No. 121.

This agreement, made this tweny-sixth day of September, A.D. one thousand eight hundred and sixty-five, by and between General Gaspar Sanchez Ochoa, in his own behalf and as agent of the government of the Republic of Mexico, party of the first part, and Samuel Brannan, of the city and county of San Francisco, State of California, party of the second part, witnesses:

That whereas an agreement has this day been made and executed, between the parties hereto, that said party of the first part shall pay to the said party of the second part, in sixty days from the date hereof, the sum of forty-three thousand four hundred and seventy-eight dollars and twenty-six cents ($43,478 26.), with interest thereon from date at the rate of one and one half per cent per month, until paid in legal tender notes, which said indebtedness is secured to said party of the second part by the hypostatization to him, by said party of the first part, of the bonds of the Republic of Mexico to the amount of ten millions of dollars ($10,000,000).

Now, therefore, I, the said party of the second part, do hereby promise and agree to and with the said party of the first part, that, when the said indebtedness is paid, I will accept, in lieu of said sum of forty-three thousand four hundred and seventy-eight dollars and twenty-six cents ($43,478 26.) in currency, the sum of thirty thousand dollars in gold coin of the United States, and interest thereon from date at the rate of one and one half per cent per month, until paid in legal tender notes, which said indebtedness is secured to said party of the second part by the hypostatization to him, by said party of the first part, of the bonds of the Republic of Mexico to the amount of ten millions of dollars ($10,000,000).

And upon such payment to me of thirty thousand dollars, ($30,000,) and interest thereon in gold coin, I will thereupon cancel said agreement and hypostatization, and acknowledge payment in full of said demand.

In witness whereof, the said parties of the first and second part have hereunto set their hands and affixed their seals, the day and year first above written, in triplicate.

[SEAL.]

F. J. THIBAULT,
Commissioner for New York in California.
WASIlINGTON, June 4, 1867.

A true copy.

IGN. MARISCAL, Secretary.

STATE OF CALIFORNIA, City and County of San Francisco, ss:

On the twenty-seventh day of September, A.D. one thousand eight hundred and sixty-five, before me, F. J. Thibault, a notary public in and for the said
city and county of San Francisco, in the State of California, to me personally known, I, Frederick J. Thibault, a commissioner of the State of New York, duly commissioned, by the executive authority and qualified under and by virtue of the laws in writing to be used or recorded in said State of New York, residing in the city and county of San Francisco, in the State of California, do certify that on this day before me personally appeared Gaspar Sanchez Ochoa, to me personally known, a one of the individuals described in, and who executed the foregoing instrument, who thereupon acknowledged to me, in my own behalf and as agent of the said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

And I do further certify that on this day before me personally appeared Samuel Brannan, to me also personally known, a one of the individuals described in, and who executed the foregoing instrument, who thereupon acknowledged to me, in my own behalf and as agent of the said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

[SEAL.]

F. J. THIBAULT,
Commissioner for New York in California.

STATE OF CALIFORNIA, City and County of San Francisco, ss:

On the twenty-seventh day of September, A.D. one thousand eight hundred and sixty-five, before me, F. J. Thibault, a notary public in and for the said
city and county of San Francisco, in the State of California, to me personally known, I, Frederick J. Thibault, a commissioner of the State of New York, duly commissioned, by the executive authority and qualified under and by virtue of the laws in writing to be used or recorded in said State of New York, residing in the city and county of San Francisco, in the State of California, do certify that on this day before me personally appeared Gaspar Sanchez Ochoa, to me personally known, a one of the individuals described in, and who executed the foregoing instrument, who thereupon acknowledged to me, in my own behalf and as agent of the said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

And I do further certify that on this day before me personally appeared Samuel Brannan, to me also personally known, a one of the individuals described in, and who executed the foregoing instrument, who thereupon acknowledged to me, in my own behalf and as agent of the said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

[SEAL.]

F. J. THIBAULT,
Commissioner for New York in California.

STATE OF CALIFORNIA, City and County of San Francisco, ss:

On the twenty-seventh day of September, A.D. one thousand eight hundred and sixty-five, before me, F. J. Thibault, a notary public in and for the said
city and county of San Francisco, in the State of California, to me personally known, I, Frederick J. Thibault, a commissioner of the State of New York, duly commissioned, by the executive authority and qualified under and by virtue of the laws in writing to be used or recorded in said State of New York, residing in the city and county of San Francisco, in the State of California, do certify that on this day before me personally appeared Gaspar Sanchez Ochoa, to me personally known, a one of the individuals described in, and who executed the foregoing instrument, who thereupon acknowledged to me, in my own behalf and as agent of the said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

And I do further certify that on this day before me personally appeared Samuel Brannan, to me also personally known, a one of the individuals described in, and who executed the foregoing instrument, who thereupon acknowledged to me, in my own behalf and as agent of the said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

[SEAL.]

F. J. THIBAULT,
Commissioner for New York in California.

STATE OF CALIFORNIA, City and County of San Francisco, ss:

On the twenty-seventh day of September, A.D. one thousand eight hundred and sixty-five, before me, F. J. Thibault, a notary public in and for the said
city and county of San Francisco, in the State of California, to me personally known, I, Frederick J. Thibault, a commissioner of the State of New York, duly commissioned, by the executive authority and qualified under and by virtue of the laws in writing to be used or recorded in said State of New York, residing in the city and county of San Francisco, in the State of California, do certify that on this day before me personally appeared Gaspar Sanchez Ochoa, to me personally known, a one of the individuals described in, and who executed the foregoing instrument, who thereupon acknowledged to me, in my own behalf and as agent of the said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

And I do further certify that on this day before me personally appeared Samuel Brannan, to me also personally known, a one of the individuals described in, and who executed the foregoing instrument, who thereupon acknowledged to me, in my own behalf and as agent of the said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

[SEAL.]

F. J. THIBAULT,
Commissioner for New York in California.

STATE OF CALIFORNIA, City and County of San Francisco, ss:

On the twenty-seventh day of September, A.D. one thousand eight hundred and sixty-five, before me, F. J. Thibault, a notary public in and for the said
city and county of San Francisco, in the State of California, to me personally known, I, Frederick J. Thibault, a commissioner of the State of New York, duly commissioned, by the executive authority and qualified under and by virtue of the laws in writing to be used or recorded in said State of New York, residing in the city and county of San Francisco, in the State of California, do certified that on this day before me personally appeared Gaspar Sanchez Ochoa, to me personally known, a one of the individuals described in, and who executed the foregoing instrument, who thereupon acknowledged to me, in my own behalf and as agent of the said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

And I do further certify that on this day before me personally appeared Samuel Brannan, to me also personally known, a one of the individuals described in, and who executed the foregoing instrument, who thereupon acknowledged to me, in my own behalf and as agent of the said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

[SEAL.]

F. J. THIBAULT,
Commissioner for New York in California.

STATE OF CALIFORNIA, City and County of San Francisco, ss:

On the twenty-seventh day of September, A.D. one thousand eight hundred and sixty-five, before me, F. J. Thibault, a notary public in and for the said
city and county of San Francisco, in the State of California, to me personally known, I, Frederick J. Thibault, a commissioner of the State of New York, duly commissioned, by the executive authority and qualified under and by virtue of the laws in writing to be used or recorded in said State of New York, residing in the city and county of San Francisco, in the State of California, do certify that on this day before me personally appeared Gaspar Sanchez Ochoa, to me personally known, a one of the individuals described in, and who executed the foregoing instrument, who thereupon acknowledged to me, in my own behalf and as agent of the said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

And I do further certify that on this day before me personally appeared Samuel Brannan, to me also personally known, a one of the individuals described in, and who executed the foregoing instrument, who thereupon acknowledged to me, in my own behalf and as agent of the said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

[SEAL.]

F. J. THIBAULT,
Commissioner for New York in California.
No. 4.

This indenture, made at San Francisco, California, this twenty-sixth day of September, A.D. one thousand eight hundred and sixty-five, by and between General Gaspar Sanchez Ochoa, an officer of the government of the Republic of Mexico, as well as on his own behalf as on behalf of said government, party of the first part, and Samuel Brauman, of the city and county of San Francisco, State of California, party of the second part, witnesseth:

That whereas the said party of the first part is firstly indebted to the said party of the second part in the sum of forty-three thousand, four hundred and seventy-eight dollars and thirty-six cents ($43,478.36) in legal tender notes, lawful money of the United States of America, to be paid in sixty days from this date, with interest thereon at one and one-half per cent per month, from this date until paid:

Now, therefore, in consideration of such indebtedness, and in order to secure the payment of the same as aforesaid, the said party of the first part does hereby sell, assign, transfer, and set over and deliver unto the said party of the second part, the following described property, to wit: The national bonds of the Republic of Mexico in different muntues and denominations, amounting in all to the sum of ten millions of dollars, being the bonds for said sum of ten millions of dollars, lately purchased and issued by the said government of the Republic of Mexico, in the said city of San Francisco, through the agency of the said party of the first part, for loan purposes, and which said bonds are now on deposit, or to be deposited in the National Bank of Commerce, in the city of New York, the said property hereby sold and transferred being already delivered into the possession of the said party of the second part, as his security for the payment of said indebtedness, as elsewherebefore stated:

Provided, however, that if the said debt and interest be paid as above specified, then this sale and transfer shall be void, but if the said party of the first part should fail to pay the said sum of forty-three thousand four hundred and seventy-eight dollars and twenty-six cents ($43,478.36), then and in that case the said party of the second part and his assigns may sell and transfer the said property as aforesaid, to the said party of the second part, his agent, attorney, or assigns, within sixty days from the date hereof, then and in that case the said party of the second part and his assigns are hereby authorized and empowered to sell the said bonds of the government of the Republic of Mexico, or so much or so many thereof at public sale in the city of New York, upon giving notice thereof of at least ten days by advertising said sale in some one or more of the newspapers published in the said city of New York, and to retain from the proceeds of such sale, in his and their hands, sufficient to pay and satisfy the whole amount of the above-mentioned demand, with the interest, at the rate above specified, which may be due thereon at the time of such sale, and all costs, charges, and expenses incurred by the said party of the second part or his assigns in the course of the neglect and failure of said party of the first part as aforesaid, rendering the overplus, if any there be, to the said party of the first part or his successor or successors.

In witness whereof, the said party of the first part has hereto set his hand and seal, the day and year first above written, in triplicate.

GASPAR SANCHEZ OCHOA. [seal]

THE GOVERNMENT OF THE REPUBLIC OF MEXICO,

By GASPAR SANCHEZ OCHOA. [seal]

D. P. BELKNAP,
F. J. THIBAULT.

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO, ss:

On the twenty-seventh day of September, A.D. one thousand eight hundred and sixty-five, before me, F. J. Thibault, a notary public in and for said city and county, residing therein, duly commissioned and sworn, personally appeared Gaspar Sanchez Ochoa, whose name is subscribed to the annexed instrument, who is personally known to me to be the individual described in, and who executed the said instrument, and he, the said Gaspar Sanchez Ochoa, duly acknowledged to me that he executed the same freely and voluntarily, in his own

No. 122.

UNITED STATES, EUROPEAN, AND WEST VIRGINIA

F. J. THIBAULT,

Notary Public.

UNITED STATES OF AMERICA, STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO, ss:

I, Frederick J. Thibault, a commissioner of the State of New York, duly commissioned by the executive authority, and qualified under and by virtue of the laws thereof, to take acknowledgments of deeds and other instruments in writing, to be used or recorded in the State of New York, residing in the city and county of San Francisco, State of California, do certify that on the twenty-seventh day of September, A.D. one thousand eight hundred and sixty-five, before me personally appeared Samuel Brauman, to me personally known to be the individual described in, and who executed, the foregoing instrument, who thereupon acknowledged to me that he executed the same freely and voluntarily, for the uses and purposes therein mentioned.

In testimony whereof, I have hereunto set my hand and seal, at my office in the city and county of San Francisco, State of California, this twenty-seventh day of September, A.D. one thousand eight hundred and sixty-five.

F. J. THIBAULT,

Commissioner for New York in California.

WASHINGTON, June 4, 1867.

A true copy:

IGNO. MARISCAL, Secretary.
1. Frederick J. Thibault, a commissioner for the State of New York, duly commissioned and authorized to take the acknowledgments of deeds and other instruments in writing to be used or recorded in the State of New York, residing in the city and county of San Francisco, State of California, do certify that on the twenty-seventh day of September, A.D. one thousand eight hundred and sixty-five, before me personally appeared Otis Sancha Ochoa, to me personally known as the individual described in, and who executed the foregoing instrument, who thereupon acknowledged to me that on his own behalf and on behalf of the government of the Republic of Mexico, as agent and representative of said government, he executed the same freely and voluntarily for the uses and purposes therein mentioned.

In testimony whereof, I have hereunto set my hand and affixed my official seal, as such commissioner, at my office in the city and county of San Francisco, State of California, the twenty-seventh day of September, A.D. one thousand eight hundred and sixty-five.

F. J. THIBAULT,
Commissioner for New York in California.

WASHINGTON, June 4, 1867.

A true copy:

IGNO. MARISCAL, Secretary.
LAND AND MINING COMPANY AND MEXICO.

235

to Samuel Brannan, of the city and county of San Francisco, in trust, to be deposited and held by him for the purposes of such redemption.

In witness whereof, I, the said General Gaspar Sanchez Ochoa, in behalf of the republic of Mexico, and by virtue of the power and authority in me vested, do hereunto subscribe my name and affix my official seal this 1st day of July, 1855, at the city and county of San Francisco, State of California.

GASPAR SANCHEZ OCHOA,
Commissioner for the Republic of Mexico.

[Seal]

Composite.—1 to 12.

No. —

[Signature]

[Address]

$50.

On the first day of January (July) A.D. 1856, (to 71) the republic of Mexico will pay to the bearer at the Pacific Bank in the city and county of San Francisco, California, the sum of fifty dollars in gold coin of the United States of America, for interest then due on bond No. ——, bearing date July 1, 1855.

GASPAR SANCHEZ OCHOA,
Commissioner for the Republic of Mexico.

[Signature]

[Lithographed]

Reverse.—Mexican eagle with scroll and words "Mexican republic."

No. 124.

BOND OF THE REPUBLIC OF MEXICO.

Washington, June 4, 1857.

A true copy:

IGNO. MARISCAL, Secretary.

No. 124.

No. 6.—(Bond.)

Principal and interest secured by custom-house duties and mining revenues.

No. ——)

BOND OF THE REPUBLIC OF MEXICO. [$1,000.

Monroe Doctrine.

1,000.

(Vignette.)

1,000.

(Vignette.)

The Republic of Mexico to the holders of these presents, greeting:

In pursuance of the authority vested in his excellency Benito Juarez, the President of the republic of Mexico, by virtue of the act of the congress of this republic, passed May 3, 1852, and of the further act passed October 27, 1852, and by virtue of the resolution of the President and the council of ministers of this republic, attested March 1, 1855, giving and granting unto General Gaspar Sanchez Ochoa full power and authority to negotiate a foreign loan for this republic to the amount of ten millions of dollars, and in accordance with the constitution and laws thereof, the republic of Mexico, for values received, will pay to the order of —— on the 1st day of July, 1871, one thousand dollars, with interest thereon at the rate of ten per cent. per annum, the interest to be paid semi-annually, on the first day of January and July of each year, on the surrender of the annuity coupons; all payments to be made in gold coin of the United States of America at the Pacific Bank in the city and county of San Francisco, California. The republic of Mexico reserves the right to redeem this bond with interest at any time, after giving six months' official notice of its intention thereof, such notice to be published in the English and Spanish languages for six months in any daily newspaper in said city and county of San Francisco. To secure the payment of this bond and coupon attached thereto, one half of the revenues derived from all the fiscal proceeds of the customs-houses at Mazatlan, Mazatlan, and Guaymas have been duly assigned and conveyed to said bank.
No. 126.

WASHINGTON, July 12, 1866.

DEAR SIR: I have a letter from Mr. B. W. Brannan, Esq., of New York, this morning, in which he says (referring to the Ochoa bonds) "The half million pledged to Treadwell & Co. of Boston, are in my hands for that bond, and they have agreed to extend the time for one year, if they can find the right representative of the Mexican government. The bonds are in my individual possession, and I expect to keep them for the protection of those interested (the half million)."

"The bonds not in my possession are in the hands of my firm, who have them in the Bank of Commerce, and the latter are much anxious at their being in their vaults."

This letter was written (per its date) on the 3d instant, which Mr. Burnett has returned to New York, and has not removed the bonds to Messrs. Duncan, Sherman & Co.'s bank.

As you will observe, Mr. Brannan says he has half a million of bonds of his individual possession. In the opinion of Judge Burnett, as well as your own, the transaction is illegal, though I am confident that Mr. Brannan did not intend to do anything but what was strictly legal and proper, and now learning his position, will not part with the bonds until he can do so without personal liability.

I wrote him this morning that you were the only authorized representative of the government of Mexico in the United States at present, and that it was essential for you to understand that the transaction between General Vega and the house of Treadwell & Co. was illegal, and that you should not be concerned in it. I have heard directly from Judge Burnett since he left this city.

Respectfully, your obedient servant,

RICHARD CHERNER.

Señor Don Matías Romero,

Envoy Extraordinary and Minister Plenipotentiary of the Mexican Republic in Washington.

A true copy;

WASHINGTON, June 4, 1867.

IGNO MARISCAL, Secretary.

No. 1284.

WASHINGTON, July 16, 1866.

DEAR SIR: Having received no answer from you to my letter of the 9th ult., asking you for information in regard to a mortgage said to exist upon five hundred thousand dollars in Mexican bonds, referred to in your letter to me of the 9th, I beg of you to communicate such information to Mr. Brannan, whom I have desired to call upon you for that purpose, with this note.

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

M. ROMERO.

MARK BRANNAN, Esq., New York City.

WASHINGTON, June 4, 1867.

A true copy;

IGNO MARISCAL, Secretary.

No. 125.

NEW YORK, August 4, 1866.

DEAR SIR: This afternoon, by appointment, I had an interview, at the Metropolitan Hotel, where he is staying, with Governor Burnett, upon the subject of the Ochoa-Brannan transaction.

I am sorry to say the affair has taken a new and unsatisfactory aspect. Mr. Brannan simply desires to get his money. Himself and your government desire to pay it and get up the ten millions of bonds. So far there is no difficulty. But I am told that Mr. Brannan's sub-agents here, to whom he intrusted the bonds after the Bank of Commerce declined to receive the trust, now refuse to deliver up the bonds on his order to the newly appointed agent, Governor Burnett.

They are willing to turn over to him $50,000 of the bonds, but they allege that, acting under the power Mr. Brannan had given them, they, as his agents, concluded an arrangement with Señor Ochoa the mortgage of the bonds, by which $50,000 of the bonds should be released from the Brannan mortgage and hypothecated to another party, to secure some other claims amounting to about $100,000, which party, Treadwell, I believe, undertook for such relinquishments to secure Brannan for a proportionate amount of his claim, which they stand ready to pay. Brannan has never approved of this act of his agents, nor does his now attorney, Governor Burnett, feel authorized to do so; nor is