Laguinillas, and the time necessary to occupy in reaching them, and the place at which guides may be readily procured to point them out.

Second. He will give information where can be found the original archives, at present containing the *title deed* which gave Dr. Gardner possession of the mines, said deed embracing Dr. Gardner's *petition denouncing* the mines; an *accurate survey* of them by the official surveyor, and of the *decree of the judge* placing Gardner in possession of the property—all of which is signed by the parties, and fully authenticated, according to the requirements of the law regulating mining operations in Mexico.

Third. The subscriber will also exhibit to Mr. May, and the other members of the commission, specimens of the ores lately brought by himself and companions from the mines in question.

Your obedient servant,

(Signed) E. W. ABBOT.

HENRY MAY, esq., &c., &c.

LAGUINILLAS, December 14, 1852.

SIR. I have received your note of this date, and filed it among the papers of our commission for such uses as may be made of it, either by our Government or Dr. Gardner.

The advertisement published over my name to which you refer, offers a reward for information about that mine, which was the subject of his claim at Washington.

It is specially described in the original papers filed there by him, and the advertisement copies the words used therein.

We have no instruction or inclination to look for or examine any other mine than that described in the original papers above referred to, unless the description therein given should be mistaken in some unimportant point, and the promised reward will be paid to any one who will show us that mine.

If you are prepared to do so, you are requested to notify us at once, and to show us an authority from Dr. Gardner for this purpose, and a written admission on his part that the mine you show to us is the same which formed the subject of his claim.

Your obedient servant,

(Signed) HENRY MAY,
Chief of Commission.

Mr. E. W. ABBOT.

LAGUINILLAS, December 14, 1852.

SIR: Your note in reply to my communication has surprised me by an intimation contained therein that I had referred to other mines than those upon which Dr. Gardner's claim is founded, and which are specially described in the original papers filed by him at Washington.

The mines examined by me, and to which I referred, are those pointed out to Captain J. S. Slocum and myself by Dr. Gardner as the same described at Washington; and the title deed I mentioned, giving Dr. Gardner possession of them, and signed by him, contains the identical names by which they are now known to the miners.

The proposition on my part was to place in possession of the members of the commission such information as I supposed the notice "Aviso al Publico" called for, and it was my intention clearly to indicate this in the note of this morning.

This note and the former one are independent acts, and I must respectfully decline asking Dr. Gardner to become a party to them any further than has already been done, by stating that the mines and refineries mentioned are the identical ones pointed out by Dr. Gardner as basing his claim, and as directed to us by the original deed.

Your obedient servant,

(Signed) E. W. ABBOT.

HENRY MAY, esq., Chief of Commission.

[TO BE CONTINUED.]

The following is a copy of this letter:

LONDON, July 17, 1851.

DEAR SIR: The New York *Weekly Herald* of the 5th instant contains a report extremely offensive to me, and of a delicate nature, involving honor and character—the mainsprings of a gentleman's existence. It is in reference to my Mexican claim, which, in the *charitable* parlance of newsmongers, is styled a "*forgery*," as if the term contained no offence.

I am sorry to see our journals so degraded as to make light of any man's character, and were I at home would not notice it, for we all understand the base origin of such calumnies. My first impulse on perusing the article referred to was to take passage in the first steamer and return to the United States to vindicate my character, and proceed against my calumniators, but on more mature reflection, and at the suggestion of my friends, was induced to take the present course of addressing you, requesting that if an investigation has taken place before you, you will have the kindness to inform me *immediately* of the result, and, if necessary, I will proceed without delay to the United States to clear myself of all suspicion, and to confound my accusers. My friends are all in the United States and at the disposal of our Government, should the courts of my country decide against me.

In conclusion, I would remark, that what has induced me to make light of this matter is the entire falsity, and utter absurdity, of the statement I have seen in the *Herald*.

Requesting you will attend to my request as soon as convenient, and address me under cover to George Peabody, esq., of this city,

I remain, respectfully, your obedient servant,

GEORGE A. GARDNER.

P. R. FEWDALL, esq., United States Attorney, &c.

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THE REPUBLIC.

WASHINGTON

15 March 1853, 2-3,

THE GARDNER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardner, (indicted for false swearing in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

SECOND DAY.—*March* 12.—[*In continuation.*]

Mr. BRADLEY then resumed his remarks. At the time of this correspondence Dr. Gardner and Captain Slocum were lying ill at Laguinillas, almost at the point of death. No answer was returned by the commission to Mr. Abbot's second letter, and that same night about three o'clock, as would be proved, the commission left Laguinillas.

Mr. MAY. That's not true, sir.

Mr. BRADLEY. We expect to prove it.

Mr. MAY said that as this correspondence, which had been read, involved matters somewhat personal to himself, he would like to have an opportunity of making some explanation of it at this moment. He had not expected that this matter would be brought before the court in this manner.

Mr. BRADLEY said that the gentleman on yesterday told the jury that he had offered this reward for any one who would show the mine claimed by Dr. Gardner, and that no one—no man, woman, or child in Mexico—had come forward to show it, except one person, who did so for the purpose of obtaining the reward.

Mr. MAY. And I say so now. The letter of Mr. Abbot clearly shows that he will point out a mine, if by so doing he will come up to the obtaining the reward. This offer, it should be remembered, too, was by our own countryman.

The COURT thought if Mr. May was to go on he should do so now.

Mr. MAY said that as he had advised gentlemen before, he could not go on the stand as a witness, and as these were matters of a personal character, his only opportunity was to make his explanation now. If it was objected to, he would wait till Mr. Bradley was through, and then he would make his statement.

Mr. BRADLEY said that those who were with Mr. May on the commission would be here as witnesses, and they would explain the matter.

Mr. MAY said the witnesses could make no personal explanations; they would be confined to giving their testimony, and would not be permitted to go into an explanation of personal matters.

Mr. BRADLEY said he would have no objection to their doing so. He, however, was willing that the gentleman should proceed now.

The COURT. Mr. May, you will proceed now.

Mr. CARLISLE objected. What was the personal explanation to be? Was it to consist of statements which were to go to the jury as facts, without passing through the form which the law prescribed for all evidence going to the jury? The inevitable tendency and effect of such a proceeding, such explanations, would be to place before the jury a statement of facts in this case not coming to them under the sanctity of an oath. He was disposed to be as courteous to Mr. May as to any man, but he could not consent, in a case of this magnitude and importance in every particular, to depart from the well and wisely-established rules and practices to allow any statement of facts to go to the jury unless sworn to in all the forms of law. He denied the right of the United States to any further opening of this case; such was not the practice nor the law of this country. The gentleman told the jury yesterday that he had been unable to find a man, woman, or child in Mexico who could point out this mine of Dr. Gardner, and that he had appealed to them in the shape of a reward of money to come forward and do so; and the gentleman now objects to an offer to show him the mine because it was made from motives of reward, to which motives the gentleman by his own advertisement had particularly appealed.

The COURT said that he thought Mr. Bradley consented to the explanation.

Mr. BRADLEY said he had no personal objection. But he had read the letters at the request of Mr. May himself.

Mr. CARLISLE. I object to any explanation of the kind.

Mr. MAY said the gentleman was stating their contents, and he thought, if that was to be done, it were better to read the letters themselves. He desired to make this explanation now, because the letters would not be admissible hereafter as evidence.

The COURT. Why not?

Mr. MAY. Why not? Why should they be? They are not the acts of Gardner, for they contain an express disavowal of any connexion on his part with them.

The COURT. You said in your opening you would prove that you had offered this handbill containing a reward, and these letters are a part of that proceeding.

Mr. MAY. They followed that advertisement. But if your honor says they will be admissible as evidence in the case, it makes quite a difference; though I cannot see how the letters of a third party can be evidence against Gardner.

The COURT said he would decide the point when it arose in the trial.

Mr. MAY said he differed from Mr. Carlisle as to the question of practice, and his right to a second opening; but if the gentleman objected, it might pass. As the rules of practice were to be enforced, he submitted to the Court that all the observations by Mr. Bradley about the conversations with the Senate committee by Gardner, and of the counsel with the President, were out of place in the opening, for it was not evidence which could go to the jury.

Mr. BRADLEY. I think it is.

The COURT. I shall decide all that at the proper time; Mr. Bradley will please go on.

Mr. MAY. I hope your honor will enforce the rules of practice which have been invoked on the other side, and not permit an argument to be made now on facts not yet given in evidence to the jury. I confined myself yesterday to a simple statement of facts, and made no argument upon them. That I understand is the rule of practice.

The COURT. The rule is so undoubtedly; but it is not in the power of the Court to foresee how far observations are necessary for a connected statement and narrative of the facts expected to be proved.

Mr. BRADLEY said the gentleman yesterday told the jury that no man, woman or child in Mexico had come forward to show where this mine of Dr. Gardner's was to be found; and that the reason was, that no mine was there, or if any, it was one in the interest of his confederate, Don Jose Pandro; and that if any deed of a mine was produced it would turn out not to be one describing the mines in the terms of his claim. Dr. Gardner will prove that he had the mine, and will exhibit his deed containing the very description of a mine that was contained in the claim he presented to the Board of Commissioners.

In 1830 Dr. Gardner went to Mexico, with a profession and accomplishments giving him admission to the first circles of society. Besides his skill and learning as a physician, he had some knowledge of mineralogy. By the laws of Mexico no person is permitted to practice medicine until he has resided a certain time in the country, and he during that interval devoted himself to another branch of his profession in which he was equally distinguished—the practice of dentistry. This business he prosecuted most successfully in Puebla, in the city of Mexico, and other places. In the city of Mexico he met with Dr. Secor, who was unable to practice, except under the name of Dr. Gardner, and they entered into partnership. From his acquaintance with mineralogy, he was just the person who would be sought after by those desirous to speculate in mining, and he entered into the speculation; and like many other persons who are engaged in such business, those who sell out while in the green do well, while those who wait for the dry lose all; he sold out while his speculation was in the green and made a large amount of money. A second speculation resulted in the same manner, he making a large sum by it. In 1843, he having turned his attention to the records of the mines, or college of Minee, which is in the city of Mexico, the description of an old one situated in San Luis Potosi, and made arrangements for its purchase. In 1844 he went to Potosi himself; he obtained his deed of possession, &c., denounced the mines, and sent an abstract of the title to Rio Verde in September.

His whereabouts in Mexico from the time of his first going there was traced down to the spring of 1844, when he went to the mines; and yet this is the man who the jury were told yesterday was engaged, while in Mexico, in peddling small wares, and plugging teeth in Guadalajara, Mazatlan, and other places. Mr. B. was understood to say he would also prove that while in the city of Mexico Dr. Gardner was appointed chairman of a committee of Americans in Mexico appointed to receive the American Minister and tender him the hospitalities of the city.

From the spring of 1844 to 1847 we will find Dr. Gardner engaged in mining somewhere in the mountains of Mexico, and the United States and Mexico have been earnestly engaged in preventing him from obtaining evidence to prove the precise location of his operations. His partnership with Dr. Secor was discontinued from that time, though his name was continued on Secor's sign, as it was necessary to enable him to practice; and Dr. Secor, by continuing his business, amassed a fortune in the city of Mexico. The defence would show that he was never engaged in the city of Mexico with his brother; that they were never seen together at that place.

They would next find him in Tampico, where he came in 1847, stripped of all he possessed and driven off from his property in the mines; he made the same statements in Tampico that he makes now, and that he made in his claim to the Board of Commissioners. He told the same tale then to Major Kenly, whom he nursed and attended at that place, and to other American officers. To them all he related his losses, and the statement he then made is the very statement he made to the Board of Commissioners. Here, again, he displayed that energy and perseverance as well as his professional skill, and self-sacrificing humanity. This was one year before the treaty of peace, and one year before it could have been supposed that any provision would be made by Mexico for the payment of claims against her by American citizens, under a treaty. Doctor Gardner was appointed assistant surgeon in the hospital at Tampico, by Major Gates, and was constant in his attendance on the sick, the hospital being crowded at the time with officers and soldiers ill with the yellow fever; his conduct at that time to the suffering soldiers of his country was highly spoken of and commended by the officers who were present; he was unremitting in his care and attention, and was found often at the side of those in the extremities of death or laboring under the horrors of the black vomit. To those who were around him at Tampico, under these circumstances, he related his wrongs and his losses and his history, as he now relates them, and as he related them to the commissioners. This was the conduct of the man who has made a fraudulent claim on the United States. The evidence will disclose the fact that the Government of the United States, instead of protecting and shielding the citizen, has pursued him with rigor, and has done every thing in its power to prevent him from obtaining that evidence so important to his defence. He has had to undergo similar conduct towards him on the part of Mexico.

He agreed with the counsel who opened this case for the United States, as to the duty of jurors; that they ought not to allow anything said by counsel to affect them in advance of the testimony, and in the consideration of the case they should carefully exclude all passion, prejudice, and feeling. We claim, said Mr. B., to stand here to defend the right, to protect the innocent, and to shield against wrong and oppression, and to see that a fair trial is had. We are for the truth. We are not here to defend crime. If it should appear that in this matter we have been mistaken, and have been deceived by one man, then I will hereafter take my position at the foot of the ladder instead of at the fifth round. If we have been decieved by him, if he has been able to deceive us in our constant interviews, one examination and cross-examination of him, and his case, and of his papers and evidence, then he is the arch deceiver himself.

We seek the truth, and we do not stand here to defend crime. The United States have had unlimited means at their command; they have not halted a moment nor spared the least expense in prosecuting this defendant, and to insure his conviction; but, gentlemen, we seek for truth and nothing else, and we place you between the arbitrary exercise of the power of the Government and this one man; and if we have the truth and the right on our side, we look to you to maintain it.

The latter part of Mr. Bradley's remarks were but imperfectly heard by the reporter, and he has attempted only to give the substance of what he understood the learned gentleman to say.

Franklin S. Myer, being sworn, testified that he was a justice of the peace in this District on the 30th November, 1849. The memorial of Dr. Gardner to the Board of Commissioners being shown to him, he testified that the oath, the body of it, the interlineation, and the signature, were all in his handwriting. He had no doubt of it. He did not know defendant, George A. Gardner.

Mr. FENDALL here proposed to read the memorial.

Mr. BRADLEY objected, on the ground that witness did not know the person who signed it.

Question. Do you say that you do not know the defendant?

Answer. Since this case has been made public Mr. Gardner has been pointed out to me, and I only know him in that way. Did not know him at the time he made the oath. Cannot say that he is the person who signed the paper.

Ques. State what is your usage and practice in such cases.

Mr. BRADLEY objected to the question, and submitted that it was not evidence. The only thing relevant was, did witness know the party? The whole point was, did this man, George A. Gardner, and not A. B., authorize you to make that oath?

Mr. FENDALL. We intend to prove that George A. Gardner was the man who signed this memorial. We may prove by circumstantial or by direct testimony.

The COURT. It is not absolutely necessary to prove it directly; you may prove it circumstantially.

Ques. Do we understand you to say that on the 30th of November, 1849, some person, a stranger, came before you and presented you a paper, and that in your presence he either signed that paper or acknowledged it; that you do not know the defendant; that you did not at the time, as the person whose name was affixed to the memorial?

Ans. Yes.

Ques. Say whether upon examination the signature was not signed before the paper came to you?

Ans. I cannot say that.

Ques. So the interlineation, and your signature, in the same ink, and all the rest of the paper in different ink?

Ans. There may be a difference in the shade of the ink, though they are very nearly alike.

Ques. Do you recollect whether the person who made the jurat, signed the paper in your presence?

Ans. I do not.

Ques. Do you recollect whether you asked the person who signed the paper if it was his signature?

Ans. It is my uniform practice, when a paper comes before me signed, to ask the party whether it is his signature.

Ques. But you have no distinct recollection whether that practice was followed in this case.

Ans. No.

Ques. Do you recollect any case in which you have deviated from that practice?

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THE REPUBLIC.

WASHINGTON

15 March 1853, 2-3.

Ans. None that I know of.

Ques. Was the jurat all written before it was brought to you?

Ans. It is in my handwriting.

Ques. The whole of the jurat?

Ans. I believe it is.

Dr. James S. Mackie, sworn.

Ques. (The memorial of Dr. Gardner being shown him.) Do you know that signature?

Ans. I think I recognise it.

Ques. Are you acquainted with the handwriting of George A. Gardner?

Ans. I have seen it.

Ques. What are your means of knowing his handwriting?

Ans. I have replied to letters addressed by him to the Department of State.

Ques. Have you received answers to those letters?

Ans. I have seen a rejoinder to one of them.

Ques. Your information touching the handwriting of Dr. Gardner is derived from correspondence with him?

Ans. It is; and I think Dr. Gardner referred to the first letter in a personal conference with me.

Ques. Can you recollect the dates of those letters?

Ans. I cannot assert positively, though the fact can be ascertained positively from official references.

Ques. Were they dated before or since the indictment of 16th of July, 1851?

Ans. I suppose very near that time, but should be unwilling to say whether before or after

Ques. Were the letters addressed to the Department from this city?

Ans. From this city.

Mr. Bradley. We object to the gentleman offering any proof. We may save time if the object is to prove the signature and handwriting; we will say that Dr. Gardner did sign the memorial, and that that is his handwriting.

Mr. May. It is admitted that the paper is signed by George A. Gardner. I suppose I can read it, then.

Mr. Bradley. No, sir.

The Court. I suppose it is sufficient if you admit——

Mr. Carlisle. We do not say so. We admit that as an abstract question of law, in the position in which we stand as counsel, the memorial purports to be signed by George A. Gardner. The jurat does not purport to be signed by George A. Gardner. Neither is there a jurat in the handwriting of George A. Gardner; the only trace is the signature preceding the jurat. The proof of what follows is, that Franklin S. Myer wrote that, and administered the oath, and all he can say about it is, that that man told him he was George A. Gardner. Is that evidence in an indictment for perjury? Is that proof of the jurat?

Mr. May. I supposed you admitted that the memorial was presented by George A. Gardner.

Mr. Carlisle. We admit nothing, sir. Besides the general attorney we have a special attorney, one of the most eminent in the State of Maryland. Now, under all these circumstances, all we can say is, let us have the satisfaction of seeing that step by step you prove your case not only *secundum artem*, but also *secundum legem*. And I see no proof, in an indictment for perjury, to read an alleged false statement to the jury to prove that A. B., the defendant, signed the body of the paper; no proof that he signed the jurat; no proof of his identity; no proof further than that somebody possessed himself of a paper signed George A. Gardner, written before Justice Myer, and said I am George A. Gardner, and proceeded to make oath to it. The case clearly does not admit of argument. The proof to be made out is, that he took the oath, not that he signed the paper. How is that to be done? Clearly by some proof which identifies the man who signed the paper with the man who took the oath. I submit that there is all the chasm which there is between the East and the West, between these two things. Why, is it not perfectly consistent with every word of testimony which has been given here, to suppose that some other person, a stranger, appeared before Mr Myer and swore that he signed the paper, and that George A. Gardner never signed it. The counsel cannot read to the jury this paper, or any thing purporting to support the charge of perjury, until they have connected it with George A. Gardner. He must be connected with the oath, be proved the identical man who made the oath, and until that is done the paper cannot be read. I repeat to the court that while we are disposed to accommodate the counsel for the prosecution, we think we are starting right, and we expect the counsel to prove every step according to law.

Mr. Randall. I have no doubt the counsel for the defence is perfectly sincere in the expression of a desire to place the question upon its merits. But I must say that he has taken a most extraordinary mode of signifying that desire. He starts with an objection—I will not dignify it so much as even to call it a technical objection. Here the proof is that Franklin S. Myer acknowledges that the same person whose name is signed here appeared before him; that it is the signature of the same man; that it is his uniform practice to ask the party presenting a paper if the signature be his; and that he never deviated from that practice. Then he testifies that he asked this stranger if his name was George A. Gardner, and he answered, Yes. Then who signed the paper? Dr. George A. Gardner, says Dr. Mackie, because he knows his signature. Then we have in proof that Dr. George A. Gardner signed the paper, and took the oath. What more proof is necessary?

Mr. Carlisle. I give notice that nothing is to be gained in this court by insinuating that the counsel for defence have a weak cause, and are clinging to technicalities. We are not to be frightened by a meaning smile; and we feel ourselves too firmly rooted in justice to be uprooted by any such means. I do not care whether the District Attorney pleases to dignify our objection by calling it a technical objection, or not. We stand firmly. I affirm here, and will affirm before the members of the bar everywhere, that the objection is one which commends itself to the serious attention of lawyers. What is the objection? That in an indictment for perjury the United States have not identified the signature with the signer. What is the proof? That there came before the magistrate a stranger, and that that stranger signed it. Who was that stranger? Witness does not know. Whether the objection be dignified or undignified, if this is evidence, I could convict Philip R. Fendall of perjury in any court of justice. The proof of identity stops with the man who says that he is the one who signed the paper, which leaves the question of identity just where it was before.

It comes back to this, that in an indictment for perjury, to sustain which the treasury of the United States has been put at the command of the man, they come into court and have not proved that he took the oath. Who proves it? Does Franklin S. Myer prove it? He says he does not know it. He says a man—some man—took the oath before him, and that man told him he was George A. Gardner. It comes to that. Now, to get nearer to the matter, put it in its substantial and direct form; to tell him he signed the paper is only a weaker mode of saying, "I am George A. Gardner." Let the stranger say, "I am George A. Gardner," is it proof? Suppose the stranger told him, "I am George A. Gardner," is that proof? Then, is this proof? Why, no, sir. It is just the same thing in a minor degree. I confess I am in no temper to raise objections, whether dignified or undignified; and as for my sincerity, I give the best proof of it in a devotion of heart and soul to the interests of the defendant, until I see some just ground of complaint against him. I plant myself fearlessly and without dread of defeat upon the merits of the case, and say that the counsel for the prosecution are bound to prove, and shall prove, every point in the case, before they go before this jury to claim that they have any right to put this defendant upon trial

Mr. Peaby. I regard this as a very important point, and I should say that the prosecution have failed to show that Dr. Gardner was the person who took the oath. Dr. Gardner is here to be convicted technically, according to law. He comes into court to be convicted upon evidence, and it is his duty to see that the evidence is made out, and his counsel would be culpably criminal if they were to waive a single objection upon their own responsibility in a case of this character. And I do contend that this oath has not been made out; and if the case were to go to the jury now, I should argue that the prosecution had failed to identify Dr. Gardner with the person who made the oath, and that he should be acquitted on that ground; for it is not sufficient to come in and throw suspicion upon him. They must do more than create suspicion, for, according to the humane maxim of law, it is better that ninety-nine guilty should escape than that one innocent man should suffer. They must prove to the satisfaction of others that he is guilty before they can bring in a verdict sending him to the penitentiary. You are not to suppose that Dr Gardner was the man who took the false oath. Unless you prove it, he must be acquitted. What is the state of things? Why, the magistrate, on looking at the defendant, could not identify him. The magistrate is brought face to face with him, and says, "I cannot say that you are the person who took the oath. All I remember is that some person came before me and signed the paper, and this individual I swore." I suppose the jury will hardly ask the conviction of the defendant on such testimony as that.

The Court. I thought the admission at first was that the memorial had been presented by Gardner. The proof is that the signature is George A Gardner; that the justice asked the man if it was his signature and he said it was, or that he signed it in the presence of the justice. The proof is that it was so signed or admitted to be his handwriting. In my judgment, some recognition of the defendant after the paper is sworn to is necessary.

Edward Johnson, sworn.

Question. Were you Secretary to the Mexican Board of Commissioners?

Answer. I was.

Ques. What time were you appointed?

Ans. It was either the 19th of July or 19th of August. I think it was in 1849; I am not certain, but can ascertain by reference to papers

Ques. Did you ever see that paper before? (Showing him the memorial of Dr. Gardner.)

Ans. Yes. I was appointed in 1849. I know it by the date of that paper.

Ques. Is that your handwriting? (Pointing to some portion of the endorsement.)

Ans. Yes.

Ques. Are those your initials?

Ans. Yes.

Ques. Do you know whose handwriting this is? (Pointing to the body of the memorial.)

Ans. I am not certain of the handwriting. I think it is that of the clerk of the committee, Theodore Bernard. The words on the back of the memorial at the top, "Number 74," and the date, "November term, 1849," are in my handwriting.

Ques. What does the date indicate?

Ans. It merely indicates the time at which the memorial was filed.

Ques. Lower down, after the word "Received," whose writing is that?

Ans. I cannot tell. It is followed by my own initials and pencil mark, which shows that who ever wrote the word "Received," I was present at the writing. The committee adjourned, I think, about the beginning of July, and did not meet again till November; then sat again in what we call the spring term.

Ques. Do you recognise that handwriting? (Pointing to the endorsement in red ink.)

Ans. Yes, (reading it.) Filed by W. Thompson, November, 1849. The word "Received" is not in my handwriting, but my initials show that I was present, and knew of the writing.

Ques. Do you recollect whether that was one of the papers before the Board of Commissioners?

Ans. I have not a precise recollection of the paper apart from these marks. With these marks I am able to identify the paper as having been before the board.

Ques. Was the paper under your immediate custody?

Ans. It was not under my immediate custody, but under my general supervision.

Ques. Did they act upon the paper?

Ans. Whether they acted upon the paper or not I have no personal knowledge, except that it was filed in the case.

Mr. May. What was the practice of the board in regard to papers that were filed with them?

Mr. Bradley. We object to witness stating what was the practice of the board further than in this case.

Ques. Were these the rules of the board? (Two copies in a different form being shown him.)

Ans. They were.

Ques. There is a rule that requires every memorial to be sworn to, is there?

Ans. Yes.

Ques. I understand you have no specific recollection about this paper being read by the board Do you know that the papers filed were all read by the board?

Ans. I cannot tell that. I can only say that the practice of the board was to take up these cases in their own private way. I was not always present when they were taken up. When they came to the particular point of settling the precise amount of the award, I always made it a point to get out of the way so as to avoid hearing the precise amount of the award. And I think there was only one instance in which I did not do so.

Ques. Do you know whether George A. Gardner was present at the sitting of the board?

Ans. I know that the board repeatedly requested him to be present, to examine him upon such points of difficulty in the case as they thought required explanation.

Ques. The rules required every memorial to be sworn to, did they? Was there any other paper filed in the case of George A Gardner besides this, as his memorial?

Ans. I was aware of the filing of previous papers. I see the date of the introduction of this memorial Before that time the case of Dr. Gardner had unquestionably been taken up by the board. I think the memorial, therefore, is a supplementary memorial.

Ques. Where is the previous memorial?

Ans. I cannot say I that was filed before I was secretary.

Ques. What is the ground of your opinion of there being a previous memorial?

Ans. That the case was adopted previous to the introduction of this.

Ques. Was it a part of your duty to lay papers before the board?

Ans. It was. They sometimes escaped me. I did not make formal entries of them on my docket, but the greater part I did.

Ques. You have no particular recollection about the paper, besides what you see upon the endorsement?

Ans. No.

Ques. You say this paper was among the papers there, and you know generally that the papers went before the board?

Ans. Yes.

Ques. When did you resign the office of Secretary?

Ans. It was on the 1st of April, 1851.

Ques. Who succeeded you?

Ans. Dr. Davis.

Ques. What became of the papers then?

Ans. I cannot say. I left the city of Washington on the 1st of April to go to Richmond.

Ques. You speak of Dr. Gardner as being before the board to be examined; was it after this memorial was presented?

Ans. I think it was almost entirely after this memorial was presented.

Ques. Were you present at any of these examinations?

Ans. I do not think I was.

Ques. Do you know whether or not George A. Gardner ever admitted to you, or in your hearing, that he ever filed a memorial before to the board?

Ans. I have no distinct recollection of it. It would be rather supererogatory to say so.

Ques. How do these marks connect it with the facts?

Ans. The marks on the paper ascertain to me the fact that the paper was in my hands as the paper of George A. Gardner, and it was not re-

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cessary for him to appear before me to say so.

Ques. You know that this was one of the papers filed among the papers as his claim, and that it went before the board as such?

Ans. There can be no doubt of that, I think.

Ques. And he went before the same board?

Ans. I suppose so

Ques. Did you ever converse with him touching the nature of his claim?

Ans. Never.

Dr. Davis, sworn.

Ques. Were you at one time Secretary of the late Board of Mexican Commissioners?

Ans. I was, for a short time.

Ques. When were you appointed?

Ans. I do not recollect exactly. It was either the last of March or the first of April. I was appointed on the resignation of Mr. Johnson.

Ques. Did you ever see that paper before? (Showing him the memorial of Dr. Gardner.)

Ans. Yes.

Ques. When did you first see it?

Ans. The first time was a few days after I was sworn in as secretary to the board.

Ques. Did you see it by itself or with other papers?

Ans. No; the whole bundle of papers together in relation to Dr. Gardner's claim was shown to me by Col. Payne, one of the commissioners.

Ques. How near was it to the time of making these awards?

Ans. Five or six days, more or less, previous to making the award fixing the amount.

Ques. When was the award fixing the amount made?

Ans. It was the night before the board adjourned. I am not certain whether it was the 13th, 14th, or 15th of April, 1851. All the awards were made that night with the exception of a few cases.

Ques. When was the other award made?

Ans. It was made before I was secretary.

Ques. Have you examined this paper? Is that your mark? ("1.")

Ans. It is.

Ques State why you put it there.

Ans. In endorsing papers I numbered them and numbered the index to correspond. This was not until several months after the board adjourned. I put this mark on, therefore, after the board adjourned.

Ques. Was there any other memorial of George A. Gardner?

Ans. There is a memorial stating——

Mr. CARLISLE We object to the contents of any paper being stated which is not shown to be sworn to

Witness. Number one is the memorial in all cases. It was so marked whenever I could find a memorial. There were some cases in which we could not make out whether there was a memorial or not.

Ques Was there any other paper among the papers handed to you by Colonel Payne purporting to be a memorial, except that?

Ans. There was another paper purporting to be a memorial. I do not recollect by whom it was signed.

Mr. FENDALL, (exhibiting a paper.) Is that the other or supplemental memorial?

Ans. I think it is the paper, or it was among them.

Mr. BRADLEY. But I asked you if there was any other memorial or paper filed by Doctor Gardner, and you said you don't know; did you not?

Ans. I can't say there was.

Mr. BRADLEY. When did you make the memorandum on the paper; was it a month after the commission closed?

Ans. Yes.

Mr. BRADLEY. Then I object to any evidence of that memorandum.

Mr. MAY. Doctor, were not these papers in your possession all the intervening time?

Ans. Yes.

Mr. BRADLEY. Were they all that time in your exclusive possession?

Ans. They were under my control.

Mr. BRADLEY. Under your control; but had any one else at any time access to the papers?

Ans. Yes. [The witness retired.]

Mr. FENDALL then offered to read to the jury the memorial of Doctor George A. Gardner, to which Justice Myer had testified he had affixed a jurat, &c., being the paper containing the alleged false swearing.

Mr. BRADLEY objected. There had been no foundation laid for reading that paper to the jury. If the United States had proved any thing they prove that this paper was filed with the commissioners on 29th of November, 1849—Mr. Johnson swears to that; and that some person—whom no one knows or can identify—took it before Justice Myer, on the 30th of November, 1849, and swore to it. It was not pretended that Myer testified that Gardner had taken the oath, for he says he don't identify him as the man. Was there any thing shown in the evidence that Gardner had any connexion with that paper after the 29th of November, or after the jurat was attached to it by Justice Myer? Johnson has proved that the claim of Dr. Gardner was before the board on the 29th of November, and it must have been before them by some memorial, for otherwise it could not get before them. This paper now offered to be read to the jury was before Justice Myer on the 30th of November. This memorial was signed by Dr. Gardner before the 29th of November, and there was no evidence showing any connexion on his part with that memorial after that day. How, then, could the United States offer that paper as evidence to the jury that Dr. Gardner swore to it on the 30th?

Mr. MAY said there was nothing in the rules of the Board of Commissioners requiring that a memorial should be first filed in the case. There was sufficient evidence given to authorize this memorial being read to the jury. It was proved that Dr. Gardner had a claim before the board; that he was there from day to day prosecuting that claim; that a memorial was required; and that a case involving his claim for mines in Mexico was pending before the board; that this memorial sets forth such a claim, and it is admitted he signed this very memorial; that this memorial was received and acted on by the Commissioners and the two Secretaries of the Board as the memorial of Dr. Gardner; that on it was allowed his claim. Justice Myer was not clear as to the identity of the party; but the court would not require strict positive evidence in cases of false swearing. Circumstantial evidence, sufficient to satisfy the jury of the fact, was all that would be required.

The court would easily perceive the possibility of a mistake in the date by either the clerk in endorsing its receipt, or by Justice Myer in preparing the jurat. There was evidence enough in all these circumstances, in all these facts now given to the jury, to justify them in believing that Dr. Gardner was the man who took the oath before Justice Myer. The evidence was sufficient to authorize the paper being given to the jury. It was a memorial which it was admitted Dr. Gardner had signed; attached to it was a jurat in which Justice Myer certifies, and now swears, a man calling himself George A. Gardner swore to the truth of the contents of the memorial. This jurat was required to be attached to the memorial before it could be received by the board. There was enough in all this to justify the jury in believing that the memorial was sworn to by Dr. Gardner. The court must have that degree of common sense which will enable it, as well as every one else, to see and know from the evidence already given to the jury, that this memorial is the memorial of George A. Gardner. There was sufficient evidence, circumstantial evidence, to induce any man to come to that certain conviction.

Mr. CARLISLE said this was not a case depending on the fact of the presentation of a paper, or of a recognition of it, or of its contents. The question now presented was one to the Court, and not to the jury. It was whether the defendant, George A. Gardner, took the oath attached to that paper, which oath it is alleged is a false one. The Court must be satisfied first that he swore to it, and then, if he swore to it, that it was false. In an indictment for perjury these must be proved. What is the evidence of the United States? It is that a stranger came before Justice Myer on the 30th of November, 1849, which stranger Myer never saw before, and said he was George A. Gardner, and took that oath; that George A. Gardner, being pointed out to Justice Myer, Justice Myer says he cannot say whether the man he now sees is or is not the man who took that oath; nor can Justice Myer say whether the paper was or was not signed before him, but that it had been signed when he attached the jurat to it. Is that the evidence on which the United States would ask a Carolian jury to convict a man of perjury? Any man in the court-house could prove as much as Myer. I call every one present, and ask them did George A. Gardner take that oath, and they will answer, one after the other, "I can't say that he did." And it won't help the matter in the least to add to the testimony, "I can't say he did not."

If John Doe file in this court his bill in chancery, and if, while it is going on, a paper containing an oath is found among the papers which turns out to be a false one, will any man pretend to say that that fact alone is sufficient to convict John Doe of perjury? He selected this illustration because it would strike any man with its injustice, for after John Doe had filed his bill, he might have left for the north pole, and his attorney, thinking the case got along too slowly, and Doe being too far off to get his oath, should personate his client and file the papers in the case. How unjust it would be to convict Doe of perjury. If this were law, he could convict Mr. Fendall of perjury any day. All he would have to do was to get his signature on a sheet of paper, and then procure some one to personate him before a magistrate and take the oath. According to the principle now contended for, no further proof was required. While he had the utmost confidence in the merits of the defence, he was unwilling to abandon the requirements of strict proof.

He cited Roscoe's Criminal Evidence, pages 607, 812, as to the mode of proving perjury in cases of bills in chancery, that positive proof of the identity of the party taking the oath must be produced:

"That it is incumbent on the prosecution in cases of perjury to prove positively the identity of the party who took the oath."

Mr. C. denied that there was any circumstantial evidence here; it was presumptive from the start; it was nothing but a case of violent presumptive proof.

Mr. PEARY said the whole difficulty was that the United States had proved too much. They had proved that this memorial was received by the Board of Commissioners on the 29th, and had never been withdrawn from that board since that day; they had then proved that some person had gone before Justice Myer and sworn to it on the 30th.

Mr. FENDALL cited Wharton's Criminal Law, page 483, and read the case in 2 Burrows, 1,149, to show that proof of the handwriting to an answer in chancery, and of the fact of an oath having been taken, was sufficient to throw upon the defendant the onus of proving that he had been personated by some one else. He also read 6 East, 323.

Mr. BRADLEY also read the case in 2 Burrows.

Mr. FENDALL read to the court from the printed journal of the Board of Commissioners that on the 30th of November, 1849, the memorial of Dr. G. A. Gardner was received and referred.

The COURT said he would take till Monday before deciding whether the memorial should go to the jury; and then, at half-past four o'clock—

The court adjourned.

THIRD DAY.—*Monday, March* 14.

Mr. BRADLEY referred the court to 2 Russell, pp. 660, 661. Also to Brady's case, pp. 370, 368, 1st Leech, of the old edition, or p. 384 of the late edition. (Reads it.) The question here was whether papers can be read to the court unless the court are satisfied with the evidence of the genuineness of the papers.

Mr. FENDALL proposed to submit additional evidence upon that point. A witness who was not present on Saturday was now here.

Mr. BRADLEY. We will wait until the prosecution get through with their evidence upon the point, if that is the pleasure of the court.

Mr. MAY. We have a proof copy of the journal, as it was exhibited to the committee of the House of Representatives. We sent to the State Department for the journal, and have just learned that the Senate committee have the journal. We have sent to them for it, and it will be here in a short time.

Mr. George Evans was here called and sworn to give testimony to the court, upon the question of the admissibility of that paper as evidence to the jury.

Mr. FENDALL. We prefer to have the journal here before Mr. Evans is heard.

Mr. MAY. If we produce the journal, the counsel on the other side may still make the point.

Mr. BRADLEY. We will make the point that the *original entry* is on the paper itself and not on the journal.

After waiting a short time, Mr. Evans proceeded to testify.

Question. Were you one of the commissioners under the treaty with Mexico for the settlement of the claims of American citizens?

Answer. I was.

Ques. Were you the president of the board?

Ans. Strictly speaking, there was no president of the board. The law did not recognise any, nor was any appointed. I was first named on the commission, and acted as chairman and presiding officer.

Ques. Was there a claim of George A. Gardner before the commission?

Ans. There was.

Ques. Was that (showing witness the memorial of Dr. Gardner before referred to) one of the papers before the commission?

Ans. (After carefully examining it.) I have no doubt that this paper was before the commissioners. I wish to say, however, that it has not been in my custody since, and that there are no marks of my own upon it. I can only speak from its general appearance. I have no manner of doubt that it was one of the papers before the commissioners, and was acted upon by them. Its appearance is perfectly familiar to me.

Ques. Was there any other memorial of George A. Gardner before the board upon which they acted in making up their award?

Ans. Towards the very close of the commission a paper was presented. It was after the claim had been adjudicated, I am quite confident; and about the amount to be awarded was to be definitely settled. The paper bore the signature of Dr. Gardner, and requested that a certain portion of the amount be awarded——

Mr. BRADLEY. We object, unless the United States produce the paper.

Witness. It was called a memorial. (Another paper being shown to witness.) This is the paper. With the exception of this paper, there was no other memorial, to my recollection. I stated just now that, according to my recollection, it was at the very close of the session that this memorial was presented. I see by the filing that it was about a year before. I have no recollection of seeing this paper until about the close of the session of the board. It appears to have been filed sometime before.

Mr. BRADLEY. It was your impression that it was after the claim had been adjudicated?

Ans. It never came to my knowledge until after that. I have no recollection of my attention being called to the second memorial until about the time the award was made.

Ques. Do you recollect about this third paper? (exhibiting it to witness.)

Ans. This was a paper filed by Mr. Corcoran, growing out of the second paper, and showing Mr. Corcoran's interest in it. It is dated March 2d. I presume this was not filed until just about the time the awards were made up.

Ques. I understand the paper first shown to you was the only memorial upon which you acted that entered into the merits of the case?

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knowledge.

Ques. Will you state to the jury whether Dr. Gardner was at any time before the Board?

Mr. BRADLEY objected to the question, but waived the objection.

Ans. Dr. Gardner was once before the Board of Commissioners in person, with three or four persons as counsel. I cannot be precise in dates, but think it must have been in the spring of 1850.

Ques. Do you recollect who were present as his counsel?

Ans. Colonel Waddy Thompson, Mr. Edward Curtis, of New York, and Messrs. Thomas and Robert Corwin. It is possible Colonel Allen was also present; but I am not confident. I would not say positively whether he was there or not.

Ques. How long did Dr. Gardner continue before you?

Ans. I cannot be very precise. I should think an hour or more.

Ques. Will you state whether he was sent for by the commissioners?

Ans. No; I can hardly say he was sent for. It was not usual that claimants were sent for by the board, or allowed to be examined in person. Our business would never have been closed if this had been permitted. But this was a case about which the commissioners were very anxious. We were in the habit of admitting counsel for an hour in the morning. We had admitted counsel in this case, upon a former occasion. We had interrogated them in regard to particular circumstances of the claim—stating points of difficulty, stating the hesitancy and doubt which a number of the commissioners might feel. Sometimes they would explain and answer; sometimes they would express themselves unable to answer; until at length it was suggested by one of the commissioners or one of the counsel—I do not recollect which—that Dr. Gardner would be able to answer all these questions which they could not. It was intimated by one of the counsel that Dr. Gardner might be notified that he was at liberty to attend and subject himself to such inquiries. He was accordingly allowed to attend. It was rather an unusual course of proceeding on the part of the board to Dr. Gardner attended. His papers were before the commissioners—the memorial and all his proofs. I think the counsel did not interfere at all. I have a recollection that one of them undertook to ask questions, and I objected, that it was not a matter for them; that Doctor Gardner was there only to answer such questions as the commissioners thought proper to ask, and not the counsel. He was, therefore, interrogated by each one of the commissioners. The papers were before him. I asked him such questions as my professional experience and ingenuity enabled me to ask of cross-examination. I rather treated him in that light. My object was to see if I could detect any misstatements—any want of consistency in his statements, and he answered all the questions I put. I might state that I cannot recollect a single question that I put to him. I do remember, however, interrogating him closely about his means of making such an investment. His claim was large, and it was one of the circumstances that struck the board as singular that he had the means of making such extensive investments, and I interrogated him about that.

Ques. Will you state what was the practice of the board in regard to receiving memorials?

Ans. The word "received" had a technical meaning with us. The rules of the board were, that memorials were to be filed by the clerk. That was not receiving them. Whenever they were brought to the notice of the board they were laid before the board. The first business of the board when a memorial was laid before them was to examine it, to see if it was right in form, not whether it set forth a substantial claim or not. If it was found to be right in form—which could be determined by running the eye over it in a moment—the next step was to examine the allegations of the memorial, to see if it set forth a substantial, valid claim under the treaty. If it did—if it proved to be a substantial, valid claim—then it was ordered to be "received;" and therefore the word received meant that the board had decided to receive proof of the claim which it set forth. In other words, "received" meant a valid claim set forth in the memorial—"received" to be acted upon—"received" as a substantial claim.

Ques. What was the practice of the board touching the forms of authenticating those memorials was it with the addition of a jurat?

Ans. Certainly, that was required; that would be one of the first things to attract the attention of the board. Some of the memorials which were presented—from oversight, neglect, or otherwise—had not the oath affixed to them. In such cases the first thing was to notify the counsel to withdraw the memorial, and have it authenticated by an oath. There would be no endorsement upon it in such cases, but it would be handed to the counsel perhaps, and taken away.

Ques. It would not be received, according to your signification of the word, without the oath at the foot of it?

Ans. Oh no. No memorial was ever received until the board were satisfied, not only that it was right in form, but also that it had an oath at the foot of it. If such a case ever occurred it must have been a very great oversight.

Ques. Was it the practice of the board to allow those memorials to be sworn to before a justice of the peace?

Ans. The rules of the board had no control over that. I think all that they required was that the oath be taken before some magistrate—before any officer competent to administer an oath. Some were sworn to before notaries public; some before members of Congress. All we required was that the oath should be taken before a magistrate who was competent by the laws of the place where the oath was administered.

Ques. Do you recollect the particular time when this examination took place?

Ans. I do not. It was sometime in the spring of 1850.

Mr. BRADLEY inquired whether the counsel for the defence would have a right to a cross-examination?

The COURT. You will have a right to examine the witness *in extenso* when he comes to be examined before the jury.

Mr. BRADLEY. Will you be good enough to state Dr. Gardner's replies to your questions about his means of making investments?

Ans. He said he went to Mexico with no very large means—with but small means. I don't know but that he named the sum. He stated that he had been there a while, and if he stated how long I do not remember precisely. I think he said a year, but I will not be very certain; that he had accumulated—unless I am greatly deceived in my recollection—some fifty or sixty thousand dollars, with what he had carried with him. He then stated that he had some skill and some experience in mining, or in examining minerals, and that he considered himself pretty competent to examine them. He explained the manner in which mines are "denounced," as it is termed in Mexico.

Mr. FENDALL. I would suggest to the Court that this is rather irregular. The witness is called in regard to the identification of these papers. No question was asked him as to the particular subject of the investigation.

The COURT. Perhaps so; but witness did say that he examined Dr. Gardner as to his means of making the investment. Then the counsel have a right to ask the question, and you have no right to stop him.

Mr. FENDALL. We did not ask him what Dr Gardner's answer was about his means.

The COURT. It was not necessary that you should; but the counsel have a right to inquire into the answer.

Mr. MAY. I will state the objection. The witness was called to testify to a particular point before the court, and we asked him such questions as go to prove such recognition of this memorial. Mr. Evans stated he had examined him, and states that he interrogated him upon facts contained in his memorial, and by this we showed Dr. Gardner was informed of the contents of the memorial, and thus connecting him with it. Our examination don't go beyond that. The counsel now ask him what Dr. Gardner said about his means for making these investments. *Cui bono?* For what purpose is this cross examination to be allowed? It is sufficient for our examination that, by responding to the interrogatories of the commissioners, he acknowledged the paper to be his. The question before the court—this cross-examination—is irrelevant.

Mr. PEABY said that the witness was sworn in chief.

The COURT. The question is undoubtedly one to the Court.

Mr. PEABY. But the jury have heard the evidence.

The COURT. The jury have heard the evidence physically, but not legally.

Mr. PEABY. But the jury having heard the evidence, they cannot divest their minds of the impression it may have made upon them.

The COURT. Yes, they can. I have more confidence in men than to suppose that. If such a thing was not possible we could never get along in courts of justice

Mr. PEABY said this was evidence given to the Court, but the jury had heard it. If the Court should decide to admit the paper, this whole evidence would have to be gone over again.

Mr. MAY. That is, if we should call Mr. Evans again.

The COURT said the evidence would have to be given all over again, unless by consent it was agreed to allow the jury to consider it.

Mr. CARLISLE said the Court had decided that they were to go on with the examination, and he therefore objected to the interruption; but we will not press the examination now.

Mr. PEABY. But suppose the other side do not call this witness again?

The COURT said he would decide that matter when it came up.

Mr. MAY. We now give notice that we do not intend to call Mr. Evans again.

Mr. CARLISLE. We don't suppose you will; his testimony don't suit you.

Mr. CARLISLE. Mr. Evans, at the time of this examination of Dr. Gardner by you, I suppose the commissioners were on one side of the table, and Dr. Gardner on the other?

Witness. There was a long table in the room, at the middle of which on one side the commissioners were seated. The chairs on the other side were occupied by Dr. Gardner's counsel. He stood at one end of the table nearest the window on F street. The commissioners sat together. I was between my associates. I took up his memorial, his papers, and a book which was filed among them, and looking them over, put questions to him as to points on which we wanted explanation. The memorial and other papers were referred to by me in the examination, that as I run my eye over them I might catch and observe something to make inquiry about.

Mr. CARLISLE. On no occasion during that examination did you pass the memorial, or other papers which you had, across the table to Dr. Gardner?

Witness. I did not. The question of a jurat in the paper had long before been settled; there was nothing whatever said about it that day.

Edward W. Johnson was recalled.

The COURT said that Mr. Johnson had been sworn in chief, but that oath embraced the oath to the Court.

A book was exhibited to the witness; and after examining it, he said:

This is the Journal of the Board of Commissioners. This day's proceedings are in the handwriting of Mr. Barnett, signed by myself. I made a rough draft of each day's proceedings, which sometimes was copied into the book by myself, and sometimes by Mr. Barnett; whenever he did it, I always collated and corrected it myself.

The entry is, after reciting other proceedings, "No. 74, that (the memorial) of George A. Gardner, claiming for expulsion from his mines of San Luis Potosi, was received." "Received" has a particular meaning; it means that, under the rules of the board, it had been examined and found to be properly authenticated and in due form as a claim.

Mr. BRADLEY. That entry does not mean that the memorial had not previously been filed?

Witness. No, sir; it may have been filed before, but it was not "received" till then.

Mr. MAY. Do you know if George A. Gardner had a knowledge of the rules of the board?

Witness. I cannot tell.

Robert Cochran sworn to testify to the court.

Mr. BRADLEY. The witness was in court during the whole of Mr. Evans's examination. We reserve an exception to his being examined.

The COURT. It is not a question for exception. It is a matter addressing itself to the discretion of the Court.

Mr. MAY. Moreover, if your honor please, he was not summoned till this morning, and consequently was ignorant of the rule for the exclusion of the witnesses from the court-room.

Witness. I am a clerk in the office of the First Comptroller of the Treasury; was so in May, 1850. I went into that office in 1844, and have been employed there till this time. The report of the Fifth Auditor was brought to the First Comptroller's office for revision and examination. I was detailed on all the accounts connected with the Board of Commissioners on Claims against Mexico under the treaty. The Board of Commissioners furnished the State Department with a copy of their awards; the State Department furnished the Fifth Auditor with a certified copy of this report of the commissioners, and the accounts of the Fifth Auditor were sent to the First Comptroller. I have been of the original papers. I acted on the report sent to our office by the Fifth Auditor, containing the list of the awards, including that made in the case of George A. Gardner. I can't say when the money was paid; a power of attorney to W. W. Corcoran, authorizing him to receive the whole amount awarded to G. A. Gardner, was dated May 10, 1851. The Comptroller certified to the balance due on the 16th of May, 1851. Do not know when the money was paid, but a warrant for it was issued a few days after.

Mr. BRADLEY said the defence admitted that the whole amount of money was paid to the assignee or attorney of Gardner, and that the money was received about the 20th of August.

Witness. Part of the money was awarded directly to Gardner, and part to Corcoran as his assignee.

Mr. MAY. We now offer to read the memorial to the jury.

Mr. CARLISLE objected.

Mr. MAY. We ought now to contrive to make some provision for a supply of fresh air in this court-room. The trial will perhaps be attended by crowds, and the atmosphere of the room will be insufferable.

The COURT suggested that the doors at each side of the room be left open; a current would then be afforded.

Mr. BRADLEY. If you do that you drive me home. I can't stay here in a draft; it would lay me up with a cold.

Mr. CARLISLE said there was nothing so unpleasant as to have a current of air passing through the room and about the legs of counsel, who sometimes sit down not quite as cool, perhaps, as they ought to be after addressing the court.

Mr. MAY. Perhaps if the marshal would mitigate the fervor of the stoves, it would be of great advantage.

Major MINOR. The stoves are all gone out long ago. There are no fires now. [Laughter.]

This settled the question, and nothing further was said or done.

Mr. CARLISLE proceeded with his statement of the objections to giving the memorial to the jury. On Saturday, when the memorial was produced by the United States, the defence admitted that the signature was written by Dr. Gardner. It was then proposed by the United States to prove that the jurat was made by him, and produced

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Justice Myer as a witness. But Justice Myer said he could not say that George A. Gardner made that oath, and that when Dr. Gardner was pointed out to him afterwards he could not recognise him as the man who took the oath. More proof was offered to day, but the question now was exactly where it was on Saturday last, except that there was some evidence to show that the filing of the memorial was undoubtedly anterior to its being received by the commissioners. The date on the journal does not apply to the time of filing, but to the day on which it was received.

It was further urged that this memorial had been sufficiently proved because of the circumstances alleged to be a recognition of it by Dr. Gardner. What are these circumstances? They only tend to prove what was admitted on Saturday, that Dr. Gardner recognised and signed the memorial as his memorial. The evidence goes no further. Mr. Evans positively negatives the idea that it goes any further. He states that the question of the jurat was not before the commissioners, for that question must have been settled long before; at the time of the reception of the memorial they decided there was a jurat attached to it. The question therefore comes back to this: that the whole evidence is that Dr. Gardner had a claim, that he prosecuted that claim, and that he got the money awarded on it; the circumstances prove nothing beyond this.

The principle of law laid down on the other side as to the admissibility of this paper on this proof, rested on the law making an exception from the general rule in cases of false oaths to answers in chancery; and the decisions quoted by them rested entirely upon cases in equity, where they were governed by rules of the court of chancery, and where the answer, being signed by the party, it threw upon him the onus of proving he did not make the oath. But in criminal prosecutions the rules adopted in cases especially excepted from the general law, are not to be applied to cases not falling within the exception. Why, then, do the other side answer the objection that there has been no proof of the identity of the defendant with the party who took this oath, by citing authorities and decisions in cases where this rule of the court of chancery, which applies to particular cases only, governed and controlled such decisions? The prosecution cited such cases because in every other case, but these excepted ones of proceedings in chancery, the courts have required strong, positive, direct proof of identity.

This was clearly shown in Brady's case reported in 1st Leech, 368-370, which was a case not of forgery, but of taking a false oath. In that case (which Mr. C. read) it was decided that it was of the same nature as perjury; and that there was no conviction of perjury but where the evidence was of positive and direct nature as to the identity of the person taking the oath. The fact of his having taken this oath was not to be inferred from other circumstances. There was a probability that the prisoner might have gone through all the forms of law except taking the oath, which was then a capital offance. Such was the language of the court in that case.

Of what avail was it to show that Dr. Gardner made this claim, that the memorial was used in the prosecution of the claim, that he got the money upon it, &c., unless he took the oath which is affixed to it? Suppose the jurat was forged; suppose he got another person to go before Justice Myer to take this oath; suppose the whole claim was a fraud from top to bottom, it was no case for a conviction for false swearing. Proof of his taking the oath was absolutely necessary for a conviction.

The United States can make nothing further out of this evidence than that Dr. Gardner derived a benefit from this memorial, and that is no evidence of his having taken the oath.

The United States have proved positively that the paper was filed on the 29th of November, 1849, and that the jurat was added on the 30th; and Mr. Johnson says it was never withdrawn from his custody after it was filed. Mr. Evans says it might have been done informally, if discovered to have been filed without a jurat, for the purpose of having a jurat added to it; but the bare possibility of such a thing was not sufficient to convict a man.

The defence was more particularly anxious on this point, and in the full compliance by the prosecution with the requirements of the law, because there was still another case behind this, and which involved all the same particulars, founded on the same facts, and embracing the identical inquiries involved in this case. He had no idea of the Gardiner case going out of court upon a point of law, when the same thing would have to be gone over again, and the whole merits of the matter tried in another form.

Mr. FENDALL said the evidence offered to day did not materially alter the position of the case from what it was on Saturday when the court adjourned, except perhaps that the discrepancy between the date of the receiving of the petition and the jurat was removed. The objection of the defence was, that the United States have not offered evidence sufficient to entitle them to be allowed to read this memorial of Dr. Gardner to the jury, and they cite Roscoe's Criminal Evidence, page 807, where it is held that precise proof of the identity must be had for a conviction of perjury. Precise proof does not exclude circumstantial evidence. In Brady's case, cited by the gentleman *from Leech, there was not only a want of proof of* identity, but the handwriting of the accused was not proved. This case, is different *from* Brady's, because here the signature of the defendant to the memorial is admitted.

He cited the case of Beute, convicted in this court of false swearing.

Mr. BRADLEY asked if there was a report of that case?

The COURT said he would read the decision of the court in the case of Beute. It was *from* the June term of the court, 1851. The decision of the court was read—no question was raised as to the admissibility of the affidavit, but one was raised as to the guilty knowledge of the accused of the falsity of the statements in the oath.

Mr. FENDALL cited 3 Starkie on Evidence, page 1,139, heading "Perjury—proof of the oath," wherein Brady's case was set forth according to that case, as contained in Starkie, there was no evidence that the prisoner had signed the paper, and none as to his identity with the one taking the oath; nevertheless, the court, in that case, which was not as strong as this, left it to the jury to decide on the other circumstances. This case of Brady, he thought, was rather against the position assumed by the defence—that the case ought not to go to the jury—than in its support. One of the counsel for the defence (Mr. PEARCE) had said he would have preferred to have postponed the objection till the case was given to the jury; and he agreed with the counsel that such would have been the proper course. The court followed that course in Brady's case.

He cited the case in Burrowes, 1,180. (Read on Saturday.) The court in that case, in expressing its opinion, did not mean that this evidence was conclusive, but that the rule of chancery required answers in chancery to be signed by the defendants, and as the answer was signed by the party, the court thought there was evidence enough to throw upon him the onus of proving he had been personated by some one else before the master in chancery who certified the oath.

George A. Gardner signed this memorial—this was admitted; and according to this decision in Burrowes, in the case of Morris, he is sufficiently proved to be the man who swore to it, as to require him to prove the contrary. The evidence is, that George A. Gardner either signed the paper at the time the jurat was attached to it by Justice Myer, or he signed it before that time; and either he or his counsel took it with that jurat to it, and filed it with the clerk of the commissioners. The jurat was to it when it was filed by him. There is no entry of its ever having been withdrawn for the purpose of obtaining the jurat, or for any other purpose. The jurat was unquestionably attached to it when it was filed, for there was a rule requiring the paper to be sworn to. There might, it was true, as Mr. Evans states, be a case where a man might file his memorial, and by accident or mistake omit to swear to it, when the commissioners would very properly allow him to withdraw it informally to supply that omission; for, otherwise, it would be a hard case that such a trap should be set to get the memorial in without an oath, and never allow the owner of it to complete it.

On the 30th of November, 1849, it was "received," with the jurat necessarily attached to it; it then became a complete claim; and from day to day, till the awards were made, the memorial was before the commissioners, acted on by them, and by the accused, and by the secretaries of the board, as the memorial of Dr. Gardner. His counsel were allowed to give explanations of it; and the case being one of so much magnitude and importance, they made an exception to the general rule of not allowing claimants to testify in their own cases, and allowed Dr. Gardner to come before them himself to give explanations of doubts and difficulties on the minds of the commissioners, which his most astute battalion of eminent counsel had not been able to remove. The counsel had failed to give the satisfactory explanation, and Dr. Gardner was called in to do it.

Who could doubt but the counsel had told Dr. Gardner of the points on which the commissioners had doubts and difficulties before he was called to go there, and which they had been unable to explain? He went before the board, and standing there in the broad sunlight of Heaven, he answered the questions put to him by the commissioners out of this very memorial itself. Is it reasonable to suppose that Dr. Gardner was acting all this time perfectly unconscious that this jurat was attached to his memorial? Is it conceivable that he was all this time ignorant of a matter so vital to his claim? Is it conceivable that this man, who had been more able and successful than his whole array of eminent counsel in satisfying the commissioners, was wholly unaware that his memorial contained an oath as to its truth? The court will not suppose such a thing for a moment. If it were so, that he had not made this oath, would he not say at once: "I never made that oath;" would he not say to the commissioners, "Some person has had possession of my memorial; some one with the power of the spiritual rappers or other demoniac agency has taken my memorial, bearing my signature, and gone before Justice Myer and sworn to it in my name? And, moreover, this strange person who has taken this liberty with my memorial has most unaccountably, after swearing to it, returned it to the commissioners, when he must have known that I alone can be benefited by it, and I alone eventually get the money on it."

But Dr. Gardner said nothing of the kind. He never denied or repudiated the oath; he allowed the commissioners to go on and act upon the memorial with an oath attached to it made by somebody else. He goes further; he goes into the treasury of the United States and gets the money which he well knew would never have been awarded to him unless that oath was attached to the paper. If these acts do not amount to a recognition of that oath by Dr. Gardner, the court will have some difficulty in saying what would be a recognition of it.

The objection of the defence was not that the jury could not infer this fact from these circumstances, but it went further, and was that the jury should not have any opportunity to say whether it amounted to a recognition of it or not, for they called upon *the court* to say it was not sufficient evidence.

He cited Wharten's case, in 11 Metcalfe Mass. Reports, 406—that on a trial for perjury the certificate of the magistrate before whom the oath was taken was competent and sufficient *prima facie* evidence of the party having taken the oath.

Also, to 17 Ohio Reports, 365—Silver *vs.* The State—where, in a trial for perjury, the original papers having been lost, a certified copy of them was admitted as evidence of the party having sworn to it.

He again read the case of Price—in 6 East., 323—where the party was accused of having falsely taken the freeholder's oath, at an election, in the name of one Wright. There was no proof of his identity, though he admitted he took the oath, but not in the name of Wright. The poll books exhibited the fact that there was but one false oath taken, and the evidence of the books was held admissible.

Would the court conceive it possible that any man other than he who signed it took the oath to this memorial of Gardner, who filed it with the commissioners, who recognised it throughout the prosecution of the claim, and who eventually got the money on it? Was not the probability of his being the man so strong as to induce the court to throw upon him the responsibility of showing he was not? This was all that the United States asked the court to do.

Mr. MAY said the proposition now before the court is a clear one, extremely clear. It is a proposition as clear as was ever made in a court of justice. It was so unquestionable that he challenged the gentlemen on the other side to show a single case to the contrary. The proposition was to admit as evidence to the jury a paper admitted to have been signed by Dr. Gardner, and which contains beneath his signature a jurat, in which the justice of the peace certifies that G. A. Gardner took the oath, and which paper containing that jurat was filed by Gardner before the Board of Commissioners. No proposition could be more clear than that that paper was admissible.

The rule upon such subjects was very clearly laid down by the court of appeals of Maryland, in the case of Cole *vs.* Hebb, reported in 7 Gill and Johnson, p. 20. In that case the court lay it down as follows:

"So far as regards the legal sufficiency of evidence, the measure and quantity of proof is a question for the court. Evidence offered to a jury has a two-fold sufficiency—a sufficiency in law and a sufficiency in fact. Of its sufficiency in law, the court, when applied to for that purpose, are the exclusive judges; its sufficiency in fact is a question exclusively for the jury.

"If upon the ordinary principles of human judgment a *rational, sane mind could draw from the proof the conclusions sought to be proved by it*, then is its legal sufficiency established, and it *must be submitted to the jury*, who only are the judges of its sufficiency in point of fact."

If the United States show that this is such proof that a rational, sane mind can come to the conclusion that George A. Gardner took that oath, then the proof must go to the jury, for its legal sufficiency is then established, and they only are the judges of its sufficiency in fact.

In this case the Government was not confined to strictly direct proof, but could prove the fact by any circumstantial evidence; otherwise there would be no convictions in criminal cases. Was not circumstantial evidence adequate for conviction in the whole variety of criminal offences? We hang men on circumstantial evidence, and if we can hang men on it, surely it is within our province to fasten the crime of perjury on an offender by it. But in this case there was both direct and circumstantial evidence.

There was evidence that George A. Gardner had a claim; that upon that claim he got an award of a large amount of money, which he received; that it was necessary that his memorial should precede the allowance of any claim, and that his memorial containing the recital of the claim itself should be sworn to; that a memorial which it is admitted he signed was found among the papers, was acted on as his, and on it he received the award. The United States say he swore to that memorial; the defence, while they do not deny he swore to it, say we have not proved he did swear to it. Myer states that the man who took the oath signed it in his presence, or it was signed before it was brought there.

The United States had connected Gardner with the memorial by his signature; and would the court now say that some other man got this me-

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morial signed by Gardner, and took the oath for him, which appears on the memorial? Was not the probability that Gardner, having signed the paper, also made oath to it so strong as to induce the court to require the defendant to prove the contrary?

The law presumes that every officer performs his duty, properly and well till the contrary is shown, and requires the objector to prove his obliquity. (7 Wheeler's Am. Com. Law, 146.) The court must presume that Justice Myer, in certifying that George A. Gardner took this oath, that the certificate of the magistrate is correct until the objector shows to the contrary.

We find him recognising this paper after it had the jurat placed upon it, for he answers the questions propounded to him from it by Mr. Evans. He knew that the memorial was required to be sworn to, and he knew it was sworn to, by its being considered by the commissioners. The paper he admitted signed was then before him, the commissioners acting upon it, and he acting on it himself. There says he has no doubt that the jurat was attached to the memorial on the 30th of November, for the rule absolutely required it should be. This was the first paper in the case; it was the first examined by the board, and the defendant knew the rules of the board, for they were printed, and were published in all the newspapers. There could be no doubt but that he knew the jurat was attached to the memorial, for by virtue of that jurat he got the money.

It was useless further to comment on the facts. The law was plain and clear. Decisions from the time of Shower and Carthews to the latest writers show the principle to have been established and uniformly maintained that even a copy of an affidavit is sufficient to convict of perjury where the party has *made use* of the oath. The law must be so or there could be no punishment for crime. Suppose Justice Myer were dead, would there be an end to this prosecution? Suppose while on his way to the court he was taken ill, and could not testify, would there be an end to the case?

He cited 1st Shower's Reports, 327, and the same case, Rex *vs.* James and others, where it was held that copies of affidavits made by the parties, when duly certified, were sufficient evidence of their having taken the oath, without any proof of identity by the person before whom the oath was taken. Also Rex *vs.* Spencer, Ryan and Moody, 120, 197; Rex *vs.* Bensil, 2d Campbell, 508, where, on a trial of an indictment for perjury on a bill in chancery, the answer was signed before the jurat was made; and there was no proof of identity, though the defendant's handwriting was proved. Lord Ellenborough held that, as the handwriting of the defendant in signing the answer was proved, he felt bound to give credit to the attestation of the master, that the oath was administered as required by the law of the office; the proof of the handwriting of the defendant was evidence that he was the person who presented the paper for the oath. Also Bullus nisi prius, 239; 2d Phillips on Evidence, 291, 454, 464; Roserve's Criminal Evidence, 89, 190, late edition, page 281; Starkie on Evidence, 856, with a host of cases therein cited.

In Brady's case, so much relied on by the other side, there was no evidence of the signature of the prisoner—a wide difference from this case; yet even in that case the court allowed the evidence to go to the jury. All the English reports and text writers agree as to this point. And the American authorities were equally unanimous.

In the case in 11 Metcalfe, the magistrate before whom the oath was taken was dead, and though Myer is not dead, his memory is, and it amounts to the same thing so far as proof of the jurat is concerned. But the court held that the certificate of the magistrate was sufficient to make out *prima facie* evidence of the oath having been taken. In the case in 17 Ohio Reports, the original bill in equity was lost, and a copy was admitted in evidence to prove the fact of the defendant having sworn to it. The Supreme Court held the ruling to be right.

The objection, of course, that these cases cited by the prosecution have reference to chancery cases, and are governed by the rules of the court of chancery, is not well-founded; the decisions are not made to conform to the rule in chancery, but the rule in chancery was made to bring the false oaths to answers in chancery within the law of perjury. As the law of perjury required the paper to be signed, the rules of chancery were changed so as to require all the answers to be signed, in order to bring them within the law of perjury.

There was sufficient evidence now before the court, both direct and circumstantial, to go to the jury, from which they may infer Gardner took the oath attached to the memorial. No disinterested, fair-minded intelligent man would stultify himself by getting up and saying he did not believe from this evidence that Dr. Gardner did not swear to this memorial. No man who would take a reasonable view of these circumstances, a common sense view of it, according to the principles of ratiocination laid down by the court of appeals of Maryland in the case he had read, would be bold enough to say Dr. Gardner did not take that oath. He cited 3d Cowan; Wheeler's Am. Com. Law, 483; Greenleaf on Evidence, 520, and cases cited therein.

Mr. BRADLEY replied for the defence and in support of the objection. The rules of evidence in civil and criminal cases were not the same in all respects. Cites 3d Starkie on Ev., 1,139. Again cited and read Brady's case from Leech, and in the note in Starkie. Cites 2 Howard, page 373, that the jury had no right to assume the truth of any material fact without some evidence legally sufficient to establish it. The *corpus delicti* in this case was the false oath; no circumstances, no matter how strong, short of the actual proof of that, was legally sufficient to enable the jury to infer the offence was committed. The legal sufficiency of evidence was a question for the court. There has been no proof establishing the legal sufficiency of the proof of the swearing, to entitle the United States to give this paper to the jury. There is a parallel between Brady's case and this one, and he cited that case and commented on it. Identity is the essential point in the case; it may be proved by the person who saw the oath taken, and by positive recognition of it by the party. He read the case of Price in East. reports, and also the cases in Shaw and Carthews.

He reviewed the various cases of prosecutions for perjury arising out of oaths in chancery proceedings, and held that it was on the rule in chancery requiring defendants to sign their answers that those decisions rested.

There was no rule of the Board of Commissioners requiring the memorials to be signed by the claimants. He replied to the comments upon the cases in Showers, Campbell, Bullus *nisi prius*, Greenleaf 520, and in Wharton's Am. Com. Law, 483. The cases in Metcalfe and Ohio Reports did not touch this case.

The court was to decide, was the evidence given by the United States enough to prove the *corpus delicti*. These circumstances, and nothing else, was proved, did not establish that fact.

The COURT referred to the testimony of Justice Myer, and to the fact that the paper could not have been withdrawn, and upon this evidence said:

I thought it my duty to overrule the evidence (memorial) at that time, because it was a *non sequitur*; and I said then that some recognition by defendant of the paper was necessary. Afterwards it was testified by Johnson, who was secretary to the board, that this paper was one of those in relation to the claim of Dr. Gardner; that it was filed in his office by W. Thompson, who he said was one of defendant's counsel, on the 29th of November; that defendant had a claim before the board, and that it could not have been withdrawn without the authority of the board; and that this paper was unquestionably before the board. Then he testified that the rules shown him were those of the board. Dr. Davis was called, and said he had seen the paper before—probably a few days before the final award was made as to the sum, because he was not appointed secretary until the 1st of April, and the awards were made on the night of the 15th of April. To-day Mr. Evans has been called, and states that he was one of the commissioners, and has no doubt at all that the paper was before the board. There is no mark of his upon it, yet he is perfectly familiar with its appearance. He said further that there was no other claim of Dr. Gardner before the court, and no separate memorial but that one. He said further that Dr. Gardner, either at the suggestion of the commissioners, or the counsel of Dr. Gardner—he did not recollect which—was called before the board, or was told that the board would receive him if he should be pleased to come; he did appear before the board, in company with General Waddy Thompson, Edward Curtis, Thomas Corwin, and Robert Corwin, and perhaps Colonel Allen, though he was not confident about his being present; was examined there at least one hour about his claim; was examined closely by himself and other commissioners, and was particularly questioned about his investments, &c., to which he gave certain answers. He says furthermore that these memorials are presented sometimes without being sworn to, either from negligence or otherwise, and in such cases are returned to the parties to be corrected. It appears furthermore that this memorial was sworn to on the 30th of November, and was filed on the 29th, according to the endorsement; but was "received" also on the 30th—a distinction which is a little awkward to me. Nevertheless he did recognise it; and a witness from the Treasury Department was about to prove what was admitted afterwards, namely, the receipt of this money by Dr. Gardner or his attorney. On this point it was said the board did not require a signature, which I think they did, or something equivalent. [Judge C. here quoted the rule of the board.] That is, there must be proof, or a recognition, or it must be signed—one or the other. There is no other mode of proceeding.

This has been treated throughout as if it was a case of perjury. It is not a case of perjury at all. The act of Congress creates an entirely distinct offence. It is to be punished as perjury, but the Supreme Court says, distinctly, it is not perjury. The words of the law are: "If any person shall swear falsely, &c., (for the purpose of obtaining money from the United States,) he shall suffer as for perjury." The cases cited on both sides appear to me to have related more to the sufficiency of the evidence than to its competency. The law is not here as it is in England, where the judge states the evidence on each side, and in terms almost directs the verdict or takes the case from the jury. Here it would be denied; and I should hold myself not only bound but think myself restricted to answer on certain points of law founded on facts which the jury are to believe before the law applies. Such was the law of this District, and in Maryland, or at least used to be. I don't know how it is now.

In this case the filing of the affidavit in the suit and the date of the oath differ; but it does not strike me that even unexplained that would be very material. But it is not necessary that it be put upon that footing. The jury may infer upon any facts whatever they think proper. They may infer it was a mistake, or that after the paper was filed this defect was discovered, and it was given back and corrected. That the oath was sworn to before it was "received," I suppose can hardly be doubted; for the rules say that no paper will be received unless it is sworn to. And the first thing the commissioners had to look to was to see that it was sworn to. It is further in evidence in this case that this paper was the foundation of the only claim which Dr. Gardner had before this board. Befor that could be considered at all it was necessary that the memorial should "received," as they call it; and not only that it must be sworn to, otherwise it could not be received. And Dr. Gardner went before the board to be examined. That reduces it to a certainty, whether there was any doubt about it before or not. It is not necessary, even if this was a case of perjury, that there should be precise, positive evidence that this was sworn to by Dr. Gardner. It may be, however, by circumstantial evidence. If circumstantial evidence is not to be received in cases of this kind, it would be a great obstruction thrown in the way of the punishment of crime. This paper, I am bound to believe, therefore, was recognised as Dr. Gardner's up to the very time the claim was allowed; and, under all these circumstances, I am opinion that it must go before the jury.

Mr. MAY then read to the jury the memorial of Dr. Gardner; after which—

The court adjourned until this morning.

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ARRIVALS AT THE HOTELS.

WILLARD'S HOTEL.

P Allen, jr. Mass
W de Lamano, N Y
P McMahon, do
E A Wales, Detroit
S C Thompson, Ohio
J H Small, Boston
Hon C E Lester & l, N Y
Mr Pearce, do
S Coolidge, Boston
D de Gorcourie, Cuba
F K Soulé, N Y
M B Andrews, do
A Carroll & l, do
F Vincent, Phila
W Armstrong, N Y
C C Suydam, N Y
H E Fox & l, Balt
B H Spithaon, Ark
J W Kirkland, Balt
J Howard, Balt
E W Williams, Conn
S C Warnderly, Balt
J S Whitney, Mass
J McGindey, Pa
P Sken Smith, Phila
J Howland, Mass
J M Bishop,
Mar F Tukey & l, Mass
H L P King, Geo
J B Bensel, N Y
C F Howard, Conn
G E Howard, do
R McGregor, N Y
D Chillas, Phila
J L Brain, do
C B Northrop, S C
C S Martin & l, N J
T Canby, Md

BROWN'S HOTEL.

J R Maynedier, jr, Md
W Cooke, Va
P Ellis, Miss
O H Wellson, La
C G Fitzgerald, Va
W McCauley, N C
J Bowyer, Va
G H Bayne, do
T G Palmer, Ia
N B Palmer, do
A Frenoh, Ohio
A G Stevens, N C
O Brown, Ohio
C Pascoe, Wash
J M Brewer, Md
Dr W Wirt, Md
E Needham, Ky
T P Pendleton, Va
HonAQP Nicholson, Ten
S C Brown, do
D Somers, Va
T A Gibbons, Md
T Kelly, Md
E H Herbert, Va
C L Kingloe, N Y
Gov McDougal & w, Cal
R T Pelham, N C
Dr Hodges, Md
W Smead, do
W O Talburt, do
B Bassel, l & d, Va
W H Goodwin, do
J A Sherburne, Texas
R N Walden, Ala
S E Collins, Pa
W G W Jaeger, Md
J B Walden, Ala
C Shaffer, Pa
D C White, Ohio
B S Bellanger & sis, Pa
D Holbrook, Ohio
H G Myers, Del
J Lehman, do
V M Lehman, do
L Cornell, N Y

NATIONAL HOTEL.

T P Shallcross, Va
Col J S Nicholas, Md
W H Hoffman, do
J L Pierce, Wis
D W Wells, Ky
T Rhoads, Md
J L Rogers, Ala
S G Davidson, Wash
J L Dugger, do
D Marston, do
M Faunbery, W I
F A Cady, Mass
G A T Smith, Md
J D Pottery, N Y
L D Angelis, do
J Bowen, do
Mr Robinson, do
A M Schmid, N Y
R McCreight, Cal
C T Myers, Pa
W W Loring, do
W W McCall, Fla
S D Lecompte & s, Md
J Campbell, Ky
A A Nunes, Fla
Mr Bixley, Ga
Capt U P Levy, U S N
W H H Bingham, Vt
P B Tyler, Mass
G B Ensworth, Mich
T Giles, Va
J Strauss, do
P Strauss, Ga
J W Kelly, do

GADSBY'S HOTEL.

J C Dunn, Pa
J W Wilsey, N Y
W W Perry, do
R V Hall, Va
S S Bowne, N Y
S H Field, do
J D Toll, Mich
E Q Waldron, Pa

UNITED STATES HOTEL.

J G Wilson, Va
G L Robinson, Pa
J Cartzer & friend, do
J Mc Latrobe, Va
S Cameron, do
J A English, do
J S Smith, Ga
J C Hanson, Pa
E A Basset, Va
W Sinead, Ohio
M R Merrick, Md
J Guzman, Va
A Barclay, Pa
G W Allen, Va
J M Lakin, do
T Symington, Md
E Fox, wife & son, do
Miss L A Fox, do
T Godey & lady, do

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THE REPUBLIC.

WASHINGTON

16 March 1853, 1-2

...H. GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardiner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and R. T. Perry, of South Carolina, for the defendant.

FOURTH DAY—Tuesday, March 15.

The District Attorney. The order of the examination of witnesses which we have determined upon as advisable, on the score of perspicuity, is somewhat interrupted by the illness of one of the witnesses; we shall therefore take up the next witness, and go on with another point.

John M. Tyson, sworn.

The District Attorney. Will you state to the jury what is your name?

Witness. My name is John M. Tyson.

Question. Are you a citizen of the United States?

Answer. Yes.

Ques. Will you state where you reside now, and how long you have resided there?

Ans. I went to Mexico from Philadelphia in 1826, and have remained in Mexico ever since.

Ques. In the city of Mexico?

Ans. In the very city of Mexico, except for four or five years.

Ques. State whether you know Dr. Gardiner, and when and where you first saw him?

Ans. I knew Dr. Gardiner from 1843 to 1844.

Ques. Where did you first see him? Go on and state the circumstances of your acquaintance with him.

Ans. I first knew Dr. Gardiner when he was established at the corner of the street San Francisco, in the city of Mexico. He worked alone there at his profession as a dentist.

The Court. He practiced dentistry by himself?

Ans. Yes, alone at first, afterwards he had a partner by the name of Mercer.

The Court. How long afterwards?

Ans. About a year, I suppose. I don't know precisely the dates.

Mr. Carlisle. About a year after you first knew him?

Ans. Yes.

The District Attorney resumed. How long did his continue with Mercer?

Ans. He continued with Mercer another year, which makes the two years that I knew Dr. Gardiner.

Ques. State to the jury what were his circumstances at that time.

Mr. Bradley. State whether you had any personal knowledge of his means or circumstances; not what other people said.

The District Attorney. State his manner of living.

Mr. Bradley. I object to that.

The Court. State what were his means.

Witness. The knowledge of his means that I had was of his being a young man with no more than he could make by his profession.

Mr. Carlisle. We wish the witness to state what he knows of his own knowledge; not what somebody else told him.

The Court. It is not to be supposed that any body would know precisely what his means were. The witness can only state what his general impression was.

Mr. Carlisle. I submit to the court that what the witness states is not evidence unless he knows it. The case is not to be made out by outsiders.

The Court. We don't call upon you to prove what you cannot prove by facts. The witness may give his answers; whether they are of weight or not will be for the jury to decide.

The District Attorney. His profession, you say, was that of a dentist?

Ans. Nothing else, sir.

Ques. Did he practice as a physician?

Ans. Never.

Ques. You were going on to speak of your acquaintance with him in 1844.

Ans. I was going to tell you that on the 3d of January, 1844, Dr. Gardiner inquired of our consul, Mr. Black—

Mr. Bradley. Don't speak of him, sir.

Witness. I must tell the truth.

The Court. You must conform to the rules of the court. You cannot tell us any thing that you did not either see or hear yourself.

Witness. Then I shall say that in 1844 Dr. Gardiner left Mexico to go to ——

Mr. Bradley. How do you know that fact? Did you see him go?

Ans. I did not see him go, but I knew it.

Ques. How did you know it?

Ans. Mr. Halsey told me so.

The Court. Did Dr. Gardiner tell you?

Ans. Dr. Gardiner did not tell me.

Mr. Bradley. How did you know he was gone? Do you mean that you did not see him for a while, and then after a while you saw him again?

Ans. Yes.

Mr. Bradley. That is not evidence.

The Court. You must state what you either saw or heard yourself; not what somebody else told you.

The Court. When did you last see him?

Ans. On the day of our expulsion from Mexico, the 3d of June, 1847.

Mr. May. At what time do you think you last saw him in 1844, before he went away?

Ans. Since 1844 Dr. Gardiner appeared in Mexico in 1845.

Mr. Bradley. Did you see him?

Ans. I did.

The Court. At what time?

Ans. It was the beginning of 1845. I cannot tell precisely the date.

The Court. The beginning of 1845, you are sure, are you?

Ans. Yes.

The District Attorney. You have stated that your acquaintance with Dr. Gardiner began in 1843 and continued until 1845. Will you state whether you saw him continually?

Ans. Yes. I saw Dr. Gardiner almost every day, and in the time my son was working for him as a tailor.

The Court. That was in 1846?

Ans. No, in 1842 and 1844.

The District Attorney. Had you any means from the business intercourse between your son and Dr. Gardiner of knowing what his resources were?

Mr. Bradley. That won't do.

The District Attorney. That is exactly the question, I should say.

The Court. Witness can state his means of knowing, embracing every kind of means. He may necessarily take in some things which are irrelevant.

Mr. Bradley. To take in means derived from every source from his son is too general. Had you any means of knowing Dr. Gardiner's resources derived from your son's intercourse with him?

Ans. I cannot say. He paid all his bills but one; but that happens with everybody.

Mr. Bradley. You insinuate that he did not pay one of his bills; do you know that of your own knowledge, or did your son tell you?

Ans. I established my son in business; he had a store and I had a store, and it was my interest to take care of both establishments. I knew the account of both.

The District Attorney. Go on now to 1846, when you last saw him.

Mr. May. How did he live?

Ques. When he was established in Mexico, from 1843 to 1844, he lived very well; that is to say, he lived more decently than he did in 1845; that is all I can say.

The Court. That is, he lived at a more respectable house.

Ans. Yes, more expensive.

The District Attorney. And the beginning of the year of 1845, you think, was the last time you saw him?

The Court. He says he thinks so, but does not know.

Witness. I think so, sir; I cannot fix it.

The Court. Will you state when you last saw him?

Ans. I think it was in the beginning of 1845, but am not positive; I know it was in the year 1845.

The District Attorney. You were in Mexico all the time?

Ans. All the time.

Ques. And you saw him again, when?

Ans. On the 3d of June, 1847.

The Court. This was the day of the expulsion?

Ans. The very day of the expulsion.

The District Attorney. This was at the expulsion of American citizens from the city of Mexico?

Ans. Yes.

Mr. May. State the circumstances which occurred, when you met him; whether you had any conversation with him, and what he said.

Ans. In 1847 a decree came out from the government of Mexico by which all the Americans residing in Mexico, in a public house, in order to devise some plan and see what we could do. We resolved there that we would apply to the government of Mexico, in order to see if we could obtain any delay of the time which had been fixed for our expulsion, or any such. So, as a permit of some long-term ourselves, and defend our lives. Three persons be named—I be the first, Mr. Barry be the second, and another gentleman, I think Mr. Alsop. We went to the city government; we only had three hours to-day.

Mr. Bradley. I don't know how far this is evidence.

The Court. It is only introductory, I suppose.

Witness proceeded: I went to the city government and came back to see my countrymen, and told them I could not obtain any thing for them. I asked what we should do. The answer was, "Let every one take care of himself." I started and went to my establishment, in order to shut the doors of my store. While I was shutting the doors of my store I saw Dr. Gardiner. I said, "What, Dr. Gardiner, are you here, and don't meet your countrymen?" He said, "For pity's sake, don't mention that I am an American, for I am stopping here as an Habanero."

Ques. That was on the second of June?

Ans. Yes.

Ques. Was that all?

Ans. I observed to Dr. Gardiner then that if he was acting on them from want of means, I would supply him with the means necessary if he would follow my misfortunes; and he thanked me, and said that he would go back.

Mr. Bradley. Let us get that down, sir; let us get down the very words.

Mr. Carlisle. He said, if he was wanting in means, witness would supply him, if he would follow his misfortune, and he thanked him.

Witness. And he thanked me, and said he was going into the interior.

The District Attorney repeated the answer as he had taken it down.

Witness again repeated it.

Ques. The conversation you had with Dr. Gardiner in 1847. Did he state to you where he had been in the interval?

Ans. He told me he had been in the interior—had been in the interior, and would return to the interior.

Ques. Did he state what he had been doing while he was there?

Mr. Bradley. The witness has stated all the conversation that occurred. If there is any thing else, let him go on without asking particular questions. Did he tell you any thing more than you have stated?

Ans. Nothing more than what I have said he stated; but he showed by his acts that he wanted to go away from the sight of his countrymen.

The Court. Did you ever see Dr. Gardiner, after you saw him in 1847, until you saw him here?

Ans. No.

Mr. May. This (pointing to Dr. Gardiner) is the same person you are speaking of?

Ans. Precisely so.

Ques. Where did you first see him?

Ans. At Willard's Hotel.

Ques. Where are you staying?

Ans. At Willard's Hotel.

Cross-examination.

Mr. Bradley. You say you are a citizen of the United States. Are you a native of the United States?

Ans. No.

Ques. When did you come to this country?

Ans. I came to this country in 1819?

Ques. Where did you reside before you went to Mexico?

Ans. In Philadelphia.

Ques. From 1819 to 1826 you resided in Philadelphia?

Ans. Yes.

Ques. Of what country are you a native?

Ans. I am from the island of Corsica.

Ques. When were you naturalized?

Ans. I was naturalized in 1822.

Ques. You went to Mexico in 1826 and have resided there ever since?

Ans. Yes.

Ques. From 1842 to 1844 Dr. Gardiner dealt with your son?

Ans. I don't know that he dealt with him all the time. My son worked for him.

Ques. What portion of the time?

Ans. Most all of the time.

Ques. Do you mean that your son made most all his clothes during the time?

Ans. Yes.

Ques. Those bills were all paid before he left the city of Mexico, I understand?

Ans. Yes; I don't believe he owes any thing.

Ques. Do you remember any time having presented a bill to him when he did not pay it?

Ans. Yes.

Ques. How many times?

Ans. Many times; I can't say how many.

Ques. You presented the bills?

Ans. Yes, sir; he paid his bills little by little.

Ques. During the time did he keep a horse or not?

Witness. A horse?

Mr. Bradley. Yes, sir.

Ans. I believe not, sir.

Ques. Did he have any carriage or any vehicle to ride in?

Ans. No, sir.

Ques. That you are positive about?

Ans. Yes, sir; I am positive.

Ques. Where did he board during that time?

Ans. In different places.

Ques. Where did he board in 1846, when you saw him?

Ans. He boarded in the Casa Salista in 1846.

Ques. Is it or is it not in a respectable part of the city?

Ans. Not very. I mean it is in a respectable part, but it is not in the central part; because we call those respectable streets which are in the centre.

Mr. Carlisle. All the respectability is gathered in the middle of the town.

Ques. How far from the plaza?

Ans. (After reckoning.) Five squares from the centre.

Ques. You say that from 1842 to 1844 his appearance was that of a genteel young man living by his profession, and you have no other means of knowing what his means were except that he carried on the profession of a dentist, and you are positive that he did not while in Mexico practice as a physician?

Ans. No, he did not practice as a physician.

Ques. How do you know that?

Ans. Because I would have called him myself if he had been a physician.

Ques. Then you mean that you did not know any instance of his practicing as a physician?

Ans. Yes.

Ques. Have you been examined in regard to this matter once or twice before? Were you examined before the committee of the Senate?

Ans. Yes.

Ques. Before the committee of the House?

Ans. Yes.

Ques. And at Alexandria?

Ans. Yes.

Ques. Did you state at either of these places that you had seen Dr. Gardiner in 1846?

Ans. I don't know. They asked me that.

Ques. Before the committee of the House were you not asked if you saw him between 1844 and June, 1847?

Ans. I believe not, sir.

Ques. Did you not say that you did not see him between 1844 and 1847?

Ans. I don't believe I said it.

Ques. Are you confident you did not say so?

Ans. I can't say.

Ques. Did you not say before the committee of the Senate that the last time you saw him in Mexico previous to 1847 was early in 1844, and that you did not see him again until June, 1847?

Ans. I don't remember.

Ques. Did you not state before the committee of the House of Representatives that Dr. Gardiner was engaged in the mining business between 1842 and 1844?

Ans. Not between 1842 and 1844, but after 1844.

Ques. Did you not state to the committee of the House of Representatives that Dr. Gardiner was engaged in the mining business between 1842 and 1844?

Ans. I said ——

Mr. Carlisle. Do you say yes or no?

Ans. I don't deny that I said that Dr. Gardiner was in business in mining, but not at such a date as that.

The Court. Then you did not say that he was engaged in mining at that time?

Ans. I did not say that, but I said he was in business.

Mr. Bradley. Was not the deposition that you made to the House of Representatives reduced to writing?

Ans. It was.

Ques. Was it not read over to you?

Witness. It was.

Ques. Did you not sign it?

Ans. I did sign it, sir.

Mr. Bradley. If I may be allowed to read from the printed copy, I will send for it.

Mr. May. You had better have the original.

Mr. Bradley. Then I will state to the committee of the House of Representatives, in your examination on the 2d of September last, that Dr. Gardiner was concerned in the mining business between 1842 and 1844?

Ans. No.

Ques. Did you not state that you had not seen Dr. Gardiner before June, 1847, since the year 1844?

Ans. I do not remember.

Mr. Bradley. You signed the deposition there? Then, with the permission of the gentleman on the other side, I will read two sentences: "Said Gardiner left Mexico in the year 1844, with others in this mining business, which business was a failure. Said Gardiner was concerned in the mining business between 1842 and 1844." Now state whether you had any conversation with anybody on the subject of the testimony you are to give in this case? Whether you have told anybody what you are going to prove in this case?

Ans. I do not believe I did.

Ques. Did you not, in the city of Mexico, tell some one what you could prove if you were brought here as a witness?

Ans. No, sir.

Ques. You did not?

Ans. No.

Ques. Was there any arrangement made as to whether you was to receive compensation for coming here as a witness?

Witness. Never.

Ques. By you and anybody else?

Ans. Never.

Ques. Is there any understanding between you and anybody else that you are to receive compensation for coming here as a witness?

Ans. No.

Ques. When did you first come to the city of Washington?

Ans. I cannot exactly tell.

Ques. Was it within a year past—some time last summer?

Ans. I expect so. If I had my pocket-book with me I could tell.

Ques. A year ago?

Ans. Not a year yet.

Ques. Is it nine months?

Ans. If you want to know exactly, I will send home for my pocket book. But I cannot tell exactly. It must be about nine months.

Ques. How long did you remain here?

Ans. I remained in the United States until the ninth of October.

Ques. Where did you go then?

Ans. I went to Mexico.

Ques. Did you receive compensation for coming to the United States that time, and going back to Mexico?

Ans. Nothing whatsoever.

Ques. Nothing. Were not your expenses paid?

Ans. Yes.

Ques. And nothing more than your actual expenses?

Ans. No.

Ques. Were you allowed your travelling expenses here and from here back to Mexico?

Ans. Yes.

Ques. Were you allowed any per diem while here?

Ans. Nothing else than my pure expenses.

Ques. Did you receive more than $1 25 per day?

Ans. That I did.

Ques. Do you know how much it was?

Ans. No, because the money was paid for me.

Ques. Was there more paid to you?

Ans. Money was paid to me.

Ques. Did you not go from here to Philadelphia and back?

Ans. I went at my own expense.

Ques. Did you make any account of your expenses?

Ans. Not that I know of.

Ques. Then how did the United States know what your expenses were?

Ans. The bills showed.

Ques. And they paid your bills?

Ans. Yes.

Ques. Did these bills include any thing more than your board, lodging, and washing?

Ans. To my knowledge they did not.

Ques. From whom did you receive payment?

Ans. In the house of Mr. Fendall.

Ques. Did you receive it from Mr. Fendall?

Ans. Mr. May and Mr. Fendall were present, and I received it from them.

Ques. Did you receive any more than your actual expenses from Mexico here and back?

Ans. I do not think I did.

Ques. Did you go from New Orleans to Vera Cruz in the revenue cutter?

Ans. I did.

Ques. Did they pay you for them?

Ans. They did not pay me for them.

Ques. Did they pay you here for your return trip for going back to Mexico?

Ans. No.

Ques. What was the expense from here to Mexico?

Ans. It is impossible for me to tell you. I tell you now that they gave me so little money that I had to use some of my own money.

Ques. Did they pay you five hundred dollars altogether?

Ans. No.

Ques. Three hundred dollars?

Ans. No.

Ques. Two hundred dollars?

Ans. Not even two hundred dollars.

Ques. How much did they pay you altogether for coming, staying here, and going back to Mexico?

Ans. I really cannot tell you.

Mr. May, to witness. You cannot get the means of ascertaining.

Mr. Bradley. But I want him to tell from recollection. I want to see how far his memory stretches.

Ques. How much, $600?

Ans. I do not believe it was $600.

Ques. $550?

Ans. I do not believe it was.

Ques. $500?

Ans. About $500, more or less.

Ques. More or less?

Ans. I tell you I cannot tell positively.

Ques. When was the money paid?

Ans. The very last day before I went.

Ques. The 19th of October?

Ans. No, sir.

Ques. When did you leave here?

Ans. About the 25th of September.

Ques. Where was you from the 25th of September to the 19th of October?

Ans. Travelling.

Ques. On your own expenses? The Government did not pay for that?

Ans. No.

Ques. You say that you are positive that you did see Dr Gardiner in the city of Mexico early in the year 1845?

Ans. Yes.

Ques. You cannot state what month?

Ans. I cannot tell you the month, but I know that it was in the year 1845.

Ques. You cannot say what time you saw him in the year 1845—whether it was spring, summer, or fall? What makes you fix 1845, when you cannot tell the season?

Ans. I said I thought so.

Ques. What reason is there for your thinking that it was the first part of the year?

Ans. I thought it was the first part of the year.

Ques. Then you saw him in June, 1847, and had not seen him from the early part of 1845 to that time?

Ans. No.

Ques. To go back a step, you say that you became acquainted with him in the city of Mexico in 1842, and that he stayed there two years. Now, when was the first time you saw him in the city of Mexico before he made his departure?

Ans. It must have been in the month of March, 1844.

Ques. You recollect that?

Ans. I recollect it well enough, I suppose, to state it. In October, 1843, he stated that he was about to leave Mexico, and that he obtained letters from the American ministers.

Ans. No.

Ques. Before you left the United States, were you in company with Sayres and Wright?

Ans. No.

Ques. I do not mean in business with them?

Ans. I know them.

Ques. Did you not travel with them?

Ans. No.

Ques. Did you sign a paper with Sayres and Wright, a pipe for publications?

Ans. Yes, I did.

Ques. Where was that?

Ans. In the city of New York.

Ques. Were did you meet them?

Ans. We started together.

Ques. You just now said you did not start together?

Ans. Well, I started with Wright for Baltimore; there I was left by the stage, and he went on there; afterwards, I met with Sayres and Wright in New

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York.

Ques. And you signed a paper for publication there?

Ans. Yes, I did.

Ques. Do you know in what paper it was published?

Ans. In the *Herald*.

Ques. Did you see it after it was published?

Ans. Yes.

Ques. Who prepared that paper—you, Bayree, or Wright?

Ans. We prepared it all together.

Ques. You, Bayree, and Wright prepared that paper?

Ans. You; nobody else could write it.

Ques. Is the statement in that paper true or not?

Ans. It is true, sir.

Ques. Look at that (showing witness a copy of the newspaper containing the article) and say whether that is the publication or not?

Ans. (Witness inspects the paper.) I signed that paper.

Mr. Bradley. What was the reason for that publication?

Witness. Because we read a different account in other papers, which stated things which were not proper, right, just, or true. This paper was published to correct it; there was no other object

Mr. Bradley read the date, "Washington, September 20, 1852."

Ques. It was written in New York and dated in Washington?

Witness. It was not prepared in New York, but it was printed there.

Mr. Bradley. Did you not say you left here in the night; that you were left by the cars in Baltimore; that he went on to New York, while you remained some time in Philadelphia, and then met him in New York?

Witness. Yes; but I did not say it was written in New York; we prepared the paper here in our rooms, and then had it printed in New York.

The paper was then read, as follows:

Washington City, September 20, 1852.

We, the undersigned, citizens of the United States residing in the city of Mexico, have seen with much surprise a report of a speech delivered by Robert C. Corwin, esq., of Ohio, before the Lebanon Scott Club, September the 8th, published in the *Daily National Intelligencer*, September 18, 1852, in which it is stated that "Dr. George A. Gardiner was delegated, by a meeting of citizens of the United States, in the city of Mexico, to address General Waddy Thompson on his arrival there, on behalf of the American residents," and that "the (Gardiner's) effort on that occasion was spoken of as most admirable, whether considered as to its appropriateness or the eloquence of its style." And also that he (Gardiner) had obtained in Mexico a high position, both professionally and socially.

We have in substance heard these statements made by others, during our visit at Washington city; and, further, that he (Gardiner) was one of the committee of American citizens appointed by his countrymen in Mexico to wait upon General Thompson upon the occasion above alluded to.

We do not know who is the author of these several statements, but we do know, of our own personal knowledge, that they are, one and all, entirely untrue.

We were residents of Mexico at that time, and during all the time of Dr. Gardiner's residence in that city, and took part in meetings of our citizens, and in the other proceedings mentioned, and we declare that Dr. Gardiner took, if he was even present, no part whatever, in any official way, in them, or any of them. He did not deliver an address. We know him well, personally; and we declare, further, that he was a dentist of poor means, and without position above the general class of travelling dentists, either professionally or socially.

He behaved himself generally in a respectable way, until we heard that he had, to our astonishment, set up a claim as the owner of a valuable silver mine.

To our personal knowledge, he lived entirely by his profession as a dentist, and had no other means of support. One of us (Mr. Wright) proceeded to Mexico in the same vessel with Dr. Gardiner when he first went to that country; and, instead of being possessed of $10,000, as Mr. Corwin states, he was so poor at that time that he was obliged to stop on the route to the city of Mexico for want of funds, and practice his business from place to place as a dentist—in Vera Cruz, Jalapa, and Puebla—to raise the necessary means of proceeding further on his way.

At the meeting referred to, one of us (Mr. Tagg) was the vice president, and Mr. Dowling, an American merchant, was the president.

(Signed) JOHN M. TAGG,
JAMES WRIGHT,
DAVID SAYRES.

Ques. Do you know the handwriting of General W. Thompson? You say you were intimate with him.

Ans. I was somewhat intimate with him. (Paper shown.) I cannot say this is his handwriting.

Ques. Do you know the handwriting of the secretary of legation, Mr. Scants Mayer? (Paper shown, which the witness identifies as the handwriting of Mr. Mayer.)

Ques. Did you know R. W. Hayt, an American citizen, in Mexico?

Ans. I did.

Ques. Did you know J. C. Terry?

Ans. I did.

Ques. Were you not at a meeting of American citizens in the city of Mexico at which a committee, consisting of George A. Gardiner, R. W. Hayt, and J. C. Terry, were appointed to wait on the Hon. Waddy Thompson, and receive him on his arrival there, and tender him a public dinner?

Ans. I was vice president of that meeting, but have no recollection of the appointment of that committee. The statement contained in the publication in the *Herald* is true; the meeting did not appoint such a committee.

Ques. Did not the American citizens in the city of Mexico give a dinner to General Thompson?

Ans. Yes, and I was vice president at that dinner.

Ques. Who delivered the invitation to General Thompson?

Ans. I don't know; but Dr. Gardiner was not appointed to do it. He was too new in Mexico, and we did not appoint him to do any thing. Dr. Gardiner was at the dinner given by General Thompson on his arrival as Minister Plenipotentiary, and he, without being named for that purpose, took a carriage and went for General Thompson, and brought him to the dinner. He did this of his own account, and not because he was appointed to do so by the meeting. I do not know that he presented a paper to General Thompson, or read it to him, signed by himself and two others. I do not know who gave the invitation to General Thompson. Mr. Dr. Covey, a merchant in that place, and myself, gave the invitation, I think. I am 37 years old.

Direct examination resumed.—You were asked about the compensation you have been paid for coming here as a witness; have you any memorandа of your own which would enable you to give more precisely the amount?

Ans. If my word is not sufficient, my pen would be the same. I say now, again, that I have never received any thing except purely my expenses, my board and washing. I have not received any thing for the voyage except two hundred dollars paid me in Mexico; nor has any promise been made me for any thing beyond my expenses.

To Mr. Castles. I signed a paper for the amount I received. I presented my receipts for hotel expenses and my own expenses.

Mr. Bradley. Have you any claim against the United States?

Ans. I have.

Ques. Did you prosecute it while here last summer?

Ans. I did not. I took no steps towards prosecuting it. I left it with an agent. I did speak to some members of Congress on the subject of my claim. It was for injury sustained to my property committed by Mexico.

Ques. Have you written a letter to any one alluding to your claim and Dr. Gardiner's, and that if Gardiner's was proved to be a fraud, more ought to be paid out of the money which would be refunded?

Ans. I did. My claim was for my expulsion from the city of Mexico in 1847. It was before the Board of Commissioners. It was received. It was not rejected. It was allowed ($ 500).

Ques. What was the amount claimed?

Ans. I don't think that I ought to tell. And obliged to answer that question?

Mr. Castles. I think you are. I would not ask you a question which I did not think a proper one.

Witness. I think that my claim will be paid by the United States. I asked nothing but justice. I think a man who was driven out of three large establishments ought to get more than $1,400, when others who had no claim at all received half a million.

Ques. But how much was your claim?

Ans. Eighty thousand dollars. I had two establishments in my business, and Madame Tagg had an establishment at her house where she did business. I carried on alone at my own establishments, and she carried on her business at her house; millinery business. I was expelled on the 3d of June; the American army took possession of the city on the 13th of September. When I returned I found my goods—they were in the stores, but many of them spoiled; they were clothes, confiteries, cloths, velvets, &c. The stores were good enough, but the goods ruined. The ruin has starved as many as 20,000 in Mexico without ruin. I did not return to the city till the last of December, 1848.

To Mr. May. My intentions, confidence, was placed with my memorial in the offices of the Board of Commissioners.

Ques. What do you mean by saying you were prosecuting, in 1849, was it your application, for naturalization, or your naturalization, that took place in 1848?

Ans. I am not certain whether I was naturalized in 1848 or 1849. If I thought it would be called the question, I would have come prepared to answer.

Mr. Bradley. I have no doubt you could.

During the examination of the witness, Mr. Fendall objected to the course of the cross-examination as to the representation of the witness as to his claim being allowed out of the surplus fund which would be increased if the amount paid Gardiner was refunded to the treasury.

The Court said he did not think the latitude taken in the cross-examination could well be avoided. The questions were asked for the purpose of showing an interest on the part of the witness, which would go to his credibility.

Mr. May. In what way has this witness any interest?

The Court. It is to show an interest in this witness, who has a claim on this fund, or some other in the treasury.

Mr. May. How can the witness have a claim on this fund? His claim was adjudicated upon by the board, and that adjudication is final. The act of Congress, of which the court has judicial knowledge, authorized the judgment of this board final, and therefore he has no interest in that fund, and can have none.

The Court said, still the witness had the claim against the Government.

Mr. May said, it could not be so.

Mr. Castles. It is perfectly clear and well known that a committee of the Senate have before them the memorials of persons who like Mr. Tagg did not receive as much as they thought they ought to have got, and others whose claims were rejected, and who expect to be paid out of the money which has been paid to Gardiner and others.

Mr. May asked how the counsel knew there was any intention to pay them; that was in the breast of legislation, and in the picture.

The Court said that if the three and a half millions set apart for the payment of these claims was not expended, but a large balance remained, these claimants would have greater expectation, and there would be more likelihood that Congress would pay those claims than otherwise.

A recess of half an hour here took place. After which,

Alfred A. Lewis was called and sworn by the prosecution, and said: I reside in the city of Guanajuato, in Mexico; have resided there since May, 1840. It is ninety-eight Spanish leagues from the city of Mexico. Distances are measured in Mexico by leagues of five thousand varas; a league is something more than two and a half English miles, I think, but am not sure. Guanajuato is forty-eight leagues by the road I have travelled from the city of San Luis Potosi. I have never visited the town of Rio Verde. I am an Englishman, and am now a subject of the English crown. From Guanajuato to Guadeljara is ninety-three leagues, I think. Witness here described the relative geographical positions of these and other places in Mexico. I never was at Merida. I was acquainted with George A. Gardiner in 1848. I knew him in the city of Guanajuato, and at the residence of my family, which was two miles from the city—at the hacienda San Xavier. I saw him there. It was in the month of September, 1848, I know. I saw Dr. Gardiner now, and know him to be the same man. He professed to be a dentist.

Ques. How do you know he professed to be a dentist?

Ans. Because he performed upon the teeth of one of my sisters; Fanny Meade was her name. I saw him there while he was performing the operation.

He resided in Guanajuato, to a reason of hotel, or public house. He represented himself to be a dentist and resided in the mansion. He had a placard or sign on which was ——— (the witness repeated the words on the sign, which were in Spanish) which translated means, "George Gardiner, Surgeon Dentist." The placard was a sign; the words on it were in Spanish; I saw it several times; it was on the door, or in the window, or in the balcony of the mansion where he resided. I saw him several times at the house of my family. I have no doubt but he was the man whom I see now. I do not recollect conversing with him, but my family did. One remark made by him at first struck me forcibly. One of my sisters questioned him about the country he belonged to, and he said he was born at sea under the American ensign, and he considered himself an American citizen. I do not remember particularly any thing else said by him. I do not know that he said any thing about minors being interested in them, except to speak lightly of them. I think he said something about minors in the State of Morelia—the city of Morelia is the capital. I don't recollect that he said any thing about having an interest in minors in Morelia. This is all I recollect that he said about minors. He went with my brother-in-law to visit the mines. I did not see him go, but I know he went once, for it was spoken of afterwards. Gardiner was not present. (Evidence of this visit all ruled out by the Court, the witness having no personal knowledge of it.)

Mr. May. State what you know of his situation, his resources, &c. So about what were his means at that time.

Ans. I don't know that he had a horse; I don't think it was his own; he had a saddle.

Mr. Castles. Perhaps that was not his either.

Witness. And he rode about; don't know that he owned the saddle; he did not appear to cut a dash; he lived decently, but not in any great style, nor nothing like it. To my knowledge he had no other business but that of a dentist. He did not practice as a physician. I am not certain how long he remained in Guanajuato. I think he went away in the beginning of October as well as I can recollect. I heard him say he was going to the fair at San Juan de los Lagos—St. John of the Lakes. That fair is one which is held annually; it is a great fair which is held there annually; the fair is universally one entirely, of merchants who go to buy and sell their wares. It is held from the first to the eighth; it was afterwards extended to the twelfth of December. I never visited it, but my brother went. It was near where I lived, and I have seen persons frequently going there. I remember the time I first met Gardiner, because I left college at that time, which I remember.

I met George A. Gardiner first on board the Trenton, when on our way here from Mexico. I had not seen him since 1848. I recognised him at once. No one had told me who he was, or had called my attention to him before I recognised him; I am certain he is the person whom I saw in Guanajuato in September, 1848.

Cross examination. I am an Englishman, was born in Marseilles, France; my fathers were English, and I am told I was removed from there when I was a month old. I was removed to London. I resided in London till I was six years old, and from six till I was nine years old I resided in New Orleans, in the State of Louisiana; from the time I was nine years old till I came on this business I resided in Guanajuato, having left it two or three years for a visit to England. I still consider myself an English subject. My father, as I was told, was passing by Marseilles when I was born; he did not reside there; he was coming from Africa at the time. My business is that of a miner. I will be twenty-two years old on the 12th of May next. I was fifteen or sixteen when I saw Gardiner in 1848. At that time I was going to the college of the city, situated in ——— in Guanajuato, and left it in the latter part of August or beginning of September, 1848. I do not know which.

Ques. You say you resided in Guanajuato till this business; what do you mean by that?

Ans. I mean the business. I was sent for; when Mr. May sent a gentleman to Guanajuato to see if any Mexican or foreigner would come here on this business, if they knew any thing of it. That gentleman was Mr. James Wright. I did not know Wright before that time. He brought a letter to me. Wright was informed by some foreigners in the city to see me. I told Mr. Wright what I have stated here to-day, more or less.

Mr. Castles. More or less!

Witness. Yes; I may have used some words more or some words less, but the same ideas exactly. I was told my expenses would be paid, nothing more; but that I was to rely on the generosity of the Government to pay me for my time and loss, and the place I left. I did not lose my place. The place I had was a situation of principal clerk in the mines, (Rayador;) I was head clerk, there being only one over me. The mines of Rescilla belonged to the heirs of Perez Galves, and were managed by another mine of San Pedro. The house of Perez Galves is the house which represents the interests of the wife and son of P. Galvez—he being dead, but the house still goes on under his name. My salary was fifteen dollars a week, and, with some other things I have, make $1,300 a year derived from that employment.

I was not told the Government would be liberal and generous at all?

Ques. What were you told?

Ans. All that was said was that I was to trust to the generosity of the Government.

Question by Mr. Castles. From what passed on that occasion, did you suppose you were to be paid liberally by the Government for your services in coming here?

Mr. Fendall object to the question.

Mr. Peaby said the understanding by the witness of the contract was what was wanted, and was necessary to show the interest on his part, in order that it might go before the jury as to his credibility. If he understood he was to be paid liberally, it is proper testimony affecting credibility.

The Court thought such argument might be proper before the jury. The defence had a right to all that passed between the parties, but not to any inferences by the witness. The question could not be asked.

Mr. Castles. You say you saw the sign or placard on the door, window, or balcony several times, and that you were then only fourteen years old; which was it on, the door-window or balcony?

Ans. It was on the door-window or balcony of the house where he resided. In his exchange of my houses, sometimes he called on business and sometimes as a visitor. The balcony is of iron; it was almost on the front of the house on the street. I can't say the house the sign was on. I know two owners of it, but don't know the name of the chief owner of it. It belonged to the Marquis of (name not understood.) The sign was in the first floor—not on the ground. The first story was as high above the ground as the ceiling was from the floor, (about fifteen feet,) perhaps more. I saw the letters on the sign at that height, and read all the windows the placard with Mr. George Gardiner, surgeon dentist"—not George A. Gardiner. I call that the "first floor." When the principal streets the ground floor of houses in Mexico are occupied by stores; on back streets they are occupied by poorer families. I saw the placard, which might have been on the balcony. The name was George Gardiner. I met, saw him on the Trenton. Mr. Jones, who was on the boat, remarked to me that there was Dr. Gardiner. That was the first intimation that was given to me that he was Dr. Gardiner. I had recognised him before that. He was altered in his appearance from what it was when I had seen him before. In 1848 he was considered a good looking man, and when I saw him on the Trenton he looked as if he had been sick; he was thinner and was sunburnt; there was no apparent difference in stature that I observed.

Ques. Was there no difference in height?

Witness. I did not measure him when I first saw him, but apparently there was not. I think when I first knew him he had a mustache and a little beard on his chin, when I saw him on the Trenton he had a full beard, and, if I do not mistake, he had a moustache; I did not pay much attention.

From Guanajuato to the fair of St. John of the Lakes was about forty leagues; I think that is near; it is only two days' travel. Immediately after I left the college I was engaged in the amalgamation business with my brother—that is, extracting silver.

Ques. Can you say how long Dr. Gardiner was in Guanajuato at the time you speak of?

Ans. I can't say; but I think it was about a month and a half; but I can't say how long he was there. I knew him about a month, during which I saw him several times; I was then in my 18th year, and I do now tell the jury that I knew him at once when I met new him. I was asked before if I had seen Dr. Gardiner in Guanajuato in September, 1848; to which I answered no. I heard him while I was at the college at my residence two miles out of the city; and I went to the city every day. There were other things besides my leaving college at the time which fixed my recollection of that time.

Ques. What were they?

Ans. There may be private and confidential reasons why I should remember that time which ought not to be stated, and which I do not wish to state. I am positive Dr. Gardiner was the man; and I am positive as to the sign.

Ques. How can you at ——— time, you being then only fifteen years of age, speak so confidently and say there was no middle letter on that sign?

Ans. A good memory perhaps, and from the fact that he was the first dentist I ever seen in that place; there was no dentist there before he came. The letters on the sign were yellow; the sign was about a foot long and a span wide; I do not remember the color of the ground of the sign.

When Mr. Wright came there, I told him I would resolve him next day whether I would go or not. I did not see him again till the night before I left. I was at the mines when I received a letter directing me to go to him; this was on the 4th of December. I told him I would have to see and get leave of the owner of the mines to come here.

I was told the Government would compensate me for the lost time. I said at the time I would not for any rate be for them; I would be bought. I thought it came with a rate fight. I would be coming on a speculation. I do not think there is more speculation in coming here with a claim on the generosity of the Government. I have made no claim since I have been here. I have stated the number of miles I have travelled, and have received $ 199 70 for mileage. The sheriff was recompensated from Guanajuato to Washington.

Witness detailed the manner in which his expenses had been paid to the several points on the route, and the advances made to him.

The inducement for my coming here was the opportunity of visiting my sister's family, who are in Texas, and whom I have not seen since 1845, and I am promised that I may go home by that way. My family all left Guanajuato in 1845 for Texas, and in 1847 I returned there. I left Texas on return on the 3d of November, 1847, and arrived home on the 23d of December, 1847.

Ques. I take it for granted you have considered the amount you will ask of the Government for your services in coming here. Will you state how much you will ask?

This question was objected to, and modified to read as follows: Will you state how much you expect to get from the Government as indemnity for coming here?

Messrs. Castles, Bradley and Peaby supported the right to put the question; and Messrs. Fendall and May resisted it.

The Court said the defendant had no right to go beyond his agreement with the witness. The expectations or conceptions of the witness had nothing to do with the inquiry.

The defence took an exception to the ruling of the Court.

Cross examination resumed.—When I went to the college I resided two miles out of the city. I came to town every day, and rode past the mansion. There were houses on either side of the street. I generally passed on horseback. Next door to the mansion was a doctor, also in front was a girls' school. There was no sign about the door. At that period, as well as now, there was a mark with the name of the doctor. I never saw a sign of a dentist before. The balcony projected over the foot path some yard and a half.

Dr. Gardiner spoke Spanish and English. Think the conversation at my house was in Spanish. I do not remember that he said he was born on sea, near Havana; the street was about one-third part of the width of Pennsylvania avenue, perhaps less.

Ques. What was your impression as to his age?

Ans. That he was then a young man, perhaps two or three years older than I am now. That he was, in 1848, about twenty-three or twenty-five years old. He was better looking then than now, about the same height, rather more slender. He treated me then as I was, as a man boy. He spoke freely with my sisters and brothers. Cannot recollect whether he spoke English with an accent, he spoke Spanish fluently. I do not know any other Dr. Gardiner. I have been shown Charles Gardiner, but he was not the man. Don't remember who pointed him out to me; it was not a witness in this case; it was Mr. Fendall's son, I think, but am not certain.

Direct examination resumed.—From the long time I have been in Mexico I have acquired an accent in my English. Very little English is spoken there; there are but few Americans and English

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there; they can be numbered. I am better acquainted with Spanish than English.

Mr. CANALES. How then can you call yourself an Englishman?

Ans. Because I am proud of being an Englishman.

Ques. Have you claimed any political rights as a Mexican citizen?

Ans. No, sir; I would consider myself dishonored if I did so.

Alexander Alacha, sworn for the prosecution.—I resided in the city of Mexico from 1839 to 1845. I am a citizen of the United States. I know Dr. Gardiner. I knew him in Mexico as a dentist; he had an office as a dentist. I was there; occasionally passed his office, but never went into it to do business with him. This was in 1842-43 that he was there as a dentist. I saw his name at the door as a dentist. When General W. Thompson came there as our minister he was offered a dinner. I saw Dr. Gardiner more specifically at that dinner than before; and asked if he were the same person whom I had known as a dentist.

Ques. What was on the sign?

Ans. It was a plate on the door. He lived on the (name of the street not understood;) I did not pay any more attention than to the signs of other people. I saw at the office a young man who I was told was Dr. Gardiner's brother, and which fact I was afterwards confirmed in by meeting him during the war with the army, where he was acting as interpreter. He was then much changed, for he was five or six years older than when he was in the city of Mexico.

I never knew Dr. Gardiner practice as a doctor other than a dentist. I knew nothing of his means. I never knew him to live in any high style. I don't know when he left Mexico. Met him next in Washington after the war, when we were talking about the claims against Mexico. The law passed Congress in 1849—I mean the law establishing the Board of Commissioners, and it was about that time. The conversation I had with him was after the decision of his claim.

I went back to Mexico, and after my return, which was after he had got his money, I had a conversation with him; I told him I had received information in Mexico, and asked him if he ever had a right to such a claim, and whether the persons, witnesses whom he had presented in his papers, had ever been alive, were living persons in existence; he answered nothing.

Mr. BRADLEY objected to the testimony. What right had any one to go to another and insult him in that manner?

The COURT. Such a statement was not evidence. The voluntary declaration by a stranger to which no reply had been made was no evidence. Gentlemen of the jury, the last statement of the witness must not be considered by you as evidence in the case.

Mr. MAY. Does the court mean to rule that no statement must be given in evidence unless we prove there was a reply? If one party says to another your claim was a fraud, and you know it, can't that be given in evidence, unless there was an answer?

The COURT. Certainly not. [illegible]

Witness. The only answer made by Dr. Gardiner was, I have got my money, and no one can take it back.

Cross-examination.—I lived in Mexico from September, 1838, to March, 1845, as a broker and a banker, and loaned money to the government of Mexico. I had no other business. That was my business, first and last. Until 1840 did nothing.

Ques. Were any instalments of the indemnity, under the treaty of 1839, paid by Mexico to the United States while you were there?

Ans. Yes, I was there in 1843, when Mr. Shannon came there as minister. I had a claim before the commissioners to a large amount—$467,000, principal alone. They did not allow me a cent. I consider my claim just and right, and that they rejected my claim to pay others that were wrong. I had this conversation with Gardiner on Pennsylvania avenue, about eighteen months ago. I had been to Mexico before I had the conversation with him. I got back in February, 1848. Herrera was present at the conversation, and prevented me from going further in my questions to Gardiner. The conversation was last winter. It was after Gardiner's return from Europe, and after these indictments had been found. Had some acquaintance with him before that time. I was not intimate with him in Mexico, nor was I intimate with him here. I talked with him here, but did not talk with him in Mexico. Our acquaintance ripened here. I had no conversation with him about his claim or mine before it was decided. I had my opinion of his claim, and I suppose he had his of mine. I have been in the United States since 1823. My naturalization certificate is dated 1838. I then went to Mexico; am a native of Spain.

Ques. What was it you said to which he replied?

Ans. I said my impression was that it was a robbery, and he said I had better prosecute my claim, as he had got his money and no one could get it back. I understood from him that he did not care what people said about it. Since then I have met and talked with him.

Ques. As you have talked with him since, you do not consider it a crime to rob the United States?

Ans. We had no conversation except "Good morning," "good morning." I have not had a conversation with him within a year. I have met him and spoken to him, "Good morning; how do you do?" nothing further. I don't recollect that we had any more conversation about that or any other matter.

My claim is before the Senate committee.

Ques. Were you not pressing your claim to be paid out of this, Hargous' and other claims, if the money paid on them is returned to the treasury?

Ans. The amount of this claim, sir, would not pay mine.

I have given my testimony before the committee, and have done nothing more. I have met members of the committee, and have asked them if the committee have made any report.

Ques. Have you not suggested names of witnesses to be summoned with regard to the claims of Hargous, Gardiner, and others?

Ans. Only in my testimony.

Ques. Have you not named to the chairman of that committee, and other members of it, witnesses to testify against the claims of Gardiner and Hargous?

Ans. No, sir; I told what I knew myself. I think the commissioners paid claims which were not right, and the money ought to have gone to pay my claim and others which were right.

Ques. What is the amount of your claim?

Ans. Four hundred and sixty-seven thousand dollars, with interest at five per cent. from the 4th of March, 1845.

Mr. BRADLEY. It will then be over $700,000.

Ans. It will be over $800,000. You may have it $700,000 if you please. The more you make it the better for me.

The court here adjourned.

MEMORIAL.

The following is a copy of the memorial of Dr. Gardiner, which was read to the jury at the close of Monday's proceedings by the United States:

To the Hon. George Evans, Caleb B. Smith, and R. T. Paine, esqs., 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 transactions 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 $330,292. 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 day of October, when he was driven from the country by the Mexican authorities, he received upwards of $20,000 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 $50,000, 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 twenty fourth of said month your memorialist was compelled to abandon his immense establishment, and, after rifling it of every thing of value, and which could be removed, a band of Mexican soldiers set fire to it, and every thing 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 shall 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 guarantee 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 would have been subjected to the caprices of the unsteady and revolutionary government of Mexico.

Your memorialist deems it altogether unnecessary to say any thing 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 $20,000 for the former and $12,000 for the latter per month, or ninety-six thousand dollars ($96,000) per annum clear profit, which, on a capital of $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) concur in fixing the probable monthly receipts at not less than $50,000 per month for years to come; certainly so for the next coming month, because the ores to that amount were partially worked up. At that estimate it would be difficult to say what those 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 those 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 is 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.

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THE REPUBLIC.

WASHINGTON

17 March 1853, Z

THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States *vs.* George A. Gardiner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and R. F. Perry, of South Carolina, for the defendant.

FIFTH DAY.—*Wednesday, March 16.*

Mr. May. If the Court please, the witness, Mr. Togno, volunteers to make an explanation of some portions of his testimony, and wishes that some gentleman who speaks French, Spanish, or Italian may be sworn as interpreter, as he speaks either of those languages better than English.

Mr. Carlisle. I see no necessity for an interpreter. He speaks English better than some of the other witnesses.

The Court. He speaks English very well.

Mr. Carlisle. He speaks it better than the Englishman who testified yesterday.

The interpreter was refused; and

Mr. Togno took the stand and said: I was going to say that I did not know about the money I was to receive here, but that I could ascertain it. I have looked at the papers, and can now speak more positively. I said it would amount perhaps to $600. I did not receive $500; but only $327 50; $600. I received also $200 to come from Mexico here, and when I went back I received $200 more. It was stated by Mr. Letcher, our minister at Mexico, that the expenses of my family should also be paid.

Mr. May. Please to state the items.

Witness. I received, for my family expenses, at the rate of five dollars per day, $840. I received for my expenses from Mexico to Washington, $200. I also received for my expenses while I remained in Washington at the rate of two dollars and a half per day, which amounted to $320 in all.

Mr. May. Is that all you received? Did you receive any thing for compensation?

Ans. I received nothing for compensation except that Mr. Letcher said that our Government would take that into consideration, and that I should leave that to the generosity of our Government.

Mr. Bradley. Why did you not state that yesterday?

Ans. Because I did not understand your question.

Mr. B. I asked you repeatedly.

Witness. That was the reason that I asked for an interpreter this morning.

Mr. May. You had a large family?

Ans. I had a very large family.

Ques. You arrived in this country on the 10th of May, and went away on the 17th of September, and from the time that you arrived until the time you left, you received two dollars and a half a day?

The Court, (after making the calculation.) From the 10th of May to the 19th of September would be 131 days, which, at $2 50 per day, would amount to $327 50; exactly what the witness stated.

Witness. I have another thing to explain, which I could not recollect yesterday. I had my attention called to it by a witness by the name of Sayres, who said I should remember that Dr. Gardiner was in Mexico in 1848. I did not state it yesterday because I could not recollect it then; but the intercourse of my business, and interviews which I have had with my friends, has reminded me, and I now recollect that I saw Dr. Gardiner in Mexico in 1848.

Mr. Bradley. You stated to us yesterday that you were naturalized in 1822.

Witness. I said 1822 or 1823.

The Court. That was it.

Ques. Did you not state before the mayor at Alexandria that you were naturalis d in 1819?

Ans. I don't remember that I did.

Ques. Your deposition was taken there; was it read over to you?

Ans. It was.

Ques. Did you sign it?

Ans. I did sign it.

Ques. (Showing witness the deposition.) Is that your deposition?

Ans. Yes.

Ques. See if I read this right. (Reads.) "I am a citizen of the United States, a naturalized citizen. I was naturalized in the city of Philadelphia in the year 1819." I think I have read it correctly, and that is your signature; is it?

Witness. Yes.

Mr. May. We have sent to the State Department for Mr. Togno's papers, to ascertain the date of his naturalization.

Witness. When I signed that deposition I did not understand it so.

Mr. Bradley. I will read you the question that was put to you, and your answer. The 13th interrogatory is as follows: "Are you a citizen of the United States; if so, are you a native or naturalized citizen; if so, when and where were you naturalized?" You understand all that, and I have just read your answer to it.

The District Attorney. You say you came to Philadelphia in 1819. When did you first make your declaration?

Ans. I first made it in the port of Leghorn, with the American consul. It was after the battle of Waterloo, in the year 1816

Ques. Do I understand that you made your declaration there that you intended to become an American citizen?

Ans. Yes

Ques. When did you make your declaration in court here?

Ans. I made it in 1819.

(A certified copy of the naturalisation papers was here produced.)

Mr. Bradley, (after examining the papers.) It appears by this paper, which is certified on the 30th January, 1851, that John Matthew Togno declared his intention of becoming an American citizen on the 20th of March, 1824, and that the application was granted on the 6th day of May, 1826.

The Court. That is not right.

Mr. Carlisle. He is not a citizen, after all.

(The District Attorney read the papers showing the same purport.)

The Court. He is not a citizen under that. The decree of the court is a nullity.

Mr. May. What is the objection, your honor?

The Court. The declaration is not according to law. There was not sufficient time between the declaration and the granting of the application. It must be five years.

(Some conversation here took place between His Honor and the counsel, who differed as to the time required by law between the declaration of intentions and the issuing of the certificate of naturalization.)

Mr. Carlisle. The question is not important. I will very readily relinquish all the claim that I have on Mr. Togno as a fellow-citizen.

Mr. May. The question can very easily be settled by examination of the law.

The District Attorney. (Disturnell's map of Mexico being here exhibited.) This is the treaty map?

Mr. Bradley. It is not recognised by the treaty except for the purpose of determining the boundary between the United States and Mexico.

The Court. And that very boundary is found to be incorrect now.

Mr. May. We will offer this map of Mr. Disturnell as a map of Mexico sufficiently authentic for our purposes.

Mr. Bradley. We object to that map for our purposes.

The Court. The court would allow the witness to look on it and say whether it is correct; that is all. The court cannot allow it to be received as evidence.

Mr. May. I submit that this map should have more authority with the court, it having been acknowledged by the political authorities of both countries.

The Court. That is all very well; but we also know that the map has been repudiated as to the boundary. You can use it as a diagram if you choose, and present it with testimony; but it don't establish of itself the locality of any place.

Noah E. Smith, sworn.

Mr. May. Tell the court and the jury whether you are a citizen of the United States.

Ans. I am.

Ques. Where were you born?

Ans. In the State of New Hampshire.

Ques. Have you been a resident of Mexico; if so, when did you go and how long did you reside there?

Ans. I went to Mexico the last of the year 1831 or the first of 1832.

Ques. Did you reside in the city of Mexico?

Ans. I did.

Ques. Until when?

Ans. I left in 1846.

The Court. You remained there all the time?

Ans. Yes.

Ques. Did you know the accused, George A. Gardiner, in the city of Mexico?

Ans. Yes.

Ques. State when and where you knew him, and how long you knew him there; what his business was; and if you ever had any conversation with him, what he said, being careful to state what you know yourself, and not what somebody else told you.

Ans. I knew him when he arrived in Mexico, and the time when he resided in Mexico; I think he arrived in 1843 and left in 1844.

Ques. By a slip of the tongue you said a moment ago in the testimony you gave before the mayor you said "Your new" that he left in 1844.

Ans. Yes, sir; it was a slip of the tongue, for I was in a great hurry to get home.

Ques. You knew him all the time he resided in Mexico?

Ans. Yes.

Ques. What was his occupation?

Ans. He was a dentist.

Ques. How do you know he was a dentist?

Ans. I saw him repeatedly going out with his tools to perform operations, and he told me he was a dentist.

Ques. Did you ever see him operating?

Ans. I don't remember; very likely I have.

Ques. Have you been to his room and seen his instruments there?

Ans. Yes.

Ques. Did you know any thing about his being a physician?

Ans. No, I never knew him to practice medicine.

Ques. Judging from what you saw, what were his means of living? What were his circumstances?

Ans. He made a very respectable appearance; dressed very well, and was making a very good living as a dentist. I know that I was sorry when he left, and remarked to him that I was sorry he was going away. He said he thought he could do better in the interior, because there were other dentists in the city.

Ques. Did he say how he could do better in the interior? Do you know what he was going to do there?

Ans. He said he was going to practice dentistry. He thought he could do better there. There were too many dentists in the city.

Ques. When was this conversation?

Ans. Just before he was leaving.

Ans. It was in that conversation in which you expressed your regret at learning that he was about to leave the city?

Ans. Yes.

Ques. You say he was doing a good business in Mexico as a dentist?

Ans. Yes, sir.

Ques. Do you know of any other occupation, any other resources or means of living that he had in Mexico?

Ans. No.

Ques. How many dentists were there in Mexico, do you suppose?

Ans. I cannot tell; there were several Mexican dentists; there was a Frenchman named Maguin, and I think he had a partner named Humble; and there was Dr. Segur.

Ques. These you know to be dentists?

Ans. Yes.

Ques. How do you spell Segur?

Ans. S-e-g-u-r.

Ques. You say you saw Dr. Gardiner pretty often?

Ans. Almost daily.

Ques. Did you often talk with him? Were you in the habit of stopping to talk with him?

Ans. No; I would bid him "good morning," and pass on; sometimes we would stop on the sidewalk and converse.

Ques. Did you ever meet him at his room?

Ans. Yes; sometimes at my house.

Ques. Where were you residing now; where is your home?

Ans. In New Hampshire.

Ques. How long have you resided there?

Ans. For the last three years.

Ques. At what place in New Hampshire?

Ans. At Gilmanton, Belknap county.

Cross-examination.—Mr. Bradley. You say you resided in Mexico from 1832 to January 1846?

Ans. Yes.

Ques. What was your business?

Ans. I first went there as connected with a stage company

Ques. Who were connected with you?

Ans. Mr. Cowen, from New York; Mr. Sunert, of New Jersey; Mr. Escandon, of Mexico.

Ques. What interest had you in it?

Ans. I was employed in charge of the stage as driver, and with the promise that I should have a share in the road when I could speak the language.

Ques. How long did you continue in the employ of the company?

Ans. Only a year.

Ques. Then what did you do?

Ans. I left the company; and there was another company formed and they employed me as their agent, and I stopped with them several years. After that I went into a livery stable.

Ques. Did you continue in that business until you left Mexico?

Ans. Yes.

Ques. You were keeping a livery stable in the city of Mexico. During that time did Dr. Gardiner keep any horses there?

Ans. I do not recollect; should think not.

Ques. Did you not say before the Mayor that he might have kept horses there?

Ans. I cannot say; I may have said so. It may have been that he had horses there; but there were so many there that I might not have known it. I had a very large establishment.

Ques. Do you know whether he kept horses at any other stable during the time, or any vehicles?

Ans. I never knew him to keep any horses or carriages?

Ques. Did you ever know of Dr. Gardiner's seeking to borrow money from anybody?

Ans. No.

Ques. Did you ever hear his claim spoken of by anybody?

Ans. No.

Ques. Were you residing in the United States when this charge was made against Dr. Gardiner?

Ans. Yes; in New Hampshire.

Ques. Do you recollect who first applied to you to know if you knew any thing about Dr. Gardiner?

Ans. The first notice I had I was summoned.

Ques. You had not made any communication to anybody before that?

Ans. No.

Ques. Do you recollect when you were summoned?

Ans. I do not. It was in August of last year, I think.

Ques. Had you any correspondence on the subject with any one before that time?

Ans. No.

Ques. You say that by a slip of the tongue when you were before the Mayor you stated that Dr. Gardiner, as you then recollected, left Mexico in 1846. Was there any slip of the tongue about it? Did you not say you might have been mistaken about it?

Ans. No, sir; it was a slip of the tongue, for I was in a great hurry to get home.

Ques. It was in 1844 that he left?

Ans. Yes.

Ques. Did he state at the time you last saw him that he had received letters from General Waddy Thompson to enable him to go out of the city of Mexico?

Ans. No.

Ques. Can you fix your knowledge that you saw him after 1843?

Ans. My impression is very strong that I saw him after 1843, though I cannot recall any incident about it.

Ques. Your impression about seeing him shortly before the expulsion is equally strong as that he went away in 1844?

Ans. Yes.

Ques. So it was about two years he was absent, according to your recollection?

Ans. More than that.

Ques. You say you remained in the city after the day of the expulsion?

Ans. I remained there about two weeks, then went out of the city.

Ques. Were you at the meeting of American citizens in June after the order of expulsion was issued?

Ans. No, I think not.

Ques. Were you at the meeting of American citizens which was convened on the arrival of General Waddy Thompson?

Ans. No.

Ques. Were you at the dinner given to him?

Ans. No.

Ques. Do you remember the year and the month of the expulsion of the American citizens from the city?

Ans. I think it was in 1847.

Ques. Was it in 1846 or 1847 that the order of expulsion was issued?

Ans. I think it was in 1847, but am not positive; it was some two months before the city was taken possession of by the American troops.

Ques. Did you go with the American army?

Ans. No, sir; I remained there until I had disposed of my stable and closed my business.

Ques. You have no claim then for being expelled by the Mexicans?

Ans. No

Ques. They gave you time to close up your business?

Ans. No, I had to get what I could.

Ques. You returned with the army?

Ans. Yes.

Ques. Can you state with any distinctness at all whether you saw Dr. Gardiner after June, 1844, till you saw him in the city of Washington?

Ans. I think I saw him at the time of the expulsion, but I am not positive; if not then, I did not see him till I saw him here.

Ques. Did you know his brother?

Ans. Yes.

Ques. Where was he in 1844? In Mexico?

Ans. Yes.

Ques. What time and how long was he there?

Ans. I don't recollect.

Ques. Do you remember whether he was there at all before General Thompson left?

Ans. I don't know.

Ques. You say you never saw him after George A. Gardiner went away?

Ans. I have no particular recollection about it.

Ques. Did not you see him with the American army in Mexico?

Ans. Yes.

Ques. Had Dr. Gardiner any partner in his business?

Ans. I believe Dr. Segur and Dr. Gardiner were into partnership. Segur was an Englishman, I knew him personally. They did business to-gether, I supposed they were in partnership; never knew to the contrary.

Ques. Did Dr. Segur have any sign in his office before Dr. Gardiner left Mexico?

Ans. I don't know; but Dr. Gardiner had a sign.

I have not seen my examination taken before the Mayor since the time it was taken, except as to a date in it, which I after left the city, thought I had not stated correctly. I have explained that matter to day. Gardiner lived on —— street, (name not understood.) It was near the Plazuela within one block of it. I know where the Cardelata is—it is three blocks from the Plaza. It is rather more southwest of the Plaza; I think it is the third block from the Plaza. I passed through that street in the year of 1846. I did not see Dr. Gardiner in that street in 1845, for, as I have before stated, I have no recollection of seeing Dr. Gardiner in Mexico between 1844 and 1846. If he had been in the city and I had met him, I think I would certainly have spoken to him.

James Wright, sworn.—I have been sick since about the first of this month; I had a fall by which I injured both my legs. I am a citizen of the United States; was born in the town of Somers, Westchester county, New York. I have resided in Mexico; I went there first in the latter part of 1833; I went first to Tampico, remained there two months, and then went to San Luis Potosi and the State of Zacatecas, and in the latter part of 1834 I went to the city of Mexico. Have resided there ever since—it is my home, though I have been frequently absent for a short time.

I became first acquainted with Dr. Gardiner in May, 1840, on the steamer Argyle, on the passage from New Orleans to Vera Cruz. That was the first I ever saw of him. He told me he was going to Mexico for the purpose of practicing his profession as a dentist. We had a good deal of conversation respecting Mexico and the intervening places between Vera Cruz and the city of Mexico, as to the prospects of his practicing his profession in those places; and he asked my opinion if he would be able to pay his expenses by stopping in those places and practicing his business; that is, to pay his travelling expenses also from Vera Cruz to the city of Mexico.

He did not appear to be possessed of much means, rather the contrary; he told me, in fact, he was rather short of means. I had some carriages in Vera Cruz, and I told him that if he would drive one, or take a seat in a buggy with me, I would in that way give him a passage up to Mexico without any expense, and I would like to have him for a companion. He did not accept my offer, he giving for a reason that a young man, a medical person, who was also a passenger on board the steamer, was in ill health, and he was under some obligation not to leave him. This young man was a physician who was going to Vera Cruz for the double purpose—to benefit his health, and to practice his profession. He said he could not leave him; whether from friendship or what, I do not know. I left Vera Cruz in a few days, and left Gardiner there. I next saw him in the city of Puebla; how long after I do not recollect, though I think it must have been in the beginning of 1841, or somewhere thereabout. I returned to New York the same fall. In October, 1840, I was in Vera Cruz on my way to New York, and attended the funeral of that same young man; Mr. Hargous buried him; Hargous was the American consul at that place, and he took charge of his funeral and effects. I do not recollect that I saw Gardiner there at that time, though he might have been. This was in October, 1840, I think.

Puebla is on the road from Vera Cruz to the city of Mexico—twenty-eight leagues from the city of Mexico. I was on my return from New York when I saw Dr Gardiner there. He was practicing his profession as a dentist. He told me was practicing as a dentist; and I was likewise at the house at which he stopped—Mr Jewett's.

I next met him in the city of Mexico—I think in the beginning of 1842. I saw him there at that time. He remained there till the beginning of 1844. From 1842 to 1844 his business was the same that he had practiced in the other places before coming there—a practicing dentist. I do not think or know he had any other occupation or business but that. I never knew he was a physician.

Mr. Bradley. Do you know he was not?

Witness. I do not. I could not say I know either of you gentlemen not to be a physician. I never understood or heard he was a physician. I was intimate with him. I saw him frequently, very often, while he was in the city of Mexico.

The first establishment he had on the corner of the second street of San Francisco and corner of the street of Esprit de Santo; it was called sometimes the Street of the Profession, from a church in that street. After a few months—I do not recollect the time—he went into partnership with Dr. Segur in the Calle Montecello. Dr. Segur was a dentist; Dr. Gardiner remained in company with Dr. Segur till the beginning of 1844, when he left the city of Mexico.

While in Mexico, at least, he always appeared to make a comfortable genteel living by his business; he was always dressed genteelly, and appeared comfortable. I never heard he had any other business but dentistry, except that he had a share with Mr. Halsey in a mine in Tlalpan. I think I heard him say he had an interest in a share in the mine. I saw the books of Dr. Wright, who was president of the company. I lived in Dr. Wright's house at the time and saw the books at that time.

Dr. Gardiner and Dr. Segur had a share in the mine; Pickard then both speak of it, particularly Dr. Segur. I have heard Dr. Gardiner speak of his having an interest in the mine. Each mine has twenty-four shares; that is fixed by law in Mexico. He and Segur had one share in the mines of Tlalpan, in the Real Doloroso, in the State of Mexico.

Ques. Do you know where he went when he left the city of Mexico?

Ans. I don't know personally, but I have heard say here in this city, at Willard's last May, that

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he left Mexico in 1844, and went to Morelia; he said to me that no one in Mexico knew any thing about him after he left in the beginning or middle of 1844, "when I went," as he said, "as you know, as a director in the mine in Morelia"—a director of the mining company of the two Mr. Haleys, the two Knives, who were Mexicans, and one Frenchman, M. De Costa. He mentioned their names; he said he was appointed by the two Haleys and De Costa. He did not mention the names of the others. Since my return to Mexico I have learned who the balance of the company were. I did not know then. He said he was appointed by the company generally, but mentioned the names of the Haleys and De Costa.

At the dining table at Willard's, one day in May, Dr. Gardiner passed wine to me, Mr. Togno, and Mr. Sayres. After dinner Dr. Gardiner waited for me in the passage, or at least met me there. He asked me what was my business—what had brought me to this city—and also of those who were in company with me, Messrs Togno and Sayres. Sayres and Togno were not present at the time. Gardiner met me in the passage as I left, or stepped out of the dining-room, from the table, when the conversation passed. I told him we had all our private business, and that, for myself, I had not been home since 1840, or 1839. He said, "I expect you have come on here as witnesses for the Government in my case." I told him at first that probably we would be called on as witnesses; and he said, "You may as well tell me at once." I told him then that there was no use in deceiving him; it was the case, we were witnesses for the Government.

He said he hoped we did not come prejudiced against him; I answered that I could only speak for myself—that I was not prejudiced, nor did I think Mr. Togno or Mr. Sayres were; but I told him also not to speak with me or with Togno or Sayres, as I had heard Sayres express some indignation towards him when the wine was passed at the table. I said to him that I did not think it proper for me to hold conversation with him, being a witness in the case; it would leave room for remark and observation; and that he had better not speak at all with Mr. Togno or Mr Sayres, as Sayres in the first place had objected to taking wine when it was passed to us, and would not have done so except for me. I told him at the same time, as long as we stopped in the house he had better not pass wine to us, as neither myself nor the others would reciprocate it again, and he had better not do it again. Mr. Gardiner asked me if I knew if any one else was coming from Mexico; I told him I did not.

During the conversation with Dr. Gardiner, in speaking of his being n director of the mine near Morelia—Cura Capasso—he said that after the company was broken up, or failed, in Morelia, or the mining company had broken up, he had started off to San Luis Potosi, near Laquinillas, where he had "denounced" the mines on which he laid his claim. That is about all that passed between us at that time.

Ques. At what stage of the conversation was this remark made?

Ans. It was after he said no one in the city of Mexico knew where he went, because he said, "I went to those mines which I worked afterwards." He told me he had an interest with Mr. Haley. I was never at the place. He told me the mining company near Morelia had broken up.

The last time I saw him in the city of Mexico was in the beginning of 1844. I did not see him again till I saw him in this city. I was engaged in mining, and was only occasionally in the city of Mexico. I left the mines on the first day of ——, 1847, and went into the city of Mexico, I remained there till the first of August, I was there when the order for expulsion was made, but was exempted from the first order through the favor of a friend, who obtained an exemption for me from Santa Anna. I had to obey the second order; I left the city in disguise and met the American army at Puebla, on the 8th of August. I remained with the army; with the division of General Quitman, and acted as interpreter.

From the city of Mexico to Morelia is seventy-five leagues—at least the government pays mail hire for that distance; I speak of Morelia, the capital of the State of Valladolid. I don't know the distance from Morelia to Guanajuato by the nearest route; I travelled by the way of the city of Mexico. I have travelled mostly extensively in Mexico; have been to Guanajuato frequently; (and called places by the names of which could not be understood by the reporter.)

A copy of Disturnell's map was shown to the witness, and he said that as far as he knew or could judge, the localities thereon were correctly laid down.

I have visited Guanajuato; think it is properly laid down on the map. I was there a year ago last December. The distance from Mexico to Morelia is about seventy-five Spanish leagues; a Spanish league is a little over two and a half English miles, or about eight per cent. less than three miles. I do not know how far it is by a direct route from Guanajuato to Morelia; it is about ninety-two to ninety-five leagues from Mexico to Guanajuato.

Ques. How many leagues, on horse-back, is a day's journey in Mexico?

Ans. About fifteen leagues are considered very good travelling; have known, however, persons to make thirty leagues a day. It is sixty leagues from Potosi to Carredero, and from Carredero to Mexico fifty-seven. I don't know how far it is from Guadalajara to Masatlan; from Guadalajara to San Blas is one hundred and three leagues, and from San Blas the travel is by sea to Masatlan, the voyage occupying from a week to ten days, depending on the wind.

After a short recess—Witness resumed. I am acquainted with the handwriting of George A. Gardiner.

Ques. Where, when, and how often have you seen him write?

Ans. I have seen him write frequently in the city of Mexico, when he lived there, at Mr. Haley's, and more frequently at Mr. Eddy's. I do not know any other places at which I have seen him write, besides those I have named. I saw him write at those places at different times.

A large number of letters and other papers were shown witness, which he examined.

Mr. BRADLEY. Have you not seen those papers before?

Ans. Some of them.

Mr BRADLEY. There is no use in your looking them all over if you have seen them before.

Mr MAY. It is his duty, acting here under his oath, to look at them all.

Mr. BRADLEY. Not if he has seen and examined them before.

Mr. MAY. He cannot tell if he has seen them before until he looks at them.

Witness, (after completing his examination of the papers.) These papers are all signed by George A. Gardiner. The body of most of the papers are in his handwriting.

Ques. Are you acquainted with the handwriting of A. J. Halsey?

Ans. I am. I have seen him write; have seen letters written by him. I know the handwriting of J. B. Halsey; his name is John, we always called him John Halsey. I have seen him write; he kept a writing school in Mexico; I have seen him write at the school and at different places. I do not know the handwriting of La Costa.

Ques. (Paper shown.) Say whose handwriting on this, that you can recognize from having seen him or them write?

Ans. I recognize but the two Halseys, and Dr. Gardiner's. He wrote his name in Spanish "Jorge Gardiner."

(Another paper shown.) I recognise but one signature to this; it is George Gardiner's.

(Another shown.) I recognise three of the signatures; George Gardiner's and the two Halseys'.

Mr. MAY. We offer these papers in evidence. They are all in the Spanish tongue. They are offered to show the whereabouts of this person at the different dates, and to show, out of his own mouth, what he was doing all the time. I have seen a case in one of the English books where, in the King's Bench, the court decided that the party offering evidence in an unknown tongue might present, at the same time, a translation of them, which could be read to the jury; I don't remember the name of the case, and I do not find any reference to it in the books on the table, though I have no doubt I can find it if time be given to me to do so. The court will say if we can do that now, or direct some other mode. The defendant is fortunate in having one of the most accomplished Spanish scholars in the city as his counsel.

The COURT said the proper way was to swear a witness at the bar, and give him the papers, and let him read them and translate them to the jury.

Mr. MAY. That will take a very long time.

The COURT said that could not be avoided.

Charles B. Howes was called, and sworn as translator and in chief, and was proceeding to translate the papers, when the defence insisted on Mr. Wright's examination being resumed and concluded. Mr. Howes then retired, and the United States resumed the examination of

Mr. Wright.—I know where the papers came from. I got them myself from Mr. Antonio Kairos, in the city of Morelia, the capital of Valladolid. I got them in December last. I know only where San Jose Miraflores is from hearsay. It is a hacienda—a mining establishment. Such places are in mining districts, where is beneficiated the ores. They are well known to exist, and are of general notoriety in the districts. These mineral haciendas are of general notoriety in Mexico. They are principally private establishments, but doing public business.

The COURT. Any town or city which is generally known, historically or geographically, may be described without any personal visit; but the situation of any private establishment, such as a coal mine, furnace, or coal field, cannot; and such a place I think this hacienda is.

Mr. MAY contended that the witness should be allowed to state the location of the haciendas from the general reputation of its locality; and cited Greenleaf, section 127, under the head of "Matters of Public and General Interest."

The COURT said that this was a private establishment, and that its locality could not be proved by reputation.

Witness. I got the papers from the town of Morelia; I recognise all these papers as in the handwriting or signed by George A. Gardiner, except papers 33, 34, and 35. I was engaged in mining myself.

Ques. From your knowledge of mining and of the country, how long would it take to get a steam engine from Europe to the mountains of Laguinillas?

Mr. BRADLEY. Were you ever at Laguinillas?

Witness, I never have been. I have travelled from Tampico to San Luis Potosi; and by the route I travelled it was impossible for wheel carriages to proceed. Carriages were brought along the road as far practicable and then dismounted, and carried up and across the mountain chains and passes by peons. It was in 1833 and 1834 that I was there. When a mine is yielding a large profit it is then called a bonanza, and it is generally known throughout the country. When one is found the news spreads like wildfire. The bonanza at Guanajuata is very profitable. It is called Bonanza de Luz, or the light.

Ques. It is usual in Mexico to work mines by steam engines?

Objected to.

Ques. Do you know that any one is worked by them?

Objected to; admitted, and an exception taken.

Ans. Many of them in part. I know of no mine in San Luis Potosi worked by steam-engine. I was in Potosi first in 1826.

Cross examination.—I have never seen any mine or been in any mining district in Potosi. I was engaged in my mine from 1844 to 1847. I was not there all the time. I spent most of the time at the mines. It was from May of June, 1844, to the 1st of January, 1847. It was in the district of Tasco, in the State of Herera, which was then a part of the State of Mexico, and situated forty-five leagues southwest of Mexico. One route to it goes part of the way to Acapulco.

Tasco is a large town, and the mine was eight leagues from it. I was the denouncer of it. I held the principal part of it, which was to be divided into twenty-four shares, according to the law of Mexico. I parted with about half of my shares to other persons on certain conditions. They were all Americans citizens; two of them, I think, were Swiss. There were not twelve persons; but some took one, others two, and some four shares. There were six persons in all, and two of them were Swiss. I do not know end cannot say the interest held by each. I made a contract with one man to give him half, and he to advance a certain sum of money to pay the expenses of working the mines; and he disposed of his shares and I retained the rest.

I left my mine in charge of two persons when I came to Mexico, expecting to go back; I never did go back. I never made a claim against the United States for loss of that mine. I did not bring any evidence of my claim with me when I came here last summer. I brought a memorial setting forth a claim for services done by me during the war. Never had one claiming for the loss of my mine.

I had come from Tasco to the city of Mexico, and tried to get the necessary documents ready; and when I got to Mexico they were not ready, and Mr Letcher sent me here. The documents were sent on here by my agent, and I received them here; I did not bring any with me. I never presented them to the Government. I have spoken to several persons on the subject; I left my papers in the hands of Major Borland, of the Senate, who has them now. I did not leave them with him to be presented, nor for any object, but there as a depositе of them with him.

After I left them with Major Borland, I conferred with Mr. Cogswas to the claim, and he told me a claim would not lie.

Ques. Do you not intend to prosecute your claim against the Government?

Ans. I intend to get the money if I can.

Mr. BRADLEY. It is out at last.

Mr. MAY. There was no holding back, but all was stated freely, and all your questions answered.

Mr. CASTLES. It was slow in coming out, whether there was any holding back or not.

Witness. I do not recollect that any one beside my family was aware of my coming here to testify in this case. No one but Mr. Letcher asked me what I could prove. I came here with Togno on the same business, and it was very natural and probable that we should speak of it. Each told the other before leaving Mexico, and talked over what we could testify in the case.

Ques. Had you any conversation with any one else as to what you should testify?

Ans. I do not know that I did. I met Mr. Letcher in the street with some other gentlemen; he told me he wanted me to come to Washington to testify in the Gardiner case. That was the first time I had ever been applied to to come here. Mr. Letcher had asked me previously to that concerning the case. I think I called on him.

Ques. Did you not go to Mr. Letcher and tell him that you knew something about the Gardiner case?

Ans. I met him at the house of Mr. Burgess, at which he stopped, and he asked me what I knew; I told him, and he said I should by all means go to Washington, or should try to go there. I said I did not know if I could. I being at the time a director of a mine at Tasco, belonging to a New York company. I did not call on Mr. Letcher, but on Mr. Burgess, at whose house Mr. Letcher resided, and it was then that this conversation took place. His made no arrangement other than this—if it can be called an arrangement. I had conferred with Togno and Sayres, and they had refused to go; but Mr. Letcher told them if they concluded to go they were to call on him. We met at his house, and we there all agreed to go.

The only arrangement was, and all that he would do was to give his draft to each man for three hundred dollars, which drafts we could get cashed in Mexico; and that when we got here, the District Attorney would attend to what was necessary. That was the only arrangement made. I do not know if it was agreed that Mr. Togno's family was to be supported while he was here. We were to have started the next day after the arrangement, but Mr. Burwell, the bearer of despatches, being detained, we did not leave for three days after.

Mr. Sayres said he would not come unless some arrangement were made to indemnify him for loss of time, but Mr. Letcher said he could make no such guarantee or other arrangement than to give him the two hundred dollars. It was at Mr. Letcher's request that I sent word to Mr. Sayres by a friend that Mr. Letcher desired to see him on this business. It was in this way I got Sayres first to call on Mr. Letcher. I had not been on speaking terms with Mr. Sayres for six months before that time. The drafts were on the State Department, I believe, and were negotiated in Mexico.

I was at the dinner given to General Waddy Thompson, but not at the preparatory meeting.

Without concluding cross-examination—

The court adjourned.

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THE REPUBLIC.
WASHINGTON
18 March 1853, 2

THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardiner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

SIXTH DAY—*Thursday, March* 17.

The cross examination of Mr. Wright was resumed.

Mr. BRADLEY. I understood you to say in your cross examination yesterday that you left the city of Mexico to go to your mines early in the year 1844?

Ans. The first of January, 1847, I abandoned my mines altogether and returned to the city of Mexico.

Ques. Between that period—early in January, 1844, and the first of January, 1847—were you principally engaged in the mines?

Ans. That was my principal business; but I had to wait three weeks after the denouncing of the mines before I commenced any operations.

Ques. Where were you during the three weeks?

Ans. In Mexico.

Ques. After the operations were commenced in the mine did you remain there and have charge of it?

Ans. I did not remain in charge all the time. I had James Ripley in charge part of the time. I had other business to attend to for another company.

The COURT. You spoke of James Ripley; was he there all the time?

Ans. He was there during the whole of 1844. I moved my family there the first of August, 1845, previous to which time I did not remain at the mine constantly. That was my principal business; but I was going and coming backwards and forwards to Mexico, as I had business to transact for other companies.

Ques. I understand you that from the time you took possession of the mine in 1844 till August, 1845, you were in the city of Mexico from time to time attending to business for another mining company. What relation did you have to that company?

Ans. I was the director for the company; and was also engaged in overseeing their mining operations.

Ques. Where was their mine situated?

Ans. It was in a town called Quadriliva, and at a little place called Pocotaplan, in the district of Taxco, then in the State of Mexico, but now the State of Guerrero. I saw it incorrectly printed in yesterday's *Republic* as Herera.

Ques. What was the distance?

Ans. About two and a half miles

Ques. For which of these mines did you claim any indemnity?

***Ans.* For a mine called Santa de (name not understood.)**

***Ques.* Is that the one of which you were the principal proprietor?**

***Ans.* It was.**

***Ques.* What was the name of the other mine?**

***Ans.* O'Rorsa, (so understood.)**

***Ques.* After August, 1845, until the first of June, 1847, how were you principally occupied?**

***Ans.* I was principally at my own mine.**

***Ques.* Was you during that time absent for any length of time?**

***Ans.* I think I was in the city of Mexico some two months.**

***Ques.* You do not recollect going anywhere else during that time?**

***Ans.* No.**

***Ques.* Were you engaged in any other sort of business during that time?**

***Ans.* I was engaged with a Mr Hensley. He went to Europe with the intention of getting two lions for the purpose of exhibition of bull-baiting in Mexico.**

***Ques.* I understood you yesterday to say that you were in Mexico when General Waddy Thompson arrived. Did I correctly understand you?**

***Ans.* No; you are mistaken. I came with him from the city of Puebla to Mexico.**

The COURT. What do you mean by coming with him?

***Ans.* I will state the circumstances. It was at the time that some of the Santa Fé prisoners were in Mexico. There were two of them—one was Lieutenant Howard, and the other was Captain Hubbard—prisoners in Puebla. Myself and two others had been devising a plan for sometime to try and liberate those two young men; and it happened upon the day when we succeeded that I drove the stage, and a Mr. Boley and Mr. Robbins were with me in the same business. After we got them liberated they were brought to my room. We disguised them, and they came up in the same diligence with us and General Waddy Thompson.**

***Ques.* Were you not the stage-driver before and after that time?**

***Ans.* I was engaged in another company in an opposition line to Puebla myself; we at first engaged a driver, but afterwards I drove myself. I remained in that business one and a half years, when I was taken sick with the pleurisy, and was told by my physician that I must leave the business and return to the United States.**

***Ques.* Please state at what time you were engaged in staging.**

***Ans.* I was in the stage business from 1834 up to the beginning of 1839.**

***Ques.* Subsequent to that time did you drive a stage?**

***Ans.* Not for some years.**

***Ques.* When did you do it?**

***Ans.* During the years 1842 and 1843.**

***Ques.* Were you not habitually in the city of Mexico?**

***Ans.* I was.**

***Ques.* Were you for a considerable time otherwise engaged, in the city and out of the city?**

***Ans.* No.**

***Ques.* Were you not engaged with a man in a balloon?**

***Ans.* In 1834 I employed a Mr. Laureatte, of Boston, to go to Mexico with his daughter, and make three balloon ascensions. I made the arrangement with him in Boston, and when I returned to New York from Mexico, in 1840, it was to bring these persons out. I made conditional arrangement with them, in case I could get the use of the building of a bull-baiting in Mexico. I went for them in the latter part of 1840.**

Mr. CARLISLE. What is a bull-baiting?

***Ans.* A bull-baiting is a very large establishment. This was capable of holding ten thousand people or more, and was a very appropriate place for our purpose. They attempted two ascensions at considerable expense, but failed in both.**

***Ques.* Did you not leave the city of Mexico with them?**

***Ans.* No. Mr. Laureatte came home from the city of Mexico, and his daughter remained and married Mr. Smith, who I believe was one of the witnesses here yesterday.**

***Ques.* From 1842 to 1844 you have mentioned one instance in which you were engaged in driving a stage. Were there no other occasions during that time when you were engaged in the same business?**

***Ans.* Probably there were.**

***Ques.* Was not that your main employment during the years 1842 and 1843?**

***Ans.* No.**

***Ques.* Were there not other instances?**

***Ans.* I don't recollect. There might have been during some part of 1842, and also 1844. I recollect that shortly after General Waddy Thompson came I quit the business.**

***Ques.* You spoke of Mr. Eddy's yesterday. What sort of a place was his?**

***Ans.* Mr. Eddy kept in his private family a private bar.**

***Ques.* Was it not a stage house?**

***Ans.* No; it was where most of the foreigners—Americans and Englishmen—all those who spoke English—resorted. It was a place of general resort.**

***Ques.* During this same period—1842 and 1843—were you engaged in brokerage at all in the city of Mexico?**

***Ans.* I was, more or less.**

***Ques.* Did you have an office there?**

***Ans.* No.**

***Ques.* During the same period did you keep a monte bank?**

***Ans.* I don't know, but I might have done so. It is a very customary thing for most any one to do it in Mexico.**

***Ques.* Did you make it a business?**

***Ans.* Not to my recollection.**

Mr. CARLISLE. You don't mean a monte bank?

The COURT. He means a faro bank.

Mr. MAY. No, he don't mean a faro bank.

Mr. BRADLEY. Monte is the great game in Mexico, as I understand, and it is played very much with cards.

***Ans.* It can be played with cards.**

***Ques.* Is it not the same as faro? Can it be played by the same system?**

***Ans.* There is very little system about it.**

***Ques.* Are not the two games of a similar character? There is betting at both; is there not?**

***Ans.* So far as betting is concerned there may be a similarity. [Witness further explained the game in answer to several questions.]**

***Ques.* Will you please to explain to us how it is that you have a claim at the seat of Government for the loss of your mine if you yourself gave up your mine on the first of January, 1847, before your expulsion from Mexico.**

***Ans.* I had to leave. I was not driven away, but was advised to leave immediately, as my life was not safe, and not to remain another day at the mine; and in consequence of that I got my family away as quick as possible and came to the city of Mexico.**

***Ques.* Now, if you were not engaged as a stage-driver for a considerable period of time in the year 1842 [illegible]**

***Ans.* I was not that I know of. I drove the stage several times, as a favor to the general stage-driver, who was a particular friend of mine. This was in case of some accident; and would occupy me perhaps a week. It happened as late as 1847.**

***Ques.* Did it happen in 1844?**

***Ans.* I rather think not.**

***Ques.* What time in 1847 did it happen?**

***Ans.* It happened, I think, just previous to the month of May, 1847. I was requested to go with an express to Jalapa. A gentleman was taken very sick——**

***Ques.* I confine my question to 1844. During that period were you a stage-driver?**

***Ans.* I don't think I was.**

***Ques.* During 1842 and 1843 what was your principal occupation?**

***Ques.* I had a part of the time some carriages, in company with Mr. Tlapa, and was also driving stages some of the time.**

***Ques.* What else were you engaged in?**

***Ans.* I was engaged in what we should call in Mexico street brokerage.**

***Ques.* You say Mr. Eddy had in his house a sort of private bar, in which many assembled?**

***Ans.* Yes; it was a general meeting place for most of the foreigners in Mexico—a place to eat, drink, and converse. He sometimes took boarders. I have been in his house frequently, but was never a regular boarder. He kept no lodgers.**

***Ques.* Did Dr. Gardiner lodge there ever?**

***Ans.* I say he kept no lodgers. All who spoke English used to meet there and pass the evening.**

***Ques.* Was it the only place where they were accustomed to meet?**

***Ans.* It was the only place except the house of Mr. Gansalvo, who kept a billiard saloon. These were the only two places of the kind at that time in Mexico.**

***Ques.* In what year was your balloon ascension?**

***Ans.* I think it was in 1841. It might have been as late as 1842 that one ascension was attempted. I arrived in Vera Cruz, I think, the last of January, 1841. Mr. Laureatte made two failures, then a Mexican attempted a third, which also failed.**

***Ques.* You say that when you left Mexico you had no arrangement with Mr. Letcher in relation to the payment of your expenses? State all the sums you received during the time you were absent as a witness.**

***Ans.* I received two dollars and a half a day from the day I landed till the day I left Washington.**

***Ques.* Do you recollect whether Mr. Togno received the same per diem?**

***Ans.* He did. I received four dollars a day for my family expenses from the time I left Mexico up to October.**

***Ques.* When did you leave Mexico?**

***Ans.* On the 26th of April.**

***Ques.* Did you receive any thing further?**

***Ans.* I received two hundred dollars for the expenses of my journey.**

***Ques.* Did you not go back in a Government vessel from New Orleans?**

***Ans* I did from the Balize.**

***Ques.* How did you go from New York to New Orleans?**

***Ans.* I went by the Dunkirk railroad from New York to Dunkirk, thence by steamer to Cleveland, thence by railroad to Cincinnati, thence by steamer to New Orleans.**

***Ques.* These expenses you had to pay yourself?**

***Ans.* Yes, out of the two hundred dollars given me.**

***Ques.* Who went with you to New York?**

***Ans.* Mr. Togno and Mr. Sayres started with me. Mr. Sayres stopped in Baltimore, and Mr. Togno was left on the road; I do not recollect the place; it was at some stopping place; and I went on to New York alone.**

***Ques.* Were you and Sayres and Togno in company in the city of Washington?**

***Ans.* Yes; we resided in the same house, and had a bed together by ourselves.**

***Ques.* Did you authorize a publication in New York in regard to this case?**

***Ans.* Yes; I got a piece published there which was written here in Washington.**

***Ques.* (Handing witness a paper.) Look at that and see if that is the article.**

***Ans* (Witness, after looking at the paper some time with spectacles.) Yes; it was written in the city of Washington, and published by the three—Togno, Sayres, and myself.**

***Ques* At that time had you not been summoned as a witness in this case? Were you not summoned to appear at the next term of the criminal court?**

***Ans.* I was.**

***Ques.* You say that was prepared in the city of Washington?**

***Ans.* It was**

***Ques.* By whom was it written?**

***Ans.* Neither of us wrote it. Mr. Sayres was the principal dictator; I made some alterations. Mr. May wrote the paper.**

***Ques.* At that time you were under summons in this case?**

***Ans.* Yes; but this was done after we had given in our testimony—as we were about leaving.**

***Ques.* But you had been resummoned to appear at the criminal court?**

***Ans.* I think we had.**

Mr. CARLISLE. You state in the card, (reading,)

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WASHINGTON

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"We were residents of Mexico at that time, and during all the time of Dr. Gardiner's residence in that city, and took part in meetings of our citizens, and in the other proceedings mentioned, and we declare that Dr. Gardiner took, if he was ever present, no part whatever, in any official way, in them or any of them. He did not deliver an address. We knew him well personally, and declare further that he was a dentist of poor means, and without position above the general class of travelling dentists, either professionally or socially." Now is that statement true or not?

Ans. I think it is.

Ques. Have you not told us you were not present at the meeting convened in the city of Mexico to invite General Thompson to dinner?

Ans. I do not recollect that I was present. I did not know that there was such a meeting.

Ques. Have not you told us on your cross examination that you were not present at that meeting?

Ans. I was not present at any meeting for making arrangements for the dinner to General Thompson.

Ques Then how can you state that Dr Gardiner took no part at that meeting?

Ans. I do not know that there was a meeting.

Ques. How then can you state that he took no part?

Ans. In that document I referred more particularly to my going, and my general knowledge of him in Mexico.

Ques But in that part about the meeting how could you state that he was or was not an actor if you do not know that there was a meeting?

(No answer heard by reporter.)

Ques. Let me call your attention to another statement: (Reads,) "We were residents of Mexico at that time, and during all the time of Dr. Gardiner's residence in that city, and took part in meetings of our citizens, and in the other proceedings mentioned." Now, how can you state in that paper that you were residents in Mexico, and took part in those proceedings, if you were not present?

Ans. I was not at the dinner.

Ques. And how could you declare "that Dr. Gardiner took no part whatever, in any official way, in them, or any of them?"

Ans. I say that on the word of Mr. Sayres and Mr. Togno, I was not present; but Sayres and Togno, as I understood from them, were at the meeting.

Ques. I ask you whether that was or was not designed to affect public opinion in regard to this case?

Ans. No; that was not our intention. Our intention at first was more to vindicate ourselves than for any thing else. Mr. Sayres was the first man who proposed it. He said, "as we are witnesses, and have given our testimony in this case, if this speech of Mr. Corwin's is true, we have given false oaths, and must say something, because our testimony will all be published by the committee of the House."

Ques. Then Mr. Corwin's statement was that "Dr. George A. Gardiner was delegated by a meeting of the citizens of the United States in the city of Mexico to address General Waddy Thompson on his arrival there, on behalf of the American residents." That fact you contradicted. You said that you were not present. The next fact, "and that Gardiner's effort on that occasion was considered most admirable, whether considered as to its appropriateness or the elegance of its style."

Ans. That I always understood alluded to the time of the dinner, and to a speech said to have been made by Dr. Gardiner.

Ques. When you returned to Mexico had you any agreement between the United States, or any person on the part of the United States, that you would render any further services in this case?

Ans. I had not.

Ques. You were only summoned to return to the December court, nothing further?

Ans. No.

Ques. You did not state that you would seek for further testimony and communicate it to any person concerned in this court?

Ans. I did not.

Ques. After your return to Mexico did you enter into any arrangement with anybody to look for testimony?

Ans. I did, after the commissioner arrived.

Ques. What time was it?

Ans. I forget whether it was November or December. It was one of these two months.

Ques. Did you then go on any expedition into the country, from the city of Mexico?

Ans. Yes, sir.

Ques. Where did you go?

Ans. To Morelia, first, returned to the city of Mexico, then went to Guanajuata, then to Guadalajara.

Ques. When you got to the city of Guanajuata where did you put up?

Ans. At the Diligence Hotel.

Ques. Did you meet Mr. Lewis there?

Ans. I did not.

Ques. He called to see you at the Diligence Hotel?

Ans. Yes, sir.

Ques. What did he state to you when he came?

Ans. I asked him if he knew Dr. Gardiner; he told me he did. I also asked him, when he knew him, and he told me he first saw him in September, 1845.

A question was here raised as to the right of this examination for the purpose of contradicting Mr. Lewis, as no foundation had been laid for that purpose. After some debate,

The COURT said: I think it is admissible. They may show the facts are different, even if it be against their own evidence, whether there be a contradiction or not. If they offer it for the purpose of a direct contradiction, they must lay the grounds for it.

Mr. BRADLEY. State your interview.

Witness. He said he knew Mr. Gardiner in September or October, 1845, in Guanajuata; that he visited his brother-in-law's house there, and done some dentist's operation to his sister's teeth; that he lived in a certain /mason, I think San Antonio. And I also asked him if he was positive that he had a sign. He said he recollected it; and I don't recollect the time that he said Dr. Gardiner left Guanajuata. He said he understood he went to the fair at San Juan de los Lagos.

Ques. Have you seen the report in the public papers of Mr. Lewis's examination?

Ans. I heard it read by Mr. Lewis himself; he brought it to my room.

Ques. Had you heard of Mr. Lewis in Guanajuata?

Ans. By inquiring for such persons as I thought might know him, (Dr. Gardiner,) I heard of Mr. Lewis. I called on a Dr. Edmonds, an English physician, Dr Chain, an English physician, a Mr. Brough, director of the mint at Guanajuata, and Mr. Jones, first bookkeeper many years at the same establishment. These gentlemen sent for me to come and see Mr. Lewis.

Ques. Go on and state all that took place between you.

Ans. I asked Mr. Lewis if he could come to the United States as a witness, and he said he did not know if he could come, but would give me an answer on my return from Guadalajara, which I told him would be eight or ten days afterwards. He said that in case he did go, it would be necessary for him to pay up some little debts that he owed; that he had been sick and in the doctor's hands, and did not like to go without paying his debts; and I would have to advance or lend him $200, otherwise he would not be able to come. He would not leave unless he could liquidate these debts.

Ques. This was your first interview; did you agree to that?

Ans. I told him I wished he would try and do without it, as I had not the means with me, and it would put me to difficulty to get the means. I did not expect any thing of the kind. Nothing further passed that I recollect.

Ques. On your return from Guadalajara you saw him again?

Ans. Yes, sir; on my return he met me and told me that he had arranged to go, on condition that I lent him $200, which I borrowed from Mr. Jones and lent him, and he left with me in the stage. At the first interview I told him his expenses would be paid going and coming, and as for any thing further I had no authority, and could make no arrangement with him, but it would be left entirely with the Government.

Ques. You did not then stipulate the sum?

Ans. No.

Ques. He did not then refuse a stipulated sum?

Ans. He could not refuse it, for it had not been offered.

Ques. Nothing was said about a stipulated sum?

Ans. Not on my part. He asked me how he was to be indemnified for loss of time. I told him he would have to leave that to the Government.

Ques. You did not stipulate then with him that if he came to the United States he should be indemnified against any loss in consequence of his absence from his situation there?

Ans. I told him that there was no doubt in my mind that the Government would indemnify him for his loss of time. That was all he said, and I said I had no arrangements to make with him positively, further than what I have stated.

Ques. And you have not at any time made any arrangements for compensation?

Ans. No, sir.

Ques. You came all the way together?

Ans. All the way together.

Ques. What is the amount of your claim from the United States for the loss of your mine?

Ans. I made out no amount.

Ques. No amount in your memorial?

Ans. It is not finished. I have no memorial at all made out in regard to the mine; I have only a memorial which I intended to be presented to Mr. Clay by a friend of his.

Ques. What is that memorial about?

Ans. My services during the time of the war.

Ques. Where are the documents in regard to your claim?

Ans. They are in the hands of Mr. Borland. He has a copy of the accounts of the expenditures of the mine; but the accounts are not finished.

Ques. Have you not stated the amount of your claim in this city?

Ans. No; I may have stated what I ought to have had, but not what my claim was, because no claim was made out.

Ques. You cannot recollect whether you have ever stated that the United States ought to pay for the loss of the mine?

Ans. I do not recollect I ever stated that I may have stated that I might or ought to have put in a claim of one hundred thousand dollars, which I could have done with justice

Ques Was that the amount which you thought you could with justice claim?

Ans. I might have made such a remark at Willard's.

Ques. Was it at the time you were in conversation with Dr. Gardiner?

Ans. I do not refer to any conversation I had with Dr. Gardiner.

Ques. I ask you if you may have said that you might or ought to have put in your claim at one hundred thousand dollars?

Ans. I might have said so, but do not recollect.

Ques. Have you not said, in reference to these incomplete accounts, that they do not present the whole of your claim; that the accounts are not all made out; that if fairly presented your claim would be one hundred thousand dollars?

Ans. I do not recollect.

Ques. I ask if you have not said that in substance. I do not ask if you used those exact words?

Ans. I do not recollect. I recollect showing my accounts to one gentleman, and only one. I might have shown it to others, but do not recollect doing so. There were several persons who called to undertake my claim, and I told them that I did not think of employing any one: I was advised by Mr. Borland not to prosecute the claim.

Ques. What was the amount of your claim, exclusive of your time and personal services?

Ans. The account was a little short of ten thousand dollars.

Ques. I understand that the account in Mr. Borland's hands are complete, except so far as to expenditures for working in the mines?

Ans. I had no other accounts, no other documents, except mere titles of the mine.

Ques. Now, I ask you if you, and Togno, and Sayes, did not go to the bar at Willard's and drink with Dr. Gardiner?

Ans. I do not recollect. We may have been at the bar some time together, but I do not recollect that we drank together. I think that if such thing had been I should have recollected it.

Ques. Have you any arrangements by which you were to be compensated for your loss of time and trouble in this case?

Ans. I have nothing more than I had on the former occasion.

Ques. You then had no arrangement except that Mr. Letcher was to furnish two hundred dollars?

Ans. I had no other arrangement.

Ques. My question is, whether you had any arrangement with the Government for the loss of your time?

Ans. I had no arrangement at all; nothing further has been said on the subject since then.

Ques. Nor with any agent of the Government?

Ans. No.

Ques. Did you receive what was paid you as in full satisfaction for services to the Government, or did you receive it on account?

Ans. There was nothing said about it that I recollect. I think there was an observation made then that this did not include compensation.

Ques. In the year 1844 were you not engaged with a Mexican named Zuzuta to go into the interior and establish a line of stages?

Ans. No, sir.

Mr. FENDALL. You speak of indemnity for family expenses. I ask you if living is not very dear in the city of Mexico?

Ans. Yes, sir, it is very dear.

Ques. How many persons were there in your family?

Ans. Seven persons besides myself.

Mr. MAY. You have spoken of your reasons in writing this card in answer to Corwin's speech or letter, and said that I wrote it; was that done at the request of you, gentlemen?

Ques. It was done at the request of Mr. Sayres and myself.

Ques. Where was it done?

Ans. In Mr. Fendall's office.

Ques. Was the statement as you recollect dictated to me, and I requested to write it down?

Ans. Yes; sir. Mr. Sayres first dictated the thing through, with corrections by myself and Mr. Togno.

Ques. Was that all I had to do?

Ans. Yes, sir.

Ques. I did not send it to be published?

Ans. No, not that I know of.

Ques. Was it the day before you went away?

Ans. The night previous to our going away.

Ques. Did you call to pay your respects to Mr. Fendall and bid him good bye?

Ans. Yes, sir.

Ques. You stated that that card was the joint recollection of all three of you, and each trusted to the other out of the confidence which subsisted between you as to the reliable statements touching the facts stated there?

Ans. Yes, sir.

Mr. CARLISLE. I must object to your putting questions to which the witness must answer yes and nay. If he can write for himself he can speak for himself.

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Witness. I think I have stated that before.

Ques. Had you or not knowledge of what was stated in that card, by general reputation in Mexico?

Mr. CARLISLE objected.

The question was argued and ruled out by the court. The argument and decision of the court will appear in to-morrow's paper—time not permitting it to be written out in season for this day's paper.

Ques. State what circumstances led to this publication?

Ans. When the document was written it was intended to express what each one knew——

Mr. BRADLEY. I object to that testimony.

The COURT ruled that the witness might state, and state only, what conversation passed in the office of Mr. Fendall at the time the paper was written.

Witness. Mr. Sayres and Mr. Togno observed to me at Mr. Fendall's office, and said the same to Mr. May, that Gardiner was not at the meetings before the dinner in Mexico; and they said also to me in the presence of Mr May: "You know his general reputation and his business while he was in Mexico."

The COURT. You must not say any thing of his reputation.

Witness. "And that he did not come to Vera Cruz with his old preceptor." I knew he came to Vera Cruz with the young man who died there afterwards. I do not think Mr. Fendall was present at the time. In the speech of Mr. Corwin it was said that Gardiner came to Vera Cruz with his old college preceptor. We all generally talked of his business in Mexico, from the time of his arrival till the time of his leaving Mexico; that is, that it was not as was represented in the speech of Mr. Corwin. In the speech it was said he had received from his old preceptor, who came with him to Vera Cruz, $10,000, which accumulated soon after to $60,000

Mr. BRADLEY. Do you know that Dr. Gardiner did not study medicine under the instruction of that person, Dr. Martin?

Witness. I do not know it. That statement was contained in the speech of Robert Corwin; it was published in the Cincinnati *Gazette*, a copy of which paper I had with me at the time.

The COURT said it was not proper to go into the contents of that speech; the inquiry ought to be confined to the parts of it mentioned in the publication in the *Herald*.

Mr. CARLISLE. It was a political speech, and now the campaign is over, I am sure no one cares to know any thing about it. I never heard of it.

Mr. MAY. It was a memoir of his client, under the guise of a political speech, delivered at a public meeting.

Witness. I said nothing to Mr. May about the preparatory meetings before the dinner. Mr. Togno and Mr. Sayres said they were at them, and that the president and vice president of the dinner was appointed at them. Gardiner was at the dinner; he did not make a speech. The dinner was the substantial welcome and greeting to Gen Thompson.

Ques. Did he make a speech there remarkable for its "appropriateness or the elegance of its style?"

Ans. He did not, nor any speech that I can remember. He may have offered a toast or sentiment; I think he did.

Mr. Sayres at that interview asked Mr. May if we had a right to publish that card, and he was answered we had.

Dr. James S. Mackie was recalled, and produced a map to show that on it was laid down and marked the mine called Curucupaseo, in the State of Michoacan; which fact was admitted.

Dr. Mackie. This map and the addenda is brought by me from the State Department; it is the official copy filed with the treaty of peace with Mexico in the State Department, and is certified to under the seals of Mr. Trist and the other commissioners.

The witness was questioned as to his ability, by an examination of the map; to tell any thing further as to distances between given points other than by an air line; and he said he had no knowledge of the surface of the country, and could arrive at no other distance than that measured by an air line. He could not state how far a man passing from one place to another would have to travel.

Ques. State the distance between Morelia, the capital of the State of Michoacan, and Curucupaseo, as laid down on the map before you.

Ans. I can only state the distance by an air line.

Mr. CARLISLE objected to any testimony as to distances by a measurement of them by compass on this map, or in any other way than by actual travel or personal knowledge.

Mr. BRADLEY sustained the objection; and

Mr MAY replied.

The defence then said they had not done with the examination of Mr. Wright, and insisted on his being recalled. Dr. Mackie then left the stand, and counsel resumed the examination of

Mr. Wright, who said: I signed the paper published in the *Herald*, in Mr. Fendall's office. It was sent to the *Herald* without having been modified or altered or changed by me, or to my knowledge by any one else. It was written by Mr. May. I did not consult with counsel before its publication. I signed no other paper but the one which was written by Mr. May. I took no other paper nor any other copy of it to the press. I was not told by any one or advised by any one that it would be libellous. I was told in New York by Mr. Togno that it was refused to be published by some person, but by whom I do not recollect; the reasons for the refusal were not stated. He was not able and could not go about much, and I took the paper to be printed. I went with a Mr. Potter, who, in my presence, gave it to Mr. Bennett to be published; it was Mr. James Potter, who, I think, was a lawyer.

Ques. Was not the original paper prepared by Mr. May longer, and did it not contain much more than is contained in this publication?

Ans. I think not.

Ques. Are you as positive about that as you are about any other matter connected with this paper?

Ans. I am.

Ques. Were you at any time connected with a circus in Mexico?

Ans. Yes, sir. When Mr. Bensley went to Europe to get lions, he was the owner of a circus, and I took charge of it.

Ques. Did you ever officiate as ringmaster?

Ans. No; I was connected with it but for a short time, and sold out and went to Tasco. This was in 1845. The circus performed in the Theatre New Mexico; I think it was in the beginning of 1846.

Ques. As long as you were an owner of it, did you take an active interest in it?

Ans. I did, and gave my personal attention to it when in the city of Mexico.

Ques. How long were you engaged in that business?

Ans. It might have been a month, but was not two months. I had no other business at that time in the city of Mexico.

Ques What animals had Mr. Bensley besides lions?

Ans. He had lions, leopards, and other minor animals.

Ques. Are you sure they were not tigers, instead of leopards?

Ans. They were leopards.

Mr. MAY I submit to your honor how much further this examination is to go as to Mr. Bensley's menagerie?

Mr. BRADLEY. I have only one question more to ask, and that is, Did he see the elephant? [Laughter.]

Ques. What is the duty of a director of a mine?

Ans. To oversee the operations of the mine, and its affairs generally.

Ques. Does he direct where the shafts ought to be sunk?

Ans. Yes; but there is always a miner—a person called a miner—connected with every mining establishment, who attends to the working of the mine under ground. The director never or rarely goes under ground. The director gives general directions as to the operations—is a general overseer of the whole mining operations. It requires all his time and personal attention, but if called away he can leave some one else in his place to do his duty. The miner has the general charge of all the operations of the mine under ground.

Mr. MAY. Do you know the duties of an owner of the mine?

Objected to.

Ques. What are the duties of the treasurer?

Ans. The Regador is the paymaster of the mine; he has a list of the persons employed, &c. The Regador renders his accounts to a book-keeper, which books are under the supervision of the director.

Ques. What is the duty of the *tresaurio*, (treasurer?)

Ans. He keeps the money chest. He receives the money and pays the men, &c., but the duties depend on circumstances.

Mr. BRADLEY. Is there any general rule on the subject?

Ans. I do not think there is.

Mr. MAY. Have you any personal knowledge of the amount of products or profits yielded by mines in Mexico?

Mr. BRADLEY. Don't answer. That won't do.

Mr. MAY. Well, public knowledge, then?

Mr. BRADLEY. Still less.

Mr. MAY. If you object to his personal knowledge and to his public knowledge, you mean to exclude all his knowledge on the subject.

Mr. BRADLEY. We object to his answering the question at all.

Mr. MAY stated the declaration in the defendant's memorial—of his being engaged in a mine which yielded twenty thousand dollars a month and would do so for years, and that the next month after his being expelled would have yielded fifty thousand dollars. The question now was what amount the most profitable mines in Mexico yield, and it would be followed up by another, whether if one yielded a profit of fifty thousand dollars a month, the fact would not be known throughout the country. He urged that the question was proper, and the evidence admissible.

Mr. BRADLEY replied, it would be a proper to ask how much were the profits of monte tables.

Mr. CARLISLE followed in objection, and Mr. FENDALL in support of the question.

The COURT. I think the question is an exceedingly plain one. The question can be asked if confined to his own establishment, or any other of which the witness has a personal knowledge; but as to what he has heard about other mines, it is mere hearsay—nothing but rumor, and entirely inadmissible; it is a kind of evidence not recognised by any law.

The DEFENCE noted an exception.

Ques. State what you know of the production of your own mine, and of such others of which you have a personal knowledge.

Ans. It is very difficult to have any personal knowledge of mines with which I had nothing to do. Respecting those I was actually engaged in, two were abandoned by me because they offered no prospect of yielding any profit. The other mine, which I left in 1847, I had no opportunity of testing, because I did not succeed in opening the shaft, which was filled with water and rubbish. I got down to ore work, and got out some ore, but did not reach the plan or level of the mine.

Mr. BRADLEY. Neither of the three mines you were engaged in yielded any profit?

Ans. No, sir. I have visited the mines of Guanajuata. The level of the mine was about 150 varas from the surface. A vara is about two inches shorter than a yard.

Ques. Is it not generally the case that the deeper you go the ore is found to be richer and more plentiful?

Ans. I believe it is.

Mr. MAY. How is a mine denounced?

Ans. That is regulated by law, by a memorial addressed to the mineral tribunal. I had a copy of the mining laws with me at the mines, and I have read them, but by no means profess to be skilled or learned in them.

Ques. What did you do to denounce your mine?

Mr. BRADLEY. That matter is provided for by law, and must be proved in the proper manner.

Mr. MAY. He certainly can tell what he did in his own case.

The COURT. Gentlemen, you had better get the laws. A copy can be procured.

Mr. MAY. We have the laws.

The witness was allowed to retire, but not to leave the city.

Dr. Mackie was recalled, and the question as to the admissibility of evidence as to the distance between Morelia and Curucupaseo by a measurement of the same on the map, was again discussed by Messrs. Carlisle and Bradley in support of the objection to it, and by Messrs Fendall and May in favor of the evidence—the latter citing Greenleaf on Evidence, secs. 139, 487.

The COURT. It is now proposed to offer in evidence this map, and to show by it the distance by an air line between two towns which are laid down upon it. It is said by counsel that this map has been recognised by the two governments as authentic and the best. I do not think it has been recognised to that extent. By the fifth article of the treaty, (reads it,) it is adopted by the two governments as a reference to the boundary to be run and marked between the two nations. But still as it is a map somewhat officially recognised by the government, and brought here from the State Department, where it has been deposited in the archives of the nation, the court cannot see how it can be rejected. I therefore think it is admissible, though if it were not a map coming from the State Department, I would reject it. It is admitted as evidence.

Mr. CARLISLE. The court will please note that we take an exception to it.

And then, at half past four—

The court adjourned.

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THE REPUBLIC.

WASHINGTON

19 March 1853, 2

THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardiner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.)—Messrs. Phillip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and S. P. Perry, of South Carolina, for the defendant.

SIXTH DAY.—*Thursday, March 17.*

[IN CONTINUATION.]

The following portion of Thursday's proceedings could not be furnished for yesterday's paper:

Mr. MAY, to Mr. James Wright:

Ques. Had you or had you not knowledge of what was stated in that card, by general reputation in Mexico?

Mr. CARLISLE objected. The point was argued by Messrs. May and Fendall in support of the question; and by Messrs. Bradley and Carlisle in opposition to it.

The COURT. A letter signed John M. Togno, James Wright, and David Sayres is published in the New York *Herald*. I have not seen it in that paper, but as published in another paper, in which it is set forth that these gentlemen "have seen with much surprise a report of a speech delivered by one Robert G. Corwin, in which it is stated that Dr. George A. Gardiner was delegated by a meeting of citizens of the United States in Mexico to address General Waddy Thompson," &c; and "that Gardiner's effort on that occasion was spoken of as most admirable," &c; and "that he had obtained a high position in Mexico, both professionally and socially;" and that these gentlemen "do not know who is the author of these several statements; but we do know, of our own personal knowledge, that they are one and all entirely untrue."

The witness on the stand having been asked, he reiterated the truth of these statements contained in this letter. He afterwards stated, on his oath, that he was not at the meetings preliminary to the dinner, thereby, as appears most decidedly to the court, expressly contradicting the statements of this letter. The court does not agree with the counsel for the United States, that personal knowledge does not mean what was derived from general reputation.

Personal knowledge means what is personally and actually known to the witness. Belief may be of different kinds, but he cannot know anything that he does not either see or hear, anything which does not come to him through his senses. I mean personal knowledge considered legally. I may say I know that there is a lady named Victoria, Queen of England; or that Louis Napoleon is Emperor of France; that the Duke of Wellington was dead, a thing which recently occurred; I may know there was a king of England named Alfred; I may know these things historically, though I do not know them personally. This is not personal knowledge, legally speaking. Well, these gentlemen, according to my understanding of this letter, which was prepared and published I suppose deliberately, assert a personal knowledge of this fact. Now it is proposed to ask the question, the object of which is to show that when the witness asserted a thing of his personal knowledge he meant a knowledge derived from hearsay. I am clearly of the opinion the question cannot be asked.

Mr. MAY. We respectfully submit whether in giving your opinions on questions before your honor, you should speak of the effect of the testimony to the jury.

The COURT. I have said no such thing.

Mr. MAY. I understood your honor to say the witness had contradicted himself; and I do most respectfully protest against your honor giving your own opinions as to the effect of the testimony of a witness. We all know how every word uttered by your honor is attended to, and the effect it will produce on the minds of the jury.

The COURT. You misunderstood me. I did not speak of the effect of the testimony at all. I shall take my own course in the discharge of my duty. I appeal to every one of the counsel whether I said any thing of the kind.

Mr. MAY. The position of the court is a responsible one. Any observation which may be made as to the effect of a witness's testimony will have an effect on the jury. If, therefore, what you say on it may have an aspect towards giving an opinion as to the effect of the evidence, it will certainly have that effect. It was to guard against that that I made the observation. It was for that reason, not meaning that your honor intended it; but that your honor, without any intention, suffered your observations to lean on the side to which your judgment inclined. I am very sensitive upon that great maxim of the law, "*Ad questionem juris respondeant judices, ad questionem facti respondeant juratores.*" "Let the judges answer to the question of law, and the jury to the fact." It is an old maxim of the law, and a good one; and may I not respectfully invite your honor to consider that it is the province of the jury to answer to all questions of fact.

The COURT. Proceed, if you please, Mr. Fendall. The court is not aware of having said a word out of place.

Mr. MAY. I took down your honor's observation at the time it was made, in your own words.

The examination of the witnesses was continued, as given in yesterday's paper.

SEVENTH DAY—*Friday, March 18.*

Mr. BRADLEY. We desire to save Mr. Lewis called. His testimony was rather a surprise to us; we knew nothing of what he was to prove, and were not prepared at the time to cross-examine him as fully as was necessary.

Mr. Lewis appeared and took the stand.

Mr. MAY objected to the further cross examination of the witness at this time. It interrupted the course of examination of the prosecution. The officers of the Government ought to be allowed to arrange and conduct the order of their own examination in their own way.

The COURT. Certainly.

Mr. MAY said, to call back this witness at this time for cross-examination, would interrupt the examination of the United States witnesses and the order of proof by the Government.

Mr. BRADLEY replied, repeating the desire of the defence to have the witness recalled: until he was examined they had no information of what his testimony would be.

The COURT said he did not see any thing irregular in the course proposed, nor any disadvantage to either party in it. He did not know but it might be to the advantage of the United States. It was done every day. There is no general rule on the subject. This case was not to be tried differently from any other, but in the same manner as a case of assault and battery.

Mr. FENDALL said the course proposed would derange the course of the examination of the witnesses of the United States. It was a question of order. It would derange the order of the examination of the witnesses of the Government to call back witnesses for cross-examination at every stage of proceedings.

The COURT said there was nothing unusual in it; it occurred at every term of the court.

Mr. MAY. What does your honor decide? Shall we go on and conclude our examination of Dr. Mackie? The defendant may recall witnesses for cross-examination after the Government has concluded its case.

The COURT said he had twice said that the defendant might recall any witness for further cross-examination at any time.

Mr. MAY. Whenever he pleases; even if in the middle of our examination of a witness?

The COURT. Not whenever he pleases, but at any convenient break in the proceedings.

Mr. MAY. Your honor understands us to object?

The COURT. Certainly I do.

Alfred A. Lewis, sworn.

Ques. You said the other day, as we understood you, that when you first saw Dr. Gardiner you had left college?

Ans. I said I had left college about that time.

Ques. And by that you fixed the time?

Ans. Not by that alone, but mainly some other matters. If you give me an interpreter I will explain myself better perhaps.

Mr. BRADLEY. Go on slowly; take your own time, and there will be no difficulty in our understanding you.

Ques. You said the other day, I think, that you were then in your fifteenth year, and in passing the street you saw the sign frequently?

Ans. Yes, sir.

Ques. Can you describe it more accurately than you did then?

Ans. No, sir.

Ques. Can you describe how the sign was arranged; you say it had on it "Jorge Gardiner, surgeon dentist." The sign was a square one, I think you said?

Ans. It was a square one; if you give me a piece of paper and a pen, I will show you how the words on the sign were arranged.

Paper presented to witness, on which he wrote "Jorge Gardiner" in one straight line, and "surgeon dentist" in another beneath it; this he said was the arrangement of the letters in the sign in two straight lines.

Ques. Are you sure the words were in an elliptical form—half circle at the top, and in a half circle below?

Ans. It was I think as I have told you—in two straight lines.

Ques. Was there any figure between the lines?

Ans. I think not.

Ques. Was there not a figure of a mouth and teeth between the lines?

Ans. I don't think there was; I do not remember any.

Ques. You stated that your family resided some short distance out of town, and that Dr. Gardiner performed an operation on the teeth of one of your sisters. Was it the younger or the older?

Ans. It was the younger.

Ques. What was the name of your other sister?

Ans. Louisa Meade—they both married brothers.

Ques. They were both married brothers.

Ans. Yes.

Ques. They were both at home at the time?

Ans. Yes.

Ques. Was there any other foreigner in the place?

Ans. Yes, a Mr. Lonsdale and wife.

Ques. How far off?

Ans. He was living in the city——

Ques. Were there any foreigners living in the country or on the edge of the city?

Ans. There might have been, but I do not recollect.

Ques. Was Mr. Lonsdale an Englishman?

Ans. Yes.

Ques. Were those gentlemen—your brothers-in-law—the same gentlemen who were so attentive and kind to the prisoners who were brought down from Santa Fé?

Ans. I have the honor to say they were, sir.

Ques Are they both of them residing in Texas now?

Ans. Yes.

Ques. Are they Englishmen?

Ans. No, they are Irishmen.

Ques. Is there a post office in Guanajuato?

Ans. There is.

Ques. Is the mail regularly transported to and from the city?

Ans. It comes sometimes very regularly, sometimes very irregularly.

Ques. What I mean is, is there a regular line of mail carriages, though irregular in their arrival?

Ans. Yes, there is.

Ques. Did we understand you to say that the English physician in the town of Guanajuato was in the same house, or next door to the mason?

Ans. He lived in the house next door to or adjoining the mason.

[*Witness* here corrected an error in the report of his former testimony. He left the city of Guanajuata in 1547, instead of 1545, as reported, and returned in the same year.]

Ques. Were you absent from Guanajuata between the years 1545 and 1547?

Ans. No, sir; I was not.

Ques Do you remember about the sign? Was it the same as it was at first?

Ans Yes, I think it was in the same manner.

Ques. You think it had the name, you say?

Ans. Yes, Jorge Gardiner.

Ques. Were the Messrs. Meade brothers or cousins?

Ans. Brothers.

Mr. MAY. I believe the rule which has been adopted allows witnesses who have been examined to remain in court.

The COURT. Yes. (To the witness.) You may remain, Mr. Lewis.

Dr. Mackie recalled to the stand.

Ques. Have you the treaty map with you?

Ans. Yes.

Ques. Open it, look at the State of Michoacan, and see if you see a place called Curucupaseo?

Ans. Yes.

Ques. How far is it from Curucupaseo to Valladolid or Morelia?

Mr. BRADLEY. I object to that. We have nothing to do with that.

The COURT. I cannot tell whether you have or have not anything to do with it, until we hear the witness.

Witness. There is a mistake on the map. It is not spelled Curucupaseo, but Curucupasco. I understand that Morelia and Valladolid are the same places. (After measuring with compas.) The distance is thirty-five leagues by the scale on the map—i. e., three Spanish miles to a league, I suppose.

The COURT. That is the distance between Valladolid and Curucupasco?

Ans. Yes.

Ques. How far is it from the city of Mexico to Valladolid?

Ans. (After measuring.) It is about 110 leagues on the same scale—three Spanish miles to a league.

Ques. How far is it from Curucupaseo to the city of Mexico?

Ans. (After measuring.) A little over 115 leagues—between 115 and 120.

Ques. How far from Morelia to Guanajuato?

Ans. Just 90 leagues.

Ques. How far from Guanajuato to San Luis Potosi?

Ans. Nearly 90 leagues—about 88.

Ques. From San Luis to Rio Verde?

Witness. What State is it in?

Mr. BRADLEY. San Luis Potosi.

Mr. MAY. It is not down on that map.

Mr. BRADLEY. Oh, it is not there—you need not look to see. I only want to show how incorrect the map is. I now ask you how far it is from Guanajuato to Mexico?

Ans. Nearly 170 leagues—that is, about 500 miles.

Ques See if it is not set down in the table on the map at 210 miles?

Ans It says *millas* in one column, but not in the column of figures to which it refers, if I understand the map.

Mr. BRADLEY. I think you are mistaken. I will call your attention to a circumstance which will show what it means. From Mexico to Vera Cruz is 260 millas. (milles.) Does not that confirm it that it means miles?

Ans. Yes.

Mr. FENDALL. It does not necessarily mean miles, as I understand the witness.

Mr. MAY. The scale on the map is a scale of miles.

Witness. I did not understand the Spanish words given here with sufficient precision to enable me to say before the court what it meant, and I consulted a couple of gentlemen who understood Spanish, who told me that the scale is a scale of leagues.

The COURT. You decided the point in your own mind by calling upon some Spanish gentlemen.

Mr. BRADLEY. Do you remember who they were?

Ans. They were Dr. Davis and Mr. Partridge.

Mr. BRADLEY. There can be no question about it; it is a scale of miles.

Mr. MAY. There can be no doubt about it; it is almost English—"*escala de millas.*"

The COURT. We can put it beyond all doubt in a moment by calling an interpreter.

Mr. Lewis was recalled.

Ques. How would you translate that? (pointing to the title of the scale on the map.)

Ans. "Scale of miles. Three miles in the league."

Dr. Mackie recalled.

Mr. BRADLEY. The United States should have known this before you gave in your evidence, and offered it to the jury to show that the distance was three times as great as it is.

Mr. MAY. Dr. Mackie does not pretend to be a Spanish scholar. We have only to substitute the word miles wherever we said leagues. There is no difference between us now.

The COURT. I have put down that wherever leagues are mentioned it should be miles.

Mr. MAY. Yes, Spanish miles.

The COURT. I understand that.

Mr. MAY now proposed to read to the jury the translation of the several letters and papers proved by Mr. Wright to have been written or signed in the handwriting of Dr. Gardiner.

Mr. CARLISLE objected. Mr. Bowes, who translated them, might read them from the stand instead of translating them word by word to the jury. They would consent to this.

After some discussion—

The COURT said it would be satisfied with any arrangement upon which the parties agreed. It was wholly immaterial to the court and to the jury who read the papers.

Mr. BRADLEY. If the court please, we propose that Mr. Bowes be sworn and read the translation himself; and Mr. Carlisle will look over the Spanish and see if it is correctly translated.

The COURT. Very well.

Charles E. Bowes, re-called.

Mr. MAY. I propose to read the first paper.

Mr. CARLISLE. We had rather the witness would read.

Mr. MAY. I would suggest to the court that the papers will be read by me without any observations.

Mr. CARLISLE. I submit to the court that if this be asked, we will insist on the rule laid down by the court, that the witness has to translate the paper to the court and to the jury.

Mr. MAY. All we have to say is that the order of presenting proof is always confined to the counsel of the Government. Now, sir, there is an order in which these papers are to be presented, and we mean to read them to the jury in that order which will best inform the jury of the contents and purport of the papers. The other day I stated to the court that according to my reading the rule is, with regard to papers in a foreign tongue, to call the party who has made the translation to be present, along with the original, or translation, and then to swear the translator, and ask him if it is a true and faithful translation; and if he says it is, to present the paper to the jury. That is the practice in every court. Your honor suggests another course—to swear the witness, and let him take the paper and translate from the original. We submit that that would be a very slow process, and that the witness could not have so much confidence in the translation himself as if he had taken time out of the court to write out a translation deliberately; and then your honor gets the sanction of the oath to the accuracy of the translation just as truly as if it was made here. With respect to cases where questions are to be asked a witness who speaks a foreign language, the law is different. There it is impossible for him to give in his testimony, except by swearing an interpreter; but here we have written papers, and the witness is not called upon to answer questions; and I submit to your honor that the best mode is to let the translation be *read* to the jury by the translator, then the jury will understand it. But if the translator is to be required to make the translation *ex tempore*, your honor will see how the whole thread of it may be disturbed.

Mr. CARLISLE. We do not object to that.

Mr. MAY. Why may I not read the papers to the jury? Is there any law that I shall not read them fairly?

Mr. CARLISLE and the COURT. Not at all.

Mr. MAY. Your honor may direct how it must be done; we do not insist upon any particular course.

The COURT. If you do not make any agreement about it, the court must direct and will direct that it be translated on the stand.

Mr. CARLISLE expressed a desire that the translator might be permitted to read the papers; not because he supposed the counsel on the other side would not read it correctly; yet there might be something in the tone of his voice or his emphasis which would give it a different effect. He proposed that the witness should read it.

The COURT. In the opinion of the court it is perfectly fair that the translator should read it. I see no objection to either of the counsel reading it, but they have no right to claim it. The court sees it is the true plan for the witness on the stand to read it. That is the law. If you choose to pursue the other course which has been suggested, I do not see any good objection to it; still, if the defence chooses to object to it, they have a right to, and it is their business and not mine. Mr. Fendall will point out the order in which he wants to have the papers read.

The DISTRICT ATTORNEY, (to the witness.) I wish you to explain as you read, stating the date of the paper and what it is.

The witness then read the following papers, being translations from the original papers in Spanish:

[A. J. H.—No. 1.]

SAN JOSE MINAFLORES, Dec. 16, 1544.

MY DEAR SIR: I accompany with the present a letter to the partners, which I have addressed to Mr. Maldonado, fearing that your illness would not permit you to occupy your mind in regard to its contents. By it you will inform yourself of what is passing.

When I sent Mr. Augustin Bayon with a draft for $300, it was because this amount was absolutely necessary to pay the weekly expenditures. You thought proper to send me only half of that amount, and I was obliged to ask a loan in order to pay the operatives. Consequently I had to give a draft to Esteban Santoyo for $70 62½, and another for $50 to another gentleman, which amount, $120 63, when the drafts be presented, you will please pay them out of the $246 in your possession.

I gave a draft to Mr. Medina against Gomez for $306 12½ for the costs of possession, the same having amounted to $314 12½, but he received here $8 in cash.

For the expenditures of this week there is not even a *real*; consequently you will see whether it be best to send me on Saturday, by Mr. Estéban Santoyo, the amount of the enclosed draft for $250, and if not, advise me by D. Agustin, in order that I may get rid of the insults of these barbarians.

The aspect our business has taken is very surprising to me, as is also the distrustful spirit of which some persons are possessed; but I trust that time will clear things up.

You will excuse the haste in which I write, and command your friend,

JORGE GARDINER.

D. ANTONIO QUIROS.

P. D. I also gave an order in favor of the family of the carpenter, Hernandez, for eight dollars.

They say that during the coming week of the *Pascua* many of the operatives will go to their (native) towns, and I will then see if I can go and see you all.

Gerenales took away with him a pack-mule and

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saddle, and the deputies took two. You can receive them back.

Superscribed, "To D. Antonio Quiros, Morelia."

Noted on the outside "Received 15th December," answered 19th of the same.

[A. J. H.—No. 2.]

SAN JOSE MIRAFLORES, December 16, 1844.

ESTEEMED SIR: The hour has arrived in which it is necessary for me to defend my honor and reputation, which, unfortunately for me, are attacked by some imprudent persons.

I will say to you that I, having been the originator of these mining speculations associated myself, rather for the sake of having a companion in labor, or be it on account of some fatality with the man who till now has participated in the credit which I perhaps may have acquired, but not in the labors, the cares and anxieties which I have endured, and although I soon found out my error, and the sufficiently perverse sentiments of him of whom I speak, I knew it would be impossible to effect a separation without great risk to the interests of all, because I had studied his character sufficiently to satisfy myself that our new undertaking could not resist his intrigues, and that an abyss of disorders would confound us on breaking with so powerful an enemy. Therefore I encouraged myself to let my well-known reputation be endangered rather than let the interests which I considered under my especial protection, suffer. The desired moment and the time for me to take off the mask at length arrived. Possession of the mine and of the reducing establishment has been given us, the tribunal has informed itself of all, and did not need any hints, because they knew him of old; we run no risk now, because none of his dishonest tricks can take effect, and thus his separation is to be desired. In good faith, the curtain was drawn at the critical moment at which my reputation was about to be endangered after so many sacrifices; and were it possible to depict my moral sufferings on account of being obliged so long to coincide with infernal ideas for the purpose of disconcerting them, the person the least susceptible would pity my sufferings.

Add to this all the weight of the responsibility and labor, and my situation has been but little enviable.

If a one have managed the money matters, and I believe that the accounts will prove the legal outlay of capital; but as I notice a certain inquietude or fear, I request that some one come and examine, and he will find that there is a difference between acting and speaking.

This undertaking ought to go on rapidly or nothing will be done; and I think it strange that you will expose me to the fury of these barbarians by detaining the money for the weekly expenditures when I send for it; the work is to go on, or not to go on, and it is the same whether the money be expended little by little or at once, and let the work go rapidly on.

We have about eight masons, two carpenters, and two blacksmiths, several people cutting timber, and about eighty common laborers at work continually, all being engaged in necessary works. There are now arriving also thirty and forty mule loads of boards weekly, which cost $1 25 for freight. There are oxen employed in bringing beams and heavy timber from the mountains; there are lime-burners burning lime; there are mud brickmakers and brickmakers, and the miners, who do not cease from working. All these gain money, and the expenses are seldom less than two hundred and fifty dollars a week. The furnaces are well advanced, and the water conduits will soon be done. The ditch will be finished this week, and nobody here doubts that all will soon be finished, and that the money will be sufficient.

I hope that you will decide at a meeting whether I merit the confidence reposed in me, or name another person to come and occupy a post so little to be envied.

I request that Mr. Maldonado present this letter to the partners, and answer me without delay, with the assurance of having the sincere thanks of his friend, &c., JORGE GARDINER

Messrs. MALDONADO, CAMACHO, QUIROS and Company.

Superscribed "To D. Mariano, Maldonado and company, College of San Nicolas, Morelia"

[A. J. H.—No. 3.]

SAN JOSE MIRAFLORES, 5th January, 1845

ESTEEMED FRIEND: I arrived at this place with the happiness and haste desired, and found every thing in a good state, and in the desired advanced condition. The furnaces are now covered, the chimneys finished; and all that is wanting to complete them is to lay the elevation at the base, (asentarel banco;) the water-conductors may be considered as finished, because, by means of the nails I brought with me, they will be done in three days; during all this week the posts which are to serve as pillars will be brought down from the mountains, as also some boards for the throat of the furnace chiflun. In this week we will undeceive ourselves in regard to the ditch, because we are thinking of putting the water in it. The mine presents us every day a more flattering appearance, because the ore is very pretty, and it appears difficult that we be deceived in its quality, which does not have a doubt. In my opinion, it would not be amiss to write again to Angangueo, to Trojis, and to Osumatlan, respecting price of lead, which D. Edwardo says can be obtained at eight a mule load; also, to see Patino, who, perhaps, may be able to give some information. There is near to Angangueo a reducing establishment where much oxide of lead is produced, and where D. Carlos purchased it at eight dollars. To bespeak again at these places two bellows' noses, with the pipes; Don Edwardo says that he bargained for two bellows' noses, at five dollars, in the house of Gallegas. For all this, it would be well that my brother see if any thing is said to me in letters from Angangueo for your government.

A tanned hide is wanted here for the bellows; and if any empty quicksilver flasks could be bought very cheap, they would be useful; but they are not absolutely necessary. I do not say more, on account of my many occupations and in consequence of those which surround me, for it is pay day.

Regards to all friends, particularly to Messrs. Camacho and Maldonado, and command your friend, &c. JORGE GARDINER.

Don ANTONIO QUIROS.

[A. J. H.—No. 4.]

SAN JOSE MIRAFLORES, January 12, 1845.

ESTEEMED FRIEND: I send you by the bearer, D. Esteban Santoyo, a draft on the house of Gomez for $200; and I request you to remit to this place, by the same bearer, one hundred dollars. You will also have the goodness to pay to Santoyo the draft he carries on you for seventy-two dollars four reals. The hundred dollars which you will have over, you will reserve for other things which may occur within a few days.

I must be in that place on Saturday, but perhaps on Friday, consequently I do not write at length, because we will talk. I received a letter from friend Maldonado, the which I do not answer, for the same reason; and, supposing that you have returned to that place, I extend the draft on you in order not to change the course which, up to the present, our business has had.

Here every thing goes on from wall to better, as I will explain at length when we meet. Desiring that all our friends be well, I am, &c.

JORGE GARDINER.

D. ANTONIO QUIROS.

P.S.D.—If Mr. Quiros be not there, Mr. Maldonado will have the goodness to collect the draft and remit the hundred dollars.

Superscription, "Messrs. D. Antonio Quiros or Dallariano Maldonado, College San Nicholas, Morelia."

[A. J. H.—No. 5.]

SAN JOSE MIRAFLORES, January 26, 1845.

As D. Edo. goes to that place for two days, I avail myself of the occasion to remit you the enclosed draft for a hundred dollars, in order to pay for the fifteen hundred pounds of oxide of lead that we have agreed for in the house of Mart. Mr Alejandri goes also with mules to bring said oxide of lead, and has instructions to go to your brother's shop. We hope he may not be delayed, because his mules are engaged.

D. Edu. will get a strong pulley, and will deliver the same to you, in order that it may also come on with the oxide of lead.

D. Edo. supposes that with this quantity of oxide of lead, and the ore amalgamated with lead, which is obtained here, there will be no positive necessity for more; consequently it will be well to write to Angangueo in order that, if they have not purchased the oxide of lead yet, they may obtain a bill of exchange for the purpose of replacing the $260 in Morelia; for this it will be necessary to have an order from Mr. Rosales.

We are at a stand here for the want of oxen and the pulley to raise the water conductors; the water comes beautifully, with rapidity, and in abundance. Excuse my haste.

Your faithful friend,
GEORGE GARDINER.

D. ANTONIO QUIROS.

There is no weekly stipend to be paid now to Valderas, as his family is here.

Superscribed, "To D. Antonio Quiros," "By favor, Morelia."

Endorsed, "Received 28th," "answered 30th January."

[A. J. H.—No. 6.]

SAN JOSE MIRAFLORES, February 3, 1845.

DEAR SIR AND ESTEEMED FRIEND: I have before me your esteemed favor, received yesterday, dated 30th ultimo, and in answer I acknowledge the receipt of the 750 pounds (30 arobes) of oxide of lead, &c., and it is a pity the quantity was not greater, as we expected.

In regard to the journey of D. Edwardo to Angangueo, I cannot help expressing my regret at it, because the business could have been done by means of letters without incurring that expense, because you know that the journey of Mr. Rosales cost us thirteen dollars, and God knows how much that of D. Edwardo will cost us. This gentleman was very desirous to go to Angangueo, as he has availed himself of this circumstance to go there free of expense.

Besides, the putting up of the throne of the furnace (*chiflon*) has been delayed, as I have not been willing to determine the size of it, because, as it is to be of brick, I have desired that the smelter should determine this in order that he may have no excuse if it does not produce the desired effect.

And also, D. Edwardo is getting a salary of 12 dollars a week, and to employ him in things that another might do is to throw money away.

Finally, my friend, I speak with the frankness you desire; but were not this the opinion of the other gentlemen who see how things go on here, I would be silent and not say a word. By a letter to Mr. Halsey you can inform yourself of what I say, because in salary twenty-four dollars are spent, and there are persons who will not recognise those expenses.

I remit a bill on Mr. Gomez for $300, which money is absolutely needed here, and if D. Edwardo arrive, and can be here by Saturday, it would be best to send it by him.

A bill also goes on you for thirty-one dollars in favor of Santoyo, which you will please pay out of the hundred dollars for the oxide of lead; and if D. Edwardo brings the money from Angangueo, you can then collect the trifle due you, and remit the balance here.

I am very sorry I cannot now comply with your desire in regard to the $250, because as you know the bills of exchange pass through the hands of Mr. D——, *and this gentleman has not yet* placed my own at my disposal.

I desire you to continue to pay the weekly stipend of the carpenter, Fernandez, who is now the only one.

Have the goodness to send me your accounts, in order that I may thus know what I am to charge in the books.

Many regards to all friends, and receive you those of the gentlemen here, of my brother and your friend, JORGE GARDINER.

D. ANTONIO QUIROS.

Superscribed, "To D. Antonio Quiros," "College of San Nicolas," "Morelia."

Endorsed, "Received February 5, and answered the 6th."

[A. J. H.—No. 7.]

SAN JOSE MIRAFLORES, Feb. 10, 1845.

ESTEEMED FRIEND: The servant Juan Saito arrived at this place without accident with the money, and last night D. Edwardo also arrived in good health. I am sorry that the little time allowed by these posts, and my many occupations, do not permit me to write with the attention demanded by friendship; but you can excuse these unavoidable defects.

In regard to the journey of D. Edwardo I have nothing to say, and only repeat, that what I did say was said in compliance with the frankness due to friendship, and in order to remind you of the sentiments of the other partners; but all that has passed, and I hope that these disagreeable occurrences may have an end.

We have done much here during the last week, still, on account of an unfortunate fatality, the smelting has not yet commenced, but I now believe that we have not to fear a much longer delay.

It gives pleasure to see the mine, the improvement is admirable, and the vein has nearly the four varras in width that has been ascribed to it, and all of it is good ore. Favored by good luck, and having no further accidents, all will go well.

Receive the sincere regards of my brother and Messrs. Guillot and Da Costa, and command your friend, &c. JORGE GARDINER.

D. ANTONIO QUIROS.

P S Regards o the partners Camancho and Maldonado

Superscription, "To D Antonio Quiros, by favor Morelia."

Endorsed, "Received the 12th, and answered the 13th February."

[A. J. H.—No. 8.]

SAN JOSE, MIRAFLORES, February 11, 1845.

ESTEEMED FRIEND: The bearer goes for the sole purpose of delivering to you the present, with the enclosed bill of exchange for one hundred and fifty dollars, which is expressly for the purchase of oxide of lead, which you can find in that city. In the house of Patino there is about 1,500 lbs., (*sesenta arrobes,*) and you may be able to find some also in other shops. Patino did not wish to sell his for less than two dollars *an arroba*, (25 lbs.,) and if that price be still maintained it is necessary to take it; perhaps you may be able to obtain it in small quantities. The object is to purchase it large, because it is absolutely necessary to have it; with sixty or eighty arrobas (1,500 or 2,000 lbs.) we shall have sufficient.

In case you should not be able to obtain the litharge, it is desired that the bill be returned here without being presented.

If the oxide of lead be obtained, it is desired that it be sent as soon as possible by those who bring freight from there, who will bring it at $1 75 a mule load of three hundred pounds. For this purpose it would be well to obtain the services of the two brothers Martinez, who can provide muleteers; and in case they will not, we shall have to pay $3 freight.

It is desired that the money which may be over be returned here by the bearer, D. Antonio Bayon, and we desire him to return with a definite answer, in order that in case you cannot obtain muleteers there, we may send them from here; so that what happened to us the other day, when Mr. Alexandre collected from us half freight and came with unladen mules, may not occur again; consequently, on the return of Bayon, we desire to know positively if any oxide of lead will come, what quantity, or if it be purchased only, and whether we can send for it with security; at all events, it would be best if muleteers could be procured there.

It appears to me that it is probable that some oxide of lead may be obtained now at the house of Lariatigui; in fine, we expect that you will do all that is possible; and with that hope, I pray you to excuse your friend, &c., JORGE GARDINER.

D. ANTONIO QUIROS.

P. D.—D. Edwardo wants two dollars' worth of segars.

Superscribed, "To D. Antonio Quiros, by Extraordinary Courier, College of San Nicolas, Morelia."

[A. J. H.—No. 9.]

SAN JOSE MIRAFLORES, February 24, 1845.

ESTEEMED FRIEND: I have received your esteemed favor of the 18th, and the bill by you; the money has not yet arrived here, but probably will arrive to-morrow, consequently I have nothing to answer until I know with certainty the quantity and other circumstances in respect to the oxide of lead; except to give you thanks for the efficiency and promptitude with which you have aided our undertaking.

I have to inflict on you another trouble, which is, that you inform yourself how much lead there is in *all Morelia*, at what price it may be obtained, and whether it would be possible to purchase on three months' time, on account of the negotiation. We wish to know the same with regard to oxide of lead, because, all that which will come by the muleteer will last only two or three days' smelting, and we shall have to stop until the silver be refined.

I do not know how we shall make out with the ore of Mr. Ojeda. I have been to his mine, and all his ore, which he shew me, is a hundred per cent. inferior to ours. It has a bad appearance, and if we take it, it will only be in order not to lose all the money already advanced.

As it always happens to fall to my lot to write on Sunday, and late at night, I cannot report at length in respect to the negotiation. I will only say, that we have encountered unforeseen obstacles, but that they are already overcome; that our greatest affliction is the want of oxide of lead and lead, and that the mine gives us every day greater proof of its value.

I request you again to give the information I ask in regard to lead and oxide of lead; and, with sincere regards to Messrs. Camacho and Maldonado, I am your sincere friend, JORGE GARDINER.

D. ANTONIO QUIROS.

Superscribed, "D. Antonio Camacho, Morelia."

Endorsed, "Received the 18th, and answered 20th February, 1845."

[A. J. H.—No. 10.]

SAN JOSE MIRAFLORES, February 24, 1845.

ESTEEMED FRIEND: I received your esteemed favor of 2d instant, and notice all you say in regard to the oxide of lead and lead, upon which I shall say nothing now, because the mail is about to leave. I will see to-morrow when the servant of Mr. Guillot leaves if any thing occur.

I remit you a bill of exchange on Mr. Gomez for six hundred dollars, and at the same time I have drawn on you a bill in favor of Alijo Abalos for fifty dollars, and another in favor of Mr. Guillot for eighty-seven dollars, and another of eleven dollars in favor of the bearer, D. Esteban Santoyo. You will take the $39 50 which is due you on the oxide of lead, the sum total being $187 50, and do us the favor to send us the balance by Mr. Santoyo, or Halsey, if he arrive there (*este*) by Saturday.

The shortness of time will not permit me to say more. Sincere regards to the partners, and command your friend, &c., GEORGE GARDINER.

D. ANTONIO QUIROS.

On the outside, "Please see if there be any letters for Mr. D. Costa in the house of Gomez or in the post office."

Superscribed, "To D. Antonio Quiros, by favor Morelia."

Endorsed, "Received 26th, and answered 27th February, 1845."

[A. J. H.—No. 11.]

HACIENDA S. JOSE MIRAFLORES,
March 3, 1845

ESTEEMED FRIEND: I received to-day your esteemed favor and the $400 of the bill of exchange, and again trouble your attention to remit to us some *arobas* (an aroba is 25 lbs.) of powder, as many as the bearer can bring; one aroba of steel, and about six dozen ropes. You will have to obtain all on credit, because it will not now be easy to send a draft, but probably it may be during the ensuing week.

At the same time I request you to please send to the post office for my letters and remit them to me. All of us here are in tolerable health; and, with my kind regards to the partners, I am your sincere friend, GEORGE GARDINER.

D. ANTONIO QUIROS.

(On the outside.) You can send the 150 lbs. of powder, as a mule goes on our account.

Superscription, "To D. Antonio Quiros, College of San Nicolas, Morelia."

Endorsed, "Received the 3d, and answered the 6th instant."

[A. J. H.—No. 12.]

S. JOSE MIRAFLORES, March 9, 1845.

MY DEAR SIR AND ESTEEMED FRIEND: I received with your esteemed favor of the 6th the powder, steel, and ropes; and the smelter of whom you speak, and who we need, (were in need of,) has arrived to-day. I write you with my usual haste, as those who do our errands are casual, and we must avail ourselves of all opportunities. I can only say to you and partners that to-day we have commenced smelting with one furnace the *greasy* ores (slabs?) and to-morrow and the day after we shall follow with the leaden ones with small quantities of our selected ore. As we are in want of leaden ore and oxide of lead, we shall have to go on by degrees with our ores until they themselves give us a sufficient supply of oxide of lead.

The bellows and furnace are admirable, and as we have desired.

The mine never has given such ore as it gives now, because the stones contain real wires of native silver, and every thing announces a happy future.

I enclose to you a draft on Gomez for $300, in order that you may pay yourself for the powder, steel, and ropes; and in order that you may please remit me a quintal of round iron, not very thick, or rather one half of it small and the other half middling; and I draw a draft on you in favor of Santoyo for $17, requesting that the balance of the $300 be sent me by the bearer for the weekly expenditures. Santoyo assures me that the bearer is an honest man, although I do not know him; but I have employed him and one mule, because the money and iron are absolutely necessary.

The servant of Mr. Guillot bore a request to the house of Amescua for them to obtain something, and as he will not return yet it is desired that what he requested may be sent by the bearer, if you will take the trouble to send for it. If there be any way of disguising the money so that they may not know what they bring, in my opinion it would be well.

On Saturday, God willing, the silver will be refined, and we shall see what proportion (of gold) our ore will give. With sincere regards to the partners, I am your friend, GEORGE GARDINER.

The bearer is to have $1 75 for the journey.

Superscribed, "To D. Antonio Quiros, College of

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THE REPUBLIC.

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San Nicolas, Morelia."

Endorsed, "Received the 12th, and answered the 13th instant."

[A. J. H.—No. 13.]

SAN JOSE MINAFLORES, March 27, 1845.

ESTEEMED FRIEND: Mateo arrived to-day, and I see with great regret the sad picture you depict us of our hopes; I have not yet changed my opinion, and every day I am more convinced that there is wealth (gato encerrado) concealed in it. D. Guillermo called here on his way and will return within a few days. He said that the ore was handsome and there was no doubt of its quality; that the furnaces (caja de los) were too large, and that all the ore had come out more or less as it went in the furnace, without being melted; in fine, he left me a few notes, and according to them the furnaces are being altered. The assaying of the chacuaco ore was also unfortunate, as 12½ pounds of lead were lost, and from 25 pounds of ore there was only obtained ½ of an ounce of silver.

D. Edwardo has made lately thirteen assays of very inferior ore, and has obtained silver, but of a poor quality. To-morrow he will make others, but of ores chosen by ourselves. I cannot comprehend where the mulica exists, but this gentleman has become just the opposite of what he was, and as before he took pains to be well with us, and to defend and give assurances of the good quality of the ore, he now looks upon all with displeasure, &c., &c., and says it is useless to smelt again.

D. Guillermo is to return here in about eight days, and then the furnace will be replaced, and we shall then see if he extends his hand to us as he has promised.

All is stopped less the arranging of the furnace, and I hope that, although we be without money, the second assay will give better hopes.

M. Da Costa will naturally give you his opinion; and I do not write more on account of want of time, as it is twelve o'clock at night. Regards to the partners, and receive you those of my brother, and of this your friend,

GEORGE GARDINER.

D. ANTONIO QUIROS.

Superscribed, "D. Antonio Quiros," Morelia.

[A. J. H.—No. 14.]

SAN JOSE MINAFLORES, 15th April, 1845.

MY DEAR AND ESTEEMED SIR: I am very sorry if, in my former letter in which I complain of my honor being severely attacked, I have offended any person innocent of the charges that I make against some of the partners. At the time of writing it, all, except those who always reside here, were in that city.

If it were addressed to you, it was because you were the legal channel of our intercourse, because I assure you that were I certain of the individual or individuals who have so grossly attacked me, "another cock should crow to them;" that my expressions were strong—I believe that language does not possess any term sufficiently strong for the injury done, and I am only sorry to trouble those who were not guilty, but my expressions were general, and he alone should be offended who knows himself in fault.

How is it possible that the credit of a man should be considered so lightly? How is it that any one

[illegible] I am your friend, &c.

GEORGE GARDINER.

D. ANTONIO QUIROS.

Superscription, "To D. Antonio Quiros," "College St. Nicolas," "Morelia."

[A. J. H.—No. 15.]

$70 62½ SAN JOSE MINAFLORES, Dec. 15, 1844.

Please pay to the order of Esteban Santoyo the sum of seventy dollars sixty-two and a half cents, for value received, and charge the same to the company's account. GEORGE GARDINER.

D. ANTONIO QUIROS.

Received, Morelia, December 18, 1844.

SANTOYO.

[A. J. H.—No. 16.]

SAN JOSE MINAFLORES, Dec. 16, 1844.

Please pay to the order of D. Faustino Hernandez the sum of fifty dollars, value received by this company. GEORGE GARDINER.

D. ANTONIO QUIROS.

COLLEGE OF ST. NICOLAS, MORELIA, December 24, 1844.

Pay to the order of Don Juan Medal, of the town of Tacambo. FAUSTO. HERNANDEZ.

TACAMBO, December 27, 1844.

Pay to the order of D. Eugenio Bermijillo of Paracuaro. J. MEDAL.

PARACUARO, December 25, 1844.

On account of the absence of Don Eugenio Bermijillo, the undersigned endorses this to the order of D. Agapito Solorzano. FRANCO. ARRIAGA.

Received, Morelia, December 27, 1844.

AGPTO. SOLARZANO.

[A. J. H.—No. 17.]

SAN JOSE MINAFLORES, January 12, 1845.

Please pay the bearer, Don Esteban Santoyo, the sum of seventy-two dollars fifty cents, for value received, and charge the same to the account of the negotiation.

GEORGE GARDINER.

D. ANTONIO QUIROS.

Received, Morelia, January 16, 1845.

ESTEBAN SANTOYO.

[A. J. H.—No. 18.]

SAN JOSE MINAFLORES, January 14, 1845.

Please pay to the order of the bearer, Don Alejo Abalos, the sum of seventy six dollars, for value received by this negotiation

GEORGE GARDINER.

D. ANTONIO QUIROS.

COLLEGE OF ST. NICOLAS, MORELIA.

Received, Morelia, January 15, 1845.

ALEJO AVALOS.

[A. J. H.—No. 19.]

SAN JOSE MINAFLORES, Jan. 15, 1845.

Please pay to the order of D. Edwardo, slave, the sum of forty dollars, and charge the same to the account of the negotiation. Hacienda.

GEORGE GARDINER.

D. ANTONIO QUIROS.

Received, Morelia, January 17, 1845, for my father. RAFEL ORTIGA.

[A. J. H.—No. 20.]

$31 S. JOSE MINAFLORES, Feb. 3, 1845.

Please pay to the order of D. Estiban Santoyo, the sum of thirty-one dollars, and charge to the account of the negotiation.

GEORGE GARDINER.

D. ANTONIO QUIROS.

Pay to the bearer, Juan Salto, February 3, 1845.

ESTIBAN SANTOYO.

[A. J. H.—No. 21.]

$50. SAN JOSE MINAFLORES, Feb. 23, 1845.

Please pay to the order of D. Alijo Abalos the sum of fifty dollars, and charge the same to negotiation. GEORGE GARDINER.

D. ANTONIO QUIROS.

Received, Morelia, February 27, 1845.

ALIJO AVALOS.

[A. J. H.—No. 22.]

$87. SAN JOSE MINAFLORES, Feb. 24, 1845.

Please pay to the order of D. Yeidoro Guillot the sum of eighty-seven dollars, and charge the same to negotiation. GEORGE GARDINER.

D. ANTONIO QUIROS.

Pay to the order of D. Esteban Santoyo.

YEIDORO GUILLOT.

Received, Morelia, February 26, 1845.

ESTEBAN SANTOYO.

[A. J. H.—No. 23.]

$11. SAN JOSE MINAFLORES, Feb. 24, 1845.

Please pay to the order of D. Esteban Santoyo the sum of eleven dollars, and charge the same to the account of the negotiation.

GEORGE GARDINER.

D. ANTONIO QUIROS.

Received, Morelia, February 26, 1845.

ESTEBAN SANTOYO.

[A. J. H.—No. 24.]

$17. SAN JOSE MINAFLORES, March 9, 1845.

Please pay to the order of D. Esteban Santoyo the sum of seventeen dollars, and charge the same to the account of the negotiation.

GEORGE GARDINER.

D. ANTONIO QUIROS.

SAN JOSE MINAFLORES, March 9, 1845.

Pay to the order of D. Leonidas Valenzuela.

ESTEBAN SONTOYO.

Received for Mr. Valenzuela.

QUINTANA.

[A. J. H.—No. 26.]

$10. MORELIA, November 9, 1844.

Received of D. Antonio Quiros ten dollars, as a partner in the mining negotiations of Curucupaseo, for his part of one share, at $10, for the purchase of animals for the negotiation.

GEORGE GARDINER.

[A. J. H.—No. 27.]

$20. MORELIA, July 18, 1844.

Received of D. Antonio Quiros the sum of twenty dollars as partner in the mines the "Union" and "Genio," ten dollars for tools, seven on account of expenses of denouncement, &c., and three dollars corresponding to the weekly expenditures for the first week which commences next Monday, 22d instant.

GEORGE GARDINER, Treasurer.

[A. J. H.—No. 28.]

$70. COLLEGE OF ST. NICOLAS, MORELIA, November 24, 1844.

MY DEAR SIR: Please pay at sight to the order of D. Faustino Hernandez the sum of seventy hard dollars, value received, and charge the same to the account of your obedient servent.

GEORGE GARDINER.

D. ANTONIO QUIROS.

DECEMBER 24, 1844.

Pay to the order of D. Juan Medal, of Tacambara. FAUSTINO HERNANDEZ.

TACAMBO, December 24, 1844.

Pay to the order of Eugo. Bermijillo, of Paracuara. J. MEDAL.

PARACUARA, Dec. 25, 1844.

On account of the absence of D. Eugenio Bermijillo, the undersigned endorses to the order of D. Agapito Solarzano.

FRANCISCO ARRIAGA.

Received, Morelia, December 27, 1844.

AGAPITO SOLARZANO.

[A. J. H.—No. 29.]

MORELIA, August 25, 1844.

As treasurer of the company who work the mine Guadalupe, and others that we have denounced, I received of the citizen D. Antonio Quiros, a partner of said company, two dollars ninety-four cents, being his share of the cost of the denouncement of the water of the reducing establishment of Rinson, for the smelting of the ores of said mines.

GEORGE GARDINER.

$8. [A. J. H.—No. 30.]

MORELIA, August 31, 1844.

As treasurer of the company who work the mine Guadalupe, &c., I received of D. Antonio Quiros eight dollars for two weekly payments of expenditures, one payment extraordinary of five dollars, and another of three, the week to commence the second day of the coming month; those who refuse to pay must continue to pay according to what was last agreed upon by all the partners.

GEORGE GARDINER.

[A. J. H.—No. 31.]

Regulations of the Mining Company of Curucupaseo.

[First part not in original paper.]

of ores, employing for this purpose all the clerks that may be necessary.

[illegible]

6. To recommend any thing to the corresponding committee.

7. To purchase and sell things of small amount, but never to sell the principal property of the company without the consent of all the parties.

8. To keep the general and special books, as also the one called *De Actas*, which shall be provided for the purpose, and in which shall be established the part that each partner may have.

9. Any of the individuals to preside at the ordinary and extraordinary meetings, except when there be any accusation pending against them.

10. Lastly. To direct the mines, the reduction of the ores, and the financial department of the company, with full liberty and absolute independence in respect to which no one of the partners shall have any thing to say, in order that the directors' department shall be alone responsible.

The attributes of the corresponding committee shall be to receive and fulfil all the commissions with which it may be encharged by the direction department.

9. The department of the direction, and the corresponding committee, shall be renewed every six months, and any of the same individuals may be re-elected, if at a general meeting it be so ordered.

10. They may be removed before this period on account of bad management, incapacity, or bad faith in the direction, the working of mines, reduction of ores, or in any other business of the company.

11. In order that the foregoing articles have effect it is necessary it be decided upon at a general meeting by two-thirds of the partners, excepting the votes of the directors.

12. If the resignation of the directors be of their own accord, and without notice, it cannot be admitted until a person be found in the company or out of it to replace them, the which shall be appointed by a majority at a general meeting.

13. The directors are not to have any salary, and there shall be only allowed them, for their living and office expenses, one hundred dollars a month for the two, which sum shall be paid out of the common fund.

14. The company names the partners and citizens Bonifacio Gonzales, George Gardiner, directors for the six months, beginning from to-day; and the citizens Antonio Quiros and Mariano Maldonado, as the corresponding committee.

15. The members of the company shall meet at a general meeting, in person or by their representatives named simply by a letter, on the first day of May and first of November of every year, in order to revise the accounts and attend to all business that may be presented; but the days afore cited can be changed whenever any unforeseen circumstance may require it; but this must not prevent the meeting from taking place during all the month of May and November.

16. Extraordinary meetings may be had whenever two individuals of the company require it, in order to take into consideration any subject that may (be) of interest to the company; and to obtain this meeting application shall be made to the directors, who shall take the necessary measures for it to take place

17. In deciding upon the business of the company, each partner of all have only one vote, whatever may be the part he holds in the company, and the majority shall decide. If, on voting, there result a tie, two disinterested persons—one by each side—shall be chosen, and, if necessary, a third shall be chosen by both, who shall decide definitively, except in cases in which are positively needed two-thirds of the votes.

18. If any circumstance should hinder a full ordinary or extraordinary meeting, it shall be considered as installed when six of the partners meet; but an account of what may have been agreed upon shall be immediately given to the absent partners.

19. When any partner shall resolve to sell all his part to any one not a shareholder, he shall advise the directors of it previously, if no prejudice can arise to the company from such sale, in order that it may have the preference; but in case any prejudice may arise, then the notice shall be given afterwards, so that the company may avail itself of the one and exclude the other. Should the sale be of a part of a share, notice shall be given of it under the same conditions, in order that the company may have the preference, and also in order that the following article may have effect:

20. No purchaser of a part of a share, who is not already a partner of the company, shall be considered as such except for the reception of his share of the dividends, and shall have no voice nor vote in matters of business.

21. If in future any of the partners purchase the entire interest of another or others, he shall replace the vendor or vendors in regard to their right of voting.

22. When the case occurs of the company's having a surplus of money in its favor, the directors shall order the respective dividends to be paid according to the shares each partner may hold; the same to be repeated tri-monthly, and in the months of November, February, May, and August, of each year.

23. All silver which may belong to the company shall be remitted to Mexico for the purpose of obtaining the advantages of exchange.

24. These regulations may be altered in the whole or in part, as experience may indicate, according to the decision of the majority had at a general meeting.

And all the partners having agreed to the foregoing articles, sign the same, to be governed by them, and make them valid.

Morelia, November the ninth, eighteen hundred and forty-seven.

The foregoing is a copy taken from the original existing in the archives of the directors of this negotiation, same date. (*Fluent supra.*)

Signed by B. Gonzales, Andres J. Halsey, O. M. Da Costa, Antonio Quiros, Marb. Maldonado Neira, George Gardiner, Isidoro Gillot, J. B. Halsey, Simon Rosales, Ignacio Camacho.

[A. J. H.—No. 34.]

MORELIA, 3d January, 1845.

Fourth seal, twenty-five cents. For the years 1844 and 1845.

[L. S.] By the present it is proved that there has been sold to Mr. Andrew J. Halsey a half a share in the mine called Guadalupe, and its corresponding share in the establishment for the reduction of silver ore, called San José Miraflores, for the sum of three hundred dollars, which I hereby acknowledge to have received to my entire satisfaction; and for his security I extend this document of sale. And if this document be insufficient, I promise to make him another public one, and in due form.

(Signed) BONIFICIO GONZALEZ.

Signed as witnesses:

GEORGE GARDINER,

J. C. GARDINER.

[A. J. H.—No. 35.]

MORELIA, November 10, 1844.

Mining Company of Curucupaseo.—Bond No. 3.

We, the undersigned, B. Bonificio Gonzales, George Gardiner, Andrew J. Halsey, John B. Halsey, Mariano Maldonado Neira, Isidore Guillot, Antonio Quiros, Ignacio Camacho, Simon Rosales, and Pelegrin M. Da Costa, the only partners in the negotiation called the Mining Company of Curucupaseo, recognise Andrew J. Halsey as owner of two parts or shares of the twenty-four into which this negotiation is divided. Entered in the corresponding book.

Signed by Bonifacio Gonzales, Antonio Quiros, Marion Maldonado Neira, George Gardiner, Isadora Guillot, P. M. Da Costa, Andrew J. Halsey, Ignacio Camacho, Simon Rosales, J. B. Halsey.

Mr. R. L. Jones, of Guadalajara, and Captain Maddox, of the United States Marine Corps, were examined before the court adjourned. Their evidence will appear on Monday.

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THE REPUBLIC.
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Newspapers Mailed for Cuba.

The Captain General of Cuba has notified the American Consul at Havana that in obedience to an order of the Spanish government no transmission will be given in the mails of that Island to any newspaper unless it be secured with a single band only, in such manner as to admit of its examination without tearing the band or cover; and that if any letter be found therein it will be taken out and properly directed, and the postage charged on it according to the place it comes from. The Captain General further declares that under the name of newspapers (*periódicos*) all kinds of printed matter will be included. The order went into effect on the 1st instant.

Vice President King's Reception at Havana.

We have reason to believe that the statements which appeared some time since in some of the public journals, to the effect that Colonel KING had been inhospitably treated at Havana by the Captain General of Cuba, were quite unfounded. On the contrary, from intelligence which we deem authentic, we are confident that the attentions of General Cañedo to Colonel King, from the moment of the arrival of the latter, were assiduous, and marked by a spirit corresponding both to the high station and character of the Captain General of Cuba and of the Vice President elect of the United States. Accidents may have in some degree thwarted the hospitable designs of General Cañedo, but no doubt can be entertained that he had the kindest feelings for Colonel King.

[*Union of yesterday.*

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The Daily Picayune.
20 March 1853, 6

MASONIC.

Names of Officers—Time and Place Meeting.

JACQUES DE MOLAY ENCAMPMENT of Knight Templars meets the first and third Friday evenings in every month at Masonic Hall, on Baronne street, at 7 o'clock. Officers—W. W. Johnson, G. C.; S. S. Selleck, G.; W. Davenport, Capt. G.; W. P. Coleman, Prelate; J. McLaughlin, S. Warden; J. K. Caughlin, J. Warden; B. Magione, Treasurer. D. L. RICARDO, Recorder.

GEORGE WASHINGTON LODGE, No. 65, meets every Wednesday evening at Masonic Hall, corner of Baronne and Perdido streets. Officers—T. R. Brady, W. M.; F. Brichta, Jr., S. W.; H. R. Swasey, J. W.; M. A. Foute, Treasurer; F. A. Dentzel, Secretary.

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THE REPUBLIC.

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21 March 1853, 2

THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardiner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

SEVENTH DAY.—*Friday, March* 18.

[IN CONTINUATION.]

Mr. BRADLEY then submitted the following motion:

Criminal Court of the District of Columbia.

THE UNITED STATES vs. GEORGE A. GARDINER. } Indictment for false swearing.

The United States having read in evidence translations of certain papers in the Spanish language marked and numbered as follows: A. J. H. No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, and the defendant not having had heretofore an opportunity to examine and inspect the said original papers and translations, by his counsel, here in open court, prays the court for an order on the United States to file the said original papers in translations in this cause, and to place the same in the charge of the clerk of this court; with the further order that the defendant, and his counsel, may have full opportunity to inspect and examine the same, the said clerk taking care that said papers are preserved in their present condition, and from time to time, and at all times, have them ready to be produced in this court.

Mr. FENDALL said they were not done with the papers yet; they desired to examine them and make some notes of them. He hoped the motion would not be granted now, but let it go into effect to morrow. They ought not to be compelled to file the papers before to morrow.

Mr. BRADLEY said the papers had been read in evidence, and the defence had a right to examine them, and they ought to be filed with the clerk The defence could not examine them while in the possession of the Government.

The COURT ordered that the papers be filed by the United States to-morrow, as prayed by the defendant.

Richard L. Jones, sworn.

My name is Richard Lancaster Jones. I reside in the city of Guadalajara, in Mexico; it is in the State of Tlasco. Guadalajara is the capital of that State; it is a large city, containing about 110,000 inhabitants. I was born there, but have not always resided there; I was sent, when very young, to England to be educated; my parents are English. I returned to Guadalajara from England in 1843. In April, 1845, I went to the city of Mexico and returned from there to Guadalajara in the beginning of October, 1845. I have resided in that city ever since till 1848. I think the distance from the city of Mexico to Guadalajara is about one hundred and eighty leagues.

Mr. BRADLEY. By leagues do you mean the Spanish league.

Ans. I do.

Ques. How does it correspond with the English league?

Ans It is about eight per cent. less than the English league.

Ques. Do you know the distance from Guanajuata to Guadalajara?

Ans. Yes, ninety leagues. I have travelled it.

Ques. What is the distance between Guadalajara to Mazatlan?

Ans. I do not know. It is seventy leagues from Guadalajara to Tepin, and thirty from Tepin to San Blas, and from San Blas to Mazatlan you go by water, occupying in a sailing vessel four or five days, but that depends on the winds and other circumstances.

Ques. Have you been to Morelia?

Ans. I have.

Ques. It is the same as Valladolid, is it not?

Ans. It is.

Ques. Is it not the capital of the State of Michoacan?

Ans. It is.

Ques. How far is it from the city of Mexico to Morelia?

Ans. I do not know the distance. The distance is generally made by stage in two days' travel. They travel only in the daytime, but they start about 4 o'clock in the morning.

Ques. Do they not drive with extraordinary speed in those diligences in Mexico?

Ans. Not much. They make generally about thirty leagues a day, or about eighty or eighty-two miles.

Ques. I understand that you returned from the city of Mexico to Guadalajara in October, 1845?

Ans. I did.

Ques. I ask if you know George A. Gardiner?

Ans. I do; I knew him in Guadalajara. I saw him there a month, more or less, after I came back from the city of Mexico, say in the month of November, 1845.

Ques. After you first saw him, did you see him often?

Ans. Almost every day. He lived in the house of a French gentleman named Mr. Pedro Aguere, who lived in a corner house, not twenty yards from where I lived; it was nearly opposite, rather a little oblique; it was just across the street.

Ques. Do you know what his occupation or business was at Guadalajara while he was there?

Ans. I knew it to be that of a dentist, because I saw his sign. The words on it were "Dr. George Gardiner, surgeon dentist." (Repeats in Spanish.) The sign was on the street door of the house in which he lived.

Ques. In whose house was it?

Ans. Mr. Aguere's.

Ques. Were you acquainted with Mr. Aguere?

Ans. I was.

Ques. You say that you saw Dr. Gardiner almost daily; do you know how long he remained at Guadalajara after you first saw him?

Ans. He remained to the latter part of November or to the beginning of December, and then went to the fair of San Juan de los Lagos.

Ques. How do you know he was there?

Ans. I know that he was at the fair because I saw him there in December, 1845. The fair at San Juan de los Lagos is an annual fair; it is held from the 1st to the 12th of December.

Ques. What day in December do you think it was you saw Dr. Gardiner at the fair?

Ans. I cannot tell the precise date that I saw him there. I left Guadalajara on the 28th of November and arrived the next day, the 29th, at San Juan de los Lagos.

Ques. How far distant is it from Guadalajara?

Ans. About forty leagues. It is a day's travel; a diligence runs there. A diligence in Mexico answers to our or an English stage.

Ques. When did you leave the fair?

Ans. I left the 18th of December. It was between the 1st and the 18th that I saw Dr. Gardiner. I saw him there.

Ques. Where did you go then?

Ans. I returned to my home in Guadalajara.

Ques. Did you meet George A. Gardiner again?

Ans. I met him again in Guadalajara. I saw him there the latter part of the same month, (December.)

Ques. How long did he remain there?

Ans. He remained there until about the middle of February, 1846.

Ques. Did his sign as a dentist remain there during the time he remained?

Ans. Yes, sir.

Ques I will ask you if you became acquainted with him intimately?

Ans I only spoke with him once, a few days before he left the last time.

Ques. Had you an interview with Dr. Gardiner after he returned, before he left in the middle of February, 1846; if so, where did you see him?

Ans. I met him under the portico of Mr. Aguere's house; it was after his return from the fair. Mr. Aguere stopped me and asked my commands for the port of Mazatlan. Dr. Gardiner was present. He mentioned to me that Dr. Gardiner was going with him. Dr. Gardiner then said, I am tired of this place, and am going up to the northern part of the country, I think he said, but do not know whether he said northern part or Mazatlan.

Mr. BRADLEY. You don't know whether he said Mazatlan, Durango, or the northern part of the country?

Ans. He said Mazatlan, or the northern part, but I don't know which. He said I don't like to interfere with my friend Dr. Skinner. Dr. Skinner was practicing dentistry in Guadalajara. And he said he was going up to Mazatlan, or the northern part of the country, I don't know which, to try his fortune.

Ques. Is this the same person you knew in Guadalajara, and with whom you had this conversation?

Ans. It is. I am not mistaken. I saw him after that in the latter part of August, or in September, 1846. I had no conversation with him then.

Ques. Is your memory clear as to the dates you have mentioned?

Ans. It is as to the months, but I am not certain as to the dates. I saw him in November, 1845. I returned to Guadalajara in the beginning of October, and saw him there about a month after I saw this person. I saw his sign; and he remained there till about the beginning of December. I saw him almost daily. He went to the fair of San Juan de los Lagos. I saw him there between the 1st and the 18th of December. Subsequently he returned to Guadalajara, and he remained there till February, when I had this conversation. I saw him next in August, 1846, in Guadalajara.

Ques. Are there any circumstances by which you can fix the day?

Ans. I fix the day because a revolution took place in Guadalajara on the 20th of May, and ended on the 12th of August, 1846; and it was after the revolution that I saw him. I saw him next on the English packet Trenton, at Vera Cruz, in January last. We left on the 8th of January.

Ques. Did you know him when you saw him?

Ans. I immediately recognised him. No one pointed him out to me. I knew him at once when I saw him on the British packet.

Cross-examination.—Mr. BRADLEY. Are you sure this is the same person?

Ans. I am.

Ques. Are you as positive of that as of the identity of any other person?

Ans. I am.

Ques. Was there any other Dr. Gardiner there?

Ans. There was not to my knowledge.

Ques. When you first saw him in January last you recognised him immediately?

Ans. I did.

Ques. Had he changed any?

Ans. A little.

Ques. Did he speak Spanish or English in the conversation you had with him?

Ans. Spanish.

Ques. Did you have only this one conversation with him?

Ans. That was all.

Ques. You never met him in society?

Ans. I never did.

Ques. Did he speak Spanish or English at that time?

Ans. Spanish.

Ques. You never met him in society?

Ans. Never.

Ques. How old are you now?

Ans. Twenty four years.

Ques. You say Mr. Aguera stopped you seven years ago last February, and asked you if you had any commands for Mazatlan?

Ans. Yes, in February, 1846.

Ques. That is the only time you ever heard him speak to you?

Ans. Yes.

Ques. Have you any recollection of the appearance of the sign?

Ans. I recollect very well it was on a piece of tin. I did not examine it particularly. It was of a dark brown color, with black letters.

Ques. Do you recollect very well the name on the sign?

Ans. Yes; it was "Jorge Gardiner, Surgeon Dentist."

Ques. You recollect very well; it was *J o r g e*, was it?

Ans. Yes.

Ques. That you recollect *very* distinctly?

Ans. Yes.

Ques. You met him in February, 1846?

Ans. Yes, in the latter part of August, or in the beginning of September.

Ques. How often did you see him in August?

Ans. I only saw him once.

Ques. Did he put up a sign there?

Ans. No.

Ques. Do you recollect where you met him?

Ans. No; I don't recollect the place.

Ques. Do you recollect any of the circumstances?

Ans. No.

Ques. He put up his sign in February, 1846, after he returned from San Juan de los Lagos?

Ans. Yes.

Ques. Had he the same sign up there that he had in 1846?

Ans. I think it was.

Ques. Who went to Guadalajara to find you on

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the subject?

Ans. Mr. James Wright.

Ques. When did he come there?

Ans. He came there in December of last year.

Ques. Did you return to Mexico?

Ans. No.

Ques. What time did you come to Mexico?

Ans. I arrived in Mexico the 18th of the same month, December.

Ques. And you remained there until you started for the United States?

Ans. Yes.

Ques. With whom did you come in company from Mexico to Vera Cruz?

Ans. I came in company with Mr. Jas. Wright and Mr. Togno.

Ques. And with the gentlemen who went out on the commission?

Ans. No; only Mr. Togno, Mr. Wright, and Mr. Hargous.

Ques. Were there no persons with you who came as witnesses?

Ans. Yes; Mr. Togno, Mr. Lewis, and Mr. Wright. I do not recollect any others.

Ques. Did you leave the city of Mexico before the commission had returned from the interior of Mexico?

Ans. No; they had arrived before I left.

Ques. Before you left the city of Mexico, had you understood that Dr. Gardiner and two of his friends were in the country of Mexico?

Ans. Yes.

Ques. From whom did you receive the information?

Ans. I do not recollect.

Ques. Was it the subject of conversation between you four gentlemen?

Ans. I do not recollect at all.

Ques. Were you informed, before you got to Vera Cruz, that Dr. Gardiner and his two friends were there, or how did you understand it?

Ans. They did not inform me; I only heard they were there.

Ques. You did not understand whether the commissioners had seen them or not?

Ans. No, sir.

Ques. But you understood that Dr. Gardiner and his two friends were in the Republic of Mexico somewhere?

Ans. Yes, sir.

Ques. Did you understand where?

Ans. No, sir.

Ques. On your way down from Mexico to Vera Cruz, did you, Mr. Wright, Mr. Lewis, and Mr. Togno converse about this case?

Ans. I think we did.

Mr. BRADLEY. It was perfectly natural. I should have done the same thing myself under the circumstances. I don't see any thing improper in that.

Ques. You were not more than seventeen years old, if my arithmetic is right, at the time Dr. Gardiner was in the city of Guadalajara?

Ans. I was a little more than seventeen.

Ques. That depends on when you date your birthday.

Ans. I was twenty-four years old last August.

Ques. You see some change in his personal appearance since you saw him in Guadalajara. Describe what change there is in his appearance?

Ans. I think he looks older and thinner now.

Ques. Do you observe any change in complexion? Is he not darker?

Ans. No, I think not.

Ques. What was the age of the man you saw in Guadalajara?

Ans. I think he must have been about twenty-four.

Ques. You saw him almost daily. Do you remember whether he had a moustache at that time?

Ans. I think he had.

Ques. Did you observe whether there was any defect in his eyes or any scar?

Ans. No; I do not know that I saw him closely enough for that.

Ques. But you stopped and talked with him?

Ans. Yes, sir.

Mr. BRADLEY. That is all we want at present.

Mr. MAY. You are not a citizen of the United States?

Ans. No, sir, I am not; I am a subject of the British crown.

Mr. BRADLEY. Was not your father naturalized in this country?

Ans. No.

Mr. MAY. Your mother was an American lady?

Ans. No, she was an English lady.

Mr. MAY. Did your father marry in this country?

Ans. He married here.

Mr. BRADLEY. What was his given name?

Ans. Richard.

Mr. BRADLEY. Well, I think I'll find his naturalization papers.

Mr. MAY. That is all, Mr. Jones.

Captain William A. T. Maddox, sworn.

Mr. MAY. You are a native of this city?

Witness: A native of Charles county, Maryland.

Ques. Do you reside here?

Ans. Yes.

Ques. Are you acquainted with George A. Gardiner?

Ans. Yes.

Ques. Do you recollect having met with him any time in the year 1846? And if so, state when and where.

Ans. I met Dr. Gardiner at Mazatlan in the year 1846, between the 29th of April and the 18th of May, of 1846.

Ques. Are you precise about that?

Ans. Yes, sir. I visited that port in the United States ship Cyane; was officer of the ship; I know that was the time I was at the place by an abstract of the journal I kept myself, a copy of which was made by one of my men.

Ques. How do you fix the time so as to know for certain that it was between the dates mentioned?

Ans. I fix that by the arrival and departure of the ship.

Ques. Were you an officer of that ship?

Ans. I was.

Ques. Was that your own journal?

Ans. It was my own journal.

Ques. How do you know that this is the same person you met in Mazatlan?

Ans. I met with him subsequently in Washington city, and talked with him about having met him in Mazatlan.

Ques. State what he said?

Ans. I said that I had met him there on such an occasion; he said he recollected me, except some change in my appearance.

Ques. Did he not admit that he had met you?

Ans. He did.

Ques. What was the occasion of your meeting him in 1846, and the place in Mazatlan where you met him?

Ans. It was at the dinner table of Mott, Talbot & Co., American merchants.

Ques. Did he admit in your conversation with him having met you at that table?

Ans. He did.

Ques. Did you meet him afterwards in Mazatlan?

Ans. I met him on the next day.

Ques. Where is Mazatlan?

Ans. On the Pacific side of Mexico.

Ques. What was the occasion of your conversation with him in this city?

Ans. On an occasion at night; we were walking from a private house in this city. I mentioned to him that I had met him before, and the occasion. He said he recollected the occasion and me, but thought that I had changed some. That was in the year 1849.

Mr. BRADLEY. Captain Maddox, at what house did you meet him?

Witness. It was at a very reputable house.

Ques. I do not doubt that; and if you have no objection, would like to have the name given; but do not wish to press it.

Ans. It was at the house of Mr. Lauck.

Ques. That was in the evening.

Ans. Yes, sir, at night.

Ques. You are a captain of the Marine Corps.

Ans. Yes, sir, am a brevet captain that corps.

Ques. You met him at the house of Mr. Lauck?

Ans. I was introduced to him in the house, but it was on leaving the house, walking to my apartments, that I spoke to him on the subject. He walked with me till we came to the place where he turned off to his own apartments.

Ques. What time in the year was it?

Ans. It was in the winter, which I only know from my habit of living up town during that season of the year; in the winter of 1849.

Ques. Was it in the winter of 1848 and 1849 or 1849 and 1850?

Ans. I think it was in the winter of 1848 and 1849. I know that it was between the two.

Mr. CARLISLE. Do you understand the question? Was it in the winter which began in 1849 or in 1848?

Ans. I know that it was in the winter beginning in 1848.

Mr. BRADLEY. Have you any recollection of the period of the year?

Ans. I have not. But I recollect that it was when I had my apartments at the corner of F and 14th streets.

Ques. You recollect how long you were there?

Ans. I lived at the barracks part of the time. In the winter I lived up town, and sometime into the spring.

Ques. Do you recollect whether you occupied those apartments more than one winter?

Ans. I occupied them only one winter.

Ques. To what extent did that conversation pass respecting your meeting?

Ans. I reminded him of our having met, and he recollected me with the exception of my personal appearance.

Ques. Did anything else pass upon the subject of your having met?

Ans. Nothing, except that I had met him at that dinner.

Ques. Can you think of any circumstances to recollect the particular time?

Ans. I cannot. I know that it was in the winter of 1848 and 1849, by my keeping those apartments.

Ques. Which corner of F and 14th streets were your apartments?

Ans The southwest corner.

Ques. What apartments did Dr. Gardiner occupy?

Ans. When he left me he said he was going to his apartments at Mrs. Thompson's, and turned off towards them. I did not then know the place, but have learned since the house which it is said she occupied.

Ques. Have you met with Dr. Gardiner since that time?

Ans. I have; met him frequently both before and after that time.

Ques I understand that it was at the house of Mr. Lauck's you first met him to be introduced to him?

Ans. That was the first time I was introduced to him—at Mr. Lauck's house.

Ques. Do you recollect of whom you rented the rooms?

The witness first said that he did not recollect, and afterwards gave the name of Parish.

Ques. How can you ascertain the time when you rented the apartments?

Ans. I ascertain by the receipt I took of what I paid.

Ques. You do not doubt that it was in the year 1846 that you were at Mazatlan.

Ans. I do not.

Mr. BRADLEY. We do not object to the date.

The court here adjourned.

The proceedings of Saturday are unavoidably deferred until to-morrow.

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THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardiner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

EIGHTH DAY—*Saturday, March 19.*

Captain Maddox, recalled.

Mr. May. You were requested yesterday to make some examinations of dates in order to support your memory in regard to the time you had a meeting here with the accused, George A. Gardiner. Have you done so?

Ans. Yes.

Ques. What is the result?

Ans. I have ascertained that I was living at the colonel's house in the winter of 1849 and 1850, and that I spent two winters in the city. I was here in the winter of 1848, 1849

Ques. Well, sir, did you locate the time of the interview when you had this conversation with Dr Gardiner in the winter of 1848, 1849, or 1849, 1850?

Ans. It was in the winter of 1849, 1850.

Ques. Were you correctly understood yesterday as saying that when you had the interview with Dr. Gardiner he did not recognise you?

Ans. No. I think he did recognise me. He thought I had changed some—that I had grown a little larger, and that I had more beard.

Ques. Did you know his brother?

Ans. I know him by sight only.

Ques. Was he at Mazatlan at the time you met George A. Gardiner there?

Ans. Not that I know of; I never saw him to my knowledge until I came to this city. A gentleman was pointed out to me as his brother.

Ques. You yesterday thought you left the city in 1849 Was it so?

Ans. I find it was in 1850. I lived at the house the corner of F and 14th streets the first winter. I went there about the 9th of December, 1849, and left in the latter part of May, 1850. It was between these two periods of time that I had this interview with Dr. Gardiner, and it was then that he told me he was living at Mrs. Thompson's.

By Mr. Bradley. You never were at Mazatlan except upon the single occasion which you have mentioned?

Ans. Yes, I have been there before; I was at Mazatlan for the first time in January, 1846, and remained there until February 27 of the same year.

Ques. That was the first visit you ever made?

Ans. Yes.

Ques. You were never on that coast until 1846?

Ans. I was never at Mazatlan until 1846.

Ques. Have you any means of fixing in your memory now, since reflecting upon it, the period of this interview with Dr. Gardiner in this city, whether it was early or late in the spring?

Ans. I made his acquaintance, on my return, at the house of Mr. Lauck. On my return to Washington I was taken down with a long sickness of pneumonia. I kept no journal, and have no distinct recollection of the time.

Ques. You returned before 1849?

Ans. Yes.

Ques. But the introduction was in 1849 and 1850?

Ans. That was my impression.

Ques. The circumstance fixing it upon your mind is that you lived in the house?

Ans. Yes.

Ques. My question was, whether it was early or late in that winter?

Ans. I do not recollect. I might find out, however.

Ques. You do not recollect when you first began to visit at Mr. Lauck's?

Ans. No.

Ques. Do you recollect whether it was at your first visit?

Ans. O, yes. I had been visiting at Mr. Lauck's before. It was not my first visit.

Ques. But it was the first time you met him there?

Ans. Yes, it was the first time I met him there.

Ques. And when you came out this conversation passed?

Ans. Yes.

By Mr. Bradley. I understood you yesterday to say that Doctor Gardiner did not recognise you at first, but that you reminded him of having met him at Mazatlan, when he remembered you, and said that you had changed some.

Ans. That was what I said. He said that I had changed some in my appearance; that my beard had grown out, and that I was stouter.

Ques. Do you mean that he recognised you as Captain Maddox; as the same person that he had met at Mazatlan?

Ans. I stated that he recognised me, and, that he said that I had changed some.

Ques. I understand you to say that he spoke of the time, place, and circumstances of his meeting you?

Ans. Yes.

By Mr. May. Mr. Bradley has asked you whether this was your first visit at Mazatlan in that year?

Ans. It was not.

Ques. How are you able to fix—can you fix—this dinner at Mr. Talbot's house to have been at the second rather than the first visit of the ship?

Ans. I recollect it from the fact that there was a little misunderstanding between Mr. Talbot and myself, because I did not visit there socially at my first visit. I dined there often afterwards.

Ques. I understand that you did not dine there at your first visit?

Ans. At my first visit, I dined there once by special invitation.

Ques. Can you repeat the names of persons who were there?

Ans. I can repeat the names of some who were there. There was a Captain Percival of our navy, a Captain Hamilton of the English navy, and several other persons whose names I do not remember.

By Mr. Bradley. Do you know who else were at the table?

Ans. No; he was a very hospitable man and always had some spare plates, and we would step in and dine, as we would at a hotel, on almost any day.

Ques. Was Dr. Gilchrist there?

Ans. I do not think he was. The officers of the squadron often dined there. I recollect seeing Dr. Gardiner there. I know his face. It is one that cannot be mistaken after once seeing him.

Ques. After your return, I understand you saw him at Mr. Lauck's house?

Ans. I had seen him before, but had not renewed my acquaintance till I met him at Mr. Lauck's house.

Ques. I understood you yesterday to say that you were introduced to him at Mr. Lauck's house; that you went out together, and that this was the time you had the conversation?

Ans. I do not say it was on the same evening; it may have been.

Ques. I understand you to say that it was the first time you met Dr. Gardiner, and that in going out you had the conversation?

Ans. It may have been the same evening, but I am not certain.

Ques. Have you been to the house this morning to ascertain if he resided there?

Ans. To refresh my memory I went to the house this morning, and the lady of the house told me that he was residing there at that time. I wanted to be positive as to the time I was living at the house opposite there. She opened her book and showed me the time. He was there at the time. I did not know that Dr. Gardiner was residing there, except from what he told me himself. I went this morning to ascertain the truth of it. I never visited him there.

Mr. Bowers, recalled.

By Mr. May. Were you sworn in chief, or as a translator?

Ans. I was sworn in chief.

The Court. You were sworn both ways, I think.

Ques. State to the court and jury your name?

Ans. My name is Charles E. Bowers.

Ques. Are you a citizen of the United States; and if so, where were you born?

Ans. I am a citizen of the United States, and was born in the State of New York.

Ques. What is your profession or occupation?

Ans. I am a portrait and miniature painter.

Ques. Have you resided in the Republic of Mexico; if so, how long?

Ans. I reside I in the Republic of Mexico nearly or about eleven years.

Ques. Pursuing your profession?

Ans. Pursuing my profession in great part. I did other things.

Ques. Where have you resided in Mexico?

Ans. I have travelled over and resided in a greater part of the republic. I have been in Matamoras, Monterey, Saltillo, Durango, El Parral, Guadalupe Hidalgo, in the town of Dolores, in Culiacan, in the port of Mazatlan, Tepic, San Blas, Guadalajara, and Guanajuato. From Guanajuato I retrogressed, and went back to Guadalajara, and to San Blas, and to Acapulco. I then took passage for San Francisco, but stopped at San Diego, and from there embarked again and went to San Francisco. After being there some time, I returned to the port of Acapulco, in Mexico, and came up to the city of Mexico, where I resided up to the time I left—the 21st of December last—with the exception of a few months. I have resided also in the Pueblo Dolores.

Ques. Where is the Dolores you speak of?

Ans. This Dolores is south of Guadalupe Hidalgo.

Ques. In what State?

Ans. In the State of Durango or Sinaloa. I do not remember which. It is an insignificant town, where I went for my health.

Ques. It is not on the direct route, then, from Durango to Mazatlan?

Ans. It is on another road. It is on the direct road from Guadalupe Hidalgo to Mazatlan.

Ques. When did you reside in the city of Mazatlan?

Ans. You mean the city of Mazatlan on the Pacific coast; a port they call it, and it is a city also. I resided in the port of Mazatlan from almost the latter part of February up to about the middle of July of the year 1846.

Ques. Have you ever met with George A. Gardiner, the accused at the bar of this court? If so, where and when did you meet him?

Ans. I met him in the port of Mazatlan in 1846. I remember it perfectly well. I met him at a restaurant; we took our meals together and met there about the same time every day, because the hour of dining was about the same always.

Mr. Fendall. It was a public table, I suppose?

Ans. A public table, sir. He generally came accompanied by two or three friends. We sat down at the same table—a common table, which is called a round table, there—mesa redonda, in Spanish. He spoke very freely with his friends, and they spoke very freely with him. He spoke of having just then returned from a trip up the Gulf of California. I think he mentioned that he was at the port of Guaymas. I will not be very positive about that, however; but the port of Guaymas was frequently mentioned in their conversations.

Ques. You are not sure whether he said he had been there?

Ans. No; I think he did say so.

By Mr. Fendall. That port was frequently mentioned in conversation between his friends?

Ans. Yes. He spoke of having taken up a small quantity of goods, and of having sold them. He spoke of them as being only a small amount, and said he had sold them to advantage. He spoke of having been pleased with his trip. They were very lively and talkative on the subject. He also, during one of these conversations, on one of these occasions of our meeting there, manifested a desire or an intention that he had of going from the port of Mazatlan to some port in South America, for the purpose of going into some kind of coasting trade. His opinion was that a business might be done by purchasing goods in South America and bringing them from there and selling them in the Mexican ports, and so continuing and establishing himself in the trade. He said, also, and I remember it perfectly well—he said that he had spoken of this project to some persons in the port of Mazatlan; I will not be very certain, but I think he mentioned the house of Mott, Talbot & Co. He said, also, that, in order to carry on the business profitably, it might be necessary to have more funds than he then possessed. He said that he was going to Tepic, at which place he intended to speak with some merchant there on the subject, to see if some arrangements could not be made to carry out the project he had conceived. There he manifested his intention of embarking from San Blas and going to some port in South America. On the occasion of his speaking of going to Tepic, one of his friends said to him, "Gardiner, are you not afraid, you being an American, of travelling about in this republic, there being troublous times?"—the war being then about breaking out. I remember these words distinctly. He answered that he was not afraid; that he did not travel as an American, but as a Spaniard; that his knowledge of the language was such that no person could know possibly from his speaking that he was of any other country than of Spain, and he did not tell them that he was. I mentioned this fact, and also the fact of Mr. Gardiner's being at the restaurant, to an intimate friend of mine, a few moments after I had this conversation——

Mr. Bradley. I dare say it was a very pleasant conversation, but I don't think it interests us.

The Court. You cannot state the declarations of a stranger. You cannot state what was said by anybody else.

Mr. May. We dont ask him to say what he said, but that he mentioned the fact a few moments after with a friend.

The Court. That you may do, if he gives it as a reason why he recollects it.

Mr. Bradley. But he does not give that as a reason for remembering it. We don't object to his doing so.

Mr. May. Do let us hear the witness first.

Witness. The question was not asked me why I recollected it; what I said was, that I mentioned, after the conversation took place, and also before, his being there, and his being known as an American. I mentioned that there was an American travelling as a Spaniard.

Ques. Do you state that as the reason why you recollect it, or have you an independent recollection of it?

Ans. I state that I recollect it, and there is no doubt on my mind that the circumstances referred to caused me to remember it. I merely meant to say, that I mentioned the occurrence to a friend——

Mr. Bradley. That cannot be any evidence, I suppose.

The Court. If it is not a reason why he remembers it, then it is not evidence.

Mr. May. Then you can state the reason why you recollect it?

Witness. Why I recollect what?

Mr. May. The conversation.

Ans. This remark of Dr. Gardiner's, his travelling as a Spaniard, his being an American, (for I understood him as such,) made a very strong impression upon my mind, and I often have thought of it since. I have travelled throughout a greater part of the republic as an American——

Mr. Bradley. If you please, that won't do.

Mr. May. He is stating a fact. (To the witness.) Go on.

Mr. Bradley. He is going on and arguing now.

Mr. May. We don't want you to argue; state the reason why you remember.

Witness. These things made a strong impression upon my mind, because I had never before known of an American travelling in Mexico as a foreigner; I thought of it frequently. That is about all that I know of Dr. Gardiner. After seeing him there for some time—I do not remember how long—he left the port of Mazatlan, and I never met him again until I met him on board the steamer Trent at Vera Cruz.

By the Court. When was that?

Ans. It was the 5th of January last.

By the District Attorney. When did he leave the port of Mazatlan; how long after this conversation?

Ans. It was a short time after. I cannot remember how many days—a few days. He went away before I did.

By Mr. May. Can you fix the time of these interviews?

Ans. They took place in the month of May or June of the year 1846.

Ques. You are positive about that?

Ans. I feel very confident, very confident, because I know why it was.

Ques. How can you fix the date?

Ans. When I first went to the port of Mazatlan I went to a French restaurant to board. I remained at that restaurant a little over two months. From there I removed and went to an Italian restaurant, or a restaurant kept by an Italian. There was where I met this Dr. Gardiner in the month of May or June, 1846.

Ques. You are not mistaken about the year?

Ans. No; I know the year very well.

Ques. Are you able to refer to any letters or papers to show it?

Ans. I have a copy of a letter; a rough draft of a letter.

Mr. Bradley. If you have any paper let us see it.

(Witness shows a paper and proceeds.) I went to Mazatlan in the latter part of February, 1846. I remained there two months, which I recollect from the circumstance of having had a dispute with a man with whom I boarded about charging me board for two months.

Ques. You went to an Italian restaurant?

Ans. Yes; I went to an Italian restaurant kept by a man whom we called Don Cuvar. That was in May or June.

By Mr. May. You left Mazatlan when?

Ans. About the middle of July of the same year, 1846.

By Mr. Bradley. You boarded at the Italian's how long?

Ans. Until I left.

Ques. You say you never met him afterwards until you met him on the British packet Trent?

Ans. Until that time I never met him.

By Mr. May. Are you able to recognise him from your own unaided recollection?

Ans. I am. I recollected his face the moment I saw him.

Ques. I understand you to say you were a portrait painter?

Ans. I am, sir, a portrait and miniature painter by profession.

Ques. Are you able to remember faces particularly well?

Ans. I have a very strong recollection of faces, indeed. I have often recognised friends whom I had not seen for ten or eleven years; and have often been surprised and amused by persons who addressed me as if we were strangers, when I recollected them perfectly well. When I have once seen a face it appears never to change.

Ques. Do artists remember faces particularly well?

Ans. It is well understood that as a profession we remember faces well; and I never saw an artist that had not a good memory of faces.

Ques. Was this conversation of the accused here carried on in English or in Spanish?

Ans. It was in Spanish.

Ques. Did he speak that language well, or not?

Ans. He did; and it was the common remark of his friends who accompanied him. They complimented him frequently on his knowledge of Spanish; and I must confess I never saw a foreigner who spoke the language better than Dr. Gardiner did. He appeared to be perfectly familiar with it.

Mr. May. His statement was that he had been trading with goods up the Gulf of California?

Ans. That he had been up the Gulf of California with a small lot of goods; that he had sold them; and that it was a good trip. This I remember perfectly well.

Ques. Repeat what he said about establishing himself in trade?

Ans. He mentioned a design or intention of establishing himself in the trade. He mentioned that he had spoken on the subject to persons in the port of Mazatlan, and he mentioned, I think, that it was at the house of Mott, Talbot & Co.

Ques. Do you know whether or not he was a dentist?

Ans. I have no positive knowledge of the fact; but it was the general opinion that he was. I never heard him say he was or was not. People called him "Doctor" and "Don Gorge," (the Spanish for George,) and "Gardiner." I recollect the pronunciation of Gardiner very well. The Mexicans pronounced it Gar-de-ney er.

Ques. What was it he said about going to South America and trading up the Gulf?

Ans. He mentioned a desire of going to South America, purchasing goods there, and bringing them up the Mexican coast for sale.

Ques. Tell us something about his getting the means for that purpose?

Ans. He said that to carry on the trade profitably, it would be necessary to have more means than he possessed.

Ques. And he said he was going to San Blas?

Ans. He mentioned that he was going to Tepic, there to converse with merchants upon the subject of his project in trade, to see if any and what arrangement could be made. From there he intended to go to San Blas, he said, and embark to South America.

Ques. Can you recollect whether or not the United States ship Cyane was there at that time, or about that time?

Ans. The Cyane was there at the time I was in the port of Mazatlan; I went on board of her.

Mr. Bradley. That is not the question.

Mr. May. The question is whether she was there at the time you had this interview with Dr. Gardiner?

Witness. She was there about that time; I cannot state precisely the day I went on board the Cyane. I went on board with some ladies

Ques. Who commanded the ship?

Ans. I do not remember the commander. I went on board the Savannah first, by invitation of Commodore Stout; and while on board that vessel we were invited to go on board the Cyane the same day. The two ships were lying close together.

Ques. Did Gardiner appear to be changed in appearance when you met him on board the British packet Trent?

Ans. I did not notice any very great change in him. His beard appeared to be longer than I had been in the habit of seeing him wear it in the port of Mazatlan, and he looked a little thinner, I think. His face was very near the same as now. His face now perhaps has a little de per red than it had at that time.

Ques. Did you observe his complexion on the British packet?

Ans. His complexion on the British packet was pale. It indicated that he had been ill or was sick, or something.

Ques. Have you visited the State of San Luis Potosi?

Ans. Yes, I have.

Ques. Have you visited the city of that name?

Ans. I have.

Ques. When?

Ans. We went there in November, 1851.

By Mr. Bradley. You say "we" went! Who was with you?

Ans. I went up in company with Mr. Slacum from Washington.

By Mr. May. You remained with Mr. Slacum while there and returned with him?

Ans. Yes.

Ques. In what character did you go?

Ans. I went as secretary or clerk to Mr. Slacum.

Ques. Mr. Slacum went there as a commissioner of the United States Government?

Ans. Yes; on the Mexican commission.

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Ques. Can you tell me the distance from San Luis Potosi to Queretaro?

Ans. I have always understood it to be sixty leagues.

Ques. How far is it from the city of San Luis Potosi to Guanajuata?

Ans. I do not know.

Ques. Do you know how far it is from Queretaro to Guanajuata?

Ans. It is one day's journey in a diligence; thirty leagues, or about ninety miles.

Ques What is the distance from Guanajuata to Guadalajara?

Ans It is about three days' journey in a diligence; we calculate distances in Mexico by days' journeys.

Ques. And then how far is it from Guadalajara to Mazatlan?

Ans. From Guadalajara to Tepic it is five days' journey on horseback; we calculate fifteen leagues, upon the average, for a day's journey upon horseback, which makes 75 leagues; from Tepic to Mazatlan it is seven days' journey—about 105 leagues; I never travelled upon that road, but it is always called seven days' journey by travellers in Tepic.

Ques. What is the most direct and most usually travelled road from Mazatlan to San Luis Potosi?

Ans The easiest road perhaps would be a little further than the most direct route; the two would be decidedly by way of Tepic, and from Tepic to Guadalajara, from Guadalajara to Guanajuato, and from there to San Luis Potosi; or to Queretaro, and thence to San Luis Potosi. (Witness here recapitulated the distances from place to place as given above, and continued:) The distances, I beg leave to remark, are not measured by compasses on the map; we take the traveller's way of computing them—so many leagues on his back and so many in a diligence; we always take them to be correct, allowing a little more or less

Ques. By Mr. MAY, (exhibiting to witness the treaty map of Mexico on file in the State Department, and calling his attention particularly to the region of Mexico just described.) I wish to ask you whether, from your recollection of the topography of the country, you consider the location of those places on this map perfectly correct?

Ans. They are perfectly correct, and the directions are correct, according to the best of my knowledge.

(Witness further explained the map, and various positions, routes, and distances.)

Cross-examination of Mr. Bowers.—Mr. BRADLEY At what point did you enter Mexico?

Witness. I entered Mexico at Matamoras, and then I went over a northern route across the country, by way of Monterey and Saltillo, to Durango.

Ques. At what time were you at Durango?

Ans. I think it was eight or nine months after I arrived in Matamoras. I arrived there in November or December.

Ques. Of what year?

Ans. The year 1842, I think. As I have not my note book, I cannot state positively.

Ques. From the month of November or December, 1842, eight or nine months brought you down to August or September, 1843?

Ans. Then I took one month or more at Monterey, and on the journey in passing to Durango, for the purpose of looking round the country.

Ques. Then you arrived at Durango some nine or ten months after arriving at Matamoras?

Ans. About that. I do not recollect how long I stayed there.

Ques. At Durango?

Ans. Yes, sir; I cannot tell.

Ques. Did you ever return to Durango after leaving it?

Ans. No, sir.

Ques. How long you stayed there you cannot say?

Ans. I cannot say.

Ques Do you recollect whether you spent the winter there?

Ans. I do; I remember it rained very much while I was there. It was in the winter of 1843 and 1844.

Ques What time did you leave Durango?

Ans. I cannot tell precisely; but I think I left in the summer of 1844, to go to El Parral.

Ques. Was it in the summer of 1844?

Ans. I think it was. I will depend upon you to make the calculation.

Ques. Then we you went to Guadalupe Hidalgo?

Ans. I went to El Parral. I stayed three two or three months. I was there in the fall; and rather late in the fall I started to Guadalupe Hidalgo.

Ques I suppose you staid a short time at Guadalupe Hidalgo?

Ans. No, sir; I staid there a long time.

Ques. What sort of a place is it; is it marked on any map?

Ans. It was not on any map that I have seen. It was a mining place that sprung up very rapidly, and I was told that it had at one time ten thousand inhabitants. I was very much discouraged when I went there. I made soon, however, the acquaintance of several English persons; I found many good inhabitants; and several very rich Mexican families. I had a great deal to do there.

Ques. Was mining carried on to any extent when you were there?

Ans. The mine had given out, but was still worked to some extent; it had been opened for some years; but do not recollect how long. It had been a very rich mine.

Ques. Where was that at?

Ans At Guadalupe Hidalgo; do not recollect how long I was there, but spent the winter there. I left in the winter of 1845 and 1846. It was a cold climate. From there I went down south.

Ques. How long were you there?

Ans. I think I was there at Guadalupe Hidalgo a little over a year.

Ques. You think it was a little over a year?

Ans. A little over a year.

Ques. It was in the winter of 1845 and 1846 that you left?

Ans. Yes, sir; from there I went to Dolores.

Ques. At Dolores you staid a short time?

Ans. Some nine or ten days; I went there for the benefit of my health; Guadalupe is very high, and the mountains there are almost always covered with snow; you go down into the valley, and there you find green corn and every thing in full bloom; the descent is very rapid; the change is very great; below you find every thing in the verdure of spring, while you leave behind the mountains covered with snow; I staid only a few days at Dolores to recruit my health, and then went to Cullican.

Ques How long did you stop there?

Ans. I staid there but a short time. I do not remember how long, but I think it was a month.

Ques. When was that?

Ans. I was there in the month of February, 1846; I then went to Mazatlan, where I remained till July, 1846; I then went to Tepic; I do not know how long I staid there, but I spent the next winter of 1846 and 1847 in Guadalajara.

Ques. In the winter of 1846 and 1847 you were in Guadalajara?

Ans. I was.

Ques. Where were you in the time of peace?

Ans. I was in Guanajuata.

Ques. When the city of Mexico was taken you were in Guanajuata?

Ans. I was.

Ques. Had you protection?

Ans. I had no protection except my letter of protection—an old one which I did not have renewed on account of the war. I resided there in Guanajuata pursuing my profession. I was well known to be an American. They called me familiarly a "Yankee." But I always objected to that, because I did not like the meaning the English put upon the term "Yankee," it being used for any thing mean. I told them I would not stand that, but to call me an American.

Ques. Did you know Dr. Gardiner's companions?

Ans. He was generally in company with several persons I knew every one of them by sight perhaps, but one of them I knew particularly well.

Ques Can you tell his name?

Ans. I can tell his name.

Ques. Was he a Mexican or foreigner; what was his name?

Ans. He was a Mexican, and his name was Lenlo; he was in the custom-house.

Ques Were there any English, Americans, or any other foreigners besides those you have mentioned doing business in Mazatlan?

Ans. The house of Mott, Talbott & Co. was almost the only one. There was another house, that of John Parrot; but I do not think he was at that time doing any business. The American consul had charge of the house; Mrs. Parott was there; I saw him and told him that I had letters, but they were in my trunk, and I could not get at them to deliver them at the time.

Ques. Did you know the members of the house where you staid?

Ans. I knew, personally, most of the people in the house; we were not, however, very familiar together; they had their business and occupations to attend to, and I had mine.

Ques. Did they converse in the English language?

Ans. None of them spoke in English to my knowledge; the daily intercourse between them was in Spanish; I never was formally introduced to them; I met them frequently at the table, and I made remarks frequently at the table; it is customary there not to wait for an introduction; when you enter the rondo or public house, on going in you say "Good morning;" they answer, "Good morning, will you take breakfast, or join us," at the table; and if you have taken breakfast, they say, "Will you repeat your breakfast," or some salutation of that kind.

Ques. Do those salutations pass at every meal?

Ans. I never went into company without making a salutation as I entered the house.

Ques Though you were in the habit of meeting the same party round the table, the same salutation would pass at every meal?

Ans. It would.

Ques. Every man that goes into the house says the same thing?

Ans. Yes, sir.

Ques. Suppose several persons were to go into the house together, would one man speak for the whole party?

Ans Sometimes every man would speak, saying "Good morning;" and sometimes one man would speak for the whole party. There is no rule about it. Society is very hospitable there.

Ques. Are you familiar yourself with the Spanish language practically?

Ans. Yes, sir. I am acquainted with the Spanish as well as the Mexican.

Ques. Are you familiar with the Spanish language spoken at Havana?

Ans. It is the same as the Mexican Spanish. There is a difference between the old Castilian Spanish and that spoken in Mexico, Havana, and all South America. I have never resided much in Havana, but I have seen and conversed with Habaneros in Mexico.

Ques. Did you ever reside in Havana?

Ans. I never resided there, but stopped there a few days, and conversed a good deal in Spanish with gentlemen from Havana.

Ques. Do you know whether they were old Spaniards or Habaneros?

Ans. I think they were both. The Habaneros speak the same language with the Mexicans. The educated Castilians, residing in Havana, the old Castilian language.

The witness here went into a critical explanation of the difference between the language spoken by the native Habaneros and the pure Castilian dialect as spoken by educated Spaniards of Spain.

Ques. Did I understand that Dr. Gardiner spoke the Spanish language with more than usual purity; that the correctness with which he spoke it was so striking as to attract your attention?

Ans. He spoke the Spanish language with remarkable purity; his pronunciation was as clear as that of the old Spanish, with more correctness than any foreigner I ever saw in Mexico

Ques What passed between you and Dr. Gardiner when you met at the restaurant?

Ans I simply said "Good morning," and he returned the salutation; I never remember making more than one or two remarks; I made a remark when he was speaking about what a good business might be done in travelling between South America and Mexican ports, that I did not think much could be made of it; that I knew some who had tried it, but had not made much at it; I remember perfectly well that the reply to my remark was almost a monosyllable; he did not enter into any discussion upon the subject.

Ques. Did he reply?

Ans. In a monosyllable, or something like it.

Ques. Do you know whether anybody told him that you were an American?

Ans. I do not recollect hearing any thing said upon the subject. I never said any thing about it myself, because everybody knew me to be an American.

Ques. Were your salutations always in Spanish?

Ans They were in Spanish.

Ques. When people asked questions in Spanish the answers were in Spanish?

Ans. They were.

Ques I think you said that he had more flesh in Mazatlan, and was not as thin as he was when you saw him at Vera Cruz?

Ans. At Vera Cruz he looked paler, and perhaps a little thinner; there was only a slight difference in his appearance I should have known him.

Ques. You say the difference was slight?

Ans A very slight difference.

Ques. You think his beard was as long?

Ans His beard was a little longer. I noticed it because he dressed very nicely in Mazatlan; and the people there did not usually wear long beards. If he had had a long beard at Mazatlan I should have remembered it.

Ques. You have stated that you recollect faces perfectly well; can you tell the age by the general appearance?

Ans. That is a subject which I trouble myself but little about.

Ques. What age do you think Dr. Gardiner was at the time you saw him?

Ans. I cannot say. I cannot think, in justice to myself, of deciding upon his age.

Ques. You have no opinion upon his age?

Ans. I recollect that he was a young man, not a middle-aged man. He had not very smooth skin, but looked manly. I do not mean boyhood, but that he had nothing of the roughness of age or of youth; that he appeared to be developed and looked manly and fine. He appeared to be very lively, and he and his friends seemed to enjoy themselves very much.

Ques. You have told all the circumstances which you recollect, have you?

Ans. I believe I have.

Ques. When you met him on board the Trent, at Vera Cruz, had he as long a beard as at Mazatlan?

Ans. He had; when he was in the port of Mazatlan he had not such a large beard; not so long.

Ques. Did not that long beard strike you particularly?

Ans. No, sir; because we frequently see people with long beards in Mexico.

Ques. Was not his beard unusually black?

Ans. Not as black as some I have seen on the dark-skinned Mexicans, but for a white man it was very black; his moustaches were thicker, longer, and larger on board the Trent.

Ques Not so large as to strike you as a deformity?

Ans. It was nothing strange for me to see large moustaches, for people wear long moustaches in Mexico; sometimes awfully long.

Ques. Did you meet him to speak with him on board the Trent?

Ans. I did.

Ques. You went in 1851 with the commission. From that time have you been engaged in this business; talking about it from time to time?

Ans. I never was engaged in it except with Mr. Slacum; I never heard anybody speak about it; because I am systematic in my business, and when I am not particularly engaged on one business, I drop it. It was occasionally my business to talk about it. I saw a great many things that other people did not know.

Ques. My object in asking you this question was to know whether or not the subject was in your mind. When the commission arrived in Mexico did you see them?

Ans. I did, before they went into the country and on their return.

Ques. Did you understand that Dr. Gardiner was in the country, and that his two friends were with him before your arrival at Vera Cruz?

Ans. I heard in Vera Cruz that two friends were with him.

Ques. How long were you in Vera Cruz before you embarked?

Ans. I think I was there two days.

Ques. Did you not understand that Dr. Gardiner and his two friends were there before you went on board the Trent?

Ans. I did.

Ques. The people talked about his being on board the Trent, and you were prepared to meet the Doctor there?

Ans. Yes, sir; but I should have known him if I had not heard of his being there.

Ques. You were prepared to find Dr. Gardiner on board the Trent?

Ans. There is no doubt of that. I had understood he was there, and expected to find him. I went from Mexico to Vera Cruz with the commissioners, but did not go into the country with him.

Ques Were you required to come here last spring?

Ans. Mr. Letcher spoke to me about coming; I could not come, and declined.

Mr. MAY. Did you know any other person but this in Mexico as Doctor Gardiner?

Ans. I never knew any one as Dr. Gardiner but this one. I saw his brother two or three times in Mexico. I saw him when I was with Mr. Slacum, and before that time. I saw him in October, 1851, just before I went up with Mr. Slacum. I saw him again in San Luis. It was in the month of November or December that I saw him in San Luis Potosi; and I saw him after that in the city of Mexico. I saw him in San Luis when Mr. Slacum was there.

Ques. You stated no person aided you in identifying Dr. Gardiner on board the ship; were there not others on board that ship?

Ans. There was a number of persons on board; also a large number of officers, and other people on board the English packet.

Ques. Was he alone by himself when you identified him?

Ans. He was not alone by himself. There were other persons near and about him. I identified him from among them.

Ques. Do you consider it a disreputable business in Mexico to keep a monte table?

Mr. BRADLEY objected to the question.

Mr. FENDALL said that Mr Wright had been asked if he had not kept a monte table in Mexico, the object of the question being to discredit him by showing that he had been engaged in a disreputable business. It was but just that they should be allowed to show now that keeping a monte table was not considered in Mexico a disreputable business.

Mr. CARLISLE thought that it might with equal propriety be asked of a witness who had gone to Turkey, and kept his dozen concubines while he had a wife at home, whether that act was considered disreputable in Turkey. This was a trial of George A. Gardiner, and this question, whether it is or is not disreputable in Mexico to keep a monte table, has nothing to do with this case. This case was to be tried here by an American jury, upon an American standard of morals, and not upon any standard of morals known in Mexico.

Mr. MAY considered it but right that the United States should be allowed to show that in Mexico it is not considered immoral or disreputable to carry on this business. Mr. Wright did not carry on the business here; but in that country where the highest dignitaries of the land, civil and religious, perhaps engaged in the business without forfeiting their positions in society. He never saw much difference between those who play with gamblers and the gamblers themselves, provided the latter play fairly. In England it was well known that high dignitaries of the church saw nothing disreputable in horse racing, fox hunts, and card tables, while here such things would be out of place in the occupation of a clergyman.

Mr. BRADLEY said that Mr. Wright was an American, was born in New York, and could not shield himself with the excuse that he was brought up in a country where these things were familiar, and where the customs and habits of the people sanctioned the keeping of such gambling establishments. This jury was sworn to try Dr. Gardiner, and no evidence on any other issue was admissible. This was not the way to sustain a witness whose character had been impeached; the way to do it was to call witnesses to prove his good character.

Mr. FENDALL rejoined.

The COURT. It is proposed to ask this witness if it is considered in Mexico discreditable to keep a monte table, which I understand is a species of gambling. The question is objected to on various grounds. Among them that it is collateral, and would lead the court to other issues in which they are not engaged. There is force in that remark. But still, if the proposed evidence related to a Mexican, a man brought up in Mexico, it might be admissible although collateral; but, as it refers to a man brought up in America, I do not think the evidence is admissible. I do not say it would be admissible if it was the case of a Mexican. That question may come up, and I do not say any thing now one way or the other about it.

Mr. BRADLEY. What were you paid for coming to the United States as witness in this case?

Witness. I was paid, before I left Mexico, one hundred and fifty dollars, to pay some necessary expenses—some debts. Mr. May paid all my expenses to Washington, and I have received from Mr Wallach that which he said was legal, to pay—I think the sum of one hundred and eighty dollars—since my arrival.

Ques. What time did you arrive here?

Ans. I arrived here on the seventeenth of January last.

Ques. Was there any arrangement except that you were to have your expenses paid?

Ans. Mr. May said that the Government did not expect me to sacrifice my business, and to lose all my time; that the Government would see me compensated for loss of my time and necessary neglect of business.

Ques. How much did you receive during the year 1851 for your services?

Ans. I think the gross amount is about $500, exclusive of my expenses, which the Government defrayed.

Ques. I understand that you had no other arrangement with the United States except that the Government did not expect you to come here at a loss to you in your business?

Ans. That is all.

Ques. Nothing in the way of damages?

Ans. No, sir.

Ques. How did you ascertain the sum of money you would have made, had you remained at home, so as to charge for your services?

Ans. I suppose Mr. May knew what my business was and what I ought to be paid; I lived in the same house with Mr. Black, the American consul; he and I occupied the same house; he occupied the front and myself the back rooms; we eat at the restaurant; we each paid our own rent for the house, though we occupied it jointly; I worked with Mr. Smith; was his clerk, or secretary and translator; Mr. Smith speaks the Spanish language well, but does not write it as well, and I acted as translator and secretary.

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Ques. You are also a teacher of the art of drawing?

Ans. I am, and also engaged in painting.

Ques. Had you constant occupation?

Ans. I had.

The witness then asked if he could leave the stand and remain in the court, which was granted.

Benjamin E. Green, sworn.

I was secretary of the American Legation in Mexico; I went out in August, 1843; I reached there in the early part of September. I remained there about six months as secretary; afterwards I remained as Acting Charge d'Affaires in the absence of General Waddy Thompson. I left in the early part of 1845—being there in all about eighteen months.

Ques. Did you see George A. Gardiner, the accused, in Mexico at that time?

Ans. I saw George A. Gardiner in the city of Mexico frequently.

Ques. What was his business or occupation?

Ans. That of a dentist. I never knew that he had any other.

Ques. What were his means and resources, so far as you could tell from his appearance?

Ans. I can only tell you what were the appearances. They were those of a person dependent on his profession as a dentist for support; of course I knew nothing of his private means.

Ques. When did he leave the city of Mexico?

Ans. I cannot say when he left the city of Mexico, but I saw him there in 1844. I got home here myself in January, 1845; I left there in November or December of 1844.

Ques. Do you know where he went?

Ans. I do not. I saw him just before he left. He said he was going away; I asked him where he was going, and he said into the interior. Interior means leaving the city of Mexico, no matter where you may intend to go, almost anywhere. He said he was going to the interior; and that he might probably go to Mazatlan, or some other port on the Pacific; from there he might go to South America, if he did not succeed in travelling through the country. I have no distinct recollection of the language he used.

Ques. Did he say what he expected to succeed in?

Ans. He did not; my relations with him and knowledge of his affairs were such that I took it for granted he——

The COURT. That will not do. What you supposed is not evidence.

Witness. Well, this I know that he said it would depend on his success whether he went to South America, and if he should decide upon going to South America, he wanted to secure a passage on a national vessel, in an American ship of war. He wished me to write him a letter to secure him a passage, but I am not sure whether I wrote it or not; it was a letter to the officers of some of our men-of-war ships on the Pacific. I did not see him after that time, which was in 1844, till I saw him here in this city. I may have seen him there after that conversation, and doubtless did, but he left a few days after. If I gave him a letter it was immediately or within a few days after that conversation; I am under the impression that I did do so. I met him here in 1848—9 after the Mexican war; I saw him frequently. I do not remember any such person as J. E. or Andrew J. Halsey in the city of Mexico. I had repeated conversations with Dr. Gardiner here.

Ques. What did you talk about?

Ans. A great variety of subjects; I met him frequently in society; we talked about a claim against the United States—a claim to be presented to the commission; he said he had a claim not only of his own but other claims also. I know Dr. Gardiner and his brother also; I had repeated conversations with both of them; had conversations with them together; they both at different times, and while together, spoke of these claims which they had for themselves and others before this Board of Commissioners; they said they wished me to prosecute them; I had no detailed conversation with either of them respecting the nature of their claims.

Ques. Did they, or either of them, say they were interested in a claim against the Government?

Ans. They did not speak of any specific claim, but they spoke of "our claims;" which may have been those they represented for others. They said nothing of any specific claim of their own.

Ques. This is the same person now in court whom you saw in the city of Mexico, and who was a dentist there?

Ans. This is the same person. I know his brother, but I never saw him in Mexico; if I did, I do not recollect it. In reference to the conversation as to these claims, I would say, that in June, 1849, I was suddenly applied to by Mr. Clayton to go abroad, and when I went I expected to be gone only about two months. I left the city very suddenly, and made my arrangements in a great hurry.

Mr. BRADLEY. You went to San Domingo, did you not?

Ans. Yes, sir. I left Mr. Clarke in my office, and to attend to my business in my absence. About this time I had a conversation with both of them, and a more distinct one with John Charles Gardiner, who called at my office. I met them almost every day. They occupied rooms on F street, near the Treasury building. I had so many conversations and interviews with them respecting their claims, that my memory is at fault as to any particular conversation with either of them, or when they both were or were not present. I told him I expected to be absent two months, and would be back in time to attend to these claims before the commission, and also Porte's claim before Congress. Porte was a Frenchman, whose claim I thought would eventually have to go before Congress. They said they were both interested in claims generally, but said nothing of any partnership between them.

Ques. When did you get here, Mr. Green?

Ans. This morning, sir; I had no sleep last night, and would be glad to get off as soon as you can let me go. I was not summoned till this morning, just after I got here.

Cross-examination.—General Waddy Thompson was minister in Mexico when I went there as secretary; he left and I remained there as acting chargé until Mr. Shannon came. I do not remember applying to General Thompson for letters in behalf of Dr. Gardiner. I think the conversation with Dr. Gardiner was after General Thompson left.

To Mr. MAY. I was not employed to prosecute the claims they spoke of. I had no knowledge of the specific character of the claims until after the award was made.

Ques. Was any thing said about their having a joint interest in a claim?

Ans. No, sir; but they said they had a number of claims of their own, and could control a number of claims beside their own. Perhaps I should correct my language and say they were authorized to employ me in a number of claims, and could control others. They said they had claims, of which they spoke as "our claims," and that there were others which they could control and were under their direction. Nothing was said about the amount of the claim; my compensation was to be ten per cent. on the amount awarded them.

James W. Argus, sworn.

I am a citizen of the United States. I was born in the city of New York. I reside in Elizabeth town, New Jersey. I was not summoned to come here. I came to Washington on my own business, and was summoned after I got here. I resided in the city of Mexico. I first went there in 1832; I returned to the United States in 1835, I think. I remained in the United States and went back to Mexico in 1842, and returned again to the United States in 1848, with the last division of the American army.

Ques. Between 1842 and 1845, then, you were in the city of Mexico?

Ans. I was, except a while when I was in the city of Puebla. I was in Puebla when General Worth's army was there. I am acquainted with George A. Gardiner who sits here in court. I knew him in the city of Mexico from the time of my last visit in 1842 till the spring of 1844, or early in the summer of that year. I am not precise as to the time.

Ques. State what was his occupation or business?

Ans. He pursued the business of a dentist; he had no other business, to my knowledge.

Ques. State what were his means and resources?

Ans. I presumed he lived on his business, I knew nothing to the contrary. If he had been a man of wealth I would in all probability have known it; I was in his rooms, and knew him to be a practicing dentist. I saw his instruments in his room; they were lying on the table. I never was at his dwelling. His office was like other similar offices; it was well furnished as a dentist's office. I do not think he kept a horse or carriage. I never saw the doctor in a carriage, though I have seen him on horseback; I do not know that he owned the horse; there are several livery stables there.

I have heard he was engaged or interested in a mine. I knew the Halseys; I am not acquainted with their handwriting nor with the handwriting of Dr. Gardiner; I have seen one of the Halsey's write, but would not know his handwriting. The Halseys were acquainted with Dr. Gardiner. I know Mr. Da Costa, and he was acquainted with Dr. Gardiner; I have seen them all in Mexico, though I cannot say I have ever seen them all together at one time. I do not know Don Antonio Quiros; I have never been in Morelia. I think Dr. Gardiner left the city of Mexico in the spring of 1844; I had no communication with him as to where he was going; I never saw him in the Republic of Mexico after that time.

Cross-examined.—I saw him here two years ago when he was before the commissioners; I never met him to speak with him till I met him this morning in Mr. Bradley's office. One of the Halsey's was a writing-master. It was my impression that he lived well; he dressed well, for if he did not he would not get any business. There were other dentists in the city of Mexico; I think he did a good business. There was one French dentist and one German dentist there. Dr. Segur was in business with him. It was said that Dr. Gardiner retired from business, and Dr. Segur took his place. Dr. S. continued there after Gardiner left.

To Mr. MAY. I was summoned by the United States.

Ques. How comes it, then, you were in Mr. Bradley's office with Dr. Gardiner?

Ans. I was at the United States Hotel with a gentlemen named Soiffin; I rode with him in the cars on the way to this city, and the Gardiner trial was broached. This morning Mr. Soiffin came to me and said Mr. Bradley wanted to see me. I did not then know whether Mr. Bradley was for the defence or prosecution. I had not been summoned then at all.

Mr. BRADLEY. After I had the conversation with the witness I got a summons for him; but was told one had been issued by the United States; I have got the summons now in my pocket. I did not think the United States would have found him so soon.

After a short interval—

Mr. FENDALL said the United States had now gone through with all their evidence on this branch of the case except two, who had been summoned, but were not now in court; to get them here could not be done before the usual hour of adjournment.

Mr. MAY suggested that it wanted but half an hour of four o'clock, and that, as it was Saturday evening, he hoped the court, which sat longer daily than any other court he knew, would give the counsel and jury one half hour.

Mr. BRADLEY said he hoped the United States would now file with the clerk the originals and translations of the papers read to the jury yesterday. He complained of their having been published in the *Republic* report of this trial before the defence had had any opportunity of cross-examining the witness.

Mr. MAY said the United States had retained the papers for examination and comparison, and the reporters had been allowed to make copies of them. He thought all the evidence ought to be published if any report was made of the trial. He considered the reporters had the right, and it was their duty, if they thought proper to do so, to report all the proceedings of the court. No report was a proper one unless all the evidence was published fairly and correctly as it was delivered. He referred to a report of this trial which appeared in the *National Intelligencer* of Thursday last, as an unfair, garbled statement of what occurred.

Mr. CARLISLE said he had seen that report, and thought of writing a note to Mr. Gales, complaining of it as prejudicial to the defence.

Mr. PEASE said the rule of excluding the witnesses was of no use, because the object of it was defeated by the opportunity given to witnesses to read each other's testimony in the newspapers. He made some remarks about the way the English courts used to have of preventing the publication of reports, by punishing the parties for contempt.

Mr. CARLISLE, BRADLEY, and MAY made some further comments on the subject, and upon the publication of those papers particularly.

The COURT said the rule to exclude the witnesses, he would confess, was of very little use. But it could not well be avoided. It was not, as at this day to talk of attempting to restrain the press; if on his own part, he thought the press had a right to publish all the proceedings, and all that took place in the courts of justice; and every thing ought to be published, provided it be done fairly. The United States would now be required to file the original papers and the translations in the custody of the clerk.

The court then, at four o'clock, the usual time, adjourned.

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THE REPUBLIC.

WASHINGTON

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THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States *vs.* George A. Gardiner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

NINTH DAY—*Monday, March 21.*

Mr. BRADLEY submitted whether witnesses should not be excluded from the court-room.

The COURT thought it useless to enforce the rule, because the proceedings of the court were published every morning.

Mr. CARLISLE thought they might derive some advantage during the day, before the proceedings were published, from the exclusion of witnesses.

The COURT concurred that there might be a temporary advantage, viewing it in that light. There was this disadvantage arising from the publication of proceedings: that the witnesses might read them; and that was the only disadvantage about it.

Dr. Davis, recalled.

By Mr. FENDALL. You have been sworn in chief, I believe, before?

Ans. Yes.

Ques. You stated on the former examination that you had been Secretary to the Mexican Board of Commissioners; that you were appointed a short time before the close of the commission; and that all the papers before the board in the Gardiner case were pointed out to you. I ask you particularly about these two papers: (Showing witness papers marked "2" and "3.") Are these your marks upon them?

Ans. Yes, these are my marks.

Mr. BRADLEY. Let us see them. (The papers were passed to the counsel for the defendant.)

Mr. BRADLEY. We understand you to say that these papers were in their present condition before they came to you, and were united together as they now are?

Ans. I did not say any thing about that. I said I recognised my marks upon the outside of the papers.

Ques. Have you looked for them into the inside of the papers?

Ans. No; I have not.

Mr. BRADLEY. He says the papers were before the commissioner.

Ans. I did not say so; the counsel asked if I recognised the marks, and I said I did.

Ques. Will you look at the papers and see if you have seen them before?

Ans. (Looking through the first paper marked "2.") This one is the same paper that I have seen before, but there are some marks upon it now that were not on it before.

Mr. BRADLEY. What I want to know is whether these papers—united together by the same string—are the same papers that you saw before the board?

Ans. No; they were not united by this red string; they were sewed together.

The COURT. Did the bundle embrace the whole of these papers?

Ans. Yes, the whole of these.

The COURT. What is the mark on the outside of the paper that you speak of?

Witness. My mark, sir.

The COURT. Yes.

Ans. "No. 2."

The COURT. Then I will say that papers marked "2" were before the commission—the whole of them.

The DISTRICT ATTORNEY. Yes.

Witness. So were the papers marked "No. 3."

Ques. You have stated that on this paper, "No. 2," there are some marks which were not there when they were in your possession. Will you state what they were?

Ans. Gardiner, né Variétor—J. Antonio, with a mark which I think was put on by Mr. Soulé.

By Mr. MAY. Is not the first paper in the Spanish language?

Ans. Yes.

Ques. What is the other paper, "No. 3?"

Ans. No. 3 is a translation of this paper.

Ques. Did the rules of the board require that a translation should accompany each paper in the Spanish tongue, and be filed with it?

Ans. Yes.

Ques. These are the same papers that were filed with the claim of George A. Gardiner before the Mexican commissioners?

Ans. I presume they are the same, because they were presented to me by Colonel Payne. I recollect this paper, marked "No. 2," probably more particularly than any other paper in the case.

Mr. BRADLEY. Do you mean the first leaf of the paper which you hold in your hand?

Ans. I mean the first leaf of it, which is marked "A, No. 1." It is a part of the packet "No. 2."

The DISTRICT ATTORNEY. I understand you to say that these marks, "J. W. M., 28th of August, 1852," "L. G. T., 30th September, 1852," were not on the papers when they were before the board, and that, with the exception of these marks and this red string, sewed through the papers, they are in precisely the same condition that they were then?

Ans. I think they are.

Ques. You say they were sewed together with a thread, and that this red string was put in afterwards?

Ans. Yes.

Ques. "No. 3," the translation of "No. 2," has a pink string; do you remember any thing about that?

Ans. I do not recollect; it had a string of some kind, because I recollect opening it and reading it from top to bottom, so, (as if tied at the top.)

By Mr. MAY. Did you read the paper "No. 2" at that time?

Ans. I recollect casting my eye over it at that time.

Ques. Was it necessary for you to examine them to ascertain what they were?

Ans. Certainly.

Ques. You were ascertaining what the papers were?

Ans. Yes; for the purpose of making my index and looking at the question.

Cross-examination.—By Mr. BRADLEY. Have you ever seen the papers since that time?

Ans. Yes, frequently.

Ques. Have you seen any one of them separate from the others?

Ans. I think I have seen one of them separately.

Ques. Which one?

Ans. The title page.

Ques. The paper marked "A, No. 1?"

Ans. Yes, sir; "A, No. 1," the first page.

Ques. You saw it separated from the others; where did you see it?

Ans. I recollect separating it once myself at the State Department.

Ques. Where did you see it separated afterwards?

Ans. I said I thought I had seen it separated before the commissioners.

Ques. Was it not separated at the examination before the Mayor of Alexandria?

Ans. It may have been.

Ques. Was it not separated from the others before the committee of the House of Representatives?

Ans. I do not recollect.

Ques. Do you know whether the papers were ever taken out of the United States?

Ans. Not to my knowledge, I do not think.

Ques. You say you made an examination of the case before the time of the awards?

Ans. Colonel Payne gave me the papers for the purpose of making an examination of this case.

Ques. And did you make the examination?

Ans. Yes.

Ques. That was before the final award?

Ans. Two or three days before.

Ques. How long before the final award was announced were you appointed secretary?

Ans. Eighteen or twenty days, I think.

Ques. Did you repeat your examination to the committee?

Ans. Yes.

Ques. Subsequently to that time—about three weeks after the publication of the awards—you were making out your index, and made a second examination; after that did you make any further examination of the paper?

Ans. Yes; I had it in my hands frequently—almost every day.

Ques. Did you show it to any other persons?

Ans. Colonel Waddy Thompson came in and saw it, also Mr. Carlisle, I think; and I stated before that I made a very cursory examination at the instance of Colonel Payne; about three weeks after the board adjourned, I made another examination.

Mr. CARLISLE. You are mistaken in saying that I examined the paper.

Witness. I had the impression that you saw it.

Mr. CARLISLE. No, sir; I never saw it.

Witness. You talked about it, and I supposed that you saw it.

Mr. CARLISLE. No, sir; I was anxious to see it, and talked about it, but I did not see it.

Witness. I presume you are right about it, because I recollect I had an order not to show it to anybody.

Mr. BRADLEY. Do you recollect whether you did show it to anybody?

Ans. I think it very probable that I did.

Ques. Were you not on the grand jury?

Ans. Yes.

Ques. You must have shown them there.

Ans. Yes.

Ques. This first leaf has been separated, I understand you, and you have several times seen it separated from the other papers?

Ans. Yes.

Ques. Do you recollect showing them to Benjamin E. Green?

Ans. Yes, I was about to mention that I showed them to him. I had them also exhibited to the Cabinet by order of the President of the United States.

Ques. You said that at the time you made this examination—about three weeks after the award was declared—there was some talk about the case?

Ans. Yes.

Ques. Do we understand you that there had been a public talk, or a table talk, or what?

Ans. It was a hotel talk at Willard's hotel.

The DISTRICT ATTORNEY. From your previous inspection and examination of these papers, can you say that these papers were all before the board?

Ans. I am sure that the first paper was—the paper marked "No. 2" on the back and "A No. 1" on the face of the page.

Ques. You say that you compared the original with the translations?

Ans. I cannot say whether I compared them minutely with the translation; I made a general examination, and found them to be correct translations.

Ques. You know that this was the paper "No. 3" that was filed there and handed over to you?

Ans. Yes.

Ques. From looking at the papers now, can you state whether these subsequent papers were before the board?

Ans. I have no doubt that these were all before the board.

By Mr. BRADLEY. And you do not see any difference, except in the points which you have stated, between the appearance of the papers at the time you first saw them and their present appearance?

Ans. I have stated all the difference which I observe.

Ques. Could you, by running your eye over the paper "No. 3," determine whether it is a correct translation?

Ans. I recollect this paper for one striking reason, which I would like to mention. It is written in a very good handwriting for a Mexican, and a Mexican who would write a hand like that ought always to spell well; but the spelling of this is very bad.

Mr. BRADLEY. Is it a copy?

Ans. It is a copy.

Mr. BRADLEY. Then the man who wrote it is a copyist; it is not to be supposed that a Mexican copied it?

Ans. I do not know about that; I had nothing to do with the copying; I only state that I recollect this paper by the bad spelling; the word *vero*, for instance, is written with a *b* instead of a *v*, &c.

George Evans, recalled.

(Papers shown.) These papers were before the Board of Commissioners.

Ques. Were they examined by the commissioners before you made your final award?

Ans. I have no doubt they were. One is in Spanish, which is a language I do not read, and I did not examine it closely, and I speak of that therefore from its general appearance.

Ques. Were they filed at the time you made your first decision on the claim?

Ans. They were not. They were not filed when the memorial and a great deal of the evidence was filed, but at a later period. There is no mark on them showing when they were filed, which is somewhat singular, for the board have given general directions to the clerk in all cases to make a minute of the time on all papers when they were filed. In this case he did not do so.

Mr. BRADLEY. They may have been in an envelope and the mark may have been made on that.

Witness. That may have been the case. These papers may have been filed in the autumn of 1850, or the winter succeeding. They were both presented to the board, for the rules required that a party presenting any paper in a foreign tongue should file along with it a translation. These papers were not before us at the time of the examination of Dr. Gardiner before us, of which I spoke the other day.

Ques. Had it at the time you examined it the seal of the American consul at Monterey?

Ans. There was a consular certificate at the foot of both papers; it was in English to the original, and was copied in the translation; that certificate is dated the 30th of August, 1850; the paper must have been filed after that.

Ques. Have you any recollection of any mining title or abstract of title being before you in this claim of Gardiner?

Ans. There was, and I think this was the only one; if there was any other I have no recollection of it.

Ques. Were these and other papers those on which your award was made?

Ans. These and a number of other papers were the ones on which the award was made; at least I have no doubt of it, though I cannot speak so positively as if the papers had been in my possession ever since.

Cross-examined.—*Ques.* Do you know Mr. Philip C. Johnson, of this city?

Ans. Yes, sir, I do.

Ques. Do you remember having any conversation with him on the subject of this claim? If so, state what took place?

Ans. I do. It was just before the organization of the commission. I had a conversation with him. It was the morning after I got here, and I had not then determined to accept the place; on the contrary, had concluded not to do so. It was quite early in the morning, and he called on me at Brown's Hotel; he said that he was acquainted

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with a gentleman who had a large claim which would come before the board, and who had made him a very liberal offer in relation to it; and said the gentleman wished very much to have the claim got through. He said he was a clerk in the Navy Department, and wished to know from me if he could appear before the board as counsel to prosecute a claim against the United States. I told him the board was not yet organized, and that I did not know I should be one of them, as I had not yet accepted the position, and knew nothing about it. But I said that I had no hesitation in telling him, as my opinion, that the board would not exclude any one from acting as counsel before it. He said he was afraid he would lose his situation if he were seen prosecuting the claim against the United States. I told him that was a matter between him and the head of his office. He said he was anxious to complete his arrangement with Dr. Gardiner, (he mentioned the name,) that the amount was very large, and the commissions offered were very liberal, and would amount to a large sum

Ques. Did he state any amount?

Ans. I have no recollection that he named any amount. I did not examine the paper in Spanish with the view of reading it; it was the duty of the secretary to see to the translation. I judge that this is the same paper only from its appearance, the color of the paper, &c. I noticed particularly the seal of the consul, as I attached more importance to that than any other part of it.

The COURT. Who was the consul?

Ans. C. W. Mathers; he was the vice consul at Monterey

To Mr. MAY. I have no doubt that I looked at the papers and seals when they were before the board. I have no idea that I am mistaken in supposing these to be the same papers. I am sure this is the same paper.

Mr. BRADLEY. Did you examine them so as to enable you at this time to say that each one of these signatures and seals was before you in just the same manner and position as they are now?

Ans. I examined every paper which came before the board, and I do not discover any thing in them now or in their present appearance to lead me to suppose these papers have been altered.

Mr. BRADLEY. If any one of these papers were shown to you in the street, separated from the others, and you were asked if you knew any thing about it, could you say it was a paper belonging to this case?

Ans. I think I could if I were allowed to take it in my hand and look at it sufficiently near. I should remember it from its general appearance.

Mr. BRADLEY, (shows a paper.) Do you remember having seen that paper before the board?

Ans. I do not know any thing of its being before the board. If one of the sheets of these papers (those marked 2 and 3), were separated from all the others, so as to destroy the general appearance of it as part of them, I do not know that I would recognise it.

I think the endorsement on the translation is in the handwriting of Mr. Robert G. Corwin, one of the counsel in the case.

Colonel R. T. Payne, sworn.

Ques. Were you one of the Board of Commissioners on the adjudication of claims against Mexico?

Ans. I was one of the Board of Commissioners appointed under the treaty of Guadalupe Hidalgo. I remember very well the claim of George A. Gardiner; it was decided upon by the board.

Ques. Could you identify any of the papers before the board in that case?

Ans. I do not know that I could designate any of the papers. (Papers 2 and 3 shown.) Witness, (after examining them.) It is proper for me to state that I have seen this paper before, because it was shown to me a few moments ago. I do not remember it except by its general appearance. I do not know that I would recognize it anywhere else, no more than I could a bank bill by the similarity.

Ques. Do you remember that he filed any paper about a mining title before the board?

Ans. I remember he filed such a paper. I remember that there was a title deed, or an abstract of title, filed among the papers.

Ques. Was there more than one?

Ans. I do not think there was but one.

Ques. (Paper shown.) Do you recollect that paper?

Ans. I cannot identify this except by its general appearance.

Ques. Can you not identify it by the translation?

Ans. I don't think I can. (Translation shown.) I know this, only as I did the other one, by its appearance. I am not a Spanish scholar, though I have an imperfect knowledge of the language. I used sometimes to take the translations and compare them with the Spanish, to see if they were correct, and frequently used to appeal to the secretary on matters in which I had doubt as to the translations. I remember there was a translation of this paper filed, and of my reading it. If this paper, however, were shown to me with George A Gardiner's name stricken out, I do not say I could recognise it.

Ques. Colonel, read the first page, and see if you can recognise it by its contents.

Mr. BRADLEY objected to that course.

The COURT said the witness could state if he recognised it by that means.

Witness, (after reading the papers.) All I can state is that this paper is similar to the one which was before the board; it relates to the same subject matter. I recollect the names of the mines as laid down in that paper; I have no means of recognising it except by my recollection of its appearance and of its contents.

Ques. Was the paper before you when your award was made?

Ans. Oh, yes; it was upon this paper and the other evidence filed with it that the award was increased; I am sure it influenced me. The counsel contended they were entitled to the value of the mine as in fee simple. The board said to them that they had shown no evidence of title. I suppose it was in consequence of that that this evidence of title was filed. There was no amount fixed by the first decision; nothing was done but to decide upon the validity of claim. This paper had the effect of augmenting the amount allowed to a sum greater than any of us would have allowed without it. Such, however, is my own impression. (Other papers shown.)

I have a recollection of this testimony, (contained in these papers.) There was no written evidence of title before this. The board told the counsel, when they asked for the value of the mine, that there was no evidence of title in the case. After that this paper, as well as I can recollect it, was filed with other evidence. I have no doubt it augmented the amount allowed.

The only decision on the claim, made by the board before the final award, was to decide upon its validity. This was a case upon which the board could not agree as to the amount to be allowed. I do not suppose my own impressions would be evidence. I can state readily what effect this evidence had on my mind. The only disagreement in the board was as to the amount. We all agreed that the claim was a valid one.

Cross examined.—The first decision as to the validity of the claim was made on the memorial and the evidence filed with it.

Ques. Have you any knowledge that the evidence was submitted by the board to the Mexican Minister with reference to its authenticity?

Ans. I think the secretary was directed to do so

Ques. Did you not give this claim your closest scrutiny?

Ans. I did.

Ques. Was Dr. Gardiner, at your instance, or that of any member of the board, invited to come before you for the purpose of personal explanation?

Ans. It was not at the suggestion of the board. The board often asked counsel questions as to facts, not as to evidence; for instance, as to Dr. Gardiner's means of engaging in these extensive operations, they said he could answer that matter himself. I remember it was said that it was rather unsafe for them to allow their clients to come before the board, because in one case a party had defeated his own claim by his own statements. They said they had no fear of Dr. Gardiner, that he would answer any questions put to him by the board. The board said they had no objection. He came before it. I asked him many questions, and I remember I took notes of some portions of his testimony. He mentioned the names of many persons engaged in the mines, and the technical names of the different departments of the mine. I afterwards asked him, when I supposed he had forgotten these, and he repeated them over. I did give his case the closest scrutiny. I received an anonymous letter warning the board, not as to the validity of the claim, but as to the amount of the award.

I have no recollection of putting the papers in his case in Dr. Davis's hands for any particular examination. I may have done so, but I do not remember. I do not remember that Dr. Davis made any report on this case to me before our making the final award.

My impression is, that the final award was made about the time of the closing of the board, and after Dr. Davis was secretary. I cannot say it was made before Mr. Johnson left. No final amount was fixed in any case when we decided on its validity. If I had heard any thing up to the last moment about the claim I would have brought it before the board.

I remember a book having been presented in the first evidence filed in his case; it had a red cover. (Book shown.) This was the book, or there was a book presented similar to this. I do not think there is any doubt in my mind as to this being the book. There was a translation of it.

I had no conversation with Mr. La Rosa, the Mexican Minister. He could speak no English, and I could speak no Spanish, and consequently we had no conversation with him.

We did not give him the value of the mine. We considered if he owned the mine before he owned it then, Mexico had not confiscated the mine. I am not skilled in the Mexican law.

Several questions were put to Mr. Payne as to what would have been his opinion as to the loss by Gardiner of the mine, were the Mexican law as stated

To Mr. MAY. Dr. Gardiner, in his examination before the board, described his mine as it was described in his memorial, as in some district in San Luis Potosi.

Ques. Was his description of it then the same as was in his evidence of mining title filed afterwards?

Ans. I cannot remember. I have no recollection that the description given by him in his conversation with the board was the same as was given in the abstract of his mining title; but there was a general conformity between them—a conformity in name and description.

Mr. MAY. We offer now in evidence the paper marked No. 2, and its translation, marked No. 3.

Mr. BRADLEY. You do not, then, offer that evidence filed with the memorial. You do not offer the whole?

Mr. MAY. We will offer the whole evidence in the case if you make no objection to any part of it. But if you object to a part, we offer then only such as we think proper and suitable to the order of proof we have adopted for ourselves.

Mr. BRADLEY. We decline the offer.

Mr. MAY. We then offer these papers—the original in Spanish, and the translation of it filed by the defendant himself—as evidence of his location of the mine, and also as showing the *scienter* on his part under which he took the oath. If it be admitted, we will follow it up with evidence, and we offer it for that purpose—of its forgery, with evidence that all the signatures and seals attached to it are forged. We are prepared with authorities to show the admissibility of the evidence.

The COURT. Two papers, marked "No. 2" and "No. 3," are submitted; one is in the Spanish language, and the other, it is said, is a translation of it. No. 2 is called an exhibit of a mining title, and No. 3 is said to put into English what the former contains in Spanish. These papers are offered in evidence, and objected to.

The Court thinks,—and without any doubt at all about it—that these papers must be admitted as papers filed by defendant in support of the claim, for swearing to the memorial in relation to which the indictment is preferred that is now trying. The filing, and as a necessary consequence the adoption, if not the procuring of these papers, puts them precisely on the footing of conversations held by Dr. Gardiner, and expressions used in them by him, and as statements made by him in relation to the subject matter on trial. I think the papers must go to the jury. No. 3, however, as the real paper is No. 2, is open to evidence as to its correctly representing what No. 2 contains. It may be a correct translation; I do not know. The real paper is No. 2.

Mr. BRADLEY. We make no objection to the translation if the original goes in. The only question is whether more evidence is not necessary to let the original go in.

The COURT. I think the evidence places the question beyond all doubt. Witness Payne is not so certain, but witness Evans said they were undoubtedly before the board; the whole appearance of the papers was perfectly familiar to him.

Mr. MAY. I understand the gentlemen to agree that the translation is an accurate one?

The DISTRICT ATTORNEY. We have not had a very particular examination made as to the translation; but shall have it examined.

The COURT. Undoubtedly the translation ought to be a correct representation of what is contained in No. 2.

Mr. MAY. Gentlemen, I will read this paper—the translation—to you. There is the original, (handing it to the jury;) which we ask you to inspect very carefully.

Mr. BRADLEY. It will take an hour for the jury to examine the paper.

Mr. MAY. The jury have the right, and we think it is a part of their duty, to look at the paper; and we hope that sufficient time will be allowed them. It is a part of the examination. We ask them to scrutinize very carefully the handwriting, and particularly the signatures and seals.

The COURT. We must not be hurried; the jury shall have full time.

After the jury had spent some time in examining the original paper—

Mr. MAY read to them the translation, as follows:

[A No 1.—TRANSLATION.]

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 folio 15, over, is to be found an entry in the following words, to wit:

"July 12th, 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 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 of Serro Gordo, in the Sierra of La Huastica, county of Laquinillas, in this department.

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"The vein runs N. and S., with a slight inclination to the westward, and dips to the westward about forty-five degrees, and is upwards of eight yards 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 apply for possession within sixty days, as prescribed by the ordinance September 3d. On the day of the date hereof possession has been given to Mr. George A. Gardiner, in conformity to his above denouncement of said ancient mine, granting him three appendages on the course of the vein, with the limits and measurements, as marked out on the grounds and prescribed by the ordinance, with all the privileges of restorer of an abandoned mineral district, having nominated the shafts, "La Freindad Dolores, and San Jose, and conjointly the mines of La Sierra," and he has been furnished with the appropriate deeds and titles constituting him the legitimate and sole owner thereof, with full power and right to sell and dispose of the same as he may see fit, being hereby constituted his property, subject to the mining ordinance.

And at the request of the party, I give this in the city of Rio Verde, on the 3d of July, 1850.

FRANCISCO FERNANDEZ,
J. PIO GUTIERREZ, Sec'ry.

San Luis Potosi, July 15, 1850.

The Governor of the free State of San Luis Potosi authenticates the signature of Don Francisco Fernandez, prefect of Rio Verde, which attests the above document.

JULIAN DE LOS REYES.
LUIS GUZMAN.
[Seal of the State of San Luis Potosi.]

[B No. 2.—Translation.]

The citizen, Bruno Olavide, 1st Constitutional Alcalde of this city and mining district of Guadalcazar, State of San Luis Potosi:

I certify, in due legal form, that on the day of the date hereof, at the petition of the American citizen, Mr. George A. Gardiner, I have called up the citizen, Don Jose Ochoa, for him to depose relative to the mining enterprise that the petitioner had in this State, and said Ochoa appearing before me, was sworn in due form and deposed: That he was conversant with the mining enterprise belonging to said Gardiner, in the Sierra de la Huastica, in this State, having been the chief miner of these mines for upwards of two years. That he entered the employ of said Gardiner about the middle of the year 1844, and continued in this capacity until October of 1846, when these mines were confiscated and destroyed by order of the government. That these mines consisted of two main shafts, that of Dolores being upwards of three hundred varas, and that of La Trinidad of upwards of two hundred varas in depth, and of the air shaft of San Jose of one hundred and eighty varas deep, and the adit of San Andres of upwards of two hundred and fifty varas in length, there being throughout this whole depth numerous workings or excavations of about a mile in extent on the course of the vein, in which were employed about three hundred workmen.

That the vein was from eight to twelve varas wide, abundant in rich ore, so much so that it could not be all extracted in a less term than five or six years. That the principal outlay of this enterprise consisted in the machinery, in timbering the mines, and in the buildings and refinery of metals of San Cristoval, for the actual mining or working of the mines cost but little, as most of the miners were employed on shares of the ores they extracted That the machinery of these mines, inclusive of a steam engine, and the putting up of the same, cost about fifty thousand dollars.

The timbering, cleaning out, and ventilating them, cost about forty-five thousand dollars. The buildings, houses, and other external improvements at the shaft of Dolores, cost about forty thousand dollars; the same kind of buildings and exterior works at the Trinidad cost also about forty thousand dollars; and the buildings and outer works of San Jose and San Andres cost about twenty thousand dollars; on internal subterraneous workings, mining proper, was spent about ten thousand dollars; and it is the opinion of deponent that the refinery of metals, with all its apparatus, must have cost upwards of fifty thousand dollars; and that in tools, instruments, mules, and utensils, there was invested about ten thousand dollars; and he believes that the stock on hand of effects for refining and prosecuting the works, and in the pay store, amounted to about forty-five thousand dollars; and, as he is aware there are many other expenses of which he has made no reference, it is his opinion that said Gardiner had invested in the enterprise a capital of about three hundred and fifty thousand dollars. That when this enterprise was destroyed, as before stated, these outlays—which may be termed of construction—were made; and in future there would have been no other expense than that requisite to keep it a going, which ought not to exceed ten thousand dollars per month, and he knows that the refinery would yield from forty-five to fifty-five thousand dollars' worth of silver every month, and he believes that this condition would have lasted several years, in consequence of the abundance of ores contained in the mines. And deponent further believes that the proceeds of this enterprise would increase with the increase of population, as much ore could be sold in its crude state. That in the destruction of this enterprise were also lost eight hundred mule-loads of ore that were in the refinery, and worth at least one hundred dollars per load, and likewise a large quantity of ores in the ore-yards of the mines. There was also destroyed in the burning of the refinery all the silver that was undergoing the process of amalgamation, and was the product of the month of October, worth upwards of fifty thousand dollars. The casing or timbering of the interior of the mines was also burned, causing them to cave in, and to be thus entirely ruined. That, in the opinion of the deponent, it would be very difficult to estimate the value of this enterprise, in consequence of its condition of great prosperity, but at the lowest estimate, it was worth double what it cost. That he was acquainted with other enterprises not so prosperous as this was, of which a "barra," or twenty fourth part, was worth from thirty to forty thousand dollars, and he is convinced that in every respect they were inferior to this one. He further swears his name to be as aforesaid, and that he is forty-one years of age, a native of Zacatecas, by profession a miner, and at the time to which this deposition refers he lived at said mines of "La Sierra," and was the chief miner of them; that he now lives in this mining district, and is a director of mines; 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.

And in witness thereof, he signed it with me, the judge and attending witnesses.

JOSE OCHOA.

Bruno Olavide,
Gregg. Gone y Celia,
B. Ventura Cardenas.

I, the aforesaid judge, before whom this deposition has been taken, do certify that I am not the agent nor the attorney of the claimant, nor of any person interested in this claim, and that I have no interest, direct or contingent, in the claim to which this deposition refers. I also certify that I am acquainted with the deponent, and that his oath is worthy of full faith and credit; and that this deposition has been reduced to writing in my presence, by the clerk, Ventura Cardenas, and that said clerk is not interested as agent or attorney, nor in any other way; and that I have read this deposition to the deponent, and he has approved it.

In witness whereof, I give this in the city Guadalcazar, on the 20th of June, 1850.

BRUNO OLAVIDE.

Gregg. Gone y Celia,
B. Ventura Cardenas.

San Luis Potosi, July 15, 1850.

The Governor of the free State of San Luis Potosi authenticates the signatures of Don Bruno Olavide, first Alcalde of Guadalcazar, which attests the above document.

JULIAN DE LOS REYES,
LUIS GUZMAN.
[Seal of the State of San Luis Potosi.]

[C No. 3.—Translation.]

The citizen Bruno Olavide, 1st Constitutional Alcalde of this city of Guadalcazar, State of San Luis Potosi:

I certify, in all legal form, that on the day of the date hereof, on the petition of Mr. George A. Gardiner, I have called the citizen, Don Santiago Gomez, for him to depose what he knows of the mines that the petitioner worked in this State; and the said Mr. Gomez appearing before me, was sworn in the usual manner, and he deposed that Mr. George A. Gardiner came to this State in 1844, with a cash capital of sixty thousand dollars and a letter of unlimited credit, all of which he deposited in house of deponent, and engaged in the working of the ancient silver mines of the Sierra de la Huastica, which he improved so far as to place them in the most prosperous condition; deponent believes that most all the capital invested in this enterprise passed through his hands, as he was the depository of the funds of said Gardiner, and of the proceeds of this enterprise, and commissioned to procure many of the articles used in it.

That he also visited it a number of times, and he knows it to have been an enterprese of great magnitude; that among the numerous effects that he remitted to these mines, was a steam-engine which cost, inclusive the expense of conveyance, twenty-nine thousand five hundred dollars; this was in March of 1845. That, by order of deponent, there was also sent to this enterprise, in April of 1846, a lot of quicksilver, which amounted to upwards of five thousand dollars, and in August of the same year he sent another lot of quicksilver, which cost ten thousand dollars, besides large quantities of lead, iron, steel, powder, salt, and other effects, and he believes that the stock of materials on hand in this enterprise when it was confiscated and destroyed amounted to upwards of fifty thousand dollars; that in the opinion of deponent this enterprise cost said Gardiner to establish it and put it in the state of prosperity in which it was in, about three hundred and fifty thousand dollars; that the product of silver of these mines sent to deponent in the last four months that they were worked amounted to eighty five thousand and odd dollars; and he was notified by the superintendent of the refinery, about the middle of October of 1846, that the remission of silver towards the end of the month would be about fifty thousand dollars, which was not verified in consequence of the destruction of this enterprise in those days. It is within the knowledge of deponent that said Gardiner owes about one hundred and ten thousand dollars, and that he always had and still enjoys an unblemished reputation for honesty and integrity, and this enterprise was considered very valuable, and that said Gardiner refused in June or July, 1846, one hundred and fifty thousand dollars for the fourth part of it, which offer was made through deponent; and he knows that said Gardiner was completely ruined by his expulsion and the confiscation and destruction of these mines; and deponent adds that his name is Santiago Gomez, a native of Mexico, of fifty-four years of age, and by profession a merchant; that at the time to which this deposition refers he lived in San Luis Potosi, with the same profession; that he is now in this city attending to his mercantile business; that he is not the agent or attorney of said Gardiner, nor of any person interested in this claim; and that he has no interest direct or contingent in said claim. And in testimony whereof he signed this with me, the judge, and attending witnesses.

SANTIAGO GOMEZ.

Bruno Olavide,
Gregg. Gone y Celia,
B. Ventura Cardenas.

I, the judge before whom the above deposition has been taken, do certify that I am not the agent nor attorney of the claimant, nor of any person interested in this claim; and that I have no interest, direct or contingent, in it. 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 clerk, Ventura Cardenas; and that he is not interested in this claim as agent, attorney, nor in any other way; and that I have read this deposition to this deponent, and he has approved it. And in witness whereof I give in Guadalcazar, on the 21st of June, 1850, with attending witnesses.

BRUNO OLAVIDE.

Gregg. Gone y Celia,
B. Ventura Cardenas.

San Luis Potosi, July 15, 1850.

The Governor of the free State of San Luis Potosi authenticates the signatures of Don Bruno Olavide, first Alcalde of Guadalcazar, which attest the above document.

JULIAN DE LOS REYES.
LUIS GUZMAN, Secretary.
[Seal of the State of San Luis Potosi.]

[D No. 4.—Translation.]

The citizen Rafael Mendez, second Constitutional Alcalde of this city of Rio Verde, State of San Luis Potosi:

I certify in proper form that, on the day of the date hereof, on the petition of the American citizen Mr. George A. Gardiner, I have called the citizen Don Joaquin Espinosa that he may depose what he knows respecting the mines of the petitioner, and said Mr. Espinosa, being in my presence, was sworn in due form and deposed: That said Mr. Gardiner was the owner of the mines of the "Sierra de la Huastica," in this department, and deponent was the refiner of his refinery of San Cristoval from the middle of 1845 until October of 1846, when these mines were confiscated and destroyed by order of the government.

That when he went to these mines the refinery was in a state of construction and he occupied himself in overseeing the works of his branch

That the refinery embraced divers methods of refining, having two German smelting furnaces with water blast, reverberatory furnaces, refining furnaces, barrel system, and the chaldron process, besides the common system of the country of the "patio," or vats, with its appropriate machinery, and sixty grinding mills with water wheel and water race of half a league in extent, all of which was protected by appropriate buildings. There was also storehouses, granaries, ore sheds, quicksilver house, chemical laboratory, dwelling houses, stables for two hundred animals, pay store, and other buildings belonging to this class of enterprise, all of which were of masonry, besides out-houses and dwellings to accommodate one hundred workmen.

That this refinery, with all its appurtenances, cost from sixty-five to seventy thousand dollars, and before it was entirely finished had been partially in operation, and had burned out in four months eighty-five thousand dollars worth of silver. That with the medium class of ore that the mines yielded in abundance, this refinery would produce fifty thousand dollars worth of silver every month, and this condition would have lasted five or six years, as the miners assured that the abundance of ore would continue a much longer time; that the mines of this enterprise were about three hundred "varas" deep, extensively timbered, and supplied with all the requisite machinery; and the deponent had means of knowing, owing to the confidential and responsible post that he occupied,

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that said Gardiner had invested in this enterprise from three hundred and thirty to three hundred and forty thousand dollars. That the effects carried off by the troops that the government sent to expel said Gardiner, consisted of quicksilver, lead, iron, steel, salt, powder, provisions, about two hundred mules, and a number of wagons, all of which was worth from forty-five to fifty thousand dollars. They furthermore destroyed, in burning the refinery, about six thousand five hundred marks of silver, which was being refined and in a state of amalgam, worth fifty-two thousand dollars; there were also destroyed some eight hundred loads of ore which was already assorted and assayed, and contained fifteen marks of silver per load, and was worth in that condition upwards of one hundred dollars per load. That, taking every thing into consideration, the great capital invested, the time employed, the hardships and trials of establishing an enterprise of this kind, the risk and uncertainty attending this kind of enterprise, and the state of permanent prosperity in which this was in, and in view of the great product it would yield for a number of years, deponent believes that the loss suffered by said Gardiner by his expulsion, confiscation of property, and entire destruction of this enterprise, to be incalculable.

That deponent knows that he was offered at different times for a "barra," or share—twenty-fourth part—twenty-five thousand dollars, these offers being made before this enterprise was in a state of prosperity, and that he refused them, considering them below the just estimate. That he also knows that there was an offer made of one hundred and fifty thousand dollars for the fourth part of this enterprise, and that it was not accepted, and that he is aware that said Gardiner was in debt to a considerable amount—in opinion of deponent, from eighty to one hundred thousand dollars, and that his reputation was highly honorable, and that he enjoyed an unlimited credit with all who knew him. Deponent also knows that said Gardiner suffered many hardships by his expulsion, and that he was entirely ruined. Deponent adds that his name is Joaquin Espinosa; that he is fifty years of age, a native of Zacatecas, by profession a miner and refiner, and at the time to which he refers he lived at said mines of La Sierra, and he was director of the branch of refining; that he now lives at this place, and his profession is the same; 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 therein. And in testimony thereof he signed it with me, the judge, and attending witness.

JOAQUIN ESPINOSA.

RAFAEL MENDEZ,
JOAQUIN GALBAN,
GIL MENDEZ.

I, the aforesaid judge, before whom this deposition has been taken, do certify that I am not the agent or attorney of the claimant, nor of any person interested in the claim, and that I have no interest, direct or contingent, in it. 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 clerk, Joaquin Galban, and that he has no interest in this claim as agent, attorney, nor in any other way; and that I have read this deposition to the deponent and he has approved it in every respect. In witness whereof I give this in Rio Verde, on the ninth of July of 1850, acting with my attending witnesses according to law.

RAFAEL MENDEZ.

JOAQUIN GALBAN,
GIL MENDEZ.

SAN LUIS POTOSI, July 15, 1850.

The Governor of the free State of San Luis Potosi authenticates the signatures of Don Rafael Mendez, second Alcalde of Rio Verde, which attest the above document.

JULIAN DE LOS REYES.
LUIS GUZMAN, Secretary.

[E. No. 5.—TRANSLATION.]

The citizen Rafael Mendez, second Constitutional Alcalde of this city of Rio Verde, State of San Luis Potosi:

I certify, in proper form of law, that on the petition of the American citizen Mr. George A. Gardiner, I have called, on the day of the date hereof, the foreigner Mr. John G. Simpson, for him to depose what he knows of the mines that the petitioner worked in this State, and said Simpson appearing before me, was sworn in all due form and deposed: That he was employed in the mining enterprise of said Gardiner in the Sierra de la Huastica, in that department, as director or superintendent of the wood and surface works, from the month of February, 1845, until October of 1846, when said Mr. Gardiner was expelled and this enterprise confiscated and destroyed by order of the government; that, as director of the surface works, he knows that Mr. Gardiner spent, in the construction of machinery, building, and other external improvements at the mine of Dolores, about fifty thousand dollars; that at the Trinidad, in the same kind of surface works, construction and putting up machinery and various extensive buildings, about forty thousand dollars. In the same class of works at San Jose and San Andres, about seventy thousand dollars; and in the construction of the refinery of San Cristobal with machinery, furnaces, numerous and very extensive buildings, and the water race and the assemblage constituting the refinery, about seventy thousand dollars.

That having seen the great quantity of timber prepared to cage, or timber the mines, and the difficulty and danger attending this kind of work; it is his opinion that this expense amounted to about fifty thousand dollars. That he knows that when these mines were confiscated the stock of materials in the store-houses amounted to from forty five to fifty thousand dollars which was carried off by the government troops; and that the tools, mules, instruments, and other utensils for these works, and other expenses, could not amount to less than thirty thousand dollars. That as he is aware that in an enterprise of this magnitude there are many expenses of which deponent can form no estimate, he is of opinion that said Gardiner had invested in this enterprise from three hundred and twenty to three hundred and fifty thousand dollars.

That the principal outlay in this enterprise was already made, and in future there would have been no other expense than of keeping it in motion, and as there was a great abundance of ore, and the refinery was one of the best of the kind, it is the opinion of deponent that this enterprise would have produced at least forty thousand dollars per month for various years.

That, considering the uncertainty of this kind of enterprise and the risk of undertaking them, and the great prosperity of this one to which he refers, he believes it to have been worth double at least what it had cost; that the troops, besides taking away all the movable effects which he has mentioned, destroyed, in burning the refinery, about fifty thousand dollars worth of silver, which was in a state of amalgam, and also about eighty thousand dollars worth of ore, which was already assorted at the refinery; that he knows that Mr. Gardiner is owing about eighty thousand dollars, and that he was completely ruined in the manner aforesaid; and adds thereto that his name is John G. Simpson, of thirty-eight years of age, a native of Scotland, by trade a carpenter, and, at the time to which he refers, he lived at said mines of "La Sierra," and was employed as director of wood and surface works; that he now lives in this city, and his trade is the same. 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 in it, direct or contingent. And in testimony thereof he signed this writ, [before] me the judge and attending witnesses, with whom I act according to law.

J. G. SIMPSON.

RAFAEL MENDEZ,
GIL MENDEZ,
JOAQUIN GALBAN.

I, the aforesaid judge, before whom the above deposition has been taken, do certify that I am not the agent or attorney of the claimant, nor of any person having any interest in his claim, and that I have no interest, direct or contingent, therein.

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 clerk, Joaquin Galban; and that he has no interest as agent, attorney, nor in any other way in this claim, and that I have read this deposition to the deponent, and he has approved it. In testimony whereof I give this in Rio Verde, on the 10th of July, 1850, acting with attending witnesses according to law.

RAFAEL MENDEZ.

JOAQUIN GALBAN,
GIL MENDEZ.

SAN LUIS POTOSI, July 15, 1850.

The Governor of the free State of San Luis Potosi authenticates the signature of Don Rafael Mendez, second alcalde of Rio Verde, which attest the above document.

JULIAN DE LOS REYES.
LUIS GUZMAN, Secretary.
[Seal of the State of San Luis Potosi.]

[F No. 6.—TRANSLATION.]

The citizen Rafael Mendez, Second Constitutional Alcalde of this city of Rio Verde, State of San Luis Potosi:

I certify, in legal form, that on the day of the date hereof, on the petition of Mr. George A. Gardiner, I have called the citizen Don Andres Arrellano, for him to depose what he knows respecting the mines that the petitioner had in this State, and said Arrellano appearing before me, and being duly sworn according to form, deposed: That he was called in his scientific capacity of engineer and surveyor of mines, in the month of October of 1845, to the mines of said Mr. Gardiner, in the Sierra de la Huastica, in this department, to take measures and design works in said mines. That to inform himself of the limits, he had to consult the titles of possession, by which he knows that said Gardiner was the lawful owner of them, with all the requisites of ordinance. That these mines had been abandoned during the war of independence, and had crumbled in and filled with water and rubbish; and that said Gardiner, overcoming obstacles that appeared insurmountable, opened roads and put up machinery, with which he was enabled to drain and clean them out, notwithstanding the inconvenience of their being situated in the most rugged portion of the branch of the Sierra Madre, and having to bring his workmen and all his resources from a distance. That the vein runs north and south, with a slight inclination to the westward, and it dipped to the westward forty-five degrees, varying in width from eight to twelve varas; its bed or walls were of slate, and its matrix was calcareous quartz, abundant in red sulphuret and native silver. That the shaft of Dolores was three hundred varas deep; that of Trinidad about two hundred and twenty varas, and San Jose about one hundred and eighty varas in depth, and the level or adit of San Andres was about two hundred and fifty varas long, with extensive horizontal workings, in which were employed three hundred laborers. That after deponent finished his measurements and instructions he left, and returned again in August of 1846, and found these mines in the greatest state of prosperity; a steam-engine was in active operation, and there had been erected at the mines very spacious buildings, ore houses, store houses, stables, and the requisite granaries—all of masonry.

The mines had been timbered within in the most efficacious manner, and their products were very abundant; that about a mile from the mines he had built a refinery called San Cristobal, which was in active operation, refining silver with good result. This refinery was furnished with improved and extensive machinery, with superior smelting furnaces and various excellent systems of refining, and a water wheel of thirty feet in diameter, with a water race half a league long, with ore houses, sixty grinding mills, spacious store houses, granaries, stables, and other establishments and dwellings, all of the first class and of masonry. That at this time there was in the refinery and mines about five hundred workmen, and most of the miners were on shares of the ores they extracted, this being the most economical plan, in consequence of the great abundance of ore; that, in the opinion of deponent, the ores in sight in the mines could not be exhausted in ten years, and he believes that this enterprise would have yielded, free of all expenses, from thirty-five to forty thousand dollars per month for at least five years. That, having at that time this enterprise before him, the deponent calculated its cost to be about three hundred and fifty thousand dollars, in the following manner: In erecting the refinery, with all its offices, machinery, and water race, eighty thousand dollars; in houses, store houses, machinery, and other establishments and exterior works at the mines, one hundred and twenty thousand dollars; in timbering and cleaning out the mines to put them in a condition to be worked, sixty thousand dollars; in laying in a stock of materials for the future prosecution of the works, and for refining, such as quicksilver, lead, powder, iron, steel, salt, corn, mules, and effects in the pay store, fifty thousand dollars; in tools, scientific instruments, roads, furniture, and sundries, twenty thousand dollars; besides many other expenses that the deponent may not be aware of. That in his judgment the value of this enterprise in the state of permanent prosperity in which it was in was incalculable, and he can only give an idea of its value by the offer that deponent was authorized to make to said Mr. Gardiner of twenty-five thousand dollars for a "barra," or twenty-fourth part, which was refused by Gardiner, as might have been expected. Deponent also knows that the creditors of said Gardiner, whom he owed upwards of one hundred and fifty thousand dollars, offered to accept in payment the one-fourth part of this enterprise; and this offer was also rejected. Deponent further knows that said Gardiner was expelled, and these mines confiscated by the Government; and that the troops charged with the execution of this order set fire to all these buildings and machinery, and that the fire communicated to the timbers of the interior of the mines, causing them to cave in, and thus destroyed this whole enterprise. Deponent has since returned to these mines, and has convinced himself of the fact that the damage done under ground by the fire makes it more expensive to undertake the working of them again than it was at first.

In conclusion, he swears his name to be Andres Arrellano, a native of the mineral of Catorse, of forty-one years of age, by profession an engineer and surveyor of mines; that, at the time to which he refers, he was at said mine of La Sierra, in this department, engaged professionally; that he now lives in this city, and his profession is the same; 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 this claim. And in testimony thereof he signed it, with me, the judge, and attending witnesses, with whom I act according to law.

ANDRES ARRELLANO.

RAFAEL MENDEZ,
JOAQUIN GALBAN,
GIL MENDEZ.

I, the aforesaid judge, before whom this deposition has been taken, do certify that I am not the agent or attorney of the claimant, nor of any person interested in his claim; and that I have no interest, direct or contingent, in it.

I also certify that I know the deponent, and that his oath is worthy of credit; and that this deposition has been reduced to writing, in my presence, by the clerk, Joaquin Galban; and that he has no interest in this claim as agent, attorney, nor in any

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other way; and that I have read this deposition to the deponent, and he has ratified it in all its parts.

In witness whereof I give this in Rio Verde, on the ninth of July, 1850, acting with attending witnesses, according to law.

RAFAEL MENDEZ.

JOAQUIN GALSAN,
GIL MENDEZ.

SAN LUIS POTOSI, July 15, 1850.

The Governor of the free State of San Luis Potosi authenticates the signatures of Don Rafael Mendez, accond Alcalde of Rio Verde, which attest the above document.

JULIAN DE LOS REYES.
LUIS GUZMAN, Secretary.

[Seal of the State of San Luis Potosi.]

Pedro Jose Garcia, Governor of the free and sovereign State of New Leon:

I certify that his excellency, Don Julian de los Reyes, is the present Governor of the State of San Luis Potosi, and that the seal and signature with which he has authenticated the anterior documents are the same that he uses in his official communications with the government.

MONTEREY, August 26, 1850.

P. J. GARCIA.

SANDIAGO VIDANNI, Secretary.

[Seal of the State of New Leon.]

Consulate of the United States of America, Monterey, Mexico: I, T. W. Mather, Vice Consul of the United States of America, do certify that the foregoing is the signature and seal of P. J. Garcia, and the same as used by him in his official capacity of Governor of the State New Leon, and entitled to full faith and credit.

In testimony whereof, I have hereto subscribed my name, and affixed the seal of my office, at Monterey, Mexico, this 26th day of August, 1850.

(Signed) T. W. MATHER,
Vice Consul.

[Seal of the United States Consulate at Monterey.]

Captain Edmund Barry, sworn.

By Mr. MAY. Are you a native of this city?

Ans. I was born and raised in the city of Washington.

Ques. You have visited Mexico, have you not?

Ans. I have visited it.

Ques. When did you first visit it?

Ans. I made my first visit to Mexico during the Mexican war.

Ques. As an officer of our army?

Ans. As an officer of our army.

Ques. You commanded a company?

Ans. Yes; I had command of a company.

By Mr. BRADLEY. What do you mean by Mexico; were you on General Scott's line?

Ans. Yes; I commanded a company at Vera Cruz.

By Mr. MAY. Have you since been engaged on the frontier of Mexico, in the service of the Government? If so, state what you were engaged in.

Ans. I have been engaged on the Boundary Commission for running the boundary between Mexico and the United States, under the treaty of Guadalupe Hidalgo.

Ques. You have been through what part of the country where the boundary is to be located?

Ans. I have been from the Atlantic to the Pacific. I went from San Antonio, Texas, to the Paso del Norte; remained there about one year, then went to carry supplies to the Pinos Indians on the Gila river; remained in the Pinos villages about six weeks; passed down to the mouth of the Gila, and arrived in San Diego on the 7th of January, a year ago; remained there until the last of May, then came down to Central America, crossed, shipped, and arrived in New York on the 26th of July last.

Ques. Have you a knowledge of the Spanish language?

Ans. I have a partial acquaintance with the language. I am able to converse in it, and understand what is said. I do not speak it very correctly or very grammatically.

Ques. Your duties on this boundary survey led you to explore a new and wild country?

Ans. A new, wild, and almost unknown country.

Mr. BRADLEY. That was a part of your duty?

Ans. Yes, because a part of the time I was express riding.

By Mr. MAY. Have you ever been in the State of San Luis Potosi?

Ans. I have.

Ques. When?

Ans. (After referring to a memorandum which witness said he made at the time.) I entered the State of San Luis Potosi about the 14th of October, 1852.

Ques. Have you ever visited the county of Laguinillas, in the department of Rio Verde, in that State?

Ans. I have.

Ques. For what purpose?

Ans. I went there for the purpose of seeing if any mines, such as are represented in Dr. Gardiner's memorial, existed in that place. My object was as much to establish his innocence, if that could be one, as to prove the charge against him. I examined the *country thoroughly*, and left no means untried——

Mr. BRADLEY. I ask you, before you go further, how you know the dimensions of the district?

Witness. I ascertained the boundaries from official maps which were furnished me by the prefect and the people of the country.

Mr. BRADLEY. Then we object to that. The prefect of Rio Verde would be a very hard person to get here now.

Mr. MAY. You may establish a boundary by hearsay.

After some conversation,

The COURT said it had got down witness's answer in this way: "I had been in Laguinillas to see if there was a mine there such as Dr. Gardiner claimed for the loss of. The dimensions of the district or country were pointed out to me by the people of Laguinillas."

By Mr. BRADLEY. You say you went out to see if the mines could be found. At whose instance did you go?

Mr. MAY. I submit that this is our examination

The COURT. If it relates to admissibility, the defence is correct; if not, it is out of order.

Mr. BRADLEY. That is the very thing we wish to show, that it does relate to admissibility.

Mr. MAY. It can make no difference whether the witness went there as Mr. Smith or Mr. Jones. The gentleman saves his point by the exception he takes. That he went there since the indictment was found everybody knows. It can make no difference as to the evidence he is to give whether he went at the instance of the Government or on his own hook.

The COURT said it had added to its minutes that witness said he went there after the indictment of Gardiner was found.

Mr. PEABY. The objections which seem to strike my mind are these: that the witness goes into the country and endeavors to gain information from the authorities of the country as to the localities of these mines. The government of the country having claimed the surplus of the money appropriated for Mexican claims, it is the interest of these authorities—the alcaldes and other officers—to give false information as to the localities of these mines. The case would have been very different if the witness had been there years before and obtained information as to the boundary of the district or country. But going after the suit is instituted—after the indictment is found—it becomes the interest of the citizens of the republic, the officers of the government, and of all the enemies of Dr. Gardiner to give false information; and it seems to me that higher authority must be appealed to in order to establish boundaries in that republic. And I submit that the authorities will not sustain the prosecution in introducing evidence of this sort; for it is permitting a party interested in the case to make up testimony to sustain his case. We allege that the whole of the boundaries of the country have been misrepresented, and they must appeal to some higher authority—to maps and charts, or to persons who have made surveys—before this evidence can be admitted.

Mr. FENDALL. I am at a loss to know how it can be known that boundaries are to be proved until the witness is heard; but the rule of law is clear that hearsay evidence is admissible on a question of boundary. We are not, to show the authorities. We show the principle.

Mr CARLISLE. I should like to see the authority that says that hearsay evidence is admissible, upon a question of boundary, in a criminal prosecution.

Mr. FENDALL. We state the general principle of evidence, that hearsay is admissible in cases of boundary.

Mr. CARLISLE. What is your authority?

Mr. FENDALL. I state it in the hearing of the court. If it is objected to, I will find the authority. The exception sought to be introduced here is an exception not founded on a question of boundary, but on a supposed bias of the witness. All that is assuming what there is no foundation for—that these persons were interested in giving statements to the witness. That is not a question of evidence. That is a question for the jury to decide.

Captain Barry was asked if he had made known his object to any one in Laguinillas; and said I never made known to none in Laguinillas the object of my visit. I went there as an American, and under the pretence of looking for a coal mine.

Mr. BRADLEY moved that the papers read to the jury to-day be filed with the clerk.

Mr. FENDALL said the United States had not yet done with them.

After some discussion—

The COURT decided that the papers should be filed hereafter, but for the present the United States were entitled to their possession.

Mr. MAY followed in support of the admissibility of the testimony, and cited 4th Maule and Selwyn, 489; 4th Campbell's Nisi Prius, the Berkeley Peerage case, 401; and Elliott vs. Peerson, 1st Peters, 337.

Mr. BRADLEY replied.

And at four o'clock, the court, without deciding the question, adjourned.

TENTH DAY—*Tuesday, March* 22.

The question pending at the adjournment yesterday was, should the witness (Captain Barry) be allowed to answer the question whether, after he went to Laguinillas in the fall of 1852, he learned from the people of that country the boundaries of Laguinillas, and to state what he had thus learned to the jury.

The argument was renewed by Mr. CARLISLE in support of the objection. He opposed the admissibility of this species of hearsay testimony, the parties whose declarations are offered being living, and cited 12 Peters's Rep., 221; 1 Phillips on Evidence, 199.

This was hearsay evidence *post litem motam*, and was clearly inadmissible. 1 Phillips on Ev., 183, 199; 1 Greenleaf Ev., secs. 130, 2, 3, 4; 1 Starkie, 3d Am. ed., 64; 4 Campbell, 444; 4 Campbell nisi prius—the Berkley Peerage case—409. The depositions of every man, woman and child in Laguinillas taken on oath could not be read here; would the court admit their hearsay evidence not under oath? 10 Peters, 431.

The evidence must be not only not *post litem motam*, but must be shown affirmatively to be *ante litem motam*. Was there any *lis mota* in this case? The *lis mota* meant the origin of the controversy or any thing preparatory to it—the matter in agitation. This evidence—this hearsay—was obtained *post litem motam*.

Mr. MAY contended that the precise question before the court was, could the United States prove what are the boundaries of Laguinillas by the testimony of Captain Barry, giving the court and jury to understand what these boundaries are, as derived by him from the people living in that country, these declarations being received since this indictment was found. The Government offered to prove by this witness, and the best evidence which belongs to the nature of this inquiry, what are the boundaries of Laguinillas, and then to show there is no mine within those boundaries. The question was one of importance. The same objection would extend the inquiry to the department of Rio Verde, the State of San Luis Potosi, the whole republic of Mexico, and require us to range through the whole continent of North America to prove a negative. The hearsay of persons living in the neighborhood of boundaries is competent to prove where those boundaries run. The objections were that it should be hearsay of persons deceased, or not *post litem motam*. These objections he answered, and cited 1 Greenleaf on Evidence, sections 128, 255. The last objection was perhaps sustained by the English rule, but that was not the law of evidence in this court. It had no application to this case. 3d Phillips on Evidence, 255. 1 Harris & McHenry, 268. The Pennsylvania and Maryland judges utterly disregarded the English rule as to declarations *post litem motam*. Washington's C. C. Report.

The whole point in issue here was the existence or non existence of the mine, and not the boundaries of Laguinillas. There was no controversy about the boundary, and therefore the rule did not apply to this inquiry.

He reviewed the cases cited by Mr. Carlisle, and contended that they did not exclude this inquiry. There having been no controversy as to these boundaries, there was no *lis mota* in this case.

There was no map of Laguinillas in Mexico, and this was the best evidence that could be afforded.

Mr. FENDALL and Mr. BRADLEY followed, and continued the argument till half past three o'clock.

The COURT. It is proposed to ask the witness (Captain Barry) whether he did not go to Laguinillas in the fall of 1852, and did not there learn from those living in the country what were its boundaries.

It is objected to because the declarations proposed to be sworn to are those of living persons; second, because those declarations were made *post litem motem*. The title paper of the defendant, given in evidence and filed, located the mines in Laguinillas county. As a general principle, boundaries may be proved by declarations or reputation, as I said before when this matter was first broached; but that is not the question here. But—

1st. Can declarations of living persons be proved?

2d. Can declarations made *post litem motam* be proved?

This is a naked question of law, and must be decided according to settled and acknowledged principles and rules.

I think the distinction between public and private rights is well taken, and that the boundaries of a county or district may be established by reputation, as well as by the declarations of deceased persons.

But the question whether that reputation *post litem motam* may be proved, remains. I think one of the best rules a judge can observe is *stare decisis*; his duty will be well performed by walking *super antiquas vias*. It is conceded that the English rule is that you cannot adduce evidence *post litem motam*, but it is said the American rule is different; and cases in Maryland, Pennsylvania, and a case in South Carolina have been referred to, rejecting the rule *post litem motam*, and a decision by Judge Washington, holding a circuit court for the district of Pennsylvania, at Philadelphia, reported in 4th Washington's C. C. Reports. No man entertains a higher respect for this eminent judge and excellent man's memory than I do; and if the highest court in the coun-

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try had not recognised the English rule, I might pause; but in 13 Peters, 221, the Supreme Court of the United States have fully acknowledged the rule as laid down in the Berkley Peerage case, and the view which that high tribunal has taken of this rule will govern me. I therefore think that evidence of reputation, *post litem motam*, cannot be received. It is said, however, that if the rule acknowledged by the Supreme Court be adopted by this court, the evidence must relate to the point in issue. This is true; and the question is presented whether the point in issue is, are the mines claimed by Dr. Gardiner, and sworn by him to have been his, situated in the county of Laguinillas? The indictment says the mine is in San Louis Potosi. But the mining title filed and read in evidence locates the mine in Laguinillas county, department of Rio Verde; and the testimony offered is to prove that that county has by reputation—the evidence of which was obtained *post litem motam*—certain boundaries, within which the United States say they cannot find any mine. If this point is not in issue, then we have wasted a great deal of valuable time. It may not be the whole issue, but that it is a part of the inquiry that it is deemed essential to pursue, I cannot doubt. The case in 1 Peters Rep., 337, was that of a contest about the validity of a deed, and the Supreme Court said the question was, whether the deed passed the estate, not who were the heirs; and certainly the questions were as diverse as could well be, under the circumstances.

It is said that the *lis mota* could not be known at Laguinillas. That is immaterial. 2 Starkie on Ev., 695, 6, 7, 8, 9.

In my opinion, the question cannot be asked.

Captain Barry, recalled.

By Mr. May. Do you know where the northern boundary of the village of Laguinillas, in the department of Rio Verde, is situated?

Ans. I do, sir.

Mr. Bradley. Stop a moment, don't say where it is. I want to know first how you know any thing about it?

Ans. I saw it myself.

Ques. Was it pointed out to you?

Ans. Yes, they told me where it was.

By Mr. May. Was it an old stone?

Ans. It was a pile of masonry.

Mr. Bradley. I think the court has ruled that out.

Mr. May. I do not know that the court has ruled out evidence as to monuments. Cannot the witness state what he saw and ascertained?

The Court said it had decided that witness could not give evidence derived from reputation.

Mr. May. He says he saw a stone. Is not that admissible?

The Court. He may say he saw a stone; and you may make what you can out of it.

By Mr. May. Do you know the appearance of boundary stones in Mexico?

Ans. I do.

Mr. Bradley. How do you know their appearance?

Ans. I have seen them in Mexico. They have a peculiar appearance. I have seen small piles of stones in different parts of Mexico, which the owners of haciendas pointed out to me as being boundaries.

The District Attorney. We propose to show now by this witness his knowledge of boundary stones, acquired by him before this suit was instituted. He had been in Mexico before, and the court has decided that he can give testimony derived from hearsay before the indictment was found.

Mr. Bradley. He is not to make indirect statements in order to get at the same thing.

The Court. Certainly not.

The District Attorney. We propose to ask him directly in regard to his knowledge of boundaries in Mexico, obtained before this suit was brought.

Mr May. I ask now if this pile of stones which you saw in Laguinillas was of the same appearance as the boundary stones you had seen in Mexico before this suit was instituted?

Mr. Carlisle. I submit, what does that prove? The witness may say, I saw a pile of stones—a little pile, a middling pile, or a big pile of stones. I do not see how that is to prove any thing.

The Court. I do not see how it proves any thing. I suppose the counsel will show us.

Mr. May. We do not mean to show any such thing. He said it was a piece of solid masonry, having the appearance of monumental stones built up to mark boundaries.

The Court to the witness. Any information which you obtained before July, 1851, you may speak of.

Mr. Carlisle. I suppose you can tell whether you were in the State of San Luis Potosi before July, 1851?

Ans. I was not.

Ques. You were never in any part of the State of San Luis Potosi before you went out on this business?

Ans. I was not.

By Mr. Fendall. You were in the Republic of Mexico before that?

Ans. Yes.

Ques. When?

Ans. In the year 1847.

Ques. How long did you remain there?

Ans. I went to Mexico in August, 1847; remained there until the 21st of December; came to the States; returned to Mexico and remained there until the 1st of July, 1848.

By Mr. May. Did you, while there, examine piles of masonry and acquire a knowledge of such as are used to mark boundaries in Mexico?

Ans. I saw these piles of stones in different parts of Mexico; they were pointed out to me as marking boundaries.

Ques. I ask you whether this pile of stones in Laguinillas had the same appearance as those which were previously pointed out by you as marking divisions between States and counties?

Ans. Yes.

Ques. Mr. May. You know the location of that stone?

Witness. Which one?

Mr. May. The one on the northern boundary.

Ans. I do.

Ques. Do you know the location of the one on the south?

Ans. I do.

Ques. Have you explored the country between those stones?

Ans. I have explored it thoroughly, up hill and down hill, mountain and valley, and along the streams—every portion of it.

Ques. Did you find any mine there?

Ans. I found no mine of any description—of any kind of metal.

Ques. Can you say, as a witness here, to the gentlemen of this jury, after your exploration between these two boundary stones, whether there is a mine in that country between those stones?

Ans. I could say, most positively, there is not.

Ques. Can you tell whether there is a place called Laguinillas between these boundaries?

Ans. There is a small village called Laguinillas between these boundaries. It is near the southern boundary; or a little nearer the southern boundary than the northern.

Ques. How far is it from the stone on the southern boundary?

Ans. From four to five leagues.

Ques. Can you tell what the distance is between the two boundary stones?

Ans. It is between ten and eleven leagues.

Ques. Did you go to a place called Peunijuan?

Ans. I did.

Ques. Did that lie between these two boundary stones?

Ans. It did; near the northern boundary.

Mr Bradley objected to asking witness whether he did this or that, or could tell so and so, but wished he might be permitted to go on in his own way and state what he saw.

The Court directed accordingly, and witness proceeded: Dr. Gardiner was in the house all the time I was there. I tried to see him, but could not get at him.

Ques. Tell us the date of your first visit to Laguinillas?

Ans. (After looking at a memorandum book,) I entered Laguinillas on the evening of the 19th of October.

Ques. How long did you remain there?

Ans. Eleven or twelve days, including the day I left. I entered on the evening of the 19th of October, and on the morning of the 20th commenced my explorations of the place. I employed different guides. I changed my guides five times, so that I might not be deceived. No one knew my object. I did not tell any one any thing about my object. I gave out that I was looking for coal mines. The servant with me did not know my real name nor object. I travelled under an assumed name. I explored the place from one end to the other—through its entire length and breadth. [Witness here said something about one Don Jose Pandro and the Alcalde of the place, which was not distinctly heard by the reporter.] With my first guide I explored the place in its length and breadth. I think I changed my guide afterwards and explored it a second time. I changed my guides five different times in different parts of Laguinillas, so that I should not be deceived. Near the village of Laguinillas was the only place where I found any digging at all, or any appearance of a mine. It is an old cave, about a mile or a mile and a half to the east of Laguinillas; and I examined it carefully.

The Court. Do you mean digging?

Ans. I cannot tell whether it was made by art or nature.

Ques. About a mile and a half to the east of Laguinillas?

Ans. About; I did not measure the distance exactly. I measured the old cave. It is about ten or twelve feet perpendicular, and drifts to the east some ten or twelve feet. There are a few little—I should not call them caves—in the immediate vicinity.

The Court. In the same place?

Ans. In the mountains, around the same place, within a few hundred yards of it. There is no appearance of any buildings whatever of any kind in the vicinity of this cave. A little to the south of west of the village is a mountain called *Laguna Colorado*. It takes its name, I believe, from the lake at the foot of it. I examined the mountain, and found that there had been some appearances of digging in the mountain many years ago. The appearance indicated that the excavation was a very old one. It could not have been done within the last fifty years, I should judge, from the vegetable growth around it. After a thorough examination, I could find no other place of a mine, or a digging, or any thing of the kind; or any thing that could resemble a mine, from one end of the county to the other.

Ques. Was your exploration a very minute one?

Ans. It was very minute. I think if a mine had been there I must have discovered it. It would have been utterly impossible for one to have been there without my finding it.

Ques. Do you know a place called Arroya Seco?

Ans. Yes.

Ques. Where is that?

Ans. It is about five leagues from the village of Laguinillas.

Ques. In the State of San Luis Potosi?

Ans. No; in the State of Queretaro.

Ques. Is the boundary stone near there?

Ans. Yes, not far from it.

Ques. There is a village called La Camilladad; is that in Laguiallas or Queretaro?

Ans. I think it is right on the boundary of Queretaro and San Luis Potosi, or near the boundary.

Ques. From what direction, from what State did you enter Laguinillas?

Ans. I went from Queretaro into the State of Guanajuata, and from Guanajuata into the State of San Luis Potosi.

[Witness further explained the route by which he crossed the mountains and finally reached the valley of the Rio Verde.]

Mr. May exhibited a map of the Rio Verde region, which he said was made by an engineer of the United States army.

Mr. Bradley objected to its reception until the counsel for the defence had had an opportunity of looking at it, but would allow the witness to verify it.

The Court said it could be submitted as a diagram.

The court then adjourned.

[Correction.—In the report of the testimony of Mr. Charles E. Bowes, in the proceedings of Saturday, as published in this paper of Monday, a few errors were made, viz: For "*Guadalupe Hidalgo*," wherever it occurs in the testimony of Mr. Bowes, read "*Guadalupe y Calvo*." The following question, which occurs in the examination in chief—

"*Ques.* Are you able to remember faces particularly well?"

Was answered as follows, instead of what appears in the report:

"*Ans.* I have a very strong recollection of faces, indeed. I have often recognised friends whom I had not seen for ten or eleven years; and have often been surprised and amused at the surprise manifested by persons on my addressing them familiarly when they supposed me a perfect stranger."

And in the *cross examination*, the question "Did you meet him to speak with him on board the Trent?" was answered, "I did not," instead of "I did," as reported.

Towards the close of the gentleman's testimony the name of "Mr. Smith" was written twice, when it should have been "Mr. Slacum."]

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WILLIAM RUFUS KING

HEALTH OF MR. KING.—The following letter from Cuba (which we find in the Savannah *Republican*) contains the latest intelligence from Mr. Vice President KING:

MATANZAS, March 6th, 1853.

My Dear Sir:—We changed the residence of our esteemed Vice President on Thursday last, from the "Cumbre" to the sugar estate of Col. John Chartand, leaving the Cumbre at half past twelve and dining at the delightful "Ariadne" at about four. The Vice President was considerably fatigued with the journey, but slept that night better, he told me, than since he has been on the Island; he seems delighted with the change, and is more hopeful and of better heart than since he reached Matanzas, and at present unquestionably better than when he came here; don't be surprised if the Colonel sends him home a tolerably well man. I am, in haste, Yours truly,

T. M. RODNEY.

Col. DUDLEY BAYLEY, Havana.

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THE REPUBLIC.

WASHINGTON

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THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardiner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

ELEVENTH DAY—*Wednesday, March* 23.

The examination of Captain Edmund Barry was resumed.

By Mr. MAY. We understood you yesterday to say that you explored this country of Laguinillas. Were you attended by any one; and if so, by whom?

Ans. I was attended by a practical engineer of mines, named Thomas McCormick. He was an Irishman, and had been living in Mexico twenty-eight years

Ques. Did he speak the Spanish tongue?

Ans He spoke the Spanish tongue perfectly.

Ques. Was he with you the whole of the time?

Ans. He was with me the whole of the time.

Mr. CARLISLE. Can you swear to that?

Ans. His mother told me he came to the country when he was two years of age.

The COURT. Do not speak of what was told you. Speak of what you know.

Mr. FENDALL. You found him there when you got there; that is sufficient for us.

Ans. I found him there. He was living in Queretaro, and went with me from that place to Laguinillas. I explored the county of Laguinillas on horseback, and he was with me the whole of the time.

By Mr. MAY. Did anybody else attend you?

Ans. Yes, there was a man named Don Antonio Trejo.

Ques. Was he a person skilled in engineering, or not?

Ans. He was the sworn surveyor of the State of Queretaro.

Ques. Did he accompany you all the time?

Ans. He accompanied me all the time. He left me a few days before the arrival of the commission at San Luis Potosi. A few days after the arrival of the commission at Potosi I discharged the whole party. Both engineers continued with me until I got back to the city of San Luis Potosi.

Mr. BRADLEY. Had you any other person with you?

Ans. I had a servant or two.

By Mr. MAY. Did you proceed with the commission that went to the city of San Luis Potosi?

Ans. I did.

Ques. Do you know whether Gardiner or any of his companions had reached Laguinillas before you left?

Ans. No, I am very confident they had not.

Mr. BRADLEY. Had you any knowledge of the subject whether they were there or not?

Ans. I did not see them.

Mr. MAY. Did you not subsequently see them?

Ans. Yes, I subsequently saw two gentlemen, friends of Dr. Gardiner.

Ques. That was on your second visit?

Ans. That was on my second visit.

Ques. What towns or villages in the district of Laguinillas did you visit?

Ans. I visited the village of Laguinillas, (and, after referring to a memorandum which witness said was made at the time,) Penijuan, the hacienda de Buena Vista, which is situated ne r the southwestern boundary, La Comunidad, and San Augustin, which is near the northwestern boundary, not far from the stone I spoke of yesterday.

Mr. BRADLEY. Were those all the places you visited?

Ans. No, sir; I visited the Puerto de la Cruz; I visited a number of farm-houses or *ranchos*; in fact, nearly every house in the whole country. In Laguinillas there are no roads at all, only bridle paths; and whenever I found a bridle-path I followed it out. They generally led to a *rancho*—a small house.

By Mr. MAY. Did you pursue any general direction in your explorations, or did you traverse the country in every direction?

Ans. I explored it in every direction and in every part. I do not think it is possible to find any portion of the country which I have not explored personally.

Ques. Had you the means of determining the vertical points?

Ans. Yes; I had two compasses. Mr. Trejo being a practical engineer, carried a large pocket compass, and Mr. McCormick had a smaller pocket compass.

Ques. I understand you to say you visited all the houses and ranchos through the country which you could find, in various directions—north, south, east, and west?

Ans. Yes.

Ques. Did you have intercourse with the people in the country?

Ans. I had the fullest intercourse with the people of all classes.

Ques. You say you were there eleven days, or, including the day you left, twelve. Was the whole of that time occupied in these explorations, or not?

Ans. Nearly the whole of the time was occupied in explorations. A part of two days, out of the twelve, I spent in the village of Laguinillas.

Ques. Is this the principal village in the town of Laguinillas?

Ans. It is the principal one. Penijuan is north of it.

Ques. How far do you suppose Penijuan is from the northern boundary stone?

Ans. It is two or three leagues, I suppose, from the northern monument.

Ques. Did you visit places around this district of Laguinillas in various directions?

Ans. I did.

Ques. Outside of it?

Ans. Outside of it.

Ques. To what distances, do you suppose?

Ans. On the northern, southern, and western sides I visited the country to the distance of twenty-five or thirty leagues around.

Ques. Had you free intercourse with the people in all this region of country which you visited?

Ans. Yes; through the entire region of country, through the whole district of Laguinillas and the Rio Verde, and the States of Queretaro and Guanajuata.

Ques. Do the States of Queretaro and Guanajuata join the State of San Luis Potosi?

Ans. They do so. A portion of the southern boundary of Laguinillas is also part of the southern boundary of the State of San Luis Potosi.

Ques. Did you see any wheel-carriages in the county of Laguinillas?

Ans. No; it would be impossible for wheel-carriages to go into that county at all—at least it would be impossible to use them.

Ques. Will you describe, in your own way, the character of the country, the mountains and the roads through the mountains, and the country in all directions around the county of Laguinillas, taking the town of Laguinillas as a central point?

Ans I first entered Laguinillas by the way of Alvercas.

Ques. Where is Alvercas?

Ans. Alvercas is in the department of Rio Verde, in the State of San Luis Potosi, close by the boundary of Laguinillas.

By Mr. FENDALL. How far from the city of Rio Verde?

Ans. I think it is about thirteen leagues. The road is so bad that it would be impossible for a wheel vehicle to go half the distance from Alvercas to Rio Verde. On leaving the valley of the Rio Verde we came to a very rugged, mountainous country. In fact, I found it impossible to ride, and it was only with the greatest difficulty that I led up my pony. I had a mountain pony, and my pack-mules, which carried only a hundred weight a piece, had to travel very slowly, indeed. After leaving Alvercas I passed through a small muddy valley, of about four or five hundred yards in width, and I should judge about a mile in extent. I mired several times in getting across it.

Mr. MAY. I understand you crossed it?

Ans. I crossed it by the common path. I was going from Alvercas to Arroyo Seco. I came to an abrupt hilly ascent—so precipitous that it was almost impassable. I ascended the hill, and came to what I thought was a plain; and this plain I found filled with rugged and almost impassable eminences.

Ques Did this same kind of plain extend to Arroyo Seco?

Ans It extended to within a mile and a half of Arroyo Seco. After leaving Arroyo Seco the road is very mountainous—the paths are very steep, and every portion of the road from there to Laguinillas is utterly impassable for wheel vehicles.

Ques. What is the character of the northern, southern, eastern, and western portions of this district, and the country all around it?

Ans. It is all of the same kind. It is utterly impossible to ride over it. I deem it utterly impossible for wheel vehicles to pass over it. It was with the greatest difficulty that I got my mules, with small packs, over the roads. Frequently the mules would slide down.

Ques. That is all over Laguinillas?

Ans. Yes; frequently in Laguinillas you would find a hilly country. Some of the hills were susceptible of cultivation; but throughout the whole country it was utterly impossible to use vehicles.

Mr. MAY. You describe this as the character of all the roads all around the region which you saw?

Ans. Yes; the roads leading to the department of Rio Verde are much better than those leading from the city of Rio Verde to Laguinillas.

Ques. Do I understand you, in describing the character of the roads all around this region in every direction, so far as you saw them, to say they were of this description?

Ans. Yes; the roads I have just described, leading to the city of Rio Verde.

Ques. Now describe the other roads all around?

Ans. At my first entrance in the country I came from Queretaro to San Maria del Rio; I then went to Santa Catarina, where I first entered the valley of the Rio Verde. The road was very difficult; nearly two-thirds of the way I was obliged to walk, I found it impossible to ride; my horse fell repeatedly. Through the greater part of the valley of the Rio Verde the road is good. There are spots where it is very bad. I entered the department of Rio Verde again from the city of San Luis Potosi. I went to the village of Guadalcazar, which lies in the department of Guadalcazar, a little west of north from the Rio Verde. From San Luis Potosi to Guadalcazar the road is good. When you leave Guadalcazar the road is very bad, and it is extremely difficult to ride an animal of any kind until you get to the rancho of La Angostura, and from there to the city of Rio Verde the road is good.

Ques. How far is it from La Angostura to Rio Verde?

Ans. About twenty leagues.

Ques. Did you go any distance on the Tampico road?

Ans. I went a short distance on the road leading from Rio Verde to Tampico. I went with an old man, who had resided there a long time, who spoke English and Spanish, and pointed out the road to me; but I did not go far on that road.

By Mr. BRADLEY. Did you go out on the Tula road?

Ans. No; I don't know of such a road.

Ques. I understood you to say that you travelled all round in a circle of the county of Laguinillas; describe all the routes on which you travelled?

Ans. I travelled from Arroyo Seco to Laguinillas, and returned back a different road into Queretaro. That was the worst road that I have ever seen in the North American continent.

Ques. You have travelled several pretty bad roads in your life?

Ans. I have crossed the Rocky mountains and other mountains, and I never saw any thing like that road. It was so bad that I thought it nearly impossible to get out of Queretaro. It was with the greatest difficulty that I reached the hacienda. So far from being possible for wheeled vehicles, it would be a pretty bold man that would attempt to ride over it. I know that I would not again upon any consideration.

Ques. Do you say that there were any people in Arroyo Seco?

Ans. Yes, sir, certainly.

Ques. Is it a town or village?

Ans. It is a village.

Ques. How many people does it contain?

Ans. I should judge from two to three hundred.

Mr. MAY. Go on to describe the roads around the Gulf side of Laguinillas.

Ans. The roads from the Gulf side are very mountainous, extremely so.

Ques. State what roads you tried?

Ans. I tried half-a-dozen bridle paths on the Gulf side; I saw no roads; the guides pointed out the paths to me.

Ques. How is it on the north side?

Ans. About the same.

Ques. Describe the west side?

Ans. Upon the west side there were only two ways by which you can enter—the one by way of Arroyo Seco, and the other by way of Comunidad.

Ques. How are the roads on the south side?

Ans. The only road on the south side that I could possibly find was so terrible that I should consider a man insane ever to attempt a road a second time.

Ques. Where did that road go to if followed out?

Ans. It went to Queretaro, and branched off in

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various places before it got there. When we got within a few leagues of Queretaro we took a bridle path and went to San Juan del Rio.

Ques. I will ask you if you think a steam engine could be carried on one of these roads into the country?

Ans. I should think it utterly impossible.

Ques. Thre are no roads, you say, for wheeled vehicles; how, then, are things transported?

Ans. Generally on the backs of little jackasses. Laguinillas is a poor country, and there are not many mules in it.

Ques. Most of them are jackasses?

Ans. Yes, sir.; little jackasses.

Mr. MAY. Smaller, I suppose, than you ever saw before in your life, and you have seen a good many?

Ans. Yes, sir.

Ques. You have seen the various parts of a steam-engine, and know that it has a good many heavy pieces?

Ans. Yes, sir.

Ques. Could they be carried on the backs of mules or horses, or any other animals you have seen in that country?

Ans. They could not.

Ques. Did you see any wheel vehicle in Laguinillas?

Ans. Through the whole of Laguinillas I have no recollection of seeing one wheel vehicle of any kind.

Ques. Did you see a steam-engine, or any part of a steam-engine?

Ans. No; I saw no steam-engine of any kind, nor do I think it would be possible to get one there.

Ques. Steam-engines are generally constructed of iron; have you ever heard of a fire consuming a steam-engine?

Ans. No.

Ques. You have seen silver ore; would a fire consume that?

Ans. No; it would melt, but not consume it.

Ques. How many people does the city of Rio Verde contain?

Ans. I cannot state positively, but I understood it contained from six to eight thousand people. It is a very considerable place.

Mr. BRADLEY. You were told that it contained six or eight thousand. You don't know it?

Ans. Yes, sir, I was told so and I believe it. I was told afterwards another story, which I did not believe. That was also my own estimate of the population. When I first entered Rio Verde I considered it a very long city, but they told me I entered first another town called San Fernandez. It joins the city of Rio Verde, but has another prefect. I had supposed at first that Rio Verde was a much larger city than I found it to be, it being joined to this place, San Fernandez. Rio Verde is a place of considerable inland trade with the neighboring ranchos; they have no foreign trade; they appear to live comfortably, that was all; they are not very wealthy; not poor.

Mr. BRADLEY. Do I understand you to estimate the population of Rio Verde, not including that of San Fernandez, at 6,000 or 8,000?

Ans. Yes.

Ques How much, including San Fernandez?

Ans. I do not know. I should suppose ten or twelve thousand, but am not positive.

By Mr. MAY. I will ask you if you know any thing of a handbill being posted in the town of Rio Verde?

Ans. Yes, I saw it.

(The handbill offering a reward to any person who would point out the mine of Dr. Gardiner, headed "Aviso al Publico," and signed "Enrique May," was here shown to witness. He identified it as being similar to the one which he had seen posted in Rio Verde, and translated a portion of it to the jury.)

Ques. Where did you first see this handbill?

Mr. FENDALL. You mean one like this?

Mr. MAY. One? How many did you see?

Ans. A dozen, I suppose.

The COURT. I suppose nobody would post up a single handbill.

Mr. FENDALL. What I meant was, not this particular one, but one like it.

Witness. I saw copies of this handbill first in Rio Verde, and next in Laguinillas. I saw it posted on the Alcalde's house, and at entrances by the gates.

Ques. You say you saw a number of these posted in the town of Rio Verde—were they in public and conspicuous places?

Ans. Yes, sir; around the plazas and other conspicuous places.

Ques. For what length of time did you see it?

Ans. A whole week.

Ques. Did you see people reading it?

Ans. Yes; great numbers. It appeared to attract considerable attention.

Ques. You again saw it, I understand, in the town of Laguinillas?

Ans. Yes.

Ques. Did you see more than one there?

Ans. Yes.

Ques. In what sort of places?

Ans. I saw one posted in front of the alcalde's house, or at least his office; I suppose he resided there. I saw another on the public plaza, on the side of the wall near a gate leading to the church.

Ques. Do you know where a person named Jose Pando lived in the town of Laguinillas?

Ans. Yes, sir.

Ques. Where did he reside?

Ans. He resided on the plaza.

Ques. How far from the office of the alcalde?

Ans. Right opposite the plaza. I cannot be certain about the width of the plaza, but think it was about eighty yards off.

Ques. Did you know him personally?

Ans. I did.

Ques. Did you see him there on your first visit?

Ans. I did.

Ques Did you see him more than once?

Ans. Yes; I saw him several times.

Ques. Did you converse with him?

Ans. I did converse with him; he gave me information—

Mr. BRADLEY. That won't do, sir.

Mr. MAY. Never mind what he said. They won't allow that. I will ask you whether it was at that house on your second visit that you saw the friends of Dr. Gardiner?

Ans. Yes; it was at the same hour.

Ques. Who did you see there?

Ans. I saw Edward W. Abbott and Mr. Slacum.

Ques. Were they residing at that house?

Ans. They were all the time I saw them. I saw them in the house, and walking in and out.

Ques. Did you see Gardiner?

Ans. I did not.

Ques. Did you see the first alcalde of the town?

Ans. I did.

Ques. Talked with him?

Ans. I talked with him repeatedly on my first visit there.

Ques. And second?

Ans. Yes.

Ques Did you visit the office of the alcalde on your first visit?

Ans. I did. I visited the office and examined it.

Ques Did you examine the office of the alcalde to see if there were any mining papers or any denouncements of mines in it?

Ans. I did.

Ques. Did you find any such papers there?

Ans. I found none of any kind.

Ques. Was the alcalde present in the office?

Ans. He was.

Ques. At the time you made the search?

Ans. At the time I made the search.

Ques. The first alcalde?

Ans. The first alcalde.

Ques. The officer who had charge of the place?

Ans. The officer who had charge of the place, sir.

Ques. What time was that, as well as you can fix the date?

Ans. I think it was on the first or second of November.

Ques. You say that although you visited Pando's house during the twelve days you were there, you did not see Abbott, Slacum, or Gardiner?

Ans No; I did not see them until after my second visit.

Ques. The second time you went there, did you not go with the commissioners of the Senate?

Ans I did. I found them, and returned back to Laguinillas with them

Ques. We understand you to say that during the whole of your first visit you saw neither Dr. Gardiner, nor any of his friends, nor any strangers at all?

Ans. Yes.

Ques. You met the commission of the Senate at San Luis Potosi—then where did you go?

Ans. I went by way of Guadalcazar to Rio Verde, and then to a place called Rio Camotes. I travelled from Camotes down to Laguinillas.

Ques. Do you know whether you and the commissioners travelled through the length of Laguinillas?

Ans. Yes, sir; through the entire length.

Ques Did you go with them to Penijuan?

Ans. I did.

Ques. Do you know whether a river was passed anywhere?

Ans. We passed the Rio Verde near the northern boundary of Laguinillas—near the monument which I have spoken of on the north side.

Ques. Do you recollect passing a river near Penijuan?

Ans. Yes; we passed a considerable river near Penijuan, and had great difficulty in fording it. It was a rapid, dangerous river.

Ques. I ask you whether you visited the office of the prefect of the town of Rio Verde?

Ans. I did.

Ques What was the name of the prefect?

Ans. His name was Francisco Ferdinandez.

Ques. Did you see him?

Ans. I saw him. I conversed with him repeatedly.

Ques. Did you examine the records in his office?

Ans I did. I examined them with his consent.

Ques. What did you examine those records for?

Ans. To see if I could get any denouncement of mines, or papers relating to mines.

Mr MAY here exhibited to the witness a paper containing the mining title.

Ques. Have you a copy of that paper with you?

Ans. I have a copy.

By Mr. BRADLEY Where?

Ans. At my house.

Ques. Have it here, then, before you say any thing about it?

The COURT. You cannot speak of any paper you have without producing it.

Mr. MAY. He cannot state the contents of the paper, but can state from recollection, after reading the translation, whether he has a similar paper.

Mr. FENDALL He can get it in a few moments.

The COURT. I think we had better wait for you to get it.

The rest of the day's proceedings could not be written out for this paper. Captain Barry's examination continued until the adjournment of the court.

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THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States *vs.* George A. Gardiner, (indicted for false swearing; in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

ELEVENTH DAY—*Wednesday, March* 23.

[IN CONTINUATION.]

By Mr. MAY. I asked you if you examined the records in the prefect's office; what answer do you give?

Ans. I found no denouncement, or any papers relating to mines.

Ques. Was he present?

Ans. He was present; he and his secretary.

By Mr. FENDALL. Who was his secretary?

Ans. Juan P. Gutierres; I think, was his name.

Ques. Did he assist you in making this search?

Ans. The prefect himself assisted me.

Ques. Had you free access, so far as you knew, to all the papers in his office?

Ans. So far as I knew, I had free access to all the papers in his office.

Ques. You say that you could not find no paper of any description relating to the mine?

Ans. No; none of any description.

Ques. Or a record of papers?

Ans. None.

Ques. Or a register?

Ans. I found no paper of any kind relating to a mine.

Ques. Did you or not while at Rio Verde make inquiry for a person by the name of Jorge Espinosa?

Ans. I did.

Ques. Did you find him?

Ans. I could not find any person of that name, or get any information about him.

Ques. Did you make inquiry for a person named John G. Simpson?

Ans. I did; and could get no information about him.

Ques. Did you make inquiry for a person named Andres Arrellando?

Ans. I did, and couldn't find him.

Ques. When you were on Mr. Bartlett's commission?

Ans. Yes.

Mr. MAY here exhibited to the witness a map of part of the route pursued by the Senate commission in Mexico through San Luis Potosi.

Ques. Captain, just look at that map, if you please; and look at the location of the several places on it, if you have not already done so.

Ans. I have done so out of court.

Ques. Where did you see it?

Ans. In this court house—in the building. I saw Captain Doubleday make a greater part of it. He finished it in this city.

Ques. Did you see him make that part of it relating to Laguinillas?

Ans. Yes, sir.

Ques. Did you sit down by him and tell him how to make it?

Ans. No; I think he made the greater part of it himself.

Ques. Were you out on the northern boundary with Captain Doubleday himself?

Ans. Yes. Captain Doubleday stood by the stone himself, and saw the monument. I entered Laguinillas, I suppose, before Captain Doubleday, or Mr. May, or any of the commissioners.

Ques. Did he make any observations?

Ans. Yes, sir.

Ques. Did he have any instruments?

Ans. Yes, sir—compasses. I saw him take notes, and make observations afterwards. I saw him plotting the map.

Mr. FENDALL. Use the map as a diagram

Mr. BRADLEY. We have a right before you use it to know from your own observations whether it be correct.

Ans. I judge it is right, from my observations of the country.

Mr. MAY. To save the time of the court, I asked the witness to examine the map out of the court-room, particularly in regard to the locations of places and objects; and to say, whether from his recollection of the country, it is correct. He says he has done so, and the map is correct.

The COURT. I do not see any objection to that; it may be used undoubtedly as a map. The only question is, does this map correctly represent the relative position of those places? The witness, from his knowledge of the country, says it does. I think it perfectly reliable.

Mr. MAY. We intend to prove the accuracy of this map by persons who have a competent knowledge of the subject, and can substantiate it from personal observations and explorations of the country.

Mr. BRADLEY. I only ask whether the United States are to offer it when they have proved its accuracy by witnesses.

Mr. MAY. We shall undoubtedly offer it to the jury.

The COURT. The map *per se* does not establish any thing except as the witnesses testify to it. It is perfectly allowable to question witnesses about it, in order to establish its accuracy. It is done every day.

Mr. MAY then questioned witness in regard to the positions of places and objects on the map.

[*Witness* pointed out the cities of San Luis Potosi and Rio Verde, the haciendas of Guadalcazar and La Angosturo, the cuidad Fernandez, the town of Nuevos Camotes, the county of Laguinillas, and the included or neighboring villages of Laguinillas, Penljuan, Buena Vista, Alvercas, Arroyo Seco, Comunidad, &c.; also the positions of the boundary stones of the county of Laguinillas, and the principal route of the United States commissioners, his own routes, &c.; all of which places, boundaries, routes, &c., witness recognised as correctly laid down upon this map.]

Ques. Do you recollect whether or not Captain Doubleday made observations all along these routes?

Ans. He did.

Ques. Did you see him making notes of his observations?

Ans. I did.

Ques. Did you see him making observations of distances?

Ans. I did.

Ques. Do you know whether he was provided with a prismatic compass?

Ans. He was; it came from the Coast Survey.

Ques. Did he use that?

Ans. He did, and also another smaller one.

Ques. Did he observe time?

Ans. He did, with a good watch.

By Mr. BRADLEY. How large was the small compass?

Ans. It was a pocket compass; between three and a half and four inches wide, I should judge.

Ques. Had he any other instruments besides the compass and timepiece?

Ans. He had a staff for the compasses and a long self-winding tape-line, which answered for a chain. He had no other instruments.

Mr. BRADLEY, after examining the map, said he had no objection to its going to the jury as evidence; and it was then passed to the jury.

The paper relating to the mining title was then shown to the witness.

Mr. MAY. Had you a copy of that paper with you when you went to the prefect's office at Rio Verde?

Ans. I had.

Ques. Did you find any such paper as that there?

Ans. No.

Ques. The prefect assisted you in the search, I understand?

Ans. He did; he pointed out where all the papers in his office were.

Ques. I understand you to say, as the result of all your explorations and your examinations in the offices of the prefect of Rio Verde and the alcalde of Laguinillas and of the whole country, that you could find no mine in the county of Laguinillas nor any paper relating to a mine?

Ans. I could find no mine of any kind in the county of Laguinillas; nor could I find in the offices of the prefect or alcalde any paper relating to a mine.

Ques. Did you find any mining regions in the neighborhood; if so, in what States? Did you visit any old mining districts?

Mr. BRADLEY. I suppose it is hardly worth while to inquire about that. We have gone all over the States of San Luis Potosi, and Guanajuato.

Mr. MAY. I merely wished to show that there were mining districts in other States not far away; but that is not material. You say you saw none in the district of Laguinillas?

Ans. I saw none of any description.

Ques. I see by a report of yesterday's proceedings that you speak of diggings in a mountain. What do you mean by that?

Ans. I said that near the village of Laguinillas, at the distance of a mile, or a mile and a half, I thought there was a cave, and that I could not tell whether it was the work of art or nature. I said it was in the neighborhood of mountains, and was apparently four or five feet deep.

Ques. Near Arroyo Seco there was a lime pit. About that did you see any *haciendas de beneficio*—any houses for laborers?

Ans. No.

Ques. Any mill-races or mill dams?

Ans. No.

Ques. Any places where steam-engines could be constructed?

Ans. No.

Ques. Did you see the remains of any large works of masonry there?

Ans. No. Some ruins were pointed out to me as the remains of a very magnificent church, but I could see no signs of great magnificence about it.

Ques. What is the general character of this district?

Ans. Limestone is the general character through the whole district.

Ques. Did you see any signs of ores of silver there?

Ans. None.

Ques. Could you find any places where ores had been smelted?

Ans. None.

Ques. You know the nature of the remains—the *scoria*—which is thrown out of silver mines?

Ans. I do; I have always seen the remains in all the mines which I have visited.

Ques. It is something like the scoria about iron furnaces?

Ans. Something similar.

Ques. You saw nothing like that there?

Ans. No, sir; no appearance of mining operations of any kind whatever.

Ques. Did you see the remains of mules and "men of science" there?

Ans. I saw a good many carcasses of mules there—they were left by the Mexicans, I suppose; and I saw some corpses, but I can't say whether they belonged to "men of science" or not.

The court then took a recess.

Upon the reassembling of the court the same witness was further interrogated.

Cross-examination.—The map was shown the witness.

Ques. On that map you will find the boundary of Laguinillas given. Do you mean to convey to the jury that Laguinillas is situated as it is laid down there between those ranges of mountains?

Ans. I do not think that I said Laguinillas was in the valley?

Ques. But are the general features of the county correctly observed in that map?

Ans. The topography is very correct.

Ques. Are there not in the mountains south of the village of Laguinillas abrupt terminations of the hills, with gorges between them?

Ans. Yes, sir.

Ques. Are they so set down on the map?

Ans. I think the topography of the country is pretty well set down on the map.

Ques. Can you stand in Laguinillas and see through these gorges the hills beyond?

Ans. You cannot see through them, but you can see over them the tops of the higher hills, which are beyond.

Ques. There are gorges then in these mountains nearest Laguinillas?

Ans. There are, but you cannot see through them beyond the mountains; they are cut off by abrupt hills. Laguinillas itself stands on a hill.

Ques. Is there not a gorge in those hills through which the road goes to La Comunidad?

Ans. There is a gorge, but it is upon the mountain. The gorge does not go down to the bottom.

The witness was here closely interrogated as to the positions of the several places laid down on the map, its correctness, distances from the several places, and with respect to the varied topography of the country described in his examination in chief.

Ques. What route did you go when you left Laguinillas?

Ans. The route to Arroyo Seco; I cannot say we stopped there when going there at that monument stone; we were scattered sometimes; I was three miles distant from Captain Doubleday at times; this stone is a league from Arroyo Seco. I do not know Captain Doubleday went to it; he told me he did. I have a knowledge he went off the

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route with a servant to a great distance. As soon as the commission left the municipality of Laguinillas, ha parted company with us. I left the commissioners at no very great distance from Penijuan. I went to the monument with the commission. I left Penijuan about 12 o'clock. We went to the monument between eight and nine o'clock, then went to Penijuan. I was off shooting ducks, and the commission got there before I did. I and the commission started for Penijuan together. I think it was about 12 o'clock that we got there—it was before dinner, which was a thing we did not often get in that county. We carried our provisions with us, but we did not unpack the mules; we dined at the encampment, which was over night; that meal was breakfast, dinner, and supper. Sometimes we had a little chocolate in the matter. We left Penijuan together, and I was at Laguinillas about an hour before the commission arrived. Captain Doubleday arrived the same evening. The members of the commission were pretty much together. I have no knowledge how Captain Doubleday got this point—at the southeast corner of Laguinillas.

We stopped half an hour, or three-quarters, more or less, at Arroyo Seco; but I had no watch, and can't say precisely. We left Laguinillas after the sun was up; I am most positive the sun was up when we left there. From Laguinillas to Arroyo Seco it is about five and a half or six leagues by the road we took; the road is not very straight, and is over a very rugged, hilly country. It took us four to five hours to ride it. It was a very rugged country; we passed over hills. We passed over the dry beds of some streams, and one or two running streams. Our next stopping place was at a plantation, where there was a small sugar mill; we encamped there that night; the next day we were at Laporella, (so understood,) which was the worst road I ever saw; we then pushed on towards Queretaro. When we got to the rancho of Esperanza, we were within about eight leagues to Queretaro, and the same distance to San Juan del Rio. We concluded that if we went on to Queretaro we could not all get seats in the diligence, and we then pushed on directly to San Juan. One of the party who went to Queretaro could not get a seat in the diligence.

We went from there to the city of Mexico; we did not go in the diligence, but rode on horseback.

Ques. On that route did you meet a broad road leading from Queretaro to Tampico?

Ans. I know nothing of such a road.

Ques. Did you see a road suitable or practicable for wagons or wheel-carriages leading from Queretaro to Tampico?

Ans. I did not. No road there that I saw was practicable for carriages, or for wagons, leading through to Laguinillas.

Ques. Were you ever in Tauconhuitz?

Ans. I never was. I never heard of it.

Ques. What county, in the State of San Luis Potosi, lies west of Laguinillas?

Ans. Rio Verde. I never have visited any of the monumental stones of Tauconhuitz.

Ques. What county, I do not mean district, were you in when you were travelling east of Laguinillas?

Ans. I was in the department of Rio Verde. I know the country east and about Laguinillas by no other name than Rio Verde. It was Rio Verde on the north, on the west and east of Laguinillas. Laguinillas is bounded on the north, east, and west by Rio Verde, and on the south by Queretaro. I know it, because I saw the boundary monumental stones—dividing it off as a part of Rio Verde. I never saw any village of the name of Tauconhuitz, nor did I know of any district, or municipality of that name. There was no access into Laguinillas, from the east or southeast, practicable for wagons, or for mules heavily loaded, that I could find. Near Penijuan was a little branch of a stream I mentioned before, running into Laguinillas; it run to the north from the south. It was near Penijuan that I saw this branch. It had some water in it, but nothing that could be called a running stream. I saw several lagoons, or lakes, but no running water. I did not find it to be the fact that there were many lakes in that neighborhood. I may have found three or four, perhaps one or two more. One of these was very deep, and I was told it had no bottom; I sounded it and could find no bottom. It was at the foot of the mountain called the Lagoa Colorado. (Without here read notes not of this date made at the time of his visit.) It was said that at the time of earthquakes fish were found in it. It is fifty or sixty yards wide. It is within gunshot of Laguinillas; it is west of South of Laguinillas. Some of the houses of the village of Laguinillas are on the lake, and it might be said it extends to the lake. I did not there find the cave I have mentioned.

Ques. Is there not a mine in the hill above that lake?

Ans. There is not. There is a hole there, but I should not call it a mine. I explored it. There are no buildings or other indications of a mine having been there. I searched for ore in it; I got something there which I did not consider ore, nor did the guide who was with me, who was a miner. I brought away no specimens of it.

Ques. Had it ever been worked?

Ans. If it had, it had not been for a prodigious long time.

Ques. How far was that lake from the residence of San Jose Pando?

Ans. About four hundred yards.

Ques. And how far from the lake is this hole you speak of?

Ans. About four hundred yards more. This is south of San José Pando's residence.

Ques. Is there not a mine or cave east of the residence of Pando?

Ans. There is a cave which I told you of. It is almost perpendicular. It goes down perpendicularly about thirteen feet, then extends to the east.

Ques. How far east does it go into the mountain?

Ans. About thirteen feet.

Ques. Did you find any silver ore?

Ans. No, sir.

Ques. You then examined all around Laguinillas for three miles, and found no mine or silver ore of any kind?

Ans. I did so examine, and found no mine or any silver ore.

Ques. Where did you get your first guide?

Ans. I got him in Laguinillas. He was furnished me by Jose Pando; he was recommended to me by Pando and the Alcalde; I retained him two days; while I had him I explored across the centre of the county of Laguinillas. I next got another guide, who remained with me about two days; while I had him I explored the northern part. I found my next guide at a rancho, and he remained with me a day or two, and I then explored in the north. My next guide was one whom I got in Queretaro, and brought with me, and with him I explored in the south part of the county. I got four of my guides in Laguinillas, and with them I explored the centre and north part of Laguinillas, and with the other, whom I got in Queretaro, I explored the south part.

Ques. In ten days, then, in a rough, rugged country, you went over all the mountains and valleys, and the mule paths within the county of Laguinillas, in a district of twenty-five miles long and thirteen wide, and explored it all?

Ans. I did; it was not very great riding, after all; I have often gone eighty miles a day.

Mr. BRADLEY. You did not explore much if you did?

Ans. And I explored, too. In riding about between Alvercas and —— I got lost, and I cut the country across backwards and forwards, for some time, looking for the road. I did not make any cross sections in the region of Alvercas above Penijuan, because the mountains there were impenetrable.

The witness was questioned at some length as to the extent of his explorations on these mountains.

Ques. You say, then, that within a circle of five or six leagues west-southwest of Laguinillas you did not see any stream, or the dry bed of any stream, across which dams were thrown?

Ans. I did not. Below Arroyo Seco there was a stream running south, which was dammed for the purpose of irrigating the land.

Ques. That was the only one?

Ans. It was.

Ques. Did you ever get off your cattle to go up the mountains?

Ans. I did so almost every day, and led my mule up.

Ques. But you did not leave your mule and go further into the mountain than he could go?

Ans. I did not leave my mule. I went nowhere where it was impossible for an animal to get up, but I have often had to dismount and lead my animal up. The mountains in Laguinillas run north and south; in the south part they run east and west. These two ranges intersect near the village of Laguinillas, and there is a small gap there, but there are hills in it.

I rode both mules and horses while engaged in this service; I killed two mules, and ruined one horse. I was the heaviest man in my party.

Carriages have been brought to Rio Verde, but they have been taken to pieces, and packed on men's shoulders, or on mules, and thus carried over those roads.

I do not know the names of the several parts of a *steam* engine; but they are of iron, and I believe there are several very heavy pieces in them. I have seen a steam engine often, but can't describe its several parts. I do say it would be impossible to pack the pieces of an engine on the backs of mules, and carry them in that way into that country over those roads. I do not believe it possible to sling the pieces of an engine between two mules—one before the other—and in that way carry the several pieces of an engine. It would not be possible to carry a cylinder weighing five hundred pounds in that way. The roads are cut out just for mules, and have frequent abrupt turnings. It is my opinion that a steam engine could not be taken to pieces and then be transported by mules.

I do not know the difference between a high and low *pressure engine*. I have seen what is called the bed plate. I do not know what is the walking beam. I could not describe the difference between the several parts. There is not within the distance of six leagues outside of the village of Laguinillas, as marked on the map, a stream which is dammed, that I saw. There is one south of the boundary of Laguinillas, which runs to the east; on it is a sugar mill worked by mule or horse power. I cannot say positively whether there was a dam on it or not. It is south of the boundary of Laguinillas, as laid down on the map, about eight leagues. I saw mines at Xichu. I went to Xichu by a round-about road, (which he described.) From Xichu to San Juan de la Pas is about —— leagues. San Juan is in Guanajuata. The mine at Xichu is not worked—or was not at the time I was there. There were a number of shafts; there were a number of people there; there were some buildings built of adobe, and some of rough rocks laid with mud cement. I met some mines also at Thalpan, which is from eighteen to twenty leagues south of Arroyo Seco, nearly south. It may be two or three degrees out of the way. There is no village there of any importance.

I visited two or three other mines; one was between San Luis de la Pas and Casa del Via, (so understood,) the other was between San Catherina and ——.

The nearest mines to Laguinillas that I saw were those of Thalpan, and those of Queretaro, north and east of the city of Queretaro. In Laguinillas I saw no silver mine, or silver ore of any kind.

I left here under instructions from Mr. May and Mr. Fendall, by order from the Secretary of State. My arrangements were made as to compensation with the Secretary of State; the fact is, there were no definite arrangements. I was to receive not less than six nor more than eight dollars a day while engaged on the business.

Ques. Did that allowance include your expenses?

Ans. My expenses were to be paid in addition to this.

Ques Was there any thing mysterious or secret in your leaving here for this business?

Ans. Nothing, sir. I left here suddenly; I knew nothing of it until the day I was told by the Government that they were anxious to find out the truth as to whether there was a mine there or not. I was engaged to go out there and examine it. As I said before, I went out as much for the purpose of establishing his innocence as of his guilt; and I say now that if I had found a mine there I would have said so, and I am very sorry to say I was unable to do so. I received a note late in the evening, and went down to Mr Fendall's late. I went off in a hurry; I was at Mr. Fendall's house till late at night.

Ques. What way did you enter Mr. Fendall's house, by the front door, or in what way?

Ans. I did not go into Mr. Fendall's house at the front door. They requested me to go in by some back way, and I went in by some back way—through his back building.

Ques. I suppose you know my office was just opposite, and you did not want us to see you?

Ans. I did not know then where Mr. Bradley's office was, nor do I know now where Mr. Carlisle's office is. I had been in the city but three or four weeks since my return.

Mr. FENDALL. Ask him why?

Mr. BRADLEY. We dont want to ask him. We can guess.

Mr. MAY. And that shows the necessity for our caution. Won't you tell us how you found out how he went in that way?

Mr. BRADLEY. (Some remarks having been made which was not heard.) It now turns out that he did not go in the back way at all.

Witness. I went in to Mr. Fendall's office through Mr. McKim's office, which adjoins Mr. Fendall's house, and through his yard into Mr. Fendall's office. I did not know there was such a man in existence as Dr. Gardiner before I returned to the United States.

Mr. BRADLEY said they had heard there was a Mr. Edward Smith sent out to Mexico, and had endeavored to find out who he was.

Ques. Did you know when at Rio Verde that Dr. Gardiner was in the country?

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Ans. I heard so. When at Rio Verde I heard something which I suppose is not evidence. I heard that there were three strangers—American's—in Laguinillas; their names I did not learn.

Ques. Did you not hear and understand from the members of the commission, while on the road, and while travelling with them, that there had been an order issued by the authorities of San Luis Potosi, prohibiting Dr. Gardiner from coming into that State?

Mr. FENDALL objected to the question, unless the witness was allowed to state all he heard.

The question was repeated, as follows:

Ques. Did you, when on the road, and while travelling with the commission, hear and understand from the members of the commission that an order had been issued by the authorities of San Luis Potosi prohibiting Dr. Gardiner from coming into that State?

The COURT ruled the question out; to which decision the defence took an exception.

Ques. At your second visit to Rio Verde did you examine the records?

Ans. No; I went, I believe, to the prefect's office to speak to him.

Ques. Did those records appear to be torn, or in any particular destroyed?

Ans. I would not have known it if I had not been told. Some portions of them appeared to have been destroyed. It was a series of papers, records; the dates were not regular or in succession.

Ques. What were the dates of them; the revolution took place in 1849?

Ans They were previous to 1849.

Ques. Did you on your second visit to Laguinillas not find a record of the mines?

Ans. I did not go into the alcalde's office, I only went to his store.

Ques. Did you not go with Mr. May and the other gentlemen into the alcalde's office?

Ans. I did not; the others may have gone.

Ques. Were the records, when you first went there, not mutilated or destroyed?

Ans. I could not say I saw any signs of their being mutilated.

Ques. Were they connected?

Ans. I could not say. The alcalde took them all down, and showed them to me. They were examined by my interpreter; I stood by him at the time and looked over them. I told the alcalde I was searching for coal mines, but would like to see if there were any other mines there; I was anxious, I told him, to see if there were any denouncement of any kind of mine in his office. The alcalde handed me the papers, and told me to look at them; and appeared anxious to find some kind of mine, as it would, I suppose, be of great benefit to the place.

Mr. BRADLEY. How could it benefit the place to have a coal mine there, if coal could not be taken from it?

Ques. Did you read the papers yourself?

Ans. I read the papers only through my interpreter; I did not read them myself.

Ques. In Rio Verde, did you examine and read the records there yourself?

Ans. No, sir; I read them only in the same manner that I did at Laguinillas.

Mr. BRADLEY. The court of course will tell the jury there is no evidence of any examination of these records.

The COURT. Certainly.

Mr. MAY. Did you not look over the papers as the interpreter examined them?

Ans. I did.

Ques. How could you tell what the papers were, by looking over them, if you did not read them?

Ans. I could tell whether they related to a mine without reading them through.

Mr. MAY Could you tell whether a mine was mentioned in them by looking at them?

Ans. I could. I saw sufficient of them, and am well enough acquainted with the Spanish language to do that.

Mr. BRADLEY. Did you read the papers yourself?

Ans. I did so only through my interpreter. He was sworn before the prefect. The papers are not bound up as in a book. They are in separate parcels stuck together; each parcel had a title showing its contents written in large letters on the back of it. By glancing at these, as the interpreter examined them, I could tell if there was a mine mentioned in them.

Mr. BRADLEY hoped this evidence would not be pressed.

Mr. MAY. I do press it; it is competent evidence to go to the jury for what it is worth.

The COURT. Did you read the papers or the titles?

Ans I did not read through all the titles The records are kept in separate papers and not in books; they are in small pamphlets like, but have no covers as a book has. On the outside of each was written in large letters a statement of the contents. If any of them contained a reference to mines, I would have seen it and known it. I did not read them; some of them I could not make out; but if any reference to mines was made in them I could have found it, as I glanced at the titles. A single word would have enabled me to discover it, without reading through the whole.

Mr. FENDALL. Did you find any book containing a registry of mines in the office of the prefecture of the Rio Verde?

Ans. Had there been a book of registry of mines I should have seen it.

Mr. CAMPBELL. How about those you say you could not make out?

Ans. I know there was no reference to any mines.

Mr. MAY, (reading from Dr. Gardiner's mining title.) Did you see any book of registry of mines in that office appertaining to the year 1844?

Ans. I found no such book there, and I was looking for that book, because I had a copy of that very title with me.

The COURT. I understand the witness to say he saw a number of papers there, the titles of which he did not read, and some of them he could not read or make out. I think he cannot testify to having examined these papers, so as to prove they did or did not contain any thing.

Witness. I saw no such book as that mentioned the records were on the stamped paper of the country, sewed together.

Ques. You say there was no such record there as that, a copy of which you have in your hands, and which you had with you?

Ans. I am perfectly satisfied there was not. I have no knowledge of these records but that which I have stated.

Ques. When did the commission arrive at Laguinillas?

Ans. I arrived with the commission at Laguinillas on Monday evening, the 13th of December.

Ques. Where did you stop at?

Ans. We got rooms, or a room, at the house of an old lady there, which was pretty well filled with fleas. We staid there that night. I went to the alcalde's that same night with Mr. May.

I saw Colonel Abbot the first evening I arrived; I saw Mr. Slocum the next day at Don Jose Pando's house; he was walking on the portico, coming in and going out. Mr. Slocum appeared to be unwell. He walked out on the porch once or twice, and then went into the house. I did not see Dr. Gardiner at all. I do not know of my personal knowledge that Dr. Gardiner was there. That was Tuesday and Tuesday night.

Ques. You left there the next day—Wednesday, the 15th—after sunrise, you say?

Ans. I did.

Ques. Did you go to visit the mines at that time?

Ans. I did not. I do not know if any of the commissioners left the town on Tuesday.

Ques. Did you go from there by the direct road to Queretaro?

Ans. I don't know if it was the direct road; but I do know it was a terrible road to travel. I think it was the straightest road I ever saw.

Ques. In that direction, standing in the plaza at Laguinillas, can you not see a large mountain directly south?

Ans. If you mean the mountain called Lagoona Colorado.

Ques. What is the population of the village of Laguinillas?

Ans. Two or three hundred; but I cannot tell exactly, the place is gone to decay; in some places there are a large number of houses, and but few inhabitants.

Ques. Are you aware of any correspondence between the commissioners and any others in that place?

Ans. I believe there was a letter passed between Mr. Abbot and Mr. May. I heard it read by Mr. May to the other commissioners. The house where we stopped was exactly opposite, or nearly so, the house of Jose Pando.

Direct examination resumed.—Mr. MAY. Did you go with Captain Hunter and Captain Doubleday to the house of Pando?

Ans I did. No one was with us—there were only Captain Hunter, Captain Doubleday, and myself.

Ques. Who did you see there?

Ans. We saw Don Jose Pando. They held a conversation with him, Captain Doubleday acting as interpreter.

Mr. MAY. I ask you what took place at that conversation?

Mr. BRADLEY objected to the question.

Mr. MAY said they expected to prove by Captain Barry that Captain Barry, Captain Hunter, and Captain Doubleday went to that house, where the defendant then lived; that they asked for Dr. Gardiner; that they were answered by Don Jose Pando that there were three strangers stopping at his house, but that he did not know the names of either of them; that he was then asked to ascertain if either of his guests was named George A. Gardiner, and to say to George A. Gardiner, if he was one of them, that the commissioners of the Senate of the United States were in Laguinillas to look for his mine, and that they wished him to show it to them, or to tell them where it could be found. He expected also to prove by Captain Barry that Pando was requested and promised to inform George A. Gardiner of this. He offered this as evidence of a notice to the defendant, a notice by the two commissioners sent to him ten minutes after their arrival there.

Mr. BRADLEY said he could not believe the gentleman was serious in offering this evidence—evidence that somebody gave to Pando, a hotel keeper, friend or associate of the accused even—a notice to be by him delivered to the defendant. No such proof could be admitted by the court. The defence expected to be able to prove at the proper time that Dr. Gardiner was at that moment ill almost to the point of death; and that Pando, when he went to the room of Dr. Gardiner, instead of giving the notice, withheld all mention of it, because he thought they were persons connected in some way with the execution of the order of the government to prevent his coming into that State. He thought the gentleman could not be in earnest in offering the testimony. He could compare it to nothing but the story of the three black crows. And as to Pando, he was the ghost of this case, he was brought up on all occasions.

Mr. MAY said the rules of evidence were the same in criminal and civil cases. He would ask the gentleman if leaving a notice at the house in which the party lives is not a sufficient notice in a civil cause. If a notary left a notice of protest at any other place when the party had no place of business, he would not do his duty. It was the same thing to leave a notice at the place where the party was sojourning. It would have been a sufficient notice if, in writing, to leave it at the door of the house. It was offered as part of the evidence showing the zeal, fidelity, earnestness, and fairness of the commission; in endeavoring to arrive at the truth as to the existence of this mine. They desired to show that the commission went to the house where the accused was then staying; that they got as near him as they could; that, having asked for him in person, and not being admitted to him, they could do no more than to deliver the notice to his host. It was not necessary for them to prove the actual delivery of the message to Gardiner The presumption of law and of common sense was, that he did deliver it. Nothing was more common in the every-day transactions of life and of business, than to leave a message at the house of a party with a servant, a child, or any member of the household; and such messages, thus delivered, were constantly acted on by the parties for whom it was left.

It was sufficient for them to bring this notice to the host, to establish the presumption that it was delivered to the guest. They were not asked or invited to the chamber of Gardiner, and consequently could not deliver it in any other way than by delivering it to the master of the house where he was then residing.

As to Jose Pando, they would show yet who he was, and would establish the relation he bore to the accused, in a manner which would admit of no doubt.

Mr. MAY said he met the gentleman's declaration, that the commission had any such order to prevent Dr. Gardiner coming into the State of San Luis Potosi, by a plain and emphatic denial.

Mr. BRADLEY said he had never said any such thing.

Mr. MAY said he had misunderstood the gentleman, then. But he would now say to the gentleman, that, so far as he was concerned, he never heard of such an order. But I will (said he) tell the gentleman what the commission did know

Mr. BRADLEY asked if this was regular; if the gentleman could go on and state matters of fact not given in evidence?

Mr. MAY said he was only stating matters in reply to what had fallen from the other side. But if the court thought it best not to proceed further in this way, he would forbear

The COURT thought the matter had gone far enough. Let the evidence be given, and on that there would be room enough for comment.

Mr. MAY. We then, sir, intend to follow up this evidence of the delivery of the notice to Pan

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do, the host of Gardiner, by proof of the position of the doors of the adjoining rooms and the arrangements of the house, from which the jury might infer that that notice, which was given in an audible tone, and which Pando heard, might also have been heard by the defendant and his party, the door of the adjoining room being at the time ajar. This will be evidence, on which we may argue to the jury that this notice was not only given to the host, and by him delivered to the guest, but also that it was heard at the time by the accused himself. The rule of evidence was the same in civil and criminal cases What would become of the whole doctrine of presumption? If presumptive evidence be entirely excluded, then a large branch of the only attainable evidence in many cases would be destroyed, and there would be no possibility of proving many offences. The law would presume that Pando did give this notice, unless there be shown some reason for his not doing so.

The doctrine of presumption will say that a man holding the relation of landlord did do that duty to his guest which his position and relation towards another sojourning at his house would require him to do.

The law allows, and will presume, when the best means of getting at a man have been exercised, that they should accomplish the purpose in view.

The Court considered this proposed evidence as subject to two objections:

1st. The commission was acting under no authority relating to this case; any evidence which they found might of course be admitted, but of course it must be offered under all the rules of evidence and law.

2d. It was evidence altogether *res inter alias actas*. Dr. Gardiner was in no way connected with it, so far as had yet been shown. The Court, therefore, was decidedly of the opinion that the evidence was inadmissible.

Mr. BRADLEY said that the gentleman had entirely mistaken the scope of his remarks. He had not intimated that the commission had procured this order, but he understood they knew of it.

Mr. MAY. On my honor as a gentleman, I never heard of such an order until I reached the city of Mexico, and have never till this day believed there was such an order. The commission might have got such an order, but they would not have asked for it under any circumstances.

Mr. BRADLEY said they would prove that such an order had been issued, and that Pando never delivered the notice, supposing the gentlemen of the commission in some way connected with the execution of that order.

Mr. MAY said the commission, so far from desiring to limit Dr. Gardiner's opportunities of obtaining information, were most anxious that he should be given the fullest privilege of establishing the existence of the mine. He went on the commission himself most reluctantly; he had refused to go over and over again, and at last consented to go upon the express stipulation, by the President and the officers of the Government, that he was not to be a witness on this trial

After some further conversation, both sides agreed to forbear from any statements of facts not given in evidence.

And then the court adjourned.

CORRECTION.—In the evidence of Mr Green, as it appeared in Monday's paper, and contained in Saturday's proceedings, some slight errors occurred, the reporter not hearing distinctly the answer of the witness.

Instead of—"They did not speak of any specific claim, but they spoke of 'our claims,' which may have been those they represented for others They said nothing of any specific claim of their own:" read—"They did not speak of any specific claim *as one in which they had a joint interest;* but they used the words *'our claim,'* or *'our claims,'* which referred to those they represented for others"

Instead of—"I was not employed to prosecute the claims they spoke of:" read—"*I did not* prosecute the claims they spoke of."

The answer to the question—"Was any thing said about their having a joint interest in a claim:" should read—"They said they had a claim or claims of their own, and could control a number of claims beside their own. Perhaps I should," &c.

In the testimony of Captain Barry, published in Thursday's paper, the name of Mr. Slocum was accidentally printed Mr. Slacum.

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THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardiner, (indicted for false swearing,) in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

TWELFTH DAY—*Thursday, March* 24.

Judge Crawford, in deference to the wishes of other parties connected with the court, ordered that the court would not sit to morrow.

The District Attorney proposed to call the Hon. George Evans, one of the Board of Commissioners here, to identify certain papers as having been filed by the defendant in support of his claim, *before* the filing of the papers given in evidence on the 21st instant, stating that they should offer those papers in evidence as false papers, tending to show the guilty knowledge of the defendant in taking the oath. He hoped the witness would be permitted to identify the papers now, as he was anxious to leave the city.

Mr. Bradley objected, but after explanation withdrew the objection, and

Hon. George Evans was recalled.—He identified a paper marked "No. 6," and purporting to be the declaration of John C. Gardiner, as having been before the board; said he recollected that paper very well. No. 4, (affidavits of Juan Soto, Antonio Marino, W. P. Johnson, James Boswell Smith, Sebastian Pacheco, and Wm. Jackson,) purported to be evidence taken in 1849. It was certified to by Mr. Slemmon. He had no doubt that that paper was before them; he recollected very well there were papers of that description before them, certified by Mr. Slemmon. The papers were in Spanish.

They were translated, and he presumed the translations shown him (paper No. 5.) were correct. He identified them as having been before the board; said they were the first, or nearly the first, series of depositions that were taken. They were acted upon by the board; also recollected the book with a red cover, numbered "32," (a copy of the defendant's book of mining accounts and operations;) also the book numbered on the inside "33;" the latter appeared to be a translation of the former; had no doubt that it was the same book which was before the board. It contained weekly statements of the operations of the mines. They examined it with a great deal of particularity, and many times. All of those papers and books were before the board, when they adjudged this claim, as the papers of George A. Gardiner. They were recognized by the board as such. The red book was not an original book. It was a copy of the original. It appeared to the board to be a copy, being all written in the same hand, and with too great a uniformity to be daily minutes; and they interrogated Dr. Gardiner respecting it, and he said it was a copy.

By Mr. Bradley. I find a number of pencil marks in the translation. Have you any recollection of them?

Ans. I have no recollection of any pencil marks being in the book at that time. I am quite confident they were not in them.

Ques. (After examining the book with witness.) You see one particular item by which you think you can identify the book?

Ans. Yes; it is under the date of 10th March, 1846. I remember it because I asked some explanations about it.

Ques. I understand you to say that when these books were before the board, Dr. Gardiner was present, and you asked him questions respecting them?

Ans. Yes.

Ques. You have spoken of his examination before the board on a particular occasion; do you remember his having been before the board at any other time?

Ans. No other time.

Ques. Do you remember the signature of the Mexican Minister, Rosas?

Ans. I do. His signature, or what purported to be his signature, was before the board in several cases. (The book marked No. 32 was again shown to witness, who said he remembered the signature purporting to be that of Rosas. It was on at the time the book was before them.)

Mr. Bradley. I put you a question with some hesitation, not knowing how far your answer may be evidence. I wish you to state the action of the board upon this claim; to say whether it was thoroughly examined and adjudicated after mature deliberation, and their mode of proceeding.

Mr. May. That we object to.

The Court. That has already been proved by two or three witnesses. Mr. Evans himself testified to it on his examination in chief; also Colonel Payne.

Mr. Bradley. My object is to show that the commissioners had an opportunity to state here, under oath, their action upon this claim, and the mode by which they arrived at the result. As I understand Mr. Evans is about to leave the city and do not know that he will return, I wish him to state their mode of proceeding, and the reasons for their action.

Mr. May. Your honor will see that here is a collateral question started which may run to a great length. What more than the fact that he presented a memorial for a claim, and that they allowed his claim, is necessary? Of what consequence is it to have what third parties thought and said about this claim? The very ground upon which the prosecution proceeds here is, that the commissioners appointed under the treaty of Guadalupe Hidalgo were imposed upon. What can it signify, then, what Mr. Evans, or Mr. Smith, or Colonel Payne did, acting upon these papers?

The Court. I believe this point has been testified to before.

Mr. Fendall. It has, by Mr. Evans and Colonel Payne.

Mr. Bradley contended that the evidence now sought might tend to show the guilt or innocence of the accused, and was therefore pertinent. Evidence had also been given by previous witnesses upon the very point about which it was now proposed to interrogate Mr. Evans. This mode of examination had been opened by the prosecution, and it came with a bad grace from them to object to it now.

Mr. May rejoined. The counsel for defendant had presented the question on a different ground. It was now proposed to allow the jury to draw inferences in regard to the guilt or innocence of the accused from the action of the board; a course, however, which he considered wholly unjustifiable. While the old English rules of evidence had been broken down, and the greatest latitude was allowed in some of the States, there had been no change here. The laws of this district remain the same as they were fifty years ago, and all the technicalities of the law are yet preserved. As the other side seemed to insist on these technicalities, the prosecution would have to do the same.

The acts of the commissioners which all took place *after* the filing of this memorial could not be considered as in any way forming part of the *res gestæ*.

The Court said the evidence proposed is precisely what has been before the court before. Mr. Evans spoke of it; Colonel Payne spoke of it on cross-examination, and more fully than Evans. That is before the jury; I cannot retract that. I think that after that it is too late for me to shut the door. I would if it were an original question. But the United States have done the same thing; they proved the examination of Dr. Gardiner there, and the pains taken by the board.

Mr. Fendall contended that the testimony referred to by the court was all introduced for the purpose of identifying the papers, and not to show the action of the board.

The Court. The *quo animo* of the examination I have nothing to do with. The witnesses did make the statements. I cannot allow examination upon one side, and close the doors to the other side. It must be equally open to all.

Mr. Bradley. I can modify the question. By referring to your examination in chief, I find that you stated Dr. Gardiner was before the board; what he said and how the commissioners acted in relation to his claim, &c. Now, will you be good enough to state, so far as you can recollect, what was the action of the board upon his claim, from the first time it was brought to their notice?

Witness. The first thing, as I stated the other day, which the board did was to examine the memorial. The first action was to receive it, in the sense in which I explained the word "receive," the other day. We were pressed quite hard by the counsel of Dr. Gardiner to make an early decision of the case, and reasons were assigned why an early decision was wanted. I can state them if it would be proper to do so.

Mr. Fendall. State the reasons.

Witness. The reasons were that Dr. Gardiner was without means entirely; that he had lost every thing in Mexico; that he owed a good deal of money in Mexico, and wanted to make an adjustment with his creditors; that it was necessary for him to go to Mexico, among other things, to get more proof, if more proof should be wanted; that he had not money to do so; that if his claim could be adjudged so far valid as to be reasonable to money lenders, he would be able to borrow what was necessary for the present. He stated something on his examination before the board, not exactly in answer to any pressure on his part for an early decision, but in answer to another question which I did not recollect the other day. He was asked, if his claim was of such magnitude as he represented—if it was worth so much—how he could have sold a quarter part of it for the small sum which he did? He was interrogated if he sold it, and how much of the claim was valid to that day. In answer to that he stated his necessary wants; that he had to borrow money, and divers reasons connected with his embarrassments, which induced him to make this great sacrifice. We were pressed, as I said, for an early decision. There was, nevertheless, in the very statement of the case, something to excite our suspicion; the magnitude of it, and that he had been engaged in the business, if I recollect aright, not much over a year, or between one and two years. We could hardly understand how, taking up the abandoned mine, involving the necessity of beginning anew, he should have had the necessary means of doing so much. And we obtained all the evidence we could from his papers and books, and examined them critically again and again, before our conclusion was formed. I was a good deal struck with what appeared to be the enormous profits of working the mines, and the great expenditure in getting them under way. He was interrogated about that. I endeavored to find some works upon mining in Mexico, and the mode of conducting it. I did find, I think, in Wood's Book on Mexico, a good deal of information on mines and mining and the enormous amounts which are expended upon mines corresponding in its general features to what Dr. Gardiner had set forth and his counsel explained. It seemed to relieve our minds from some apprehension which we had entertained upon the subject. We spent from time to time a good deal of time in talking about the case, examining and comparing the evidence, laying it by for a few weeks and then taking it up again to see what fresh impressions we could get from it; and I think I may say there was not one case upon which we spent so much time as upon this. We examined all the papers before the board, as new papers were filed from time to time; we examined and compared them with the previous ones; and in a word, I may say we exerted all the skill and ingenuity we possessed to see if we could detect any errors or fallacies, or any thing to put us on our guard.

Before we came to new papers the mining title was examined, and after that other papers were filed and examined. I hope I was not understood to say that the papers shown me this morning were all the papers filed in this case. There were others—I cannot say how many; but among others there was a document from General Gates; I am not quite certain whether it was in the form of a deposition or a letter. There was also a deposition from Mrs. Chase, of Tampico; and I had a private conversation with Mrs. Chase upon the subject. So we adopted every mode, and took greater pains than in ordinary cases, to arrive at the facts and the truth of this matter. And we were all of opinion that the case was very strongly proved indeed. And I may say the case was so strongly proved that it rather excited a little suspicion—that is to say, the rules of the board were all exactly conformed to; which rather, perhaps, accounted for the regularity and ability of his counsel—Mr. Corwin, General Thompson, and others. There were several arguments of counsel—I think one in the handwriting of Mr. Corwin, where he figures it all out; one by General Thompson, and perhaps others. They also argued the case before us verbally and orally. Exercising all the ability we possessed, and making pretty large allowances for what the witnesses would naturally put in by way of filling up, we made the award we did; and it was very unsatisfactory to the counsel of Dr. Gardiner. Up to the very last hour of the sessions of the board we were again and again pressed to reopen the case and hear arguments as to the amount. I desire to add that it never came to my knowledge that there was any doubt as to the validity of the claim; we did not know that there was any suspicion about it. It was a matter of considerable notoriety, it is true; but as commissioners we knew of no suspicion.

Mr. Bradley. (Exhibiting to witness paper marked number "7.") Do you recollect whether that paper was before the board?

Ans. I recollect very well there was a protest and the law of expulsion before the board. I have no reason to doubt that this is the same paper. I tried to find some description of the mine in some book, which I could not. I tried to find some narrative that would give some account of this particular district of country, but could not. All we knew about these things was what Dr. Gardiner said, and what we found in the documentary proofs presented. There were some papers, relating to Dr. Gardiner's standing and character, before the board.

The District Attorney. You mentioned that one of the reasons assigned for pressure was that Dr. Gardiner wanted to go to Mexico, and had not the means?

Witness. The reason assigned by Dr. Gardiner's counsel was that he wanted the means of compromising with his creditors, and was under the necessity of returning to Mexico. The leading idea I thought was that he wanted to effect a compromise with his creditors.

Ques. Do you remember what time it was that this suggestion was made?

Ans. It was pretty early; I cannot state precisely.

Ques. Do you know whether he did go to Mexico?

Ans. It was understood at the time that he had gone there. I did not know it of my own knowledge.

Ques. Do you know where he went?

Ans. I do not. It was in the spring of 1850, I think; perhaps about the time of our examination indeed, I know he contemplated going to Mexico at the time he was before the board.

Ques. Do you know when he returned from Mexico?

Ans. I do not. He was here the following winter.

Ques. You do not recollect seeing him here in the summer of 1850?

Ans. I think not. The board was not in session during the summer.

Ques. You referred to the certificate of Señor de la Rosa, the Mexican Minister; was Mr Rosa here in this city at that time?

Ans. So far as I had any knowledge, he was in this city.

Ques. Was there any effort on the part of the board to obtain any explanation from Mr. Rosa?

Ans. I think Mr. Johnson, our secretary, was requested on two or three occasions to call on Mr. Rosa, and confer with him.

Ques. Was there any order of the board for Mr. Johnson to call on Mr. Rosa?

Ans. No. Mr. Johnson was informally requested to have an interview with him, upon several occasions, which I do not now recollect.

Ques. Did he ever make a report of the result of those interviews?

Ans. He did not. He never communicated any information of value, if he obtained any. I think he told us he had seen Mr. Rosa, and had had some conversation with him.

Ques. Did the board take any means to get testimony from Mexico?

Ans. No; the law did not require us to do so. It did not authorize us to summon witnesses from there. And I ought to add that the board thought there ought to be some person commissioned to go to Mexico and test the validity of these claims—all of them. The evidence before us was of so purely *ex parte* a character that we thought there was danger of being deceived. The suggestion was accordingly made to the President of the United States to recommend to Congress the passage of a law authorizing the appointment of an agent to test those claims, with full power to bring witnesses from Mexico, and take depositions. You will find the recommendation in General Taylor's message; and the only notice which I remember to have seen taken of it was, that one of the newspapers here made an attack on General Taylor for trying to get a place—an appointment for some friend. Congress took no notice of the recommendation, and the board were charged with all the responsibility of summoning witnesses from Mexico, when they had not the slightest power to move in the case at all.

Ques. You mentioned, as one of the features of this claim which attracted the attention of the board, the rapidity of the gains and the circumstances of the party. Was there any evidence before you as to what had been his previous occupation before he engaged in this mining enterprise?

Ans. I think we had nothing except Dr. Gardiner's statements, unless some Mexican papers stated it, which I think they did not. There may have been something in the last paper which accompanied the mining title. It was a long deposition, and I do not recollect Dr. Gardiner made explanations.

Captain Edmund Barry, recalled for further cross examination.

Ques. State, if you please, the compensation paid to Mr Cormick, the guide you took with you to Laguinillas from Queretaro?

Ans. I paid him five dollars a day.

Ques. How much did you pay Trejo, the other interpreter?

Ans. His father performed some services for me, and I paid him five hundred dollars for his and his father's services.

Ques. How many days did you employ and how much did you pay McCormick altogether?

Ans. I do not know how many days I had him in my service, nor how much I paid him.

Ques. What amount did you receive for your own, and all the other expenses incurred by you?

Ans. I think in all about twenty six hundred dollars.

Witness was further interrogated as to the roads and localities in and about Laguinillas, and said:

I found the road from Arroyo Seco to Laguinillas a very bad one.

Ques. How long does it take to ride from Arroyo Seco to Laguinillas by that road?

Ans. Well, I did not ride from Arroyo Seco to Laguinillas by the direct road, but went off of it frequently; I cannot say how long it would take to ride it by the direct road; I was occupied in going the distance, by the course I took, from morning till evening. I afterwards rode back there in five or six hours. Between Laguinillas and Arroyo Seco is to be found a dry bed of a stream.

Ques. Was there any water in it?

Ans. I saw none.

Ques. Did you ever go to a point directly south of Laguinillas by a direct line?

Ans. I went in the direction I have told you, by the way of Arroyo Seco.

Ques. Is there not, about five miles south of Laguinillas, a stream with a fork in it at that place?

Ans. I saw no such stream. I saw the dry bed of a stream—there was no water in it.

Ques. Is that or not the same stream you passed on the road to Arroyo Seco?

Ans. I suppose it may be, but I cannot say. I did not follow the dry bed of the stream, but went on and off its course and crossed it repeatedly. I have no doubt it was, but I cannot say it was. Near Penjuan the water is pretty deep. I found it very difficult to ford; at some places the river is narrow, and the water deep; at others it is wide, and the water shallow. On the east side of the town of Laguinillas I went as far as five leagues from it.

Ques. Do you recollect a little village, marked on the map as Tpartel?

Ans. I do not. I did not visit it; there was no village that I saw, but there may have been a few ranches there; I saw no stream in that direction or near that place; but I saw a lagoon or two there. I have seen the river Rio Verde. I knew it by no other name; it runs up to Rio Verde nearly dry. I saw no navigation of it by canoes, or otherwise. I cannot point out where I crossed it, nor how far where I crossed it was from the district of Laguinillas, but it was not very far, it was pretty near it. I saw the road from Rio Verde to Tampico—its direction was eastwardly. The road to Laguinillas was nearly east. I did not go far out on the Tampico road; I did not get to the vicinai, (so understood.) The road I took to Laguinillas from Rio Verde was not the road pointed out to me as the road to Tampico.

Ques. In exploring the part of the country north of Laguinillas, did you find any road?

Ans. No, sir; certainly no carriage road.

Ques. Was not the road you saw, which you were told lead down to Tampico, cut through the woods?

Ans. There are no woods in that county; it is a county mostly destitute of wood. On that road I met a wheeled vehicle, which appeared to be pretty much shattered; I met it between Rio Verde and Nuevos Camotes; it belonged to ——. There are carriages and wheeled vehicles in the city of Rio Verde; I met the one I speak of near Rio Verde; I think a wheeled carriage could have gone on the road as far as Nuevos Camotes.

Ques. Have you any recollection of meeting the mail rider when you were travelling with the commission from Laguinillas, after leaving it, on the road to Queretaro?

Ans. I have not. (Much that was said by witness here was but imperfectly heard and not understood.)

The roads from Nuevos Camotes to Laguinillas and from Laguinillas to Arroyo Seco were so narrow and difficult, and the turns in them at some places so short, and the route over such a broken and rugged surface, that it would be extremely hazardous to attempt to transport an ambulance over them by mules or otherwise. It could not be done, in my opinion; it is not practicable. The roads have frequent and abrupt turnings—sometimes quite precipitous and steep, and sometimes leading up and round the sides of the mountains.

Ques. Was there any road on the east of Laguinillas entering or leading to that town as practicable for travelling or transportation as the roads from Nuevos Camotes and Arroyo Seco?

Ans. I could find none, after the most diligent search.

Ques. And the only road on the south is the one you have described as from Arroyo Seco?

Ans. That is all. You can go to Comunidad by that road, by means of a branch which forks off—at about a league from Arroyo Seco. By that road you can go to either Arroyo Seco or Comunidad.

Ques. In your travels round the district of Laguinillas, on the east or northeast, did you visit any village called Nogalles?

Ans. No, sir; I remember no village of that name.

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Ques. Or any village or town called Piedra Gorda?

Ans. No, sir; I only met two villages in the district of Laguinillas; they were Penijuan and La guinillas.

Ques. I do not mean in what you call the district of Laguinillas, but anywhere in the distance you explored or visited?

Ans. I said already that I had seen several outside the district of Laguinillas, but I made no note of having visited them or of their names. I did not ask their names; I saw them at the north

Ques. Did you or not find a practical road in that northern part which you explored from Laguinillas to the village of Rogalles?

Witness. Practical for what?

Mr. BRADLEY Any thing.

Ans. No road, sir; but you can find many mule paths leading in every direction. I found up there several villages, they were north of Laguinillas, but outside of the district of Laguinillas, and I took no notice of them I found several mule tracks which were very difficult ones to travel.

Ques. Are there not several large pine trees in the south part of Laguinillas?

Ans. I saw some on the mountains, but none in Laguinillas; there may have been some small ones, but no large ones in Laguinillas. I saw none at the east, but I did see more at the north. I saw some oaks there, but not very large ones

Ques. Did you see within the circuit of five leagues of Laguinillas any trees as large round as those pillars?—(in the court room, say six or seven feet)

Ans. No; I saw none that large within five leagues of Laguinillas.

Ques. As to this cave which you saw east of Laguinillas, how deep was it?

Ans. Thirteen feet, perpendicularly; it then inclined horizontally thirteen feet to the east. I went down into it and examined it; I took down some tallow candles lighted.

Ques. Did you measure it?

Ans. No, sir; I judged of it by my own height

Ques. You say you examined that cave; did you find any thing in the back part of it?

Ans. No, sir

Ques. Did you find no covering of plank or wood over another shaft?

Ans. No, sir.

Ques. I speak now of the one east of Laguinillas?

Ans. No, sir, I did not. It is a little north of east of Laguinillas

Ques. How far from Laguinillas?

Ans. A mile and a half, or it may be a little more; but not two miles.

Ques. You did not then find, within the distance of five leagues of Laguinillas, any mine or excavation thirty yards deep?

Ans. No, sir; I did not.

Ques. Going south of Laguinillas, and about three miles from town, was there not a hill from the top of which you could see the town of Laguinillas?

Ans. There were several hills from which you could see Laguinillas. There was such a hill. Standing on that hill, there was a dry bed of a stream between me and Laguinillas, and another beyond it. In the one nearest Laguinillas there may have been a little water; but not what could be called running water. These streams had no names that I could learn I do not think they were united. The one nearest to me I went up for some distance. I thought there might be a subterranean river, as I heard a rushing sound, which I could distinctly hear by placing my ear to the rock.

Ques. Was there any artificial ford, or any cable fastened to trees on opposite sides of it, with block and tackle, to enable persons to cross it?

Ans. I saw none.

Ques. Is there not a tall mountain east of the road to Arroyo Seco, and due south from Laguinillas, from which you could see Laguinillas?

Ans. You could see Laguinillas from several of those hills.

Ques. But I mean one east of the road to Arroyo Seco, and due south of Laguinillas?

Ans. I went up one of them and saw it. It is west of the road which turns that mountain.

Witness described the situation of the mountain and the course of the road round it.

Ques. Do you remember one due south of Laguinillas, and east of the road?

Ans. I could see Laguinillas from almost any of them

Ques. Where did you cross the stream you mention?

Ans. I struck that river between Arroyo Seco and Laguinillas; I went up it for some distance; I went, perhaps, a couple of leagues. I did not confine myself to its bed all the time, for in some places it was very rocky and difficult.

Ques. You saw nothing then of any such ferry as I have described, within six leagues of Laguinillas?

Ans. I saw nothing of it.

Ques. Did you trace these streams down to see if they united?

Ans. I never did. It was difficult to go down the beds of those streams.

Ques. When you were in Laguinillas, did the people bring you any ores?

Ans. They brought me some specimens of coal, which I did not, however, consider coal. They showed me some specimens of other ores, which came from Guanajuata. They brought me no silver.

Ques. You say you went there as a trader; did you carry any articles there for sale?

Ans. I went there as a trader; I did what was like carrying coals to New Castle; I carried out blankets, a friend having advised me to do so, I found, however, that Rio Verde was a warm climate, and they did not need blankets very much.

Ques. Did you dispose of them?

Ans. I did, to the best advantage.

Ques. Did you lose by the sale?

Ans. I did.

Ques. The loss was put down among the expenses?

Ans. It was.

Ques. Did you tell any one that you were the agent of President Fillmore?

Ans. I did not.

Ques. Did any one know, or suppose you were?

Ans. Not until I returned to Rio Verde, when I commenced taking depositions. No one in Laguinillas knew it. I told no one that I was.

Ques. Did your guide know you were?

Ans. He never said any thing to me on the subject, nor I to him.

Ques. Did your guide tell others so?

Objected to, and ruled out.

Ques. Did you not know that the owner of the wheeled carriage you met on the road near Rio Verde was the superintendent of the road?

Ans. He was, I believe, endeavoring to ascertain the practicability of constructing a road.

Ques. You say your compensation and expenses amounted to $2,600?

Ans. About that amount, beside my own per diem.

Ques. That did not include your per diem?

Ans. No; I received eight dollars a day besides my expenses while I was engaged.

Ques How long were you engaged?

Ans From the 11th of September to the 1st of February.

Mr. MAY said he did not know what this inquiry had to do with the case. The amount paid Captain Barry was in no way dependent or contingent on the result of this trial. That was the only interest which the law recognised as affecting the testimony of the witness.

The COURT. That is, as to his competency.

Mr. CARLISLE suggested there was nothing before the court to be discussed. The defence did not propose to pursue the inquiry further.

Witness to Mr. MAY. I found in that country a great number of arroyos or dry beds of streams; there are a large number of them among the mountains, which undoubtedly are mountain torrents in winter or the rainy season, and during the dry season contain no water, or scarcely any.

Ques Did you go to the house of Jose Pandu when at Laguinillas the last time?

Ans. I did.

Ques When did you go there?

Ans. On the same evening the commission arrived—on the evening of the 13th of December.

Ques. How long after you got to Laguinillas?

Ans It was not more than half an hour after my getting there.

Ques. Who was with you at the time you went there?

Ans. Captain Hunter, of the navy, and Captain Doubleday, of the army.

Ques. Did you go to his house?

Ans. I did, and saw him; I knew Jose Pando before I went into his store.

Mr BRADLEY. Did you go into his dwelling or store?

Ans I went into his store; he had no other dwelling-house than that one that I know. I went into the store, and it communicated with the rest of the house.

Ques Was there any other door leading out of that room where you saw him beside the one you entered?

Ans. There was; on the left-hand side of the room, and near the door by which we entered, there was another door, which, while we were there, was ajar.

Ques. Did you go into that room?

Ans. I did not.

Ques. Did you hold a conversation with Jose Pando?

Ans. I did.

Mr BRADLEY. Do you say you did?

Ans I was one of the party; Captain Doubleday held the conversation with Pando.

Ques. You heard it?

Ans. I heard it,

Ques Did you see the defendant there?

Ans. I did not.

Ques. Was that the same house at which you saw his two friends, Abbot and Slocum?

Ans. It was the same house.

Ques. Captain, I will ask you if there is a range of the Huastica mountains ranging into or near the district of Laguinillas?

Ans. There is not; I found none. The only Huastica mountains I saw were near the city of Mexico, in the State of Puebla, I think; perhaps some of them were in the State of Vera Cruz, and running down towards Tampico. I have been to Vera Cruz; but was never in Puebla. I have been to Perote.

Ques. You saw no Huastica mountains running into Laguinillas?

Ans. No, sir; I did not.

Ques. You saw no mountain there called Serro Gordo?

Ans. No, sir.

Ques. You saw no branch of the Sierra Madre?

Ans. I did not.

Ques. Did you find any village in the district or county of Laguinillas which had at any time contained five hundred people?

Ans. No; I did not. I did not hear of any such place.

Ques. You did not then see or hear throughout the whole district you explored any village or town containing then, or at any time, five hundred people, except those you have named?

Ans. I did not.

Ques. Did you or not inquire for such a town—a town which had contained or did contain five hundred people?

Ans. I inquired for nothing but a mining town, or such a town which I supposed would have grown up around a mine of this magnitude. I did make such an inquiry, and did not hear of any

Mr. BRADLEY objected to this evidence. It had been expressly ruled to be inadmissible by the court.

The COURT said the evidence must be confined to a public town, and not to such a place as springs up everywhere in the neighborhood of a mine, or furnace.

Mr. BRADLEY. Did you make the inquiry yourself, or by an interpreter?

Ans. I generally put the questions myself. I could speak Spanish well enough to make myself understood by those whom I questioned.

Mr. BRADLEY. That is what we want to find out. Repeat the question you put to the people in the language you used?

Witness. I put my questions in Spanish.

Mr. BRADLEY. Well, repeat the question you put in Spanish just as you put it?

Witness. As this is an American court, where the English language is spoken, I appeal to the judge to say whether I am obliged to talk Spanish here.

A juror desiring to go out, the usual recess was taken at this time. When the case was resumed—

The COURT again stated that the evidence must be confined to such questions as were asked respecting *public towns*, and not to private establishments, mining works, the existence and location of which could not be proved by reputation or hearsay The witness must state if he can the question he put, and in the language he used in addressing the people of whom he inquired.

Witness. The question I put was—"*Conoce usted un mineral esta municipilidad quel hene guinientos?*" (So understood by reporter.) Which translation means: "Do you know of any other, or any mine or town in this district, besides this"—supposing I was at the time I put the question standing in a town—"and that has contained five hundred inhabitants?"

Mr. MAY. What was the answer you received to that question?

Ans. The answer was "No," universally no.

Ques. Did you find anybody who did not reply in the negative?

Ans I never found any one but who said they had never heard of any mineral there existing, or that had been in that district. Old and young said the same thing—they had never heard of it. All whom I asked answered in the same way

Ques. I ask if you inquired among the people there if any government troops had ever visited that place?

Mr. BRADLEY objected to it; it was hearsay evidence, and had been ruled out before by the court

Mr. MAY said he did not think so; and desired to be heard on it before the court made any decision.

The COURT expressed his willingness to hear the counsel.

Mr. MAY said this was a public fact, and its occurrence could be proved by reputation among the people residing in the neighborhood. The visit of government troops to a wild and remote part of the country like this had been shown to be, was a *public* fact. No other fact would be so likely to impress itself on the minds of the people. It was the advent among them of a new class of people of strange faces, and of unusual character. Such an occurrence could not have failed to have created an enduring impression on the minds of the poor uncultivated herdsmen of that vicinity; it was an event never to be forgotten by them.

Mr. BRADLEY said he did not remember that any one had said there were herdsmen in that county.

Mr. MAY Captain Barry said so

Mr. BRADLEY. Not in Laguinillas.

Mr. MAY. Yes, in Laguinillas. Did you not, captain?

Witness. Yes, sir; I saw herdsmen in Laguinillas.

Mr. MAY said public facts could be proved and must be proved by the reputation at the place where it was said they took place. In the memorial of George A. Gardiner he alleges that he had a large establishment, at which he had employed in working his mines five hundred laborers, which, if true, there would have been a population there of at least two thousand people; for this number of laborers with their families—their wives and children—would have made a population of that number. It was said this large establishment was broken up and destroyed by the troops of the Government. To break up such an establishment, in which two thousand people were so much interested, would most unquestionably have excited the observation of the people living in the neighborhood, and the fact would have been most indelibly impressed on their minds, not only in Laguinillas, where it was said to have occurred, but also through out the whole district of Rio Verde

The COURT could not fail to remark the importance of this evidence. The theory of the Government was, that there was no such mine, no such establishment, no such people, no such troops coming there to disperse them and destroy it. What evidence more conclusive to sustain this theory than that no such thing was ever heard of there? The visit of the British to Washington was a fact well remembered; who was there here who had never heard of it, though it occurred before many of us were born? He had heard persons a thousand times fix the period of certain facts by the time when the British came to Washington.

Why would not a like occurrence be remembered in Laguinillas? If it occurred it would have been remembered; the fact would have become deeply impressed on the minds of those people, and it would have gone down from father to son as a most remarkable event in the history of those uncultivated people, inhabiting that remote and quiet region. The Government now proposes to prove, by the declarations of every one in Laguinillas, that they never heard of such a fact

Mr. CARLISLE. Bring them here to prove it, and let us have the opportunity of cross-examining them; but do not give us their hearsay.

Mr. MAY. And if we had brought them here you would have called them Camanchees, as had been already done. For that reason, no witnesses had been brought here from Mexico except Englishmen and our own countrymen, and even natives of the city of Washington.

Mr. CARLISLE rose to what, in another place would be called a point of order. It was whether it was allowable to argue a question of the admissibility of testimony which this court, after solemn argument, had decided was not to be admitted? This court had positively decided, after full argument, that no hearsay evidence, *post litem motam* could be offered. Was any further argument on that point to be allowed?

Mr. MAY said the decision of the court was not so. The decision of the court was that no hearsay *post litem motam* should be admitted as to the question of boundary. The question of boundary was the one before the court, and which had been decided by the court. When did the decision of the court ever extend beyond the question immediately before it?

Mr. CARLISLE objected to the argument proceeding. The court would say if it had or had not already decided this point. He objected to any argument before the jury on facts which were not given in evidence and which the court had decided were not to be given in evidence. Such an argument would compel them to follow it up by a reply, or to submit to the impression on the minds of the jury which it must create.

The COURT. Mr. May will proceed, but will please not to state any facts not given in evidence.

Mr. MAY said he had not stated any facts not given in evidence. The memorial of the defendant set forth these allegations of facts, and all he had stated was that the United States would prove they had not taken place. How else was he to state the question to the court?

Mr. CARLISLE renewed his objections to the gentleman's proceeding with his argument. The point had already been decided by the court. The gentleman was making a statement of facts not given in evidence; he was stating what Captain Barry had heard in Laguinillas, which was hearsay, obtained *post litem motam*, and could not be given in evidence.

Mr. MAY desired to know if he was before the court or the gentleman?

Mr. CARLISLE. I am before the court; I am stating my objections to your going on with your statement, which is, I take it, a point to be decided before you come before the court with your argument

The COURT. Mr. Carlisle, sit down, if you please. In parliamentary language, Mr. May is strictly entitled to the floor.

Mr. CARLISLE. But, if your honor please——

The COURT. Mr. Carlisle, you will allow the counsel to go on with his argument I would rather hear counsel than dispute with him.

Mr. MAY. I do not like that observation of the court.

The COURT. There is nothing in it, Mr. May, intended to be offensive. You have displayed unusual and uncalled for sensitiveness, not only now but throughout the trial. I never saw so much irritability manifested anywhere where I have been

Mr. MAY. If the observation meant nothing, I do not think there was any occasion for making it.

The COURT. Perhaps not. The court meant nothing by it, Mr. May, and you will proceed.

Mr. MAY. There is, then, an end to it.

Mr. CARLISLE again contended that this point had already been decided

Mr. MAY said he thought it had not. The decision of the court was as to hearsay upon boundary, and did not extend beyond that. He then proceeded to argue that in the fact whether any troops of the government of Mexico had ever visited that place and destroyed such a large establishment as this or not, there could be no *lis mota*. A *lis mota* could only exist in questions on which men would divide in opinion. This visit of troops was a fact, and men could not divide in opinion as to its taking place. It either did or did not occur. If it did, then it would be known; if it did not, then that would be known It was a question concerning a physical fact, on which these people could no more divide in opinion than they could as to the existence of one of those mountains in that region, which had been there since nature's mourning. It is a public fact, on which no *lis mote* could exist.

Did the court, in deciding that there could not be hearsay evidence given *post litem motam* on a question of boundary, decide all questions of hearsay evidence or general reputation in the case? He thought not.

He respectfully submitted to the court, that he had not commented on any facts before the jury not given in evidence. He had stated nothing but what was contained in the memorial of George A. Gardiner, and not one word beyond them.

The COURT. The question proposed to be asked the witness is—Did he hear in Laguinillas that troops of the government of Mexico had visited that country, &c. It is objected to, and the court overrules the question.

Because the fact referred to in the proposed question is a distinct single matter, which is susceptible of better proof, by somebody who was there at the time of the alleged passage of the troops through that country. It is said that resident witnesses, if brought here, would be called "Camanches"—perhaps so; but the reason why they ought to be here is that they may be subject to the observations of the jury while testifying, and to cross-examination And secondly. Considering the question as an inquiry about a public matter, the proof offered is reputation—the knowledge of which was acquired *post litem motam*, long after the prosecution was instituted.

Cross examination resumed.

Ques. Do you remember where your goods which you took there to trade gave out?

Ans. I can't tell; I traded the most of them in Rio Verde, or the department of Rio Verde.

Ques. You did not then trade any of them off in Laguinillas?

Ans. I had some goods when I got there; I only traded away some extra provisions in Laguinillas; I had disposed of my goods before I got there.

Ques. You did not then pass yourself off as a trader in Laguinillas?

Ans. I represented myself there as a trader—

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that my business was to buy cattle and to look for coal mines.

Ques. Do you recollect any other place in the south part of Laguinillas where you inquired for a mining town, or village, containing five hundred inhabitants?

Ans. I did in all parts of Laguinillas, north and south, wherever I found a man.

Ques. Did you inquire at any place, town or village, in the south?

Ans. I saw no towns there—there were some ranches.

Ques. You say you saw herdsmen in Laguinillas; what flocks were they tending?

Ans. They had flocks of goats.

Ques. Were they men or boys?

Ans. Some flocks were attended by men and some by boys.

Ques. How large were the flocks you saw?

Ans. Some flocks had as many as a hundred or more goats, and others had less.

Ques. Did you see any haciends in that part where there was any considerable number of mules?

Ans. I did not.

Ques. In your inquiries did you ask for towns or mines?

Ans. I inquired for towns and mines both.

Ques. Did you not tell us you inquired for towns only?

Ans. My object there was to look for a mine.

Ques. Did you express to the people of whom you made your inquiries that your object was to hunt for towns or mines?

Ans. I inquired for mines and towns of every description.

Ques. Did you uniformly ask for towns?

Ans. I as often asked for mines as towns.

Ques. Does the question you have stated as the one put by you to the people there ask for mines or towns?

Ans. That question was for mines as well as towns.

Ques. Did you always put that same question to every one you met?

Ans. I recollect putting that same question to all of whom I inquired—not in the same words, perhaps, but in substance; I put it almost every day. It was for mines and towns, both.

Ques. Do you remember whether you asked for mines and towns separately?

Ans. I did ask for them separately.

Ques. How did you put the question?

Ans. I put it as I have told you—I asked for mines and towns, *both*.

Ques. Did you inquire for either in the southern part?

Ans I inquired in the south part, the north part, the east part, the west part, and in the central part.

Ques. But do you remember inquiring at any particular place in the southern part?

Ans. I recollect a place called *tres palos*—(so understood,) the three poles, in the south part of Laguinillas—it was about midway from Arroyo Seco to Laguinillas, west of the road going from Arroyo Seco.

Ques. Did you inquire there for mines or towns?

Ans. I inquired there for towns—I say it positively, for towns.

Ques. What was the size of the place?

Ans. I cannot tell—there were some six, eight, or ten houses, or huts. Some were of adobe, and some were nothing but poles, twigs, or rods, tied together and daubed with mud. I think one of them—an old one—was made of round stone or pebbles. It was not very large. I recollect putting the question there as to towns.

Ques. Did you say there—Do you know of any town, "except this" containing five, hundred inhabitants?

Ans. I did not say at that place "except this." I asked if they knew of any mineral town containing five hundred inhabitants, or of any which had contained that number.

Mr. May. You had a copy of the memorial of Gardiner with you?

Ans. I had. I carried it in my pocket.

Mr. Bradley. Did McCormick, your guide, see that paper?

Ans. He never saw it. I never spoke to him about it, nor did he to me. I showed it to no one.

Ques. When you came to any place where you desired to refer it, did you look at it secretly?

Ans. I had no occasion to refer to it secretly. I had read it often—read it before I left here.

Ques. Could you remember the places named in it without referring to the paper?

Ans I remembered the names pretty generally. I have the same copy of it now.

Ques. You do not think McCormick ever saw that paper?

Ans. If he did, he broke my carpet bag open and took it out. I did inquire after Simpson and the other persons whose names are attached to the depositions filed with the mining title. I had their names noted down in my pocketbook. I kept my memorandum book in my pocket. McCormick never saw that book.

Ques. When you referred to your book did he not see what was in it?

Ans. He did not. He was not so impudent as to come up and look over my shoulder to see what I was writing. I made some memoranda when riding on horseback, and sometimes in my room.

Ques. Did he not make translations of what was communicated to you, and which you wrote down according to his translations, in his presence?

Ans. He never did.

Ques. What was the particular or general use you made of him in your expedition?

Ans. He was well qualified to explore a mining country; he was a good guide and a good interpreter.

Ques What use did you make of him?

Ans I would send him frequently to buy things for me.

Ques. Had you occasion to use him at any time as an interpretar in your conversations with the people?

Ans. Not as an interpreter. I sent him sometimes off to make purchases for me, and to make inquiries as to roads and other places; for instance, in passing a house, I would send him to it to ask where such and such a road passed to; I used in this way to get information. I used him more as a messenger than any thing else. I had no occasion to use him as an interpreter in making my inquiries, as I could make known what I meant to the people I met myself.

Mr. Carlisle. What is the meaning of "*mineral*?"

Ans. Mining town.

Mr. Carlisle. The question you say you put to those people, then, as I make it out, translated reads, "Do you know of any mining town other than this which *contains* 50) inhabitants."

Witness. I said, also, which "had contained."

Mr. Carlisle. That is the translation of your question, as you repeated it to Spanish—"*mineral*" meaning, as you say, mining town; tell us in Spanish what other questions you put beside that one?

Witness. I positively refuse to speak Spanish here unless the court compels me.

Mr. Carlisle. We have a right to know what was the language he used to the Mexicans, in order that we may by another witness ascertain what a Mexican would understand him as asking.

Mr. May. The court has limited the evidence to inquiries for towns; and therefore the other side can only ask what questions be put as to towns.

The Court said the inquiry could go no further.

The witness was questioned over and over as to the meaning of his question, and as to whether it did not mean, as repeated by him, *contains*, (in the present tense,) instead of contained.

Mr. Carlisle. Did you use any other word but "*mineral*?"

Ans. I often said "*Pueblo*"

Ques. State how you put the question with that word?

Ans. I said, *Conoce usted algun* Pueblo Viejo?

Mr. May. What was the answer you received to that question?

Ans. No, señor.

The witness was further questioned as to what were the terms used by him.

William W. Hunter, sworn.

By Mr. May. You are a commander in the United States navy?

Ans. Yes.

Ques. Have you visited the country of Mexico; if so, have you visited the county called Laguinillas?

Ans. Yes; I have visited Mexico and the county called Laguinillas.

Ques. When?

Ans (After referring to a memorandum book in which witness said he made notes at the time.) I landed in Mexico on the 1st November, 1852.

Ques. On what day did you enter the county called Laguinillas?

Ans. On Monday, the 13th day of December, 1852.

Mr. Bradley. Do you mean that you went into the county or village of Laguinillas on that day?

Ans. I went into the county and the village, too, of Laguinillas on that day.

Mr. May. What did you go there for?

Ans. I was detailed, by the Navy Department, as a commissioner to report myself to the chairman of the select committee for service. I reported myself to the chairman of that committee as directed, to meet other gentlemen composing that commission, and proceed to Mexico for the purpose of investigating——

Mr. Bradley, interrupting. If you will state what you *did*, I have no objection.

The Court. He can state what he went for.

Mr. May. I will ask you what your object was—what you went for?

Mr. Bradley. I object to that.

The Court. The object of his going has been heretofore spoken of; but if it is objected to, I suppose he cannot state it. He can say what he saw, and what he did, and I suppose everybody will understand what he went for, if that is done.

After further discussion by the counsel—

Mr. May. What did you look for in Laguinillas?

Ans. In Laguinillas I looked for a mine alleged to have belonged to Dr. Gardiner.

Mr. May. Did you find any such mine?

Ans. No.

Ques. Did you find any mine?

Ans. No.

The District Attorney. Tell us what means you took to look for the mine?

Ans. By inquiries, and personal observations, in travelling through the country.

By Mr. May. You speak of inquiries as one of the means you employed?

Mr. Carlisle. I object to that, if the answers to the inquiries are to be given.

Mr. May. We don't call for the answers. I understand your honor to say witness may answer

The Court. The answer is admissible provided it relates to any public matters, but if it relates to mines, because that is one step towards showing where the mine is.

After remarks by the counsel—

Mr. May. Did you mingle with the people of Laguinillas?

Ans. Yes.

Ques. Did you talk with the people of Laguinillas?

Ans. Yes.

Ques. Generally, or not?

Ans. Wherever I had the opportunity of doing so. I sought the opportunity of doing so, also.

Ques. In what part of Laguinillas?

Ans. Throughout the extent of my travel.

Ques Throughout the extent of your travel you sought the opportunity to see the people and talk to the people?

Ans. Yes

Ques. Did you meet any people on the road?

Mr. Bradley objected to the form in which the counsel was putting the questions.

Mr. May. Now, you can testify to any thing you did, or any thing you saw others do; to any act on the road or in the towns anywhere, but they won't allow you to speak of what you said to anybody, or of what anybody said to you, if it related to a mineral town. Try, captain, and see if you can sail by your points, this time. Tell about the country first—what you know about the geography of the country, but say nothing about towns.

Ans. The municipality of Laguinillas is in the northerly quarter. We passed through it not in a right line. I think the distance must have been some twelve leagues or more, north and south. We passed out of the municipality somewhere near the southwest border, so far as I could from the compass at the time.

Ques. State what you did along the road?

Witness. I don't know whether under your instructions I am capable of telling what I know about it. I inquired——

Mr. Bradley. That is the very thing you are not to tell.

Witness. I had a good deal of information there by inquiry, sir. I had a personal knowledge so far as my eye could extend. My duty there was to endeavor to find a mine.

Mr. May. Never mind; they won't let you tell that. Did you go to the people along on the way?

Ans. I met a great many of them.

Mr. Carlisle. I submit whether that is not an evasion of the rule.

The Counsel for the United States contended that witness was bound to tell what he knew, so far as the rules of evidence would allow him; but that it would be impossible for a witness to conform to so many arbitrary rules without counsel; that the counsel should therefore be permitted to call the attention of witness to what was rule able.

The Court. Captain, the rule here is just this: You are not to say that you inquired of anybody about a mine or private establishment; nor to give any answer that anybody made to you about such a matter; but you may speak of your inquiries about towns; you may say that you inquired about public towns, and what you saw.

Mr. Carlisle objected to the counsel asking witness whether he made inquiries or not and so.

The rule was plain; the captain understood it perfectly well, yet Mr. May thought it necessary to take the captain in charge—to go aboard as pilot and keep him from the rocks.

Mr. May. Why, he ran aground just now.

The Court. You understand now, I suppose, captain?

Witness. I believe I do, sir.

Mr. May. Well, captain, now take your departure, and see if you can steer your own course.

Witness. I took very diligent search in every direction, upon all matters which I could bring my mind to bear upon touching the object I had in view, and came to the conclusion ——

Mr. Bradley. No, sir; the jury are to come to the conclusion.

Witness. I saw no mines.

The Court. How long were you there; the same time Captain Barry was there, I suppose?

Witness. Captain Barry was with me; we came together and left together.

Mr. May. Did you visit the house of Jose Pando? If so, tell the circumstances of your visit without telling any thing that you said or that anybody else said, but tell what you did?

Witness. I visited the house of Jose Pando, and made a note of it.

Mr. Carlisle. I object to that.

The Court. There is no harm in his saying that he went to Jose Pando's, I suppose.

Witness. On our arrival at Laguinillas we called on the chief of the municipal authorities. We dined there. There were three foreigners, as they were called, at Jose Pando's, a Spaniard's house in the city of Laguinillas. I was authorized and directed by the commission to proceed to the house of Jose Pando on the afternoon of our arrival in the village of Laguinillas, where I had inquired——

Mr. Bradley. Stop there. Inquire after nobody.

Witness. I asked——

Mr. Bradley. State what you did when you went there.

Witness. I ascertained by answers to questions which I put——

The District Attorney. Who did you see there?

Ans. I saw two persons—Mr. Abbot and Mr. Slocum.

By Mr. May. Did you see the boundary stone; and have you any knowledge whether it was the boundary stone?

Ans. I saw a mass of masonry, constructed in the manner boundary marks are constructed—something in the form of pyramids—on the northern boundary of Laguinillas; I recollect riding up to it, and laying my whip upon it, and calling attention to it.

Ques. Did you see another boundary stone?

Ans. I did not.

Ques Did you see the first alcalde of the town?

Ans. Yes.

Ques. Did you see the members of the *Ayuntamiento*, or council?

Mr. Bradley objected to answer.

Mr. May. Did you see any handbills stuck up over my name; if so, in what places?

Ans. I saw them in both Laguinillas and Rio Verde; they were in a public square there.

Ques. Do you know any thing about a letter written in answer to, or noticing, the handbill?

Ans. Yes; I have seen a letter which was received by the commission—an answer and a reply to it.

Mr. Bradley to Mr. May. Do you admit that ours is a copy of the handbill?

Mr. May. No

Mr. Bradley. If you have the original, let Capt. Hunter look at it.

[The handbill headed "Aviso al Publico," offering a reward for the discovery of the mine, was shown to the witness; also, the letter and the rejoinder above referred to, all of which be identified.]

Mr. May then read to the jury a translation of the handbill.

Mr. Bradley exhibited a letter to the witness, and asked him if he recognised it as a letter written by Mr May?

Mr. May. You need not show it to the witness; any thing that I have written, I will acknowledge.

Mr. Bradley said he had not inquired whether the signature was that of Mr. May. Whose handwriting was the letter?

Witness. I do not know.

Some further remarks passed between the counsel; after which—

The court adjourned until Saturday.

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THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardiner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

THIRTEENTH DAY—*Saturday, March* 26.

The court met at the usual hour; but owing to the absence of one of the jurors, on account of the death of his brother, the jury, with the consent of the counsel, and by the authority of the court, were dismissed until Monday morning; and the circuit court being required by law to meet on Monday next, this court was adjourned until eleven o'clock on that day, in order to afford time to determine which court should have the use of the room.

In the evidence of Captain Maddox as it appeared in the *Republic*, containing the proceedings of Friday and Saturday, March 18 and 19, some verbal errors occurred, the reporter not hearing distinctly the questions and the answers of the witness.

Friday.—Instead of "Was officer of the ship," (Cyane:) read—"Was an officer of the ship."

Instead of "He said he recollected me, except some change of my appearance:" read—"He recollected me, but there was some change in my appearance."

Mr. BRADLEY. Captain Maddox, at what house did you meet him?

Ans. It was at a very reputable house; should read—"It was at a private house, and I will give the name of it, if necessary. It was a reputable house."

"He recollected me, with the exception of my personal appearance," should read—"He recollected me, but thought my personal appearance a little changed."

Ques. I understand that it was at the house of Mr. Lauck you first met him to be introduced to him.

Ans. That was the first time I was introduced to him at Mr. Lauck's house—"in this country."

Ques. Do you recollect of whom you rented the rooms? "The witness first said that he did not recollect, and afterwards gave the name of Parrish," read—"The witness said that he did not recollect the name," when a juror stated that it was Parrish, to which Captain Maddox assented.

Ques. How can you ascertain the time you rented the apartments?

Ans. I ascertain by the receipt of what I paid; read as answered—"I can ascertain," &c.

Saturday.—By Mr. MAY. What is the result?

Ans. I have ascertained that I was living at the colonel's house in the winter of 1849 and 1850, and that I spent two winters in the city. I was here in the winter of 1848 and 1849; should read—"I have ascertained that I was living at the house southwest corner of F and 14th streets;" the rest of the answer correct as published.

Ques. Were you correctly understood yesterday as saying that when you had the interview with Doctor Gardiner, he did not recognise you?

Ans. No; I think he did recognise me, he thought I had changed some, that I had grown a little larger, and that I had more beard: should read—"*Ans.* No; he did recognise me;" the rest of the answer correct as published.

Ques. You yesterday thought you left the city in 1849; was it so?

Ans. I find it was in 1850. I lived at the house at the corner of F and 14th streets the first winter; I went there about the 12th December, 1849, and left in the latter part of May, 1850. It was between these two periods of time that I had the interview with Dr. Gardiner, and it was then that he told me that he was living at Mrs Thompson's. The answer should read: "I find it was in 1850. I lived my first winter, in 1848 and 1849, at the house of Mrs. Clarke, 14th street, nearly opposite the southwest corner of F and 14th streets. I went there about the 12th December, 1849, and left in the latter part of May, 1850. It was between these two periods of time that I had this interview with Dr. Gardiner, and it was then he told me that he was living at Mrs. Thompson's."

Mr. BRADLEY. The circumstance fixing it upon your mind, is that you lived in the house: should read—"Colonel Karney's old house?" Answer. "Yes."

Ques. But it was the first time you met him there?

Ans. Yes, it was the first time I met him there: should read in answer—"It may have been the first time I met him there."

Mr. BRADLEY. I understood you yesterday to say that Dr. Gardiner did not recognise you at first, but that you reminded him of having met him at Mazatlan, when he remembered you, and said that you had changed some?

Ans. That was what I said—that my beard had grown out, and that I was stouter: should read in answer—"He did recognise me, but that I had changed some in my appearance; that my beard had grown out, and I had grown larger."

Ques. Can you fix the dinner at Mr. Talbot's house to have been at the second rather than the first first visit to the ship? should read—"Mr. Mott's house," instead of Talbot's.

Ans. I recollect it from the fact that there was a little misunderstanding between Mr. Talbot and myself, because I did not visit there socially at my first visit. I dined there often afterwards.

The answer should read "Mott," instead of Talbot, and the word "consequently," instead of because.

By Mr. BRADLEY. Have you been to the house this morning, to ascertain if he resided there: should read—"Mrs. Thompson's house."

Ans. To refresh my memory, I went to the house this morning, and the lady of the house told me that he was residing there at that time. I did not know that Dr. Gardiner was residing there, except from what he told me himself. I went this morning to ascertain the truth of it. I never visited him there.

The answer should read: "To refresh my memory, (as agreed upon yesterday,) I went to Mrs Thompson's this morning, and a lady of the house told me that he was residing there at that time. She opened her book and showed it to me, and I saw that he was residing there at that time, and I wanted to be positive as to the time. I lived across the way. I did not know that Dr. Gardiner was residing there, except from what he told me himself. I went this morning to ascertain the truth of it. I had never visited him there."

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THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardiner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

FOURTEENTH DAY—*Monday, March* 28.

Mr. MAY said that he had seen yesterday for the first time in the *Republic* an account of the proceedings of Thursday last, by which it appeared that the court had directed its remarks, as to the irritability and sensitiveness of counsel, entirely to him.

The COURT said he did not understand much about it; but he remarked to Mr. May that he was too sensitive.

Mr. MAY said that he understood the Court as saying there was too much irritability among counsel all round.

Mr. CARLISLE said that he understood it addressed to Mr. May altogether, he being the only one out of temper that day.

The COURT said he remembered nothing about it. I do not say I did not make the remark, but I do not recollect it.

Mr. FENDALL said the Court's remark was that there had been a good deal of irritability on all sides.

The COURT. All I recollect saying was to Mr. May, that he was too sensitive; and that is all I do recollect.

Mr. MAY said he understood it at the time as Mr. Fendall did; otherwise he would not have allowed it to pass without noticing it.

Some remarks were made about reading over to the witnesses every day the report of their testimony, and allowing them to correct it, but nothing was agreed to.

Examination of Wm. W. Hunter resumed.

(Witness's answers to the first two or three questions put to him were uttered in so low a tone that they could not be heard at the reporter's desk.)

By Mr. MAY. Do you remember whether or not inquiries were made at Rio Verde for the names of certain persons?

Mr. BRADLEY objected to this question.

After remarks by the counsel—

The COURT. It is proposed to ask the witness if he inquired for persons named Simpson, Espinosa, and others—this same inquiry having been testified to by Captain Barry, without objection, in answers to questions by the United States.

It is objected to by the defence.

This evidence having been given by Captain Barry, without any objection on the part of the defendant, the counsel for the United States may make the same inquiries of Captain Hunter that they made of Captain Barry. If the objection had been made at the time when the questions were asked of Captain Barry, the decision of the court would have been different; but they having been permitted, as stated, it is too late to exclude them.

Mr. MAY asked whether he knew of any inquiries being made for persons named Espinosa, Simpson, and Andres Arrellano, and whether any such persons were found?

Witness said inquiries for the persons named were made in his presence, and no such persons were found.

Ques. I understood you as testifying that you entered the municipality of Laguinillas from the northwest to the boundary stone, and put your whip upon it. Did you pass through the village of Penijoan?

Witness appeared to make some reply, but no distinct articulations were heard by the reporter.

Mr. CARLISLE to witness. I must trouble you to speak a little louder, captain. Your answer is not heard.

Witness. We passed through the village of Penijuan. Penijuan is northerly from the village of Laguinillas by the course of the road which we passed over. I took no compass bearings at the time.

By Mr. MAY. How large a town in point of population did you take this village of Laguinillas to be?

Ans. I suppose of about four hundred people, from the appearance of the village and the number of the houses.

Mr. BRADLEY protested against this mode of examination. Every question was directly leading.

After remarks by the counsel—

The COURT directed the questions to be put in a more general form. The counsel might ask what towns witness visited.

By the DISTRICT ATTORNEY. State what towns you visited in Laguinillas?

Ans. I visited Penijuan and Laguinillas. Penijuan was a very small village; but for its having a name I should scarcely call it a village. Laguinillas was quite a village.

By Mr. MAY. Can you describe the situation of the town or village of Laguinillas, and the face of the surrounding country—its general features?

Ans Laguinillas is situated nearer the southwest boundary than the northern boundary. The country around is very mountainous, and its paths to be travelled with difficulty on horseback.

The COURT. This is around Laguinillas?

Ans. Throughout the whole municipality of Laguinillas. In some places for a short distance the road is better, but generally very rugged. Indeed, I should think the term road is scarcely applicable to any pass-way through the municipality. It is very rough and rugged.

Ques. What kind of vehicles could pass over it?

Ans. I should think no kind of vehicles with wheels.

Ques I ask you whether or not you saw any?

Ans. No.

Ques. Did you tell, when you were on the stand on Thursday, at what time you left Laguinillas?

Ans. I did not.

Ques. Well, sir, just go on and state?

Ans. (After referring to a memorandum book.) Wednesday, fifteenth December, 1852, left Laguinillas at about six a. m.

The COURT. Six in the morning?

Ans. Yes, ante-meridian.

Ques. That was a contemporaneous memorandum. You made it at the time?

Ans. Yes, I made it at the time.

Ques. State where you went?

Ans. I passed out of the municipality of Laguinillas, and arrived at a place called Carrasal about three o'clock in the afternoon.

Ques. Did you pass any place before you got to Carrasal?

Ans. Yes; I think we passed through a place called Arroyo Seco; I think so.

Ques. In what part of this district or country that you travelled through did I understand you to say the town or village of Laguinillas was located?

Witness said he did not remember, but could refresh his memory by looking at the map.

Ques. How far was it from where you saw the stone?

Ans. Five or six leagues; or I should say from the course of the road it was perhaps seven leagues.

The COURT. From where and to where?

Ans. From the north boundary stone to the village of Laguinillas.

Ques Do I understand you to say what the position of Penijuan is in relation to Laguinillas?

Ans. Penijuan is near the southwest boundary of Laguinillas; I should like to refer to the map, however.

The counsel for the United States proposed to get the map; but

Mr. BRADLEY objected, and wished witness to speak from recollection.

Witness. I beg your pardon. I confounded the two places, Arroyo Seco and Penijuan, when you asked the question. Arroyo Seco is to the south; Penijuan is near the northwest boundary.

Mr. MAY. What State is Arroyo Seco in?

Ans. Arroyo Seco must be, I think, in the State of Queretaro. It is near the boundary of Laguinillas.

Ques. (Captain Doubleday's map of Laguinillas and vicinity being shown to witness,) Look at that and see whether the positions of places are located correctly?

Ans. (After looking.) Yes; I used the word Arroyo Seco for Penijuan, by mistake.

Ques. Do these places appear to you to be located correctly on the map?

Ans. Yes, they do; for I have seen it frequently, and looked at it for the purpose of making up my mind upon the subject.

Mr. BRADLEY. Do you offer that map in evidence?

Mr. MAY. Certainly. I intend to offer it more formally when Captain Doubleday comes in.

Mr. MAY. I ask you from your acquaintance with the county if you have any knowledge of a silver mine worked by the accused between the years 1844 and 1846?

Ans. I have no knowledge of any such mine, or of any mine of any kind in the municipality of Laguinillas.

Ques. I will ask you, sir, if you have any knowledge of a mining town having existed in Laguinillas, or that neighborhood, in those years—a town containing perhaps five hundred people?

Ans. I have no knowledge of any such town.

Ques. Do you know whether any inquiries were made after a town of a thousand people?

Mr. BRADLEY objected.

The COURT repeated its decision, that the inquiry must be about a town or village. It must be a public town where people are congregated, and not a private mining establishment.

Witness. In reply to inquiries, we heard of no towns whatever in the municipality of Laguinillas, except the little village of Penijuan and the town of Laguinillas. Inquiries were made about towns of every person and all persons.

Mr. BRADLEY. About towns?

Witness. I do not remember the term town being used.

Mr. BRADLEY then objected to the testimony.

Mr. MAY said they intended to offer evidence to show the character of these mining establishments, and how these little towns grow up around them.

After some discussion—

Mr. MAY. These are the only towns, or villages, or settlements, I understand you to say?

Mr. BRADLEY objected to the word settlement.

The COURT. The only towns you heard of?

Ans. The only towns I heard of; the population was very sparse.

Mr. MAY. I ask you would it be practicable to bring a steam-engine into that country?

Ans. I should think not.

Ques. You know something about steam-engines?

Ans. I do. I have had the superintendence of twelve or fifteen.

Ques. Do you know all the parts of a steam-engine?

Ans. I do.

Ques. Practically?

Ans. I do.

Ques. High pressure and low pressure, little or big?

Ans. Yes, sir.

Ques. Could a steam-engine be cast into pieces so as to be carried into that country?

Ans It depends on its size.

Ques. Well, a steam-engine fit for a mine?

Ans. I should think that no steam-engine that could be worked—that is, for any manufacturing purpose, unless to turn a lathe or some small work of that kind—could be transported into the country by any means which I saw there for the purpose.

Ques. The cylinder of a steam-engine is cast in one piece?

Ans. All I have ever seen, heard of, or read of.

Ques. What power engine do you speak of as not to be carried over that country?

Ans. Sixteen-horse power. The cylinder of a sixteen-horse power engine would be too heavy to be transported.

Mr. MAY. Is a cylinder the heaviest part which is one piece?

Ans. The cylinder is the heaviest. The boiler would be the heaviest, but it is in three pieces. I am speaking of a high pressure engine. The pieces of a boiler might be packed on mules, but no cylinder of any engine I ever read of or heard of could be transported by the means I saw there.

Ques. What would be the weight of the cylinder of a high pressure engine of sixteen-horse power?

Ans. It depends on the pressure used in working. It is eighty pounds to the square inch—(rest not heard.)

Ques. Do you not think it could be suspended on any number of horses or mules?

Ans. I don't think it possible to suspend it on the backs of mules or horses, because the roads are over hills, and it is with great difficulty the horse can get along himself. A pack-mule requires great effort to carry a load; we found it so in Laguinillas—I did.

Ques. Very steep?

Ans. Not very steep, but rocky; and it required all the effort of the animal to keep his feet. The holes between the rocks are rugged—difficult.

Ques. What do you think of the road, upon the whole?

Ans. It is a very bad road; the worst I have ever

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seen; so bad that it can scarcely be called a road.

Ques. You have travelled in mountainous countries?

Ans. Yes, sir.

Ques. These are the worst you ever travelled over?

Ans. Yes, they are.

Cross-examination.—*Ques.* I understand you to say you arrived at Laguinillas on Monday afternoon, and left there on Wednesday following, about 6 o'clock in the morning?

Ans. (After referring to the memorandum-book:) Monday, the 13th December, arrived at Laguinillas, at about 4 o'clock in the afternoon, and left at 6 o'clock in the morning.

Ques. You say you entered Laguinillas in the northern part, and there found the boundary stone?

Ans. I did.

(Two or three answers to questions not heard.)

Ques. After you left Laguinillas, do you remember passing any running water on the way to Arroyo Seco?

Ans. I think before we reached Arroyo Seco we passed a stream; between Arroyo Seco and Laguinillas, I think it was, either outside or on the edge of the boundary.

Ques. You speak of boundary?

Ans. I mean such boundaries as we got from the official map.

Ques. Do you remember how near Arroyo Seco or Laguinillas?

Ans. My memory is not very sure. I kept the main road from Laguinillas to Arroyo Seco without going off.

Ques. You have never seen or heard of a cylinder of an engine not solid, or which was cast in several pieces?

Ans. I have not.

Ques. What is your judgment as to the practicability of doing so?

Ans. It could be done.

Ques. Could not the piston be made in sections and united by screws?

Witness. The piston?

Mr. BRADLEY. The piston.

Ans. The piston could be so.

Ques. An engine of the power you speak of might be transported on these roads, I understand you?

Ans. I must think a moment; I found it so difficult to get along myself. It would be a very small piston that a horse could carry on these roads.

Ques. It could be cast in sections?

Ans. It could be done.

Ques. What other section is it usual to cast in large pieces?

Ans. The segments of the fly-wheel.

Ques. Could not the segments of the fly-wheel be cast in sections and united by a wrought-iron bar with screws?

Ans. They could be.

Ques. Then the sections might be small enough to be carried on the road?

Ans. They could be, but very small sections.

Witness, in the several questions, said he had been on the Pacific coast, and in Chihuahua.

Mr. MAY. It would be a small piece of a steam engine that could be carried on the back of a mule. In what way do you think it could be carried?

Ans. I walked these mountains myself. I think an animal has enough to do to carry himself.

Mr. MAY said he intended to call a witness who spoke no English, and he did not know what would be done for an interpreter. There were one or two present who were competent, but they were witnesses.

The COURT said an interpreter would undoubtedly be required, and it made no difference whether he was a witness or not.

Mr. Jacobo Sanchez Navarro was called, and *Mr. Bowes* was sworn as interpreter, and addressed the questions to the witness, and reported his answers.

Ques. Ask him to state his name?

Ans. Jacobo Sanchez Navarro.

Ques. Where he resides?

Ans. In Saltillo.

Ques. In the Republic of Mexico?

Ans. In the Republic of Mexico.

Ques. How long has he resided there?

Ans. Ever since the year 1840.

Ques Ask him how long he has resided in the Republic of Mexico, and whether he is a native of that republic?

Ans. He says he has lived there the whole of the age that he has, which is thirty seven years.

Ques. Ask him if he has lived in the city of San Luis Potosi, and how long?

Ans. He has lived there six years.

Ques. In the city of San Luis?

Ans. In the city of San Luis Potosi.

Ques. Ask him what his occupation is?

Ans. Proprietor—land proprietor.

Ques. What period of time did he live in San Luis Potosi?

Ans. From the year 1825 to the year 1831.

Ques. Has he visited the State of San Luis Potosi since he resided there?

Ans. He has at different times on different occations.

Ques. Has he visited the city of San Luis?

Ans. He has.

Ques. Was he personally acquainted with the late Governor of the State, Don Julian de los Reyes?

Ans. He knew him.

Ques. Was he acquainted with his handwriting?

Ans. He knows it.

Ques. How does he know it?

Ans. He says that they were friends, and he has had relations with him since the year 1828.

Ques. Has he ever seen him write his name?

Ans. He has, at various times.

Ques. Has he corresponded with him?

Ans. He has.

Ques. (Paper shown, the mining title and accompanying papers.) Ask him to look at that paper, and examine the signatures of the governor.

Mr. BRADLEY. Don't repeat his answer yet, we object to the evidence.

Mr. PERRY said he understood the object of this testimony was to show these papers to be forged.

Mr. MAY. That is the object.

Mr. PERRY said that he had not, and would not throughout this trial, submit any points to the court which his judgment as a lawyer did not approve.

The accused is indicted here for two offences—distinct and separate; one is for false swearing, the other for forgery. On the first of these indictments he was now on trial. Here is an effort by the prosecution to drag into the trial of one of these indictments the whole subject-matter of both. The defendant comes here to defend, and is prepared to defend, the one case upon which a jury has been sworn; he does not come here, and is not prepared, with his evidence on the trial of one case, to defend the other. He is ready to meet the case on trial, but not on that issue to be tried for another and distinct charge.

This false oath for which he is now on trial was taken twelve months before these papers were forged—if they were forged. It has no connexion with those papers. The question now before the jury is the truth or falsity of that oath to the memorial. The whole issue is—the existence or non-existence of that mine. If there be a mine, as alleged in the memorial, then he can not be convicted on this indictment—and it makes no difference whether the papers be forged or not.

It was known that at the time these papers were obtained by Doctor Gardiner from Mexico, that country was in a state of revolution, rendering it unsafe for him to go there; that he wrote to a friend at Rio Verde to obtain these papers for him, which that friend did, and sent them to him at Monterey, where they came to him through the hands of the Governor of New Leon. If it should appear that this friend was deceived through any other cause, instead of transmitting the genuine papers, sent forged ones to Doctor Gardiner, that was a distinct and separate matter, having no connexion with the issue now before the court.

He regarded this question as to the admissibility of this collateral evidence, as one resting altogether within the jurisdiction of the court; and cited 2d Russell on Crimes, 772—that no evidence can be admitted which does not tend to prove or disprove the issue joined. In criminal cases this rule is more strict, that the evidence must be confined to the point in issue.

These forged papers—if they were so—were not a part of the transaction upon which an issue had been joined before the jury.

He insisted more earnestly upon the enforcement of this rule, and the exclusion of all testimony to the prejudice of the defendant not confined to the issue now pending, because Dr. Gardiner more than any other man had been made a victim of the most extraordinary circumstances. He had been made not only to suffer all the prejudice of the public mind against him, created by those claimants whose demands had been rejected by the board, but also those whose claims had been allowed, and who sought to divert attention from their own claims, by throwing odium upon Dr. Gardiner's. This was not all—his case had been made the groundwork of appeals to the popular prejudice by the whole Democratic press, for the purpose of breaking down a Whig administration, and of defeating a Whig candidate for the Presidency; the enemies of Governor Corwin had made this case the means to blacken that gentleman's fair fame, and the two governments of Mexico and of the United States had been united to hunt down and oppress this defendant. In consideration of these circumstances, he earnestly appealed to the court to exercise its sound discretion by refusing to admit this evidence, having no relation to the issue now pending, to go before the jury to the injury and peril of the defendant.

Mr. PERRY said his business engagements at home rendered it necessary he should return at once. He regretted it, but it was unavoidable. If he could return before the case was concluded he would do so, but he did not think it likely. He bid the court, the jury, and the counsel farewell.

Mr. MAY said it was stated distinctly the other day by the prosecution when they offered this, and the other papers connected with the mining title in evidence, that they intended to offer afterwards evidence to prove they were forgeries, and that the object was to prove the *scienter*—the guilty knowledge of the accused of the falsity of the oath he had taken. He thought that the counsel on the other side having made no objection then, the time for objection had passed by.

There could be no objection to this evidence. Whatever objection to it was heretofore entertained by courts, had long since been removed; and there was no principle better established than that the prosecution may offer in evidence, where the *scienter* must be proved, other transactions to show the *quo animo* with which the offence was committed.

This prosecution was to all practical intents and purposes a prosecution of an offence of perjury, though technically it was known as a case of false swearing. To sustain it the Government must establish three distinct points:

1st. That the accused took the oath

2d. That the oath was a false one; and

3d. That he knew it to be false.

The two first had been proved—subject however to be explained, modified, or removed, by the evidence for the defence; but for the present they stood established; they presented the *corpus delicti*. It was still necessary for the United States to show the *quo animo* with which the act was done.

This could unquestionably be done by proving any circumstances tending to show what his intention was at the time. Any thing from which the jury may infer that he knew this oath to be a false one, is proper evidence to go before them for what it may be worth. The accused brings to the Board of Commissioners the very evidence required to sustain the claim sworn to by him; evidence necessary and important to his claim; evidence on which the award was made; and what more conclusive evidence of his corrupt motive in taking, and his knowledge of the falsity of, that oath, than evidence that the papers filed by him in support of it are forged?

These forged papers are an essential part of the case.

The defendant, on a former occasion, when asking for a continuance of this case, filed an affidavit before the court, in which he stated that he was advised that evidence of the forging of these papers might be offered in the trial by the prosecution, and that such evidence was a surprise to him, and that a continuance was necessary to enable him to obtain evidence from Mexico to prove their genuineness. This was the authority of the counsel on the other side that this evidence might be admitted.

Mr. CARLISLE said he had always entertained the opinion that the evidence could not be admitted.

Mr. MAY said, to ask the court now to decide the testimony inadmissible, would be to place the court in rather an awkward position; for the court, in granting the continuance to allow time to obtain evidence to meet this very evidence now proposed, certainly conceded the evidence was to be admitted.

The COURT said, in granting the continuance at the time it was asked, the court had not decided the question of the admissibility of this testimony, one way or the other.

Mr. MAY resumed, and pursued the argument in support of the admissibility of this evidence, and cited 1 Greenleaf on Ev., sec. 53; Roscoe's Criminal Evidence, 83 and 87, and cases therein cited; Wheaton Am. Com. Law, 138; 1 Baily South Carolina Reports, 300; 2 Leigh Rep., 749; 5 Leigh, 708; Baldwin's Rep., 519; 1 Campbell Rep. 48, and notes; 14 Peters, 430.

It being now half-past 5 o'clock, the court adjourned.

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THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardiner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

FIFTEENTH DAY—*Tuesday, March* 29.

The DISTRICT ATTORNEY resumed the argument which was pending on the adjournment of the court yesterday, being the admissibility of evidence to prove the forgery of the mining title and accompanying depositions, and cited numerous authorities to show that the evidence was admissible. The case of Smith, (2 Russell on Crimes, 772,) quoted by Mr. Perry yesterday, was the only decision against its admissibility, and that case had been overruled again and again. He quoted, in support of his positions, 2 Russell, pp. 406, 407, 776; 41 Law Library, p. 53, Wills on Circumstantial Evidence; the case of Yoke in Russell and Ryan, pp. 777, 778; 4 Carrington and Payne, 364, and 19 Com. Law, 420; 6 Barnwell and Cresswell, 145, and 13 Com. Law, 123; 2 Starkie's Cases, 81; 2 Russell, 778, note; Robinson's case in 2 Leigh, 1,110; 2 Leach, 749; Wentworth's case in 4 Carrington and Payne, 433; Dunn's case in 2 Pike's Ark. Reports, 229; Tavener's case in 4 Carrington, note A, 449; and Wiley's case in 4 Bosanquet and Puller.

Mr. CARLISLE cited Wharton's Am. Crim. Law, 168. The *corpus delicti* must be proved before other facts can be considered. What is the *corpus delicti* in this case, unless it is the corrupt taking of the false oath, with a guilty knowledge of the falsity of the oath? The United States had endeavored to prove, and supposed they had proved, that all the statements in the memorial were utterly false, and that instead of having the mine, as he represented, was on the Pacific peddling small wares. If this was so, if the oath to the memorial was a false one, it was absurd to suppose that the accused took that oath without a guilty knowledge of the falsity of the oath. The falsity of that memorial, and the innocence of the accused in taking the oath, were wholly inconsistent. The United States would not stand in any better position if they prove the papers to be forged.

He referred to a case where an English judge admitted the facts of one case on the trial of another, upon the express stipulation by the prosecution to enter an acquittal in the second case. He offered the United States now to admit his offered evidence as to the forgery of these papers, provided the indictment for forgery be withdrawn.

Mr. FENDALL declined any such agreement.

Mr. CARLISLE resumed his argument, and reviewed the several cases cited by the counsel on the other side.

The COURT. It is proposed to prove that the papers No. 2 – the mining title and accompanying depositions—are forged.

The defendant's counsel object to this course on various grounds. 1st. An indictment is pending and untried for the forgery of these papers. 2d. That the alleged forgeries, if committed, were made eight months after the oath charged to be false was taken. 3d. It was within the discretion of the court, which should be exercised to exclude the proof offered.

I do not think the pendency of an indictment charging the defendant with forging the papers, which it is now proposed to show are false, affects the question. Doubts existed formerly on this subject, but they have been removed, and never had any good foundation. 3d. It is said to be within the discretion of the court to admit or reject this evidence. True, but I prefer to be regulated and controlled by established rules and principles.

2d. The fabrication of the papers, if they have been fabricated, was, it is said, subsequent to the swearing. The argument of the United States considers it to be immaterial whether the matter offered in evidence, or fact proposed to be proved to show guilty knowledge, occurred prior or subsequent to the principal fact charged. This proposition, as asserted, is too general. I have had frequent occasion to consider this question, and have a record of an opinion delivered by me at the June term, 1847, in the case of *United States vs. Noah Leeds, or Lee.* [This decision the Court read, and then resumed:]

This opinion contains the law of the question before the court. The possession of a counterfeit bank note or notes at the time of the passing charged, or shortly before the passing, for which he is indicted, has always been received. If subsequently counterfeit paper is found on the defendant's person, it must be in some way connected with the principal charge, or be of the same manufacture. This is the rule.

Here the memorial, in the making of which the false swearing is charged to have occurred, states that the accused had a mine in the State of San Luis Potosi; that was the foundation of a claim, and filed as such. Subsequently the papers which the United States say are false, and offer to prove to be so; were procured to sustain the allegation in the memorial that he had such mine; and were the means of inducing the commissioners to augment the amount of the award after the commissioners had directed that the claim was valid. Is it not then connected with the memorial, and the verification of it required by the commission, without which the claim could not even be considered? The memorial and proofs submitted with it were the ground of the decree that the claim was valid for something; the mining title and accompanying depositions afterwards filed were, with other proofs, the foundation of the decree fixing the amount due on the claim, and they were especially the means of increasing the amount previously thought of by the commissioners. The testimony offered, if made out to the satisfaction of the jury, would tend to establish the charge made, of which one of the principal features is guilty knowledge. It has a relation to the issue. The case of the United States *vs.* Wood, 14 Peters, is a cogent authority on this question.

The objection is overruled.

The DISTRICT ATTORNEY then said that the papers which they intended to offer proof of being forged were the mining title filed by the accused and the depositions attached to it.

Jacobo Sanchez Navarro recalled and examined, Mr. Bowes acting as interpreter. (Mining title shown to witness.)

Ques. Mr. Bowes, ask him if, from his knowledge of the handwriting of Don Julian de los Reyes, that is his signature to that paper?

Ans. It appears to him it is not his signature.

Ques. Can he point out the difference between the genuine signature and this one?

Ans. He observes that the form of the letters and the scroll or rubric, as it is called, is not the same.

Ques. What is the rubric; explain what he means by that?

Ans. This mark—this scroll underneath. (The flourish beneath the signature.)

Ques. Can he point out the particular difference between the signature to this paper and the genuine one?

Ans. The form of the letters in the genuine signature is better than it is here, and conforms more to the Spanish letters.

Ques. Do I understand him to say that it is his opinion that this is not a genuine signature of Julian de los Reyes?

Ans. He believes it is not.

Ques. Ask him to state what opportunity he has had to know the handwriting and signature of Julian de los Reyes?

Mr. BRADLEY objected. The United States had asked all about this very fully yesterday.

The COURT said it would be a very good thing if there were no repetitions, but the question could certainly be asked again.

Ans. He had opportunities since his youth, while living in San Luis Potosi, of having friendly relations with him and his family; for that reason and on account of it he has visited his house, and afterwards some business of his (witness) has caused him to have business relations with him, as well verbally as in writing, and on account of this has visited him at his house, and has seen him write and sign various documents belonging to him, (the witness.)

Ques. Ask him did or did not Julian de los Reyes instruct him to write?

Ans. He received various instructions in writing from him.

Ques. Ask him if this is the same Julian de los Reyes who was Governor of San Luis Potosi on the 15th of July, 1850?

Ans. It is the same.

Ques. Does he know if he is now living or dead?

Mr. BRADLEY. Of his personal knowledge, not what he has heard.

The COURT said the witness could only speak of his personal knowledge.

Question withdrawn.

Ques. Is he acquainted with the signature of Luis Guzman?

Ans. He has seen it on various official documents as secretary to the Governor.

Ques. What sort of documents?

Ans. Upon various official documents of the Governor of San Luis Potosi.

Ques. Describe them—the documents?

Ans. He cannot now state what they were.

Ques. Did these documents contain the genuine signature of the Governor?

Ans. He says he is speaking of Guzman's signature.

Ques. Were these signatures of Guzman on the same documents signed by the Governor?

Ans. On various documents which the Governor signed, and the secretary also; and on some signed by the secretary only.

Ques. Was Guzman secretary in July, 1850?

Ans. He does not remember.

Ques. Was he secretary at any time?

Ans. He has been secretary at various times to the Governor of San Luis Potosi, but witness cannot state any particular time.

Ques. Does he know how to spell Guzman's name?

Ans. He does.

Ques. How?

Ans. In Spanish the surname is spelled Guzman—with a z.

Mr. BRADLEY. Spell it.

Ans. G-u-z-m-a-n.

Ques. How is it spelled on that paper before you?

Ans. G-u-s-man.

Ques. There is an s, then, in that, where it should have been a z?

Ans. An s in place of a z.

Mr. CARLISLE. Did he say the proper way in Spanish—the Castilian mode was to spell it with a z?

Ans. He does.

Mr. MAY. Does he say the Castilian mode?

Ans. There is a difference between the English and Spanish—the Spanish names spelled with a z.

Ques. Did Guzman spell his name with z or s on the documents which he (witness) saw?

Ans. He always wrote it with a z, because it was spelled with a z; and that Mr. Guzman was an educated man and wrote it properly.

Ques. Does he know it as a fact that Guzman spelled it with a z?

Ans. There is no doubt of it. Every Spaniard who has a middling education knows how to write and spell Spanish; and Guzman being an educated man it is to be supposed he knew how to spell his name.

Ques. On those official documents he has seen with Guzman's name to them was it spelled with a z or an s?

Ans. It always had a z.

Ques. Where was it you saw the official documents with Guzman's name to them?

Ans. He has seen them in San Luis Potosi, and in Saltillo, where he resides.

Ques. Did he ever see them in the State Department in San Luis Potosi?

Ans. In the city of San Luis.

Ques. But did he see them on the archives of the department in San Luis, in the State Department?

Ans. He has seen them there.

Ques. Among the archives?

Ans. Yes, he has.

Ques. With Guzman's name to them?

Ans. With Guzman's name.

Ques. Is that signature to this paper (the mining title, &c;) in the handwriting of Guzman?

Ans. No; it appears to him to be not.

Ques. Is it his belief that it is not?

Ans. It is not, (i. e., the handwriting of Guzman.)

Ques. Ask him is he acquainted with the seal of the State of San Luis Potosi?

Ans. He knows it.

Ques. How long has he known it?

Ans. For more than twenty years certainly he has known it.

Ques. Has he seen it often?

Ans. He has very often, and has documents sealed with it—the seal of that State.

Ques. Has he those documents with him?

Ans. No; he has received documents with that seal.

Ques. Does he know the seal of the State as it was in July, 1850?

Ans. He cannot exactly give the size of the seal at the date named in the question, but he remembers the seal which was lastly used in San Luis Potosi has not this (pointing to the seal on the papers) line around it.

Ques. Let him examine this, (the seal on the papers,) and ask him if that was ever the seal of

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San Luis Potosi?

Ans. He does not remember having seen this seal. If it was ever used there, it must have been many years ago.

Ques. Was it the seal used there in July, 1850?

Ans He says he can say it was not used as the seal in 1850.

Mr. MAY offered to show witness a paper containing impressions of the seal of San Luis Potosi, with a certificate in writing from the Secretary of State touching their genuineness. The object was to show whether the witness can identify them as made from the genuine seal. He would show them to the witness with or without the certificate, as the court might direct.

Mr. BRADLEY asked if the witness had ever seen this paper before?

Mr. MAY said he had.

Mr. BRADLEY objected to the evidence. These impressions were made in November, 1852.

Mr. FENDALL replied, and Mr. BRADLEY rejoined.

The COURT. The United States offer to show four impressions of seals of the State of San Luis Potosi. It is objected to. The impressions of the seal cannot be allowed to be used as evidence. The seal attacked as false was made in the year 1850. The witness has said he has had seals affixed to documents, and testified to his knowledge derived from them. He has said that the seal attacked was not used in 1850 by the officers in San Luis Potosi. The impressions offered were procured in November, 1852. They cannot therefore be used to refresh the witness's memory of facts that existed or did not exist before or in July, 1850. The impressions of the seals are excluded.

Mr. MAY said he was now going to show the witness a seal which was anterior in point of date.

Mr. BRADLEY. (After looking at the proposed paper.) We object to that.

Mr. MAY said he proposed to pursue the course laid down by the court, and would offer a seal dated February 20, 1850.) The other was like it except that it had a later date, namely August, 1850. Both were *ante litem motam*.

Mr. BRADLEY objected to them from the appearance of the papers themselves They had the initials of several of the United States commissioners upon them, and appeared to have been procured in Mexico by them since this case had been pending. The court had a right to know how those initials came to be there before the seals were exhibited to witness.

Mr. MAY said the initials were put upon the papers in order to identify them, and it made not a particle of difference whether they were there or not. All that the court had a right to know was that it was a paper anterior to the finding of this indictment in point of time. He proposed to exhibit to the witness the seal, and ask him whether it was the genuine seal of the State of San Luis Potosi in the year 1850.

Mr. BRADLEY said he did not suspect the papers because they had the initials of those gentlemen upon them, except that their having those initials upon them showed that the papers were furnished to them, and he did suspect any papers that were put into the hands of those commissioners while they were in Mexico, for the purpose of being used in this case. He further stated the grounds of his objections.

The COURT. The United States offer to exhibit two impressions of seals severally bearing certificates attached dated 20th February, 1850, and August, 1850, and to ask the witness if they are genuine. The impressions cannot be exhibited as evidence. They would, by themselves, prove nothing. A paper or a question of handwriting cannot be introduced for the purpose of comparison; if a paper is legitimately in evidence for other lawful ends, on either side of the case, the jury may compare it with the contested handwriting—U. S. *vs.* Wall, March term, 1847, of this court. These impressions stand on the same foundation. They cannot be intended for any purpose but comparison with the seal assailed, and are, for that object, inadmissible.

Mr. MAY offered to vary the statement of the question by proving that the initials were put upon the papers in the office of the Governor of San Luis Potosi for the purpose of identifying them; also to remove the *post litem motam*, supposing that objection would be raised.

The COURT did not think that, assuming the facts stated by Mr. May, it varied the objection. The ground was that no paper could go before the jury for the purpose of comparison, and that was the sheer purpose, so far the court could judge.

The court then adjourned.

In the report of Monday's proceedings, published in Tuesday's paper, the following paragraphs occurred:

"Mr. MAY said that he had seen yesterday for the first time in the *Republic* an account of the proceedings of Thursday last, by which it appeared that the court had directed its remarks as to the irritability and sensitiveness of counsel entirely to him.

"The COURT said he did *not understand much about it*; but he remarked to Mr. May that he was too sensitive."

It should read—

The COURT said he did not *recollect* much about it; but, &c.

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ARRIVALS AT THE HOTELS.

WILLARD'S HOTEL.

Judge McAllester, Cal
H Wells, Fla
P Mason, N J
T C Mossi, D C
Dr Choales & l, N Y
D T Dewitt, Balt
J H Winge, Miss
J Kettlewell, Balt
J W Bishop, Mass
W J Vereen, Cal
G H Shipley, Pa
C Brown, U S N
J F Anderson, N Y
W Osgood, Phila
J C Carter, U S N
B Parke, Pa
Dr G Dock, do
Dr C Hoyt, Wis
T McCartney, Pa
F B Clowning, Va
J Rankin, N Y

BROWN'S HOTEL.

G H Hickman, Md
Hon D Tod and lady, O
H Harrington, Md
A Hyam, do
J R Davis, Ga
Mr Fry and lady, Ky
W Denby, Pa
W D Hood, Mo
C H Knight, Ohio
Hon R B Warder, do
Gov McDougall, Cal
T J Gallagher, Ohio
J B Smith, Columbia
R Reed, Cal
A Bahan, D C
A DeBlanc, do
Mr and Mrs Field, N Y
Miss Bradhurst, do
J T Farish, do
Mr Clay, N Y
P H Horff, Cal
J A Brainerd, Md
W R Bowes, Ia
A T Chapin, do
L S Wickham, Va
H Hoblitzell, jr, do

NATIONAL HOTEL.

W P Quesenbery, Va
D B McKim, Pa
A H Boyd, Me
D E Somes, do
T Donaldson, Me
G D Dorty
S R Clarke
A V Bounell
W K Howard, Md
C Howard, Alexandria
J Wethered, Md
Z Saper, jr, Md
O P Macgill, Mo
J A Washington, Va
M Fant, do
J Ash, N Y
E B Prettyman, Md
C B Young, jr, Wash
E B Hall, Va
E H Metcalf, Ala
A T Stewart, N Y
J W A Strickland, do
W H Lamberton, Pa
H G Beach, N Y
J D Powell, N C
Mr Davison, N Y
W Griswold, Ohio
N H Grimshaw, Del
G D Wheelan, N Y
N R Speer, N J
J Walter, Ohio
S W Inge, Ala
J E Cohill, Pa
J Hubbell, N Y
C O Arnold, Ohio
G C Napheys & s's, Pa
R Wallace, Va
R L Gilbert, N Y
J W Rattone, Va
Mr Westmoreland, Lon
Mr Alexander, Md
J L O'Sullivan, N Y
J S Helenan, Texas
E Robinson, Va
J Hodgson, Me
J E Jones, N Y
Mr & Mrs Burrill, N Y
W Perch, do
A Pit, do
J B Stewart, Ky
W S King, R I
J N Tinsley & l, Va
B W Daniel, do
A Colby, N H
C Mentz, Frederick
W Smith, do
J H Banga, Md
C B Hall, Va
L W Gosnell, Md
Mrs Coppett & svt, Pa
R Somers, Va
J Kent, Md
J Panan, Md
L Roberts, Md

GADSBY'S HOTEL.

Hon R Choate, Boston
Mr Gordon, Balt
H H Emmons, lady and servant, Detroit
Mr Miller, Va
Master W Slaughter, do
D H Pitcher, do
A W Fox, Buffalo
S W Nicol, Madison
J W Hudson, Va

UNITED STATES HOTEL.

J M Coyle, Ia
J H Hunter, Alexandria
H C Bryan, N Y
John Ivory, Pa
F S Carrington, Ky
W B Robinson, Ky
W W Green, Ga
T Sturges & fam, do
Maj Phineas, N Y
Daniel Pool, Pa
John E Smith, N H
Chas D Bean, do
Mrs J M Forbes & st, Va
Miss C Forbes, do
D R Semmes, Va
James Snyder, do
Steuben Jenkins, Pa
Thos D Moore, Va
Osburn Castleman, do

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Florida Republican.
JACKSONVILLE, FLA.

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NEWSPAPERS MAILED FOR CUBA.—The Captain General of Cuba has notified the American Consul at Havana that in obedience to an order of the Spanish government no transmission will be given in the mails of that Island to any newspaper unless it be secured with a single band only, in such manner as to admit of its examination without tearing the band or cover; and that if any letter be found therein it will be taken out and properly directed, and the postage charged on it according to the place it comes from. The Captain General further declares that under the name of newspapers (*periodicos*) all kinds of printed matter will be included. The order went into effect on the 1st inst.

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THE GARDINER CASE.

CRIMINAL COURT FOR THE DISTRICT OF COLUMBIA.

[REPORTED FOR THE REPUBLIC.]

The United States vs. George A. Gardiner, (indicted for false swearing, in order to procure an award from the late Mexican Board of Commissioners.) Messrs. Philip R. Fendall, United States District Attorney, and Henry May, for the United States; and Messrs. Joseph H. Bradley, James M. Carlisle, and B. F. Perry, of South Carolina, for the defendant.

SIXTEENTH DAY—*Wednesday, March 30.*

Examination of Don Jacobo Sanchez Navarro resumed, (Mr. Bowes acting as interpreter.)

Mr. MAY, (showing a paper.). Ask Mr. Navarro to look through that paper and find the signatures of Governor Reyes and Señor Guzman, and the seal of that State.

Ans. He has seen them.

Ques. Ask whether from his knowledge of the handwriting of Señor Reyes and Señor Guzman these signatures are genuine or forged?

Ans. He says he refers to what he said yesterday, that the signatures of Mr. Reyes and Mr. Guzman, as also the seals, have been constantly used by them.

The COURT. That is, the signatures and seals to the depositions?

Mr. Bowes. Yes.

Ques. Does he believe these signatures to be genuine or false?

Ans. He believes they are false.

Ques. Does he believe the seals to be genuine or false?

Ans. He believes that this is not the seal that is used now in San Luis, and he does not know whether it has been used before.

Ques. Does he believe that was the seal used in July, 1850?

Ans. No, but he believes that if this has been used it has been used a long time before.

Ques. Ask him whether it is the practice in the public offices of the Republic of Mexico, when the seal of the State is changed, to break the old seal or preserve it?

Mr. BRADLEY. Ask him first whether he knows any thing of the subject or not.

The DISTRICT ATTORNEY. Ask him whether he knows what the practice is in the State of San Luis Potosi when the seal is changed—whether it is to break it or preserve it?

Ans. He does not know.

Ques. Has he ever heard of a mining town existing in the municipality of Laguinillas and State of San Luis Potosi?

Ans. He has not.

Ques. Has he any knowledge of a silver mine said to have been owned or worked by Dr. Gardiner in Laguinillas, between the years 1844 and 1846?

Ans. He does not know any thing about it.

By Mr. BRADLEY. Was he ever in Laguinillas?

Ans. No.

Ques. In what State is Saltillo?

Ans. Coahuila.

Ques. How far from Monterey?

Ans. Twenty five leagues.

Ques. Is there frequent intercourse between Saltillo and Monterey?

Ans. There is.

Ques. Does he know who was the Governor of New Leon at the date of that paper—1850?

Ans. It appears to him that in that epoch Mr. Garcia was Governor; but he says it frequently happens there are intermissions, and the governors are replaced by others.

Ques. Does he know the handwriting of Mr. Garcia?

Ans. He does not.

Ques. Has he ever received any public documents from him?

Ans. He never has received any public documents, but private ones. He has received letters from him. They have had friendly communications.

Ques. He has received letters from him?

Ans. He has.

Ques. Does he know the seal of the State of New Leon?

Ans. He knows it; but cannot say what it is.

Ques. Ask him to look at that on the paper shown him?

Ans. He cannot say whether it is or not.

Ques. Ask him to look at the signature of Señor Garcia, and say if it is the same he is accustomed to see in the letters he has received?

Ans. He says it is not very easy for him to say any thing respecting this; that he does not remember the handwriting of Mr. Garcia

Ques. When was the paper first shown to him with the signatures of Mr. Guzman and Mr. Reyes?

Ans. The day before yesterday.

Ques. Was his attention at the same time called to the seal and signature of which I have just spoken?

Ans He was desired to examine the signatures of Mr. Reyes and Mr. Guzman and the seal.

Ques. Has he any signatures of Reyes or Guzman with him?

Ans. He has none here.

Ques. Has he in this country any papers written by Señor Garcia or signed by him?

Ans. He has none. He has no documents of any kind in his writing.

Ques. What is the distance from San Luis Potosi to Saltillo?

Ans. A hundred leagues. (Mr. Bowes—about 260 miles.)

Cross-examination.—Mr. BRADLEY exhibited a paper to the witness and asked him a question aside, which was inaudible.

Ans. He does not know it.

Ques. Does he know Señor Don Manuel Verastegui?

Ans. He knows him by sight.

Ques. Does he know his handwriting?

Ans. He does not.

Ques. Does he know Gutierrez, his secretary?

Ans. He does not; neither does he know his hand.

Ques. Does he know the seal of the present prefect of ——?

Ans. He does not.

Ques. I understood yesterday that these papers were shown Mr. Navarro in New York. Ask him if he ever saw this one before he came to Washington?

Ans. No.

Ques. Were any papers purporting to have on them the seals of the State of San Luis Potosi exhibited to him?

Ans. He says not. Upon this business he has no further advice or knowledge than an order of the Government to appear here, which he received one day before he was about to embark for Mexico. He received it from the authorities of New York.

Mr. CARLISLE. Ask him if he has got that with him.

(Witness took from his pocket and exhibited a subpœna.)

Ques. (Showing the witness a paper marked No. 5.) Did he not see that paper in New York? Did he not see that in the possession of Señor Arroyo?

Ans. No, he did not.

Ques. When did he last visit the city of San Luis Potosi?

Ans. In November of last year he visited for the last time the city of San Luis Potosi. His staying in San Luis Potosi had been for a short time and frequent; each year one month, and sometimes two months he has remained there.

Ques. He has not remained there one whole year at a time?

Ans. He has not.

Ques. In the year 1850 he certainly was in the city of San Luis Potosi?

Ans. He says he was; for every year he has to make journeys to Mexico. His house has also some business in San Luis which it would be necessary for him to attend to.

Ques. He answered positively that he was there one year — in 1850?

Ans. He was.

Ques Did he have any negotiations, any business which required the use of the seals of the State of San Luis Potosi, in the year 1850?

Ans. He does not remember.

Ques. Can he now state positively that he did see the seal of the State of San Luis Potosi during the year 1850?

Ans. It is not possible to give assurance of that.

By Mr. BRADLEY. Ask him to state when he left San Luis Potosi for this country?

Ans. About the middle of November he left San Luis Potosi for the city of Mexico. He remained in Mexico until the 2d of January, and on the 6th, he believes, he went on board the packet Trent. He corrects himself, and says it was on the 5th or 6th.

Ques. Does he know Don Jose Antonio Barragan?

Ans. He knows him.

Ques. Had he got back to the city of San Luis Potosi before he left?

Ans. He knew that he was about to arrive at San Luis Potosi, but he did not see him in San Luis or in Mexico.

By Mr. CARLISLE. Did he say he did not see him in San Luis or in Mexico?

Ans. He says he did not see him, neither in San Luis nor in the city of Mexico.

Ques. Did he see him anywhere?

Ans. He did not.

By Mr. BRADLEY. If that seal, of the State of San Luis Potosi, (on the mining title,) were exhibited to him on a document, would he acknowledge it?

Ans. Attending to the text of what is written, yes.

Ques. If the seal of the State of New Leon were exhibited to him, would he acknowledge it?

Ans. He says, the same; attending to what the letters say, yes.

Ques. Would he have any doubt about it?

Ans. He says, before looking at the signature in that case, he would attend to what was said in the body of the letter.

Ques. Ask him to read that attestation, and say whether it is in the usual form of such attestations as he has been in the habit of receiving.

Ans. He says that is in the form that is used.

Ques. In the handwriting and signatures and seal?

Ans. With regard to the signature, he cannot say, but as to the form of the certificate, it is the same that he has seen.

Ques. Is it in the usual handwriting that he has been accustomed to see—not the signature only, but also the handwriting of the certificate?

Ans. He does not know it.

Ques. I understand him that he has received documents frequently from New Leon, signed by the signature and seal of the Governor of the State of New Leon; ask him if the handwriting is the same that he has been accustomed to see of the Governor of New Leon?

Mr. MAY said the question had been repeatedly asked.

After some remarks the question was put in this form: Whether the seal and certificate were the same, whether the handwriting was the same, as he had been in the habit of receiving from the Governor of New Leon?

Ans. He says that he has already said that he does not know the seal nor the signature, nor remember the signature of the Governor of New Leon. All that he can say is, that this is the form in which the signatures of the State are written.

Ques. Is that the handwriting?

Ans. He cannot give assurance of that.

Ques. Did he not say that he recollected less of the handwriting than of the form of the letter?

Ans. What he means to speak of is the form of the letter. That is all he knows.

Ques. Is it usual for the governor of one State of the republic of Mexico to authenticate the signature of the governor of another State?

The form of the question was varied; objected to; the objection overruled, and the question finally put in this form, viz: Does he know the usage of the republic of Mexico, and is it the usage of one State of the republic of Mexico to authenticate the acts of the governor of another State on papers to go to a foreign country?

Ans. The custom is, that in the first place the authentication is made by the judge, and this is certified to by the political authorities, the governor; and the Minister of Relations for Foreign Affairs certifies to the signature of the governor.

Witness, (in reply to a question.) The signature of the judge is certified to by the governor, if in the capital; if in any other place, then the application is to be had to the prefect, and the governor certifies to the signature of the prefect. If the paper is to go into a foreign country, the signature of the governor is certified to by the Secretary of State or the Minister of Foreign Relations.

Mr. BRADLEY. Has he ever seen the signatures of the governor certified to by consuls?

Ans. He says, no.

Ques. Has he seen any papers certified to go into foreign countries?

Ans. He has.

Mr. MAY. Has he known any instance where one governor certified to the signature of the governor of another State?

Ans. He has never seen it done, nor does he believe that Spanish legislation requires it. Each State is independent by itself, and its documents and the acts of its officers cannot be certified to by another State.

Mr. BRADLEY. How then can it be certified to by the supreme government?

Ans. He says the supreme government is bound to know the authorities of each State, and does no more than to certify to their signatures and seals of office.

Ques Is this certifying by the Minister of Foreign Relations, of the signatures and seals of the authorities of the States, by any law of Mexico?

Ans. He says there is a necessity for so doing.

Ques. But is there any law requiring this to be done?

Ans. No, sir; he does not know positively whether there is any law requiring it, but there is this reason for it: The signatures of the governors of States are not known in foreign countries, but the signature of the Minister of Foreign Relations is known.

Mr. BRADLEY. Is there any law in Mexico requiring copies of signatures and of seals of governors and secretaries of State of the States to be deposited or furnished to the Minister of Foreign Relations?

Ans. There is a provision on that subject. He says that impressions of the seal of the States are sent to the Minister of Foreign Relations. There is an order or provision to that effect.

Mr. MAY. Is he acquainted with the regulations in Mexico concerning mines?

Ans. He has very little knowledge of them, because he has had little speculations in them himself.

Ques. Tell him to look at that mining title and say if he has ever known a denouncement of a mine which was not signed by the officer granting it?

The question was objected to, and was repeated in the following form:

Ques. Let him look at that paper, (the mining

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title, &c ,) and say if it has the signature of the party granting it?

Mr. CARLISLE objected to the question.

The COURT said the paper was in a foreign tongue, and an interpreter might be called to say if it had or had not a signature to it.

Ques. Let him read that mining title, and say if it has any signature to it of the officer or party granting the denouncement?

Ans. He says that the signature of the judge that admitted it is not there; but the certificate of the prefect is. What is wanting, he says, is the signature of the judge admitting the denouncement: The political authority certifies that such a denouncement was entered in such a book, but the authority for the denouncement is not there.

Ques. Ask him if the copy is complete?

The COURT said that question could not be allowed.

Ques. Ask him if the signature of the judge or other officer granting the denouncement ought to be there or not?

Ans. It ought to be, but he says this is a copy, on which it is omitted because of forgetfulness. This is an incomplete copy because that is wanting, just as if the date was left out.

Ques. He has been asked as to the formula of the certificate of the governor of New Leon, now ask him as to the formula of the governor of San Luis Potosi?

Ans. He says this (on the mining title) is not the form.

Ques. Ask him to state the difference?

Ans. He says the difference is, every certificate in the Spanish commences "I certify;" this formula in good language ought to be stated or expressed differently from what it is.

Ques. How?

Ans. He says give him a piece of paper and he will put it down.

Witness then wrote the formula as it should have been, which translated reads: "I certify that the foregoing signature of Don Francisco Fernandez, Prefect of the Department of Rio Verde, is the same that he uses and has used on official documents addressed to the government under my charge."

[The translation of the certificate on the papers reads: "The Governor of the free State of San Luis Potosi authenticates the signature of Don Francisco Fernandez, Prefect of Rio Verde, which attests the above document."]

Mr. BRADLEY. Ask him if he ever travelled from the city of San Luis to Tampico?

Ans. He has not.

Ques. Ask him if he ever knew the seal of the State of San Luis Potosi to be changed?

Ans. He does not know—he does not remember.

The DISTRICT ATTORNEY. Ask him if at any time before he left Mexico he was requested by anybody to come here and be a witness in this case?

Mr. BRADLEY objected.

The COURT ruled the question to be inadmissible.

Ques. Did he come over in the same vessel with the commissioners?

Ans. He did.

Ques. Had he any intercourse with the commissioners respecting this case?

Ans. No; he did not know them until they were on board.

Ques. When was the first occasion that he heard of his being a witness, or of testifying in this case?

Ans. He says he has already said that, being about to embark, he received a citation to attend here as a witness in the case of Dr. Gardiner. He was about to embark at New York, going to Havana, on his way to Mexico.

Mr. BRADLEY. Had he not previously to that a conversation with Mr. Arroyoe, the Mexican consul in New York, respecting this case?

Ans. No, sir. He solicited the consul to receive his declaration in New York, that he might be let go about his business. That was the only time he conversed with him on the subject.

Ques. Had he no conversation as to this case on board the vessel from Vera Cruz to New York?

Ans. He says there were only three or four on board who could speak Spanish, and with them he could not speak about this case. He did not know them, and was not aware they could speak Spanish.

Mr. MAY said the witness was extremely anxious to leave the city to attend to urgent business, and he would be glad if he could be discharged.

Mr. CARLISLE said that they were disposed to do any thing to oblige this or any other witness that was not inconsistent with their duty to their client; but, for the present, they could not consent to his discharge.

The COURT said the witness could not leave without the consent of parties. It was, doubtless, a hardship upon him, but not more so than on others, or upon the jury, who were compelled to remain.

After a recess—

James R. Partridge was called and sworn.

Ques. Were you one of the commissioners on the part of the Senate of the United States to investigate the Gardiner claim in Mexico?

Ans. I was.

Ques. Your name?

Ans. James R Partridge.

Ques. Where do you reside?

Ans. In Baltimore.

Ques. Did you go to the city of San Luis Potosi?

Ans. I did.

Ques. Did you make the acquaintance there of Don Julian de los Reyes, formerly Governor of that State?

Ans. I did.

Ques. Did you see him write his name?

Ans. I did.

Ques. Do you know his signature?

Ans. I do know it.

Ques. Did you receive any papers while there for the commission, or papers received by you from the Governor of that State.

Ans. The commission received papers there; some of them were handed to the commission in my presence.

Ques. Did you see him sign the papers?

Ans. I saw him sign most of them. I went there for the purpose of seeing him sign them. I saw him sign orders in the secretary's office while I was there. I observed his signature, and in that way my notice was called particularly to them. I stood by the table and saw him sign them.

Ques. Did you see Guzman write his name?

Ans. I saw the secretary, Guzman, sign several papers. I had several interviews with them at that place.

Ques. Did you see the seal of the State of San Luis Potosi?

Ans. I did. I saw the impressions of it affixed to documents while I was there.

Ques. Did you see impressions of that seal which had been attached to papers before you went there?

Ans. I did see impressions of it which were made before we went there.

Ques. How did you know that the seals were attached to those papers prior to July 1850?

Ans. I know it from the date of the papers and from what was told me. We asked for papers with the seal of the State attached to them prior to July, 1850, and the secretary handed them to us.

Mr. BRADLEY objected to this evidence.

Ques. (Paper shown.) Did you ever see that paper before?

Ans. I saw that paper before.

Ques. (Another paper shown.) I ask you if you know anything about this paper?

Ans. This is one of the papers brought from the archives of the department in the city of San Luis by the secretary; I saw him through an open door go into another room, take them down from the archives and bring them into us. I marked them at the time.

Ques. Did you see these seals on these papers impressed on them?

Ans. I did; they were made by Mr. Guzman, the Secretary of State of San Luis Potosi. Several other papers were identified by witness as obtained by the commission from Guzman, and marked at the same time and in the same manner.

Mr. MAY said they now offered in evidence to the jury an official, authenticated public document, (one identified by the witness,) dated the 3d of January, 1849, giving an account of all the mines and all the abandoned ones in the State of San Luis Potosi.

Witness: This paper (the one offered in evidence) was brought to us from the Secretary of State's room. We entered the government hall there—which was about the size of this room—out of which a door, a glass one, I think, led into the Secretary of State's office. He brought this paper to us out of that office, along with other papers, and handed them to the commissioners. I saw him take down the papers, but I cannot specify this particular paper; but he brought them all to us. They were brought to us out of that room by the Secretary of State; that room was the one where the archives of that State were kept. It was a room with papers all round it. Guzman, who brought them to us, was then acting Secretary of State

Mr. BRADLEY objected to the admissibility of the paper.

Mr. MAY said the paper was offered to show by it—an authenticated official document of that State—that there was no silver mine, and that no silver mine has ever existed in the department of Rio Verde. It contained a list of all the mines in the State of San Luis Potosi, with a description of their location, &c. This paper was authenticated as a genuine public official document by the seal of the Secretary of State of San Luis Potosi.

Mr. CARLISLE opposed the admissibility of such evidence in a criminal trial.

Mr. MAY said if the paper presented was not satisfactory he would offer another copy of it certified and authenticated by the authorities of the State of San Luis, and also by the Minister of Foreign Relations of Mexico and by the minister of the United States at Mexico under his seal. He urged the admissibility of the testimony.

The DISTRICT ATTORNEY followed on the same side; both citing numerous authorities.

Mr. BRADLEY replied; while he was speaking

Mr. Partridge was recalled, and stated the nature and contents of the documents which were printed in Spanish.

One was a report or message of the Governor of San Luis Potosi to the Congress of that State, made in conformity with the 113th article of the constitution, with accompanying documents.

The accompanying documents were the following:

1. A schedule of the political divisions of the State, with the census of each.
2. An account of the number of municipalities in the State.
3. Of the haciendas in that State.
4. Of the extent of the land—of the cultivated and arable land in the State.
5. An account of the mines of the State of San Luis Potosi.

He then translated to the court the certificates of the signatures, &c., each in their order.

Mr. BRADLEY resumed and concluded his argument.

The court then, at half-past four, adjourned.

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THE REPUBLIC.
WASHINGTON

31 March 1853, 2

Death of Mrs. Fillmore.

It is our painful duty to announce the death of Mrs. FILLMORE, the wife of the late President, which occurred yesterday morning at Willard's Hotel, in this city.

The serious illness of Mrs. FILLMORE has been known for some time past, but until within the last few days little apprehension was felt in regard to the result. She was attacked with bronchial inflammation of the lungs on the 6th instant, and this was followed by a suffusion of water; producing a complication which baffled the skill of the eminent physicians who had been called to her relief. Her sufferings at various stages of the disease were severe and protracted; but they were endured with Christian patience and fortitude. She retained consciousness until within a brief period of dissolution, and died calmly, and without apparent pain, in the presence of her family.

On learning the melancholy bereavement, President PIERCE directed the postponement of the meeting of the Cabinet, and the closing of the various Executive Departments for the day. He also addressed the following letter of condolence to Mr. FILLMORE:

EXECUTIVE MANSION, March 30, 1853.

MY DEAR SIR: Information has just reached me of the death of Mrs. FILLMORE. I beg you to accept the assurance of my earnest condolence in this great bereavement.

Yielding to my deep feelings of sympathy, and in testimony of respect for the memory of the deceased, I have directed the meeting of the Cabinet this day to be suspended, and the public offices to be closed.

I am, with great consideration, your friend,

FRANKLIN PIERCE.

Hon. MILLARD FILLMORE, Washington, D. C.

The President's Private Secretary, Mr. SIDNEY WEBSTER, proceeded to the Capitol to inform the members of the Senate, unofficially, that in consequence of the event no further communication would be addressed to them during the day. Ere he arrived, however, the Senate had adjourned, on a motion by Mr. SEWARD, as a mark of respect to the memory of the deceased. The sorrow and sympathy thus manifested will, we are sure, be shared by the whole country, not less because of the varied excellencies of Mrs. FILLMORE's character as wife, mother, and friend, than because of the affliction which the dispensation casts upon one who has been so recently relieved from the service of the State.

We understand that Mrs. FILLMORE's remains will be interred in the family vault at Buffalo. They will be conveyed hence by railway in a special car this morning, accompanied by Mr. FILLMORE and members of the family, together with some personal friends.

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The Daily Picayune.

7 April 1853, 2

Arrivals at the Principal Hotels—April 6.

ST CHARLES HOTEL....W P M Cozart, J T Grant, L P Grant, H C Coffey, Ga; G W Scripie, Ala; H A Shultz, G Scott and lady, Pa; Dr G A Nott, NO; Miss Mills, G Mills, T J Mauley, Miss; B Belding, J T Falker, Ark; P Butter, J Collins, S Williams, D E Borland, W J Borland, Master Borland, La; J R Barnes, Ohio; M B Campbell, Tenn; C Stores, DC.

ST LOUIS HOTEL....G Johnson, W G Edwards, J R Washington, St Louis; C A Madison, Miss Madison, Ala; J LeBlanc and brother, R Benazet, C Armant, A Armant, Paris; W Elles, Ills, W A Jefferson, Miss; Mrs Guion and family, La; G Moses, Mo; Mrs A L Reynolds, G S Guion.

VERANDAH HOTEL....J Luper, C H Foote, W P Austin, J L Ware, Ala; J G Green and family, R S Montgomery, J W Smith, Mr Cromwell, Ark; T R Crawford, T S Buford, Mrs Imdies and family, J Spring, W Littlejohn, Dr McCormick, F E Easey, W W Jenkins, T H Thompson, La; J Adems, USA; A J Hois, Mo; J H Winfield, P C Alden, NO.

CITY HOTEL....Franklin Williams, Wm Benedick, NO; W H Earley, SWCA; J C Yuille, W H Redwood, Jr, T McCarthy, Mobile; A C Mitchell, Mo; R R Rogers, W A Carswell, Texas; Albert Pike, W G Wright, T M Wright, Ark; Gen Quitman, R C Love, Miss; Chas Morgan, A McHall, R Armstrong, J P R Stone, J S Bannier, L L Smith, John Devalcourt, Wm Ager, Dr Grant, L M Berault, Rev H T Lee; Charles R Griswold and lady, B F Eppes, E J S Cates, J Osborne, W R Griffith, La; W B Wood and lady, Md; J L Case, Coast; E Bourne, Ark; W S Higgins, Miss J S Higgins, Miss R Higgins, Miss S C Finch, Tenn; L A Masher, Cin.

ARCADE HOTEL....H A Moore, M T Feifer, T Watts, jr, M Wauch, N C Smith, C Teschel, Miss; W Waddlington, J Q Vicks, Ark; J M Hobdy, B S Walcott, Texas; E S Johnson, J S Montgomery, NO; K P Kidder, W J Jobson, NY; J Curd, Tenn; J Hayes, T W Wilson, F J Toler; La; S Langworthy, D J Hamburgh, Cal; A Bell, Panama; D Seiliger, Cin; B F Millen,

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Florida Republican.
JACKSONVILLE, FLA.

14 April 1853, 2

The Hon. Pierre Soule, of Louisiana, has been nominated, and confirmed as Minister to Spain.

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Florida Republican.
JACKSONVILLE, FLA.
14 April 1853, 2

LOPEZ PRISONERS PARDONED.—The Washington *National Intelligencer* states that information had been received to the effect that the American Minister at Madrid had obtained the pardon of eight Hungarians, a portion of the Lopez prisoners, who were working in the Mines of Arragon.

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The Daily Picayune.

19 April 1853, 2

Arrivals at the Principal Hotels—Ap. 18.

ST CHARLES HOTEL....R Warnock, J Williams, S S Pierce, J Holmes and nephew, D Walworth, A Harper, A G Mayers, J Lowry, Miss; R Geddes, M Curry, Dr J Schlatre, W G Bibb, R D Steele, Dr J Straws, NO; P McLaren, Ga; J Tucker, Mobile; F Titus, Tenn; A G Tabb, Va; S G Scales, Ark; Mrs L A Steele, Miss B Steele, Ky; W Walker, P Caldwell and family, Mrs Randolph, SC; J H Hanson, W H Holmes, NY; A McConodur, B D Wright, Fa; F O Lewis, E L Wissen, Miss. J H Woodhull, W Saver and lady. B S Marshall; J C Dawson, L H Redwood, J W Kitts, Mobile; S S Franklin, Miss; A K Thomas, Dr E M Cook, Dr Surkett, Ala; H Moffett, T E Moffett, Va; D N Hermen, L G Gilbert, W S C Sarvey, Mo; J J Hanna, G R Davis and lady, La; J Collins and family, S A Johnson, son and servant, R S Smith, wife and daughter, T G Calvit, Col Blanchard, La; E O Glonn, Texas; J J Ganier, W D Stone, Ala; W M Halsey, Ga; W H Bryan, N O; W Basteur, Texas, D Clark, Miss; J Chipmant and lady, Mich; G Watson, Ky; E Willatd, Md; F Titus, Memphis; S E Keom. Dr Kerr, NC; M H McGehee and family, Texas; H W Hill and lady, D Knoof, NO; W A Blemis, A Clemis, W M Matthews and family, Mrs Winnemore, T Sutherlnnd, J H Luzins, J F Johnson, W B King, Ark; T C Crenshaw, Tenn; W K Crenshaw, Va; W Morrison, H P Janner.

ST LOUIS HOTEL....T B Hoover, E Duunica and lady Rev D L Goodloe, Mrs S A Buchannon, Miss; L S LeBourgeois, A Antell, E G Sessun, C Findley, M Lyle, Chs C P Mestayer, P Edwards, Mrs H Nutt and family, Mrs Alexander, Miss Williams, J Brumley, Dr Walker, La; L D C Wood, A G Kennett, A Lavisson, C C Maul, C Huntington, NO; J S Stell, A W Brownley, Miss Brownley, NY; J A Treadwell, M G Taylor, Ky; J O Minet, S Hall, Boston; Mr Monfaigne, Mobile; L E Saber, Mo; P Randall, A Reynolds, Ill; A M Cook, Ala; R G Howard, H B Shotcum, Texas; G Lacey and lady, J Morgan, Mrs Harris, La; Rev J S Goodlo, Miss.

VERANDAH HOTEL....H P Arrington, G W Gregor, E W Nance, M Saunders, L L Levy, NO; Miss Ballard and child, D Tullar, Mrs L J Veal, J T Veal, Tec; J J Ballard, J A Miller, Ky; Dr W G Austin, R Little, R A Hope, M Caudle, C C Glover, J Coopwood, W C Coopwood, Miss; H M Cohen, J F Hutchinson, Mobile; Mrs Dr Kitchen and daughter, Mobile; J Schiffer, NY; W C Pease, Mich; R H Nash, La H Bumpass, Ark; H M Whitney, G E Cooper, USA; A J Cunningham, Tenn; H H Hyde, NY; R S Godney, Ark; Mrs J J Finley and son, Fa; A Tabb, Va; Lewis Pierce, Ky; L D Garland, Ark; W M Ford, W B Azu, W P Leahl, C McCoy, Miss; E W Treson, Ala; W P Hewing, Tex; B F Copwood, Miss; Z McTrader, Ind; B Mergis, Mrs Fallen and son, Tenn; D Fasson, NO; W M Prescott, J A Glaze, La; W Wynne, Miss; W T Popham, Mr Simons.

CITY HOTEL....T E Matthews, W A Branton, R B Cole, Va; H E Juda, J Sabine, D Wabal, J Mcbue, Texas; B W Arrington, J Maddox, J P Morgan, Dr Hayly, M M Marcus, W Freeman, Jr, W J McKennel, Ala; N Hudson, Ga; A B Baldwin, Mobile; H Ahrens, Fa; A McIlhenny, E R Harding, NO; A Koston, S Forbes, J E Calhoun, Miss; A Talbot and son, J E Robertson, C Clarke, W Brunson, La; J M Wilson, Ill, Capt A C Olds, steamer Wetumpka; T E Matche, NO; J Chalmers; J C Bennett, Cin; W M Robinson, Miss; J Batteraby, Mobile. Gen Quitman, F H Quitman, G Scott, Miss; H G Bury, Cy; W Cook, Ky; E J Brull, J M Pelton, T G Polk, J W Bush, La; Gen W Hunt, Texas; O Carlin, Tenn.

ARCADE HOTEL....S W Smith, T Freeman, Texas; J B Townsend, W B King, La; E P McLallen, H McPhee, Ind; W P Phillips, Ky; S Owens, Miss; C A F Kennedy, I J Kennedy, J E Coane, W Rapier, Ark; J B Haden, J H McReynolds, Jr, Peters, G Williams, P T Reddo, W G Fleury, W C G Smith, La; S B Garrett, Oregon; R T Sims, Cal; A J Tully, NO; A C Vigal, Ga; J N Wright, J Cox, Texas; E Bates, C Ripley, Ark; J S Able, A A Able, J Gill, J L Dent, Texas; N A Kurd, G McLaughlin, La; S Carter, J W Adams, Ark.

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Florida Republican.
JACKSONVILLE, FLA.

21 April 1853, 1

GEN. CUSHING.—A Washington letter says: It appears that General Cushing is the only man in the cabinet who can talk anything besides English. At the diplimatic dinner given by M. de Bodisco the attorney General charmed and surprised the distinguished party by his captivating and versatile accomplishments. Like a venerable polyglot, he conversed in French with M. Le Comte de Sartiges, in Spanish with Baron Caldron de la Barca, and in Dutch with Baron Testa, spoke German with Baron Von Gerolt, Portuguese with De Figaniere, and the most unexceptionble Tuscan with the representative of the Two Sicilies.

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The Daily Picayune.
26 April 1853, 2

Arrivals at the Principal Hotels—Ap. 25.

ST CHARLES HOTEL....F H Fretzinger, L Kaufman, and lady, Cin; D C Queen, Navy Bay; G F Barney, steamship United States; J H Copp, Ala; D Hani, Dr T W Grimes, Ga; C Yale and lady, J H Overton, B Conners, P C Wright, NO; N D Coleman, S H Lambdin, Mrs and Miss Bisland, M T Anderson; R T Archer, S W Lamb, L Lake, L Newberger, Miss; J E Hernandes, P Valleuse, G Berancourt, J J Sylandt and family, E Alexander; A H Grane, N Y; J F Gordon, Phila; L K Preston, H Short, F H Hatch, R S Tood, F H Skaggs, J M Brunot, C E Grenenux, Maj J Botts, A J Herran J J Gondeau, J Frazier and lady, N W Sueldon, J Waddell, La; W C Dana, SC; A M Hopkins, D Ford, enn; Capt Berry, steamship United States; J Marks C Hamilton, Phila; B Brown, Hon J A Campbell, Miss Bryan, Ala; H N Neill, J Emanuel, S Smith, Dr E H Kelley, Mobile; Dr D E Reynolds, steamship Falcon; G W Billings, Ills; J Bell, jr; Mrs M Officer T P Officer, Mobile; T W Brown, J Buckingham, Miss; H E Metcalf, J P Davis, M E Williams, NO; J H Harrison, M S Farwell Cal; Capt R McNeill, NY; W Holquitt, Ga; H H Smith, L S Gilliam, D B Folerson.

ST LOUIS HOTEL....A J Lovell, Miss Mary Lovell, Miss E Anderson, Mr Tucker and servant, M J Olmsten, Ills; J K Smith, Ohio; Mrs C H Flour, son and servant, E E Matheat, Miss F Sprigg, Mr Barrow, A Barrow, J V Duralde, M Mariameaux, E G Hunter, J G Hoover, La; A L Gray, steamship Falcon, E Pierison, F Reibke and lady, A Schmanns, Mexico; D Stodder, J Tacit, Ala; E Cochran, N O; Henry Brown, Texas.

VERANDAH HOTEL....R A Gamble, Fa; M G Nash, T A McMahon, J J McCaughan, G P Farley, J R Moore, W G Austin, J Buckingham, G W Hancock, J H Haughton, Miss; J H McFall, J B Prescott, H Boyce, Miss Boyce, J W Floyd, La; W B Phillips, J A Ferguson, T L Bague, L L Levy, Dr Hayes, R W Luke, D M Campbell, NO; J Patterson, C C Langdon, A H Roulston, Mobile; H Kaine, J M Barlow, J D Carr and lady, Tenn; J Bahr, N T Pierce, H J Magart, J Peters, Mo; D C Cady, W M Booth, G W Foster, A D'Durand, W Perry, Texas; J F Dye, C L Craig, Mrs M H Bedford, R H Stewart Nye, Mrs Greggry and 2 daughters, Miss S Cady, H C Owens, W Lewis, Cali; S Landrum and lady, V L Wite, Ky; B Hambright, G S Bolling and lady.

CITY HOTEL....W F Smith, G Coater, A H Fish, Miss; Dr Hume, F Holden, NY; J B Walker and daughter, J W Cardwell, A F Pope, R L Maas, Ga; Dr Maddox, N Campbell, C Eaton, J R Bradley, L W Cady and lady, J A Keller, Moore, La; Dr A E Heighway, W G Wheeler, E H Harris, NO; A Harper, Cli; A G Hunsey, J J Jones, Allen Christian, Ala; S R Hendrick, steamer Pampero; J Rogers, Ohio; W H Blackman, Ark; C G Briggs.

ARCADE HOTEL....E S Rannels, E Epperson, J M Fort, Texas; P P Bowen, J G Arnold, W B Davis, B R Inman, J B Palmer, J A Hearn, J R Macnamara, Miss; T C Scales, W D Larkin, Philip Magee, Geo Ament, J Locke, B W Reims, R F Gray, La; W B Drake, J D Mayes, J Mauran, NO; W W Dickie, J A Dickie, J Rogers, G E Redwood, Ala; J R Cobb, Ohio; J A Brown, jr, S Bond, Tenn; M G Day, Ohio; J W E Wallace, W O Harding, Texas; Rev D Waggoner, N B Hatch, J P Willoughby, Pa; S C Brooks, S Breilling, J W Stattings, J Schroder, J Warren, Cal; G W Stahl, S D Wooten, Miss; N Line, Ark; L F Read, J Poole, W W Ferguson, E Vrooman, W F M Coromon.

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Florida Republican.
JACKSONVILLE, FLA.

28 April 1853, 1

THE KEY WEST APPOINTMENTS.—A correspondent of the Charleston *Courier*, writing from Key West on the 8th inst., says:

"By the last mail, commissions were received for the following named citizens: Fernando J. Moreno, United States Marshal for this District; John P. Baldwin, Collector of Customs; Joseph C. Walton, Postmaster. The United States Marshal qualified on the 6th inst.; also, J. P. Baldwin, and our new Postmaster.

"The above appointments have met the approbation of our citizens generally; although some are more or less disappointed, no doubt."

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Florida Republican.
JACKSONVILLE, FLA.

28 April 1853, 2

☞ The anticipated duel between Col. O'HARA, and Lieut. CUMMINGS, at Louisville, Kentucky, has been adjourned *sine die*--owing to a reconciliation having been effected.

☞ Among the visitors in town during the past week at the "Buffington House" we noticed Mr. DAVID LEVY YULEE, formerly a Senator in Congress from this State.

"Not a drum was heard, nor a funeral note" either on his arrival or at his departure.

"How have the mighty fallen."

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New York Herald
1 May 1853, 1

THE NEWS FROM WASHINGTON.

HIGHLY INTERESTING.

THE NEW MEXICAN TERRITORIAL TROUBLES.

GOV. LANE'S CONDUCT DISAPPROVED.

The Missions to France, Russia and Mexico.

Gen. Dix---Gov. Seymour of Conn.---Gen. Gadsden.

REMOVALS AND APPOINTMENTS,

&c., &c., &c.

TELEGRAPHIC.

SPECIAL CORRESPONDENCE OF THE NEW YORK HERALD.

THE TERRITORIAL DIFFICULTY IN NEW MEXICO—GOV. LANE TO BE SUPERSEDED IMMEDIATELY—FOREIGN MISSIONS ARRANGED—LARGE NUMBER OF COLLECTORS, SURVEYORS AND OTHER OFFICERS APPOINTED, ETC.

WASHINGTON, April 30—7 P. M.

The article in yesterday's *Union* upon Governor Lane's movements in Mexico, and which has been noticed in the New York and other papers, as indicating that the administration has not disapproved of his proceedings, does not, we have the best reason to know, express in any way the opinion of the government; and in proof of this, it will be seen that early next week a new Governor will be appointed for that territory, the conduct of Governor Lane being considered so ill advised as to render his immediate removal necessary. The refusal of the officers of the army to join in the *coup d'état*, meets with the full approval of the President. So far as Mr. Bartlett's initial point is concerned, it is known that the present administration does not regard it favorably, and to this extent, therefore, endorses Mr. Gray's refusal to acquiesce in it. It is not, however, so clear that Mr. Gray's subsequent course in running the boundary, was in keeping with his refusal to agree with the initial point, as he practically adopted it by running the line west of El Paso, precisely where Mr. Bartlett's line would be carried across. In other words, Mr. Gray's "practice" does not agree with his "theory." The whole matter has been so complicated that it will probably require to be adjusted by diplomatic negotiations. In any event, the Governor of the territory will not be permitted to interfere. Under the treaty he has nothing to do with adjusting the boundary, nor is it contemplated to invest him with powers foreign to his legitimate duties. It is a question to be settled by the two governments, not by the Governor of a territory. In this connection it is due to the administration that it should be understood it does not recognise the necessity of having an organ here or elsewhere. It is but justice to the *Union*, also, to state that the administration is not responsible for its views; nor is it probable its able editor desires a contrary impression should prevail. Its article on Governor Lane did not, unquestionably, speak the sentiments of the President.

The following appointments have been determined upon, and will be made on Monday. You can rely upon the statement:—

Governor Seymour, of Connecticut, Minister Plenipotentiary to Russia.

General Gadsden, of South Carolina, Minister Plenipotentiary to Mexico.

General Dix, of New York, Minister Plenipotentiary to France.

General Gadsden was a favorite officer of General Jackson, acting in his campaigns of the war of 1812, as his aid. He was nominated by Mr. Monroe as Adjutant General of the United States. On the reduction of the army he removed to Florida, and was the unsuccessful candidate for delegate to Congress from there, at three elections. On General Bernard's return to France, he was appointed Brigadier-General of U. S. Engineers in his stead, which office General Gadsden recommended should be abolished, and resigned. He is a gentleman of high attainments and ability.

Whatever disposition may be made eventually in Mr. Wise's favor, it is certain that as yet he has not been thought of by the cabinet in connection with any mission.

Nothing has been determined upon for Mr. Meade; but, as the choice of the democracy of Virginia, it is probable he will receive an appointment.

Mr. Dix is not an applicant for the mission to France, and his appointment will therefore be a distinguished compliment.

The following is a complete list of the Presidential appointments connected with the Treasury Department, since the adjournment of the Senate:—

Henry F. Hancock, Collector, Washington, N. C., vice Richard H. J. Blount, removed.

Thomas Bacon, Collector, Oswegatchie, N. Y., vice James C. Barton, removed.

A Kromer, Collector, Sackett's Harbor, vice Daniel McCulloth.

A. Benton Moses, Surveyor, Nesqually, Oregon, vice Wm. W. Miller.

Jose M. Covarrubias, Surveyor, Santa Barbara, Cal., vice Samuel Barney, removed.

Gideon Bradford, Collector, Providence, R. I., vice W. R. Watson, removed.

George H. Reynolds, Collector, Bristol and Warren, R.I., vice J. St. Bullock, removed.

John Lynch, Collector, Richmond, Va., vice Lilburn H. Trigg, resigned.

William B. Laws, Surveyor, Hampton, Va., vice William Fabe, removed.

Milton Hall, Naval Officer, Newport, R. I., vice Adam S. Coe, removed.

Jacob Beckwith, Surveyor, New London, Conn., vice Francis W. Fitch, resigned.

Silas A. Comstock, Naval Officer, Providence, R. I., vice Moses Richardson, removed.

George Turner, Collector, Newport, R. I., vice Edward W. Lawton, removed.

Samuel Maxwell, Surveyor, Warren and Bullington, R. I., vice Charles Randall, removed.

Henry Robert, Collector, New London, Conn., vice Nicoll Foodick, removed.

Sydney Evans, Surveyor, St. Marys, Md., vice W. Coad, removed.

Mr. ——, Surveyor, Havre de Grace, Md., vice John A. Chew, resigned.

James Lytle, Collector, Presque Isle, Pa., vice Wm. M. Gallagher, removed.

Philip J. Burziza, Collector, Yorktown, Va., vice Wm. S. Mallicote, removed.

Joseph T. Pease, Collector, Edgartown, Mass., vice Lemuel Thaxter, removed.

Eben W. Allen, Collector, Nantucket, Mass., vice Wm. S. Easton, removed.

X. Y. Z.

THE FOREIGN APPOINTMENTS—GENERALS DIX, SEYMOUR, AND GADSDEN—THE PAST, THE PRESENT AND THE FUTURE, ETC.

WASHINGTON, April 30—Midnight.

We have the following nominations so confidently spoken of this evening among reliable men, that we shall speak of them as if definitely agreed upon:—

Gen. Dix to France, to say nothing of Gov. Seymour to Russia, gives the soft shells the preponderance in the affections of the administration. But Gen. Pierce acts upon the doctrine that, *primâ facie*, all are good democrats that united in his election, and on the Baltimore platform. That is his chart, and he does not go behind the record to inquire whether this or that man was a backslider in 1848, or a whig in 1840.

James Gadsden, of South Carolina, for Mexico, will make the abolitionists stir their stumps. He was a secessionist in 1850-'51 on the negro question. He it was who suggested the plan of establishing a footing for the South in California, by carrying a good stock of slaves into the southern section of that country, so well adapted to slave labor; and while he is disposed to the most generous policy with Mexico, he is not the man, should Santa Anna desire to sell the Northern Mexican frontier, who will decline to buy for fear of another agitation of the slavery question.

There have been a variety of other matters upon the carpet within the last two days, with regard to Mexico. We apprehend that Gen. Pierce will abide by our treaty stipulations, and repudiate any filibustering.

VOLUNTEER.

Robado del Archivo del Dr. Antonio Rafael de la Cova
http://www.latinamericanstudies.org/

New York Herald

1 May 1853, 4

THE GARDNER TRIAL.— This trial is becoming intensely interesting, as it draws to a close. It was suspended on Thursday last till Monday, on account of the sickness of one of the jurors, and because all parties concerned, after nearly forty days of hard labor in the close air of a court room, required a little rest. Should the sick juror recover, the case now will soon come to an end (perhaps within the next two weeks) upon this first indictment for perjury. Should the said juror, however, unfortunately be disabled from further service in the panel, the whole case of thirty-seven days' examination will have to be commenced again *de novo*.

If the claim is finally pronounced to be good, the government will have lost some $100,000, more or less, on account of this prosecution, including the government commissions to Mexico. If pronounced bad, the government will recover some $232.000, more or less, of the money of the claim which has been enjoined; and no doubt most, if not all, the distinguished counsel of the accused before the board which adjudicated these Mexican claims, will refund their fees, amounting to not less than $150,000.

However this indictment may be terminated, there are others covering the case, still to be tried. Altogether, this is perhaps the most remarkable and extraordinary case that can be found upon the records of the criminal jurisprudence of this or any other country.

Hon. John J. Crittenden, ex Attorney General of the United States, and his uncle, Arrived at Louisville, on the 26th ult.

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New York Herald
3 May 1853, 2

MR. SOULE'S FLIGHT FROM FRANCE.—We met the other day, says the Louisville *Times*, in reading the *mémoires* of the great French author, Alexandre Dumas, a mention of the circumstance to which we are indebted for Mr. Soule's immigration to and settlement in the United States. As it may be interesting to our readers, particularly at this time, when the distinguished gentleman is in our city, we copy it, with a translation for the benefit of those who do not read the French :—

"Dans l'intimite de Mery et de Barthelemy, vivait a cette epoque un des redacteurs principaux du journal de *Nain Jaune*. Ce redacteur se nommait Soule, il venait d'etre deux mois de prison pour un article de Santo Domingo; il ne voulait pas ses deux mois de prison. Il avait par hasard avec Barthelemy une ressemblance physique qui permettait qu'il se servit de son passeport. Barthelemy le lui preta. Soule partit pour Londres, dex Londres aux Etats Unis, et est aujour'dui le premier avocat de la Nouvelle Orleans ou il gagne cens mille francs par an."—*Memoires d'Alexandre Dumas, page* 87.

TRANSLATION.

In the intimacy of Mery* and Berthelemy* lived, at this time, one of the principal editors of a journal called the *Yellow Dwarf*. This editor was named Soule. He had been two months in prison for an article on San Domingo. He did not relish his experience of prison life. He happened to bear a strong resemblance to Barthelemy, which permitted of his using his passport. Barthelemy lent it to him. Soule fled to London, and thence to the United States, where he is now the first lawyer of New Orleans, and makes by his practice one hundred thousand francs a year.

* Two distinguished French authors.

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New York Herald
5 May 1853, 1

ARRIVAL OF THE EMPIRE CITY.

Another Cargo of Slaves Landed in Cuba—Spanish Views of Mr. Soule's Appointment, &c., &c., &c.

The United States mail steamship Empire City, Captain Wendle, arrived yesterday morning, from New Orleans and Havana. She arrived at Havana on the 29th ult., at 4 A. M. and left at 1 P. M., same day.

We are indebted to Mr. H. Craig, the purser of the Empire City, for late intelligence and papers.

The passengers of the Empire City report that the slaving bark Lady Suffolk, had succeeded in landing, near Matanzas, the day previous to the arrival of the steamer, a cargo of six hundred slaves. It will be recollected that the departure of this vessel from Cuba, for the coast of Africa, caused much talk some time back. She was built at, and sailed from, Baltimore, with an American captain and crew, who, on her arrival in Cuba, were discharged, and replaced by a Spanish captain and crew, and shortly after sailed for Africa. Some proceedings were taken there against Capt. Gray, her former commander, who, with his men, was arrested, but they resulted in nothing.

The *Diario de la Marina* devotes three editorial articles, in its issues of the 22d, 23d and 24th of April, to the discussion of the appointment of Mr. Soulé as United States Minister at Madrid. In its first article, the *Diario* states its belief that, notwithstanding Mr. Soulé's antecedents, he will conduct himself according to the best diplomatic traditions, and asks him to recollect and profit by the examples of the treatment of Mr. De Salvandy and Sir Edward Lytton Bulwer. We respect—it continues—the government of the Anglo-American republic too much not to credit its recent legal and friendly declarations, nor do we believe that its representative would forget himself so far as to infringe the instructions he may receive. The probability—nay, the certainty—is that Mr. Soulé will receive a decent sum for the expenses of voyage and installation; will enjoy himself as suits his taste; will draw his fine salary in all tranquillity, enjoying the *otium cum dignitate* of his new position.

In its next article, the *Diario* says:—"Indeed, Mr. Soulé is European by birth and education, as we believe he was sufficiently grown when the political vicissitudes of France moved him to seek an asylum in the New World. During his long residence in the United States, he will have tempered himself, as much as possible to the character of the country and of the inhabitants; still, it is not impossible to discover in the speeches and opinions of the ex-Senator of Louisiana, and present diplomatist, many vestiges and tastes of the European democracy, very different, certainly, in form, and even in substance, from those which his Anglo-American co religionists profess. But be that as it may, the substance still subsists."

Further on it says:—At the first word that the new representative of the United States in Madrid may utter respecting negotiations for the purchase of the island of Cuba, and the energetic coldness of the repulse he will receive, he would acquire the conviction of how wild and visionary such a project is. The unanimity of sentiment in this country is, in this matter, amazing, and if any public man of Spain should be even wanting in national instinct—a pure impossibility—his own self respect, and regard for his name and existence, would prevent him giving publicity to his weakness. Interest and honor—which weigh still heavier in the balance—dictate to us to defend resolutely the integrity of our territory.

In its third article, the *Diario* treats the matter more lightly, and says:—We suppose that the nomination of Mr. Soulé is reduced to the mere concession of a good post for a political friend, who is in need of it, and who had worked with ardor in the recent election campaign, for which he deserved a reward according to the ways and customs of that country. Such is the signification that we give it, neither more nor less, because any other hypothesis would involve against the government of Washington an accusation of evident infamy in the management of its affairs.

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New York Herald
5 May 1853, 1

Our Cuban Correspondence.

HAVANA, April 29, 1853.

Municipal Protest Against General Medinilla.—Seizure of a Slaver—New Policy of the Captain General.—Morality among Slave Dealers.

With reference to the communication of your correspondent, dated the 12th inst., relative to the departure of the Captain General for St. Jago de Cuba, and the very serious quarrel which is said to exist there amongst the government officials, in consequence of the arrest and imprisonment of the *Regente*, or Chief Justice, Senor Arango, it is now said that the Royal *Audiencia*, or Supreme Tribunal of Puerto Principe, and even this of Havana, have protested most energetically against the arbitrary and illegal proceedings of General Medinilla, the Governor of St. Jago, and the eastern provinces of Cuba; and that the said Royal Tribunals have demanded that General Medinilla be brought to trial for his illegal acts.

The notorious slaver brig Cora, formerly the packet Hayne, of Charleston, S. C., was brought into this port for adjudication by the Mixed Court of Justice, by the British war steamer Buzzard, on Sunday, the 17th inst. Owned by the same parties to whom the Arrogante Emilio belongs, (which vessel, you will remember, was very recently before the same Court, under suspicion of being engaged in the slave trade,) the Cora some time ago landed a full cargo of slaves at Sagua la Grande, after which the vessel was abandoned by the crew, and picked up by the Spanish authorities on the coast, who of course, after the slaves were fairly in possession of their owners, made much merit of their having captured a (useless) slaver vessel.

The Cora, in the hands of the Spanish authorities, remained some time at anchor at the port of Sagua La Grande, and then she was sold by order of the government; the notorious slave traders, her present owners, having become the purchasers at a very low price. The Cora was duly provided with a slave deck, thirty or forty large casks for water, as well as a large tank, extra boilers, and the usual complement of slave trading articles, and, when fortunately fallen in with by the steamer Buzzard, she was on her way to the Cayes, off Cardenas, to take on board the rest of her stores, &c.

As an offset to the foregoing, I inclose herewith a copy of an official order of the Captain General, calling before His Excellency the parties therein named, all of whom, if celebrated for anything at all, it is their decided propensity for slave trading; and it is well understood in the city that these parties have been ordered to present themselves at the palace to give an account of their recent speculations in that sort of business. It would seem that the determined attitude lately assumed by the British government, to put down the abominable traffic in slaves, and their placing so many cruisers around this island, together with the constant and unceasing vigilance of your correspondents, which enables the HERALD to make public almost every contravention of the treaties to which the Spanish government is solemnly bound, for the suppression of that scandalous trade, have alarmed General Canedo, who begins at last to understand that such shameful disregard of treaty stipulations is not likely long to be tolerated, and so it is said that his calling the parties mentioned in the official orders before him, is to warn them that he will be unable to protect them in future. On the other hand, there are those who say that his Excellency, seeing the present enormous price given for newly imported negroes—say $500 to $600 each—deems the usual fee of $51 a piece much too little, and that he has merely called those parties before him to acquaint them that henceforth the fees must be doubled. Perhaps this is nothing more than scandal. We will be able to judge, however, by the course he pursues with regard to the Lady Suffolk, now daily expected with 1,500 or 1,800 negroes on board.

The editorial remarks of the government organ, the *Diario de la Marina*, which you will find enclosed, relative to Mr. Soulé's appointment as our minister to Spain, is worthy of your perusal, as something remarkably funny, and, should you deem it convenient, their translation and publication in the HERALD would afford considerable entertainment to Mr. Soulé's many admirers.

Havana is perfectly healthy, and the island generally in a flourishing condition.

* * * *

Captain General Canedo returned to this capital from his mission to St. Jago de Cuba last night, but nothing has yet transpired as to the result of his visit to the disaffected authorities at that end of the island.

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New York Herald
5 May 1853, 8

Passengers Arrived.

NEW ORLEANS AND HAVANA—Steamship Empire City.—H G Schmidt, R Rouse, lady and servant, Wm Quintoll, Miss Slatey, D Kennedy, J Hanson, F D'Aquin, Mrs. Gaskett and three children, M and L de la Guzza, Thos Lockart, C Noigts, F Louson and lady, J M Rocho, Mrs Child and sister, S Turner, lady, two boys and servant, Miss Hyllested, Capt D Radisloff, Mrs Ford, two infants and nurse, A Eustis, E Reilly, J E North, A Adams, Jr, F Rodewald and lady, Miss Whitehouse, Mrs Thilonoerso, two children and nurse, Mrs Brown, Clark, J Farr, E Husson, J Watkins, P Victor, P Decos and two boys, R Chandler, Rev C G Gibson, Mr Spencer, Mrs Wilmot and child, R G Gwin, F Oliver, Mr Newhall, Mr Flanagan, F Brooks, F Wilson, J de la Vega, V Ingillis, J Barols, J A Gibaltos, M Inez, J Henara, N Avindano, J N Saurez, Mr Jotting, P A Ulnio, H Lemasne, lady and child, S Levy and lady, J M Ysaznero, H Del Valle, L P Delgado, Miss Harvey, F Bennett, F Duga, S Cassonet, M Fourleloy, J Stratton, F Anchen, F Posey, A J Romero, L Delachaus, F L Bachelder, W A Sanborn, T F Smith, C Bloom, R Ricardo, and 47 in steerage.

CHARLESTON—Steamship James Adger—Miss C Huchell, Miss Peckham, Miss Ogier, Miss Ives, Miss Rogers, Miss McNish, Miss Mackey, Miss Pritchard, Miss M Todd, Mrs F Toplitt, Mrs Ritchie, Mrs Z Esdra, Mrs Titus and son, Mrs G W Flagg, two servants and two children; Mrs P P Brayton, Mrs Jones and daughter, Mrs Ogier, Mrs M O Williams, Mrs Rogers, Mrs M H Clark, Mrs M E Gilbert, Mrs J Robertson, Mrs Macky, Mrs Strohecker and servant, Mrs C B Sherman, Mrs Lancaster, Mrs Moore, Dr. Ogier and lady, Dr Arnold and lady, Dr R A Kinloch, Dr W M Michell, Dr Campbell, Dr Miller, Dr R L Bailey, Edward Thayer and lady, O Rameros and family, D L Wintringham and lady, Edward Sebring, L P Morton, L M Mather, Wm Flinn, L J Williams, C D Goodwin, H W Cohnan, J A O White, J Reed, C P Dean, Rev Dr Todd, Henry String, D Asbury, Denison Rogers, G J Rogers, J C Shermanhan, W B Hall, M Pond, M Peckham, T A Nichols, W R Norton, J S Thompson, J S Steele, W Ferris, E Huchell, W P Stevens, E D Ingraham—76 in the steerage.

SAVANNAH—Steamship Florida—Mrs Clark, Miss Clark, D Fuller, H Clark, A Fink and lady, Miss Fink, Master Fink, H Stetson, J P Ingols, W C Stergal, J F Brown, Dr H Bryant, Mr Gleason and lady, Mrs Rogers, child and servant, Miss Gleason, R J Arnold and lady, T C Arnold, W E Arnold, Mrs N J Cumming, Miss Robinson, Mrs D B Nichols, Miss C Crosby, Mr. Lafarge, J Pope, C Day, Capt Norton, R K Hunt, A Johnston, L Tefft, P King and lady, J Powers, Mrs Russell, J W Nevitt, G D M Gillespie, R Sisson, J T Rowland, J T Broome, Mrs Ingersoll, child and niece, Mrs Goddard and two children, Miss Goddard, S G Arnold and lady, Mrs Greene, child and nurse, Mrs F Briggs and child, Miss T Reed, Mr Talman and lady, B Salter, W P Mackrell and lady, Miss Mackrell—101 in the steerage.

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New York Herald
6 May 1853, 1

ARRIVAL OF GENERAL SCOTT—THE WESTERN MILITARY ASYLUM—THE GARDNER TRIAL, ETC.
FROM THE REGULAR NEWSPAPER AGENT.

WASHINGTON, May 5, 1853.

The following Third Auditor's clerks were removed to day:—Silas L. Hill, originally from New Hampshire, but for some years a wealthy citizen of Washington; Wm. Hogaint, Jr., Wm. Thompson, and Mr. Morse, of New York; Mr. Winder, of Pennsylvania; P. M. Dickinson and William Tyson of Maryland; Mr. Quean, of the District of Columbia; Mr. Coulson, of Virginia; Mr. Scott, of North Carolina, and Mr. Beatty, of Ohio. More removals are expected to morrow.

General Scott arrived here last evening, in good health. The members of the Board of Commissioners upon the Military Asylum are all here except General Gibson, who is expected to-night. Owing to his absence it is understood nothing was done to-day. The Hon. Patrick Cowan of Saratoga, son of Judge Cowan, of New York, is likely to get the Valparaiso Consulship.

Col. Scott's appointment as Inspector General is currently reported.

In the Gardner case this morning the argument as to the admissibility of the J. C. Gardner series of letters was resumed; and as it is likely to occupy the day, the letters, if admitted, cannot be read before to morrow. They are very severe on Gardner; but the defence do not admit their genuineness.

P. M.—The argument has been concluded, and the decision on the point will be given to morrow.

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New York Herald

6 May 1853, 4

GREAT EXCITEMENT IN CUBA.—According to our last advices from Havana, there is very considerable excitement prevailing in that city, and all over the island, on the Cuban question. The official *Diario* is in a perfect blaze of alarm and indignation at the appointment of Mr. Soulé to Spain. It threatens all sorts of dreadful things if he attempts to try on the filibusters at Madrid, in any way. And if there should be a liberating expedition sent over to help the Cuban creoles to independence and free trade, the whole island, in its defence, will be reduced to a mass of ruins. Meantime, it is reported that the cunning old Catalans are selling off their property, and making all snug, as the sailors say, against the coming storm, while, on the other hand, the still more sagacious creoles are investing largely in real estate. Notwithstanding these portentous movements, the slave trade seems to be as thriving as ever, and negroes, fresh from the gold coast, rule at good prices. But the Spanish authorities at Havana have no faith in Soulé, none in Gen. Pierce, no respect for his inaugural address, being fully impressed with the horrible idea that the administration is in a league with the Cuban Junta and the Order of the Lone Star, to seize upon Cuba the first dark and stormy night, after all the preparations are perfected. Verily, Mr. Soulé, from the outcries of the *Diario*, will never be permitted to enter the city of Madrid! The matter is becoming intensely interesting.

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New York Herald

10 May 1853, 8

THE GARDINER TRIAL.

WASHINGTON, May 9, 1853.

The Circuit Court having taken possession of the court room, and refusing to adjourn over again, the Criminal Court were compelled to remove to the small chamber of the Board of Aldermen, and did not get under way with the Gardner case until one o'clock.

Captain Doubleday recalled—Saw the mining title in the office of the alcade of Laguinillas; described it as sewed in between other papers, all of which were stained; but the stains upon the title appeared quite different from those on the papers to the right and left of it; read the title through two or three times; was certain neither the Huasteca nor Cerro Gordo range of mountains was mentioned in it. He again explained how an error occurred in marking the southern boundary of Laguinillas on the map, in consequence of losing his scale. The error had been corrected, which made the distance from the village of Laguinillas to the southern boundary of the county much less than first stated.

Mr. May proposed to go into an examination of the State of Quaretaro, for the purpose of showing that the mines visited by Abbot and Slocum were the mines of Jalpann, in that State, and forty or fifty miles distant from Laguinillas.

This was objected to by the defence, and after a very spirited discussion the Court decided that it could not go into a new examination at such a distance from Laguinillas, but might follow the witnesses for the defence in their route to the mines, and testify in regard to objects and distances on the way.

Captain Doubleday, being further interrogated, testified that the distance from the village of Laguinillas to the southern boundary was about four leagues, thence to Arrago Sego, in the State to Quaretaro, one league; thence to the junction of the rivers Carajacal and Agueta, eight or ten miles. These rivers Abbot and Slocumb had testified were not half way to the mines. Counsel for defence, however, deemed that these were the same rivers. Adjourned.

Robado del Archivo del Dr. Antonio Rafael de la Cova
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New York Herald
11 May 1853, 1

THE GARDNER TRIAL.

WASHINGTON, May 10, 1853.

The examination of Capt. Doubleday was resumed, and the description of his route to the mines continued. From Arrago Seco proceeded in a southeasterly direction, to the rivers Carjosal and Aguela, and thence to La Florita, a distance of twenty-two miles, thence to Durasno.

Mr. May said he was then near the mines of Jalpan, and proposed to examine only a little further; but the Court would not permit it.

Capt. Hunter was then recalled—Saw a paper purporting to be a mining title, in the office of the alcade of Laguinillas; the document was composed of two papers, one dark, the other light colored; the light colored paper was between the dark sheets; all were torn alike, to the right and left of it, so that when placed together the rents exactly coincided; the light paper was not, however, torn; also saw stains, which differed in the two papers; did not know whether the dark paper related to the mining title or not; in going to the mines, went due south from Laguinillas six miles; thence south of southwest five or six miles, to Arrago Seco; thence southeast to the river Carjasol, eleven miles, which was the first stream of water he met, and it ran in a southeasterly direction.

Captain Partridge re-called.—Concurred mainly with Captains Doubleday and Hunter, as to the direction, distances and position of objects on their routes to the mines. The Rio Verde Mining title signed by the Prefect Manuel Verastequi and his Secretary Gutierrez, being shown witness, said he identified it, and Mr. May offered to prove by the witness the correspondence of John Charles Gardner with Verastequi, long subsequent to the authentication of these papers, and Verastequi's declarations upon the subject, giving the whole history of the scheme from the commencement.

The defence objected and stated, in the course of his argument, that these very men who were accused of plotting with Gardner retained their offices under the Mexican government to this day.

The Court ruled out the evidence upon the same grounds on which the letters were excluded.

Judge Aguillar was recalled and questioned in regard to Huicis' testimony. He positively denied that he ever told Huicis that he had been offered in New Orleans by the government, $12,000 to $15,000; or that he told him if Dr. Gardner would give him $20,000 he would go home; or if Dr. Gardner would give him $8,000 he would go home. With regard to the statement of Huicis, that he (Laguillar) told him he had seen Mr. Slocum at Alexandria, and he had given him his word as a gentleman and an agent of the government, that he should be paid what was promised him in New Orleans. Witness said this was a net or snare, as black as ink.

The afternoon was occupied in cross-examining him upon the subject, in the course of which he testified that George May, brother of Henry A. May, indicated to him in New Orleans that his expenses should be paid, and that it should be done in such a manner that he should suffer no loss; that after his arrival in Washington, Huicis told him he would be restricted to the legal rate of mileage and per diem, and made other suggestions; that he visited Slocum at Alexandria primarily, for the purpose of returning his visits, and secondly, to communicate to him a kind of "mistrust" he had on his mind, in consequence of Huicis' suggestions; that Slocum removed that "mistrust" by assuring him that he was treating with gentlemen, and that he should be indemnified for his expenses in the form which had been indicated to him, and which witness said was none other than that indicated by Mr. May in New Orleans. After that he felt "a happy quiet." Huicis afterwards renewed his suggestions so far as to make an intimation to him of another kind, which he would state if requested.

The statement was not called for.

The Court adjourned.

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New York Herald

11 May 1853, 4

Personal Intelligence.

ARRIVALS SEAWARD.

In the steamship Alabama, from Savannah—J. M. Davis, George L. Cope, Mr. Ross, J. L. Locke, Miss Stettson, Dr. Gracen, C. A. Stettson, I. H. Bishop, T. Bishop, J. Willey Escherwin, C. Thiot, Rev. R. Chamberlain, A. McHardy, W. Simmerson, C. Smith, Dr. S. N. Harris, L. Holt, H. Thompson, J. S. Smith, Mr. Hall, J. C. Warner, J. E. Bettner, Miss Stern, Mrs. Ash and son, Miss Sackman, J. Vineburg, A. Bernard, H. Block and lady, W. Escreven and lady, W. B. Scranton and lady, Miss E. Peck, Miss M. Peck, Mrs. Deloney, Miss Townsend, A. Wiles and lady, Miss Winkler, Mrs. Hayden, S. Hill, Mrs. Knapp, Mrs. Laroche, Miss Flannigan, Miss Fortman, Miss Fay, Miss White, Masters W. Woodbridge, R. Woodbridge, and H. Woodbridge, Mrs. Gross and daughter, Miss Plumb, Miss M. Peck, Irs Peck, J. M. Leavitt and lady, Elizabeth Bernard and two children, and 101 in steerage.

In the steamship Marion, from Charleston—D Mixer, G Stuyvesant, Master Stuyvesant, Miss J D Converse, Mrs H Bixbee, Miss A Ewart, Miss M H Ewart, Miss M Cooke, Miss A Cooke, Col R Lowndes, A Elfe, Mrs Wagner, Miss F Beatly, Mrs Cooke and 2 children, J R S Alston, T Wightman, Miss H Cooke, Miss H Wightman, Mrs P M Lydig, Miss Lydig, D L Suydam, M P Lydig, Mrs G W Morris and servant, 2 Misses Morris, A C Hancock, A Partridge, M A Metcalf and family, Prof Shepherd and lady, Miss H S Shepherd, Miss F Shepherd, Master Shepherd, Master and Miss Newton and nurse, C D Oak, J W L Taylor, J R Brewer, lady and child, Miss C D Brewer, Miss S T Tripp, E L Wells, F W Brantingham, W F Norcross, Geo Cuthbert, Mrs Atherton, Miss M Nichols, W H Bird, L P Gardner, J Hunter, lady, child and servant, M Castro, J G Gourding, H Johnson, Chas Hannell, Mrs Robinson, Mrs Stone, Miss Stone, F S Stanger and lady, J Cook, C F Duvant, and 56 in the steerage.

In schr Wm H Mailler from Kingston, Ja—B De Villa.

In schr Martha Post from New Orleans—Philo Pratt.

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New York Herald
12 May 1853, 1

THE GARDNER TRIAL.

WASHINGTON, May 11, 1853.

Captain Barry was recalled, and examined with regard to his travels and explorations in the State of Queretaro. The first stream he came to, after passing the southern boundary of Laguinillas, was the Carjasal, which he struck at Vega de los Alamos. This he was positive was the only stream of water within twenty miles south of the village of Laguinillas. It ran southeasterly. He followed it down about two leagues, then left it, went easterly, and struck the river again where it ran in an easterly direction. He described the valley of the river and the adjacent mountain ranges. From the summit of one of the mountains he could see the village of Laguinillas. The Carjasal runs entirely in the State of Queretaro, being three or four leagues from the boundary of Laguinillas at the nearest point. He saw a boundary stone near Arrago Seco, another southeast of Arrago Seco, and another near La Communidad. Visited a village called Penal, at the mines of Jalpan, at the distance of twenty or thirty leagues from Laguinillas.

The defence objected.

Mr. May proposed to show that the witness saw there the same mines, same mountains, buildings and physical objects, which the witnesses for the defence had described as being within a dozen miles of the village of Laguinillas.

The Court repeated its former decision; the prosecution might prove if they could that there were no mines where the defence said there were mines, but they could not prove there were mines forty or fifty miles off.

The witness then testified he explored the whole country south of the village of Laguinillas, as far as the Carjasal river, and beyond it, and was positive there were no mines within fifteen or twenty miles of that village. He was then cross-examined at considerable length with regard to his former testimony.

Col. Abbot was called by the United States. He identified copies of a letter he wrote to Isaac G. Seymour, of New Orleans, soon after he visited Gardner's mines, and which was published in a newspaper in that city.

No objection being made, Mr. May proposed to get the original, if possible, and read the letter to morrow. The letter was understood to contain some account of the visit of Gardner's party to the mines. Mr. May stated that, with the exception of this letter, the United States had closed their evidence. Adjourned.

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New York Herald

12 May 1853, 1

Latest from Havana and Key West

TROUBLES IN CUBA—MARINE NEWS.

CHARLESTON, May 11, 1853.

The U. S. mail steamship Isabel arrived at this port today from Havana, which port she left on the 8th inst.

There had been a disagreement between the authorities. Lavalette, the second in command on the island, and another officer high in rank, were going to Spain in disgust.

The troops in the interior were showing symptoms of discontent.

Everything else was quiet.

The Key West dates are also of the 8th inst. The locomotive in the brig Cymbrus had been raised, and appraised at $5,500. The salvage case of the Cymbrus was appointed for the 9th inst. The repairs on the British ship Lucy were progressing, and the salvage on her had been paid.

The weather was warm at Key West, and business was dull.

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The Daily Picayune.

12 May 1853, 2

Arrivals at the Principal Hotels—May 11.

ST CHARLES HOTEL....J H Stubblefield, NY; W H Porter. Jas M Porter, Pa; C P Gage, lady, child and serv't, Miss Crocker, A Attesller, Mobile; A S Pfister, Ala; R P Shelby and servant, Miss; M M Stumiel, Ohio; T B Lee, J B Foster, NO; Mrs Frothingham. Boston; A B Henshaw, C C Weeks, La; H B Rogers; Ky; S W Marsh, J C Curran, Mexico.

ST LOUIS HOTEL....J G Campbell, La; M Hüller, Mobile; G Cullum, Lake; J J Pringle and family, A J Green and family, SC; S Brown Texas; C A Bradford, Ala; W W Jones.

VERANDAH HOTEL....H M Cake, C H Corning, T Bowling, NO; J P Berry, Mobile; S B Baillis, Texas; N E Gray, Ky; L B Holloway, Mex; M Smoot, La.

CITY HOTEL....B Dufield, D da Ponte, Mr Prehn; J W Athy, D B James, NO; F V Robertson, A S Pipes. T R Thorpe, La; Mr Newman, Balize; D G Harding, C Stewart, J D Thomas, J Stewart, J H Lewis, Judge J C Watrous, Texas; E P Howell, NY; S E Collins and family, Mrs Keith Mobile; J Case, steamer Natchez; W H Harrison, H B Harrison, steamer L Whiteman.

ARCADE HOTEL....J Benton, D M Fluitt, La; W T Keyes, W H Vasser, G W Vasser, B E Elkin, Miss; J J Vincent, A L Rattwitz, Ala; Z White, Ky; M M Davis, Ark; T McCeon, Tenn; W L McKeely, Va; A W Gordy.

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New York Herald
13 May 1853, 1

THE GARDNER TRIAL.

WASHINGTON, May 12, 1853.

In the Gardner case to-day, Dr. Davis was recalled, and corroborated the testimony of Messrs. Bowes and Partridge, that a date on one of the Mexican documents offered, written in Spanish—a figure 1 with a small cypher at the right side of it, above the line of writing, and two dots under the cypher—should be translated 10th. Mr. Meiere, an experienced professor of Spanish, called by the defence, testified that he had translated hundreds of Mexican documents, and these characters were the customary abbreviation for the word *primero*, and should be translated 1st. Col. Abbot was recalled, and identified the original of one of the letters referred to yesterday, and it was read to the jury. It was dated at Laguinillas, Sunday, November 28th, 1852, and gives a glowing account of his visit to that region. It states that he went to Laguinillas, in company with Capt. Slocum, for the purpose of inquiring into the existence and locality of Gardner's mines, and examined the records in the district in which the mines were situated to see if the title could be found; that they had been entirely successful, and had not only visited Dr. Gardner's three mines, but had obtained an authenticated copy of the deed; that it was among the few public records which were saved in a damaged state at the time the place was invaded; that the Mexican authorities had thrown all sorts of obstructions in Gardner's way, believing that if his claim should be disallowed the money would revert to themselves; ascribed the charges against Gardner to political motives, &c.

John Charles Gardner recalled—Testified that the body of the petition to Manuel Verastequi, heretofore offered, also the letters signed J. C. Gardner, of the 9th, 10th and 13th November, 1851, were not in his handwriting, but in that of Jose Vincent Verastequi, nephew and clerk of the prefect. The defence offered to produce other letters from Jose Vincent Verastequi in proof of the hand-writing. Objected to, and ruled out.

Mr. Bradley stated that he had closed the evidence on the part of the defendant, and offered to submit the case to the jury without argument.

Mr. May considered it his duty to review and argue, and declined the offer, but was willing to limit each address to the jury to three or four hours.

Mr. Carlisle was very sorry their offer was not accepted. He was perfectly willing to rest the case on the facts proved, but if they must argue he would not agree to a limitation as to time.

Mr. Bradley said he would not consent to limit himself. Three, or even six hours, would afford no sort of opportunity to give that review of the evidence which he should deem essential, if he must go into it. He should ask of the Court instructions upon points of law, and would submit several propositions in the morning.

The Court made a note that the evidence was declared to be irrevocably closed on both sides, whereupon the Court adjourned.

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The Daily Picayune.

13 May 1853, 2

Arrivals at the Principal Hotels—May 12.

ST CHARLES HOTEL....T H Hatch, J M Brown and family, T Crenshaw, Hon S W Downs, Miss Henderson La; W B Copet, NO; J M McCain, W B Adams, W B Ridfield, R Paulding, Ala; M A Halsey, Mrs Helsey, Miss Halsey, D Burroughs, D R Bacon, P A Hawins, NY; C Gavaty, G Bardiarian, Muryas, J Mowatt, W C McRae, H F Makepence W H Wood, Cen Braga, Col Urlar, W Burr and lady, C Delaporte and lady, Mexico; W W Johnson, H W Farley, C C Snetzen, J S Kerchevai, NO; P Little, A A Kerr, C McLauran, T S Savage, Miss; J Binford, P T G Cooke, USA; C Wright and lady, Ohio; J M Howard, T B Sample, T C Crenshaw, Tenn; W K Crenshaw, Va; J H Turder, Mo; G Hastings and lady, J Brooks, Mass; R R Peques, SC; C Le Baron, Mobile; R A Crawford, Phila; C W Woodville, Miss Henderson, La.

ST LOUIS HOTEL....R Branch, C Andrews, W Romer T R Hopkins, P W Clayton, Ala; A Monton, H Dougal, La; H Merriam, W Harrington, Ga; Dr J T Tinison, stmr Phila; G G Urlean, Mex; G Ramvir, R Camelro, G Carbonell, J P Maite, N Grenada; R M Thornton, R M Brown, W J Thornton, Mobile; Miss Banksmith,

VERANDAH HOTEL....R W Winslow, Mrs Adriane, J L Barrow, lady and 2 children, J R Kirkland, J Alexander, A J Hare, U S Wilson, C F Thomas, Miss; A G Ross, W D Robinson, Ala; R Douglas, R Fife, R Bullin, La; B S Eage, A Marsh, NO; G T Bell, Mexico; M J Foley, Baltimore

CITY HOTEL....J Bellzer, R H Draughon, L L Gevin, J C Bassett, W T Levine, A S Simmons, La; J Case, steamer Natchez; A G Perry, J G Caster, NY; R Bray, England; J H Glass, G T Pell, J M Delaporte, C Gavoty, Mexico; T S Turner, Ark; H Clark, M Harrison, W B Benson, S Leonard, J E Vase, W E Walker, C W Gould, A L Saunders, H D Hewitt, NO; J S Johnson, Ky; N E Walker, J Watson, T Freeland Jr, J Stawers and family, Miss; W B Morgan, J J Krauss, May, M Steinbeiner, Mrs Bullard and family, J H Baldridge, Ludlaw, Texas; W L McCormac, Ala.

ARCADE HOTEL....B G Lathrop, S Norris, W Atkinson, B F Parish, H Surmeier, J Brantner, J Patten, J Timmons, Nund, W H Nunn, W L Hays, Cali; W Sadler, A D Parmer, J Evens, J S Tuttle, J Purl, W C Adams, T Norworth, W A Herod, G Gill, R Cook, R E Kiady, La; W S Hymson, W Caker, W D Merriwether, W C Mitchell, W M Lawrence, E B Tinstall, J C McGee, J Durnagan, Ark; J J Smith, Mo; J C Hart, Settle, Winter, G E Tongue, Texas; W F Stansbury, L Warren, J Warren, E Warren, R R Sharkey, N A Clark, J Lampken, Miss; J M Gould, NO; C C Davenport.

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New York Herald
16 May 1853,8

Affairs in Cuba.

DIFFICULTY AMONG THE AUTHORITIES—TWO OFFICERS ABOUT RETURNING TO SPAIN—THE DISCONTENT AMONG THE TROOPS, ETC.

[Correspondence of the Charleston Courier.]

HAVANA, May 7, 1853.

The unusual calm and silence that reigns at present, makes a letter to you almost unnecessary; and what I have to say on this occasion will require but few words.

On dit that our head authorities are not on the best of terms, in consequence of which two of them go to Spain almost immediately. Gen. Lavalette, the second in command, is one, and the other, whose name I have forgotten, is also a considerable personage.

The General's visit to the other parts of the island, I do not think, has strengthened his confidence in its security, and from what I have heard, the demonstrations made in many parts were not exactly what has been represented in the newspapers published by Spaniards. It is said, that in Cuba, that is Santiago de Cuba, a stone was thrown; however, I hardly can believe that. What appears more certain is, that in Puerto Principe the people kept at home and were sulky.

The accounts related about the troops, if true, cannot be encouraging to Spain; and at this moment a regiment is being drawn from Trinidad, on account of some misunderstanding. That the troops at this moment should show disaffection is not strange, for their position is irksome, and having the countenance of the Creoles in any acts of insubordination, it may readily be supposed that it would not require anything extraordinary to cause them to show their dissatisfaction; and, perhaps, the proclamations which have been circulated, as it is said, amongst them, have tended to weaken their affection for the service.

It is said, I do not know with what truth, that the Catalans are beginning to consider their position seriously; however, if they give their support to independence it will be with the understanding that the Island shall not be annexed to the United States. The creoles, on the contrary, are bent on annexation, as they consider that the peace and prosperity of the Island require the glorious stars and stripes to wave over it.

There is a good deal of activity amongst the vessels of war at present. They are coming and going every day. All the British are at sea, and if they have fired at any more American vessels, that is more than I can say. I have been informed that they have orders not to interfere with any expedition that may appear to give a help to the Creoles; however, this completely contradicts the assertions of the British ministers. On account of sympathy with the Creoles in their cause, it might happen that the Nelsons of the present day might put the blind eye to the glass should anything appear.

The only solution of the rumor in regard to the pronunciamento at Puerto Principe, is that the troops were suffering badly from cholora, and being alarmed, fancied that they were being poisoned, and on that account showed some insubordination.

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New York Herald
18 May 1853, 1

Personal Intelligence.

Among the arrivals yesterday at the Metropolitan Hotel, were Hon. Louis McLane, of Baltimore; Senors D. T. Quintero, Wm Tessor, and Lewis Virginer, besides several other families from Havana, and other parts of Cuba.

ARRIVALS SEAWARD

In the steamship Black Warrior from Mobile and Havana:—From Mobile—Mrs O W Levert and servant, Miss O Levert, Miss J Suystor, Miss J A Andrews, Misses J and S E Sibley, Mrs S P Griffin and two children, Mrs S Tewell, Miss M A Griswould, Mrs A Knapp, Miss H Gracie, Mrs C Walsh, three children and servant, Mrs G Costar and nephew, Mrs W H Hull, Miss De Vandel, Miss M M Hozey, Mrs C L Tow and son, Mrs M J Jones, two children and two servants, Mrs H L Reynolds, child and servant, Mrs. C R Mumford, Mrs P R Mumford, Mrs G W Boyd, Mrs T Marshall, Mrs A Nelson, Miss E Lyman, A Gracie, R W Montgomery, lady, five children and two servants, G Martin and lady, J Malcomson and lady, B Cohen, lady, child and servant, G Dobson and lady, Dr R T Maxwell, Major H Toulmin, U S A, G W Parrish, D F Hardon, F Deering, F Holden, J Maxwell, W Ricarley, C Heisen, nurse and child, J Bartlett, T W Dennis, J G Oltmans, Rev B McGlashan, T Dixon, H M Neill, T J Fetyplace, Judge A Hopkins, J F Wenman, T L Hallett, F Smith and son.

From Havana—Mrs S C Wade, Miss C De Wolf, Miss J Taylor, Miss D Madden, F Arrangoiz, lady, 5 children and 2 servants, H Barmstoff, J Tarata, Jose Pena, B Perez, K Calle, G Calle, P P Domimondi, F Gomez, F Hernandez, H M Clarke, W Fesser, L Vignez and servant, M Cardenas, lady, child and servant, P Rus, D Mora, J V Mora, P F Gomez, A M Ventocimos, R Alfonso, E Medina, Mrs J de Armas, Mrs M de Armas, Miss M Ronequillo, F Ronequillo, J Lavier, E Gibson, D J Quintero, M Limendaux, F Diago, R Padilla, Miss J Padilla, Miss M Padilla, Miss A Padilla, Miss T Padilla, Miss L Padilla, Miss E Padilla, L Hernandez and lady, Miss M Hernandez, J Tritac, J Ecot D C Tyng—total, 142.

In the steamship Florida, from Savannah—C H Buford, C G M Wallace, P Hull, Frederick Foule, Maj E Crane, W Foster and lady, W King, Capt Rowland, Geo Anderson, Mrs Bradley, Miss A G Bradley, Masters J and P Bradley, Miss Bradley and servant, Dr T Stewart and lady, Miss Wayne, Miss Dailey, E E Powers, E Bradley, A G Briggs and lady, E Bellknap, E R Treeman, I K Bride, and lady, Miss Mitchell, Miss S W Mitchell, Miss A Butler, Mrs Ingersoll and lady, R Hutchison, Mrs Newman, Mrs King, Miss King, Mrs Anderson and daughter, Miss McDonald, C J Cressey, H H Farley, Geo W Ford, W Stephens, H Barter and lady, Frederick Scherof, H Ringlain and son, H Baber, Rev Mr Luther, Dr Smith, Master E Swartz, Asther N Bean, Dr H Lefber, S A Wood, J A Smith, Dr Bugbor and lady, H Sanders, C E Fogg, Miss J Martin, Miss E Martin, J Hall, Miss A Mills, Miss S Pettibone, Mrs L E Butler and child, Mrs Hall and nurse, Mrs Rivers, Miss C M Ingersoll, Master Ingersoll and servant, B F Scott, Samuel G. Parkins, Dr R E Elliot, W H Elliot, J Byrne, R E Gilstrap, Miss M Mitchell, Mrs R Boothe, Mrs Hall, Miss Ward, B Wells, Master L G Wells, P H Dosier, A S Spencer and lady, Miss C North, Miss S Williams, F J North, J C Thornton, G L Raymond, and 105 in the steerage.

In steamship James Adger, from Charleston—Miss L P Guillare, Miss Lambert, Miss A F Bonnell, Miss Klick, Miss Ward, Miss A Herrera, Miss Wells, Miss E Clark, Miss Wood, Miss Thomas, Mrs R M Campbell, Mrs Small, Mrs A L Lisak and servant, Mrs Arnold and servant, Mrs Randolph and servant, Mrs P Blakely, Mrs Hopper, Mrs J Kenny, Mrs Mary G Landon, Mrs Terry and infant, Mrs T C Grant, Mrs C F White, Mrs C Sinkley and two children, Mrs A Patterson and two children; H B Ravenel and lady, W C Derry, lady and servant, J J Johnson and lady, Mr Wells, lady and infant, Mrs Wells, Master Wells, G Parmelee and lady, C D Bounman and lady, Dr H Vergna and lady, J Carr and lady, Rev Wm Smyth, R McKenzie, L F Dikeman, P Bethune, H K Saxton, D Reed, I L I Herrera, W Betts, I Dawley, W A Ramsay, J Klink, R Caldwell and lady, J Y Calder, Daniel Parenel, D Jacobson, J S Tagevanwether, Dr Chas Miller, C Cottinett, W Keenan, W S Cisy, J J McCoy, G A Hull, Horace Smith, L H Balle, A Gussler, J Parsons, L Goldenberg, Rosenboth, A Sengwick, J O Davis, J P Hoops, S Darol, and 59 in the steerage.

In ship Camden from Charleston—Robert Hilton, Miss S Hilton, Miss E Hilton, G Moore, J Hanavar.

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New York Herald

18 May 1853, 4

CUBA AND THE SLAVE TRADE—QUEEN CHRISTINA.—The latest intelligence from Cuba confirms the continued and increasing prosperity of the African slave trade with that island, notwithstanding the warlike attitude latety assumed by the British preventive squadron. It is understood, however, that her Britannic Majesty's government have been induced to slacken their vigilance upon promises of reformation, lately made by the Spanish cabinet. If this be so, and it probably is so, John Bull has been humbugged by the faithful agents of the Queen Maria Christina. She can afford to pay something to maintain her queenly prerogative; and her consequent influence in regard to the future destiny of Cuba may be measured in the exact proportion of her personal interests in the maintenance of the slave trade. Does Mr. Soulé take this view of the subject? Perhaps!

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New York Herald
18 May 1853

The Gardner Trial.

COUNSEL FOR THE GOVERNMENT SUMMING UP.

WASHINGTON, May 17, 1853.

The counsel having agreed upon the bills of exceptions, the District Attorney at one o'clock commenced summing up to the jury. He was gratified that a case which had occupied two years since the finding of the indictment had been brought so near a conclusion. He began by referring to the great objection of a conspiracy of the two governments against the defendant. If the United States conspired, President Fillmore was the arch-conspirator, for whatever was done was done through his agency. So far from conspiring against him, government afforded the defendant every facility for substantiating his claim. The Senate committee and the President, when about to send out a commission to search for the mines, made various propositions to Gardner to join them, and point out the mines; all of which, as the evidence showed, he refused. Nor was there any substantial evidence that Mexico was a conspirator. Had she been in that attitude, she might have imprisoned and secretly punished the defendant, instead of which her conduct towards him was lenient in the extreme. An *attache* of her legation here not legally bound to testify, has come into court, and endeavored to discredit one of the witnesses of the United States. The hardship complained of in requiring agents for the defendant to take testimony at Alexandria last summer he showed was unavoidable, in consequence of the engagements of the Judges and the Mayor of Washington. He adverted to the secret mission of Capt. Barry to Mexico, under the assumed name of Edward Smith, as being necessary to the ends of justice, and fully justified by precedents. As to the prosecution paying illegal and extravagant compensation to witnesses, nothing had been stipulated to them beyond their reasonable expenses, and that was necessary to get them here. Many desirable witnesses could not be induced to leave their business in Mexico, and come here, at any price. He called attention to the fact that this indictment was found against the defendant on the testimony of ten witnesses, only two of whom could be obtained to testify at this trial, which should be duly considered by the jury in addition to the evidence at this trial. After noticing several other objections raised by the defence, he proceeded to address himself to the charge. The law said—"If any person shall swear or affirm falsely touching the expenditure of any money, or in support of a claim against the United States, he or she shall suffer as for wilful and corrupt perjury." The defendant had made oath to a memorial setting forth a large claim. The question was, was that oath true or false? It was not necessary for the United States to satisfy the jury that every one of the averments in the memorial were false. If they proved any one statement material to the truth of the oath false, that was enough. He called attention to the different accounts the defendant had given of the amount of his claim, stating to Niles that it was $60,000 or $180,000, to Johnson that it was $150,000 to $170,000, and that "we could make it what we pleased," to Thompson that it was $250,000 to $300,000, and, finally, setting forth in the memorial $330,000; and so anxious was he to get the claim called up at once, that he was willing to give a fee of $20,000 or $30,000. Why give such a fee if it was a just claim? It was remarkable that everything in this case, every incident in the conduct of the defendant, &c., had to be explained. He read the memorial and protest to show the motive of the defendant in taking oath. These papers showed, first, that the defendant was in possession of large mines; second, that his personal presence was necessary to the management of the business (he says so in the protest); third, the existence of a mining title; fourth, that he was owner of the mines. If, then, they could establish the falsity of any one of those propositions, the defendant was guilty. He would undertake to satisfy the jury from testimony, that each and every proposition was false. It would follow as a corrollary that if defendant had no mine he never was expelled from the mines.

Without concluding, Mr. Fendall, at four o'clock, gave way to an adjournment.

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http://www.latinamericanstudies.org/

New York Herald
17 May 1853, p1

The Queen of the Antilles.

TO THE EDITOR OF THE NEW YORK HERALD.

SIR—The position of Cuba—the importance of Cuba—the resources of Cuba—force more than conjectures, as to its ultimate fate, upon the political horizon, giving those who live under the floating stars and stripes food for deep consideration, as well as forcing anxious thoughts upon the old Spaniards whilst they witness their last stronghold in the western waters vanishing from their grasp.

No man of sane mind can look in the first place at the position of Cuba, knowing the despotism that exists there in these days of the nineteenth century, without feeling convinced that the time is approaching when all must be changed; when liberty and life must be secured to man, and when there, as here, citizens, proprietors, and residents, must have their full voice in the framing of laws by which they consent to be governed, and under which they consent to live.

Cuba is so near to America that the shade of the early rising sun is thrown to the verge of the Florida shore; but though the Gulf separates by a few miles the one from the other, many days will not elapse before the influence of the great land of liberty will be felt and seen in that hitherto benighted land. They will borrow their influences from this vast continent of freedom, law, and order.

For the information of your readers I will state some few of the burdens borne by a land so near to their own; it will serve them for reflection as to the capabilities of a great and beautiful country:—

Cuba supports an army of 32,000 men, at an annual expense of	$1,854,336
Cuba pays its employés, civil and military	759,303
Cuba pays the pensions of widows of military and civil functionaries	243,121
Cuba pays its foreign consuls	68,807
Cuba pays for the keeping up of fortresses	30,227
Political and military secretaries	12,072
Military commission	8 243
Garde civile, annually	89,796
The bureau of finance, and expenses of custom house	674,193
Coast guard	214,121
Court royal, pretorial, and of Puerto Principe	122,274
Cuba pays for vessels of war, yearly	673,332
Annual stipend to Queen Christina	50,000

These are a few of the items composing the vast charges upon the revenue of the island, and it may be left to the imagination what the extent of the revenue must be to support so lavish an expenditure. These statements are made upon the very best authority, and are capable of proof, if such a demonstration be necessary to the sceptic or the opponent of truth.

Spain will see Cuba glide away from her dominions, because the very foundation of its colonial government is rotten, and because its authority is delegated to venal men. No human power can avert the blow, for the simple reason I have stated above. No policy—no supervision—no virtuous and capable ruler could do more than the most perjured and base have done; for every incident of every hour weakens the hold of Spain upon the land.

Am I wrong when I say that Spain delegates her authority to venal men? Not I: for the very ministers themselves, in Madrid, would sell their own country, and do so wherever they have a chance. This is as well known as that the day has broken. And how are the employés of Cuba appointed? How? In the first place, from personal interest, from sordid motives, the source of which can be perfectly understood when their tenure of office depends upon the sums they send annually, or rather periodically, to those who promoted them to their office. When the tribute stops, or when it ceases to be valuable—when the holder of office keeps all the plunder to himself—then indeed is his occupation gone, and then is the country delivered up to a fresh plunderer—perhaps before the old one is removed.

The Captain-General of Cuba is not badly remunerated for his services to that country. We will particularize the sources of his emoluments:—

In the first place he gets for pay	$50,000
Then for table allowance	12,000
Then for issuing passports	24,000
Then for appointments	32,000
Total	$118,000

But does any one dream that this is all? I may safely say not one-fourth part of it. But whence comes the remainder? Listen, oh ye nations! The Captain General of Cuba gets three golden ounces, or $51, for the admission of each African slave, and, with any luck at all, makes $500,000 a year. Captain General Valdez made a million of dollars in three years. Captain General O'Donnel made $750,000 from this source alone whilst he held office.

Every Cuban slave owner pays a tax of one dollar per month for each slave he owns. This is the Queen's tax.

Cuba, after paying the expenses of her own government, sends every year to Spain ten million to twelve million dollars.

How dear must Cuba be to Spain! And yet one would not say so to live in the land. Nearly every government employé, from the Captain General to the lowest functionary, has his own personal interest to attend to, and has to swell to the utmost the gains from unrecognized sources. A man is capable of much when self interest is the only consideration.

Self interest, indeed! it exists there with a vengeance; and the old motto of "make hay while the sun shines," is the one constantly acted upon. Every one is piling up whilst it lasts. How long can it last?

It is as well, perhaps, that these truths should come before an American public through an American newspaper. The Spanish authorities will be indebted to their friends, "Los Piratey," for giving them publication.

The question presents itself, why is the position of Spain with Cuba more critical now than it has been for years? Let us look at the matter. Spain has broken treaties made with Great Britain for the suppression of the slave trade—trampled them under foot: she has pledged her national faith, whilst the very crown itself—the very Ministers signing—had directly opposing interests to the assent they had given. And what was the consequence? "Oh," they said, "what does it matter? Throw dust in the eyes of the English, and let the Captains-General do as they like. At such a distance from Madrid they must have full powers; it will be discovered that the authorities of Cuba wink at the admission of negroes; representations will be made; reference will sent to the Havana; we shall gain time whilst we are gaining money, and delay is everything to us."

By this time the English are aware that not only is the introduction of negroes permitted by the authorities, but that the trade is even protected by them in the face of every treaty, and contrary to the faith of their honor as a nation. The Spaniards henceforth can expect no sympathy from Great Britain for the retention of Cuba as a colony.

But it is to the liberties of this country that Cuba will owe the circulation of independent feelings which are taking possession of every Cuban's heart. They come here, and they watch the effect of institutions based upon popular and republican government—they contrast the freedom of life and expression with the careful movement and watchful tongue they have hitherto held in their own country, where the Spanish Viceroy has the power delegated to him by the government of taking a man from his own fireside and of hanging him without further process. Can any one living in America credit that such despotic power exists so close to his own shore? And yet it is the fact—there are plenty to avouch it.

Thirty-two thousand soldiers in Cuba! What an army! But why kept up? To support tyranny to the last.

Yet no Spanish minister in Madrid can reckon with any safety upon the tenure of his country's power there, nor upon the revenue wrung from the colony, because a glimpse into his own bosom tells him unmistakably what he has to expect from others.

There has ever been some damning fatality in connection with Spain and her colonies, arising from the rottenness I have made reference to, and which exists from the base to the summit of the structure of government. Think upon Mexico, and the plundering Viceroys there, of whom each one successively must have thought himself the last! Spain lost her provinces and has not now on this continent a foot of ground to call her own.

The same fatality pursues her still. The officials she delegates as her representatives of government having but one aim—that of getting as much as they can squeeze in as short a time as possible—only trouble themselves with the reflection that so long as it lasts till they leave with their nest well lined, well and good. They care for nothing more. I am, sir, your most obedient servt.

M. GALLAGHER.

New York, May 14, 1853.

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http://www.latinamericanstudies.org/

New York Herald
19 May 1853,1

The Gardner Trial.

WASHINGTON, May 18, 1853.

In the Gardner trial, this morning, the District Attorney resumed his summing up. In support of his first proposition—defendant's want of means—he cited the testimony of Wright, Smith, Attocha, Arrangois, Green, Togno, and others, going to show that, from his first entrance into the republic of Mexico, in May, 1840, to 1844, he was practising dentistry, apparently without any other means of living, which brought him down near to the time he alleges in the memorial, when he was carrying on mining extensively. He quoted other evidence showing that for two years later he practised dentistry, and was in moderate circumstances; yet suddenly, in 1847, they found him owner of an immense mine—an American Rothschild—lending copious sums of money to the Mexican government. Was it usual for men to become millionaires so speedily? How did he obtain this sudden wealth? By drawing a lottery prize, or by legacy? And why could he not show how he got it? Proof of this proposition established the falsity of the oath; and upon this alone the jury ought to convict. But he should go on and show the case blacker and blacker. He next discussed the *alibi*. It might reasonably be presumed that defendant must be personally present in order to carry on these mining operations, and in the protest the defendant admitted that his presence was indispensable. In answer to this, he recapitulated the testimony of Wright, and reviewed the Morelia papers, which showed that, from July, 1844, to April, 1844, he was engaged, on a salary, with the mining company of San José Miraflores, in the State of Michoacan, hundreds of miles from Laguinillas, where the memorial represented him to be. They next found him, according to witness Lewis, in September, 1845, in the State of Guanajuato, practising dentistry; and next, according to Jones, at Guadalajara, in the State of Tlascoo, in November, 1845; then at St. Juan de los Lagos; then in February, 1846, at Guadalajara again—all the while practising dentistry, and going farther and farther from the seat of this mine. Then seen by the witnesses Bowes, Rowan, and Mattox at Mazatlan, and speaking of trading up the Gulf, of going to South America, and of exploring the country in search of mines. He deemed the attempt to prove that it was John Chas. Gardner, and not Geo. A. Gardner, whom these various witnesses saw, a signal failure. The witnesses, on being recalled, having testified positively that they saw George A. Gardner. He then proceeded to the third proposition, that there was no mine in Laguinillas. It was extremely difficult to prove a negative, but he could show that the evidence for the defence did not prove there was a mine. He would first endeavor to show there was no mine. He quoted the mining laws of Mexico, as proved by Judge Aguillar, which showed that the mines were not denounced before the proper tribunal; that neither of the titles came from the right place or the proper officer; and that the seals upon them did not correspond with the class of seals required by law for deeds involving so large a sum. They had also proved that these titles were forged. He next called attention to discrepancies and coincidences in the two titles produced, and had not concluded when the hour of adjournment arrived.

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The Daily Picayune.

19 May 1853, 2

Arrivals at the Principal Hotels--May 18.

ST CHARLES HOTEL....D Knox, W S Crowfern and family, R W Smith, Mobile; T L Bradley and family, F S Hunt, J H Bournan, Gen T Shackelfield, Capt A L Kewen, Dr T Covington, Miss; Mrs Pearce and family, Ky; H Davis, P S Bacat, SC; H M Wright, NO; Gen Harney, USA; W Perkins, S Anderson, W S Parham, J G Turner, H W Edrington, La; S Mitchell, Fla; J D Murrel, Va; W H Paxton, NO; D A Adams, Mrs Trufant, Mrs Hamer, La; J H Anderson, Miss; Judge Slidell, NO; N W Gilbert, SC.

ST LOUIS HOTEL....J H Giddings, W H Vallers, Mrs Gen Garland, Major Longstreet and family, U SA; Col Hampton and two servants, SC; W Smith and servant, Va.

VERANDAH HOTEL....J G Carson, G S Parsons, H J Sullivan, L H Redus, Mobile; S Leonard, S C Graeff, NO; W C Wade, J Head and lady, W Chefron, La; G W Robb and family, Miss Wallace, Miss; R C Hutchinson and lady.

CITY HOTEL....F F Jones, NO; G Palmer, O Potts, C M Towles, R W Harris, O J Morgan, Mrs Sandford, O H Kellam, W W Warren, La; F A Rutherford and lody, G H Judson, W D Parish, S Wright, W Stone, J S Judlock, Miss Judlock, S Judlock, Tex; D S Sayer, Va; H W Hames, Ky: S B Sherer, J B Sherer, jr, Mo; J Kingsley, Ala; J J Heald and lady, G W Baldwin, Ark.

ARCADE HOTEL....J N Davis, Marysville: T Davis, B G Adams, La; W G Pratt, Ark; J C Davis.

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New York Herald
20 May 1853, 1

ARRIVAL OF THE CHEROKEE.

Interesting from Cuba—The Spanish View of Santa Anna's Policy.

The United States Mail Steamship Cherokee, Capt. Baxter, from New Orleans 11th and Havana 14th inst., arrived yesterday morning, with 130 passengers.

Her dates from Havana are two days later than previous advices. The Island was perfectly tranquil.

Col. Claiborne Myers, of Montgomery county, Alabama, died on board the Cherokee on the 12th inst.

Another English vessel, the Sir Thomas Grimshaw, had arrived at Havana with three hundred Chinese, from Amoy, all in good health.

The 13th having been the King Consort's Saint's Day, all the troops in Havana were reviewed by Gen. Canedo.

The following decree against two Cuban ladies, at present residing in New York, may be interesting to some of our readers:—

EDICT.

Don Pedro Pablo Cruces, Knight of the Cross and Star of the Royal and Military Order of Saint Hermenegildo, Lieutenant Colonel of Cavalry, and Attorney General *(fiscal)* of the permanent military executive commission of this Island—

In the absence from this place of Dona Carlota Mora de Coicuria, and Dona Julia Echarte de Valiente, who are charged with the crime of treason *(infidencia)*; and by virtue of the faculties granted to the officers of the army in such cases by the royal ordinances, I by this, my first edict, summon, call and cite the said Dona Carlota Mora and Dona Julia Echarte, to present themselves, at the end of nine days from this date, before this court, to defend themselves from the charge against them, under the penalty of the prosecution being pursued, and of their being sentenced, in contumacy, by the council of war of this tribunal, without further summons.

HAVANA, May 9, 1853. PEDRO P. CRUCES.

We translate the following editorial on Mexican affairs from the *Diario de la Marina* of Havana, of the 13th May:—

The fervid sympathies which the recently established government of Mexico enlists among us are a sentiment which we would ill attempt to conceal, even were it necessary to do so. From the time that the movement was initiated in Jallsco, at whose consummation we are today assisting, notwithstanding the uncertainty at times displayed in its progress, and notwithstanding the peculiar disturbances of its development, we never wavered in proclaiming our desires, nor in announcing its realization as a logical necessity towards which events seemed bound by a certain irresistible power. They who accepted the moral responsibility of counsel in the unlucky moment of indecision would make a show of useless dissimulation and puerile hypocrisy by dissembling their satisfaction at triumph in the end.

And therefore we are not to be blamed as infringing the neutrality which we have always professed, and which we should profess, respecting the internal affairs of foreign nations, so long as our own affairs do not seem affected thereby. To pretend that the salvation of Mexico will not have the effect of exercising a great and advantageous influence over the balance of power on the American continent would be doubtless some exaggerated pretension, and it is no less evident how much that equilibrium concerns and profits us, not through ambitious views, (in the highest degree absurd,) but through a spirit of just and intelligent conservatism. But besides, the question of race formed from this moment an explicit exception in regard to the cold indifference which in that respect could not find a place in our minds. Apart from every petty consideration, if an elevated pride and the desire of perpetuating the monuments of its glory are to be so reputed—apart, we say from every petty consideration, Spain desires to see all the branches of her ancient stock prosperous and strong. Spain opposed and attempted to prevent their untimely separation, as any people in like circumstances would have done; and if the struggle was most bitter, if notwithstanding the influences of a thousand adverse combinations, and that even of foreign perfidy, we sustained for the space of fourteen years a sanguinary contest, it proceeded from our national character, which for determination and impetuosity knows not how to do things by halves. Even at the present moment Spain may believe, or rather may judge, that these societies, without sufficient elements of moral and political life, operated against their own good in dissolving the old bonds, to fall under the influence of covetous people who have already, with armed hand and with violence, robbed them of their territory, and who are now satisfied with dispoiling them by diplomatic artifices, absorbing their substance. But in these reminiscences, and in these abstract opinions, there is no ill will concealed, nor views of impossible re-action dissembled. The Spanish-American nations do not reckon to-day an ally more sincere, more firm and disinterested, than their ancient mother country; none whom it so much grieves to see them throw themselves sometimes into the arms of theories tending to dissolution, and repugnant to the laws of its own being; and none who with more faithful and zealous friendship receives the symptoms of regeneration which advance on the horizon. Therefore it is that the internal situation of Mexico is and always will be for us the object of a marked predilection.

After thus justifying our persistency on this subject, and on subjects of an identical character, it remains also for us to affirm the approbation, which, without dissimulation, we concede to the dictatorical energy established in Mexico. And in doing so we do not deviate from that ancient temperance which serves as a guide to our opinions, nor do we defend that eagerness beyond the absolute in theory, which in every kind of affairs, public as well as private, serves as an origin to numerous evils. The fixed rule of human things is in the system of perpetual transition and transaction through which are freed useless appendages, and the course of events is moulded to the real exigencies of a pacific developement. But there are also critical moments which require extraordinary remedies, and non-deviation from the beaten path comes to be in such case an act of weakness, as ignorant as unpardonable. Such moments are those Mexico is at present passing through, and it is necessary in them to reconcentrate all her force and energy to make a vigorous head to the threatening dangers. The madness of past days is alike the cause and the justification of present severity. Wherever disorder is enthroned, or where it begins to appear, there it is most necessary to reinvest the chief in authority with the widest and most irresponsible power. In proportion to the severity of the attack will have to be the means of defence, and therefore—as we will never cease to respect, and as experience daily confirms—the chief enemy of all improvement and of all progress comes to be the revolutionary schools. Its positive and its negative action alike exercise a cruel and noxious sway.

In applying to Mexico the conclusion of such a situation, we do not yield to any sudden attack of heated fantasy; the proofs everywhere abound. If, however, they were wanting, the inconceivable communication of General Arista were more than sufficient to supply the need. Indeed, we will not do its author the wrong to consider these words as anything but a fit of bad humor which he had not sufficient firmness of mind to resist. It is also true that the Mexican nation unanimously disclaims the phrase which Senor Arista will some day regret having made use of. The liberal democratic party of Mexico itself, in a long, badly written and badly conceived manifesto, which at the last moment it directed to General Santa Anna, in support of his views, placed, as a primordial condition, the defence, to the last gasp, of nationality against the advances of envious neighbors. The frontier population of the Rio Bravo, repulsing at every hazard the intrigues and invasions of Caravajal, has given another even more solemn and definite proof of the spirit which animates them. The word nationality is the only one which to-day has an echo in the mind of the masses, because their instinct advises them that the pretended Christianizers do not trouble themselves with their education out of pure philanthropic charity.

All this is certain; and, nevertheless, it is sufficient that one has had the boldness to pronounce traitorous words against the sacred principles of nationality and race, to urge the curbing of such attempts. At least, to inspire foreigners with respect, and to prevent cajoled people from being emboldened of such futile promises of aid, there should be established a strong dictatorship in Mexico, as a matter not only convenient, but indispensable. The period of organization adequate to the habits and necessities of the country will come somewhat later. The present situation of affairs counsels a dictatorship, and we consider its creation as the only thing which is of any avail to find out the means of benefiting the country.

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New York Herald
20 May 1853, 1

The Gardner Trial.

WASHINGTON, May 19, 1853.

District Attorney Fendall resumed his argument today, and proceeded with the third proposition—that there were no mines in Laguinillas. He referred to J. C. Gardner's letters to Verastequi, in one of which he inquired for the position of his brother's mines, being ignorant of their location, although he had visited them three times. He reminded the jury that no evidence had been given of any steam engine, or any remains of mining machinery, having been seen there—that of the 500 workmen and men of science, enough to constitute a town or a large village, not one had been heard from—not one was brought into court—none of the witnesses had seen or heard of them. The plea that the Mexican government, conspiring with the United States government, prevented Gardner from getting witnesses, was groundless, all of which, taken in connection with the signal failure of the United States Commission to find the mines, after using every means in their power, amounted to a demonstration that there was no mine in Laguinillas. He proceeded to the fourth proposition, that Gardner had no title to a mine in Laguinillas, and quoted the testimony of various witnesses showing that all the papers filed in support of his claim, the title deeds, certificates, and depositions, were forgeries—twenty-one acts of forgeries in all. He again exhibited the papers to the jury, and tracing paper being applied, the signatures, including a complicated flourish, were found to correspond exactly, which he argued would be impossible in genuine signatures. Upon each and every one of these four grounds, then, the defendant was proved guilty of the crime charged against him. One of them would have sufficed, but having proved all, not a shadow of doubt remained. He proceeded, in conclusion, to review the testimony of the defence to disprove the evidence of the prosecution. He vindicated the character of the witnesses for the United States for veracity, and said if their statement with regard to the boundary of the Laguinillas and other points were true, those of the defendant's witnesses could not be. Abbot and Slocum, he contended, went out as partizans of the accused, and were biassed—their letters, written for publication immediately after they arrived in Laguinillas, showed this. He called attention to the remarkable circumstance, that while the burden of Slocum's letter was about an attack on the Gardner party, and attempted murder of Gardner, Abbot said nothing about it, though professing to describe their route to Laguinillas. It was for the jury to determine whether the witnesses for the United States or for the defendant were to be believed. He also called attention to the conduct of the defendant—that he claimed to be innocent from the first and defied the government—professed to be ready for trial upon all occasions—yet, when witnesses had arrived, complained that the United States had changed their ground to a charge of false swearing, and wanted time to get witnesses to meet them on that ground. That he refused to point out his mines to the government commission, instead of seizing, as an innocent man would have done, that golden moment to establish his innocence before the world. That when this trial was finally commenced he spent two days in endeavoring to keep the memorial, upon which the charge was based, from going to the jury. All these circumstances, he argued, were inconsistent with conscious innocence.

The hour of adjournment again arrived before Mr. Fendall had concluded. He will probably finish in the morning, and will be followed by Messrs. Carlisle and Brady for the defence, and Mr. May, who will close for the prosecution.

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New York Herald
20 May 1853

Anniversary of Cuban Independence.

Yesterday morning a meeting of Cubans, refugees from their own country, now residents in this city, as well as of Americans and others, friends to the cause of Cuban nationality, was held at No. 600 Broadway, to commemorate the first display of the Cuban flag of independence, under General Lopez, at Cardenas. At the further end of the room in which the meeting was held Messrs. Gaspar Betancourt, Golcomia, Valiente, and Hernandez, the members of the Cuban Junta in New York, were seated, having in their centre a bust of General Lopez, crowned with laurel, and behind the stripes and stars of the United States, with the lone star flag, the emblem of Cuban nationality, side by side. Besides these there was another smaller Cuban banner underneath, directly at the back of the bust of General Lopez, which will always be an interesting relic, on account of the reminiscences connected with its history, this being the identical flag belonging to the Kentucky regiment that behaved so gallantly in the battle for Cuban independence, and which was unfurled at the landing at Cardenas in Lopez's first glorious but unsuccessful expedition to liberate Cuba from Spanish misgovernment. The other end of the room was similarly decorated with the Cuban national flag, and there was likewise a full length figure of Lopez, holding the banner of Cuban independence in his hand.

Mr. GASPAR BETANCOURT opened the ceremonies of the evening, by affectionately saluting the bust of the deceased General who was supposed to be presiding over the present assembly, and then made a most eloquent address in praise of the martyred hero, which was listened to by his audience with great attention, and enthusiastically received. He paid a high tribute of grateful remembrance to General Lopez, whom he characterized as being the first who raised the flag of independence in Cuba.

Mr. HERNANDEZ paid a similar tribute of respect to the memory of General Lopez, and looked with confidence to the day when Cuban independence and Cuban nationality would be obtained.

A gentleman present at the meeting, then read an address of a similar nature, namely, in praise of Lopez, and in favor of national independence, for a Cuban not present, who was deterred from appearing through fear of Spanish spies.

Mr HERNANDEZ then recited a poem in commemoration of the memory of Lopez and anticipating a glorious epoch when their country should be free, many passages of which were much applauded.

Mr. ANTONIO M. BETANCOURT afterwards recited a shorter poem, which was likewise well received by the assembled Cubans.

Mr. DE ARMAS then read an address, the subject of which was of a similar nature to those that had already been given, and breathed an ardent spirit of patriotism that was warmly reciprocated by the meeting.

Another poem was then recited by Mr. Francisco de Aguera.

Mr PEDRO SANTACILIA, and several other Cuban gentlemen, gave also addresses of a similar description, all of which were characterized by the same ardent patriotism, intense love of country, and devoted attachment to the cause of Cuban nationality.

A similar feeling of grateful remembrance for the memory of Gen. Lopez was universally testified, whose eulogium was the theme of every address, and in which he was described as the martyred Lopez, the hero and demigod of Cuban nationality and independence.

In like manner, the orators universally looked forward to a brighter day, promising a speedy overthrow of Spanish domination in ill governed and oppressed Cuba.

In the course of the evening, Capt. HALLS, (an Englishman) read a written address, in English, to the assembled Cubans, prefacing it by an apology for using his own language instead of Spanish, before them, but which he thought it preferable to do, from a want of sufficient knowledge of the latter language to make himself so well understood as in his own tongue. He was of opinion that freedom must depend upon civilization, and that upon inquiry it would be found that the most civilized nations approach nearest to liberty. He sympathized with Cuba, because, as an Englishman, he was brought up to love liberty; and it was for that reason that both in England and America the sympathies of the people were towards that island, on account of the oppression that it was subjected to. In this age of enlightenment men must have the power of making their own laws, and it was on this account that the best wishes of the friends of liberty were with Cuba. He concluded by urging them as Cubans to throw off the yoke of Spain, which must naturally come to an end, as opposed to the principles of the age.

The proceedings of the evening were concluded by the introduction to the meeting, through Mr. Betancourt, of Mr. Macias, who attended Gen. Lopez, as aid de camp, at Cardenas. The reception of this gentleman by the assembled Cubans was enthusiastic in the extreme, and it appeared evident during the whole of the time that the meeting lasted, that but one feeling animated all unanimously, decidedly hostility to Spanish rule, and a certain hope of speedy independence for their country.

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New York Herald
21 May 1853, 1

The Gardner Trial.

CLOSE OF THE SUMMING UP—THE CASE SUBMITTED TO THE JURY.

WASHINGTON, May 20, 1853.

In the Gardner trial, this morning, the District Attorney, in continuation, called attention to discrepancies between the evidence before the Board of Commissioners and the testimony of Abbot and Slocum. The latter saw none of the timbers or remains of the extensive buildings and mining machinery described in the deposition before the former. The mines they visited could not have been those for which the claim was allowed. There was not a particle of evidence that those mines were Gardner's mines except the statement of defendant himself. Abbot and Slocum undoubtedly saw the mines they described, but those were the mines of Talpan, in the State of Queretaro, visited by Captain Barry and others. He further animadverted upon the conduct of accused, which he thought wholly inconsistent with that of an innocent man; and, in conclusion, thanked the jury for their indulgence to the extended remarks he had felt it his duty to make. He had never before been engaged in a case of such responsibility. There never had been a case in this country, perhaps not in any country, which devolved so high a responsibility upon all concerned. The character and perpetuity of our political institutions was involved in it. The question whether virtue, which was the foundation of republican institutions could be maintained was at issue. It was more difficult to bring offenders to justice in this country than in the monarchies of Europe; and the eyes of this great nation and of the world, were upon the jury, looking with anxious solicitude at the result. He submitted the case to the jury, confident that they would decide, not from motives of sympathy with the accused, but out of strict regard to the ends of public justice; acquitting him if a reasonable doubt existed in their minds, and convicting if otherwise.

At the conclusion of the District Attorney's remarks, Mr. Bradley, in behalf of the defence, again proposed to submit the case to the jury without argument.

Mr May inquired whether the counsel for defence declined to address the jury.

Mr Bradley wished it understood that they now submitted the case to the jury, but that they did not waive any right to argue, and were prepared to argue.

Mr. May stated the rules of practice in Maryland, where it was laid down that the closing address was one of reply, and if the defence made no argument of course there could be no reply. He desired to know if such was to be the practice of this court: if not, he should feel it his duty to address the jury. The only consideration which produced the least embarrassment or hesitation in his mind was a sense of public duty. But he should acquiesce in the decision of the Court.

Mr. Bradley called the attention of the Court to the decision of the Circuit Court of this District, that in cases where counsel for the defendant do not address the jury, plaintiff's counsel having made the opening argument, the latter are not entitled further to argue to the jury—their further right being merely that of reply.

Judge Crawford, in conformity with this decision, and at the same time following the practice in Maryland, decided that the further right of the United States to argue was one of reply, and, consequently, if counsel for defendant did not address the jury, counsel for the United States could not further address them.

The Court then took a recess. On reassembling the case will be submitted to the jury.

Immediately on re-assembling after the recess, the Court directed the jury to retire, it being contrary to the usage of this court for the Judge to charge the jury.

The jury desired to take out with them certain papers; but the Court said, according to the practice of this Court, they could not take any papers except the indictment, but might examine any other papers in the evidence before leaving the court room.

The jury accordingly spent half an hour in carefully examining the signatures on the mining titles, &c., applying tracing paper, and at two o'clock they retired.

The District Attorney offered to go on with the case of John Charles Gardner next Monday week, to which time the other jurors had been dismissed in anticipation of protracted arguments in the present case.

Mr. Bradley, in Gardner's behalf, expressed a desire that his case should then be proceeded with; but there being several important jail cases docketed, which the Court said would take precedence if insisted upon, it was left for the lawyers to determine which cases should first be tried.

9 P. M.—The jury are still out, with no prospect of immediate agreement.

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New York Herald

21 May 1853, 4

GENERAL CANEDO'S TOUR THROUGH CUBA.—Notwithstanding the glowing accounts given by the Havana papers, of the demonstrations of loyalty, devotion and respect, which greeted Captain-General Canedo at every point which he visited, on his recent tour through the Island, we have good reason to believe that there was little sincerity in such exhibitions. The wealthy Catalans, indeed, might have been sincere in their *vivas* and expressions of gratitude for the honor conferred on them; but the oppressed and suffering Cubans had very little sympathy with these rejoicings, and manifested no great regard for the representative of Her Most Catholic Majesty. In Trinidad, some of the wealthy inhabitants entertained Senor Canedo in great style, pledging the fidelity of the district towards the crown of Castile; but the patriotic portion of the citizens held aloof from the demonstrations, and showed their sentiments in the publication of a sort of manifesto, having for text the following sentence:—"The ruinous condition of Cuba, and the humiliating degradation of her sons, proceed from Spanish despotism, or from the selfishness of those Cubans in whose hands are deposited the wealth of the country."

The paper is written in a tone of great bitterness and hostility against the oppressor and his adulators, and shows the public sentiment as anything but favorable to the Spanish dominion. It is a sign of the times, and may prognosticate more revolutionary troubles a little ahead. We shall see.

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New York Herald
22 May 1853, 1

The Watering Places.

[From the Saratoga Republican, May 18.]

HOTELS AT SARATOGA.

We are again reminded, by the approach of warm weather, of the duty we owe to the travelling and visiting community, to enlighten them on the subject of our hotel arrangements. While the eyes of the world are turned hitherward, the first inquiry is, "What sort of hotels will be found at Saratoga?" and next to our mineral fountains, this is the important question, and one that we will try to answer without fear, favor or affection. And first of the

UNITED STATES HOTEL.

This spacious establishment, with its numerous and elegant cottages, its beautiful park or pleasure grounds, its extensive piazzas, still ranks as one of the best and most attractive hotels in the Union. It is now undergoing the process of re-painting, renovation and repair, and will be open for company on the first of June. It will be kept and conducted, as heretofore, by J. M. Marvin & Co., and the only change resulting from the death of the lamented Judge Marvin is his absence from the establishment; otherwise everything about it remains the same, his interested therein being represented or enjoyed by his widow and children. The Judge will, no doubt, be very much missed by the numerous guests whom he was wont to meet and welcome so cordially; but the efforts of his surviving partner will be the greater to fill the void thus created, and the numerous patrons of this magnificent establishment will be well cared for, and all their wants properly supplied.

UNION HALL.

In Union Hall, a partial change of proprietorship has taken place since last year, Seymour Ainsworth having purchased the interest of Mrs. Washington Putnam, and thereby becoming an equal co-partner with Henry H. Hathorn. It will be kept and conducted by Hathorn and Ainsworth. There is no hotel in this country more popular with the travelling community than this, nor one which is any better patronized from the opening to the closing of the season. It can now accommodate some five or six hundred people at the same time. The enterprising proprietors are making many essential additions and improvements in and about the establishment, by way of fashionable furniture, additional rooms and enlarged pleasure grounds. A new and beautiful enlarged stairway graces the front hall—a large three story building with some twenty parlors and sixty or seventy lodging rooms is being added and the whole house is undergoing improvement and repair. The establishment has been extended by the addition of the store lots on Broadway—by the old York House premises on Congress street and by one or two lots on Federal street, thereby much enlarging and improving the grounds and making the Union Hall accommodations equal to any hotel in the State. The proprietors seem to be peculiarly well qualified for the business of hotel keeping—liberal in providing—polite and obliging to their patrons, and making everybody comfortable and happy about them. Of course, such a hotel, conducted by such landlords, cannot fail to command a full share of public patronage, and herein is the secret of the unbounded success which Union Hall has hitherto enjoyed. The house will be opened for company on May 26th.

CONGRESS HALL.

The proprietor of this popular hotel, appreciating the importance of keeping pace with the changes and improvements of the age, is refitting and refurnishing Congress Hall in a neat and fashionable style. It is to be kept by George Daly, one of its conductors last year, and a gentleman well qualified for the station. He is to be assisted by N. M. Clark, long and favorably known as the keeper of the Village Hotel, of Ballston Spa. There is a charm about the name of Congress Hall which always has and always will be attractive. Its location in the immediate vicinity of Congress Spring—its beautiful promenade piazzas—the early recollections of comforts here enjoyed when this village was almost a wilderness—the unwearied efforts of its present conductor to preserve the fame and good name which old Congress has for a long time enjoyed—his experience in the business of hotel keeping—all afford a safe guaranty that this time honored establishment will continue to be the great rendezvous of strangers from parts of the world. This house will be open sometime between the fifth and tenth of June.

COLUMBIAN HOTEL.

This delightful house is still under the supervision of William S. Balch, one of the best and most attentive landlords at Saratoga. His house is always in good order—is well furnished and well supplied with everything desirable (except spirituous liquors) to accommodate his numerous patrons. Being situated about midway between the principal mineral fountains and in close proximity to the railroad depot, the Columbian is preferred to many other locations; indeed everything about this establishment is such as to command a large share of the patronage from the visiting and travelling community. It is always open with the beginning of the season and kept upon strict temperance principles.

AMERICAN HOTEL.

This large and commodious establishment is still kept by Wilcox and Pitkin, its original proprietors. Here, too, the spirit of improvement has been at work. The room heretofore used as a barroom has been enlarged and made one of the pleasantest rooms in the house. Several commodious lodging rooms have been added, the interior has been painted, and the whole establishment put in the most complete order from top to bottom. The American ranks with the first class hotels in the village, and always commands its full share of company. It is open throughout the year.

EXCHANGE HOTEL.

This is the name already given to a new hotel in rapid progress of erection on the site of the old Railroad, more recently called the Madison House, at the foot of Division street, the premises having passed into the hands of Philip Snyder, this gentleman having wisely concluded to rebuild a new three story, seventy feet front, designed expressly for a first class summer and winter hotel. Of course, its rooms will be spacious, and tastefully and conveniently arranged for that purpose. He designs to finish it and furnish it ready for the reception of company by the first of July, when we shall endeavor to speak of it again.

BROADWAY HOUSE.

This is another of the large class hotels, or temperance boarding house, delightfully situated at the north end of Broadway, in a very pleasant and agreeable part of the village. The house is large, its rooms are spacious. He is arranging his pleasure grounds, which extend from Broadway to Matilda street, and altogether it is one of the most inviting stopping places in Saratoga. Abiel Stoddard, its proprietor and conductor, is entitled to much credit for the enterprise and taste displayed by him in fitting up and furnishing this excellent house, and his reward will no doubt be in the enjoyment of a full share of public patronage. It will be opened for company about the first of June.

STANWIX HALL.

This new and spacious edifice, on the corner of Congress street and Broadway, and directly opposite Congress Spring, is now under the supervision of David Richards, formerly a worthy and competent assistant at Congress Hall. The Stanwix has been very much improved, and is fitted up and furnished with good taste and in modern style, the close proximity to Congress Spring rendering it an exceedingly interesting and agreeable location. From what we know of Mr. R., we hazard nothing in saying that his house will be thronged with company from the beginning to the close of the year.

GLOBE HOTEL.

This large hotel is kept open winter and summer, on the corner of Matilda and Church streets, a few rods west of Broadway, and at the junction of the Saratoga and Washington with the Saratoga, Rensselaer and Schenectady Railroads, and the terminus of the Saratoga and Hadley Plank road. It is kept by J. W. Weeden, who is very obliging and attentive to his business. It is a large and commodious house, with spacious and well furnished apartments, and there is no hotel in Saratoga better adapted to the comfort of travellers than this, especially those who travel with their own conveyances. Attached to this hotel are extensive barns, sheds and stables, for the accommodation of travellers.

MONTGOMERY HALL.

The contagious spirit of improvement so prevalent in our village has overtaken the proprietor of Montgomery Hall, and his arrangements are being perfected to make it a large and spacious establishment, he having purchased the brick building on the north, thereby giving him a conspicuous corner 150 feet on Broadway by 200 feet on Washington street, and one of the most eligible building lots, for a first rate hotel, in this village. The owner, C. B. Moon, has overhauled and improved the brick corner and made it a very spacious well arranged house for boarding. Wm H. Trusdell, the lessee of the Montgomery, is putting that part of the establishment in neat order. His experience as a landlord, with his liberality in providing—his central location and the facility with which he may connect it with the premises at present occupied by Mr. Moon, on the north, render this one of the largest and most inviting summer and winter hotels at Saratoga.

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New York Herald
23 May 1853, 2

INTERESTING CORRESPONDENCE.

The Cuban Slave Trade.

OUR WASHINGTON CORRESPONDENCE.

WASHINGTON, May 19, 1853.

Interesting Correspondence Between Lord Palmerston, Lord Howden and the Spanish Government.

With reference to my communication of the 6th of January last, accompanying which I did myself the pleasure of transmitting to you some highly important diplomatic papers connected with the island of Cuba and the slave trade, I have, seeing the manner with which the others were received, availed myself of so good an opportunity as the present to forward to you another batch of correspondence upon the same subject, of a very recent date, and still more interesting than those transmitted in January last. You will please have the goodness to address a copy of the HERALD containing this correspondence, to Gen. Canedo, at Havana, in case he may not be aware of its existence; and I should be very sorry if you were to neglect conferring the same favor upon my charming, but rather ugly friend, Don Martin Galiano, the political secretary of Cuba, who treated me with such marked civility when I was at Havana, about the 10th of November last.

ANTIQUARY.

VISCOUNT PALMERSTON TO LORD HOWDEN.

FOREIGN OFFICE, April 7, 1851.

MY LORD—With reference to my other despatch of this day's date, in which I speak of Spain having received a large money payment, on condition that the Spanish slave trade should be abolished, I think it right to mention, in case your lordship or M. Bertran de Lis should not be aware of the fact, that the sum given to Spain for that purpose was £400,000, agreeably to the stipulations of articles 3 and 4 of the treaty signed at Madrid on the 23d of September, 1817.

(Signed.) PALMERSTON.

VISCOUNT PALMERSTON TO LORD HOWDEN.

EXTRACT.

FOREIGN OFFICE, July 10, 1851.

* * * * * * * * * *

You will observe how unreasonable it is in the Captain General of Cuba to expect that British Consuls and Slave Trade Commissioners should be able to furnish him with those detailed statements and precise proofs which he requires in that note. All that British officers can possibly be expected to supply him with, are general statements of the particular instances in which it has come to their knowledge that vessels are fitting out or have been fitted out for slave trade, or in which landings of slaves have been effected, and it is quite absurd to suppose that the Governor General, who is armed with all the powers of government, and who has at his command all the means of information and of action which an immense number of government officers of various kinds afford him, should need anything more than such general indications to enable him to pursue his investigations. Indeed, it is strange that he should not be better and earlier informed upon these matters than the British officers can be, and that he should not of his own accord, and without any suggestions or information from them, take those measures which a proper sense of his own duties and a due regard for the honor of his own government should point out to him as proper for the entire and absolute prevention of these criminal proceedings.

But far different is the conduct of the Captain General; and, while on one hand, he shuts his eyes to criminal and disgraceful practices which it is his bounden duty to prevent, he returns angry and discourteous answers to communications which it is the duty of Her Majesty's officers in Cuba to make to him.

The Spanish government will do well to consider that if such a course of proceeding shall continue, the people of this country, instead of looking with displeasure at attempts which may be made to sever Cuba from the Spanish monarchy, may be led to view with satisfaction the accomplishment of an event which, in consequence of the conduct of the Spanish colonial authorities, will have become the only means of putting an end to the commission of crimes which the Spanish crown solemnly bound itself many years ago utterly and forever to prevent any Spanish subject from committing.

(signed.) PALMERSTON.

LORD PALMERSTON TO LORD HOWDEN.

FOREIGN OFFICE, August 7, 1851.

MY LORD—I have to instruct you to present a note to the Spanish government, stating that H. M.'s government have directed reinforcements to be sent to H. M.'s cruisers employed on the coast of Cuba for the suppression of the slave trade; and H. M.'s government deem it due to the frankness which ought to characterize the intercourse of friendly governments, to let the Spanish government know that if, as seems to be the case, the government of Madrid is unable to cause its subordinate officers in Cuba to carry into execution the treaty engagements of the Spanish crown for the suppression of the slave trade, and to enforce the laws promulgated by the crown of Spain in execution of those engagements, the British government must deem itself obliged to take the matter into its own hands, and to have recourse to such matters in relation to it as may appear to H. M.'s government best calculated to accomplish the purpose in view.

I am, &c.,

(Signed.) PALMERSTON.

THE MARQUIS OF MIRAFLORES TO LORD HOWDEN.

TRANSLATION.

MADRID, August 10, 1851.

MY LORD—On replying to your Lordship's note of the 14th inst., your Lordship will allow me to abstain from taking into consideration, on account of the dignity of H. M.'s government, the supposition brought forward by your Lordship, in fulfilment of the instructions of H. M.'s Principal Secretary of State for Foreign Affairs, that the government at Madrid is impotent to enforce upon its subordinates in Cuba the execution of the laws and treaties relative to the suppression of the slave trade.

I will, therefore, confine myself to stating to your Lordship that the Queen, my august sovereign, whom I have informed of the contents of the aforesaid note, will see with particular gratification that the cabinet of London, by means of a timely reinforcement of the British cruisers in the seas of the Antilles, may co-operate to the easier and more effectual suppression of the reprobated traffic in slaves, so long as this desirable co-operation remains confined within the limits of the same aforesaid laws and treaties. Her Majesty's government does not entertain the slightest apprehension on this subject, relying as it does on British loyalty; but it thinks it necessary, however, under the present circumstances of the island of Cuba, to make a solemn declaration. If, by any unfortunate combination of circumstances, or perhaps in consequence of an inconsiderate zeal, or from any motive whatsoever, an undue interference on the part of the commanders of the new naval forces in matters of maritime or internal jurisdiction of the Island of Cuba, were to give rise to some conflict with the authorities of that Island; if in this or any other way, a new element of disturbance were added to the numerous ones which, in spite of the government of the United States, are fostered against that Island by American pirates, in combination with some disloyal natives of Cuba, Her Majesty's government declares at once that, after repulsing with all the energy in its power any intrusion of that kind, it will hold the cabinet of London responsible for the fatal consequences which might therefrom ensue to Spanish domination, under the critical circumstances under which it is now placed in the West Indies.

And, finally, that should the conflicts above alluded to take place, the Spanish government would not hesitate to appeal to the decision of the whole of Europe, trusting that public opinion, even in the ever loyal and enlightened English nation, itself would justly appreciate whether the conduct of the British government would have been such as the government of the Queen, my august sovereign, has a right to expect from a power which calls itself the friend and ally of Spain, and even consistent with what was required by the interests of England itself.

I avail, &c.

(Signed.) EL MARQUIS DE MIRAFLORES.

VISCOUNT PALMERSTON TO LORD HOWDEN.

FOREIGN OFFICE, Sept. 11, 1851.

MY LORD—I have received and laid before the Queen your lordship's despatch of the 20th instant, enclosing a translation of a note which the Marquis de Miraflores addressed to you on the 19th inst. in reply to your note written under the instructions conveyed to you in my despatch of the 7th ult. respecting the reinforcements which have been ordered to the British naval forces on the coast of Cuba, and the course which her Majesty's government might deem itself obliged to take if the Spanish government should be unable to compel its subordinate officers in Cuba to carry into execution the treaty engagements and the laws of Spain with respect to the slave trade.

I have to instruct your lordship to say to the Marquis de Miraflores, in reply to his note, that her Majesty's government have no wish to violate the rights of the Spanish crown, or to do anything inconsistent with treaties; but they are desirous of coming to a plain understanding with the government of Madrid, and to make that government comprehend that Great Britain will no longer consent to be baffled in regard to the Spanish slave trade, as it has hitherto been, by unsatisfactory excuses and by unperformed assurances given at Madrid, while the Spanish authorities in Cuba have continued systematically and notoriously to set at naught the stipulations of treaty, and to violate the enactments of law.

It is high time that this system of evasion should cease. Her Majesty's government demand from the Spanish government a faithful and honorable fulfilment of the treaty engagements of the Spanish crown; and her Majesty's government throw upon the government of Spain the whole responsibility of any consequences which may arise from a longer continuance of breach of faith, in this respect, upon the part of Spain.

Your lordship will give officially to the Spanish government a copy of this despatch. I am, &c.,

(Signed.) PALMERSTON.

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New York Herald
23 May 1853, 3

Spanish Repudiation and the Purchase of Cuba.

TO THE EDITOR OF THE HERALD.

In the month of November last, your excellent paper contained a clever article, headed "Spain—its Creditors, and Filibusterism," wherein you ably advocated the urgency and expediency of purchasing real claims on the Spanish government, whose value would be available in case of annexation of the island of Cuba to this free country. The inaugural address treats the latter question plainly and manly, as was to be expected by its author, who has just now been borne to the highest position by the all but unanimous voice of his countrymen.

The liberation of the precious isle from the bonds of dishonest and unenlightened rule is desirable for this country, and if it is to be effected, it must not be by private enterprise. Spain will have to relinquish the gem in her diadem; too valuable for adorning a foreign crown, but which will shed the more lustre if it only shines for the benefit of their own people; if she be well advised, she will dispose of it, and obtain thereby money sufficient in her exchequer to wipe out partly the eternal blot of her national dishonesty towards her creditors. Times have changed since it was just to talk about Castilian faith; and as a country, or for their governments. Spaniards have little claim to pride now. It is mere vanity, and ill-placed, too, to speak of the stain on the national shield of Spain, if Cuba was sold and freed; the sovereign of "las dos Indias" only exists on the dollar pieces—now, the possession and the power are gone. The maintenance of Cuba depends on the keeping up of large military depots that swallow up that portion of the revenue of the island which the cupidity of governors and employes leaves in the treasury; and Spain herself, and still less, the national creditors, gets nothing of that valuable property, pledged, like all the resources of the State, to the faithful discharge of the obligations entered into by the nation.

The best claim, and the most solid, to be established in the face of Europe, is the production of the bonds of the country that owns this hypothecated treasure, and formally to claim their redemption. England is following the old track of diplomacy by long despatches and telling speeches in Parliament, and in the end their cabinet ministers do not act up to their professions. Notwithstanding, we may quote their doctrines, propounded amid the cheers of the House of Commons, though not followed up by decisive action, as a precedent in this our case. In 1846, when the situation of the Spanish creditors was brought before Parliament by the late Lord George Bentinck, who strongly urged the interference of government on behalf of the claimants on Spain, Lord Palmerston, then Foreign Secretary, followed in the same strain of his opponent, stating that though they would use friendly remonstrances, government had the full right, and would reserve that right to itself, for future opportunity to claim redress, and to enforce it if necessary for the British holders of the bonds of Spain. But as usual in the Old World, this fine speech was a speech, and nothing more. The "gag" never came to explosion. In the case of New Granada the British government acted more decidedly—with Peru, too, of which they got the pledge of the Lobos Islands produce.

The Spanish government foresee that if this question of right were urged on this side of the Atlantic, it would be fact and not words. They are doing their utmost, according to recent European accounts, to buy up at all prices, such of their old bonds as have not been converted according to their self-willed law of 1851. The holders of new certificates have no claim beyond what is stated in their bond, and this only assigns to them so much a year for interest, guaranteed by Spanish faith. But those more reluctant people, as are the proprietors of Spanish stock in this country, who have not accepted the lure of new promises on fresh paper—the proprietors of the 3 per cent. bonds, deferred stock of 1831, representing a full claim of capital on the Spanish government—they will have a right to demand and exact satisfaction of this claim, and they may urge the strong government we now possess to obtain justice for their claims; and where it is known that words are followed up by deeds—where protection is afforded to the rights of all citizens—appeals are never made in vain. Spain may refuse to pay, nay her friendly advisers in the background, jealous of the growth of this happy country, will induce her to remain obstinate; so much the better for the purpose. Cuba will be free, the creditors paid, and Spain may get the balance of the purchase money.

Respectfully yours, H.

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New York Herald
24 May 1853, 4

INTERESTING FROM WASHINGTON.

Diplomatic and Consular Appointments by the President of the United States.

Telegraphic despatches enable us to announce the following appointments, by the President, of ministers and charges d'affaires to foreign countries, and consuls to foreign ports:—

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

GREAT BRITAIN.—James Buchanan, of Pennsylvania, in place of Joseph R. Ingersoll. John Appleton, of Maine, Secretary of Legation.

SPAIN.—Pierre Soulé, of Louisiana, in place of Daniel M. Barringer.

RUSSIA.—Thomas H. Seymour, of Connecticut, in place of Neil S. Brown.

PRUSSIA.—Peter D. Vroom, of New Jersey, in place of Daniel B. Barnard.

BRAZIL.—William Trousdale, of Tennessee, in place of Robert C. Schenck.

MEXICO.—James Gadsden, of South Carolina, in place of Alfred Conkling.

CHILI.—Samuel Medary, of Ohio, in place of Baillie Peyton.

CENTRAL AMERICA.—Solon Borland, of Arkansas, in place of John B. Kerr, and B. M. Edney.

The only remaining Minister Plenipotentiary to be appointed is that to France, in place of Mr. Rives. The pay of Envoys Extraordinary and Ministers Plenipotentiary is $9,000 per annum as salary, and $9,000 outfit. Secretaries of Legation receive $2,000 per annum.

MINISTER RESIDENT.

SWITZERLAND.—Theodore S. Fay, of New York, for many years Secretary of Legation to Prussia.

The Minister Resident to Switzerland is a new diplomatic office. There is one other of the same class, viz.: to Turkey, now filled by George P. Marsh, of Vermont, a whig. The pay of minister resident is $6,000 per annum.

CHARGEE D'AFFAIRES.

DENMARK.—Henry Bedinger, of Virginia, in place of Miller Grieve.

NETHERLANDS.—Auguste Belmont, of New York, in place of George Folsom.

BELGIUM.—J. J. Seibler, of Alabama, in place of Richard H. Bayard.

TWO SICILIES.—Robert Dale Owen, of Indiana, in place of E. Joy Morris.

SARDINIA.—Richard K. Meade, of Virginia, in place of William B. Kinney.

AUSTRIA.—Henry R. Jackson, of Georgia, in place of Thomas M. Foote, who was appointed last year, on the resignation and recall of C. J. McCurdy.

NEW GRANADA.—James S. Green, of Missouri, in place of Yelverton P. King.

PENNSYLVANIA.—John Randolph Clay, of Pennsylvania, continued.

BUENOS AYRES, OR ARGENTINE REPUBLIC.—William H. Bissell, of Illinois, in place of John S. Pendleton.

BOLIVIA.—Charles L. Woodbury, of Massachusetts, in place of Horace H. Miller.

Charges d' Affaires receive a salary of $4,500 per annum and outfit. Appointments to Sweden, Portugal, Venezuela, Ecuador and Rome, remain to be made. The latter (Pontifical States) is represented by Lewis Cass, jr., who will probably be continued, if he desires it.

COMMISSIONER TO SANDWICH ISLANDS.

Shelton F. Leake, of Virginia, in place of Luther Severance, of Maine. Salary $5,000 per annum.

There is a Commissioner to China to be appointed in place of Humphrey Marshall, of Kentucky, whig, who went to China as Commissioner last year. The pay, which was $6,000 per annum, was advanced to $9,000 since the appointment of Mr. Marshall, and $9,000 outfit.

CONSULS.

Appointments	*Removals.*
Acapulco.	
Charles L. Perman, of California	G. W. Slocum,
Alexandria.	
Edwin De Leon, of S. C.	D. S. McCauley.
Baste.	
David S. Lee, of Iowa	Nathan Bachard,
Bermuda.	
John H. Howdin, of Ohio	William F. Tucker.
Bordeaux.	
Alfred Gilmore, of Penn	Fred. K. Lee.
Bremen.	
William Hildebrand, of Wisconsin	Ralph King.
Cork.	
Dennis Mullins, of New York	Alfred Mitchell.
Dublin.	
M. J. Lynch, of Illinois	James Hay.
Dundee.	
Mr. H. Dessolf, of Rhode Island	James D. Wolf.
Genoa.	
E. Felix Foresti	G. G. Haven.
Hamburg.	
S. M. Johnson, of Michigan	S. Bronberg.
Havana.	
Alex. M. Clayton, of Mississippi	W. L. Sharkey.
Hong Kong.	
James Keenan, of Pennsylvania	Frederick T. Bush.
Honolulu.	
Benj. F. Angell, of New York	Elisha H. Allen.
Lahaina.	
Geo. W. Chase, of Maine	Charles Bunker.
Liverpool.	
Nathaniel Hawthorne, of Mass.	T. L. Crittenden.
Melbourne.	
James M. Tarleton, of Alabama	Joseph A. Henriques
Paris.	
Duncan F. McRae, of N. C.	S. G. Goodrich.
Panama.	
Thomas W. Ward, of Texas	Amos B. Corwin.
Rio Janeiro.	
Robert G. Scott, of Virginia	Edward Kent.
St. Thomas.	
Charles J. Helm, of Kentucky	J. M. Barton.
Talcahuano.	
William B. Plato, of Illinois	Samuel Eckel.
Tiele.	
Wyndham Robertson, of La	L. W. Jerome.
Trinidad de Cuba.	
John Hubbard, of Maine	Samuel McLean.
Valparaiso.	
Reuben Wood, of Ohio	William Duer.
Venice.	
Donald G. Mitchell, of Conn.	Edmund Flagg, (resigned in 1851.)
Zurich.	
Geo. F. Grundi, of Pennsylvania	W. L. J. Kiderlen.

A large number of consuls to other foreign ports remain to be appointed. The only consuls who receive salaries (all others being paid by fees) are those for London, $2,000; Tangier, $2,000; Tunis, $2,000; and Tripoli, $2,000; and those for Beyrout $500, and Alexandria, Consul General, $5,000. The consuls in the five China treaty ports receive $1,000 each for judicial duties.

In the foregoing diplomatic and consular appointments it will be observed that a variety of classes, professions and occupations are represented, although there will doubtless be much dissatisfaction among the unsuccessful applicants and their friends. The Governors and ex-Governors of States are—Seymour, of Connecticut; Vroom, of New Jersey; Trousdale, of Tennessee; Wood, of Ohio, and Hubbard, of Maine. Members and ex-members of Congress—Soulé, of Louisiana; Borland, of Arkansas; Gilmore, of Pennsylvania; Meade and Bedinger, of Virginia; Owen, of Indiana; Bissell, of Illinois, and Green, of Missouri; Lieutenant-Governor, Shelton F. Leake, of Virginia. Authors (in light literature)—Fay, Hawthorne, and Mitchell (or Ik Marvel). Editors—Medary, of Ohio; DeLeon, of South Carolina, and others. Merchants—Belmont and others, few and far between; while lawyers, as usual, form a large proportion of the list.

A brief notice of some of the most prominent characters among these diplomatic appointments may be expected. James Buchanan is well known as a statesman and politician. He is a bachelor, of 62 years of age, having been born in Franklin county, Pennsylvania, in April, 1791. He studied law, of course, and entered public life as a member of the Legislature of Pennsylvania, in 1814. He was elected to Congress, having been attached to the old federal party, in 1820, and served as a member of the House of Representatives until 1831. In May, 1831, he was appointed by General Jackson Minister to Russia, having become united with the Jackson democratic party some years before the election of the General to the Presidency. On his return from Russia, he was United States Senator in 1834, and continued a member of that body until 1845, when he received from President Polk the appointment of Secretary of State. He has been in private life since March, 1849.

Pierre Soulé, Minister to Spain, is a distinguished lawyer of Louisiana, where he has resided since 1825. He is a native of the south of France, and is about fifty years of age. In the U. S. Senate he ranked high as a debater.

Thomas H. Seymour, the present Governor of Connecticut, has been four times elected to that office, and previously was elected to Congress. He is a native of the State over which he presides, and is a lawyer by profession. He is a relative of Governor Seymour, of New York, and is about forty years of age. He is a gentleman of pleasing address and agreeable manners. It will be recollected that he commanded a regiment in the war with Mexico.

Peter D. Vroom, Minister to Prussia, is of an ancient Dutch family in New Jersey, of which State he was Governor from 1829 to 1832. He was also elected to Congress in 1838, and served one term in the House. He is a lawyer by profession, and was originally a federalist, but became a democrat in the time of Jackson.

William Trousdale, Minister to Brazil, was Governor of Tennessee [illegible] elected in 1849.

Samuel Medary, Minister to Chili, has been long known as editor of the Ohio *Statesman*, of Columbus, and a prominent leader of the democratic party of Ohio. He was an unsuccessful candidate for a seat in President Pierce's cabinet, but has now obtained a very honorable and lucrative diplomatic appointment.

Solon Borland, the Minister to Central America, we have often had occasion to notice as one of the late Senators from Arkansas. He is a native of Virginia.

Theodore S. Fay, Minister resident in Switzerland, is a native of the city of New York. He became early connected with literary pursuits, and was associated with Morris and Willis in the old New York *Mirror*, a weekly paper. He was Secretary of Legation to Prussia, under the late Henry Wheaton, and has been continued under his successors at the Court of Berlin. He married a daughter of the late Barent Gardenier, a distinguished federal lawyer, member of Congress, and editor in his time, some forty years since. The appointment of Mr. Fay is considered a very popular one. To please the literary class still further, the President has appointed to consulships two other authors, viz: Hawthorne of Massachusetts, (General Pierce's biographer,) and Donald G. Mitchell, formerly of Norwich, Connecticut, but for some years a resident of New York—better known as Ik Marvel. He is said to be writing, or contemplating, a work on Italy, and goes to Venice, where there is not much official business for a consul. Mitchell is thirty-one years of age, and is but little, if at all, known in politics. His father was the late Rev. Alfred Mitchell, of Norwich, Connecticut.

Mr. Belmont, of this city, who has received the appointment of Charge to Holland, is well known in the commercial world as connected with the celebrated bankers, Rothschilds, of London, &c. He is a native of Germany, and married the daughter of Commodore Perry.

Robert Dale Owen, Charge to Naples, is a native of Great Britain, and a son of the well known Robert Owen, of Lanark, in Scotland, whose writings and lectures on socialism have given him much notoriety. The son came to this city about twenty-five years since, and soon after engaged in public affairs as a writer for the press. He was one of the editors of a weekly paper called the *Free Inquirer*, which was continued for several years. He settled afterwards on an estate his father had purchased at Harmony, Indiana, and was twice elected to Congress from that district, viz., in 1843 and 1845. Notwithstanding his peculiar notions on religion and some other subjects, he has been honored with the confidence of the democracy of Indiana, and has held various public offices of trust.

John Randolph Clay, Minister to Peru, entered public life at an early age, as secretary of legation to his relative, the late John Randolph, of Roanoke, who was appointed Minister to Russia by General Jackson, in 1830. Mr. J. R. Clay has continued in diplomatic employment as secretary of legation and charge at various courts and governments for most of the time since he has been of age, and is scarcely known as a politician in his native country.

Robert G. Scott, Consul to Rio Janeiro, is the well-known Virginian whose letters drew out the opinions on the compromise, platform of the democratic candidates for the Presidency, at the Baltimore convention. The consulship he obtains is one of the most valuable in the gift of the President.

The changes in our commerce with foreign nations, and particularly the intercourse which is extending with the countries and islands of the Pacific ocean and the South Seas, have rendered many consulships of value which formerly attracted but little attention. Some of them are exaggerated, however, in the reports respecting their emoluments; for instance, that of Panama, of which the Panama *Herald* of the 10th inst., remarks as follows:—

THE PANAMA CONSULATE.

People in the United States seem to have the most extravagant ideas as to the pecuniary emoluments of this office. We have already given extracts from our New York colemporaries, in which the consulate here is variously estimated at from $30,000 to $100,000 per annum.

Now, the fact is the office does not actually more than pay Mr. Corwine's expenses; and whatever money he may have made, he never acquired it from the office. The books of the Consulate, which are always open to inspection, and the archives of the State Department at Washington, will show, as we are credibly informed, that the office is worth from $3,000 to $3,500 per year, and no more. This amount will scarcely support a gentleman in Panama, where rents and every thing else are exorbitantly high. If, therefore, Col. Leo or Major Ward, or any body else, comes out here as Consul, with the expectation that the office is one of profit, he will be sadly disappointed.

Doubtless the office, some three or four years hence, after the completion of the railroad, will be a source of profit to the incumbent. By that time, however, a new administration will be coming into power; and even if a change is made by the present administration, the new appointee will have to give place to another, who will reap the harvest.

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New York Herald
24 May 1853, 8

HIGHLY INTERESTING FROM WASHINGTON.

THE FOREIGN APPOINTMENTS.

LIST OF THE FAVORED FEW.

Conflagration at Rockland, Me.

NEARLY ALL THE TOWN DESTROYED.

Proceedings of the Presbyterian General Assembly.

&c., &c., &c.

From Washington City.

THE LIST OF FOREIGN APPOINTMENTS—THE MISSIONS YET TO BE FILLED—THE AMERICAN POLICY, ETC.

SPECIAL CORRESPONDENCE OF THE NEW YORK HERALD.

WASHINGTON, May 23, 1853.

We understand that the following foreign appointments, some of which have been announced already, have been made by the President, and that other objects of pressing attention will not permit his bestowing any further consideration at present upon appointments of this class :—

Minister Plenipotentiary to Great Britain—James Buchanan, of Pennsylvania.

Secretary of Legation to Great Britain—John Appleton, of Maine.

Ministers Plenipotentiary.

To Spain.....Pierre Soule of Louisiana.
To Russia.....Thomas H Seymour, of Connecticut.
To Mexico.....Jas. Gadsden of South Carolina.
To Prussia.....Peter D. Vroom, of New Jersey.
To Cent'l America.Felon Borland of Arkansas.
To Brazil.....Wm. Trousdale, of Tennessee.
To Chili.....Samuel Medary, of Ohio.
To Peru.....John R. Clay, (late Charge d'Affaires in Peru, and formerly Secretary of Legation in Russia and Austria.)

Minister Resident in Switzerland—Theodore S. Fay, long Secretary of Legation at Berlin.

Charges d'Affaires.

Belgium.....J J Seibler, of Alabama.
Netherlands.....Auguste Belmont, of New York.
Sardinia.....Richard K. Meade of Virginia.
Bolivia.....Charles L. Woodbury, of Mass.
Austria.....Henry R. Jackson, of Georgia.
Two Sicilies.....Robert Dale Owen, of Indiana.
Denmark.....Henry Bedinger, of Virginia.
Buenos Ayres.....Wm. H. Bissell, of Illinois.
New Granada.....James S Greene, of Missouri.
Commissioner to the Hawaiian Islands.S. F. Leake, of Va.

Consuls.

Acapulco.....Charles L. Denman, of California.
Alexandria.....Edwin de Leon, of South Carolina.
Basle.....David S. Lee, of Iowa.
Bordeaux.....Alfred Gilmore, of Pennsylvania.
Bermuda.....John H. Howden, of Ohio.
Bremen.....William Hildebrand, of Wisconsin.
Cork.....Dennis Mullins of New York.
Dublin.....M. J. Lynch of Illinois.
Genoa.....S Felix Foresti.
Dundee.....Wm. H. De Wolf, of Rhode Island.
Havana.....Alexander M. Clayton, of Miss.
Hong Kong.....James Keenan, of Pennsylvania.
Honolulu.....Benjamin F. Angell, of New York.
Hamburg.....S. M Johnson, of Michigan.
Lahaina.....George W. Chase, of Maine.
Liverpool.....Nath. Hawthorne, of Massachusetts.
Melbourne.....James M. Tarleton, of Alabama.
Paris.....Duncan K. McRae, of N. C.
Panama.....Thomas H. Ward of Texas.
Rio de Janeiro.....Robert G. Scott, of Virginia.
St. Thomas.....Charles J Helm, of Kentucky.
Talcahuano.....William B Pluto, of Illinois.
Trieste.....Wyndham Robertson, of Louisiana.
Trinidad de Cuba.....John Hubbard, of Maine.
Valparaiso.....Reuben Wood, of Ohio.
Venice.....Donald G. Mitchell, of Connecticut.
Zurich.....George F. Goundi, of Pennsylvania.

The missions and chargeships which remain unfilled are, France, Chile, Turkey, Portugal, Rome, Sweden, Venezuela, and the important consulates at London, Glasgow, the Barbary States, and Marseilles.

The President and Cabinet will be occupied for some time in discussing the instructions to the ministers now appointed. The whole foreign policy of the government will consequently come under review—including the Clayton and Bulwer treaty and Central American affairs, the various important questions connected with Mexico, the Sandwich Islands, &c. The real work of the administration is about to commence.

X. Y. Z.

Robado del Archivo del Dr. Antonio Rafael de la Cova
http://www.latinamericanstudies.org/

New York Herald

24 May 1853, 8

THE FOREIGN MISSIONS—THE PORTUGUESE INDEMNITY—THE GARDNER CASE, ETC.

FROM THE REGULAR NEWSPAPER AGENT.

WASHINGTON, May 23, 1853.

The foreign appointments have been irrevocably determined upon to-day, with the exception of the mission to France. Messrs. Medary, Meade, Gilmore, Angel, and Chase of Maine, are said to be among the appointed.

Official notice is given that the State Department is prepared to pay the third instalment of the Portuguese indemnity.

The Criminal Court met this morning, and notified the Gardner jury that the Court was about to adjourn until Wednesday, and if the jury agreed upon a verdict in the meantime, they might seal it and keep the contents to themselves.

The jury returned an answer that there was no probability of their agreeing before Wednesday.

The District Attorney moved that the remaining Gardner cases be postponed until the next term, in order to proceed with the other cases on the docket.

Mr. Bradley, on behalf of the defendants, opposed the motion, and it was not granted.

The case of John Charles Gardner being the next in order, will therefore come up next Monday.

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The Daily Picayune.

24 May 1853, 2

New Orleans, May 23, 1853.

To His Excellency Don Valentin Cañedo, Captain General, &c., &c., &c., of the Island of Cuba:

Sir—I have been surprised to see in a late number of the Gaceta of Havana that I am cited to appear within nine days before the Spanish Military Commission, to answer charges there brought against me. I have been the more surprised at this, as some two months since the Spanish Consul in this city called upon me and served a similar citation upon me verbally. I replied to him that I have resided continually in this city since the year 1837, with the sole exception of a short visit to Cuba on private business in the year 1843, and have been a naturalized citizen of the United States since 1842, and that I consequently did not recognise any jurisdiction over me by the Spanish Government for my acts in this country.

I do sympathize, and shall ever do so, with the unhappy people of Cuba in their sufferings under the present despotic Government of the Island, and will cheerfully lend my aid, as far as I can without infringing the laws of my adopted country, in their efforts to disenthrall themselves. There is no Law, human or divine, which gives to the Crown of Spain, or its representatives, power to arraign me for my opinions or for acts committed out of its territory; and I protest most solemnly against the assumption of such power by the Spanish Government of Cuba, or by the Military Commission in Havana, and shall not recognize any citation, order or act, which either may desire to enforce upon me while in the United States.

Respectfully, your servant,

ANTONIO GONZALEZ VIGIL,
Montgomery House, corner of Fulton
and Lafayette streets.

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New York Herald
25 May 1853, 4

OUR NEW CONSUL AT PANAMA.—Col. Thomas Wm. Ward, of Texas, lately appointed Consul at Panama, is well known as one of the most chivalrous and high-minded men of the South. He was born in the city of Dublin, about forty-five years ago, and was appointed a cadet in the military school of the Honorable East India Company, at the age of fifteen. In 1827 he left London for the United States, and soon after proceeded to New Orleans, where he pursued his inherited profession of engineer and architect, until the breaking out of the war in Texas. He had now acquired a handsome fortune; but his ardent temper was kindled by the outrages of the Mexicans against our countrymen, and he raised and equipped, with his own resources, a company of volunteers, at the head of whom he marched to Goliad, and quickly after won the admiration of the new republic, in the hard-fought battle of San Antonio de Bexar. The Texan army was under Colonel Milam, who was killed at an early period of the prolonged engagement. A short time before, the right leg of Capt. Ward was carried away by a cannon ball. The remains of one hero, with a part of the other, were buried in the same coffin, as soon as the army found leisure to bestow on them appropriate military honors. After the death of Milam, the contest was pursued with extraordinary energy, and Ward performed prodigies of valor in the two days which succeeded the loss of his leg. The victory which the Texans ultimately achieved embittered the feelings of Santa Anna more than anything else during the war, and at the end of six weeks he succeeded in retaking the place, killing the renowned Colonel Crockett, and many of the other defenders. Ward subsequently lost his right arm, so that he has now the dilapidated appearance of Lord Nelson, though a much larger and fiercer looking man than that hero—having, indeed, the most splendid presence of any man in Texas, except Senator Rusk.

Soon after the establishment of the independence of Texas Colonel Ward was appointed Commissioner of the General Land Office, which important office he held under all the administrations of the government until the republic was annexed to the United States, and for a considerable time afterwards—exhibiting an executive ability scarcely paralleled in such positions, and finally retiring with the respect and admiration of the entire people of Texas. Col. Ward is one of the noblemen of nature. He is thoroughly informed in politics and general affairs, is industrious and prompt in his business habits, writes with decided ability, (having learned to use his left hand for the purpose since he lost his right,) and by his weight of character, agreeable manners, and many genial and attractive personal qualities, carries with him more good will and good wishes than any other person would have commanded who could have been selected for the important consulship of Panama.

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New York Herald
25 May 1853,4

MORE CUBAN FOLLY.—A curious game, in truth, is that which the rulers of Cuba are playing. With ruin and revolution at their own doors, thundering with terrible portent, they can find leisure to cheer on the dictator of Mexico, and sympathy to bestow on the Spanish institutions of the continent. Not a cry of apprehension escapes their lips. Not a line of the authoritative *Diario* would lead you to dream of the frightful precipice on whose edge the rulers of Cuba are tottering. Spanish bravado has never received a more striking illustration than its leading articles afford. The rulers of Cuba are not ignorant of the fact that Great Britain, weary of appeals to Castilian honor, has at length begun to work on Castilian fear, and has formally announced that, in the event of future *filibustero* expeditions against Cuba, the authorities need expect no aid or countenance from the British men-of-war. They know that their daily and hourly violations of their own faith and the law of nations have become a matter of notoriety. They know that children in the United States and England are taught at school to regard the Queen of the Antilles with horror and detestation, as the last refuge of the most infamous traffic that cupidity has ever devised. With a full consciousness of these things, they calmly pursue their nefarious course, import cargo after cargo of slaves, and devote their chief attention to the progress of a dictator in a foreign country.

Such admirable self-confidence is not wholly due to blind stupidity. Stolid as the Spaniards usually are, they are not so hopelessly obtuse as to be unaware of the dangers which threaten them. Calculation has a certain share in their movements. If the attention of the United States can be diverted from Cuba to Mexico, his Excellency the Captain General indulges the hope that the favorite traffic in slaves may escape notice, and Cuba cease to monopolise the covetous propensities of the "lawless Yankees." It is, indeed, a very poor sort of calculation even for a Spaniard. Any man of sense can see that the annexation of Mexico would render the possession of Cuba still more indispensable to our interests, and that the former would only whet our appetite for the latter. But Canedo's past policy gives us no light to expect of him judgment or sagacity. It is difficult to say whether his moral or intellectual deficiencies are the most conspicuous. The former have wrought out "manifest destiny" by paving the way for our seizing Cuba; the latter will not save the island by attempting to throw Mexico into our grasp. Deserted by England, unaided by France, cordially detested by our own government, and feebly defended by Spain, Cuba could offer but a very poor resistance to an invader; and though we are pretty confident that the example of Lopez will not be imitated during the present administration, there are not wanting spots on the continent, far beyond our jurisdiction, where a fillibastero party could rendezvous for a descent upon the island. It is inconsistent with our national honor to suffer such expeditions to be organized within our territory, whether their aim be to give liberty to the enslaved Creoles, or to subvert the constituted authorities of Mexico; but it would not afflict us beyond hope of consolation to hear that the former project had been effected without our complicity.

Mexico and Cuba stand on a very different footing, as regards the United States. We believe that it would be better for them and for us that they were incorporated into the Union; and we also believe that such is their destiny. But our desire to possess the former flows solely from a wish to extend our territory and strengthen our position on the continent. We entertain no feeling of animosity against the Mexicans. Cuba we covet as much for the sake of the poor Creoles as for its value to us—we hate its government, abhor its rulers, and would rejoice at their downfall, even though it conferred no personal benefit on us. Captain General Canedo will do well to ponder the distinction. A careful study of its merits will convince him of the folly of attempting to convert Mexico into a "tub to the whale." At the same time, an occasional inspection of the passenger lists of vessels sailing from Havana will probably teach him that the wealthy Catalans who are abandoning the island in such numbers are not so confident in the stability of his government as he appears to be, and that they can read the signs of the times if he cannot.

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New York Herald
27 May 1853, 1

Affairs In Washington.

APPOINTMENTS AND REMOVALS IN THE DEPARTMENTS—THE GARDNER CASE—BISHOP HUGHES.

WASHINGTON, May 26—8 P. M.

The District appointments are now under the consideration of the Executive.

Mr. Ramsey, dem., has been appointed Chief Clerk in the office of the first Comptroller, vice Mr. Seaman, whig, removed.

Judge Mason has commenced the regeneration of the Patent Office by removing nine clerks to-day, namely, Messrs. Stansbury, Henrool, Roano, Davol, Johnson, Ellen, Haskins, L[illegible], and Bailey.

W. S. King, of Rhode Island, Recording Secretary of the United States Agricultural Society, will be appointed to the agricultural desk, in place of Dr. Lee, removed some time since by Secretary McClelland. Mr. King is invited to this post by numerous State Societies, and will be acceptable to the agricultural community generally.

There are quite a number of applications for the vacant Examinership. As the work in that department is six months behind hand, it is presumed it will soon be filled, and extra Examiners may be found necessary.

A large delegation is present from Harrisburg, urging upon the President the appointment of Mr. Parks as Postmaster of that place. Others are and have been here against him, and probably more are coming. State politics enter largely into the matter.

William C. Zantzinger, Disbursing Agent in the State Department, has been removed, and Mr. Stubbs reinstated. The change to take effect on the 1st of July.

The jury in the Gardner case sent a communication to the Court this morning, stating that after mature deliberation and a full interchange of sentiment, they found it impossible to agree, and asking that some arrangement be entered into between the counsel, and that they might be discharged. The counsel, in view of the necessity of trying the case over again, if a verdict was not rendered, were unwilling to come to any agreement, and the Court declined to discharge the jury.

Archbishop Hughes is here, and administered the initiatory sacrament to fifty girls, at St. Patrick's Cathedral, this morning.

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New York Herald
27 May 1853, 4

OUR MINISTER TO HOLLAND.—The executive at Washington has displayed a great deal of judiciousness in its selection of a representative at the court of Holland. Mr. August Belmont, on whom the choice has fallen, is perhaps the most eligible person that the post could have been conferred on; and we doubt not that the results of his mission to the Hague will fully justify the action of the President, and realize the anticipations which have been indulged in as to the peculiar benefits to accrue therefrom, not only to this country, but to the world at large.

Mr. Belmont has been placed in his present position mainly with a view to promote a specific object of great importance, which is neither more nor less than the success of the Japan expedition. His sympathies and his influence combined to point him out as the most efficient person to carry out the wishes of the administration and of the country in this respect. As the son-in-law of Commodore Mathew Perry, to whom the command of the Japan expedition has been confided, he is naturally most warmly interested in the result of that enterprise; and to such an interest he can give practical direction and effect in his position as United States Minister to the court of that nation which has for centuries been the only one—out of Asia—with which Japan has condescended to hold any thing like commercial relations.

In another respect Mr. Belmont appears as the man particularly adapted to promote such an end. As the agent in this country of the great banking house of the Rothschilds he has acquired a considerable *prestige* in Europe, and will doubtless be able to effect much at the Hague, by bringing to bear on the Dutch government the powerful influences which capital commands all over the Continent. Stimulated by such influences, and plied with such arguments as Mr. Belmont's deep interest in the matter will prompt him to make use of, we may reasonably expect that the practical sympathies of Holland will be enlisted in favor of the American expedition to Japan, and that all measures tending to ensure its success will be willingly adopted and carried out by its government.

Our new minister to the Hague is a German by birth, but an American in politics, in feeling, and in his social connections. He has been a resident of this country for the past sixteen years, and with his wife and family American by birth, and with all his interests concentrated in this republic, he may now be regarded *de facto*, as he is *de jure*, a citizen of the United States. He is a man of high probity, talent, and ability, and as he purports abandoning his commercial business in New York, and devoting his attention exclusively to diplomacy, his friends have every confidence that he will discharge the mission entrusted to him in such a manner as will best promote the interests of the country and reflect honor and credit on himself. We believe these anticipations will not be falsified.

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New York Herald

27 May 1853, 6

Our Washington Correspondence.

WASHINGTON, May 25, 1853.

The Foreign Appointments—List of Consuls—How these Things are Done and Have to be Done.

It is remarkable, very remarkable, that there should be so many aspirants for the small as well as the large offices, and especially for the consulates, very few of which pay expenses. Of the list of new Consuls published the other day, perhaps full one-third of them will never go out. What then? Why the endorsement of a man by Gen. Pierce and his Cabinet may be useful in getting something better at home. For example, Mr. Slidell got the mission to Central America, and declined it; but that mark of confidence from Gen. Pierce secured his election to the United States Senate, which the Senator elect unquestionably considers a more wholesome locality than Graytown.

Mr. Denman, of California, will, of course, accept Acapulco. The prospect of Ramsay & Co.'s passenger line across Mexico to that port, in addition to its present California business, has made Acapulco a very desirable place. Mr. Denman had a good deal of opposition for Acapulco in other claimants for that yellow fever situation, because it is expected to pay a splendid dividend.

Mr. Edwin De Leon, of the *Southern Press*, as Consul to Alexandria, was an easy thing. He had the application, we suspect, all to himself. Whether he will go out or not is another question. Alexandria is rather a poor place, though there may be something attractive to De Leon in the climate.

Gen. Daniel Lee, of Iowa, for Basle, we are afraid will not suit. Dan is a young, spirited fellow, was an officer in the Mexican war, did good service, and wrote last year a life of Gen. Pierce for the people of the Northwest. He was therefore induced to strike high, and put in for Panama, which it is said may be made to yield a cool hundred thousand a year. But the claims of Thos. W. Ward, of Texas, a brave and battered soldier of the wars, were too strong for Dan; but how the Cabinet came to pack him off away out there among the mountains of Switzerland we can't imagine. We rather think that Gen. Lee will not fancy the Alps. Too little commerce in that section of the country for Dan.

Alfred Gilmore, of Pennsylvania, succeeds old Mr. Kohl, of the same State, for Bordeaux. Mr. Gilmore was a member of the last Congress, and was supposed to be a candidate for something, at least, equal to the post of a Charge; but as Bordeaux will pay something, and as they have good wines and pleasant balls in that seaport, it is probable that Mr. Gilmore will be satisfied.

Howden of Ohio, sawbuck, for Bermuda, gets a nice place for early potatoes; and Hildebrand, of Wisconsin, soft shell, has the lingo for Bremen. The same may be said of Dennis Mullin, of New York, for Cork. Is he not a Corkonian from the days of Brian Borobine? And Lynch, of Illinois, for Dublin, is also a good Colt, if we are not mistaken. Such appointments have a judicious smack of nationality about them.

Alexander M. Clayton, of Mississippi, for Havana, succeeds Judge Shatkie, of the same State. The place was considered thus, in a measure, to belong to Mississippi. Mr. Clayton's appointment will also satisfy the Foote, or Union party, to some extent; and they wanted something to neutralize the selection of Gen. Davis for the War Office. Mr. Johnson, of Michigan, who was an applicant for Havana, is conciliated with Hamburg. He speaks Spanish very well, but we are not aware that he has ever studied the Dutch.

We presume that all the shells of New York—hard, soft, and muddling—will have no objection to Angell, for Honolulu. We count this a *bona fide* affair, for Honolulu pays!

Mr. James M. Carleton, (Union man,) of Alabama, for Melbourne, Australia, is, as we are informed, also genuine. He will go, and take his young wife with him to the very end of the world, in view of the consular fees which may result from those gold mines.

Duncan R. McRae, of North Carolina, for Paris, is reported as a high toned gentleman, though not so well versed in geography as Peter Parley, nor so thoroughly versed in the French as the learned Jesuit who preceded him. Something nice was considered due to the modesty of the old North State, notwithstanding she has the Secretary of the Navy, which is a great thing for the pine, pitch, tar, rosin, and turpentine country.

Capt. Scott, of Virginia, for Rio Janeiro, could not be overlooked. Of all men, Gen. Pierce is under special obligations to Capt. Scott. That letter, after all, was exactly the thing.

John Hubbard, of Maine, for Trinidad de Cuba, is, perhaps something of a letting down, but still it is a place worth having; and a useful politician at home, in the person of C. J. Helm, is taken from Kentucky to gather up the little pickings of St. Thomas.

The nicest fit of all is Governor Wood, of Ohio, as Consul at Valparaiso, with Sam Medary of the same State, and the same city, (Columbus,) as our Minister to the same country. Considering the party services for twenty-five years of Medary, and the claims of Governor Wood, these appointments ought to be satisfactory to the Ohio democracy, and particularly to the sawbucks.

Of course, in every class of the foreign appointments there have been a great many disappointments. Never saw the like. Such a clearing out as has taken place at the Washington hotels since Wednesday morning we have not witnessed for nearly a month. What is to be done for Henry A. Wise, of Virginia, nobody knows. Perhaps something may turn up after a while. He would have accepted the mission to France; but that is considered as awaiting the final decision of John A. Dix. Young America is still in suspense; but as the mission to Constantinople and the London consulate are both left open there is still some hope that Mr. Corry and George Sanders will be both provided for according to their respective applications. Should anything transpire to take Mr. Marcy out of the Cabinet and send him to France then and unbridly Young America may ride in. And as for Mr. Dillaye, of Syracuse, though he expected a chargeship, he may yet be reconciled with a good clerkship, but it is doubtful. His investments in the late campaign call for something better. By and large, in the whole foreign schedule, including the consuls, you will observe, upon inspection, how nice the discretion upon the numerous matters of consideration which has balanced the action of General Pierce and his cabinet. They are determined to have a big democratic party or none at all.

SAMUEL.

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New York Herald
28 May 1853, 1

APPOINTMENTS—THE GARDNER CASE—NO CHOLERA AT ALEXANDRIA, ETC.

FROM THE REGULAR NEWSPAPER AGENT.

WASHINGTON, May 27, 1853.

Colonel James G. Barrett has to-day been commissioned as Postmaster of this city. He was formerly Chief Clerk in the Pension Office. The remaining District appointments are still under consideration.

William B. Chase, of Indiana, is appointed to a clerkship in the Third Auditor's office, to take effect on the 1st of July.

The jury in the Gardner case this morning sent word into court that they never should agree to a verdict, there having been no change of opinion among them since they left court, and begged they might be brought into court. Mr. Fendall, in behalf of the United States, said he consented to their discharge. Mr. Bradley, for defendant, declined consenting to a discharge. The Court notified the jury that they might come into court, if they so desired, but learning that they could not be discharged, they refused to come.

The report of cholera having appeared in Alexandria, is erroneous. There were a number of sudden deaths there yesterday—five in a family—it is said from sickness resembling cholera, but caused by eating unwholesome fish.

The *Union* this morning publishes an official notice from the Navy Department, that a bounty of $30 to able, and $20 to ordinary seamen, will be paid to all enlisting in the navy, after the 1st of June.

A notice is also published by the State Department, that the British government has complained of the depredations committed by Americans at the Falkland Islands, and have sent a force there to protect the citizens and property.

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New York Herald
28 May 1853, 1

Our Cuban Correspondence.

CARDENAS, May 16, 1853.

Exciting Rumors Relative to a Contemplated Outbreak—The Authorities on the qui vive—Murder and Escape of the Murderer, &c.

There is very little actual news, but there are some exciting reports whispered about, whether true or not I cannot say. One is that troops have been sent to all the points of land where lookouts can be kept, under the expectation that another expedition will arrive shortly. Another is, that a few nights since, printed papers were thrown through the windows of the soldiers' barracks, containing appeals to them, to join the people, who expected outside assistance on the 19th of May, the anniversary of the landing of Lopez. Whether this was done or not, I cannot say, but certainly during the past week, there has been observed an unusual activity among the military, and some small reinforcements have arrived. A murder was committed early in the evening, about a week ago—the murderer went on board of a vessel immediately after the deed, and sailed for New York before any steps could be taken to apprehend him. H.

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New York Herald

29 May 1853, 1

THE DISMISSAL OF THE GARDNER JURY—APPOINTMENTS IN THE PATENT OFFICE, ETC.

FROM THE REGULAR NEWSPAPER AGENT.

WASHINGTON, May 28, 1853.

In the Criminal Court this morning, Judge Crawford intimated his purpose of discharging the Gardner jury. Mr. Fendall, in behalf the United States, advocated their discharge, while Messrs. Bradley and Carlisle, for defendant, opposed it. The Court cited authorities, amongst them that of the Supreme Court giving judges discretionary power under certain circumstances, to discharge juries, and said it was satisfied the time had come to exercise that discretion, and accordingly directed the Deputy Marshal to bring the jury into court.

The jury came in, showing symptoms of fatigue from their week's confinement, but were cheerful at the prospect of being set at liberty.

Mr. MIDDLETON, the clerk of the court, said—"Gentlemen, have you agreed upon a verdict?"

Mr. MAGRUDER, the foreman—"We have not, and could not if we stayed out till Christmas."

The COURT—"I am sorry you have not agreed. In reflecting upon the case, I have come to the conclusion to discharge you, as it seems that you never would agree. You are therefore discharged."

We afterwards learned from the jurors that they stood precisely as they did when they first left the jury box—namely: Messrs. Lane, Bain, and Borland—three—for conviction, and the remaining nine for acquittal.

The Commissioner of Patents has made the following appointments:—S. T. Shugert, Chief Clerk, vice R. C. Weightman, to take effect 1st June; T. R. Peale, Examiner, vice H. B. Renwick, resigned; Alfred Herbert, Assistant Examiner, vice Peal, promoted; James T. Fales, Clerk, vice C. F. Stansbury, and others, in place of clerks recently removed.

Senator Toucey has been in Washington for several days.

Governor Jones, of Tenn., arrived to-day.

Mr. Dorsheimer, of Buffalo, barnburner, has been here during the past week, and his son dined with the President to-day.

W. B. Chace, of Ohio, Private Secretary of Senator Douglas, was appointed yesterday to a $1,800 clerkship in the Sixth Auditor's office, instead of the Third Auditor's, as telegraphed.

The *Union* of this morning states that private letters have been received in Washington from Fort Fillmore, forty miles from El Paso, which say that a messenger had arrived there on the 7th of April, with despatches from Governor Trias to Governor Lane. Trias had levied a forced loan on the citizens of Chihuahua, and was to start on the 20th with 1,000 troops for El Paso.

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New York Herald

29 May 1853, 1

From Washington.

SPECIAL CORRESPONDENCE OF THE NEW YORK HERALD.

THE GARDNER CASE—THE JURY DISCHARGED—THE PRESIDENT AND OUR FOREIGN RELATIONS.

WASHINGTON, May 28—10 P. M.

The jury in the Gardner case was dismissed to day, being unable to agree. They stood nine for acquittal to three for conviction. This result is tantamount to an acquittal, especially after the extraordinary means used by the prosecution, and the fact that, although the District Attorney consumed several days in summing up, Dr. Gardner's counsel, to expedite matters, waived their right of addressing the jury altogether. The whole power of the government was brought to bear to try and convict him. Money was lavished upon witnesses. The Minister to Mexico was authorized to employ persons, not to hunt up facts, whether for or against the accused, but to procure such information as would convict him, and they were to receive fifty per cent additional in case they succeeded. Such a course, we believe, is unparalleled on the part of a government criminally prosecuting an individual. Gardner's counsel begged that the jury might be detained at least until Monday; but the Judge did not see fit to grant the request. We do not know what course will now be pursued; but it would seem mere folly to go to the expense of trying the case over again, after three fourths of a jury declaring his innocence. It is now two years since proceedings were commenced against him, and although the government is a good paymaster, something is due to the rights of citizens. It is time the prosecution should cease.

Of general politics there is not a word of news. If the President can only get rid of the offices, he will then have time to turn his attention to our foreign affairs. We doubt very much whether the cabinet have been able to devote half a dozen hours to the consideration of these subjects since the fourth of March. X. Y. Z.

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New York Herald

29 May 1853, 1

Spain.

NO CABINET YET—EXCITEMENT AGAINST SENATOR SOULE—THINGS IN GENERAL.

From Madrid on the 17th of May, we learn that the cabinet was not completed. Mention was made of a contemplated journey of Queen Maria Christina to Italy.

The Madrid correspondent of the *Morning Chronicle* states that the appointment of Mr. Soulé as United States Minister to Spain had much annoyed the Court. Some of the journals recommend the government not to receive him in that capacity, in consequence of what they term his hostility to Spain. The correspondence adds there is no doubt that any proposition for the purchase of Cuba would be rejected.

It is asserted that Marshal Narvaez had been appointed to the embassy in Paris.

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New York Herald
29 May 1853, 8

News from Cuba.

We have received files of Havana papers to the 22d instant. Their contents, however, are entirely deficient of anything of interest to our readers.

Colonel Don Ramon Canedo has been appointed to the military and political governship of the port of Cardenas, instead of Senor Don Manuel Hector, resigned.

A central *Junta* (association) has been formed in Havana for the purpose of collecting contributions in aid of the impoverished peasantry of the province of Gallicia, in Spain.

The exportation of sugar from the port of Havana for the first three months of the present year amounts to 250,370 boxes, and for the same period of the preceding year it was but 231,402, showing an increase in favor of 1853 of 18,868 boxes.

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The Daily Picayune.

29 May 1853, 2

Arrivals at the Principal Hotels—May 28.

ST CHARLES HOTEL....Dr C Henry, W Malling, Mobile; C S Mceker, J H Overton, T C Anderson, M Turner, O Keller, Mr and Mrs W H Hunt, C Oakford and lady, J D Oakford, O O Woodman and lady, N B Smith, S Ritchie, Dr Baskie, A Cochran, NO; Dr M B Page, Phila; H O McEnery, F Morgon, W F Goodrich, J W Scarborough, W D L McRae, J C Carpenter, La; A H Gray, steamer Falcon; N Johnson, Ill; J Buford, G W Strickland, Geo C Langborne, Va; Capt Colton, steamer Emperor.

VERANDAH HOTEL....S S Perry and lady, Texas; H B Boyce, M Calhoun, R B Brashel, La; J S Thrasher, Mr Ewing, J H Pope, R A Bullard, NO; C A Lanier, W Wyner Miss; G S Lee, Mobile,

CITY HOTEL....S Case, steamer Natchez; S M Berault La; A M Quigly, J Frost, S Holt, Capt G A Chambers, Mobile; G A Breaux, A Parsons and daughter, E Chapman, R R Ballard, S M Fox, NO; W W Oates, Ga; E P Howell, N Y; S R Evans, J Smith and family, L C Worrell, Ark.

ARCADE HOTEL....B J Middleton, L Rose, Miss; T J J Swan, H Gray, H Carter, A D Blenville, W L Spears; H Lowry, W C Smith, C Dewis, La; C Daily, R G Kendall, NO; J M Dunham, W M Montfort, Ga; E H Sawyer, Ala; Dr Connell, Dr Bogg, R T Linscott, Ark.

Robado del Archivo del Dr. Antonio Rafael de la Cova
http://www.latinamericanstudies.org/

New York Herald

30 May 1853, 4

The Court of Spain, and Mr. Soulé. — According to the Madrid correspondent of the London *Morning Chronicle*, the appointment of Mr. Soulé as Minister from the United States to Spain had given much annoyance and concern to the Spanish Court. He further says that there is no doubt that any proposition whatever for the purchase of Cuba would be rejected.

All this may be so. The government journals at Madrid have doubtless taken up the hue and cry against Mr Soulé, from the *diatribes* of the Spanish *Cronica*, of this city, and the *Diario de la Marina*, of Havana, and from the rejoicings of Young America, in Washington, on the occasion of Mr. Soulé's appointment. It is also highly probable that the Court of Queen Isabella, through these influences, may have become partially infected with the prejudices of the aforesaid Spanish journals. Nor can we overlook the unquestionable influence of the Queen Mother, Christina, in everything pertaining to "*siempre fiel isla de Cuba*," and the jealous vigilance with which she keeps guard against any encroachments, direct or contingent, upon her share of the profits of the African slave trade.

Upon this point, however, and rather unexpectedly, we have secured an ally in the person of a distinguished English peer of the realm. The Earl of Carlisle, (late Lord Morpeth the same who recently made the tour of the United States, and gave a comparatively favorable report of our Southern institution of slavery,) in declining to meet the London abolitionists on the reception of Mrs. Stowe at Exeter Hall, said that on the 30th instant he intended to call the attention of the House of Lords to the condition of the slaves in Cuba—mind, not in the United States, but in Cuba. This movement, we suspect, will involve the discussion of the African slave trade, upon which question the British government has already indicated its policy by the fleet of observation placed around the coast of Cuba. We think, therefore, that between Mr. Marcy at Washington, Mr. Buchanan at London, and Mr. Soulé at Madrid, the Queen Mother Christina, as far as she is concerned, may be persuaded to overcome her peculiar scruples of conscience against the cession of Cuba to the United States.

But the first and immediate question here, is, will the Spanish cabinet receive Mr. Soulé as the Minister of the United States? That cabinet are punctilious in diplomacy, to a hair. They some time ago rejected Sir Henry Bulwer on a mere point of international etiquette—practically a question of moonshine. But weak nations, like small sized men, are apt to be most pugnacious and sensitive concerning any invasion of their rights or dignities. So it is with Mexico, and so with Spain. If the cabinet of Her Most Catholic Majesty get the suspicion into their dignified heads that Mr. Soulé is a sympathiser with the *fillibusteros*, the Order of the Lone Star, and the Cuban Junta, and if they are further misguided into the belief that he was appointed with the view of bullying Spain into a sale of the "ever faithful island," he will be rejected. Indeed, in this view of the case, it would be idle to count upon anything else than his rejection; and the act may be done as such things are frequently done without involving necessarily an offence against the government of which the obnoxious individual may be the representative.

But, at this time, the rejection of Mr. Soulé would be a doubtful, if not a hazardous stroke of policy. The act would almost inevitably be regarded by the world, as well as by our government, as a reflection upon the honesty of the motives which led to this appointment. It would be tantamount to the proclamation of a suspicion against the well established good faith of the United States with Spain. In this light, upon the "sober second thought" we trust the question will be regarded by the Spanish cabinet. They must feel that something of confidence is due to us, in the friendly inclinations and fair and honest intentions of this government towards Spain, as they have been abundantly proved within the last fifty years. They are also well advised of the perils of provoking a misunderstanding with the United States, when they desire nothing but the most cordial relations of amity with Spain. We also believe that the cabinets of England and France, if the case should require it, would interpose their friendly offices to arrest the hazardous experiment of the rejection of Mr. Soulé. The late war with Mexico grew out of the rejection of Mr. Slidell as our regularly authenticated minister to that country, in which character Mexico would not receive him pending the then existing difficulty concerning the annexation of Texas. That example will not be lost upon the government of Spain.

We presume, too, that the very friendly relations which are said to exist between Mr. Soulé and the Spanish Minister at Washington Mr. Calderon, are worth something. Mr. Calderon has had the best opportunities for ascertaining the real character of this appointment to Spain, from his intimate personal knowledge of the man, and his confidential intercourse with the administration. But it is idle further to discuss this question now. A month or two will elapse before the departure of Mr. Soulé for Spain, and in the interim we anticipate the judicious settling down of the Cabinet of Madrid upon the sound policy of giving full credit to the good faith of the United States, in the cordial reception of their duly accredited and justly distinguished representative; and, till otherwise advised more fully, we shall adhere to this opinion, that Mr. Soulé will be kindly received by the government of Spain.

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New York Herald

30 May 1853, 4

THE GARDNER CASE.—Our readers were notified, in yesterday's HERALD, of the discharge of the jury in the Gardner case, at Washington, after a tedious detention upon this extraordinary trial, of several months duration. In this case, Dr. George A. Gardner was tried for perjury, the United States having charged him with false swearing to the memorial and other papers upon which his claim of some $428,000, more or less, was prosecuted before, and obtained from, the late Board of Commissioners on Mexican claims. There is yet another indictment against Gardner, of forgery, in connection with this claim; and there is also an indictment against his brother, John Charles Gardner, as a conspirator in this alleged fraud. One or the other of these indictments the criminal court at Washington will probably take up to-day; and while this magnificent claim is thus still awaiting the action of the court and the jury, we think it advisable to withhold any particular expression of opinion upon the merits of the case.

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New York Herald

30 May 1853,8

The Slave Trade of Cuba.

New York, May 19, 1853.

TO THE EDITOR OF THE NEW YORK HERALD.

The policy of the governments of certain American States has been to maintain in slavery those who came as slaves to this country, the children of such, and those who in that condition became the *bona fide* property of their possessors. They have done so, on the simple ground that an investment legally made cannot be torn, at the will of any portion of the community, from its rightful owner. The safety of a nation, its stability, and its existence, demand that security be extended, by all citizens claiming to live under its laws, to the possessions of every member amongst its masses.

But this is meant to be no dissertation on a palpably legal and social, as well as political necessity. This is no defence of a right or a wrong sanctioned by the institutions and laws of a country. That which the governments of America guarantee to her citizens, is perfectly well understood, and arguments for or against the measure do not alter things as they exist, and as they have existed; but America has so far repudiated the system, in its antagonism to the liberty she gives to all, as that no more negroes are brought from the coast of Africa to swell the list of those whom destiny and the laws had set apart as belonging to those who had paid for them. France and England, with Spain, were other subscribing parties to the same arrangement. The two former powers have well adhered to their stipulation—Spain has not, nor will she do so, as long as the crown itself derives vast pecuniary emolument from the existence of the traffic.

That Queen Christina is enriched by the introduction of slaves into Cuba, as well as that subordinates derive vast riches from the same source, it will be the object of this communication to state and to prove; and as the infraction of treaties by any nation, even a second or third rate power, is a subject of vast interest to other national communities, demanding not only remonstrance but strong intervention, my assertion that the Spanish government takes the surest method of wiping out their name from amongst nations, because it sanctions and protects acts which have sullied and destroyed its national honor, has abundant and convincing reason; for, what becomes of nationality when a country has to blush at its own misdeeds? Where is the strength of a community when the sense of right—that "Do unto others as you would be done by"—has ceased to exist? What worse than the want of the "*mens sana in corpore sano*!" And unfortunately Spain has neither the one nor the other!

It is only through American journals, which are supplied with information by their correspondents on the spot, that the civilized world is put in possession of facts of daily occurrence in Cuba. The local press is so curbed in its liberty, or rather is so entirely subservient to authority there, that it is next to impossible to obtain any reliable account of transactions respecting which it is the aim and interest of the government to suppress all information. However, every one in Cuba is not a Castilian, and consequently facts are occasionally brought to light.

Some few years have elapsed since Spain pledged her faith to desist from receiving negroes as slaves on the shores of her colonies—since she expressed her willingness to subscribe to a policy which the course of events had forced other powers to adopt; and yet it is a notorious fact that there are more slaves in Cuba than ever there were, without taking into consideration those born on the island. How is this accounted for? How is the estimated decrease of ten per cent made up? By fresh importations. The writer of this communication has very good foundation for showing the transactions in slavery from the year 1838 to the present time, and is enabled to present to you information on that subject which has never been given publicly before.

Captain General Tacon left Cuba in 1838. During his administration the greatest protection was afforded to all slave traders. It is asserted, without fear of contradiction, that during his government more than six thousand negroes were landed on the island of Cuba, he receiving the regulated contribution of $51 each.

Espeleta came into office then, and remained until 1839, during which period more than three thousand slaves were landed in Cuba. The contribution for the Captain General was collected by a party there, who has been the agent of all the other Captains General for the same purpose—his reward for his trouble being some concessions in the markets of Cristo, Plaza Vieja, and Tacon.

El Principe de Anglona succeeded Espeleta, and remained until 1842, during which time three thousand five hundred negroes swelled the list, and also the purse strings of the viceroy.

Valdez came into office in 1842, and remained until the middle of 1843; and although this honest man, this fine soldier, was inflexible and intolerant to the existence of the slave trade, more than one thousand negroes were landed, through the corruption of his officers. Valdez was of too upright a nature to be allowed to remain in Cuba at the head of the government.

O'Donnell commenced his government in 1843, and was kept in office until 1846. This chief was the least scrupulous of all, for he not only consented to the landing of more than ten thousand Africans, but raised the contribution of $51, established by his predecessors, to $55 25. The period of O'Donnell's government is marked by infamies which stain his name. During that period the conspiracies of slaves were invented, and many an innocent man died under the infliction of terrific punishment.

Roncali stayed from 1847 to 1849, and about three thousand negroes found admission into Cuba. The first merchants were concerned in the slave expeditions, and are perfectly well known. Roncali received the fifty-one dollars punctually, through his agent, Colonel * * * * and the captain of police.

At the latter end of 1849, General Concha came into office, and although he did not receive directly the aforesaid contribution for 2,500 slaves landed on the island, his political Secretary, and the President of the Military Commission did.

Canedo came to the island in 1852, and more than 2,000 negroes have been landed, for the contribution on which his political secretary nominally gets credit. Fresh cargoes are constantly arriving at the present moment. We shall see how much longer General Canedo will be permitted to trifle with the sacred rights of nations—to laugh at them, and to defy them. Over forty thousand negroes, since 1838, have been thrown into Cuba.

It must be borne in mind that Cubans have no share, no hand in the traffic—that to them the penalty of death attaches to the offence. Spaniards carry on the traffic, and their vocation and their arts are not only winked at, but also tolerated and protected by the government appointed to control, prevent, and punish.

To the casual observer visiting Cuba, there would appear nothing strange in the arrival of a vessel from the coast of Africa, when she enters, unperceived by the cruisers surrounding the land; but let her only be pursued—hard pushed—and the fact of connivance of the authorities is proved at once beyond a doubt. Are there no tangible, unmistakeable evidence that government employes are at the bottom of the whole system. Vessels employed in the transmission of slaves from Africa to Cuba are generally constructed at Barcelona or Cadiz, and leave those ports with the necessary papers to justify their lurking about the coast, to load nominally with ivory and palm oil, when in fact they are destined to receive living cargoes.

We will imagine a vessel arriving off Cuba with a cargo of slaves on board, and that her private signal is answered by those who are anxiously expecting her. In a moment she has information what to do—when to come in, or to stand off in case of foreign men-of-war being close at hand; and so bold have been their movements that in many cases they have run the gauntlet with a cruiser, and openly landed their slaves, swearing, that vessel and negroes belonged to a certain proprietor, and that they had simply left one plantation to be transferred to another. More witnesses than they had need of were at hand to support the statement, seeing that at Cuba a large business in false swearing is at all times carried on. Where was the remedy? The slaves were landed, the gain was made; and the observance of treaties makes it imperative on would-be captors not to interfere with negroes already on shore. The Spanish merchants laugh in their faces and defy them. In an hour there is not a trace of the cargo; the agents of purchasers have long before that time selected and removed their portion.

In the officers of the police there are brokers whose business it is to receive from the purchasers the quota of three ounces of gold, which was the tariff established and admitted in the time of General O'Donnell. In fact, at that period the fee of admission was rather above that sum.

Not a very long time ago there existed a barracoon, or house for the reception of newly imported Africans, contiguous to the chateau of the Prince, and quite near the country residence of the Captain-General, notwithstanding the reiterated remonstrances of the English Consul; and yet the government at Madrid had the unblushing effrontery to declare that they respected the treaty they had sworn to adopt. The whole trade goes on gaily and quietly, under their very eyes; and the price of one cargo in hand, they merely look out for and live on till the next comes.

The best fact in connection with the whole business remains to be stated. The royal decree is in existence, granting the Queen Mother the privilege of importing slaves free of all dues to the Royal Hacienda, for the specified purpose of working in the mines she possesses. By this means alone her agent gains for her $30,000 a year. How much he gains for himself cannot be stated.

It may be urged by parties unacquainted with the state of affairs in Cuba and Madrid, that surely some honest, vigilant man could be found who would preserve the national honor by enforcing the orders he receives from the government. This is a perfect impossibility, for no Captain General, with such an object in view, would hold the government six months. A hundred thousand dollars remitted to Spain, would be perfectly sufficent to ensure his recall. One Captain General arrived in Cuba not many years since, with the intentions I have alluded to, and the sum was soon subscribed, despatched, and accepted by those who had the power to substitute another man, incapable of misunderstanding the instructions given to him, and who did not fall on his arrival, to despatch circulars to local governors and authorities, not to put any obstacles in the way of the disembarkation and free transit "*de los Bultos*," a word synonimous with merchandise, but sufficiently significant to be perfectly well understood as applying to negroes.

And thus it will ever be, until time and expediency—two giant uprooters of things as they are—loses to the crown of Spain her splendid colony. Thus it will ever be until Cuba, like unto Mexico, either forces its own independence, or claims to be admitted to the American Union; and any one of these events will be of paramount importance to herself and to America.

Why, under these circumstances—why, with the very certainty of speedy amalgamation—should there be one word of purchasing a colony which Spain sees she must lose? Never was there a closer application of the assertion, that "coming events cast their shadows before," than in this instance of the severance by Cuba of her yoke from Spain. I am, sir,

Your most obdt. servant,
M. GALIANO.

NEW YORK, May 24, 1853.

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New York Herald
31 May 1853, 4

MR. SOULE AND OUR RELATIONS WITH SPAIN.—It has been known for some days past that the Spanish government had taken umbrage at the appointment of the Hon. Pierre Soulé as United States Minister to Madrid, and that the journals of that capital, representing the opinions of the government, had proposed that he should not be received there in such capacity.

The country and the administration have naturally felt much interested in the question, and have been anxious to see what are the tone and language of the Madrid papers on the subject, since, no official communication of the appointment having been received by the Spanish Minister of Foreign Affairs, that government could have made no direct representation to ours at Washington.

We are to-day able to gratify this general curiosity by presenting to our readers the translation of an editorial article which has appeared in the government organ of Madrid—*El Diario Espanol*—in which the political character and antecedents of Mr. Soulé are discussed in connection with the question, could he be received as Minister at that Court without a sacrifice of national dignity and self-respect The *Diario* takes a wide survey of the whole ground, and considers fully demonstrated the negative of the proposition.

With such a determined hostility manifested by the government of Her Most Catholic Majesty towards Mr. Soulé, it remains to be seen whether the administration will cancel his appointment, or if not, whether it is prepared to throw down the gauntlet to Spain, and as the first and most effectual method of exacting redress for this and other insults, seize on the ever faithful island of Cuba, to the inexpressible joy of its inhabitants and to the advancement of the cause of civilization all over the world. What says President Pierce, and how feels Secretary Marcy? Let the members of the Lone Star Association "put their trust in God, and keep their powder dry." There are glorious times ahead.

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New York Herald
31 May 1853, 6

IMPORTANT FROM SPAIN.

The Nomination of Mr. Soule as Minister to Madrid, and our other Political Relations with Spain, Discussed by the Spanish Government Organ.

We translate the following important article from the *Diario Espanol*, of Madrid, of the 8th of May:—

Several of our colleagues have been occupied for three days past in discussing two or three of the very gravest questions, which may be thus summed up:—First, Mr. Soulé having been nominated Minister Plenipotentiary of the United States to this court, what ought to be the conduct of the Spanish government? Second, supposing that the present condition of the new administration of the United States demonstrates in that nation a change of policy up to a certain remarkable point in its relations with Spain, more particularly with respect to the island of Cuba, what should the Spanish government do to avoid the consequences of such change. And, third, if it were certain that Mexico had solicited, or might be disposed to seek the protectorate of Spain, should that demand be assented to?

The three questions are so intimately connected—even though the last does not appear so clearly linked to the other two, or so evident as the connection of the two first—that they might hardly be considered as separate questions, but for the extension which we have purposely given to the second, and, thanks to which, we may at present treat the first as fully as it deserves, and which is doubly required to be so discussed on account of the manner in which some of our contemporaries have pretended to resolve it. Because if the two last immediately affect the integrity of the territory of the monarchy, and more or less the political influence of Spain in the New World and among nations united to her by indissoluble bonds, the first involves not only a point of high importance, but also one of national honor.

Thus, indeed, those of our colleagues who have devoted an uncommon attention to the nomination of Mr. Soulé should have presented it. Because, if not, what use in considering whether the new administration of the United States replaced Mr. Barringer with this or the other diplomatist—with this or the other personage? Has not the ambassador of the neighboring empire, (France,) been relieved without any one attempting to discuss the qualities or the political antecedents of the noble and worthy successor of General Aupick? And is there any nation, perhaps, whose relations with Spain deserve on her part more close study—more watchful scrutiny. Certainly not: the truth is—for it is now right to say so openly—the truth is, that no one can have any doubt of the suitableness of the happy choice made in the appointment of a Minister who, a short time since, in directing the foreign relations of the empire, gave positive proofs of estimation and appreciation to the Spanish people, and of respect and consideration to their august sovereign: whilst the nomination of the new American ministry has fallen on a person whom Spain could not admit as a representative of a foreign nation without derogation to her powers, to her traditional dignity, and to the commonest sentiments of honor and decorum. This we propose to demonstrate.

A native of, and an emigrant from France, naturalized in the United States, Mr. Soulé, to whom the exercise of the law with no common brilliancy gave an honorable position in New Orleans, entered some years since upon a political career: but, hardly commenced, he threw himself with ardent phrenzy among the most fiery and ardent of the democracy of the State, in which he soon acquired one of the first posts because, in distinguishing himself by his oratorical endowments, he counted on the first condition to captivate and draw after him the masses—always docile with him who inflames their passions, oftener slaves of him who to flattery unites the powerful influence of seductive discourse.

Mr. Soulé, therefore, soon became a representative in the Legislature of the State of Louisiana, from which position he passed, in a little more than three years, to the federal Senate—the field to which he must have aspired who did not meet in the obscure assembly of Baton Rouge either rivals worthy of the talent to which ambition added each day in its development larger proportions, or a means of distinguishing himself—extending his fame, and making himself chief of a party outside of the narrow limits within which Louisiana restrained him.

Mr. Soulé had already arrived in Washington, when, after the commander of the invaders and incendiaries of Cardenas having been received, as it were, triumphantly in Savannah, it was determined to commence in New Orleans a sort of prosecution against Narciso Lopez, Generals Henderson and Quitman, the editor of the *Delta*, Sigur, and other ronsorts in the organization of the piratical enterprise, and the Louisiana lawyer—whose sympathies towards the accused were as well known as his talents—could not be by them forgotten. He was therefore, elected defender of one of the culprits, and as some of his colleagues might have reproached him for accepting a cause which might prejudice his senatorial character, provided that he should not have skilful means of defence. Mr. Soulé contended Lopez had been already judged by the tribunals of Spain, declared a traitor, and sentenced to lose his titles and honors; and it is clear that the tribunals of the United States have not, on the present occasion, jurisdiction over him, by the principle of law by which no person can be twice judged for the same offence—*non bis in unum*—a pleading which of itself alone shadows out the public man, no less than the advocate, whom his clients called to defend them against the accusation of having violated the laws of the United States, in preparing and carrying out an armed expedition against the territory of a friendly nation.

But Mr. Soulé had not yet ascended the tribunal of the Senate, nor made known through it his principles and doctrines in respect to international policy. The first occasion on which he had to exhibit himself in his true light was, if we remember right, in March of last year, in relation to some resolutions proposed by Mr. Clarke against the principle of intervention sustained by the most ardent democrats, and which agitated public opinion, more especially after what had happened to the second expedition against Cuba, and from the conduct observed in respect to it by Mr. Fillmore, the President. The high democracy could not pardon the latter, if not his proclamation and orders, which were so inefficacious to impede the expedition, at least, that Crittenden and his comrades having been shot in Havana, and the survivors of the brief campaign having been sent to prison, he, the President, did not throw himself into a war to avenge the justice done on those same individuals, whom, by his proclamation, he had declared outlaws.

Still, nevertheless, the Senator for Louisiana occupied himself in his speech more to combat the principle of non-intervention—or of impassability, as Mr. Soulé called it—than to attack, in explicit terms, the rights and the dignity of Spain. It appeared to him, it is true, that Mr. Fillmore had been extremely weak and complacent with our government; he censured Mr. Fillmore for not having prevented the outbreak at Havana, and the incarceration of the other expeditionists, who owed their lives to Spanish magnanimity. "They were never pirates!" said he of those men, who, in converting he land in which they lived into a garrison o malefactors, departed from it in arms disposed to raise war and desolation in a neighboring country, without any other authority than that of their own passions—that of ambition or avarice.

But what signifies that defence compared with that which the same Mr. Soulé came to make of these expeditionists, in treating more especially the question of Cuba, in a speech which he pronounced in the Senate some four months since? For Mr. Soulé, in this latter speech, these were not some "blind young men." Meditation, doubtless, had made him discover in them heroes, such as Lafayette and Kosciusko. "These five hundred youths knew that they had to encounter in Cuba five hundred thousand of their equals, guarded and defended by 25,000 soldiers." "They died as heroes, and Spain herself has not said, nor could say, anything against them or against their aspirations."

Speaking of the enterprise of these heroes, Mr. Soulé said that—"The conquests of England in Asia, and those of France in Africa, were but plundering on a large scale. The conduct of England in Central America during the last century had the same character." And in view of these examples Mr. Soulé wondered that the Senators did not agree in sentiment, that "in the common right to gather the fruit of the tree it is no more a crime than taking it when it is separated from the paternal trunk is a robbery." "Why should the Senators," he added, "wait so long that the fruit should rot. There are Senators who protest against the robbery of a neighbor's property, and who wished, doubtless, only to appropriate it and to hold it as a confidential deposit—they did not wish to commit the robbery, but they would consent to receive the stolen goods."

Mr. Soulé then denied that Spain had any right to complain of these enterprises: cited a portion of facts to demonstrate that the United States never hesitated to commit them—certainly always against Spain—whenever they might have lodged it most convenient. And there is not in all this speech a single phrase—a single expression—which indicates the least respect, the least consideration, for the Spanish people or their monarch, unless we ought to receive as a flattery the eulogium which he pays to an American diplomatist for having cited, in a note, certain words of Montesquieu, in which it is said that—"It is fortunate for commercial Powers that God consents to Turks and Spaniards in the world, since they are, of all nations, the most adapted to establish an empire with insignificant means." But what respect, what views could he entertain towards Spain who, in this speech, as in the former one, absolutely denied the most elemental ideas of the Law of nations?

Well, if to these antecedents—which a morning journal summed up by saying that Mr. Soulé, in the the Senate and in the political assemblages, "has shown himself an ardent partisan of the Cuban invaders, and of the acquisition of that part of our territory by the Union"—if to these antecedents, which have raised Mr. Soulé to one of the first positions among the chiefs of "Young America," be added his unconcealed relations with the chief of the American filibusterism, and of the members of the Lone Star—would it be dignified, would it be decorous,—but not altogether dignified and decorous—but would it be free from peril, to admit as representative of a foreign nation a man in whom such conditions unite?

It is a common notion of international law that "any government may absolutely refuse to receive an individual appointed as minister by another court," (the words with which it is exactly expressed by the Anglo-American writer, Henry Wheaton,) from whence it follows that prudent governments give notice of the replacement of their representatives, not alone through politeness to the foreign sovereignty, but in consideration of their own dignity, which in every case ought to avoid the occurrence of a refusal of admission. And it is easy to understand that if that precaution may be sometimes properly considered indispensable, it must be so when the relations of the Power concerned are not on such a footing of intimacy as would preclude the least symptom of suspicion or resentment, and when the individual who may have been chosen has had, or has, the slightest participation in the questions from which the want of intimacy, or the distrust, may have originated. Has the Spanish government been advertised of the choice of Mr. Soulé? Could the Spanish government consent to receive him? We believe not. But what we know to a certainty is, that on the night of the 9th of April the Louisiana Senator was toasted in these terms in Washington, and in Mr. Soulé's own house, by numerous members of "Young America:" "Republicans send back to the despots of Europe the man expelled by them." What we may state as a certainty is, that if in Mr. Soulé's election there did not enter the design of casting the gauntlet to us, at least this design has been discovered at the moment, and with bitterness, by some North Americans, who for self-convenience or through honorable motives preferred peace to conquests, and with joy and mirth by the partisans of unlimited expansion, and by the members of "Young America," who, it is natural, should consider extremely happy and plausible the idea of sending the emigrant of a monarchy "to stand unabashed in the presence of princes, with the proud consciousness of belonging to a nation of sovereigns."

The Anglo American democracy will doubtless regret Mr. Soulé's not being received, and it will be no less regretted by the new administration, which with such little wisdom inaugurates its constitutional term; but will the Spanish government be guilty of causing its grief? Would the Anglo-American government perhaps fail to do the same thing in a like case? It is not exactly to the United States that one can go to look for precedents of tolerance or resignation; and if there are no refusals to admit representatives of foreign nations of which there are few instances even in Europe, it not being common for the governments to forget what is due to foreign powers—there can be, in exchange, reckoned events of the same kind more grave, and through motives certainly not to be compared to those which Spain has for not admitting Mr. Soulé.

Without recording here that which occurred under the administration of Madison, in 1809, with the representative of England, with whom that government suddenly cut off relations for the want of an excusable etiquette, we will cite the example, still recent, which the administration of Gen. Taylor furnishes us with in 1849. The French republic being represented in Washington by M. William Tell Poussin, he had, by the order of his government, to oppose the conduct observed in Vera Cruz by the commander of an American war steamer, who, after having protected or saved a French merchant vessel, detained her to exact the price of saving her; and as the American government replied to Mr. Poussin on exposing the receipts of that official, that they appeared to it just, the representative of France complained that he did not wish to be admonished for an error committed on a point which touched the dignity of the American navy, and that the American government adopted the false doctrine of the commander of the steamer. The President afterwards gave an order that his representative in Paris should communicate that correspondence to the French government, which not having hastened to recall M. Poussin, Mr. Taylor ordered Mr. Clayton, his then Secretary of State, to cut off every kind of relations, without thereby failing to cultivate the most friendly sentiments with the government of the European republic. M. Poussin was immediately replaced by M. de Bois le Comte. And if the American government did this, styling itself the "guardian of its own honor," notwithstanding that it concerned a republic, why should Mr. Pierce have to consider strange the non-admission of Mr. Soulé.

The relations of the United States with England were not interrupted for this reason in 1809, nor with France in 1849. Thus, England, like France, had to recognise the legitimate right which belonged to the American government to adopt such a

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resolution, even though they did not really believe the conduct of their representatives culpable. But even were it not so, should the Spanish government show itself with the United States less jealous of its honor than the latter have always been, and than Spain herself has been, not long since, with a powerful and allied nation. Carrying its conciliatory and well meaning spirit to an extreme—of which the science and knowledge of events, such as those which are passing in the United States, will have few examples, and has still less in sight—the Spanish government, not even satisfied with the pardon granted to the Anglo-American pirates sentenced to prison, and to a citizen of the Union, Mr. Thrasher, condemned to the same penalty in Havana by a council of war, had just granted, to the new solicitations of Mr. Barringer, that a like pardon be extended to the Hungarians who took part also in the Lopez expedition, although being subjects of another nation, when the American government hastened to supersede that diplomatist by nominating to replace him a declared enemy of Spain, since we cannot in any other manner qualify one who publishes, and has solemnly presented, himself as one of the most vehement defenders of the piratical cause, and of the most iniquitous aggression against the territory of the Spanish monarchy.

Could, then, Mr. Soulé be admitted to the discharge of his functions without derogation to the most evident rights of Spain, to her dignity, and to the commonest sentiments of honor and of decorum?

And it is well understood that in demonstrating our opinions so decidedly we have overlooked neither the qualities of the individual as a private man, nor the special mission which appears to be commended to him; because, be those qualities what they may—and we hold them in high estimation—and be that mission what it may be, neither that mission nor those qualities can be of any import to us in discussing the question: "Whether the character and the political antecedents of the individual named to represent the United States beside the government of her Majesty, are such as that our government may and should refuse to receive him?"—to avail ourselves of the very expression of Henry Wheaton.

Because, if it were not so, if we had to await only the mission entrusted to the diplomatist, neither to us nor to any of our colleagues would matter its greater or minor gravity, because that mission, we are confident, would end in the moment in which it is officially announced, if the person charged with it were bold enough to provoke the immediate and formal delivery of his passports, as we believe that a government aspiring to deserve the confidence of the Queen and of the country could not act in any other manner.

But the admission of Mr. Soulé being denied, and in view of the attitude in which the new administration of the United States is presented to us, what should the Spanish government do to guard against the consequences of the act? Such is the second question, which we will examine another day.

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31 May 1853, 8

Married.

On Sunday, May 29, by his Grace Archbishop Hughes, Mr. NESTOR CORRADI, of Italy, to Mrs. MARY BERTI, of this city.

On Wednesday evening, May 25, by the Rev. Mr. Higbee, WILLIAM JOHNSON to CAROLINE R. CARTER, daughter of John Mowton, Esq.

On Monday evening, May 30, by the Rev. Samuel King, Mr. CORNELIUS SALTERS to Miss MARY FINN, all of this city.

On Monday morning, May 23, by the Rev. Mr. Embury, at St. Stephen's Church, Mr. DAVID J. BURTIS, of East Chester, to Miss ANNA MORRELL, of Mamaroneck, N. Y.

On Sunday, May 30, by the Rev. Mr. Baldas, Dr. AUGUSTINO CASTELLANOS, of Cuba, to Mrs. OLIVIA CLARK, of Providence, R. I.

In Brooklyn, on Monday, May 30, by the Rev. Dr. Pise, JOSEPH R. WARREN, eldest son of Joseph Warren, Esq., of Paterson, N. J., to Miss ELLEN M. MURTH, of Brooklyn, eldest daughter of the late James Murth, deceased.

Paterson and Charelston papers please copy.

On Tuesday evening, May 17, by the Rev. Moses S. Scudder, of Brooklyn, Captain ABRAHAM GIBSON, of Staten Island, to MARGARET ANN, eldest daughter of Captain Edward Heliher, of Brooklyn.

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The Daily Picayune.

31 May 1853, 2

Arrivals at the Principal Hotels—May 30.

ST CHARLES HOTEL....S R Adams, J H Grant, Miss; C T Stewart, J Livingston, A G Kennett, D Spence, F C Bartlett, B S Tappad, A J Wills, W M Whitting, Dr G E Harral, NO; A Osbourn, D S Jones, F Campbell, Phila, A C Ramsey and family, S Rider, NY; Capt E A Mejia, Mex; D Adams, J J Hebert and lady, Cuba; J M Robertson Md; J H Willis, Dakin L M Day, E Daveune, Dr T B Ritchie NO; E LeBlanc, St Louis, H Peacock, J Solomon and lady NY; H Osborn, Phil; E Rollinius, A Johnston, Mobile; P Butler, Mrs M J Ellis, Miss A Ellis, Thos Ellis, T Ellis, La; J C Shannon, J B Ernst, NO; J A Morris, Ky; Col G R Fall, J H Cramp, A B Rending, G M Hillyer and family, H Peyton, J S Mason, Miss; W R Gardner, steamer Star of the South; C Williams, Miss; M L Frank, Ga; H N Vickers, J A Tooke, D Carr, La; J D Truer, R R Madden, B S Alcune, Pa; Dr T D Hall, B Hull, F Pope, W B Farris, D Valdis, Ala; J W Duckett, J S Piester, W O Gilham, SC; R Geddes, A A Kerr, Mobile; W Burroughs Jr, NY; N B Nelson, Va.

VERANDAH HOTEL....O Ballard, L Gillespie, R H Montgomery; J Dougherty, J S Berna, Miss; E Pullin, M Calhoun, J Moore, La; F Hayman, R E Whitlock, Ky; J G Preston, C A Farrell, J McBride, NO; Dr J C Batchelor, Ala; A J J Owens and lady, Tex.

CITY HOTEL....Mr Chiesey, str Oregon, W Sassaman, J S Crawford, J Macbam, E Leavens, Mobile; G Griffin, Ca; G T Henshaw, Phil; E R Rosalelt, Pa; T H Anderson, NY; J F Dryadale, Fla; S Harley, A H Wood; J Hufty, C W Lyle, S M Lynch, H J Debbilleux, La; J D Hereford, Va; C C Cahe, S Wolf, F S Hunt, Miss; M A Scott, steamer Falcon; C Parmentier, C C Maule, Dr C Maule, Dr C Baker, J W Saunders, R E McAlpine, T C Herndon, J S Turner, NO; W Badger, Tenn; C Webb, St Louis.

ARCADE HOTEL....C Huston, J Pepper, N Reddock, H Rhymes, F Potts, La; J J Blair, NO; D H Miller, J M Miller, J Tarbor, J Quigley, S Travis, L Randall, Miss; J M McDonald, J Sartel, T H Cowan, Gov J A Greer, B L Rusk, W W Barret, J G Cooper, M W Burke, R B Brown, S B Norton, P H Wither, W M Freeman, J P Davis, Tex; J S Gillespie, I Sturdevant, Ala; A Johnston, Mobile; T P Cater, W H Burnett, Marshall; E C Ashton, D G Nicholls, NC; J Robinson, C H Bennett, P S Wisdom, Judge Morgan, J McCann, Ark; J F Sargent, Riva; R Galer, W W Jones.

Married:

In Albany, N. Y., on the 6th inst., Professor FRANCISCO J. VINGUT, of Columbia College, New York, formerly of Cuba, to Miss GERTRUDE FAIRFIELD, youngest daughter of the late poet, Sumner Lincoln Fairfield.

On Monday, the 30th inst., by the Rev. C. Goodrich, DUNCAN M LANG to Miss M. HONORIA, eldest daughter of the late Dr. Samuel W. Logan, of the parish of St. Charles.

☞ Charleston papers please copy.

On Saturday, the 28th inst., by the Rev. Father Maenhaut, GEORGE W. LOGAN, formerly of Charleston, S. C., to Miss MARIE THEBIDE, eldest daughter of Mr. Edmond Soulat, all of this city.

☞ Charleston papers please copy.

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New York Herald

1 June 1853,8

Personal Intelligence.

Among the arrivals yesterday at the Metropolitan Hotel, were Hon. C. A. Ingersoll, Judge U. S. Circuit Court; Hon. Herbert Minton, Stoke upon Trent, England; John Eaton, Puerto Principe, Cuba; Don Manuel Benicheof, Santiago, Chili; Capt. Watkins, Pacific Mail Steamship Co.; Capt. Lumsden, U. S. A.; James Parsette, Paris; Capt. Cameron, ship Gardiner.

ARRIVALS.

From Liverpool, in the steamship Arabia—Mr Skipton and lady, Mr Robinson and lady, Mr Stevens and lady, Mr Hanna, lady and child, Mr Morse and lady, Mr Rosenbaum and lady, Mr Heath and lady, Mrs Allison, Mr and Mrs Brooking, 3 children and nurse, Mr Langdon, lady, child and nurse, Mrs W Wheeler and servant, Mr Heitzstein and lady, Mr Phillips, S Adams, Mr Simmonds, Jr, J Eives, E Wegmarun, C Angrave, Mr Von Harter, J W Cook, Mr Holmes, lady and child, J Sisley, B Haviland, Mr Frisbee A L Patterson, Mr Strasburger, J Whyte, Mr Battershy, Mr Carew, T Rickett, J Gandy, Mr Burnett, J Gilliat, Mrs Donnell and 2 sons, Mr Hunt, A M Wilson, W Roy, J W Witosh, Mrs Simpson and child, Mr Palmer, F Buttioh, Miss J Klage, Miss A Klage, Mr Kimdioh, A Faulkner, Mrs N Hebron, Mr Ottley, T Kent, Mr Raynald, Mr Kemper, J Wright, Mrs Green, Mr Browning, Mr Wilcox and lady, Mr Weber, Mr Danber, Mr Binder, Mr Stern, Mr Kerser, Mr Nicol, Mr Archer, Capt Stockdale, Mr Adolphus, Mr Courte, Mr Parr.

From San Francisco, in ship Contest—Mrs Brewster, captain's lady, Mrs James Smiley, child and servant, of N York; Mrs G B Swasey and 2 children, of Manchester, Mass, Miss M L Morgan, Master B Morgan, Mr C Wright, of Boston; Mr A E Heints, of N York; Mr P N Zion, of Schenectady.

From Charleston, in the steamship Jas Adger—Miss Mary Hilliard, Miss Kate Hilliard, Miss Cotes, Miss Kempton, Miss J Sherman, Miss E R Riley, Miss Sheout, Miss Van Bleit, Miss Pritchard, Miss C Bacott, Miss Lance, Miss Armstrong, Miss Simons, Miss Kellog, Mrs Withers, Mrs Sussdorff, Mrs Browning, Mrs C Love, Mrs Kempton, Mrs Kaufman, Mrs Greer and daughter, Mrs C Marsh, Mrs R W Bacot, Mrs Boyde, Mrs Dana, Mrs Van Vleit, Mrs Gillin, P M Weston and lady, W G Wheeler and lady, Count de Penalver, lady, and servant, J K Bennet and lady, D Cotes and lady, R Hilliard and lady, W H J Walker, two children and servant, P C J Weston and lady; Dr L P Reid and family, A Van Buren, lady, two children and servant, L A Sheout, lady, and child, B Foulay and lady, H Fromyer and lady, Geo F Cutler and lady, A H Arnold, lady, child and servant, F Strong, lady and infant, F M Butler and lady, Thos G Budd, lady, child and servant, J M de Porras, J S Bowie, J G Crafts, S Thomas, R B Chapman, C H Dudley, Geo Murray, Master Kaufman, D H Wilcox, S Wilcox, F Stints, Master A Stokes, J Howland, Dr J S Burrill, Dr Chace, Geo B Olmstead, Edward Stowe, J G Grant, M N Grant, P P Gibson, Thos Clark, Edward W Bradley, Luther Clash, H P Pratt, C C Strokeeker, D W Morris, A M Church, John N Leyon, and 97 in the steerage.

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New York Herald
2 June 1853, 2

Mr. Soule's Appointment.

[From the London Morning Herald, May 20.]

According to our latest advices from Havana, there is very considerable excitement prevailing in that city, and all over the Island, on the Cuban question. The official *Diario* is in a perfect blaze of alarm and indignation at the appointment of Mr. Soule to Spain. It threatens all sorts of dreadful things if he attempts to try on the filibusters at Madrid, in any way. And if there should be a liberating expedition sent over to help the Cuban creoles to independence and free trade, the whole Island in its defence will be reduced to a mass of ruins. Meantime, it is reported that the cunning old Catalans are selling off their property, and making all snug as the sailors say, against the coming storm; while, on the other hand, the still more sagacious creoles are investing largely in real estate. Notwithstanding these portentous movements the slave trade seems to be as thriving as ever, and negroes fresh from the Gold Coast rule at good prices. But the Spanish authorities at Havana have no faith in Soule, none in Gen Pierce—no respect for his inaugural address, being fully impressed with the terrible idea that the administration is in league with the Cuban Junta and the Order of the Lone Star to seize upon Cuba the first dark and stormy night, after all the preparations are perfected. Verily, Mr. Soule, from the outlines of the *Diario* will never be permitted to enter the city of Madrid. The matter is becoming intensely interesting.

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The Daily Picayune.

2 June 1853, 2

FROM HAVANA.—By the brig Adams Gray, Capt. Henry, we have received a file of the *Diario de la Marina* to the 21st ult. It possesses few items of interest.

The editor discusses the Newfoundland fishery question and the Canada reciprocity question, and from the phases of these questions which he presents he deduces that the free trade doctrine is receding in the world.

The only news from the interior which we find in these papers is a statement of the births and deaths in Puerto Principe for the month of April, which is thus given: Births—whites, 105; colored, 49; total 156. Interments—whites, 47; free colored, 15; slaves, 21; total 83; being a difference in favor of the population of 73 persons.

One single line of remark which the *Diario* gives is a sad comment upon the present system of Government in Cuba. It says: "Of the 83 interments 39 were by charity."

THE DELEGATES TO MEMPHIS.—A meeting held at the court-house in Madison parish appointed the Hon. Wm. S. Parham and John S. Perkins, Jr., delegates to attend the Memphis Convention, in addition to those appointed by the Governor.

DELEGATES TO THE MEMPHIS CONVENTION.—The following names of city delegates to the Memphis Convention were taken from the list at the office of the New Orleans and Jackson Railroad:

Messrs. W. S. Campbell, H. J. Ranney, S. W. Oakey, J. B. Bemiss, F. A. Lumsden, J. S. Thrasher, Alex. Walker, Felix Walker, Francis Quarles, V. Heermann, Z. Wilson, C. R. Wheat, A. W. Jourdan, J. Fuller, James Robb and S. T. Jones.

Mr. F. W. Haling, from Plaquemine, also registered his name.

The following delegates registered their names on the steamboat George Collier's books:

Hon. John Moore, J. W. Bridges of Alabama, T. B. Leefe, Capt. Wilson, Mr. McNeel, M. D. Means and J. Ewing.

Most of these delegates left on the George Collier last evening. Mr. Robb and a few others will leave to-day.

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New York Herald
4 June 1853, 4

Arrival of the Empire City.

The U. S. mail steamship Empire City, Capt Windle, arrived Friday morning from New Orleans 26th ult., via Havana 29th, 5 A. M.

We are indebted to Mr. Purser Craig for news and Havana papers to the latest dates.

OUR HAVANA CORRESPONDENCE.

HAVANA, May 29, 1853.

The Slave Trade—The Cases before the Mixed Commission.

There is nothing, absolutely nothing, worth communicating to you from this place. Havana indeed the whole island, since the departure of that arch instigator of mischief, Martin Galliano, appears to be enjoying the most profound tranquility, resting as it were from the recent turmoils and vexatious annoyances occasioned by the bad councils of that bad man, who, there can be no doubt, was the mainspring of all the disagreeable occurrences which occurred during the past year, the unsatisfactory termination of which must have been such a bitter dose to poor General Canedo.

There have been no landing of slaves since my last letter. The famous Lady Suffolk has not yet made her appearance, although she has for sometime past been daily expected to arrive.

The slaver brig Cora, I understand, is still pending the decision of the mixed Spanish and English court of justice. From what I can gather it appears she will certainly be condemned as a prize to the British cruisers which captured her. It would seem that the British Commissioners have had more to do within the last six months than they have had during many previous years.

I must refer you to my other letter for my usual commercial information and list of American shipping now in port.

BOSTON.

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New York Herald

5 June 1853, 8

IMPORTANT CASE.—The New Orleans *Delta* says:—Mr. A. Gonzalez Vigil, a native of the island of Cuba, has resided in New Orleans since 1837. He is a naturalized citizen of the United States, has held a commission in the State service, and is, in every respect, a faithful and good citizen of this republic. But, on account of the accident of his birth in Cuba, the Spanish authorities of that island choose to consider Mr. Vigil a Spanish citizen, and being informed, through its spies here, that Mr. V. is a patriotic Cuban, who actively participates and sympathizes in all movements to relieve his native island of the tyranny which oppresses it, have actually initiated judicial proceedings against him, citing him, by notice through the official *Gazette*, to appear and answer to the charge of treason. But it is further alleged that Mr. Vigil was personally cited by the Spanish Consul in this city to appear and answer the accusation against him in Cuba. This was done, too, with a full knowledge on the part of said Consul that Mr. Vigil was a citizen of the United States.

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New York Herald

8 June 1853, 4

THE GARDNER CASE—ANOTHER SEARCH FOR THOSE MINES.—We are informed that Major Mordecai, of the Ordnance corps, and two other officers of the army, have been detailed to Mexico, to make another thorough search for the silver mines of Dr. George A. Gardner, for the suspension of which, on account of the Mexican war, his claim of nearly half a million was brought against, and paid by, the treasury of the United States. In the meantime, the jury having been discharged in the late trial of Dr. Gardner for perjury, and another trial having been superseded by the other matters before the criminal court at Washington, we presume that the case of the said Gardner will be continued over to the September term. Before that time, Major Mordecai may, perhaps, find those mines. When he does, we shall expect to hear from him. Let him be quick about it, or he may be cut short in his explorations by another war.

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Florida Republican.
JACKSONVILLE, FLA.

9 June 1853, 2

ONE THIRD of the whole Spanish army, or twenty thousand men, are stationed in Cuba. There are sixteen vessels of war employed on the coast; and Spain expends annually sixteen millions of dollars for military service upon land, and four and a half millions for defence on the seas.

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New York Herald
9 June 1853, 7

The Cuban Slave Trade in the British Parliament.

In the House of Lords, on the 23d ult., Lord BROUGHAM rose to present a petition in connection with the emancipation of slaves in the West Indies, and the policy of 1846, abolishing the differential duty on sugar—a policy which he should never cease to lament and deplore—from a most respectable planter, merchant, and proprietor, in the city of London, Mr. Alexander Stewart, who stated that he had invested large sums of money in the purchase of freeholds in Jamaica; that he had been one of the most prosperous of planters, but that now the whole of his estates and securities were absolutely unremunerative; that not one acre of his land was he able to sell, or in any way dispose of; and that the entire of his property, which was the accumulation of his own industry, and to the enjoyment of which, therefore, he was entitled, had been swept away. He attributed this, in a great measure, to the policy of 1846, and he had always argued, not only that such would be its effect upon private enterprise, but that the direct, inevitable, and immediate tendency of that measure would be the almost incalculable increase of the African slave trade. He did not think, however, that the steps which we then unwisely took were now to be retraced. It was too late for that; but we might do all we could, and he doubted not that his noble friends opposite were, one and all, zealously and resolutely bent on doing all they could to accomplish that great object, the general abolition of the slave trade, the partial abolition only of which formed no little part of the grievances of our colonial fellow subjects. It was with horror he had only lately seen it announced, as one of the ordinary articles of commercial intelligence, that a vessel had landed its cargo of human beings on the island of Cuba, and that out of her had been put on shore no fewer than 600 miserable slaves.

The Earl of CLARENDON.—There were 1,100!

Lord BROUGHAM continued—Eleven hundred! Six hundred too many; that there were 1,100 only again [illegible] his horror. Three years ago he had called upon his noble friend opposite to state what information he had received of the proceedings which were being taken by the United States government against the "Cuban Expedition"—against that act which they all agreed in stigmatising as piracy of the worst and foulest description. He rejoiced to think that subsequent information reached them of that great government of the United States having done its duty with respect to those pirates—of its having resisted the efforts of that mob, urged on by a base passion for mere lucre, and of its having suppressed, he believed successfully, the Cuban piracy. Upon that same view, then, seeing that Spain would have looked upon that expedition as a manifest breach of the law of nations if it had not been suppressed by the government of the State where it had originated, might we not now say that there was a worse piracy in operation—a grosser breach of the law of nations—and that there had been a crime and a piracy committed against that law still worse in its nature and effects than the Cuban expedition? He meant that piracy whereby that vessel was loaded on the coast of Africa, partly with unhappy Africans seized by main force, and partly with those miserable creatures trepanned by mere fraud—whereby that Spanish slaver was loaded, and carried across the Atlantic, through all the horrors of the middle passage, that cargo of human beings? (Hear, hear.) His noble friend opposite knew much better than he did what was the state of our relations with Spain on the subject of the African slave trade. It had been made illegal in Spain many years ago. In 1835, more measures were taken for the effectual suppression of that trade, and the introduction of slaves into the Havana was reduced from twenty eight thousand or thirty thousand per annum to twelve thousand or fourteen thousand. Under General O'Donnell, however, it had again revived; and the question which he wished to put was, whether any steps had been taken lately, by means of our consuls, to ascertain with whom rested the blame of these recent transactions?

The Earl of CLARENDON said, he wished it were in his power to give a satisfactory answer to the appeal which his noble and learned friend had so eloquently addressed to him; but he was sorry to say that the particular case to which he had referred—though he trusted it stood singly in point of extreme horror and atrocity—was by no means the only case of the kind which had come within the knowledge of Her Majesty's government in the present year. He deeply regretted to say that the slave trade was now carried on to a very considerable extent with Cuba. In relation to the peculiarly fearful case to which his noble and learned friend had referred, our Consul General at the Havana, who was exercising the most energetic and active zeal in his endeavors to check this horrible traffic, reported that, under the penal laws of the island, or, at all events, under the interpretation of those laws by the local authorities, it was forbidden to follow newly-imported negroes into the estates of the proprietors who had purchased them as slaves; so that the slaves, having been once conveyed across the limits of those estates, were secured from being rescued, though their landing might have been under the very eyes of the authorities. The horrors of the sufferings endured by the unfortunate negroes in the particular instance now brought under the notice of their lordships, might at once be imagined, when he mentioned that the vessel in which these 1,300 poor creatures were packed for their long voyage was only of 400 tons burthen. (Hear, hear.) On the way an attempt was made to liberate themselves; in that attempt 200 of them were killed, so that only 1,100 arrived in Cuba, of which number our Consul General, by the most determined and persevering efforts, succeeded in rescuing 600. (Hear, hear.) Her Majesty's ministers had, however, received from the Spanish government the most solemn assurances that henceforth the treaty should be observed, and our Ambassador at Madrid, Lord Howden, has been shown by the late Spanish Secretary for Foreign Affairs a private letter from the present Captain-General of Cuba, assuring him, on his word of honor, that he would act in a manner that should be satisfactory to the British government in this respect. (Hear, hear.) He (Lord Clarendon) would only add that no effort on the part of Her Majesty's government should be spared to check, if they could not wholly suppress, this most iniquitous traffic. (Hear.) He believed that our own efforts would be more effectual than any treaties to this most desirable end, and he had the satisfaction to state that the cruisers which we had placed on the coast of Cuba to intercept slavers had already, within the present year, captured six of these traders returning home with their cargoes of slaves. (Hear, hear.) An earnest appeal had been addressed on the subject by Her Majesty's Ministers to the government of the United States, and he felt quite certain that that government would do its utmost to prevent its flag from being degraded in the manner that had been described. (Hear, hear.)

Lord WHARNCLIFFE paid a tribute to the efforts which had been made by General Concha, the successor of Gen. O'Donnell, to check the slave trade into Cuba—efforts which had reduced the number of slaves imported into Cuba in the course of the year to 5,000.

The conversation then dropped.

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New York Herald
9 June 1853, 7

The Annexation of Cuba by America—The Spanish Slave Trade.

[From the London Times, May 25.]

There are two things in antiquity which, fortunately or unfortunately, as we may happen to view them, have not come down to these times, and are to be looked on as exploded usages or as lost arts. They are gainful wars and profitable colonies. A war, and even a colony, may be ultimately and indirectly advantageous to a mother country, for they may secure peace, confirm possession, extend territory, develope commerce, and increase private incomes. But these objects are almost invariably obtained at the cost of a public expenditure so large that it seems almost hopeless to expect that it should ever be reimbursed by mere indirect results. In ancient times, however, even in mediæval ages, and to this day, in barbarous countries, a sovereign makes war as a merchant would send out his ship, or a farmer till his land, and, if he conducts the operation with proper economy—that is, if he quarters his troops on the enemy, sacks a sufficient quantity of spoils, and can exact a good ransom—he will show you a good balance at the end of the campaign. It has been much the same with colonies or plantations. The early Spanish and Portuguese colonists were thought nothing of unless they brought back twenty times as much gold and silver as it cost to equip them. It required many generations and a frightful amount of disastrous experience to impress on the States of Europe the exact difference between colonizing and buccaneering, piracy, kidnapping, and other employments, which once, as Thucydides says, were gentlemanly employments, and now are not. But of the most complete traditions there will often remain an almost miraculous relic. As the old proverb tells us: "*Parva tamen evaserunt prisca vestigia fraudis;*" and really we have in the world a grand specimen of an old colony. It is no skeleton, no dusty, rotten bones, of a megatherium dug out of the earth, no mastadon feed up on the top of a mountain, no questionable dodo, or unapproachable bird of Madagascar, but a living, vigorous example, familiar, not to say obtrusive. This famous old colony, in what may be called, with a little stretch of chronology, the *cinque cento* style, is the island of Cuba. Yes: Her Most Catholic Majesty still does the thing in right royal style. There is a good annual surplus on the Cuban account; and a pleasant little oasis it is in the prevailing sterility of a Spanish budget. We may be sure there are no mincing modern ways in the management of such a colony. But that is not all. The bold and able man who is so fortunate as to be selected for the Captain Generalship of Cuba, knows the duties of his position. His first duty is to pay good round sum to somebody, no doubt in return for the value received. His second duty is to get reimbursed as speedily and as amply as he can. So, besides other sources of official income, well known to students of history, he has a good round sum of dollars, in the way of hush-money, for every negro landed in Cuba. The whole administration of the island is in keeping with this; and thus in Cuba we have a living instance of the "farm" or "monopoly" so common in former days, and so little understood in this degenerate age.

There are so many difficulties to be encountered, that really it seems by the force of weakness only that Cuba survives to this day in its antique character, as a huge slave *entrepôt*. In the first place, Spain is under a treaty not to allow the slave trade, or the introduction of slaves into Cuba; and, though treaties are waste paper in Spain—if there is such a thing as waste paper in a country where there are neither books nor newspapers nor letter-writing—yet certain British cruisers sail or steam with a copy of the treaty on board, and give no end of trouble to her most Catholic Majesty's slave catchers. Only within the present year, we have captured six of these gentry returning home—that is, to Cuba—with cargoes of slaves; and the importation is not half what it was twenty years ago. Then we keep an ambassador at Madrid and a Consul General at Havana, always agitating about slaves, and keeping up a sort of perpetual "Uncle Tom's Cabin" close to the ears of her most Catholic Majesty and the Captain General of Cuba. But Spain could easily laugh at all this talk, as easily as she laughs at her creditors, but for one awkward circumstance, which gives an adventitious gravity to our remonstrances. Hard by Cuba, almost within sight, there lies a certain power not quite so given to intervention as we are, but quite as sharp at annexation. The United States are open-mouthed to swallow their beautiful neighbor. Young Bacchus lying on the green sward and opening his mouth to receive the flowing grape that some nymph is squeezing into it; Hell, in mediæval pictures, gaping to receive the downward throng of damned souls, does not show a greater appetency for its food than Brother Jonathan, stretched out at his ease and "guessing" the near approach of Cuban annexation. When will the ripe pear drop into his mouth? New Orleans will positively die of thirst or exhaustion if the consummation is delayed much longer. The contemporaries of General Jackson grieve to think that they should die and leave so great a deed to their children. Twice has it been attempted lately, and twice has a cowardly public opinion, assisted by our busy tongues, crippled the expedition and checked the instincts of a generous revenge. But this is rather warm work for Spain, which knows full well the result of a trial of strength with the lords of Florida and Texas. It knows that nothing whatever prevents Cuba from being absorbed in the States to-morrow, except the public opinion of mankind, chiefly as represented by England and the other great naval powers. It is forced to weigh the consequences of a policy which may forfeit this protection.

We have not heard much lately of the "Lone Star" order as the future conquerors of Cuba call themselves; but the incident lately mentioned in our commercial intelligence, and commented on in the Lords on Monday night, leaves little doubt in our minds that we shall soon hear of it again. A vessel of 400 tons the other day managed, in spite of the British cruisers, to land 1,100 slaves in Cuba in open day, and with the cognizance of all the Spanish authorities. They were only the remains of a larger cargo, for 200 had perished in the attempt to liberate themselves. These poor creatures were not even captives in war; they were not purchased from native princes or flying from misery at home; but they had been invited on shipboard on the pretence of some festivity, made drunk, and carried off to sea in the night. Our Consul General at Havana, hearing of the importation, made every effort to rescue them, and did actually recover 300; but more he could not do, as it appears "the laws" of Cuba do not permit the estate of a planter to be entered in quest of newly imported negroes purchased as slaves. The negro once sold and hurried away from the mart or the open beach where the sale is held, and safe over the limits of a plantation, is beyond the reach of laws or mortal sympathy. Such is the so-called "law" of Cuba; and at this moment we know, the Queen of Spain knows, and all the world knows, that 1 300 free Africans were the other day trepanned by Spanish subjects on shipboard, that 200 of them were murdered, and that 800 of them are now undergoing slavery in Cuba, in spite of treaties, and in spite of all our own costly efforts to prevent these barbarities. Now, should such incidents be repeated, the British public will certainly make up its mind to incur no expense in securing to her most Catholic Majesty the possession of an island of which she and her officers make this abominable use. They will not pay a large fleet to prevent Spanish slavers from landing their live cargoes in Cuba, and another large fleet to prevent Cuba from falling into the hands of a rather more civilized race. Should Cuba become one of the United States, it will doubtless retain its slave institutions, but the honor of the whole Union will be pledged to prevent a further importation. Humanity will gain at least that by the change. We may think the act of annexation unwarranted and rapacious, but we shall nevertheless regard it as one of those translations of territory to civilized from uncivilized, which are so frequent as to seem the natural and inevitable order o' things. The British public does not know much about the law of nations, but it does pretend to some acquaintance with the law of nature—at least so far as to insist that no one man shall be the chattel of another, if they can prevent it. Should a question therefore arise as to the possession of Cuba, and the rival claimants, otherwise equal, should differ in this—that one would stop the importation of slaves, and the other would not—the British people will be apt to side with the less barbarous of the two. It would be no inconsiderable inducement to such a conclusion that we should thereby save the expense of two costly armaments—the one employed to prevent the importation of negroes into Cuba, the other to save that island from an American invasion.

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http://www.latinamericanstudies.org/

New York Herald
10 June 1853, 4

Personal Intelligence.

Professor A. D. Bache, U. S. Coast Survey; Madison Rusk U. S. N.; Edmund Marcy, Washington; G. E. Wilett, Caracas; Don Emanuel Minlos, Maracaibo; and Alfred Froush, do., were among the arrivals yesterday at the Metropolitan Hotel.

ARRIVALS.

From San Juan, Nicaragua, in steamship Prometheus—Capt O J Graham, Capt John Tanner, R W Fowler, Col G W White, Loomis L White, United States Consul to San Juan del Sud; D F Keeling, Jules Heydon, Ramon Herram, John Knower, Victor Diejardin, M Salassar, H Bearn, J Malre, W Creighton, John Cooper, W C Scierer, H Gottel, Adolph Delatre, lady and son, H H Doty, John Garston, John Ledon, Mrs S C Bunker, child and servant, R Colcord and lady, A J Hall, Mrs P E Clarke, Jos Wilson, U S N; J D Wilson, J S Freeborn, J A Donaldson, Mrs Mary E Todd and two children, Jas H Stevens, J Porterfield, J S Holt, R N Holt, J A Bearn, Thos Bearn, M H Belcher, Capt H R Green, E Cordie, Rev J H Brayton, Dr Etch, Mrs G Douglas, Mrs H Tarr and son, Capt Jos Ayres, R J Vandewater, N B Topping (Wells, Fargo & Co's express), F Kean, Jos Swift, Jos Stump, lady and son, R H Rose, J Candement, J Lancaster, Capt J Hood (Berford & Co's express), Capt J P Jayne, David Trembley, Reuben Hatch, Adolph Gray, L M Preston and son, H Hawthorn, P W Copal, H P Rabbe, W Roosevelt, Asa White, Thos Hoy, Aarom Armstrong, A Newman, E Duggan, George Owen, J M Rhodes, G Warren, A R Harris, Capt Sweeny, Capt H H Ellis, S M Mansfield and servant, and 250 steerage passengers. Total, 423.

From St Croix and St Thomas, in bark Governor Von Oxholm—Rev Mr Krauth, lady, child and servant, Virginia; A Poten, T Arens, Porto Rico; J H Barrow, lady, child and servant, Barbadoes; J M Gautier, Porto Plata; Mrs T James, three children and servant, St Thomas; David Rogers, Mrs Moore, child and servant, St Croix; C F Adams Jr, Boston; C Lehbert, Princeton, N.J.

From Havana, in bark Isla de Cuba—Pedro Garnsto and lady, Madame Ochundaria and daughter, Miss Amelia West.

From Laguna, in bark Thales—G L De Witt.

From Malanzas, in schr Mary G D. Brown, Boston; G Diack, F Tarr, E Hooper.

From Maracaibo, in brig Addy Swift—Mrs Cadue two children and two servants, Miss Bacon, Mr A Froust, R Mintos.

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New York Herald
10 June 1853, 4

CARAVAJAL LET LOOSE AGAIN.—That enterprising *fillibustero*, Caravajal, lately captured by the United States troops on the Rio Grande, and held over to trial for the alleged infraction of our treaty stipulations with Mexico, has been let loose again. We may next expect to hear of his invasion, with a force of several hundred men, of some of the border towns of Mexico; for at this crisis he will not be slow to perceive that a spark will suffice to light again the blaze of war between Mexico and the United States. Look out for Caravajal next on the Mexican side of the river, with a proclamation of war against Santa Anna. Things are beginning to be quite lively all along our Southern frontiers.

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New York Herald
12 June 1853

The British Policy in Cuba—New Negro Empire on Our Coast.

Will the administration at Washington answer one question to the Cuban people at this perilous moment when England threatens to extinguish them from amid the white nations of the earth, and to leave the place of the central gem of the American circle of States a blot on the map of American progress? The question is simple, pressing, vital, and must be answered. It must be answered promptly and definitely by the United States, for even the error of obstinate silence will be in itself a sufficient and fatal answer.

Does the democracy of the Union concede to England the right to subjugate Cuba to the negroes?

This is the grand, the inevitable question of 1853; and even the silence of this government for a year will be an affirmative, destructive to white nationality in Cuba. The government owes it to its own declared views on the sanctity of American interests from European dictation, to break this silent verdict of death. If there is in the vista of human foresight a period in which the oracular "henceforth resistance to foreign encroachment," shall take its point of beginning, it would seem to be called for at a moment when England claims the right to control the destinies of Cuba in its closest and most eventful domestic relations. We ask the administration to examine her conduct and pretensions, and then make answer to the question propounded.

England made certain treaties with Spain for the suppression of the slave trade; and, under cover of this treaty, Spain has introduced nearly half a million of savage Africans into the island of Cuba, under the term of *emancipados*. England has aided and abetted, and still continues to aid and abet, the introduction of this dangerous foreign element into the very portals of the Union. Will it be said that if the same number of British soldiers were, under any pretext whatever, introduced into Cuba, the United States would see it with indifference?

Yet, by treaty with Spain, and by an assumption which our government has been very remiss in acquiescing in, England claims the guardianship of these African barbarians; and is at this moment openly and urgently pressing upon Spain to give over Cuba to their sway, under the color of that plausible deceit—free, instant and universal equality. The laws of Cuba provide for the emancipation of these Africans long before they will be prepared to govern themselves; and, therefore, this haste of England to come on our side of the Atlantic, and wreck Cuba by this abrupt and disastrous change, is the more overt and criminal. It is without excuse in its attack on the domestic integrity and independence of an American people. Cuba is our sister and friend, entwined in the well being of all the American States with adamantine bonds, of geographical, commercial, and political kindred. Cuba may cease to-morrow to be a vassal of Spain; but no vicissitude of human policy can tear her from her home in the bosom of our double continent, where the hand of the Almighty anchored her, to keep eternal watch and ward over the approaches to our Southern seas and isthmus highways. The statesmen of the past had the wise courage to declare that this priceless key of the Gulf should not be seized by Europe, to become a thorn in the side of the growing Union. Is it not still more antagonistic to the national interest that it should be African? If the uncivilized negro from the Slave Coast is more alien to American interest than the European colonist—if the multiplication of Haytien Empires on our border is more distasteful than Canada or Texas—the threatened Africanization of Cuba is a more dangerous infringement of the American declaration against foreign encroachment than any circumstance which has occurred during this century.

If this do not justify distinct explanations with England and Spain, we are forced to conclude that the much promised "henceforth" of American protection has receded far into the distant and invisible future.

If the systematic creation of an African State, under the broadest ostentation of an official British protectorate, at the most delicate and dominating point of our entire coast, be not a foreign encroachment, we would pray the administration at Washington to define what is to be understood by the term.

Is not the army of African savages which England and Spain have managed to lodge within three or four days steam of a coast range of two thousand miles, ready to be cast in a desolating flood on any of our unprotected towns, from Chesapeake Bay to the Bravo river, and which they are constantly re-enforcing with fresh recruits from Africa, and which England avows it is her plan to encourage, in one form or other—is not all this a threat and an injury to American interests? When a rival power prepares a missile like this to launch into the bosom of another nation, it does not ask what becomes of the fragment of the shell. It it explodes with sufficient force and carries a wide destruction around, it has done its work—it has paid for itself, and may be forgotten. But where is the wisdom of the people who suffer such implements of mischief to gather around their hearth stones?

These African importations are formally under the protection of England, and every thousand that she helps to plant in Cuba is another regiment at her disposal; and if this steady formation of an alien and hostile force on our borders is not a dangerous and unwarrantable foreign interference, it is difficult to imagine that any thing can be, short of a direct and downright war on our coasts and commerce.

The chief magistrate of the Union declared on taking the reins of State—and the whole nation endorsed it with enthusiasm—that the propagation of foreign colonies on the borders of the Union was "inadmissible." Can there be any foreign settlement so opposed in every sense to the peace and well being of the American confederation, as a colony of uncivilized blacks, near to us, strong in number, and fostered by a great maritime power, such as that which, through our neglect, England may, at any hour she wills, present to us in central, commanding Africanized Cuba?

England has proffered the issue in announcing her policy of African importation and preponderance in the West Indies; and now the administration of the United States is appealed to and asked to disdain the evasion of silence, and come forth in the manly truth of a yes or no to these grave anti-American assumptions.

Robado del Archivo del Dr. Antonio Rafael de la Cova
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New York Herald
[illegible] June 1859

Personal Intelligence.

The following distinguished persons arrived at the St. Nicholas Hotel, yesterday:—Earl of Ellesmere, Countess Ellesmere, Lady Alice Egerton, Lady Blanche Egerton, Hon. Algernon Egerton, Capt. Hon Arthur Egerton, Sir John Acton; Captain King, Royal navy; Lord Gilbert Grosvenor, all of England. Also, Chief Justice Knox, Demarara; Capt. E. Burnside and lady, U. S Army; Hon. Judge Nicholson, Tennessee; Hon. H. M. Watterson, do.

DEPARTURES.

For Liverpool, in the steamship Atlantic—Mr and Mrs Jno Wiley, F Armenteros, A Bayo, Mrs Calvo, daughter, three children, Havana; W W DeForrest, New York; Hon J L Taylor, Ohio; H Roosen, Hamburg; M Tobin, England; W H Osborne, Judge A J Parker, Albany; T M Parrish, Louisiana; H d'Oleris, Mexico; E Leinguis, Denmark; Mr and Mrs Roach, David Roach, Mr Cocks, Natchez; A Schanck, New York; Rev J Kelly, Jersey City; E Kelly San Francisco; J M Buchanan and son, Baltimore, J M DeIngoyer, Spain; Mr and Mrs Augustus Braham, England; M Pinnie, Gen Peter Gansevoort, Albany; J R Platt, Mrs Dr Delafield, New York; M J Altman, Jamaica; Mr and Mrs Frellsen, North Carolina; Mrs Adams, Mr and Mrs S B Day, L P Maxwell, H Hughes, H Valeton, New Orleans; A Dodworth, E Kingsland, T Negus, S J Eastman, Miss M E Jennings, Mr Whitewright, Jr, New York; I Marx, D Steeneken, Alabama; H J Roberts, A McCallan, Philadelphia; J Wilson, New Orleans; W Keyl, Jamaica; S Penasco, Spain; W Weston, South Carolina, P Dator, Mr Ducouvreau, Mr Jackson, New York; Mr and Mrs F Barnum and child, Baltimore; Mrs and Drs A Montgomery, New Orleans; Dr and Mrs Perrian, New York; Mr Reynolds, England; Dr and Mrs R P Dunt, Louisville; two Misses Elliott, W Elliott, Charleston; Mr and Mrs J Gilmore, Cincinnati; H Chapman, Miss Chapman, Philadelphia; Mr and Mrs F De Arrangoiz, five children and two servants, Mexico; G G Gray, Mr and Mrs C D Van Wagener, Miss Van Wagener, New York; Mr and Mrs A M Kimber, Misses W A and S Longstreet, Miss W H Mitar, Mr and Mrs A Comstock, Miss A Comstock, Mr and Mrs A J Bleecker, J Bleecker, Mr and Mrs S E Lyon, New York; E E Jenkins, Charleston; E A Shiff, New Orleans; E J Donnell, Alabama; three Misses Morris G Ken, Balt; E P Johnson, Lexington; H B Hayden, Connecticut; Miss M T Tocomal, C Tocomal, Chili; Mr and Mrs H J Sharpe, New York; E Etherain, R N Solan, Chili; Col. and Mrs Ross, three children and nurse, Peru; L Larrain, Gandaullas, Chili; R K Swift, Chicago; J Q Clark, E and S Thorn, J S Kendall, New York; Mr and Mrs McLaren, Mobile; G Opdyke, Miss Opdyke, Mr and Mrs J Waterman, two Misses Waterman, Mr Waterman, Philad; O Thenett, C Ralli, New Orleans; S Vivian, New Jersey; E Kroeppfeflen, Miss Fitzpatrick, England; Rev and Mrs Wm Macluro and two children, missionaries, of Bahamas; A and J Wolf, C Bruno, New York; M Dujardin, France; W Tait, Alabama; D F Tiernan, C H Shahan, J P Graves, Esq, bearer of despatches, A O'Leary, bearer of despatches to Turkey, W Prun, S F Conner, New Orleans; S Handriell, Jamaica; E Thorn, New York; M H Navana, S Calderon, Spain; S P Harrison, New Orleans; Mrs Levert and daughter; Colonel Walton, S G Hosmer J P Seagriet, R B Cocker, New York Mrs Conrad, Mr and Mrs Rieon two children and servant, North Carolina; J Hoguan Alexander Mandez, Trieste; E Elimyer, Georgia; Mrs Layton, New York; G Barrett, Mrs Barrett, two children and infant, England; Otto Gothael, bearer of despatches to Germany; G S Hall, West Indies; G Alleg, Canada; Miss S E Laroche, France; Mr and Mrs Martin, child and servant, England; J McIntosh, Jr, Georgia; A Granby, New Jersey; S R Penwick, Paris; J E Schroeder, Germany; D L Livingston, South Carolina; F Von Gerhard, Germany; D Ames Jr.—Total, 201.

For Havre in the ship Germania—Mr Wm Hall and lady Baltimore; Mr P A Lacoste and lady, New York; Mr John White, New York; Mr E B Colwell, South Carolina; Mr H Brieugne and party, New Orleans; Mr Tufts and son, New Orleans; Mr Frebour, France; Mrs [illegible]ebour, do.; Mrs Bechet, do.

For Norfolk, Petersburg and Richmond, in the steamship Roanoke—Edw W Burrell, W G Tuttle, P L Perkins, G L Moore, H Y R Brown, Jno C McPherson, J Benford, Wm H Godfrey, C H Edwards, Mr Cooper, T A Canfield, E A Steele, J A Scott, Miss C Poe, Miss D C Miller, J C Miller and lady, H Dabney, S W G Smith, S Fletcher, Miss E Fletcher, Miss J Fletcher, Mrs Bell, Miss Henderson, A J Waters and lady, Jas Kenney, Jas Brown, Jas Oatwell, Mrs Oatwell, D C McGregor and lady, A B Stoddart and lady, Mrs Wm McGregor, Miss Jane McGregor, Robt Speyer, Miss L Storry, Miss Spair, Mrs Dr Davies, Mrs Voorhies and daughter, M Voorhies, Miss Wolfare, Miss Sweeny, C W Ellmore, Mrs Wolfare, Miss Cocke, Jas Oakley and lady, C Pynes, J P O'Neill, C Marceau, Mrs Green, Robt Forsight, and 88 in the steerage.

For Savannah, in the steamship Alabama—A S Rikeman, Mrs Elliott, Miss Elliott, Mr Mackey, Henry G Wheeler, Amos Davis, E Stafford, J C Brown, R J Larkin, Miss Jane M Champion, J C Higginson, Jas Alexander, D C Spaulding, J Gammell, Frank L Kendall, Chas Wilson, John Pattison, Jas De Martin, Miss W Klatts, and 20 in the steerage.

For Charleston in the steamship Marion—J G de Angaria, W H Stark, A J Summers, Mrs Stark, Robert Protheroe, Miss J Stark, Wm Currie, Miss A Stark, Captain Lang, Miss B Stark, Alex Delisser and lady, Geo Delissor, Miss C Delisser, W Gardiner, Miss L Delisser, G Robinson and lady, Miss R Delisser, F M Ketchum, D S Boutel lady and two children; B D Chapman, J Lee, Captain Richardson, J H Thorp, A G Rudd, J Chesborough, S L Wood and lady, Miss A Langdon, Thos A Whipple—and 22 in the steerage.

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New York Herald
14 June 1853, /

From Washington City.

THE CLASSIFICATION OF DEPARTMENT CLERKS—NAVAL DANCING ACADEMY—RUMORED FILLIBUSTERISM, ETC.

WASHINGTON, June 13, 1853.

The examination of clerks, preparatory to a reclassification, continues. It has been confined principally to the Interior Department hitherto, but to-morrow will be commenced in the Third Auditor's Office, Treasury Department.

Ex-Governor Parks of Maine, and Beals of Wisconsin, are in town.

Amongst to-day's rumors is one that the Navy Department design to institute a professorship of dancing in the Naval Academy—that accomplishment being looked upon abroad as essential to the interchange of civilities.

Another rumor is, that advices have been received of fillibustering movements at New York, which promise rich developements.

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New York Herald
14 June 1853, 4

The British Parliament and the Cuban Slave Trade.

From the tenor and drift of the debate in the British House of Lords, which we published yesterday, it is very evident that Her Majesty's government intend to make the suppression of the African slave trade with the island of Cuba, a serious matter. Thus far the Queen Mother, Christina, and her agents in this piratical traffic, have laughed at and defied all remonstrances and complaints against them, and their open violation of the law which makes Spain a party to the declaration that this African slave trade shall be considered and treated as piracy. Now, the Queen Mother is admonished that unless this piratical business is stopped in Cuba, in the event of any misunderstanding between Spain and the United States, putting in jeopardy the Spanish sovereignty of the island, England will be disposed to remain neutral, and to permit quietly the absorption of Cuba by Brother Jonathan.

The probability of the immediate strengthening of the British fleet of observation around the coasts of Cuba, gives a peculiar pungency to this debate of the British Lords, and places the slave trading monopoly of the Queen Mother in a very delicate and critical situation. A bonus of twenty-five dollars each, more or less, upon twenty-five thousand African slaves landed, upon an average, every year, in Cuba, is something to lose, but nothing to the danger which this abominable traffic incidentally threatens, of the loss of the brightest jewel of the Spanish crown. In this view, perhaps, Queen Isabella and her cabinet will take the alarm, and put an end to this traffic, even if it shall require a direct indemnity from the treasury to cover the losses of the Queen Mother's slave-trading perquisites. We can hardly believe that at this crisis, the government of Spain, in open defiance of law, will sacrifice the friendly inclinations of England in reference to Cuba. The recent overtures of England and France for a tripartite treaty with this country, for the permanent retention of the sovereignty of Spain over Cuba, show that John Bull is somewhat jealous of its possession by the United States; but his position upon the slave traffic betrays upon that subject the consistency of a resolute fanaticism, before which all other considerations of State policy must give way.

And thus it is that the peculiar philanthropy of England on the slavery question, may ultimately redound to our advantage in the acquisition of Cuba, unless Spain shall promptly succumb, and, *bona fide*, put an end to the African slave trade with the island. And thus the issue between England and Spain becomes exceedingly interesting to all concerned.

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Our Havana Correspondence.

HAVANA, June 8, 1853.

Rumors of Insurrection—Official Scheming—The Captain General's Conduct in Reprieving the Political Prisoners Approved by the Queen—The United States Consulate at Havana—The Government and the NEW YORK HERALD.

In a country like this, where the press is gagged to such a degree that only those things which the government please are permitted to be made public, it is a matter of great difficulty to arrive at the truth of the many alarming rumors which are constantly floating about. For the last few days everybody here has been on the *qui vive* in consequence of a report having got abroad that a serious disturbance had broken out in the *Vuelta de Abajo*, and that General Lavallette, the commander in-chief, had gone in person to quell the insurrection; and as, doubtless, some exaggerated account of what is supposed to have happened, will be transmitted hence to the States, I think it proper to inform you of the real circumstances which have given rise to the rumors above alluded to.

During some months past, the Lieutenant Governor of a western department, under the pretext of diverting the minds of the people, had promoted certain classes of amusement, under cover of which he carried on such an immense scheme of gambling that his wicked doings at length reached the ears of the Captain-General, who, upon making further inquiries into the matter, found it necessary to send a commission, which has resulted in the arrest of the Lieutenant Governor, the Commandante of Cavalry, and several others, all of whom have been brought to Havana, and are at present confined in the Moro. You will perceive from this, that there has been no disturbance of the public tranquillity, but, as every little circumstance, however trivial, which occurs in this country, is immediately shrouded in the greatest mystery, instead of being at once made public through the press, it is not to be wondered at that these poor people should see mountains in molehills, and be frightened at mere shadows.

The Captain General having informed the Supreme Government at Madrid that he had carried out the instructions he had previously received, to pardon the lives of the political prisoners recently condemned to death at this place by the Military Commission, has just received a despatch to the following effect:—

EXCELLENT SIR—Having acquainted her Majesty of the contents of your Excellency's letter, dated the 7th April, in which, with reference to that addressed to the Minister of War, No. 477, informing him of the confirmation of the sentence pronounced by the Military Commission, in the process of the Vuelta de Abajo conspiracy, and of the modifications which it was found convenient to make in the same, submitting for the sovereign approbation, in conformity to the power which, in such cases, was conferred by the Royal order of the 13th March last past, adding also, that, besides the above, the suspension of the execution of two of the condemned criminals upon their arrival at the foot of the scaffold, invoking the august name of her Majesty, whose clemency it was hoped would be obtained for them—the Queen, our august lady, always ready to use her regal prerogative in favor of those who repent their follies and implore her clemency, has been pleased to approve the suspension of the execution of the four criminals who are sentenced to death, commuting that to ten years *presidio* at Ceuta, at which place they are also afterwards to be retained. Her Majesty likewise approves the other modifications of which your Excellency makes merit. By royal order I communicate this letter to your Excellency, for your information and consequent effects. God preserve your Excellency many years. Madrid, May 3, 1853.

To the Captain General of Cuba. LERSUNDI.

All which his Excellency the Captain-General orders to be published in the *Gazette*, for general information, and especially for the satisfaction of the families of those sentenced to death, viz: Don Juan Gonzales Alvarez, Don Francisco Valdez, Don Manuel Hernandez Perdomo, (son of the Count of Villamar,) and Don Luis Edwards del Cristo, whose salvation from the sentence indicated is due to the innate clemency of her Majesty the Queen, our Lady. Havana, June 1, 1853. (Signed)

PEDRO ESTEVAN.

Ten years presidio, "con retencion," (that is for life) at Ceuta! Verily, verily, it is but a "poor satisfaction" for their families, and naught but the hope of escape would prevent the condemned from at once committing suicide, rather than undergo the horrors of that worse than Siberia, hell upon earth, Ceuta.

The following official notice, like the foregoing, you will find in the government journal:—

"His Excellency the Governor, Captain-General, has been pleased to authorize Mr. William H. Robertson during the absence of the United States Consul for this place, to despatch the business of that consulate, as *simple agente commercial*—simple commercial agent—which order his Excellency announces through the *Gazette* for consequent effects. (Signed.)

LORENZO DEL BUSTO, Political Secretary.

The publication in the HERALD of a certain correspondence, which appears to have taken place between the Spanish and English governments, respecting the slave trade in Cuba, has had a smarting effect upon these officials, inasmuch as it has drawn from them a reply through the columns of their usual organ, the *Diario de la Marina*, which it is intended should throw discredit as to the fact of the correspondence having taken place, and which they would fain have us believe was a subject worthy only of their smiles. Beneath this apparent contempt, however, you will easily perceive that the publication of that correspondence has galled them to the quick, and there is no doubt that the shame which this exposure has caused them has gone a long way to produce the ostracism which is now being exercised by the higher authorities, to investigate and bring to justice the parties concerned in the numerous and disgraceful landings of slaves, which have been effected within the last few days, under circumstances of the most glaring impunity.

The miserable inhabitants of Galicia, in Spain, being in a state of starvation, Gen. Canedo has ordered subscriptions to be raised throughout this island, to relieve the necessity of those worthy people.

HAVANA, June 8, 1853.

The Herald and the Spanish Official Authorities—The Slave Trade.

I have read with great interest the correspondence published in the HERALD of the 21st ultimo, purporting to be communications which have passed between the British and Spanish governments, relative to the constant and scandalous violations of the treaties for the suppression of the slave trade, as it is notoriously carried on in this island of Cuba. I am not at all surprised that Lord Palmerston should have found it necessary to address the government of Spain in the harsh and threatening language which he has made use of in those despatches, because, even during the short time I have been sojourning here, I have seen sufficient of the glaring rapacity of the Spanish officials, in regard to the slave trade, as to have induced me speedily to come to the conclusion that so long as Spain retains the island of Cuba, not all the threats or remonstrances of Lord Palmerston and the British government will have the slightest effect in producing any change in their established policy, and the introduction of slaves from Africa will be secretly permitted and connived at to the end of the chapter, so that the sooner the British government make up their minds to turn the vast sums of money which they annually expend in their fruitless efforts to induce Spain to become honest and abide by her treaty obligations, to a more useful purpose, the better for them; because, in the words of an old Catalan well known in Havana, and whose long experience in the affairs of Cuba entitles him to be listened to with consideration, "It is nonsense for the British government to expect us not to engage in the slave trade. In the first place (as General Concha the other day almost let the secret escape) it is fully sanctioned by the court at Madrid; then the Captains-General, who come out here, like the *employés* in the States, are generally men in needy circumstances, willing to run the risk of yellow fever and all the other ills which Europeans are liable to in this country, in the hope of making in as short a time as possible a fortune with which to return to Spain; and the temptation of two or three thousand ounces of gold—except, perhaps, with such honest men as General Concha—is too great for them to resist, and once having taken the bribe it is not difficult to follow the same course. You know," adds my old friend, "the more niggers imported the less chance there is of those rascally creoles obtaining their independence, because the enormous majority of the colored over the white population will always, so long as that relative proportion exists, keep the Creoles in awe, and prevent them from following out their schemes for freedom and annexation."

This same old pirate very coolly informed me that there were few of the expeditions to Africa that he didn't have an interest in, and regretted exceedingly that the notorious Lady Suffolk, which it is stated has recently landed 1,160 slaves to windward, had sailed before he had an opportunity of taking a few shares in her adventure.

I reported to you, some time ago, that, counting upon the facilities which would be afforded them under General Canedo's government, perhaps more especially under the influence and protection of the officials, whose duplicity was notorious, great activity existed among the slave traders, and that many expeditions had been fitted out for the coast of Africa, from this and other ports of the island, as well as from Spain and the States. These people, judging correctly that at this season of the year, as proved to be the case, the British cruisers would be required to protect the fisheries, and that, of course, they had nothing to fear from those of Spain—for who ever heard of a Spanish cruiser capturing a slaver—calculated their time to a nicety; inasmuch as that, there being but one or two foreign cruisers now on this coast, several vessels, within the last eight or ten days, have arrived, and landed their cargoes of wretched slaves without the slightest opposition or molestation on the part of the Spanish officials.

Upwards of 970 slaves were landed at Bailen, on the south coast, a few days ago. They were brought on shore in launches, and marched publicly through the town, to an estate a few miles distant, called El Valle, where they were divided amongst the parties interested in the expedition. My informant, who was present at Bailen when the vessel arrived says, that after the negroes and stores, &c., were landed, the ship was set on fire, and was still burning when he left, the day following. It was well known that the authorities stationed there had received large considerations for their connivance in this affair, and it is a matter of public notoriety that several other cargoes are daily expected in the same neighborhood, belonging to a Brazilian company.

The particulars of the cargo recently landed near Matel, to the westward, as well as the 1,260 from the ship Lady Suffolk, I shall reserve for a future communication. In the meantime, the tapacity of the owner of the Lady Suffolk, has been the cause of his suffering a severe loss. I understand that, having introduced some newly imported Africans on his estate, the cholera has broken out among the negroes, who are dying like rotten sheep.

OBSERVER.

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New York Herald
15 June 1853, C

VERY LATE FROM CUBA.

The News by the Isabel—The New York Herald and the Spanish Official Organ—Our Havana Correspondence—Moro Slaves Landed, &c., &c.

Our advices from Havana, by the Isabel, at Charleston, are to the 8th instant inclusive.

The following are the principal premiums drawn in the Royal Lottery, at Havana, on the 31st ultimo:—

20 502, $30,000; 5,890, $20,000; 1,089, $12,000; 34,898 $9 000.

18,423, 20 071, 26,231, 37,027 35,587, each $2,000.

1,019, 14 746, 16,504, 19,461, 21,698, 30,410, 34,645, 30,790, 38,968, each $1,000.

528, 587, 8,608, 8,994, 12,228, 12,449, 12,498 20,004, 27,621, 30,107, 31,285, each $500.

The correspondence with respect to the slave trade in Cuba, which we published in the HERALD of the 21st May, between Lord Palmerston and the British Minister to Madrid, seems to have aroused the terrible ire of the *Diario de la Marina*, which vents its anger in the following editorial on the subject, in its issue of the 5th June:—

The HERALD, of New York, is a journal foul under all conceptions; and we should not stoop to impress so hard a qualification of it if it proceeded only from its political doctrines or aspirations, opposed as they might be to ours, or indefensible as they might appear in our eyes. Commonly, the absolute want of doctrine, the total absence even of shame, in its management and writings, is the cause of its enjoying that well-deserved reputation it has, and of which we are now but faithful interpreters.

Assaults from such an enemy have only to be contemned; and if it had, some days back, the vileness to say that it detested the Spanish government, we feel that we could not pay it back in any other coin than that of contempt. Even the malice with which it toiled some time since, to misrepresent the relations of Spain with her allies, and to sow discord by gleaning up old documents, cannot cause us aught more than laughter; and charity moves us to warn it that the time which it thus spends is so much lost time. Subsequently to those matters of which the HERALD speaks, certain people might have had proofs positive, and for them too unmistakable, that affairs neither ran, nor will run, in the manner they desire.

But if we will give no other reply to the HERALD, there are not wanting in the neighboring nation blinded persons to whom we might offer some observations directly connected with their own advantage. The weapon which they use to-day to wound Spain is a two-edged weapon, as dangerous, or rather more so, for those who clutch it or exercise it imprudently, as it is for those against whom it is directed. In the very journals which misspend their time in such puerilities, there was published the splendid reception given to the authoress of "Uncle Tom's Cabin" by the English aristocracy, and the pompous ceremony with which was presented the address confirmed by more than five hundred thousand ladies, attacked by a chronic and severe philanthropy. There were the flower and cream, not only of the duchesses and even the dukes, but also of the members of the cabinet, *in propria persona*, namely, Lord Palmerston and Lord John Russell. Would our Southern friends, including the Memphis Convention, body and soul, laugh if we might draw some deductions from this? Laughter would in such a case be forced, or very stupid, when the fanatic party is stirred up at home, and when the free soil doctrines give indications of springing up again in the Northern States, with a vigor which begins to raise alarm in the minds of all discreet men.

The position which Spain occupies in the matter and the relation which flows therefrom with respect to the neighboring nation, are matters which we exposed with all clearness a short time ago—taking for text the nomination of Mr. Soulé. Apart from all blind hostility, even as much as it is attributed to us, we did not hesitate to declare how desirous we were to live on a footing of cordial friendship with the United States, so long as intolerable aggressions did not incite us to adopt an inimical course. The vast and profitable movement already existing between both people, the increase of which is so much promoted by the contiguity of their ports and the diversity of their products—an intercourse so easy to follow out with mutual advantage as long as it is sheltered by good faith and with equal confidence—does not, in our eyes, weigh so much in the balance as the indubitable community of interests which, under a certain aspect, reigns between us, and which appears to counsel a solid alliance. But in passing, let us also recollect that, for the sake of honor and of vengeance, the Spanish nation is capable of making the most unheard of sacrifices, and that this sacrifice may be as grave for us as for those who are our declared enemies. The theme which the HERALD endeavors to make use of is therefore a two edged implement, and southern men, including the famous Memphis convention, might do well to stop a little and consider what their own well-understood interests advise them. The remedy of their domestic evils is much mixed up with the political questions of the day, and even the crisis which Mexico is hastening requires to be studied and considered before they fix upon a system of conduct, with a full knowledge of the cause.

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New York Herald
15 June 1853, 2.

[Correspondence of the Charleston Courier.]

HAVANA, June 7, 1853.

The weather, which when I last wrote to you, was suffocatingly warm, is now much refreshed by heavy rains, which have fallen in our vicinity. In Havana, we have had but a few slight showers. I have heard of several deaths by yellow fever, amongst persons surrounded by comfort, and with the means of procuring every requisite attention; and these deaths have been after a very brief illness. This would prognosticate rather a fatal year to new-comers. Natives of Havana, and even foreigners who have resided in the city over seven or eight years, never fall sick of this fatal disease; however, persons from the interior often die of it on coming to town, and even the people of Havana are not exempt from it if they have resided out of the city for a length of time. In Matanzas, the smallpox is rather fatal. Of the cholera in the country I have heard nothing during the last few days.

An eclipse of the sun was announced to take place at 2½ P. M., on the 6th instant; but clouds eclipsed both the sun and the earth's shadow so that we saw nothing of it. It was rather dark at the time mentioned, but that might have proceeded from the heavy clouds which obstructed the sun's rays.

In the way of news of a local description, the papers speak of the bull fights—past and future—of concerts and comedies—none of which amusements offer to me any attraction; the first on account of its barbarity, the latter on account of its mediocrity. The concerts, which are by amateurs, are very good; but the same voices, year after year, at last fail to attract.

Some surprise and excitement was created last week by extra trains on the railroad being ordered by the government to be ready at a moment's warning. Of course it was expected that they had landed. Conversation became brisk in whispers, some faces became long, and others brightened up with hope. I must confess that my own blood did circulate more rapidly than usual, but remembering the orders of our old colonel, I never fire until I can see the whits of the eye of my object. Therefore I slept quietly on the report, and in due time found out that the boys that were landed were not from thar, but from Africa, and that the trains were for some officers sent to see the Lieutenant-Governor do his duty; however, none were taken, in fact 1,000 doubloons laid in the way as a stumbling block, and with money here everything is done and everything obtained; neither virtue nor honor can withstand it, and false swearing may be procured with it at an easy rate.

The number of shipments from Africa have been very great, and many have already been the arrivals here of negroes, but as your readers, in all probability, are not particularly interested in hearing details especially as they might not be favorable to all their friends, I merely hint at the subject.

Another subject that has been calling much attention, is the present state of Mexico, and the attention Spain has taken in regard to that country. It is said that some of the vessels of war that have left our harbor have gone to Vera Cruz. We are anxiously awaiting the arrival of the British steamer, for much time cannot transpire without some great event taking place in that country, and, perhaps, Spain may be drawn into the vortex of destruction.

The arrival of the United States steamer Vixen, from New York, created some curiosity. I hear that she has visited us for the purpose of coaling, and proceeds to Pensacola.

Both the British steamers are out cruising, and in the harbor are three war steamers, one frigate, and one brig of the Spanish navy.

Large numbers of our people are leaving by every steamer for the States, some for change of climate, some on business, and others to see the sights in New York.

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New York Herald
16 June 1853,1

THE GREAT SOUTHERN CONVENTION AT MEMPHIS.

Over One Thousand Delegates Assembled.

FULL REPORT OF THE FIRST AND SECOND DAY'S PROCEEDINGS.

Speeches of Hon. William C. Dawson of Ga., Hon. John Moore of La., Right Rev. Bishop Otey, Dr. Quintard, &c., &c., &c.

REPORTED EXCLUSIVELY FOR THE NEW YORK HERALD.

We present our readers with a full report of the first two days' proceedings of the great Convention which assembled on the 6th inst. at Memphis, Tenn., which we preface with the following interesting letter from our special reporter. This letter we should have got two days ago, but, owing to some unaccountable delays, it did not reach us till we received the report of the first and second day's proceedings. The HERALD is the only paper which publishes a full and accurate report of the Convention, the delegate from this office being the only representative of the press on hand, qualified to report their proceedings' verbatim:—

SPECIAL CORRESPONDENCE OF THE NEW YORK HERALD.

MEMPHIS, June 4, 1853.

The great Southern Convention, which commences its session on Monday next, the 6th inst., has filled Memphis with its delegates and strangers. Already every hotel in the place is crowded; every nook or corner, which might be rendered fit for sleeping in, has found an occupant. Delegates and strangers wander through the place, endeavoring to procure for themselves some "local habitation," and "the cry is, still they come." It is impossible, at present, to say what will be the number of delegates present at the opening of the Convention, but appearances indicate that the assemblage will be one of the largest, as well as one of the most important, ever congregated in the United States.

This Southern Convention is the result of various influences. The great advances made by the Northern States in promoting their commercial interests, by railroads and inland navigation, have aroused the jealousy of the southern States, which, equally favored by nature as the North, in everything that tends to produce wealth, are yet, in artificial aids, far behind the north. While the South has been dormant, the North has been busily at work, threading her entire domain with railroads, and, by this means, withdrawing from the South her commerce, and turning her, as it were, into a mere agent for advancing Northern interests. The productions of the great West, which once rolled down the waters of the Ohio and Mississippi, enriching the Southern cities, is now borne along the northern borders of our nation, and this Western portion of our Union now empties its golden harvest into the American metropolis, New York. This revolution has been affected within a short period by the Northern railroads, which have, as it were, tapped the great Northwest, and to-day the amount of freight carried, and the price charged for its transportation through the Western rivers, is nearly one hundred per cent less than it was five years ago.

The importations of our country, under existing affairs, are also no less advantageous to the North than the centralization of its exportations. New York being the national commercial depot, draws to her wharves the great bulk of foreign products, and from her the West and South have been compelled to receive these products, paying upon them importers' profits, jobbers' profits, double shipping, storage, and other incidental expenses; so that the retail merchants cannot afford to sell at a less rate than one hundred per cent over the original cost of the importer, and realize a profit. It is estimated that no less a sum than twenty millions would be saved to Southern consumers by a system of direct trade.

These superior facilities of the North consequently rob the South of its capital, which is absorbed by the North, and in addition, Northern banking capital realizes a profit four or five times greater than Southern. New York and the North are consequently growing richer, and the South becoming more and more her dependent.

Another of the great causes which, in connection with the foregoing, has called the South to the defence of her interests, is Northern abolitionism. While she has looked upon their gradual innovation upon her trade, swallowing up the very fountain of her wealth, she has also beheld associated with it attacks upon her private institutions, while even the sanctity of her laws, and the respect due her as belonging to the same great commonwealth with the North, have not been sufficient to render the property of her citizens safe against the schemes of Northern fanatics. Under these circumstances, it only remains for the South to develope her own power and resources, and to relieve herself of her growing dependency upon the Northern States. With this end in view, this Convention now assembles; and by a concert of action among the Southern States, they intend to reap the rich harvest of industry and interprise, and render themselves commercially, financially and socially independent. What means shall be employed to accomplish this end, is now the question which the Convention is to decide. It is the opinion of some that it will have no immediate practical result, but its effect will be merely to put the ball in motion for the future developement of the power of the South. But by far the largest majority of the delegates to this Convention think that it will effect an immediate revolution in the trade of the whole country, and not only benefit the South by the measures the Convention will adopt, but the whole Union. The one grand object which the Convention will strive to effect, and which it is thought will create this almost immediate revolution, is the building of the Pacific railway. All other objects are considered subservient to this, or as a natural consequence, in the event of the consummation of this one grand national scheme. A proposition will be made in the Convention, to devise some means to enable the Texas Central Railroad, of which General Memucan Hunt of Texas is President, and the Hon. R. J. Walker, Vice President, to construct their road, the completion of which will connect Charleston on the Atlantic and San Francisco on the Pacific, with a direct trans continent railway. The reasons which will be urged in the Convention in support of this measure have never before this been made public. It is stated that the credit belongs to General Hunt of being the originator of this grand scheme. Upon a survey of the map delineating the various railroads through the Western States, either in progress of construction, or chartered, we find that Fulton, on the Red river, in the southwest corner of the State of Arkansas, becomes a focus of railways, stretching its iron arms toward every portion of our Union. These roads are as follows:—The Trunk road, extending from Galveston to Fulton, a distance of three hundred and fifty miles; from this road a branch leads to Opelousas, south of the centre of Louisiana the Vicksburg road, running from Fulton to Vicksburg, on the Mississippi, and there connecting with the line of railroad direct to Charleston, through the most Southern States; the Gains landing road, running from Fulton to Gains-landing, on the Mississippi, being the nearest point to Fulton on this river. The Memphis branch, running from Fulton to Little Rock and thence to Memphis, on the Mississippi, and there also connecting with railroad direct to Charleston; the Cairo branch, an offshoot of the St. Louis road, running to Cairo, in the south of Illinois, and there connecting with a road extending north through the centre of that State, or, taking the Ohio river, and the Wheeling road, have a direct route to Baltimore; and finally the St. Louis road, running from Fulton to Little Rock, thence to St. Louis, and there intersecting with railroads through the Northern States direct to New York city. These roads have all been chartered, six sections of land have been granted by the government to each, thus ensuring their construction, and two, the Opelousas and the Vicksburg, have already been commenced. Thus we have seven roads verging from Fulton, each one completing a direct route through our Union. That these roads should terminate at Fulton is but natural; all of them were made depending solely upon the commerce of our Western States, and at the time of the organization of each, not one had any conception that the whole of them were forming such a grand centre from which should start the great Pacific road. The honor of being the first to discover this advantage for advancing this great enterprise has been reserved to Gen. Hunt. The State of Texas has granted to the Texas Central Railroad eight sections of land, of 640 acres each, per mile, and this company has entered into arrangements with thirteen of the most wealthy and influential citizens of San Francisco that they should construct a road from that place to the Western Colorado, to meet and intersect with the Texas Central, if they are successful in establishing their road. Thus it appears that the Texas Central Railroad Company has with them every advantage of interior communication with other roads, of locality, and of climate. It proposes to run through the El Paso del Norte, and by our treaty with Mexico it has the privilege to run through any part of the territory of that government, which may lie in the course of the road. This then will be the great project of the Convention, namely, to enable the Texas Central Railroad Company to build from Fulton to the Western Colorado. The course which will most probably be pursued in the Convention will be to draw the attention of the directors of these various roads terminating at Fulton to the great advantages accruing to each of them by an intersection with the Texas Central; and when they perceive the almost self-evident fact, that such a road would be the very soul and essence of their own prosperity, they will be easily induced to lend their assistance in effecting loans for its construction. The only opposition the Texas Central has, is the scheme to extend the Pacific road through Fremont's pass and run it to St. Louis. This scheme, however, is supported only by Mr. Benton, and probably it will never be suggested in the convention, while on the other hand the Texas Central has strong supporters from nearly every State, and will be pushed forward by private influence even from Indiana and Illinois. These are the indications upon which we base the assertion, that the construction of the Pacific Railroad may now be regarded as a fixed fact. And through the aid of this enterprise the Convention is to effect the immediate practical results which the more progressive of its delegates expect to realize. What would be the effect and advantages of such a road, it is now impossible to calculate. It immediately makes Galveston, Charleston, Baltimore and New York the great national exports, thus (as one of its natural consequences) effecting one great object of the South, which is to receive its share of commerce at the expense of New York. By opening the avenues of trade, it stimulates industry and agricultural pursuits, emigration pours into our Western domain, and in less time than it takes to construct this road, our nation will have doubled its exports. Commerce immediately will open the gates which now, on account of distance, lock in the riches of the Indian; from San Francisco her hands will reach to the most distant seas, her steamers will line the shores of the Pacific, creating a continual demand for the coal of our Eastern States; and by this consumption, turning those inexhaustible beds into as many mines of gold. Manufactories will spring up in every portion of our land. The thousand cataracts that now idly bound along our streams will be made the useful and profitable agents of labor, and the noise of their waters will be hushed in the hum of the spindle and the loom, and the voices of industrious thousands. The whole Eastern hemisphere will be the consumer of our productions. The waters of La Plata and the Amazon will flood upon their bosoms our golden harvests, and yield, in return, the jewels which stud their shores. The grand results to spring from a connection of our Eastern and Western shores, expand as we contemplate them, and the many avenues of national wealth and prosperity will be continually open to us, while we thus reflect, suggest the belief that, as a nation in comparison to our future destiny, we are yet young indeed.

UNION.

FIRST DAY.

MORNING SESSION.

The Southern and Western Commercial Convention, which adjourned from Baltimore in December last, to meet in this city, commenced its session on the morning of the 6th inst., at 10 o'clock, in the great hall of the Exchange Buildings.

There were over one thousand delegates present, which is only a small portion of the delegates and strangers now in Memphis.

The following is a list of those who were in attendance on the first day:—

ARKANSAS—D. B. Greer, J. F. Fagan, E. H. English, C. A. Cunningham, W. K. Hunter, A. H. Davis, Jesse A. Jackson, Geo. W. Underhill, K. W. Johnson, R. S. Mayson, M. D. Neeley, E. B. Bishop, W. D. Ferguson, E. Worthington, W. K. Hunter, R. W. Crump, Oswald Pope, S. Mitchell, A. Fowler, S. C. Tappan, J. C. Duncan, J. A. Johnson, Sam. Martin, Jas. Norton, J. Thompson, R. T. Redman, P. Luttrell, Silas Chiriot, E. P. Craig, E. H. Fletcher, E. Hickman, W. P. Sylvester, J. H. Peay, A. H. Rutherford, J. S. Horner, T. E. Patrick, J. M. McClandy, D. P. Upshaw, J. M. Rouken, Dr. Walsh, D. C. Cross, E. Jones, L. Lauter, J. McGavock, H. A. Phillips, Mr. Buckner, W. D. Jones, J. B. Finley, C. W. Campbell, C. C. Aiken, H. Griffith, J. B. Dewitt, A. J. Dewitt.

MISSISSIPPI—James H. Yerger, H. C. Adams, C. L. Richards, G. S. Bryant, S. H. Fulton, A. B. Bradford, R. W. Brahan, R. M. Gaines, Wm. Finley, S. L. Galloway, P. B. Stark, J. V. Wright, J. C. Jamison, C. H. Mitchell, Gen. J. A. Quitman, J. H. Hackleton, H. Williamson, H. Harris, R. J. Malone, A. T. Caruthers, Leroy Sims, E. A. Thomas, James Spradley, G. Waite, Turner Bradley, J. S. Byrne, C. K. Marshall, W. C. Smedes, J. Vick, R. H. Crump, N. G. Watts, H. W. Bowen, R. F. Henderson, N. D. Coleman, Wirt Adams, Geo. Fearn, A. G. Carter, M. Emmanuel, J. D. McCorvell, Thos. Rigley, J. Lewis, A. S. Kellogg, R. Bell, J. Hudson, R. Prophet, Hon. H. S. Foote, J. L. Alcorn, Mr. Haideman, W. W. Moore, G. B. Warren, W. R. Sledge, M. Davis, G. P. Foote, S. Gilner, J. F. C. Denfeld, C. Hudson, C. Clark, W. Adams, J. B. Foote, R. T. Nash, P. Polindexter, C. W. Kozell, R. Fletcher, Hon. W. Meles, J. J. Worthan, Jno. Robertson, R. S. White, F. M. White, F. Henderson, Jno. Murdock, Mr. Clapp, W. T. Mills, N. W. Williams, R. L. C. Wales, W. F. Avent, W. S. Jones, W. Thompson, W. H. McCargo.

MISSOURI—James H. Lucas, L. H. Kennett, A. B. Chambers, F. B. Blair, Jr., T. F. Purcell, H. Cobb, P. V. Valle, J. K. Rider, T. B. Hudson, P. E. Bland, A. H. Gladsby, R. J. Lockwood, Mr. Day, E. M. Ryland, H. T. Chiles, John Hodges W. Renshaw, Jr., J. J. Harrell, John A. Kasson, Jas. Woods, Alex. Kayser, J. Cannon, F. W. De Kostzon, B. F. Kirk, A. Cristy, H. L. Sloan, J. Bridges.

LOUISIANA—J. W. Broadlove, J. C. Goodrich, J. Craig Barton, S. Andrews, S. W. Oakey, John Moore, V. Horman, C. R. Wheat, J. D. Foster, F. A. Lumsden, Alex. Walker, J. S. Thrasher, Maj. J. A. Kelly, Capt. Quarles, Mr. Jordan, J. B. Leek, J. B. Bemis, Capt. Wilson, F. Walker, L. W. Huller, J. W. F. McGimsey.

TENNESSEE—M. A. Haynes, J. M. Lea, S. L. Cannaway, Mr. Humphries, John W. Campbell, John W. Morrelle, R. J. Chester, W. L. Boon, J. R. Busby, H. J. Cannon, C. R. P. Byers, W. M. Williams, W. F. Doherty, J. R. Alexander, J. C. Gillespie, W. Williams, H. P. Pelton, Hon. John Bell, S. Morgan, Willo Williams, J. G. Wolfe.

ALABAMA—J. B. Gladney, D. B. Turner, William H. Pratt, Lewis Troust, W. L. Burr, C. Denby, A. E. Mills, Jas. J. Dourgan, William Dixon, R. M. Patton, George P. Bolton, J. Lane, J. Shackleford, Judge Bridges, Mr. McAlpine, Mr. Goulde, Mr. Blocker, L. K. Wallace.

TEXAS—Wilson A. Peacock, John H. Fowler, D. F. Hall, Gen. M. Hunt, Mr. Broadnax, W. A. Young.

GEORGIA—Hon. W. C. Dawson, R. A. S. Atkinson, C. Bostwick, A. G. Borders, E. P. Daniels, Jno. P. Stell, Octavius Cohen, A. R. Lawton, J. P. Scriven.

FLORIDA—J. E. Bettinson, S. Seymour, Wilson L. Vance, Judge R. Anderson, William Watkins, William [illegible]

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New York Herald
16 June 1853

ton, Pa.; Gen. Cadwalader, John Cadwalader, Nancy Baker, J. R. Howard, W. C. Ford, George C. Mecllmain, E. W. Crittenden.

Virginia—Jno. R. Anderson, John Knote, Charles Ellis.

Maryland—Jno. B. Brown.

District of Columbia—C. G. Baylor.

At the opening of the Convention, we noticed Senator Bell, of Tennessee; Gov. Foote, of Mississippi; Ex Gov. Collins, of that State, Hon. Robt. J. Linson of Arkansas; Gen. Memucan Hunt, of Texas, and many others whose names are well known throughout the length and breadth of our Union.

Major James Penn of Tennessee, Chairman of the Committee of Arrangements appointed by the President of the late Baltimore Convention, in accordance with a resolution adopted by that body, called the assemblage to order, and after a few introductory remarks, introduced the Rt. Rev. James H. Otey, who offered up a prayer.

At the close of the prayer, Mr. Penn, the temporary President, introduced the Hon. W. C. Dawson, of Georgia, to the meeting, as its presiding officer, with the following remarks:—"In December last this Convention met in Baltimore, and to preside over the deliberations of this body at that time was elected W. C. Dawson. According to the rules which govern cases of this kind, Mr. Dawson is now the presiding officer of this Convention, and I now invite him to the chair."

Mr. Dawson rose, and, in reply to the invitation extended to him, said:—"The President of the late Baltimore Convention claims no right to the chair to-day. This is a convention composed in the main of gentlemen who did not attend or belong to the meeting at Baltimore, and therefore I have no right to the position of acting as the presiding officer of this body."

Gen. Foote—I rise for the purpose of making a motion, which I know will meet with the approval of this meeting. It is that W. C. Dawson be elected by acclamation, the President of this convention.

This motion was unanimously carried, when Mr. Penn appointed Messrs. Le Roy Pope, John Bell, and Blake, James B. Otey a committee to conduct the President elect to the chair. The President then delivered the following address:—

Gentlemen of the Convention of the South and West—I feel honored by this exhibition of your confidence and attention, unexpected as it is to me. As the President of this Convention, I will only say I will try to discharge the duties of this position faithfully and impartially, with the main object in view for which this Convention has been called. As the President of the late Baltimore Convention, I should say a few words before I enter upon the duties of the chair assigned me. I am no sectional man. (Applause.) Perhaps it may be my duty to say beyon, as I was one of the individuals who aided in calling the Baltimore Convention, that in making that call I was governed by motives inconsistent with the harmony of this great purpose. I have seen for years that the land which gave me birth had been deprived of her just rights, and hence it was that I became energetic in accomplishing the purposes of this Convention, for the benefit of my country. The wants of the Southwest, commercially, have long been the subject of conversation, and, in some of the States, discussions; hence the call of the Convention held in Baltimore in December last, and the Chamber of Commerce of that Monumental City should ever be remembered for the spirit and energy with which she has claimed for the West and South their just, equal, and natural distribution of the exports and imports of this great and glorious country—and here, we stand to-day on the bank of the Great Father of Waters, perhaps on the spot which may become one of the great crossing points of this magnificent river for the magnificent railroad which shall unite the waters of the Pacific and the Atlantic, and which will harmonize and fraternize the people of this mighty confederacy by iron bars, from ocean to ocean. On that spot we are now to hold our council—to investigate and discuss the important interests of agriculture, commerce, and manufactures, much of which has been presented to the world by the Baltimore Convention, in that admirable paper submitted by the Chamber of Commerce of that city, and the published proceedings of that convention.

This convention is for no unjust, unfair, sectarian or unconstitutional purpose—in opposition to no geographical interest—but to examine into plain and admitted rights. If any seeming sectional antagonism appear, the reply is, we are members of one family, children of the same mother, only younger than our elders; by one statute of distribution—the constitution of the United States—entitled to the same rights: an equal share of the same heritage. We claim nothing more—scarcely that; ask nothing more, and would not, if we could, take anything more. We know our blessings, as a family, have been abundant, and that we have lived in plenty and prosperity upon what we have received; but now we are growing up—our wants have increased, and posterity has claims we should regard. In other words, we desire to improve our domain, to improve our ways, to regulate our family intercourse, to transact our own business, and not to trouble our sisters in managing our own affairs, or strangers. We are here to ascertain how we can best manage our heritage, to develope the resources and fulfil the duties incumbent upon us. Our agricultural interests first demand our serious attention. How shall we develope best its resources? Let us look at the great West, the Valley of the Mississippi, draining at least 1,250,000 square miles, the South, and those lands bordering on the Atlantic and the Gulf; let us examine the present productions of these immense territories, and their capability when fully developed. The contemplation is wonderful. What a surplus of productions is presented! And then the question arises, gentlemen, where shall this immense surplus of produce be consumed? These questions are before you, and these questions must be answered. What are we to do? We must examine into our highways, and see what improvements are necessary; and if we find them not sufficient to carry off our surplus productions, we must provide artificial means for so doing. Then we are next to ascertain the cheapest and best means to carry our surplus productions to our consumers, and also to ascertain the points on the Atlantic, within our own section of the country, to which this surplus should be directed. The question then occurs, would it not encourage our agriculture if the planter should be the exporter of his own productions? And if so, should their exportations not be made from our own ports? Could not the planter, thereby avoid much of the intermediate agency which so heavily, taxes his productions, and of course diminishes his receipts? Many of you, gentlemen, are planters, and understand your own interest, and will no doubt pursue it.

Our commercial, next to our agricultural interests, will be the subject of your action. The policy of a direct trade is before us, and was the main question of the Baltimore Convention. Would it not be wise to encourage our commercial men to export our productions and import foreign supplies directly from and to our own ports? I think the laws of trade will regulate this, but not until we improve the facilities for the transportation of our products to our own ports and harbors, and cause those ports and harbors to be improved. And for this purpose our attention should be directed to the propriety of claiming of the general government such appropriations as may be necessary to remove all obstructions at the mouth of the Mississippi—the great outlet of the West and Southwest—and in the other ports of the Atlantic and the Gulf. To encourage commerce, mail facilities, immigration, lines of steamers, should be established between our chief ports, South America, and Europe; and for this purpose the South and West should ask from the general government the same aid which has been granted to certain companies in our Northern ports. The important subject of encouraging manufactures is legitimately before us, and the proposition will no doubt be considered, what means shall be adopted as best calculated to stimulate our people to make investments in this great source of national prosperity, and thereby produce a division of labor, which will encourage agriculture and increase our population, and remove much of our dependence upon other States and nations. Can we not, gentlemen, increase our wealth and independence by judicious organizations of the means which a kind Providence has placed us in possession of? Shall we slumber longer? Certainly not. Let us develope our beautiful and unequalled inheritance—devote our energies to the expansion of our agriculture, our commerce, and our manufactures—promote industry—encourage our people to the education of their children at home, with the wealth we now expend abroad—retain and erect school houses, academies, colleges, and churches, at home, suitable to all our necessities—establish presses to sustain our interests and our policy, our great confederacy, and the constitutional rights of the States. Let us unite harmoniously to secure our own commercial and industrial importance, and patriotically end in constructing the great work of the age and the world, the Pacific and Atlantic Railroad, with such branches as commerce and agriculture may demand. With no sectional feelings, but with a view to benefit our country and posterity, let us proceed to the consummation of the work which we have now commenced.

It was then moved and carried that the delegation from each State retire by themselves, and select their own Vice Presidents.

On motion of H. G. Smith, Esq., J. P. Pryor was elected temporary Secretary.

The delegations then reported as follows upon the election of the Vice Presidents and Secretaries:—Maryland—Henry Mankin, Vice President; W. Prescott Smith, Assistant Secretary. Arkansas—Hon. G. W. Underhill, Vice President. ——— ———, Assistant Secretary. Tennessee—Hon. John Bell, Vice President; Col. J. P. Trezevant, Assistant Secretary. Missouri—E. M. Ryland, Vice President; H. Cobb, Assistant Secretary. Mississippi—Gen. J. A. Quitman, Vice President; J. S. Byrne, Assistant Secretary. Alabama—Dr. J. Shackelford, Vice President; Col. McAlpin, Assistant Vice President; Charles Denby, Assistant Secretary. Texas—Gen. M. Hunt, Vice President; Wm. W. Wheatley, Assistant Secretary. Louisiana—Hon. John Moore, Vice President; J. B. Leefe, Assistant Secretary. Georgia—Dr. James B. Scriven, Vice President; R. A. L. Atkinson, Assistant Secretary. South Carolina—Hon. Mr. Browning, Vice President; ——— ———, Assistant Secretary.

The Rev. Mr. Marshall, of Miss., offered the following resolution, which was unanimously adopted:—

Resolved, That the editors of the press, and reporters, who are present, and desire to report the proceedings of this Convention, be invited to take their seats at the Secretary's table.

On motion, the Rev. C. K. Marshall, of Miss., was then unanimously elected Chief Secretary of the Convention. After which, it was

Moved by Gen. P. B. Starke, of Miss., that the rules of the House of Representatives of the United States govern this body in its deliberations. This was also unanimously adopted.

Gov. Foote then moved the following, which was carried:—That the Vice Presidents be appointed a committee to report how the vote of this Convention shall be taken.

On motion of Mr. Trezevant, Col. C. D. McLean was unanimously elected Marshal of the Convention.

On motion of Mr. Hart, the Convention then adjourned till 4 o'clock P. M.

AFTERNOON SESSION.

The Convention was called to order in the afternoon at 4 o'clock, by the President, when the Hon. John Bell, on behalf of the Committee of Vice Presidents, who were instructed in the forenoon to report as to the manner in which the vote of the Convention should be taken, offered the following resolution:—

Resolved, That on all questions which may arise in this Convention, the vote shall be by States, each State represented casting one vote.

There being no dissent, the report of the committee was declared accepted.

Col. Oakley, of Louisiana, then moved that a general committee be appointed from the delegates of each State, for the purpose of presenting to the Convention what subjects it shall act upon, and the order in which such subjects shall be taken up.

After some little discussion, this matter was carried.

J. S. Byrne, Esq., of Mississippi, moved that the chair appoint a committee of three to take charge of the printing of the Convention; which being carried, the chair announced that such committee would be appointed in the morning.

The Convention then took a recess of five minutes, that the delegates from the different States might elect the committee contemplated in Colonel Oakley's resolution. The report of this committee was as follows:—

Alabama—J. Troost and G. P. Beirne. District of Columbia—C. G. Baylor. Kentucky—W. B. Vance and L. L. Robinson. Georgia—J. L. Steel and A. R. Lawton. South Carolina—A. P. Browning and Edward Sebring. Texas—Mr. Young and Mr. Peacock. Tennessee—R. Topp and W. Williams. Virginia—Charles Ellis. Louisiana—Mr. Benjie and Mr. Douglass. Mississippi—W. C. Rhodes and J. W. Clapp. Missouri—L. M. Kennett and F. P. Blair, jr. Indiana—Hamilton Smith. Arkansas—Colonel A. Fowler and Hon. Mr. Mayton.

On motion, Mr. Hamilton Smith, of Indiana, was elected one of the Vice Presidents of the Convention.

J. M. Kennett, Esq., of St. Louis, then suggested that inasmuch as there was no important business before the house, and as he understood that Gov. Foot was then in the house, but intended soon to return home, that the Governor be invited, through the chair, to address the convention upon the general objects for which it was convened. This was opposed, on the ground that a committee had already been appointed to declare what matters could legitimately come before the house for discussion.

On motion of Mr. Baylor, of the District of Columbia, the committee on the preparation of business retired to deliberate.

After this committee had retired, there were loud calls from all parts of the house for Gov. Foote. This distinguished gentleman, by invitation, came upon the stand, and made the following apology for not complying with the wishes of the meeting:—

I assure you, gentlemen, I am truly grateful for this unexpected manifestation of your esteem. I came here to witness your proceedings, and this call is something I had not looked for. I am engaged in duties across the line, which now occupy my attention, and which I deem important to the country. Were I to undertake to address you, I am sure I should disappoint you, and fall far below the dignity of the occasion. I nevertheless return to you my most sincere thanks for your kindness, and ask you to allow me to decline the honor of accepting the invitation to address this convention.

The meeting then adjourned.

SECOND DAY.

Memphis, June 7, 1853.

MORNING SESSION.

The great Convention assembled this morning at 9 o'clock, and immediately proceeded to business. The presence of a great number of ladies to-day tended to enhance the interest of the proceedings. The room was crowded to overflowing and hundreds were unable to obtain admission. It appears that already some hostile exhibitions have been made between delegates from different sections, which filled some present with serious apprehension for the result of the convention.

The meeting was called to order by the President, when the Secretary read the minutes of the previous meeting, which were adopted.

The President then announced that in conformity with a resolution passed yesterday, he had appointed R. Topp, of Tenn., A. B. Bradford, of Miss., and A. Walker, of La., the Committee on Printing.

As the next business in order, the Chairman called for the report of the committee appointed yesterday, to decide upon the subjects to be brought before the convention.

Mr. Pursell, of Miss., said the committee had not yet accomplished anything, through their ignorance of the powers delegated to them, and therefore he moved that the delegates be called by States, to present the propositions and resolutions which they intended to bring before the house.

Col. Otey said that as Mr. Pursell was not a member of the General Committee he had no right to respond to the call made for the report of that committee. The committee was still in session, and would report as soon as they had terminated their deliberations.

The Hon. John Moore, of La., then offered the following resolutions:—

Resolved, That the construction of a railroad direct from the Mississippi river to the Pacific ocean will be one of the most effectual and practical means of promoting and securing to the Southern and Western States a due share of the commerce of the United States.

Resolved, That Congress has the power to make a liberal grant of the public lands to aid in the construction of said railroad, under the conditions heretofore stipulated in like grants, for the carrying of the mails and transporting the troops and property of the United States.

Mr. Moore spoke as follows:—In offering these resolutions, I will be permitted to say a few words in explanation. I had the honor to be present at the convention held in Baltimore in December last, of which this is an adjourned meeting. I then felt, as I now feel, a deep interest in the welfare of my native South, and of this

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great valley, my residence, for more than half a century. I listened with great attention to the different means proposed for furthering the commerce of the South, Southwest and West. I heard the beautiful and learned address of Branch Myer, Esq., and the remarks in relation to the value of the commerce of the South American States, by Lieut. Maury, one of the most learned and practical men of the age, and various other suggestions by master minds. I have since thought much on the subject, and feel convinced that the most effectual and practical means of promoting and insuring to this great valley and the States of the South and West a due share of the commerce of the United States, will be by the construction of a railroad direct from the Mississippi river to the Pacific ocean. The question then arises, how is so great a work to be accomplished? How are the ways and means to be raised, involving probably an expenditure of at least one hundred millions of dollars? I say, Mr President, most unhesitatingly, it must be effected in part by a grant or grants of the public lands. I maintain that the constitutionality of grants of the public lands by Congress, to aid in the construction of railroads [illegible] and limitations, can no longer be [illegible] after the various and repeated [illegible] Indeed, grants of public lands [illegible] purposes of internal improvements [illegible] with the adoption of the constitution. Before the acquisition of Louisiana the lands held by the general government had been ceded by several of the States [illegible] purpose; yet grants have been made [illegible] public use. A grant for this great work would [illegible] liable to objections, because the lands to be granted were obtained by purchase, without condition; and the purpose to which they would be applied is of general and national importance, wanted by the general government to carry the mails, and for the transportation of troops and their supplies. The power expressly granted to dispose of and make all needful rules and regulations respecting the territory and other property of the United States, in connection with the power to establish post offices and post roads, to raise and support armies, and to provide for the common defence, covers the whole ground. Congress clearly has the power to make contracts for the carrying of the mails, and for the transportation of troops and their supplies, and payment may be made in land as well as in money. Many objections were made to the bills before the Senate at the last session. Although some were opposed on constitutional grounds, yet the greater number of objections referred rather to the details than to the power to make such grants. It is useless for me to attempt to lay before this enlightened assembly the immense advantages to be derived from the construction of this great work; they must be apparent to all. It would seem to me that every competent, unbiassed man, who has studied the history of his country, of commerce, and of railroads, must come to the conclusion that it is the most important work, for the purposes indicated, of the age. The next point is as to the most feasible and best route that can be travelled at all seasons. This question is one of great importance, and present some difficulty, because of the clashing of local interests and local jealousies; but like other questions involving the welfare of all, it is hoped that it can and will be compromised. I perceive by the public prints, that under the appropriation made by Congress at the last session, for the purpose, four parties have been organized to survey several routes, in order to ascertain the most practical—one under Gov. Stephens, to examine the route from the headwaters of the Missouri by the South Pass to the Columbia river; a second, under Lieut. Whipple, to survey the route from Memphis and Vicksburg, by Fort Smith and Albuquerque, to Walker's Pass in the Sierra Nevada; a third, to examine the Pacific side, and meet Lieut. Whipple at Walker's pass; the fourth, to examine the middle route. I wish that the survey of another route could be made through the northern portion of Texas, because I am of opinion, from the best information that I have been able to collect, that it will prove to be the most eligible. The intense cold and deep snows present serious objections to some of the more northern routes proposed. I perceive, by an extract from a St. Louis paper of the 7th of May last, that Mr. Culbertson, of the house of Pierre Chouteau & Co., had just returned from the upper Missouri, and reported that the cold was so intense in the middle of April last that mules were frozen dead upon their feet. The route from Fort Smith to Albuquerque is nearly the same pursued by Capt. Marcy, in his reconnoissance some years since, which he describes—in an able paper, lately read before the American Statistical and Geographical Society—as being broken, and passing through that great North American desert called the "Llano Estacado" or staked plain, extending about 400 miles between the parallels of north latitude 32.30 and 36 20—in some places 200 miles wide—embraced within the meridians of 101 and 104 west longitude; it is an ocean of pathless, trackless desert prairie, where the voice of man is seldom heard, and where no living being permanently resides. The almost total absence of water causes all animals to shun it,—even the Indians do not venture to cross it except at two places, where they find a few small ponds. The Arkansas, Canadian, Brazos, Colorado and Pecos rivers have their sources on the borders of these elevated table lands, where they make their exit from this plateau: their beds are confined to vast sluices, or canons, the sides of which rise very abruptly to an the enormous height of eight hundred feet. He says that he has passed through it four different times. These features present obstacles of magnitude; but it is possible they may be overcome, or a route found that will avoid most of them. The route for the main trunk, laid down in the map accompanying Senator Gwin's bill, appears to me to be preferable although I am of opinion that a far better route will be found through the northern part of Texas, crossing the Red river at or near Fulton, and following pretty nearly the route followed by Capt Marcy, on his return reconnoissance, some years since, which he describes as being "a smooth road over gently undulating country of prairie and timber land, and abounding with clear spring branches for two hundred miles. The soil cannot be surpaired for fertility." Again he says—"Our road passes over uniformly level ground, crossing no mountains or deep valleys, and for five hundred miles, on the eastern extremity, runs through the heart of a country possessing great natural advantages. There are as few difficulties to encounter as any other route that can be found in our country: it would appear to have been designed by the great Architect of the Universe for a railroad. From El Paso to Red river is about seven hundred miles. I conceive this to be decidedly the best overland wagon route to California, for several reasons. It can be travelled at any time. The grass remains green during the entire winter. It would form a direct line of communication with Cook's road to the Pacific—shorter by several hundred miles than any other." By that route the main trunk to Memphis will be about the same as that laid down in the map, with Senator Gwin's bill, whilst the branches to St. Louis and Dubuque would be little if any longer, and the branches to Vicksburg and New Orleans may possibly be a little shorter. This route will, however, be liable to the objection that it runs through the sovereign State of Texas, where the United States own no land. But will not Texas give its assent, and make them a present as the United States? I think that such will be the case. Also, it is undoubtedly the best route, because it will traverse as fine an agricultural country as any in the United States, and the others must go through a desert country in part. I can give the assurance that the branch to New Orleans will be constructed by Louisiana. A right extension of the New Orleans, Opelousas, and Great Western Railroad, now in the course of construction, will form a junction. A company has been formed to construct that road from New Orleans to the Texas line, a distance of about 240 miles; about four millions six hundred and sixty thousand dollars of stock, including one million two hundred thousand dollars by the State, has been subscribed, about four hundred thousand of which has been paid in; ten miles of the road is completed, forty miles is graded, and the iron on the spot to be laid down that distance; contracts have been made to grade and lay down the rails, 173 miles to Washington, beyond Opelousas; and the iron to lay down that distance, together with the cars and locomotives, has been ordered, and is expected to be finished in January, 1854, to that point, passing through a rich agricultural section of the State. The branch to Vicksburg will probably be made; and should Congress be as liberal towards Louisiana for that branch as towards Arkansas and Missouri, that road also will most certainly be carried into operation. On looking at a map, it will be perceived that the very nearest point from the Mississippi to the Pacific is from Vicksburg. According to the estimates on Senator Gwin's map, the distance to San Francisco is 1,925 miles; from Memphis, 2,060 miles; from New Orleans, 2,150 miles; and from St. Louis, 1,960 miles. From the main trunk at Fulton the distance to New Orleans will be 405 miles; to Vicksburg, 180 miles; to Memphis, 255 miles. From all three of those points a direct communication by railroad with the South Atlantic States will soon be in operation. I hope and trust that there are those amongst you, here present, who will live to see this great work accomplished, and to see as great changes in this valley as I have seen within a short life. When I first descended the Mississippi, fifty-two years ago, (and although then young, I have a vivid recollection of the scenery,) there was not a white inhabitant on its banks from above the mouth of the Ohio to Vicksburg, then called the Walnut Hills and New Madrid and Little Prairie, just below the site of this beautiful city, were then occupied by savages. Then this whole valley contained but a few thousand souls; its whole productions were carried to market in a few flat boats, and its foreign commerce employed but a few keel boats. Well do I recollect the first steamboat that landed at New Orleans; I happened to be there, and was among the passengers on its first departure from the levee. Now look at the change, wrought in a great measure by the influence of steam power! You have thousands of floating palaces moving over the bosom of this mighty stream; as if it were by magic; its borders are lined with rich plantations and beautiful towns and cities. The population of this great valley is now about ten millions of souls. The commerce floating on the river was carefully estimated, three years since, to be worth two hundred and twenty millions of dollars. New Orleans, the outlet, is the second port in the Union for the exports to foreign countries of domestic growth, and the fourth in point of imports of foreign productions. And all this has been achieved by American enterprise and American industry. Why would not be proud to be a citizen of such a country, and of these United States? I, for one, feel proud beyond expression. I thank the Convention for its kind attention to my desultory remarks.

Gen. M. Hunt next addressed the Convention. He said that inasmuch as there was no subject properly before this Convention, he would move that a committee be appointed from the delegates of the different States, to bring this great question of the Pacific Railroad before this body in a proper manner. And while I am up—he continued—I will remark that our government has already provided for the construction of the road across our continent to the Pacific. The Texas Central Railroad Company, of which I have the honor to be President, and the Hon. R. J. Walker Vice President, is now chartered, and proposes to run their road through to the Western Colorado and there connect with a railroad to California. So the Texas Central has already a connection with the Pacific Ocean, and this company are now ready to make arrangements with the various roads centering at Fulton, Arkansas, by which they shall take an interest in the construction of our road, and aid us in accomplishing this mighty work. I merely, at the present time, throw out these remarks, that by unity of action we may pull the same rope from St. Louis and Galveston through to California. I think if anything can compromise all the interests connected with the Pacific Railroad, the Texas Central road has effected it.

Mr. Carr of Missouri—I regret very much that this discussion at this time has arisen before the convention, from the fact that the two gentlemen from the St. Louis delegation, who are most acquainted with this matter, are now engaged in the deliberations of the General Committee of Vice Presidents. I therefore move that the resolution just made, and now before the house, be referred to the General Committee appointed to take charge of all the general business of this convention.

Hon. Mr. Moore—I thank the gentleman from Missouri for the motion he has made, and I intended to make the same motion when he rose. I merely offered the resolution, that there might be something before the convention for its consideration while waiting for the General Committee. I therefore second the motion of the gentleman from Missouri.

Judge A. Walker, of Louisiana—Mr. President, I believe the chair has decided that gentlemen should be permitted to bring their propositions and resolutions before the convention, and I think we might be entertained by the discussion of these questions while the General Committee is engaged in their business.

The President—There is no intention to change the order of the proceedings of this convention decided upon yesterday morning. It is out of order to attempt to discuss any of these questions in their present state. Hence it is, the Chair now gives notice that gentlemen presenting resolutions may accompany them with explanatory remarks, but will not be permitted to enter into any general discussion. The question now in order is to refer the resolution of Mr. Moore to the General Committee.

The motion to refer was then put and carried.

Col. Gray, of New Orleans, hoped that every gentleman of this Convention then present, would present the propositions which he intended to bring before this body, that they might be referred to the General Committee.

Mr. Pope then stated, that as he had understood that the Rt. Rev. Bishop Otey had some very important resolutions which he wished to offer, he moved that the Reverend gentleman be permitted and invited to do so.

The Chair said that such a motion was unnecessary, and then invited the Bishop to the stand, when he offered the following resolutions and remarks:—

Mr President, and Gentlemen of the Convention—I do not come forward on this occasion of my own motion or accord, but I may say at the suggestion of a distinguished friend, in whose views I most fully and heartily concur. I deem this explanation necessary for those who know that the business of this convention is not in my usual line of effort. And yet I must say, too, that there is no man under the shining sun who takes a deeper interest in the material progress and improvement of our country, and our section, than I do. The resolutions, which I beg to offer, read as follows:—

Resolved, That the free navigation of the Amazon is one of the most important questions of the age, and its accomplishment worthy of the best efforts of American statesmen.

Resolved That the naval expedition sent by this government to explore the Amazon was an act worthy of the enlightened government of a free people; and this Convention hails with delight the enlarged and liberal views recently taken by our sister republics of the South with regard to their Amazonian water courts. The free navigation of the Amazon is theirs; they are right to claim it; let them go ahead, and fear not.

Resolved, That the interests of commerce, the cause of civilization, and the mandates of high heaven, require the Atlantic slopes of South America to be subdued and replenished. That the river steamer and the free navigation of the Amazon are the principal levers by which that part of the world is to be raised up to the abode of a great, prosperous and happy people. That impressed with the importance of such a consummation, not only to this country and to all the States of Christendom, but to the happy solution also of the great problem of human progress throughout the world, therefore we, the people of the Mississippi valley and of the Atlantic slopes of North America represented in this Convention think it to declare that, in our judgment, the free navigation of the Amazon is the greatest boon that a commercial people can claim of the diplomacy of the age.

Resolved, That we would be glad to see such a boon obtained, peaceably, at any price that it becomes a great nation to offer.

Resolved, That ——— be appointed to invite, in the name of this Convention the attention of the government to this subject, and to urge the importance of procuring the free navigation of the Amazon, and of opening commercial relations by steam and otherwise, with the mouth of that river, and through it, with the people inhabiting the banks of its tributaries.

These resolutions (continued the Rev Bishop) are based upon enlarged and liberal views of the interests of the people, not only of this country, but of all nations. The objects at which they aim, if accomplished, will contribute, in an eminent degree, to enlarge the sphere of human knowledge, to open new sources of wealth to commercial enterprise, to extend the blessings of civilization, to cherish the spirit of free institutions, and by promoting the elevation of man's moral character, to subserve the great purpose of his creation. The nature of our government and the spirit of active industry and enterprise which distinguish our countrymen, obviously suggest that they are to act a most important part in the future history of our world; and we may be allowed to say, they are perhaps destined, in the order of Divine Providence, to do more than any other people in accomplishing its merciful purposes towards our race. It is scarcely possible, in the rapidly advancing progress of this age, to believe that the notions of former days respecting the rights of man, the objects of government, and the means of establishing those rights and attaining those objects, will be revolted to and recognized as justifiable principles of action, except in cases of urgent and imperative necessity. This necessity must be judged of, not as in times past, by considerations of might merely, but by the moral influence of public opinion. But however that may be, we are persuaded that wars of con-

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quest, to gratify the lust of power and the pride of ambition, will not longer be tolerated by enlightened nations. Enough of the spirit of Christianity is felt by civilized governments to make a resort to arguments founded on reason, and considerations of mutual advantage and general utility, the imperative duty of rulers. Since these principles have been recognized, and the conduct of nations regulated practically in accordance with their acknowledgment, the condition of man has everywhere been ameliorated and human happiness increased. The diffusion of intelligence, the extension of commerce by the development of the natural resources of various countries, and the cultivation of the arts of peace in conjunction with the discoveries of science, are now the recognized and legitimate means of individual improvement and national glory, insomuch that we seem almost to have reached that predicted and ardently prayed for "time when mankind "shall beat their swords into ploughshares, and their spears into pruning hooks; when nation shall not lift up the sword against nation, neither shall they learn war any more." The objects contemplated by these resolutions look to these results, and in this spirit they are submitted to the consideration and action of this body. That we may act understandingly upon this subject let us take a rapid survey of that region, the capabilities and resources of which, for commerce and the arts, these resolutions propose to unfold and throw open to the industrial energies of our own countrymen and of the world. Geographers usually divide South America into five distinct physical regions:—1. A narrow strip skirting the shores of the Pacific ocean, from fifty to one hundred and fifty miles in breadth, bounded on the east by the snow clad summit of the Andes, and in its whole extent possessing not one navigable river worth naming. The northern extremity of this territory, winding around the bay of Panama like a fringe, is fertile, as is also the southern portion of Chili, extending to the Gulf of Guaitecas. The middle part is an arid, sandy desert. 2. The basin of the Orinoco, having the Andes on the west, some of their spurs extending eastwardly, on the south, dividing the waters of the Orinoco from those of the Amazon except, perhaps, in one instance, where their tributaries interlock, and it is said occasionally unite, so as to admit of the passage of vessels from one to the other. This region goes under the general name of Columbia, consisting of three confederate republics—Venezuela, New Grenada, and Ecuador, or Quito. The first two front north, on the Caribbean sea, and are watered by the Orinoco and the Magdalena. The last named, Ecuador, rests on the magnificent Amazon for its southern boundary, and is drained by its numerous tributaries, fed by the snows of the lofty Andes, near the equator. With the exception of this little republic of Ecuador—little by comparison in extent of territory, but large in the spirit of enterprise—the basin of the Orinoco is a country consisting, for the most part, of extensive plains, called "llanos," either destitute of wood or dotted with trees, but covered with a rank herbage, or coarse grass, during a part of the year. In the dry season, the heat is intense, the soil becomes parched, and opens into cracks and fissures, in which multitudes of serpents and reptiles that infest these "terras calientes" find refuge. To the east of Venezuela, and fringing on the Atlantic coast extending as far south as Cape Orange, in four degrees north latitude, lie Guiana, a country possessed by the English, Dutch, and French. We wish to make an observation or two respecting the physical character of this region, owned now by some of the most powerful commercial nations in the world, that it may be borne in mind when we come to speak of the valley of the Amazon. The sea coast of Guiana is low, skirted by a sand bank, extending seven or eight miles out to sea, making the water, it is said, like a dirty puddle all along the coast. The water becomes shallow towards the shore, so that vessels drawing more than twelve feet, stick fast in the mud about three miles from the land. The appearance of the coast for hundreds of miles is so uniform, presenting nothing but the tops of trees just seen above the sea, that ships which are strangers to the shore, run along the coast till they descry a house, and then send a boat ashore through the mud, to ascertain on what part of the coast they may be. The mouths of rivers are discovered by the difference of the color of the fresh water, which is discernible many miles out at sea. Mud and sand have accumulated in front of them to such an extent that large vessels cannot enter them. The low flat country that lies along the shore extends inland from forty to sixty miles, and is so nearly on a level with the sea that when it is cultivated, the ground becomes consolidated and sinks beneath the sea level, so that continued attention is necessary to prevent by embankment its being overflowed. Behind the flat country of the coast, the land rises by a succession of steppes, consisting of undulating plains, till it reaches the Sierra Acaray, on the west and south, separating it from Columbia and Brazil. 3. The third division of South America in its grand physical features, is the basin of the noble Amazon, the king of rivers. It is a vast plain, extending from 4 deg. N. to 20 deg. S. latitude, and stretching almost entirely across the peninsula, covering a soil exuberantly rich, and a humid climate, covered almost through its whole and vast extent with dense forests, which harbor innumerable tribes of wild animals, and are thinly inhabited by the natives, who live by hunting and fishing. But more of this division and its productions by and by. 4. The great Southern plain, watered by the La Plata and its tributaries, descending from the eastern declivities of the Andes. The greater portion of this region is occupied by immense plains, called Pampas. In some places they are barren and destitute of water; but in general they are covered with a luxuriant growth of weed and tall grass, which support prodigious herds of horses and cattle, and afford shelter to a few animals of prey. 5. To the east and north of the La Plata and Paraná rivers, is *found the high country of Brazil, presenting alternate* ridges and valleys, thickly covered with wood on the side next to the Atlantic, and opening in to plateaus, or broad table lands, in the interior. Of these five divisions of the physical geography of South America, the northern coast of Columbia, stretching along the Caribbean Sea, is most accessible to us in position; the valley of the Amazon is the next. In point of resources, and all the elements of a rich and successful commerce, the last named stands pre-eminent. Looking at the Amazon, it will be found that it has turned its mouth, one hundred and fifty or one hundred and eighty miles wide, "right towards us," as Lieutenant Maury observes, "as though it were ready to pour out its abundance into our commercial lap"—the Caribbean Sea and Gulf of Mexico forming, as he says, "the magnificent Mediterranean Sea of America." This river, at the distance of one thousand five hundred miles from its mouth, is found to be from thirty to forty fathoms deep, and by actual exploration is ascertained to be easily navigated to the cataracts, which it forms in making its leaps from the terraces of the Andes. On the south, it receives the Araguay, one thousand eight hundred miles long, penetrating to the very heart of Brazil, and finding its sources in the mountains so celebrated for their gold and precious stones. Then comes the Xingu, 1,200 miles in length, and the Tapajos, of equal extent, leaving through fifteen degrees of latitude, and by the difference of altitude affording climates adapted to productions of every kind, from the luscious fruits of the tropics to the farinaceous seeds of the temperate zones, that furnish to man the "staff of life." Next to these successes the Madeira, a very giant in its ample proportions, pushing its head into the eternal snows of the Sorato and Illimane, in Bolivia, upwards of 26,000 feet high, and laving with its pure waters the very base of the far famed hill of Potosi. After these are seen the Rio Purus, the Jurua, the Juliay, the Javary, and the Zucale, besides many others less known to fame, but any one of which is of dimensions ample enough to drain a kingdom of which many a king of historic note might be proud. All these rise up to the declivities of the Andes and after permeating the fertile vales of Bolivia and Peru, hasten on to pour their full tribute into the ample bosom of the monarch of streams—the mighty Amazon. On the north rushes down from the icy summits of Chimborazo and the burning crown of Cotopaxi, the Rio Napo; then follow the Putumayo, the Japura, and the Apoporis, all pouring their floods from the rich and teeming plateaus of Ecuador; and, lastly, the Rio Negro, dividing its waters, it would seem, between the Amazon and the Orinoco, as though it would teach man the lessons of making, with his fellow men, an equal distribution of the blessings of Divine Providence. The basin drained by this vast river, with its numerous tributaries, embraces an area of 2,340 000 square miles, or 1,497,600,000 acres—more than one-third of it is yet covered with primeval forests. The sound of the settler's axe has as yet seldom broken the silence of these deep solitudes, nor have they been often disturbed by the sharp report of the hardy hunter's rifle. But sir, here as the waters congregate from the snow capped peaks of the Andes, and offer to man, as they have done for ages past, the most glorious opportunity of profiting by the rich bounties of nature, spread with lavish hand before him, the bosom of this mighty river shall yet be ploughed by the magnificent steamer, freighted with the productions of our own land, and laden in return with the rich fruits of the "silvas of the Maranon," or with the precious ores imbedded in the mountains which skirt the noblest valley on which the sun has ever yet shone. The natural products of this region, suitable for the purposes of trade, are as abundant as avarice itself could crave. All the different varieties of wood usual in tropical regions, are here to be met with, from the bread-fruit to the milk or tallow-tree, supplying man with convenient food, almost without labor. Here are palms, bananas, plantains, yams, and potatoes, the spontaneous growth of the country. Pine apples grow wild in the woods, and travellers tell us of their being pelted in their lonely journey by monkeys, with oranges and cocoa nuts. Here are produced the mahogany and logwood trees, the tamarind, lignumvitæ, and ebony, of so much value in commerce. The quassia bitter and the tonga bean, so celebrated in perfuming snuff, are not the most rare and valuable products in these regions; while the lofty grandeur of the trees and superb beauty of the flowers are unspeakably magnificent. The medicinal plants are numerous, rare, and exceedingly valuable. To mention only two—the famous chinchona tree from which the Jesuit's bark or quinine is obtained and manufactured, and the ipecacuanha, are here indigenous. Among the vegetable products adapted to the soil and climate, and which have been more or less cultivated, may be mentioned sugar, cotton, coffee, cocoa, rice, tobacco, maize, wheat, mandioc, bran, cassava root, ginger, oranges, yams, figs, pomegranates, and, in short, all the fruits and edible vegetables in use in the United States and in Europe, here attain, according to the reports of travellers, their highest perfection. If, sir, half that is told us be true, it is more than enough to stimulate the enterprise and excite the cupidity of the "universal Yankee nation." If we turn from the vegetable to the animal productions of this vast and teeming region, there appears to be not less cause for wonder and admiration, and one cannot help wishing that its resources might be developed, in order to add to our knowledge of natural history. Among the rapacious animals are seen the tiger cat, hyena, jaguar, saratu, very ferocious, and the ounce, also the puma and spectacled bear. The wild hog and the tapir are common; the llama, the chinchilla, with its admired and beautiful fur, and many species of the monkey tribe. The variety of birds and the richness of their plumage are amazing. More than five hundred species have been discovered, and yet the field of observation has not yet been fully explored or its riches exhausted. The insects are equally numerous, and some of the butterflies and beetles are of unrivalled beauty and splendor. The quantity of fish found in the Amazon and its tributaries are, according to report, almost incredible. Travellers tell us, looking down from the steppes of the Andes eastwardly, there is spread out before the eye a scene of magnificent grandeur and beauty, stretching away far beyond the reach of the eye, such as is no where else seen in our world. That is the valley of the Amazon. Many of the deep recesses of its aged and tangled forests have never been trodden by the footsteps of civilized man. The Anglo-Saxon has heard of that goodly land, and already the desire has been formed, and the initiative, to go over and possess it, we wish to take this day. The question is, can we do it? Is the possession worth the labor? Is the proposition lawful one? I do not propose to enter into the discussion of these topics. My object has been to lay before this body some statements which I hope may lead to inquiry, and awaken interest in this, as it seems to me, and I will add, as it appears to wiser men than myself, most important subject. It will be remembered that the object at which these resolutions aim is not to acquire territory. It is not proposed to obtain a settlement in the valley of the Amazon, either by treaty or conquest. The report of its great fertility and of its abundant and varied productions has not inspired the desire to lead armies thither to possess its riches—as Alexander of Macedon was prompted to subdue Persia and India—Alaric to rush upon Italy—Tamerlane to desolate the fairest provinces of the East, or Napoleon, in modern times, to fall upon Egypt and endeavor to lay the foundations of an empire as lasting as its time-defying pyramids. No sir, we live in a better age. "golden" it may be called, from the increase quantities of the precious metals which these days have unlocked; but "golden" I trust it may also be denominated in the realized visions of the poet—"*Virgo Astræa redit*"—when the national sense of justice imposes a salutary check upon nations, and restrains lawless and unprovoked aggressions. We wish to subdue forests, not men—we wish to open channels for commerce, not roads to subjugate kingdoms—to confer blessings, not to wrest privileges from our fellowmen—to elevate man in his social, political and moral state, not to degrade him. "Ours are the fair designs of peace, to live like brethren." In short to carry out and fulfil the command of God to man, when he said to our first parents, "Be fruitful, and multiply, and replenish the earth, and subdue it." It has been found by experience that whatever draws into healthy action the physical, intellectual and moral faculties of man, tends to his elevation in all the conditions of life. This is a proposition which I presume none will deny. It is exemplified in the whole history of our race, taken individually or collectively. It was not without a wise and merciful purpose that man was doomed, after the fall, to eat bread by the sweat of his brow—that the ground was cursed for his sake and that in yielding briers and thistles, to be removed by his industry and care, his physical powers should be invigorated by exercise and that in the sterility of the soil his skill and knowledge should be quickened and strengthened by providing remedies to meet the difficulties of his situation, by obliging him to cultivate the virtues of prudence and economy, or by compelling him to look abroad and establish relations of intercourse with his fellows. It is remarkable how these principles have received their illustration in the past and present condition of the people of England and other foreign lands, and how they are being verified every day, before our eyes, in the rapid and unexampled improvements of our own country. On the other hand, it will be observed that where the productions of the earth, necessary for animal subsistence, are spontaneous and abundant, requiring little or no labor, and presenting few stimulants to rouse into action human energies, there we find man most debased, and the worst passions of his nature manifested. Now, it so happens in the wise arrangements of Divine Providence, as we must consider them, that the territories watered by the Amazon, and its thousand streams present just a field for the operations of commerce and all the business of life, as best adapted to the enterprising character of our countrymen, best calculated to call into healthy action their energies, and by developing the natural resources of that vast region through the medium of trade, to stimulate the industry of its inhabitants, to infuse in to them enlarged and liberal views in regard to government, laws, and religion, and thus confer on them inestimable benefits. Does any one doubt the practicability of all this? Let us look at the condition of things in the valley of the Mississippi thirty years ago, and contrast it with its present aspect. Let us call to mind the period when old Raper, the celebrated bargeman, used to make a voyage in six months, going and returning, between Nashville and New Orleans, and brought back sugar, coffee, tea, and molasses to supply all the middle portion of the State with these articles. There was no town, here then, where a growing city is now rising into importance. The red man of the wilderness stood on this wooded bluff, and in the pride of conscious independence felt that he was monarch of all he surveyed. The trade of Nashville, the first city in Tennessee, was then, so far as imports by the river were concerned, limited to the freight of Raper's barge. What has wrought the amazing difference here, then, every where perceptible in all this vast region lying between the base of the Rocky Mountains and the woody sides of the Alleghanies? What has reared cities on all our chief rivers, and planted villages along all our thoroughfares, and filled all our valleys with a teeming population, and crowned the summits of our hills with houses of worship—so that over all the land rises the busy hum of industry, while the morning and evening are welcomed with praise to God? What has caused "our wilderness and solitary places to be glad" and "in the stead of the brier and thorn has planted the cedar and the oil tree," and made our land as the garden of Eden, for fruitfulness? It is the blessing of God, aiding

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the diligent hand—the plough, and the anvil and the loom, erected by skill and intelligence—the mighty force of steam lending its hundred arms to the controlling power of mind. These are the agencies that are accomplishing more for the extension of the blessings of civilization, the diffusion of light, and liberty and learning, the influence of law, order, and peace, and for the true elevation of human character, than the combined strength of armed fleets and disciplined armies. These are the agents that we desire to see employed in the valley of the Amazon, and all we ask is that our government procure for us the privilege of going thither with our steamers, with our capital invested in the industry, skill, and enterprise of our countrymen. I enter into no calculation of the return profits to our merchants, traders, manufacturers, and agriculturists. Only unlock the gates which Brazil has closed with the key given by the Pope in the 16th century and let us have free ingress and egress at the doors which God has appointed, and these interests will take care of themselves. We will awaken the voice of industry throughout her ample domains. The deep silence of her aged forests shall be broken by the sound of the woodman's axe; the shrill whistle of the steamer shall ring along her mighty rivers, freighted with cargoes rich as the treasures of Ophir, and rouse to industrial pursuits and the rewards of honest labor her now dull, listless and ferocious population. These are a few of the benefits which we will give in return for the use of blessings and privileges which God intended to be common to the human family and which, when withheld, never fail to turn into a curse to those who exclusively appropriate them. But I feel that I am trespassing upon the patience as well as the time of this body. I have but glanced at a subject that expands its dimensions, and deepens the impression of its importance, the more it is contemplated.

Bishop Otey, on concluding his remarks, asked of the Convention the privilege of having certain statements and statistics which had been prepared at his request, by his friend Dr. Quintard, read to the Convention; when, leave being granted—

Dr. QUINTARD rose and said—It is not by my own desire that I attempt to address this august assembly. It affords me, however, profound satisfaction to consider some reasons why the subjects contemplated in the resolutions should be considered by the Convention. At the base of the Andes there is a sheet of water called the Lake of Lauricocha, whence arises a river stretching a distance variously estimated at from 3,000 to 4,000 geographical miles, and which, after winding through wood-fringed shores, empties into the Atlantic ocean. The physical characteristics of the country through which this and tributary streams run, the variety of climate, and the extent and variety of productions, all combine to designate it as the abode of a great agricultural and commercial people. At present it is a *terra incognita*. To the north, between the mountains of Venezuela and the Caribbean sea, are commercial cities, neat villages, and cultivated fields. Towards the south, forests, the growth of thousands of years, fill, with impenetrable fastnesses, the humid region between the Orinoco and the Amazon. Massive granite rocks confine the bed of the foaming rivers, and the forests echo with the thunders of falling waters. In the midst of this grand and savage nature dwell many tribes, separated from each other by the marvellous diversity of their languages. The venerable geographer, Humboldt, has divided South America into three basins—those of the lower Orinoco, of the Amazon, and of the Rio de la Plata—the first and last of which are steppes or prairies; the middle basin, that of the Amazon, between the Sierra Parime and the Brazilian group of mountains is a forest covered plain, watered by over two hundred rivers, and producing, in prodigal abundance, cocoa, cinnamon vanilla, rices, coffee, sugar canes, maize, plantains, rubber, and many other articles of great value. Everywhere are found huge specimens of the most valuable trees. There is one kind affording a substitute for bread and yeast, another sugar, and wine, a third oil and vinegar, a fourth milk and wax, a fifth resin and fruits, a sixth medicine and utensils, a seventh weapons and cordage, an eighth paper and clothing, a ninth habitations and furniture. Rich as is its fauna and flora, it is not less so in its minerals. The Andes are the storehouses of silver for the world. We go there too, for medicines—for our sarsa, our cinchona, and many of the most valued articles of the materia medica. During two weeks ending the 26th of last March, there were received at one of our ports from Brazil, sixteen articles of the materia medica, valued at more than one hundred thousand dollars. Of the one article of medicinal barks there were received during this time thirty-six thousand dollars. But to estimate the importance of the commerce of that region, let us take the statistics of one article, viz, coffee. These statistics I find in De Bow's *Review*:—

The consumption of the United States for ten years previous to 1830, amounted to 297,977,841 lbs., or an average of 25,000,000 lbs. per annum. In 1831, the imports were about 10 per cent over any preceding year. In 1844 there was imported into the United States 158,572,111 lbs. For the year ending the 30th June, 1845, the imports of coffee into the United States amounted to 108,173,169 lbs., obtained as follows:—

	Pounds.		Pounds.
Danish West Indies	68,520	Mexico	50
Holland	356,723	New Granada	100,811
Dutch East Indies	3,925,716	Venezuela	2,430,295
Dutch West Indies	1,270	Argentine Repub.	11,267
Dutch Guiana	200	Peru	30
British W. Indies	4,815	China	200
French W. Indies	180,800	Asia	1,040
French Guiana	1,626	Africa	106,67
Manilla	476,705	South Sea & Pacific	870
Cuba	1,157,794	Brazil	72,353,615
Other Sp. W. Ind.	171,410	Imp. for places etc.	
Cape de Verdes	200	er than growth	272,438
Hayti	13,020,250		
Total			108,173,169

The value of the coffee imported from Brazil was $4,461,260. In one of the leading publications in the United States, giving a statistical view of the coffee trade, there is a statement of this character:—

	1834.	1844.
Import of coffee from Brazil, lbs.	26,671,368	49,515,600
Value	$2,819,023	$3,722,000
Export of United States produce	1,098,067	2,400,419

Now, statistics prove that the production of coffee in Brazil doubled every five years, up to 1840, when it amounted to 170,208,600; since when it has increased eighty per cent. The increase since 1835 has been 200,000,000 pounds, and of that increase the United States have taken one half; and what is a significant fact, nearly the whole increase in the import of Brazil coffee was, it appears, at New Orleans, to supply the Western trade. The imports of coffee from Brazil in 1844 amounted to nearly half the whole product of that country. The United States in 1844, with a population of 17,000,000, consumed 149,731,820 pounds of coffee; and the effect of the increased consumption is as follows:—

	1834.	1844.	1851.
Import of coffee from Brazil, lbs.	26,671,368	49,515,600	107,278,20
Value	$2,819,023	$3,722,000	$8,881,0
Export of United States produce to Brazil	$1,098,067	2,400,419	3,128,9

Such, then, is the value of this trade under present circumstances, and since, from 1820 to 1840, the Brazilian product increased 1,100 per cent, what may we not imagine of the capabilities of the land? This is but one of the many products. There are grains, hides, tallow, wool, loins and hair, which form an inexhaustible supply of commercial resources. There is wood of the finest quality, and of many varieties; tobacco, jacuba for cables, honey and molasses, dried sweetmeats, cottons, gums, rattans, lime, wines, brandy, minerals of gold, silver, copper, iron, and tin, sulphur, alum and vitriol, ox hides, horse hides, deer skins, otter and chinchilla skins, dried and salted meats. The vast empire of Brazil compares with China and Russia in its extent. With an Atlantic coast of 4,000 miles, and an area of nearly 3,000,000 of square miles, the climate is, of course, various. Mr. Von Langsdorf says of it—"In this country winter resembles summer in the north of Europe; summer appears one continuous spring, while spring and autumn are unconsciously lost in winter and summer."

Stern winter smiles on this auspicious clime—

The fields are florid in eternal prime.

The speaker gave a rapid survey of the geography of the rivers, islands and seas, the circumstances which indicate the probable course of trade, the tides which bring the waters of Amazonian valley into the Caribbean Sea and the Gulf of Mexico, and there, mingling with the waters of North America, are borne to the Atlantic by the Gulf Stream, and said—

In view of all the facts we have so inadequately presented, I can but reiterate the words of an eloquent writer—"Let the South look to the South for trade and commerce—let her, in the peaceful, Christian spirit of the day, cultivate with Brazil the relations of friends and neighbors; let her foster, by all means in her power, liberal commercial relations with a region which has such vast possessions and such countless treasures, such infinite resources, to make valuable its future commerce—rich and great the people who are to enjoy it. There is no colonizer, civilizer, nor Christianizer like commerce." And suppose we do this—suppose we do cultivate such relations—what will be the result? It is portrayed in the letter of Lieut. Maury. This letter we published a short time ago. But, sir, there are other considerations, which at first sight appear less worthy of regard, and yet they are not, I refer to the effects which must arise out of our commercial relations with the valley of the Amazon and Orinoco.

The speaker glanced at the effects of commercial intercourse in spreading civilization, in developing the energy and resources of a people, and continued as follows:—

If, sir, the man is a great benefactor who causes two blades of grass to grow where one grew before, what shall we say of those who, being into action physical and moral energy, who make per two citizens, two countries to live and to prosper in regions which, but for their achievements, would have remained for ages unpeopled, and to enjoy those rights of men which, but for their institutions, would have continued the inherit ance of the few? Think you, sir, the wise and great of re and sovereign States would this day be assembled in council to debate on subject of commerce and civiliza tion generally, here on the banks of the Mississippi—here where, but a few short years ago, the wild whoop of the savage startled the hardy pioneer from his slumber, and where now the mechanic arts have, as God always wills it, followed fast upon the tread of moral and intellectual elevation—here, where now you have only to turn your glance across the broad bosom of the river to see a very Caraan—think you all this would have been accomplished without that energy that so nobly declared, and so nobly gained, a recognition of human individual rights? And, seeing what has been accomplished—that the wilderness has been made literally to blossom as the rose; that the haunts of prowling beasts have become large cities and fair villages; that the forests have fallen before the strong strokes of the pioneer—may we not reasonably expect that the poetry of prophecy will soon become the gospel of reality, and that the time is not far distant when "one day later from Chile," and the prospects of the crops in the valley of the Amazon, shall be items of interest on our daily bulletins! Let it be remembered, sir, that the resolutions do not look to conquest at all, much less to conquest by force of arms. It is a stronger force than is that of arms, that will render the religion of which we speak productive of all that can minister to man's necessity or his comfort. It is a force that will bless generations with moral influences and men—reasoning, thinking men—shall then assemble to discuss the progress of society in that yet undiscovered land—the far West. It is the mighty moral force that streams from the stars of our banner. It is the force of our example. How it has shaken the thrones of Europe! how it has made tyrants tremble! Let the sunshine on, let the banner wave, and the Western World will glory in the establishment of human rights—and empires, and thrones, and constitutions in the Old World may yet feel the mighty upreaving of popular power. Sir, I may be told that it is not time to take any action on this subject. And why not time? Why is to-morrow better than to-day? What is to-day? It is the eternity of yesterday—the eternity of all that the great and good of our land have accomplished for us. And what is to-morrow, but the eternity of to-day. Let us, then, to-day move forward on this important matter, that the future may be ever glorious and full of high and holy achievements.

At the conclusion of the remarks of Dr. Quintard, the General Committee of the Vice Presidents announced themselves ready to report through their chairman, Hon. Hamilton Smith, of Indiana. The report was as follows:—

The committee charged with the duty of recommending to the Convention suitable subjects for its deliberation and action, respectfully represent—

That they have had under consideration the questions of direct trade; the construction of a railway from the Mississippi river to the Pacific ocean, opening up commerce with the valley of the Amazon; the removal of obstructions impeding the navigation of the Mississippi river, and the improvement of harbors; the consummation of the negotiations with reference to the Tehuantepec route across the Isthmus; the encouragement of manufactures and mechanic arts, and the kindred questions tending to develope the resources of the South and West. They have as yet matured no resolutions with reference to these important questions, except those in regard to improvement of the Mississippi river and central harbors. They are further time for consideration and action upon the various objects mentioned.

Whereas, The important questions of deepening the channels at the mouths of the Mississippi, and the improvement of the rapids in said river, known as the Desmoines and Rock river, have already attracted the attention of Congress, and, under appropriations made by it, competent engineers have made surveys and reports, showing that said improvements are practicable, and as these works have a most important bearing upon the interests of all the States lying upon the great river and its affluents, and the appropriations made by Congress are manifestly inadequate for the purposes desired, and disproportioned to the objects and results to be attained, be it

Resolved, That this convention strongly urge upon Congress prompt and liberal action upon these subjects, and earnestly request that all the Senators and Representatives in Congress from the States represented in this convention use their best efforts to procure, at an early day, the necessary appropriations for their accomplishment.

And, whereas, similar reports have been made by Boards of Engineers, appointed by the government of the United States, which show the entire practicability of improving the harbors of Charleston, Savannah, Mobile, Baltimore and Richmond, and the estimates by them prepared for these purposes do not involve any very large outlay of money, therefore

Resolved, That this convention also urge upon Congress speedy attention to these eminently meritorious claims upon the United States.

A gentleman from Missouri suggested that the subjects contained in the report be referred to a special committee, and be taken up separately. He thought that the question of improving the Desmoines river was the question of the most importance.

Gen. QUITMAN.—I come here as a plain, practical man, desirous that I may assist in promoting the practical work which this Convention has in view. I think there is some difficulty and a little hesitation about approaching the subjects for which we have assembled; and, for one, I think we should all show our hands, and immediately come to questions which are submitted for our consideration. I think, then, that this report should be referred back to the general committee, with the instruction that they report to us separately the subjects for us to discuss, which will have a tendency to prepare the way for freedom of speech and freedom of thought, necessary for a large body like this. While I have looked upon the beauties of our country, and those in our vicinity, I admit that I could not help thinking that the beautiful island in our gulf should some day contribute to the grandeur and wealth of our nation. (Loud applause.) Our hearts are full of the many duties and projects before us. We are to decide how we shall improve what we now possess, and then, perhaps, we will see if there are any other worlds to conquer.

Mr. HUNSCOR, of Missouri—I am as much in favor of Southern interests as any man in this house. (Applause.) I go for the La Plata, the Amazon, and all other subjects which will advance the interests of this portion of our country; and I think, when the question arises how shall the South be benefitted? the State of Missouri will not be found behind any other State in promoting that object.

Colonel PRYOR then moved that the name of Lieut. Maury be inserted in the blank of Bishop Otey's resolutions.

Mr. KNIGHT, of St. Louis—I would, as a substitute to the motion before the House, move that the resolutions reported by the General Committee take precedence before all other motions or resolutions.

This motion was lost, and then the vote recurred on the motion of Mr. Pryor, which was adopted.

G. B. BOWN then moved that the report of the General Committee be read and adopted, and that portion relating to the Mississippi river be referred to a special committee.

Gen. QUITMAN.—I moved that the general subjects of the report be taken up separately. I proposed this, that we might first act upon those subjects upon which there is no division, so that our voice can go in one unbroken tone through our whole domain. We have here three or four different subjects, all of them collected together, and there may be gentlemen here who may not be well informed upon these different subjects, as to vote upon

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them without distinct discussion. My desire is to meet each one of these questions face to face, and discuss them accordingly. I trust I will not be found restless, but willing to promote the interests of our common Union.

Mr. STANTON of Tenn.—I understand that the motion now is to take up separately the subjects of the report of the General Committee.

Mr. KENNET of Missouri—There are two resolutions contained in the report of the General Committee and one of these looks directly to the improvement of the bar at the mouth of the Mississippi river, and the other embraces the improvements of the harbors of Charleston, Mobile and Richmond. Now we can not understand logically.

Mr. LAWSON, of Georgia—I do not know that there is any distinct resolution before the House excepting that of Gen. Quitman, to divide the subjects of the report of the General Committee. I don't think we should concentrate all our powers upon the Mississippi river, at the sacrifice of the smaller rivers of our country. These small rivers are too important to the people on them, and to the ports at their mouths, to be passed over. Why is it that so many railroads are now stretching towards our eastern borders and to all our Atlantic ports, except for the reason that those ports are important on account of their situation at the mouth of these small rivers? The State of Georgia, without any other aid than her own capital and her own energy, has built over six hundred and eighty miles of rail-road, connecting with the West, at a cost of nearly fifteen millions of dollars, all paid for, all in operation, and all paying a handsome dividend. (Applause.) While these roads have been built by the wealth of our own State, have we no right to claim assistance from the States of the West for the removal of obstructions in the mouths of our harbors? (Applause.) The bars at the mouths of our rivers enclose between the very finest that ever floated a vessel upon its waters, were created by the sinking of ships in the revolutionary war, to keep out our enemies. And this is a great fact which gives us a claim upon our sister States and the general government. Under these circumstances we cannot be expected to forget the interests of the country which we represent, by yielding our entire assets to the consideration of the Mississippi as desired by the resolution. The little city of Savannah subscribed no less than five millions of dollars for the construction of railroads, when the success of railways was a problem and an uncertainty. We are conscious that we are here in a very small minority, but we are also conscious that we can expect justice here, and that the great West will not forget her origin.

Mr. HUBBARD, of Mississippi—I am sorry that any gentleman in this Convention should arise to oppose the improvements of the Pennsylvania river. Why, sir if we refuse this, we cut off every dollar of the revenue that is now realized from the great lead mines of the North. I know there are water communications from our lead mines to New Orleans; but the rapids in those water communications are so that we cannot navigate them, and so we are deprived, through them, from benefitting the South or ourselves—and I stigmatize this as a cut-throat policy, which tends to cut off the avenues of our trade with the Southern ports. These improvements have been reported by the United States Topographical Engineer as a national improvement, one that would redound to the benefit of the whole nation. And, sir, unless we break down these obstructions which close up our navigation, it is the South which will become the sufferers, and therefore this should be looked upon as a great Southern measure.

Mr. WALKER, of Louisiana—We, from Louisiana, find ourselves very reluctantly compelled, by the course that things have taken, to act affirmatively, and perhaps offensively, to some persons of this Convention. The two gentlemen who have last spoken have tended to promote sectional feelings, which we are sorry to see. Destiny has marked out New Orleans to be the great port of the outlets of the Mississippi, and all the resolutions and all the conventions which ever met can not alter this destiny. I think the removal of the bar of the Mississippi is a matter of far greater importance than the improvements suggested by the gentleman from Missouri; and therefore I consider that the two improvements should be taken up separately, because some may not be willing to vote for both improvements. We came here expecting but little aid from this Convention. We did not intend to claim it, nor do we intend to indulge in an extravagant eulogy of ourselves. But we did expect to find a convention such as this, meeting upon the waters of the Mississippi, would consider the matter of improving these great waters free from partial and sectional feelings. The Mississippi river may have no bottom, but yet it is fed by the Almighty God, and will outlive all your railroads. We did expect that some attention would be given to this great stream. We did not expect to go on missionary enterprises to make cotton shirts for little negro babies, but to decide how we should act to improve the great powers God has delegated to us. Let the Mississippi be drained and you will find her the granary of the world, and not become dependent upon the South American nations. I know, when these matters have been brought up in Congress, that some gentleman would rise and move appropriations to improve Goose creek and Duck river; and then Congress would be appealed to, to avoid sectional feelings. We did not expect to find any such action here. The bar at the mouth of the Mississippi is sometimes in such a state that vessels cannot cross it, and sometimes as many as thirty ships are stuck in the mud. The importance of removing these obstructions should be deemed a matter of paramount importance. Therefore, I offer the following resolution:—

Resolved, That the removal of the bar at the mouth of the Mississippi so as to give easy and safe exit to the vast produce of the valleys of that river and its tributaries, and afford access for the larger classes of shipping engaged in transporting foreign goods for the consumption as well as for ships of war employed in the defence of the country, commends itself especially to the prompt attention and liberal action of Congress, and particularly to the earnest support of all representative of the West and South.

Mr. BENNET—I regret the course the discussion has taken before the Convention. If we go on in this way we shall accomplish no good. I thought this question of improving the mouth of the Mississippi had been settled eight years ago, when appropriation after appropriation was made for improving this great Mediterranean of our country. The State that I have the honor to represent is a little nearer the point we wish to improve than the State of the gentleman from New Orleans, yet we are not the more selfish in our claims. The gentleman from New Orleans says the great God of Nations intended the Mississippi to roll on its bosom the great wealth of the empires of the West, and yet he opposes the removal of the obstacles which prevent this very thing. If every proposition which comes up before this Convention is to meet with this opposition, we had better go home, for we shall do nothing but leave the Convention excited and hostile to each other. The grass may grow in the streets of New Orleans if she is to depend entirely upon her situation at the mouth of the Mississippi. She must depend upon the commerce of the West, and must yield to the acts which will develope the commercial interests of the country.

Gen. QUITMAN—I am sorry that I am called upon to make an explanation upon this subject. I am compelled to do this from the very illiberal views taken by the two gentlemen from Missouri. What right, I ask have those gentlemen to accuse me of sectional feelings? How much more justifiably may I attribute to them the intention to kill the cause of this Convention, by riding it to death. My only aim was, in making the motion I did, to divide the matters of the report of the General Committee so that these questions might come before the Convention separately, and be treated more fairly. Gentlemen all acquainted with matters of legislation know that the best way to kill any cause is to load it with extraneous matter. Again I proclaim that in the subject before this Convention, I know no section, nor State, but my entire country.

The Convention then adjourned till four o'clock in the afternoon.

AFTERNOON SESSION.

The President called the meeting to order at 4 o'clock in the afternoon, according to motion of adjournment in the morning.

Mr. J. M. DAVIS, of Mississippi, then took the floor, and saying he appeared here to represent no particular part of the South or West, offered the following resolution:—

Resolved, That the improvement of the prominent commercial ports of entry on the Atlantic south of Baltimore, including that city, and upon the Gulf of Mexico, including Galveston, according to their respective importance, be considered by the convention as constituting the first class of subjects for which to ask the aid of the general government, and the improvements of rivers in the interior.

Judge ALEXANDER WALKER, of Louisiana, to explain. In reply to Mr. Kennet of Mo., and said there was no necessity for antagonism between St. Louis and New Orleans.

Mr. F. P. BLAIR, Jr., then spoke in favor of the report of the General Committee. He was in favor of this "omnibus," although he had been opposed to the Congressional omnibus. For once he was ready to vote for this omnibus, though he would prefer that it should be divided.

Col. C. R. WILLSON, of La.—Mr. President, Since you took your chair, I have watched with eager interest the course of this Convention; and as yet we from Louisiana have done nothing but listen to others. I therefore move that the motion of General Quitman, which is now before the house, be adopted.

Mr. J. H. LUCAS, of St. Louis—I move that all the amendments, up to the main question, for making a division of the report of the General Committee, be laid upon the table.

Mr. STANTON, from Tennessee—I believe this motion is out of order, as the rules of the House of Representatives allow any gentleman to call for the division of any question which is susceptible of a division, and the Chair is bound to put it.

The CHAIR concurred with the opinion of Mr. Stanton, and decided the motion to lay upon the table out of order.

Colonel OAKLY, of Louisiana—All we want is a separation of the question for improving the mouth of the Mississippi river from all other questions. This is all we ask. After this, we are ready for every improvement which can be brought before this body. We will go for railroads to the Pacific, or any other improvement which this convention may ask.

Mr. J. HUBBARD, of Mississippi—I, like many others who have spoken here, am a Southerner, and go for Southern interests; but I am for the whole, and am unwilling to separate the mouth of the Mississippi from the ports of Savannah, Mobile, and other ports on the Gulf. I go for all, and don't wish a separation of these questions.

Mr. BENJ. of Louisiana—Having been upon the committee which reported the matter to this Convention, which is now being discussed, I feel it my duty to state what I conceive to be the true policy of the delegation from Louisiana. In their action upon these questions. It was the aim of the committee that the question of improvement should apply to the whole Mississippi river, from its mouth to the sources of its tributaries. I hope we shall not begin to quarrel, but shall work together, for one and our common country.

The Rev. Mr. PLATT, of Alabama—The Mississippi river has more than one mouth. It has a mouth wherever a railway has a terminus on our Atlantic coast. Our only aim is that the great resources of the South shall be developed; and living as we do, in the centre of our Union, it is as important to us that the obstructions of the Mississippi river, St. Louis, should be removed, as those near New Orleans. We must act together. The head and the feet and the stomach must all contribute to the health of the body; and if we expect to effect anything with our government, we must show our government that we are unanimous in our desires. We ask for no local nor sectional improvements. Heretofore we have failed by our dissensions. Let us do so no longer.

Mr. R. APPERSON, of Kentucky—I rise to make an inquiry. I do not understand the question. I understand, Mr President, that you have decided any member has the right to call for the division of any resolution which can be subject to a division. I do not think, then, this resolution to decide upon these questions in bulk can be acted upon for, if we go for the whole, the Chair has decided that the vote may be taken upon a single point adopted, if any gentleman should demand it; therefore, after we have voted and adopted all these questions in bulk, some gentlemen may call for a division of the resolution; and thus annul our vote.

The CHAIR—The question now is, shall the motion to divide the subjects of the resolutions of the General Committee be adopted? The vote will be taken by States.

The result of the vote was as follows, and decided lost:—

AYES.	NOES.
Virginia,	Alabama,
Maryland,	Kentucky,
Georgia,	Tennessee,
Texas,	Arkansas,
Louisiana.	Mississippi,
	Illinois,
	Florida.

Gen. M. CRAY—I perceive that Galveston is not included in the ports mentioned in that resolution. I move as an amendment that the name of Galveston be added to it. This was carried.

Upon motion by Mr. R. APPERSON, a further amendment was made, that the port of Richmond be stricken from the resolution, and the port of Norfolk inserted in its place.

The vote of the House was then taken upon the report of the General Committee, as amended, which was unanimously adopted.

Messrs. Trezevant, Pyron, Marshall and Merill, offered various resolutions, which were referred to the General Committee, to prepare them for presentation to the Convention. As these resolutions will be brought up again, we defer their publication till that time.

Mr. J. A. KEENAN of Missouri, then offered the following resolution which was unanimously adopted:—

Resolved, That, in the opinion of this Convention, it is of great importance that each State should establish a bureau of statistics, or use the special superintendence of a statistician, in which shall be collected all facts touching the capability, productions, industry, arts, health, and population of the States, the superintendent of which should, at each session of the legislature, report thereto such facts and suggestions as he may think expedient, or they may demand.

The Convention then adjourned till to-morrow morning, (June 8,) at nine o'clock.

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FIRST DAY.

MORNING SESSION.

The Southern and Western Commercial Convention, which adjourned from Baltimore in December last, to meet in this city, commenced its session on the morning of the 6th inst., at 10 o'clock, in the great hall of the Exchange Buildings.

There were over one thousand delegates present, which is only a small portion of the delegates and strangers now in Memphis.

The following is a list of those who were in attendance on the first day :—

ARKANSAS—D. B. Greer, J. F. Fagan, E. H English, C. A. Cunningham, W. R. Hunter, A. H. Davis, Jesse A. Jackson, Geo. W. Underhill, R. W. Johnson, R. S. Mayson, M D. Neeley, E. B. Bishop, W. D. Ferguson, E. Worthington, W. R. Hunter, R. W. Crump, Oswald Pope, S. Mitchell, A. Fowler, S. O. Tappan, J. C. Duncan, J. A. Johnson, Sam. Martin, Jas. Norton, J. Thompson, R. T. Redman, P. Lette, Silas Chicot, E. P. Craig, E. H. Fletcher, E. Hickman, W. P. Sylvester, J. H. Peak, A. H. Rutherford, J. S. Horner, T. E. Patrick, J. M. McClandy, D. P. Hughes, J. M. Rouker, Dr. Walsh, D. C. Cross, E. Jones, L. Lanier, J. McGavock, H. A. Phillips, Mr. Buckner, W. D. Jones, J. B. Finley, C. W. Campbell, C. C. Aiken, H. Griffith, J B. Dewitt, A. J. Dewitt.

MISSISSIPPI—James H. Yerger, H. C. Adams, C. L Robards, G. S. Bryant, R. H. Dalton, A. B. Bradford, R. W. Brahan, R. M. Gaines, Wm. Finley, S. L. Galloway, P. B. Stark, J. V. Wright, J. C. Jamison G. H. Mitchell, Gen. J. A. Quitman, J. H. Hackleton, H. Williamson, H. Harris, B. J. Malone A. T. Caruthers, Leroy Sims, E A Thomas, James Speadley, C. Waite, Turner Bradley, J. S. Byrne, C. K. Marshall, W. C. Smedes, J. Vick, R. H. Crump, N. G. Watts, H. W. Bowen, B. F. Henderson, N. D. Coleman, Wirt Adams, Geo. Fewn, A. G. Carter, M. Emanuel. J. D. McConnell, Thos. Rigbey, J. Lowis, A. S. Kellogg, R. Bell, J. Hudson, R. Prophet, Hon. H. S Foote J. L. Alcorn, Mr. Hardeman, W. W. Moore, G. B. Warren, W. R Sledge, M. Davis, G. P. Foote, S. Gilner, J. P. C. Danfield, C. Hudson, C. Clark, W Adams, J. B. Foote, M. T. Nash, P. Poindexter, C W. Rozzell, R. Fletcher, Hon. W. Moles, J. J. Wordham, Jno. Robertson, D. S. White, F. M. White, F. Henderson, Jno. Murdock, Mr. Clapp, W. T. Mills, N. W. Williams, B. L. C. Wales, W. F. Avent, W. S. Jones, W. Thompson, W. H. McCargo.

MISSOURI—James H. Lucas, L. M. Kennett, A. B. Chambers, F. B. Blair, Jr, T. F. Purcell, H. Cobb, P. V. Valle, J. K. Elder, T. B. Hudson, P. E. Bland, A. H. Gladsby, R. J. Lockwood, Mr. Day, E. M. Ryland, H T. Chiles, John Hodges. W. Renshaw, Jr., J. J. Harrell, John A. Kasson, Jas. Woods, Alex. Kayser, J. Cannon, F. W. De Koatzon, B. F. Risk, A. Cristy, H. L. Sloan, J. Bridges.

LOUISIANA—J. W. Breedlove, J. C. Goodrich, J. Craig Martyn, S. Andrews, S. W. Oakey. John Moore, V. Burman, C. R. Wheat, J. D. Foster, F. A. Lumsden, Alex. Walker, J. S. Thrasher, Maj. J. A. Kelly, Capt. Quarles, Mr. Jordan, J. B. Lock, J. B. Remis, Capt. Wilson, F. Walker, L. W. Huling, J. W. P. McGinsey.

TENNESSEE—M A. Haynes, J. M. Lea, S. L. Cannaway, Mr. Humphries, John W. Campbell, John W. Morrelle, R. J. Chester, W. L. Boon J. R. Mosby, H. J. Cannon, C. R. P. Byers, W. M. Williams, W. F. Doherty, J. M. Alexander, J. C. Gillespie, W. Williams, H. F. Felton Hon. John Bell, S. Morgan, Willo Williams, J. B. Wolfe.

ALABAMA—J. B. Gladney, D. B. Turner, William H. Pratt, Lewis Troost, W. S. Burr, C. Denby, A. E. Mills, Jas. J. Donegan, William Dixon, R. M. Patten, George P. Beirne, J. Lane, J. Shackleford, Judge Bridges, Mr. McAlpine, Mr. Goulde, Mr. Blocker, E. K. Wallace.

TEXAS—Wilson A. Peacock, John H. Fowler, B. F. Hall, Gen. M. Hunt, Mr. Broadnax, W. C. Young.

GEORGIA—Hon. W. C. Dawson, R. A. S. Atkinson, A. G. Bostwick, A. L. Borders, E. P. Daniels, Jno. P. Stell, Octavius Cohen, A. R. Harrison, J. P. Scriven.

KENTUCKY—L. L. Robinson, S. Seymour, William L. Vance, Judge R. Apperson, William Watkins, William Logan, Francis Roulhac, John Baker, Yancy Baker, J. R. Howard, W. C. Ford, George C. McGinnis, E. W. Crittenden.

VIRGINIA—Jno. R. Anderson, John Knote, Charles Ellis.

MARYLAND—Jno. W. Welsh.

DISTRICT OF COLUMBIA—C. G. Bayler.

At the opening of the Convention, we noticed Senator Bell, of Tennessee; Gov. Foote, of Mississippi; Ex-Gov. Quitman, of that State, Hon Robt. Johnson of Arkansas; Gen. Memucan Hunt, of Texas, and many others whose names are well known throughout the length and breadth of our Union.

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New York Herald
16 June 1853, 4

THE CUBAN JUNTA—STARTLING RUMORS.—There are certain startling rumors afloat of busy movements hereabouts, among the order of the Lone Star and the Cuban Junta. Men are said to be now in this city who were lately seen in active intercourse with the creoles of Cuba. We have information from Havana that many creoles are leaving the island for the north; and there are also reports of revolutionary disturbances in the Vuelta Abajo, memorable from the invasion of Lopez. Verily, there is a strong aroma of gunpowder in the air. Will there be war?

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New York Herald
16 June 1853, 4

Cuba, Spain, England, Mexico, and the United States.—Warlike Aspect of Affairs.

The intelligence which we published yesterday from Havana, in connection with the corroborative information from other sources, to which we shall advert in this present article, gives to our relations with Cuba, Spain, England and Mexico the paramount importance of a crisis of impending war. The extraordinary conjuncture of circumstances, incidents, accidents, and State policy, which has brought these parties together, is but the natural result, of a common cause against our institutions, our commercial prosperity, our power among the nations, and the imminent danger of still further annexations to our Southern States.

First, it appears that Lord Palmerston has brought the home government of Spain to a sort of compromise upon the Cuban slave trade. It is reported from various authorities to the southward that Spain has agreed to suspend this traffic, and to substitute the apprenticeship system of the British West Indies, "by the free introduction of negroes from Africa, without molestation," to serve as apprentices for periods of eight, ten, or fifteen years, or more or less; and the ground upon which this ominous movement is supposed to rest, is, that as far as it goes, this arrangement will cut off the acquisition of Cuba by the United States, by the introduction of the Jamaica policy of England, as contradistinguished from the slave-holding system of our Southern States; for the inference is plausible enough, that with the gradual establishment in Cuba of the emancipation humbug of Jamaica, the "Queen of the Antilles" will cease to be a desirable acquisition by the southern section of this Union. And in this light we are disposed to believe that there may be substance enough in this aforesaid report to challenge the immediate attention of our government.

The violent, evasive and equivocal assault upon the New York Herald by the Spanish government organ at Havana, betrays a peculiar sensitiveness among the Catalans upon this subject of the slave trade; but it is apparent that the *Diario* editor does not tell the half that he might disclose were he in a more independent position. The correspondence which we published of Lord Palmerston concerning this African traffic with Cuba, has touched the authorities of the island in a tender place. They wince under it; but they cannot evade the question, under cover of their ridiculous and impotent abuse of this journal. We trust they will still be enabled to digest the debate in the British House of Lords, which we published the other day. And however disagreeable to the Catalans of Cuba may be the hostility of the Herald as the organ of the popular sentiment of this country upon the African slave trade, it is manifest that the *Habaneros* have been brought to the pinch when they must determine either to risk an English blockade, or a qualified abolition of this African traffic, and of African slavery as it now exists in the island. This, we apprehend, is the key to the peculiar bitterness of the *Diario*, and is thus corroborative evidence to the direct issue of an impending compact between England and Spain, involving the introduction into Cuba of the British West India system of emancipation on the one hand, and on the other the protection of Spain in her sovereignty over the island.

This is the first branch of our present subject. And let us, in a word or two, consider the tendencies of this British West India policy. We presume that, fully carried out, it can only result in the final establishment of a confederated free black republic or empire of the West India Islands, under the protection of a European holy alliance. Nor is it necessary here to suggest the mischievous influence which such a confederation would exercise against the slaveholding States of this country. This influence would subject the South to perpetual commercial annoyances, to constant embarrassments, internal as well as external, with their slaves, and would inevitably, sooner or later, embroil us in a bloody war in the Gulf, and perhaps in a bloodier extermination of the blacks of the South. That they would be exterminated, if inflamed to a general insurrection by the Northern abolitionists and their foreign allies is, at all events, a rational and logical conclusion.

And such being the tendency of this alleged *project* of a compromise between England and Spain upon the African slave trade and African slavery in Cuba, does it not behoove our administration instantly to demand of the British government an explanation in the premises? If there is a justification for the belligerent attitude of England and France against the designs of Russia, as supposed to be concealed in the mysterious movements of Prince Menschikoff at Constantinople, how much stronger the right and the duty of our immediate interposition in a matter affecting our interests so closely as the future destiny of the island of Cuba.

Nor is the second specification of our present indictment inferior in importance to the first. In fact, it may be blended with the first, as but a feature of a grand, comprehensive programme for the maintenance of a European balance of power upon this continent of North America. In this view, then, we present this second branch of our subject, to wit:—The fact of an extraordinary understanding of friendship and sympathy between Santa Anna and Spain, and the probability of an alliance, offensive and defensive, between them, contemplating the resistance, by arms, of the further extension southward of the boundaries of these United States.

On the return of Santa Anna from his exile, and in connection with the singular kindness and import of his reception at Havana, we presented to our readers, from all the circumstances and disclosures attending his recall to power, our suspicions of a warlike understanding on his part with the Court of Madrid. The *Diario* of Havana oracularly spoke of his purpose to consider the unity and preservation of the Spanish race as the basis of his policy in Mexico, and of institutions analogous to those of Spain. Subsequently we have adverted to the broad hints thrown out by the *Diario Espanol*, of Madrid, in connection with the belligerent movements of Santa Anna, as supporting our original conclusions. And now we have further information, and more directly to the purpose.

It appears that Spain is not only strengthening her interior and maritime defences of Cuba with remarkable liberality and activity, but it is said—and the information comes from various sources—that such is her sense of security in the island, that she has detailed several vessels of war to Vera Cruz. What business have they there at this crisis? If this report be correct, we may conjecture that Spain is fulfilling a contract with Santa Anna for the supply of ordnance, small arms, and munitions of war. We shall know the truth upon this point, however, in sufficient season for all practical purposes; but in the interim, the well authenticated movements of British and Spanish cruizers strongly suggest the necessity of a corresponding vigilance in the Gulf on the part of our Navy Department. If Mr. Dobbin is still rusticating among the pine barrens of North Carolina, we trust he is not beyond the reach of the news of the day, and that he will promptly return to his post and look up the scattered fragments of the Home Squadron.

There is a friendly understanding between Spain and Santa Anna. This is conceded by the Spanish official organs at Havana and Madrid. There is a feeling of unsatisfied hostility against the United States, and a burning disposition for revenge against us entertained by Santa Anna. He has substantially avowed it; and the immense army he is collecting indicates a larger field of military operations than the suppression of the straggling revolutionists and border savages. There is an anxious and very uneasy feeling of distrust and hatred of this country by all true Spaniards, officials and subjects, concerning Cuba, and a lively sympathy with their brethren of the same national stock, and of the same church, in Mexico. These are the undeniable facts, which give to all these startling rumors from Havana a degree of importance to which otherwise they would not be entitled.

All that is required to make the cause of Mexico and Cuba the common cause of Spain and Santa Anna, in the consummation of the alleged understanding entered into, whereby the policy of England shall be established in Cuba. In that event, while her navy will inevitably be required to protect the island, Spain will be very apt to imagine herself sufficiently secure to lend a helping hand to Santa Anna. Already, indeed, it is alleged that Spanish officers are "filling places near the person and in the army of Santa Anna." And when we consider the fact that the debt of Spain gives to England a lien upon Cuba, and that the sixty millions due to British creditors from Mexico render her interest in that country a cash investment, we may possibly account for her apparent apprehensions of the doctrine of "manifest destiny," so widely entertained in this Union. We cannot move our god Terminus further South without trenching upon English claims and English creditors against Spain or against Mexico.

We presume that our government is duly advised of all these things, and we shall expect some speedy action from Gen. Pierce and his cabinet in proportion to the exigencies suggested. Let our President demand an explanation of England in reference to Cuba, and watch the occasion for a similar demand upon Spain respecting Mexico, if the occasion has not already arrived. A proper vigilance may prevent a general war; a delusive sense of security may, upon some fine morning, find us locked in and locked out of the Gulf of Mexico. We earnestly invoke the prompt and serious attention of the administration to the threatening aspect of our present relations with Cuba, Mexico, England and Spain.

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New York Herald

17 June 1853,

ARRIVAL OF THE BLACK WARRIOR.

Several Days Later from Cuba.

The steamer Black Warrior, R. W. Shufeldt, commander, from Mobile 9th inst., and Havana 12th, 10 A. M., arrived at this port yesterday afternoon at 4 o'clock, four days and six hours from Havana.

The news from Havana is unimportant.

Several thousand slaves have been landed on the island during the past three weeks.

The B. W. passed, on the 13th inst., a hermaphrodite brig, showing a white signal—No. 173.

The Black Warrior brought 169 passengers.

OUR CUBA CORRESPONDENCE.

HAVANA, June 12, 1853.

The Difficulty between the University and the Captain General.

The recent misunderstanding between his Excellency, Captain General Canedo, and the dignitaries of this Royal University, appears to have been much more serious than was at first supposed; and as we know that it is just from small matters of this kind that great events are often produced, I shall endeavor to give you the particulars of the quarrel, as nearly as possible, as they have come to my knowledge.

From the tenor of General Canedo's remarks in his interview with the heads of the University, it would appear that his Excellency entertained some suspicion that too much of the doctrine called "filibusterism" was being inculcated into the minds of the students. In order, therefore, to discover whether he was correct in his opinion, and to serve other purposes, he caused the removal of a very respectable gentleman, the "Bedal" of the University, (a sort of superior usher, whose duty it is to see that the classes perform their duties,) and appointed in his stead a person of the name of Careno, who was a creature of his own, taken from the office of the Political Secretary. Now, the students had become very much attached to their *bedal*, and were very indignant that he should have been turned out at the mere will of the Captain-General, to make room for Mr. Careno, who soon began to make himself disagreeable; and in the height of their displeasure, they (the students) tore down the Captain-General's edict confirming Careno's appointment, and fairly drummed the latter person out of the University.

General Canedo having been informed of what had occurred, and, as usual with him, acting without reflection—because, after all, the students had behaved naturally enough in venting their displeasure, inasmuch as that a man whom they had loved had been dismissed the University without any cause whatever, except to make room for a person whose principal duties they knew would be to act as a spy over all they said and done—his Excellency, in a high state of excitement, ordered the Rector and the entire *posse comitatus* of the University to appear immediately before him. This extraordinary summons was, of course, instantly obeyed; but General Canedo, doubtless to demonstrate his anger, had the bad taste to keep these officers over an hour waiting in his ante room, before they were admitted to his presence. After a long preamble, in which his Excellency stated that he had always entertained the profoundest respect for men of learning like themselves, he informed them that he had learned with deep regret that a spirit of filibusterism was widely spreading throughout the University, citing as a proof of his remarks, the recent disgraceful occurrence when his "edict" was torn to pieces and his protege hooted out of the establishment; that all this could be attributed only to the pernicious doctrines which had got abroad among the students, and that he, therefore, recommended them (the Rector, &c.) as a father, to see that nothing of the sort should occur in future. Some very strong language was made use of by his Excellency, and his threats of the Moro have had such an intimidating effect, that several of the Professors have resigned their appointments and are about to leave the country. The Rector and other dignitaries, having denied the accusations brought against them by his Excellency, that they had done anything whatever to promote the spirit of filibusterism among the students, or that even disaffection to the government, to their knowledge at least, existed among the students, they were, after being again cautioned by H. E., dismissed, with the exception of the professors, Le Reverend, Pinot, Castro, and the Deacon of Laws, Don Diego de la Tovie, whom the Captain General desired to remain with him, and then accused the whole four of them, individually, of being filibusteros at heart, informing them, also, that he was aware that they had been occupying themselves in collecting money, to send to the United States, for the purpose of arming new expeditions to invade Cuba.

These gentlemen having, however, clearly demonstrated to His Excellency that they had most unjustly been calumniated, they never having been engaged in the projects which only their most bitter enemies could have invented to ruin them in the opinion of the Captain General, were also allowed to depart, with this final observation of General Canedo that if in future he heard the slightest whisper again... their names, they would be provided with lodgings in the Moro, and that no mercy might be expected from him; that he was disposed to be forgiving, but he could also be severe!!!

Since writing the foregoing an attempt has been made by the students to blow up, with gunpowder, General Canedo's obnexious "Bedal" or beadle Careno, in consequence of which the University has for the present, at least, been closed by order of His Excellency, and several of the young men provided with lodgings in the Punta Castle!

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New York Herald
17 June 1853, 4

A Good Sign.—We learn from respectable authority, that Mr. Soulé, for Madrid, will leave this country, in all probability, on the 26th inst. We hail this information as a good omen. The fiscal year does not end till the 30th June, and the appropriations for our new ministers abroad, beginning with the next fiscal year, do not take effect till the 1st July. Therefore, the earlier departure of Mr. Soulé for his destination, indicates a proper appreciation of this crisis in our relations with Cuba and Mexico, and Spain and England. We doubt not this distinguished official will go out fully charged with the instructions of the government upon all the various questions awaiting a settlement between the high contracting parties, of the United States on the one part, and of Spain on the other. In this movement we have an assurance, also, that if there is a war in the Gulf, and in the republic of Mexico it will not have fallen upon us without an effort of Gen. Pierce to arrest it. But still the question recurs, will there be war?

Mr. Buchanan, we are informed, will leave for England in the Baltic, on thv of July.

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New York Herald
17 June 1853, 8

Personal Intelligence.

Among the passengers per the steamer Asia, stopping at the Metropolitan Hotel, are Hon. John Ross, Solicitor-General of Lower Canada, and Hon. C. P. Romey, President of the Dublin Exhibition. Also, Hon. Nathan K. Hall, U. S Circuit Judge of the Northern district of New York; Hon. John A. Collier, Binghamton, and Captain Gardiner, U. S. Dragoons.

Hon. Mr. Mallory, United States Senator from Florida, has arrived in Washington.

Hon. Mr. Walker, member of Congress elect from New York, is also in Washington.

ARRIVALS.

From Mobile and Havana, in the steamship Black Warrior.—From Mobile.—M F Smith, lady, four children, and two servants, J A Hooper, lady, three children, and servant, C G Barney, lady, child, and two servants, T St John, lady, three children, and servant, C Gill, lady, child, and servant, H Oliver and lady, Col J B Todd and lady, A Campbell and lady, Miss H Campbell, Miss V Murrell, G M Parker, lady, two children, and servant, Mrs W L Shuttleworth, child, and nurse, Miss R M Callahan, Mrs T S King, three children, and servant, Mrs C M Little, Miss S A Roberts, Mrs H Allen, Miss E Dickey, Mrs S E Chamberlain, B F Marshall and lady, Miss E G Howard, Dr H S Le Vert, John Raynolds, G A Arnold, W A Hardaway, J F Woodhull, E Leavery, J Hagan and servant, C H Clark, E Gautherin, R W Hamilton, T Phelps, J Burgess, M Penollosa, F Mazendorf, A Boerum, W Denvir, Mrs A S Barnes, Mrs M B Stapler and three children. W S Allen, S F Peters, C B Dickinson, W B White, H L Hayner, W Patterson, M Linch, D Nicholas.

From Havana.—Dr J Guarro and family of eight persons, J Wade and child, G Gordon, S Fuguet, F Pastor, Madam Tarrafa and family of nine persons, C Pequenno and family of eight persons, Mrs E Churchill and three children, Mrs C Madden and child, Miss M Drew, Mrs T Vandroll and child, D Truhillo, F Durruthy, lady, two children, and servant, Mrs E Somerfield and child, T Attridge, C Card, F Arango, N Santos, C Moisant, C Ruedo and two brothers, J Govin and two sons, Col J Vendant and servant, M Sanchez Bueno, F Goicarra, F Veranes, L De Henedia, A Thomas, W H Laycraft, M Armagro, J De Mata, W Chase, F Fernandez, P Castillo and son, R Mariscal, A San Martin, M Millon, M Guiet, W Gysler, G Houghton, Mrs E Edmonte.—Total, 169.

From Richmond, Norfolk and Petersburg, in the steamship Roanoke.—G Whitfield, G F Maynard, C Korsdorph, W R Ragland, J Mortimer, J McDowell, A B Williams, F W C Conbny, J B Tooker, J W Alfriend, O Hobson, Wm McGill, C T Patterson, W H Beebee, J R Tall, G G Waters, J Y Dudley, W H Marshall, Mrs F James, Miss E O James, Miss J H James, Miss M Robertson, Chas Bennett and lady, Miss Johnson, Miss Woolsey, Miss Asohse, Miss C Reed, Mr Voorhes and lady, Miss M McNevin, Miss Voorhes, Mrs Voorhes, Mrs S Gage, Miss Baldwin, Miss E Muse, K Martin and son, J M Marvin and lady, C J Baldwin, G B Gilbert, Mr P E Bacon and two children, O F Lucas, lady and child, Mrs Phoebe Miller and two children, Mrs Frances Miller and two children, Mrs Dr Rawson and two children, Mrs Genard and two children, Miss Saphield, Miss H Peck, Mrs Gardener, Miss Skinner, Mrs Dudley, Danl Ayres, lady and child, H D Ward, Dr Rawson, Mrs Webb, Miss Webb, John Hudson and lady James H Foote, W F Faircloth, S O Fatum, J G Benton, John Pierce, G Chambers, G Butler, W Sherwood, A G Brown, G S Chiles, Mrs Wither and child, Miss Dudley, and 33 in the steerage.

From Cape Haytien, in brig R W Packer—J D Wilson and lady (U S Consul at Cape Haytien), A Paredores, three children and servant, G W Covoro, R Blain.

From Bremen, in ship Adolphine—H Dompowolf, E Schweder, J Guldener, O Block, F Wurlitrer, C Staalmuller, A Guillendorf, J Pemer.

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Florida Republican.
JACKSONVILLE, FLA.

23 June 1853, 2

Jacksonville, Florida.

We doubt if there is a more thriving or flourishing small town in the whole South than this. Its growth is about equal to some of the important towns in upper Georgia, which have been created mainly by the stimulus of Railroads. This place, however, has no such advantages at present; and the source of its success is mainly its great *milling* facilities and engagements, for the furnishing lumber. In 1850 the census showed a population, all told, of 1,000. This was an increase of several hundred in two years. Since '50 the town has doubled in population and *size* also—the addition of the latter having been almost entirely of new and fine-looking frame, many ornamental, houses. This rate of progress continues. In 1848 there was but one saw-mill adjacent to the town. Now there are no less than fourteen. We have two newspaper and printing offices. We have not less than twenty grocery and provision stores—two ready-made clothing stores; one watchmaker and jeweller; one tinner; two Drug stores; one fancy furnishing and Dry Goods store; about half dozen public boarding houses; and a proportionate number of mechancal operators, such as blacksmiths, carpenters, gun and lock smiths, &c. There is also here a tannery, &c. &c. &c. Two of our most important establishments are Foundries and Engine Manufactories. Castings of every description are made at those places, and perfect steam-engines, with their various parts; and every variety of repairing necessary for machinery is done.

The town ranges along the north bank of the river for about a mile and a half, and is situated just at the bend of the river to the southward, which the map will show to be its direction from this point—25 miles from the sea by the river. The course of the river is a peculiar feature, and has been often remarked—that is, it takes its rise in the southern part of the peninsula, and runs northward to empty into the Atlantic. This northward course is not a mere reach in a river which takes the ordinary southern, eastern, or western course to the Atlantic, but is its tendency for a distance of two hundred miles.

Coming again to the town of Jacksonville, however, we should say its streets are laid off at right angles, having about ten streets running parallel northward, with six parallel in an east and west direction.—These are streets defined by buildings and fencing—showing the *built* portion of the town. The plan of the town, which has been drawn and published, is much more extensive, of course, showing the whole corporate limits, with the environs, &c. Two creeks bound the location on the east and west, both emptying into the St. Johns—McCoy's creek, on the west, and Trout creek, on the east. About a mile up the latter, is situated the Panama mill, one of the oldest in the neighborhood; it was destroyed by fire about six months ago, and is now re-constructed.

As we said before, the principal resource is its mills and lumber trade. The demands of these for transporting sawed lumber require some 300 vessels a year, which bring in generally the cargoes of goods and supplies from the North for the merchants, in many cases in ballast, when the vessels are previously chartered to bring return cargoes of lumber. Large supplies are also brought by steamboats from Savannah and Charleston, and the trade is gradually turning in favor of those cities, as it is being found that dealers can purchase in those markets with nearly the advantages that they can at the north. The primary prosperity created by the mills, has brought with it an attraction for planters and smaller dealers in the interior, to seek this place as their market for purchase and sale. Hence, another source of profit and progress to the town has opened. This is the state of things without plank, rail, or even good common roads. The subject of roads is now agitated. A plank road for seventy miles westward is now in course of construction. This will be the pioneer of railroads. If the place has become thus important despite disadvantages and without these aids, what may it not become when possessed of them?

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New York Herald
28 June 1853, 6

The Cuban Slave Trade.

[From the London News, June 14.]

To-night Lord Beaumont is to move for papers relating to slavery in the United States, and the motion will probably induce some discussion. But there is a consideration connected with this slave trade, which the peers who take so deep an interest in the question wholly overlook. It is the influence which free institutions and free discussion have in advancing the great cause of final and complete extinction of slave dealing. A glance at the respective situations in these respects of Brazil and Cuba, will show how important a bearing a constitutional system, or the want of such a system, has on the African slave trade. Brazil is a free country, having a government responsible to public opinion, a parliament popularly elected, and a youthful monarch imbued with constitutional principles. It is a kingdom complete in itself, with a well defined general policy, full of energy, activity, and enterprise. And the thoughtful, educated, influential, and moral part of the Brazilian population—whose views prevail in public affairs—have made up their minds that the African slave trade is for their country a great evil. So, in the interests of Brazil itself, the Legislature two years ago gave the Imperial government large powers to repress the traffic; and the government have so energetically acted on these powers, that, by the slave trade papers last laid before Parliament, it appears, so far as Brazil was concerned, in the proceeding nine months not a single slave had been landed; where some years before this moral revolution in popular sentiment the importations used to reach 60,000 a year. There are, of course, people in Brazil, who would still, if they could, carry on the slave trade. But the whole weight of public opinion and of governmental force are now directed against it; and though they may not be able to detect and punish every offence, they are quite strong enough to prevent at once, any large importations, and ultimately to suppress the slave trade entirely and completely. Such is the great change which the growth of constitutional government and the consolidation of a liberal system is accomplishing in Brazil.

Cuba, on the contrary, is the only remaining dependency of any value of an European monarchy, which lost all its great transmarine possessions in consequence of misrule and oppression. And this monarchy, instead of growing wiser, purer, and more liberal, is growing more perverse, more corrupt, and more tyrannical than ever. What the Spanish crown will not tolerate at home, viz., freedom and a constitutional system, of course it will not endure in Cuba; and the consequence is that, though the richer classes in Cuba are far more intelligent than their countrymen in Spain, they have no outlet for their views, their feelings, or their wishes. If they had, it would soon become apparent that they too were really averse to the African slave trade. But the wretched Spanish court cannot see this; and it seeks to reconcile Cuba to its present degradation by giving facilities to a set of desperadoes to carry on the slave trade, thinking that the Cubans will submit to be plundered, and oppressed, and insulted, if only they can have additional supplies of African slaves. Queen Isabella and her court are afraid that the United States should take Cuba; but their only bid for its continued connection with Spain is the slave trade. Thus, whilst good government and rational liberty are suppressing the slave trade in Brazil, bad government and stupid despotism are reviving the slave trade in Cuba.

But the provoking part of the matter is the absurd way in which the British government deals with Spain and Brazil. It gives credit to and believes the word of honor of Captain General Canedo, that he will not allow another African to be imported into Cuba, at the very moment that persons in high places are getting the profit on the introduction of two cargoes, one of eleven hundred, the other of six hundred. But, though the Brazilian government has given the most positive proofs of its sincerity, and of its success—though it has driven out of the empire the Portuguese capitalists who carried on the trade—though it has released nearly three thousand Africans whom it seized on board slavers—though it has a steam flotilla of its own, watching its shores; and though it is prompt, energetic, and determined in its new career—the British government will not repeal Lord Aberdeen's act which has wounded the *amour-propre* of Brazil so deeply. Brazil is our third best foreign customer; there are probably not less than ten millions of British capital in Brazil; British subjects are getting up railways, steamboats, gas companies, for Brazil, and in very many other ways extending their private relations with Brazil. Yet we have no public relations whatever to protect this trade, this capital, this investment. For Brazil will not renew its commercial relations with England so long as that act remains unrepealed; and though the object for which it was enacted—viz. the suppression of the Brazilian slave trade—has been realized, the British government to abrogate it. English merchants had better look refuses to this betimes. Brazil has lately lowered its tonnage dues on shipping two thirds; it has since reduced the export duty on coffee; and with a large annual surplus it will soon be in a position materially to modify its customs tariff. If, when that time arrives, our commercial relations be not renewed, it is quite possible that Brazil may except England from the reductions it makes. And in that case British trade will only have its own foreign-office to blame for the result.

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New York Herald
29 June 1853, 1

A Lawyer Murdered in Georgia.

CHARLESTON, June 28, 1853.

Colonel Te lamon Cuyler, a lawyer, of Adairsville, Georgia, brother of R. K. Cuyler, of Savannah, was murdered near his residence on Saturday last. Four parties have been arrested on suspicion.

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New York Herald
29 June 1853, 8

News from Havana.

ARRIVAL OF THE STEAMER ISABEL AT CHARLESTON.

[From the Charleston Courier.]

Yesterday afternoon, at about 5 o'clock, the United States mail steamship Isabel, Captain William Rollins, made her appearance most unexpectedly in our harbor, having made the passage from Havana, via Key West and Savannah, in fifty two hours' running time—the shortest passage ever made between the two ports. Her advices from Havana and Key West are to the 22d inst., which were delivered at the post office before dark to our citizens.

We learn by this arrival that the brig Adela, Captain Westendorff, on her passage from this port to Havana, on the 16th instant, fell in with the schooner D. L. Clinch, Captain Watts, in the Gulf stream, between Havana and Matanzas, from Navy Bay, bound north—all hands sick, and the ensign union down. She went alongside, and, on consultation with the captain of the D. L. Clinch, the latter was taken into Havana at his request, where she arrived safely. The amount of salvage, we understand, will be settled by arbitration. Our fellow citizen, Captain Westendorff, deserves great credit for his conduct on this occasion.

Our letters, which we subjoin, are very full and complete, and will prove interesting, we think, to our commercial friends:—

HAVANA, June 22, 1853.

During the few days that have elapsed since my last few lines, we have been deluged with rain, which circumstance will cause my report to be more barren than usual, for wet weather plays the deuce with the news gleaner.

The arrival of the Isabel, with some United States troops, has caused some talk, and the alacrity which the President has shown in this affair with Mexico has created considerable surprise, and it is expected that he will be a regular *veni, vidi, vici* sort of character.

I saw some two hundred men disembarked from a vessel from Spain for our garrison, and certainly I never saw a more pitiful set of recruits. It may have been in consequence of the hardship of the voyage, but a ten years residence within the tropics could not give them a more enfeebled appearance. In height, they were all about five feet five inches or less, and very narrow across the chest, with little iron in their countenances.

Two Prussian frigates appeared off our port a few days since, on board of one of which there was a prince. They did not enter, as the Prussian Consul sent off a note giving information that the yellow fever and cholera prevailing in the city would make it imprudent to come in.

It is reported that the pay of the army is to be reduced. If this be true, as on all such occasions, it will not be relished. The pay of both men and officers is little enough as it is, and I cannot conceive how they will be able to manage upon a reduction of pay. The news brought from England in relation to the slave trade has created a great stir, and some slave trader or traders have been arrested; but the knowing ones wink and smile. What can they mean? We should be happy to see the slave trade put down, as only a few speculators are the real gainers by it.

Several steamers and sailing vessels of war go out tomorrow on a cruise, with the Admiral on board the steamer Isabel II.

The place is becoming sickly. Crowds are still going to the United States. Among the passengers by the Isabel is Brigadier General Apodaca, a very good man, late colonel of the regiment of Naples. His father was Viceroy of Mexico, and the General was born in that country. He is a gentleman, and, as such, is everybody's countryman, and should be received with courtesy.

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Boston Republican.

30 June 1853, 2

The Gardiner Case.

WASHINGTON, June, 22.—The effort to call up the case of John Charles Gardiner (in which there was a mis-trial on account of the non-agreement of the jury,) yesterday failed. The Government stated they had sent out another Commissioner. The defence said they would send out a Commissioner also.

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New York Herald
30 June 1853, 2

INTERESTING FROM CUBA.

We have received advices from Havana to the 24th inst. by the Georgia, which arrived yesterday.

Our Havana Correspondence.

HAVANA, JUNE 24, 1853.

Incarceration of One of the Slave Dealers—Mortality among the Africans—The Spanish Fleet—Death of an American Citizen, &c.

Julian Zulueta is still in Fort Cabana. Yesterday, Sania, Bavio, "Swaznavar," and about fifty others of the most extensive slave traders, went to visit him. He resides in the house of the Governor of the Castle, and, except leaving the fort during the day, he has everything he can possibly wish for. I saw yesterday, at the office of the political secretary, a secret paper, upon which it was stated that the exact number of the negroes landed from the Lady Suffolk at the Ensenada de Cochinos, on the 23d of May last, was 1,287.

Per Empire City, "F." leaves for New York. You will then receive some curious details with regard to this and the other scandalous infractions of the law which have so recently taken place here. In the meanwhile, so many of the negroes have died on Zulueta's estate, (the Alava,) that it is almost impossible to approach it, from the pestiferous state of the atmosphere, caused by the effluvia arising from the dead bodies of the only half-buried negroes; and, what is worse, the disease—a kind of cholera generated on board ship, from the crowded state of the hold—is carrying off multitudes of the wretched victims belonging to the neighboring estates.

One of the sailors who came in the Lady Suffolk states that upwards of 300 of the negroes died during the voyage from Africa, from suffocation and other causes.

The people here are indignant beyond measure at the impunity with which all the late disembarkations have been effected; and it certainly is very vexatious to hear it said in every quarter that General Canedo's arrest of Zulueta is nothing more than a mockery and a blind to humbug the English government.

It is now said that his Excellency has given orders to arrest old Pedro Forcade—next to Zulueta the most extensive slave trader in Cuba. Within the last three days another cargo of 207 has been landed from a brigantine on the south coast, and several vessels have started from this and other ports on new expeditions to Africa, to bring slaves to Cuba.

A Spanish frigate, one steamer, and three brigs, sailed on the 22d inst., according to rumor here, for Vera Cruz. It is my opinion they have merely gone to cruise outside a little—probably to intercept slavers. In all there are about twenty-two Spanish vessels of war continually cruising round this island; but during fifteen years experience I never knew of but one slaver being captured by a Spanish cruiser, and the unfortunate commander of the vessel of war was disgraced and sent to Spain for having exercised too much vigilance.

Mr. Guild, of Boston, partner in the house of Adot, Spalding & Co., of this city, died here last night, I believe of fever. In great haste, * * *

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New York Herald

30 June 1853, 2

The New York Herald and London Times Extinguished by the Spanish Organ in Cuba.

We translate the following bombastic article from the columns of the *Diario de la Marina* of June 22, 1853 :—

We are no friends of secrecy or mystery, as we have never ceased repeating. On the contrary, it gives us pleasure to call things by their right names—to call bread, bread, and wine, wine, instead of beating about the bushes, as the old Spanish proverb says—and therefore, when the bull attacks us in front we think it better to catch him by the horns, as another English proverbial phrase says. This plan is not only more upright and proper, but is also entirely, and without any doubt, the most convenient, because in the clear light of day things are seen in their true fashion and shape, whilst large and ugly forms are covered up in darkness, and engender with the aid of fancy, frightful phantoms, where exist nought but shadows and objects so vulgar, and of so little worth, that no one on another occasion would waste a look on them.

All this heap of metaphysics, moral proverbs and maxims, has for its excuse, an article inserted in the London *Times*, and about which we might well know that the NEW YORK HERALD and others of its cast, would endeavor to make much noise. In this, the HERALD is not much wrong so that we will not have to dispute with it or come into collision with its taste. We have often scribbled up ourselves on account of the blustering articles of the same journal, which might not have been much pleased with us for it, and we hope that we will often again have the opportunity of playing it the same trick. Now that an occasion is offered to take a little revenge it would be cruel to deny it to the poor HERALD, because it may be delighted at its leisure and still more when it may flatter itself with the gratifying idea that in some measure it may succeed in producing a certain result. We have already alluded formerly to its zeal in matters which for the greater portion of the United States are more than commonly difficult, and to its endeavor to sow dissensions, the harvest of which it expected afterwards to gather in. However, its labor is to no purpose, as we will soon pass to see.

Besides, the article of the *Times* is not a thing which in itself is worth much, particularly for those who are acquainted with that journal. The principal organ of opinion in England, it does not neglect either paying homage to the opinions, or even to the prejudices of the country. Besides, its style and models never offend through excess of civility, as the public men of England well know, to their cost, when they have any dispute with it. The grandiloquent—if it be not too arrogant—tone which it employs in domestic matters might ill be spared when it quarrels with a foreign nation, and we formulists, who are, through the necessity of our office, more or less transgressors with the same senses, cannot, or at least ought not to be surprised at it. We are in the secret, and at least it does not become us to attribute to the matter an importance which it absolutely wants. Perhaps the *Times* may be a little more profuse than ordinarily in impudent nicknames, and in promises of devouring uncooked children, but that is also an old trick of it, and must be taken as an idiosyncrasy of its writers, *vox et preterea nihil*. Not always in these sudden attacks is the money as ready as the words, and therefore the same periodical, which against the Emperor of France exhausted the vocabulary of a certain category, dances attendance to him in some measure to-day, accepting as propositions his co-operation in the subject of Turkey.

But this is not the true, or rather the impartial mode of considering the matter in question. Neither can the *Times*, by an article, modify the perennial conditions of a political situation by destroying affinities and sympathies cemented in the profound union of greater interests, nor even does that journal represent the opinions and policy of the British government. This consideration, which of itself was sufficient that we might sleep at our ease with all safety, has fortunately come to receive a confirmation as rapid as solemn. Truly the HERALD is unfortunate since the period of its content has been so brief.

We would bet something indeed that our New York colleague did not manifest such rejoicing on the discussion which took place in the House of Lords, nor crowed so much over the words of the British minister as over those of the journalist, even though both treated on the same subject, under the point of view peculiar to their nation. But in Lord Clarendon's speech—as better informed of the truth of facts—there breathes the acknowledgment that Spain and the Spanish authorities know their international obligations, and are animated by the sincere desire of fulfilling them. This is sufficient, and even more than sufficient, when the frankness of the language is realized by that friendly tone employed by Lord Clarendon. We are not mistaken in supposing the existence towards Spain, in the mind of this diplomatist, of an affection, repaid also by the Spaniards with interest, and the origin of which is in the mutual estimation demanded from mutual acquaintance.

The alliance, therefore, between Spain and England, is not cooled, as was pronounced by those who so desired it. It is not cooled, we say, but rather has a tendency to become closer. For the HERALD, and for the famous English-Irish-Scotch trio of its editors, this is a thing of little moment. There are people in the Republic, nevertheless, who would not hear the statement with perfect indifference. The fact does not surprise us, since, for some time back, we had foreseen it as a logical consequence of outside infamy; neither does it make us vain nor inspire us with sentiments of a different sort. The serenity of mind with which we have looked at the question for a long time past in all its complications, as a question particularly of nationality and of honor, is quite public and notorious. But these incidents come so much to the purpose to corroborate the reasonings which we commonly in these days occupy ourselves in exposing, that we cheerfully take from the testimony to continue with the same calmness in the thread of our arguments and predictions.

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New York Herald

30 June 1853, 4

TIMELY WARNING.—The season of the year is at hand when the watering places and fashionable resorts of the seaboard and the interior are infested with all sorts of adventurers and *filibusteros* on a small scale. Among them, there is occasionally to be found some presuming genius in the unauthorized character of a correspondent or *attaché* of the NEW YORK HERALD. Against all such impostors we recommend to hotel keepers and others an application for their certificate from the HERALD office where there is any ground of reasonable doubt of the real character of the individual. And be it further remembered, that all our correspondents are instructed to "pay as they go."

Robado del Archivo del Dr. Antonio Rafael de la Cova
http://www.latinamericanstudies.org/

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MEXICO AND SPAIN—SANTA ANNA AND HIS IMPENDING COUP D'ETAT.—We have had some strange and some very silly reports from Mexico and Cuba within the last two days. On the one hand it is rumored that General Canedo, in behalf of Spain, has entered into an understanding with Santa Anna, whereby a Spanish fleet is to be sent to Vera Cruz, and a body of six thousand Spanish troops, "be the same more or less," is to be sent to Santa Anna, to assist him, not in making war upon the United States, but in sustaining a *coup d'état, a la* Louis Napoleon. Our Havana correspondent, as will be seen by his letter, which we publish this morning, mentions the departure from that port of several vessels of war for Vera Cruz or for slavers. This confirms a previous letter to the same import; and the same question which then suggested itself again recurs: what possible business can a Spanish fleet have at Vera Cruz at this pestilential season of the year, unless it is connected with some great and comprehensive project of a *coup d'état* by Santa Anna?

In proof of this general rumor of a compact, offensive and defensive, between the Captain General of Cuba, in behalf of Spain, and Santa Anna, *El Cubano*, the organ of the Cuban Junta of this city, adduces the following points of evidence:—

1.—The interview of Santa Anna and Canedo, during his stay in Havana, which lasted about four hours, at the Molino, the residence of the Captain General.

2.—The incorporation of about forty Spanish officers in the ranks of the Mexican army.

3.—Part of the Spanish fleet are cruising near Vera Cruz, subject to the orders of Santa Anna.

4.—A contract between the government of Cuba and Mexico, to provide the latter with arms and munitions of war.

5.—The grand decoration of Carlos III. to Santa Anna from the Queen of Spain.

6.—The allusions of Arista to annexation, instead of the restoration of the monarchy, believed to be propagated by Santa Anna.

Wonder what Secretary Marcy is doing at Washington. It is alleged that he is at loggerheads with Mr. Buchanan upon the subject of the instructions of the latter regarding his future negotiations in London on the fishery question. Can it be that our Premier regards the fishery question as more pressing in its demands for action than the affairs of Cuba, Mexico, and Spain? Or is he awaiting the arrival of Gen. Almonte at Washington? Perhaps he is; but let him prepare for a *coup d'état* from Santa Anna which will make Mexico an empire, or a dependency again of the Spanish crown, under the vice royalty of the present Dictator. Is our Premier wide awake.