

No. 45.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, March 6, 1866.

In reply to your note of to-day, which I have just received, I must say I do not understand what you mean by saying, "you already have in your possession the agreements I made with * * *". I have sent you the originals of all contracts I have signed as commissioner of the supreme government, as well as an exact account of the course I have pursued in discharge of the important mission that has been intrusted to my care." Do you mean to say you have sent those documents to the supreme government or to me? I cannot tell which, as your language is ambiguous.

If you have sent the documents to our government, without giving me copies of them, and the report I requested, and which you promised in your letter of the 21st of February last, it seems to me you think I cannot or ought not to take any part in your business, when you know the President decided you should do nothing without my approbation, and without such approbation your acts are not binding upon the nation.

If you mean you have sent me the original contracts and report, I must inform you I have received neither of them. On the 2d of December last Mr. Fitch brought me a note from you, dated in New York the day before, informing me you sent the documents requested in your note of the 29th of November by him, asking me "to return them as soon as possible, so as to send them to the minister of relations." In my note of the 29th of November I requested you to give me a written account of all you had done in execution of your commission, and what you intended to do. You answered by sending Mr. Fitch to me with the original documents you had signed in execution of your commission. I returned them to you by Mr. Fitch, as soon as I had read them, and on the 3d of December I requested you, in an official despatch, to send me copies and translations of them.

You did neither; but on the 4th of February you gave me English copies of three of the documents, but no copy of the special hypothecation of the ten millions of dollars in bonds, issued in San Francisco, to pay for thirty thousand dollars in gold advanced by Mr. Brannan. The copies of the original contracts you gave me were sent to our government on the 15th of February, and that was the reason why I asked for other copies in my note of the 19th. As I got no answer, I repeated my request yesterday. When you say, "I have already sent you the contracts I signed as commissioner of the supreme government, and the exact account of all I have done officially," you do not mean that Mr. Fitch brought them to me, for that would be refusing the copies, and I certainly did not receive a *correct report* of your official acts. And I do not think you sent them after my second request, because in your private note of the 21st of February, you say you would answer mine of the 19th from New York, where you have all your papers, and send me copies from there. As I hear you did not go back to New York, you could not have sent me the documents, and I hope you will explain what has been done, so I may try to recover the documents if they are lost.

You also say in your letter to-day that I have the contracts you signed with * * * * . You know very well I have but one document in my hands, namely, the one handed to me by Mr. Fitch at Mr. Bruzual's house, on the evening of the 3d of February, the night he was married, and which I took for a memorandum, till you told me, on the 15th, it was a perfect contract, and this is the only one of your documents I now have.

* * * * *

If you have pledged any more of the bonds to buy arms, as you tell me, please send me a copy of the contract for my examination and approbation.

M. ROMERO.

General GASPAR SANCHEZ OCHOA, &c., &c., &c., *Present.*

WASHINGTON, June 4, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 46.

No. 190.] MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, March 14, 1866.

As General Sanchez Ochoa would not tell me where the bonds were deposited, though I had requested it in writing, I had to apply to Mr. Henry Clews, one of the principal bankers in New York, and a friend of mine, asking him to find out where they were, as you will see from the enclosed copy and translation of my letter to him, of the 12th instant. As soon as I find out where they are deposited, I will send an order to the bank and assume the responsibility of their preservation and exclusive disposition. * * * * This will require labor, expense, and trouble.

I repeat the assurances of my most distinguished consideration.

M. ROMERO.

Citizen MINISTER OF FOREIGN RELATIONS,

Paso Del Norte.

WASHINGTON, June 4, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 47.

WASHINGTON, March 12, 1866.

DEAR SIR: I shall be very much obliged to you if you inform me in what house, or in whose hands, General Ochoa's bonds you know of are deposited. In case you do not know this, would you do me the favor to investigate the matter, and tell me what you may find out.

Very respectfully and sincerely yours,

M. ROMERO.

HENRY CLEWS, Esq.

WASHINGTON, June 4, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 55.

No. 221.] MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, March 24, 1866.

On the 17th instant I received a letter from Mr. Henry Clews, dated in New York the day before, of which I send you a copy and translation, (Nos. 1 and 2,) informing me that General Sanchez Ochoa's bonds are deposited in the house of Messrs. Van Auken, Garrison & Brumagin. On the same day I sent that

house the communication, of which copies and translations are here enclosed, (Nos. 3 and 4,) saying that, by virtue of instructions from my government, those bonds were at my disposal, and I was to assume the responsibilities they carried with them. As I had received no answer to that letter yesterday, I sent a duplicate of it by Mr. Clews, whom I requested to deliver it in person, and ask an answer. I enclose a copy and translation of my letter to Mr. Clews (Nos. 5 and 6.)

I repeat the assurances of my most distinguished consideration.

M. ROMERO.

The Citizen MINISTER OF FOREIGN RELATIONS,
Paso del Norte.

WASHINGTON, June 4, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 56.

HENRY CLEWS & Co., SUCCESSORS TO LIVERMORE, CLEWS & Co.,
BANKERS, &c., GOVERNMENT LOAN AGENTS, 32 WALL STREET,
New York, March 16, 1866.

DEAR SIR : I am in receipt of your favor of the 12th instant. The bonds which you refer to are now in the hands of Messrs. Van Auken, Garrison & Brannigan, 73 William street, this city, held by them in trust, on account of Mr. Samuel Brannan, of California, who made advances upon them.

Holding myself at your service, I remain truly yours,

HENRY CLEWS.

Señor ROMERO, *Washington, D. C.*

WASHINGTON, June 4, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 57.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, March 17, 1866.

GENTLEMEN: I have been informed that ten millions of Mexican bonds, printed at San Francisco, California, by General Sanchez Ochoa, have come to your possession on deposit, under instructions from Samuel Brannan, esq., of San Francisco, who has made advances on them.

Having lately received instructions from the Mexican government to take charge of said bonds as its representative in this country, I beg you to hold them subject to my order, when the advances of Mr. Brannan are paid. I assume that responsibility, and will pay as soon as I can. In the mean time nobody else can claim said bonds in the name of the Mexican government.

I am, gentlemen, very respectfully, your obedient servant,

M. ROMERO.

Messrs. VAN AUKEN, GARRISON & BRANNIGAN,
73 William street, New York City.

WASHINGTON, June 4, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 58.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, March 23, 1866.

MY DEAR SIR: On the 17th instant I addressed a letter to Messrs. Van Auken, Garrison and Brannagin, who, according to your kind information, hold in their possession the Ochoa bonds. Not having received any answer as yet, and fearing my letter may have miscarried, I take the liberty to enclose you a duplicate thereof, hoping you will be so kind as to send it to said gentlemen, requesting an immediate answer.

I remain, my dear sir, very sincerely yours,

M. ROMERO.

HENRY CLEWS, Esq.

WASHINGTON, June 4, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 59.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, March 27, 1866.

I received to-day the answer of Mr. Henry Clews to my letter of the 23d, requesting him to deliver to Messrs. Van Auken, Garrison and Brumagin my communication of the 17th, notifying them that the bonds signed by General Sanchez Ochoa, and now in their hands, were at my disposal, as I informed you in my notes (190 and 221) of the 14th and 24th instants. I enclose you a copy and translation of Mr. Clews's answer.

You will see by it that he informed me that he took the duplicate of my communication to the house to which it was directed, and they told him the original of the note had been received, a copy of it had been sent to Mr. Brannan, of California, and they were waiting for an answer, and did not consider it necessary to answer it.

We must, therefore, take Mr. Clews's letter as the answer of that house, and I do so, answering Mr. Clews to-day, and thanking him for the trouble I gave him.

I repeat the assurances of my most distinguished consideration.

M. ROMERO.

The Citizen MINISTER OF FOREIGN RELATIONS,
Paso del Norte.

WASHINGTON, June 4, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 60.

HENRY CLEWS & Co., SUCCESSORS TO LIVERMORE, CLEWS & Co.,
BANKERS AND GOVERNMENT LOAN AGENTS, 32 WALL STREET,
New York, March 26, 1866.

MY DEAR SIR: Your esteemed favor of the 23d instant is at hand; the letter addressed to Messrs. Van Auken, Garrison and Brannagin, which came enclosed, I delivered to them as requested. They acknowledged receipt of your previous

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communication, and stated that a copy of it had been sent to Mr. Brannan, now in California, and they awaited his reply. They had not written you, as they did not consider it necessary.

Very respectfully yours,

Señor ROMERO, &c., &c., &c.

HENRY CLEWS.

WASHINGTON, June 4, 1867.

A true copy:

IGNO. MARISCAL, *Secretary.*

No. 70.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, April 6, 1867.

No. 261.] I received note No. 129 from your department, dated 9th of March last, containing copies of two communications of the same date from you to General Sanchez Ochoa, in reply to duplicates of his two despatches, dated in New York, the 7th of February previous. I also received department packages for General Ochoa, which I sent him immediately at the National Hotel in this city, where he is yet stopping. * * * * *

I renew the assurances of my most distinguished consideration.

M. ROMERO.

Citizen MINISTER OF FOREIGN RELATIONS,
Paso del Norte.

WASHINGTON, June 4, 1867

A true copy:

IGNO. MARISCAL, *Secretary.*

No. 82.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, April 28, 1866.

No. 321.] Note No. 155, of the 24th of March last, from your department, with annexed copies, informs me of the communications you addressed to General Sanchez Ochoa, in answer to his two from New York, the 6th of February, the duplicate of which had already been received.

That general has not returned to Washington, and I understand he is still in New York, and has not written to me officially or privately. * * * * *

I repeat the assurances of my most distinguished consideration.

M. ROMERO.

Citizen MINISTER OF FOREIGN RELATIONS,
Paso del Norte.

WASHINGTON, June 4, 1867.

A true copy:

IGNO. MARISCAL, *Secretary.*

No. 93.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, May 9, 1866.

No. 353.] At the moment I received notes numbered 198, 199 and 200, of the 11th of April last, from your department, relating to the commission of General Sanchez Ochoa, and his arrangements in San Francisco and New York, I sent them to that general, who still remains in that city, and I sent to him the respective package through the mediation of our consul in that port, so that he might see that it reached its destination. * * * * *

I have learned he considers his contract with General Sanchez Ochoa is valid, and will not renounce the rights he has acquired. I am to see him day after tomorrow, to make some arrangement with him upon pending points.

I repeat the assurances of my most distinguished consideration.

M. ROMERO.

Citizen MINISTER OF FOREIGN RELATIONS,
Paso del Norte.

WASHINGTON, June 4, 1867.

A true copy:

IGNO. MARISCAL, *Secretary.*

No. 94.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, May 9, 1866.

In the communication, No. 198, of the 11th of April last, the minister of foreign relations writes me from Paso del Norte as follows:

"With note 111, of the 15th of February last, you sent me three copies, in English, of certain arrangements that General Gaspar Sanchez Ochoa attempted to make in San Francisco, California, with Mr. Samuel Brannan, a merchant of that city, and Mr. Richard Chenery, as his agent.

"General Sanchez Ochoa has not yet remitted to the government a single copy of any kind of document concerning his arrangements, nor has he given an account of them, neither has he given any explanation, official or private, of his proceedings.

"When a due account of those arrangements is given to the government, he will be able to give, if necessary, a full account, and will demonstrate, in every particular, their manifest and evident nullity. In the mean time, it is enough to read the authorizations with which the government sent General Sanchez Ochoa, and to read the indicated arrangements which he attempted to make, in order to see and perceive, in an unquestionable manner, that in all substantial points he exceeded his authorizations.

"For this reason, General Sanchez Ochoa, seeking to make arrangements without sufficient authority, and as those who treated with him should have made inquiries concerning the extent and power of his authorizations, it is beyond all doubt that those arrangements, even from the beginning, have been and are null, and that they never had any effect, nor can they have in future any legitimate effect, nor be considered in any manner binding upon the republic.

"You will please communicate this to General Sanchez Ochoa, and make it known wherever necessary to those concerned in the mentioned arrangements."

And I transcribe it to you for your information, in accordance with my instructions, protesting the assurance of my distinguished consideration.

M. ROMERO.

General GASPAR SANCHEZ OCHOA, *New York.*

WASHINGTON, *June 4, 1867.*

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 96.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, May 9, 1866.

In note No. 200, of the 11th of April last, the minister of foreign relations writes me as follows :

"In your note No. 168, of the 10th of March last, you informed me that you sent to General Sanchez Ochoa a copy of my communication on the 8th of the same month, informing him that he had ceased to be commissioner, by government command of the 16th of January, and was ordered to return to the republic. The President has considered your resolution, and approves it. He also instructs you to communicate this note to General Sanchez Ochoa, if he is still in the country, so that he may have no doubt about his duty. In regard to what he said to you in a communication of the 7th of March, about sending original documents to the government, tell him, if he is still in the country, that all his documents have been received, but nothing has been received from General Sanchez Ochoa, nor has he written anything about contracts of any kind made by him."

And this I transcribe to you for your information, and in compliance with my instructions, protesting my consideration.

M. ROMERO.

General GASPAR SANCHEZ OCHOA, *New York.*

WASHINGTON, *June 4, 1867.*

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 102.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA,
Washington, June 21, 1866.

No. 438.]

I have the honor to remit you various newspaper extracts containing the latest news received in this country from the republic, and the editorials on our affairs published by the newspapers here. You will also find several articles published in relation to Don Antonio Lopez de Santa Anna. The New York Herald of day before yesterday published a letter said to have been written in this city on the 17th, representing General Ortega as lawful President of the republic. It says he is acting in concert with all the governors of the States and with the chiefs of the national forces; that he is animated with the best desires to make a treaty with the United States, highly advantageous to this country, and declares that he has submitted his plans to President Johnson and General Banks.

The publication of such a letter in a paper like the Herald would not seem strange, but for other incidents that give a serious character to the reports. By reliable information from New York, I am convinced that General Sanchez Ochoa has joined General Ortega, on condition that when he gets into power he will approve of his conduct; that, in virtue of that arrangement, * * * has resolved to labor for the triumph of Ortega's cause; that the plans submitted to the President and to General Banks are the same that * * * mentioned to them; and that, by virtue of his efforts, that paper has abandoned the cause of Santa Anna, and in future will defend that of Ortega.

Nor would all this be sufficient cause for alarm; for, supposing it true, (and we will find out soon,) it only proves that there is one more Mexican guilty of desertion because the supreme government did not approve his plans. There is another incident more serious than all the others, which you will find in the copy and translation to Mr. Tift from his brother in New York. It says the bonds that General Ochoa brought from San Francisco have been taken from the house where they were deposited, and are offered for sale at fifteen cents on the dollar. This could only have been effected by * * * in concert with General Sanchez Ochoa.

As soon as I send off my mail to-day, I will take the necessary steps to investigate the matter, and remedy it in the best way I can, of which I will give you due account.

I repeat the assurances of my most distinguished consideration.

M. ROMERO.

The Citizen MINISTER OF FOREIGN RELATIONS,

Paso del Norte.

WASHINGTON, *June 4, 1867.*

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 103.

NEW YORK, *June 20, 1866.*

DEAR BROTHER: The bonds issued by General Ochoa are kicking up quite a splurge here, and parties are constantly coming to inquire about them, as to their value, &c.

Now, I thought these bonds were where they could not get out, but such is not the case, as several parties have brought them in here. As near as I can ascertain, they are being offered at about 15 per cent., or less, in any quantity.

Now, I do not know what answer to make to these inquiries, and I write this to get your ideas in the matter. I think there is something in the theory that some one intends to counterfeit our bonds, either through new plates or by impressions obtained in some way from the United States Bank Note Company, and hope you will be able to send a detective to work the matter up.

But Wilbur has written you fully about this, so there is no need for me to say more.

Yours, faithfully,

HARRY.

WASHINGTON, *June 4, 1867.*

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 105.

MEXICAN LEGATION IN THE UNITED STATES OF AMERICA.
Washington, June 29, 1866.

No. 455.]

In collecting facts to complete my argument in the case of the arrangements made by General Gaspar Sanchez Ochoa, as commissioner of the supreme government, I applied, through a friend, to Mr. Richard Chenery, who came with him from San Francisco as his agent and attorney, and who is now in this city, for copies of the treaties concluded with him.

To-day I got Mr. Chenery's letter of yesterday, and I enclose a copy and translation of it, containing copies of the requested documents, of which I also send copies and translations. I also send you a copy of my answer to Mr. Chenery, in which I merely mention the receipt of his, and inform him that General Sanchez Ochoa's powers have been withdrawn.

I wish the supreme government to examine the documents I send with this note attentively, and send me its determination immediately, to regulate my conduct accordingly in the affair.

I repeat to you the assurances of my most distinguished consideration.

M. ROMERO.

Citizen MINISTER OF FOREIGN RELATIONS,
*Paso del Norte.*WASHINGTON, *June 4, 1867.*

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 106.

WASHINGTON, *June 28, 1866.*

DEAR SIR: I have the honor to enclose herewith a copy of a "power of attorney" from General Gaspar Sanchez Ochoa, of, and agent of, the republic of Mexico, authorizing me to negotiate ten millions of dollars of bonds of said republic, and also a copy of an agreement between General Ochoa on the part of his government and Mr. E. Sloman and myself, for the purchase of vessels, supplies, and munitions of war. I should have presented you with these papers long since, had I not been under the impression that you were already in possession of them through General Ochoa.

I am, with respect, your obedient servant,

RICHARD CHENERY.

Señor Don MATIAS ROMERO, *Washington.*WASHINGTON, *June 24, 1867.*

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 107.

JULY 22, 1865.

This agreement, made this twenty-second day of July, A. D. one thousand eight hundred and sixty-five, between General Gaspar Sanchez Ochoa, of the republic of Mexico, party of the first part, and Richard Chenery and Edward

Sloman, of the city and county of San Francisco, State of California, of the second part, witnesseth :

That, for and in consideration of the covenants and agreements hereinafter contained, to be kept and performed by the party of the first part, the parties of the second hereby covenant and agree that, for and during the period of two years from the date of these presents, for the compensation hereinafter stipulated, they, the parties of the second part, shall and will negotiate the purchase of, and purchase, such vessels, arms, supplies, and munitions of war as the party of the first part may desire, at such points on the Pacific coast, or in the Atlantic States, as the party of the first part may designate, (where the same can be procured,) and build, construct, alter, and repair such vessels, steamers, and gunboats as said party of the first part shall desire, being thereto supplied by the party of the first part with the funds necessary to make all such purchases, and to build and repair all such vessels, steamers, and gunboats.

Such purchases, construction, and repairs are to be made under the exclusive direction and control of said parties of the second part, but subject to, and with the assent and approval of, said party of the first part.

Said parties of the second part further covenant and agree to use their best endeavors to procure from the United States government permission to use such navy-yards and government works in building and repairing such vessels, steamers, and gunboats as the party of the first part may desire, as shall be most convenient for that purpose; and also to purchase from said government, if possible, all such arms and munitions of war as said party of the first part may desire.

And the party of the first part, for and in consideration of the covenants and agreements of the parties of the second part, hereby covenants and agrees to employ the said parties of the second part as his agents in the purchase of all the vessels, arms, supplies, and munitions of war, and in the construction, alterations, repairs, and equipment of all vessels, steamers, and gunboats, that he may need for said period of two years, and that he will provide and place in the banking-house of _____, in said city and county of San Francisco, and subject to the order of the parties of the second part, all such funds and credit as shall be necessary from time to time to pay for all such purchases, construction, and repairs, as aforesaid, as he may order done and made; but in case purchase shall be made or repairs done at any other point than said San Francisco, then the party of the first part agrees to provide the necessary funds to pay for the same at the place the same shall be made or done.

And the party of the first part further covenants and agrees to pay the parties of the second part, as compensation for their services and in lieu of commissions, the sum of one hundred thousand dollars, at the times and in the manner following, to wit: On the execution and delivery of these presents, twenty thousand dollars, one-half (\$10,000) thereof in gold coin and the other half (\$10,000) in bonds of the Mexican government, at their market value in gold coin in the market of San Francisco; three months after the date of these presents, thirty thousand dollars, one-half gold coin and one-half bonds, as aforesaid; six months after the date of these presents, twenty thousand dollars, one-half in gold coin and one-half in bonds, as aforesaid; nine months after the date of these presents, twenty thousand dollars, one-half in gold coin and one-half in bonds, as aforesaid; and twelve months after the date of these presents, ten thousand dollars, one-half in gold coin and one-half in bonds, as aforesaid.

In case it shall become necessary, in the execution of their said employment, for the said parties of the second part, or either of them, to leave the city and county of San Francisco, then, in addition to the compensation hereinbefore provided, to be paid to said parties of the second part, they shall have and receive from the party of the first part all their or either of their necessary travelling and other expenses during such absence from said San Francisco.

In witness whereof said parties of the first and second parts have hereunto set their hands and affixed their seals the day and year first above written, at the city and county of San Francisco, State of California.

GASPAR SANCHEZ OCHOA, [SEAL.]
 RICHARD CHENERY, [SEAL.]
 EDWARD SLOMAN, [SEAL.]

Signed, sealed, and delivered in the presence of—
 ALF. A. GREEN.

WASHINGTON, June 4, 1867.

A true copy :

IGNO. MARISCAL, *Secretary.*

No. 108.

SEPTEMBER 8, 1865.

Letter of attorney from General Gaspar Sanchez Ochoa, of the republic of Mexico, to Richard Chenery, of San Francisco, California.

Whereas, the government of the republic of Mexico, by the resolution of the President and counsel of ministers thereof, at Chihuahua, on or about the first day of March, in the year one thousand eight hundred and sixty-five, decreed and passed a due and formal resolution for the purpose of negotiating abroad a loan to be used by the said republic in the defence of the national cause, and authorizing the undersigned, the said General Gaspar Sanchez Ochoa, to negotiate said loan to an amount not exceeding the sum of ten millions of dollars upon the faith and securities of said government, under which authority the said General Gaspar Sanchez Ochoa has been duly commissioned and invested with the power and authority to negotiate and effect said loan, and to perform all the acts appropriate and necessary thereto.

And whereas, the said General Gaspar Sanchez Ochoa, in pursuance thereof, and for and on behalf of said government, has caused to be prepared and duly executed the bonds of the said government of the republic of Mexico to the amount of ten millions of dollars, which bonds are now in the hands of Samuel Brannan, of San Francisco, as trustee :

Now, therefore, I, the said General Gaspar Sanchez Ochoa, have made, constituted, and appointed, and by these presents do make, constitute, and appoint Richard Chenery, of San Francisco, my true and lawful attorney in fact, for me and in my name, place, and stead, to do, act, and perform as follows, and with the discretion and authority hereinafter mentioned, viz :

To proceed to the city of New York and other places in the eastern part of the United States, taking with him the said bonds, for which he is to give receipt to me and to the said Samuel Brannan, and to negotiate the sale of said bonds, or to make a loan for the said government, pledging the said bonds as security.

The said sale or negotiation is hereby intrusted to the said Richard Chenery solely and entirely, and with full and absolute authority, power, and discretion, in all respects, in everything relating thereto ; it being left entirely to his own judgment as to the proper course to be pursued in the disposition of said bonds, or the loans to be negotiated, and as to terms and prices that shall be fixed and accepted, the price, however, to be subject to the approval of General Gaspar Sanchez Ochoa, his successor, successors, or assigns. As compensation for such services the said Richard Chenery shall have a commission of four per cent. upon the net proceeds of any sales of said bonds he may make, or any loan he

may negotiate not exceeding the amount of five millions of dollars, and three per cent. upon all above that amount ; and he shall also be allowed all incidental expenses other than extra commissions, of every nature, attending the said sale or sales, or said loan, and the service and commission hereby intrusted to him.

The first proceeds of said sale or loan shall be applied to reimburse the said Samuel Brannan for his outlay in preparing the said bonds, and other attending expenses and advances to the said Ochoa, amounting to the sum of ten thousand dollars, more or less, as his accounts may show. The remaining proceeds of said sale or sales, or loan, after deducting the said commissions and expenses of said Chenery, shall be paid over to me, or placed at my disposal at once. All the above matters the said Richard Chenery, as my attorney aforesaid, is hereby authorized, empowered, instructed, and delegated to perform ; giving and granting unto my said attorney full power and authority to do and perform every act in the premises that I myself could do, if personally present, hereby ratifying and confirming all that he may do or cause to be done by virtue hereof.

In witness whereof, I have hereunto set my hand and seal, at the city and county of San Francisco, this eighth day of September, in the year one thousand eight hundred and sixty-five.

GASPAR SANCHEZ OCHOA. [SEAL.]

Sealed and delivered in presence of—

W. W. LAWTON.

STATE OF CALIFORNIA,

City and county of San Francisco, ss :

On this eighth day of September, one thousand eight hundred and sixty-five, before me, W. W. Lawton, a notary public, in and for said city and county of San Francisco, duly commissioned and sworn, personally appeared the within named Gaspar Sanchez Ochoa, whose name is subscribed to the annexed instrument as a party thereto, personally known to me to be the individual described in and who executed the annexed instrument and acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in the certificate first above written.

[L. S.]

W. W. LAWTON,

Notary Public.

STATE OF CALIFORNIA,

City and county of San Francisco, ss :

On this sixteenth day of September, A. D. eighteen hundred and sixty-five, before me, George T. Knox, a notary public and commissioner for the State of Pennsylvania, resident in and for said city and county, duly commissioned and sworn and therein residing, personally appeared W. W. Lawton, who is personally known to me to be the same person whose name is subscribed to the annexed instrument as a witness thereto, who being by me duly sworn, did depose and say that he resides in the city and county of San Francisco ; that he was present and saw Gaspar Sanchez Ochoa, who is personally known to him to be the same person described in, and who executed, the annexed instrument, freely and voluntarily sign, seal, and deliver the same, and that he, the deponent, thereupon subscribed his name as a witness thereto.

In witness whereof I have set my hand and affixed my official seal at my office in said city and county the day and year last above written.

GEO. T. KNOX,

Notary Public and Commissioner for Pennsylvania.