# INTERESTING FROM MEXICO.

## Our Mexican Correspondence.

MEXICO, March 4, 1856.

*State of the Country—Perils of Travelling—Matters and Things at Puebla—Description of Tepeaca—A High Old Spanish Town—A Talk with the Alcalde—A Picture of a Mexican Cavalry Battalion—Life on the Road—Cholula—End of the Journey—Public Opinion in Favor of Comonfort, &c., &c.*

It is a difficult undertaking to attempt to give you a clear idea of affairs in this country, and to draw a vivid picture of its present condition. It is easy to relate what the people say and do in the cities, what public events are transpiring, and what military movements are on foot. But these things would not exhibit this nation as it really is, and how this beautiful portion of America really looks and appears to the eyes of a stranger. I have recently been in the country, and have just returned to this city. You remember my last letter was dated at Vera Cruz, from whence I have had to make my way back as best I could, for the diligences are not running, private carriages are not to be had; the roads are infested with robbers and soldiers, and more gentry of the same genus. A ride on horseback of two hundred and fifty miles in the tropics is a serious undertaking, which was the only mode left me, except taking it on foot as an alternative. It is true the conveyance is good and safe, in stages, as far as Orizava, eighty miles from Vera Cruz, but from thence you must trust to chance, although the roads are excellent. From Orizava two companions and I started last week for this city. Our friends gave us a great deal of good advice and counsel, but as no two of them agreed as to the best mode of avoiding the difficulties and dangers of the road, I found I had a will of my own and would have a way also.

We had in the first place to avoid or fight the robbers on the road; and in the second, to cut across the country so as not to pass through Puebla, where Haro y Tamariz has his troops and headquarters, in opposition to the government. So far as the robbers were concerned, we had not many fears, as we were well armed with rifles and Colt's revolvers, presenting a very formidable battery on horseback. But to get round Puebla, without entering the city, or without meeting some of the outposts, was a difficulty not so easily overcome. To turn to the north by the way of Otumba above Tlaxcala was the usual route taken. But as the way was long the accommodations miserable, and the road infested with bandits we agreed to adopt another line of operations to the south of Puebla, by the cities of Tepeaca and Cholula. Our friends of course remonstrated against this plan as they knew nothing of these places and, therefore, deemed it unwise. We, however, knew better than they did, and in a few days found ourselves in the ancient capital of the republic of Tepeaca.

If you want to know something of Tepeaca you need not look into any history of the present century, or of the last century, or of the century before that; but you must go back to the times of the conquest by Cortez, and somewhere about the year 1520 you will find it mentioned. Possibly Prescott's history is the only American book in which this city is alluded to, and even then but slightly. After the conquest a fortress was erected in the suburbs, which was called the fort of "Segura de Frontera," which in the subsequent century, figures conspicuously in Mexican annals, although all recollection of its importance, and even of its existence, seems now to have faded from the memory of the people. When I asked the first alcalde some questions on the subject, he told me that "Tepeaca was formerly a canton of the republic of Tlaxcala." Finding him thus posted on the past history of his city, I did not push my inquiries further. Tepeaca, like the other cities in the plains, Cholula, Tlaxcala, Otumba and others, was of much importance at the time of the conquest. It contained at least 100,000 inhabitants, and after its conquest by Cortez, and its conversion to Christianity by the priests, it still preserved its pre-eminence over the surrounding settlements. Magnificent churches, immense monasteries, spacious convents and other public buildings were erected within its limits. It was soon populated with priests, monks and nuns, and garrisoned with soldiers. Its people were industrious, working in the adjoining fields and estates, and at the various manufactories in the city. But in time Puebla rose, seven leagues distant, to absorb first its operatives in manufactures. Then died also the "religiosos" to the same new city, where there were more luxuries and comforts, while the neighboring haciendas gradually encroached upon the adjoining fields to absorb them in the rural estates. Tepeaca declined, decayed, and is now almost in ruins. Its population may now be some three thousand inhabitants. The haciendas possess its agricultural population, and have grown rich and fertile, and still are becoming more wealthy by the introduction of the various modern implements, machinery and improvements in agriculture. Crops of wheat and barley and corn are growing upon some of the ancient streets, lanes and highways of the city; and the reaper often gathers his sheaf close to the massive walls of some magnificent monastery now in ruins. The peon eats his simple meal of beans and peppers in the shade of the fig tree and pomegranate, and amidst the perfume of the acacia and roses, which still remain in profusion as landmarks of former culture.

We called upon the first alcalde—a gentleman of considerable intelligence and much politeness—to procure horses for the continuance of our journey, as well as for some information of which we were in need. He promised to obtain the animals for us, but advised us to go on to Puebla, as the route we intended taking was full of robbers as well as of other dangers and difficulties. Not being convinced by his conversation, and believing that the road to Puebla had all the inconveniences of the others, and some more in addition, we still adhered to our first plan. In our various interviews with this officer and the people we were enabled, as we became better acquainted with them and on a more familiar footing, to find out their opinions about the state of affairs generally. They considered there was no security for life or property outside the thick walls of their homes. Robberies infested every road; burglars broke into the stores, and even the night before a *fiesta* had been plundered within one square of the plaza by thieves, for the police had gone to join the army, and left the city defenceless. The general government of the country was no better. It was not of much importance which party was in power, for everything was conduc ed in the same manner. If a dictator or a liberal was at the head of affairs, people were imprisoned without cause, were exiled, were sometimes shot—the liberty of the press was abolished—taxes were increased, and no improvement or security of any kind. Whoever gained power used it for his own purposes, and to make himself rich. The revolution of Haro y Tamariz against the government was no worse than other revolutions. It was for selfish ends only, without any public object or good principle to recommend it. The people was decidedly republican in their sentiments, but not democrats, for democracy would not suit Mexico, as must be obvious to all who had any knowledge of its mixed population. The present government of Alvarez and Comonfort had made a great mistake in abolishing the *fueros* (statutes or privileges of the military and clergy.) They ought first to have reduced the government into some good form or system, and then abolished the *fueros* of one at a time. At the present moment they had not the strength or prestige to carry out the reforms which were so desirable. Annexation to the United States was unpopular in Mexico, as the people were opposed to slavery, and once admitted into the Union, the government at Washington would extend that institution over the country.

Such is the substance of their conversation. They seemed to think that public affairs were past remedy, and must end in anarchy of some kind. We were impressed with the calm and clear statement of their sentiments, and not a little amused at their Mexican ideas of squatter sovereignty among the Yankees. Having to pass the night in Tepeaca, we were unable to start at an early hour in consequence of some difficulty in procuring the horses, as the owner was afraid to let them proceed, fearing that they would be appropriated by the first military detachment of troops we should meet, as is very common. It was with much trouble we could remove this dread from the man's mind, and much valuable time was lost before we could satisfy him on this point. But just as we had finally arranged the matter, it was rumored that a body of lancers or horsemen from Puebla were entering the city. Here was a new difficulty to be met or avoided. The horses were hastily saddled and packed with our baggage, to be ready for an immediate flight at the first favorable moment. I walked over to a *tienda*—a corner store—on the opposite side of the street, to see the troops pass, and taking a back seat to avoid observation, had an excellent opportunity to inspect their martial appearance. On they came, in military array—the bugles sounding, the horses prancing, and the commanding officer in spectacles. The first company were armed with carbines and sword's miserably clothed, and on horses each worth less than ten dollars. The second company was even worse, armed with lances and swords, and clothed with coarse cotton shirts, pantaloons and broad brimmed sombreros. The officers of the second company were not even in uniform, and looked more like robbers than gentlemen. As these were the first specimens of that gallant army which I had seen, who were in arms to protect the military and religious institutions of the country, I was duly impressed with veneration for the cause they had espoused. They were fit champions for the quarrel.

When they had passed down to the plaza, we hastened to our horses, and taking a circuit through some back streets, we gained the outskirts of the city and our route without further molestation. It was now one o'clock in the day, and we had six leagues to make, if possible, before nightfall. But we soon found that in consequence of our baggage we could not go faster than a league (two miles and three fourths) per hour.

The road, however, was good and level, over plains in high cultivation, and at the end of the first three leagues we entered the small pueblo of Cuautinchan. Here was to be seen an immense monastery of the San Franciscans, now deserted, which still rears its stately walls and high turrets to the skies, like some ancient fortress which the times have rendered useless. On we went, to gain the pueblo of Totomechan while the light of day lasted, in which we were unfortunate. For as the hours of day and night in the tropics are equal, and no twilight, we were far distant from our destination when the sun declined behind the snowclad mountain of Popocatapetl, whose lofty sides rose in sublimity and grandeur in front of us. We had to cross a deep barranca after sundown, which caused a considerable delay, and as we ascended the opposite side in the gloom of night, we were hailed by a loud shout of "*Que viva ?*"—who comes there?—which made my companions feel for their rifles. But being in front, and not apprehensive of robbers, I did not immediately reply, but rode on. Again the same voices fairly yelled another "*Que viva ?*" To this I replied, "Friends," but as the word "*amigos*" sometimes sounds very much like "*enemigos*"—enemy—I had the misfortune to be misunderstood. I was apprehensive from the noise which reached me that there were some commotion in front, and as I joined the party of men and women, I found them in a terrible stampede, for they were sure we were robbers.

They had been at a neighboring village, where they were spending a *fiesta*, and were now now returning home, but night had overtaken them, and chingarita had overcome them. Dizzy in the head, darkness had added to their fears, they were consequently much relieved as I halted and spoke to them. They were still further relieved, when I assured them that there were no robbers on the road. But I had to answer innumerable questions on the subject before they would move on. I did not know at the time how much cause they had for their apprehensions.

It was now nearly eight o'clock, and Totemuchan was still distant two leagues; our animals were fatigued, and we were doubtful of accommodations, even if we reached the pueblo. The hacienda of San Pedro de Calderon was a little distance ahead, and we resolved to stop there for the night, if we could be accommodated. When we reached the hacienda soon after, the owner of the *tienda* advised us to remain; but to our inquiries for beds, supper, &c., we had unfavorable responses. We could have chocolate and a floor in an open corridor to sleep upon. Our horses could get food, but nothing more. Still he insisted on our remaining, as there were no accommodations at the pueblo, and the houses only *jacales*, (huts.) He was waiting for the owner of the hacienda to return from Puebla, distant three leagues, with his wife; he expected them every moment, and then we might fare better; but still he insisted on our not proceeding further. The signs were not propitious; but we decided to halt, and we did well in doing so, as we were lucky in our accommodations. They soon after informed us that a few hours before a party of men had been attacked by eighteen robbers in the barance, and plundered, and they were very uneasy for the return of their people from Puebla.

The next day we passed on over the plains, in sight of Peubla, and sometimes distant only two leagues from the city. Often we had an excellent view of the spires and domes of the churches, but felt at times somewhat uneasy at the near approach to the troops of Haro. We crossed a bridge over the river, and at noon reached Cholula, where we were happy to find no military, although it is only five miles from Puebla.

Cholula is still more famous than Tepeaca, although it resembles it so much in every particular that the general description and history of one will answer for both, except the famous pyramid, which need not here be noticed. We had passed through the pueblo of Totemechan, in which we found another immense monastery of San Francisco, and other large churches, deserted, covered with ivy, and almost black from the humidity and moss that clung to their massive walls. The spacious plaza seemed to be no longer a place of business; clothed in grass, there was scarcely the vestige of even a road across it. The general appearance of the place would have been gloomy had not little streams of water which flowed through it imparted an air of freshness, while the abundance of roses, of acacia, of peach and of apple trees in bloom relieved it of its sombre hue.

The prefect at Cholula informed us that the troops of the government were in possession of the city of San Martin, which is distant twenty miles from Puebla, on the national road to Mexico. We decided, therefore, to proceed to San Martin without delay, and mounting once more our horses we arrived at Hue-o-cingo, two leagues distant from Cholula.

It was just after sundown when we entered this dilapidated place, and where we passed the night. Hue-o-cingo was also another little republic, conquered by Cortez, and had the same history, fate and misfortunes of Tepeaca and Cholula. The populations of these little governments were represented as immense, and from a careful examination which I have given to this fact, I am inclined to believe the statements not exaggerated.

In the morning we rode through the rich valley of San Martin, where the best agriculture of Mexico is to be seen; where leagues after leagues of land are sown in wheat, and where the crops are much greater than upon the same extent of country in our Northern or Western States. It is a singular coincidence that if you wish to see the greatest signs of ruin, dilapidation and decay in this country, visit Tepeaca, Cholula and Hue-o-cingo, and if you wish to witness the best indications of agricultural prosperity and advancement, you have only to visit the vicinity of the same cities.

In all the country through which we had passed we had found the people everywhere opposed to the revolution of Haro. All were in favor of the government, and hoped that President Comonfort would triumph. At the city of San Martin we observed the government troops concentrating and in excellent spirits. About seven thousand men are now assembled there, with the President at their head, while it is said the troops of Haro do not exceed three thousand. Here, in the city of Mexico, all seem to desire the success of Comonfort, but many deem the issue doubtful. I never witnessed as much unanimity on any former occasion.

MEXICO, March 15, 1856.

*Progress of the Revolution—Comonfort Advancing on Puebla—General Ghilardi—Proceedings of Congress—The Way they Don't do Public Business in Mexico—Affairs in Other States—Fall of Puebla Daily Expected, &c. &c.*

Since my last letter to you this city has been in a constant state of excitement about the campaign opened in person by President Comonfort against Antonio Haro y Tamariz at Puebla. As Haro y Tamariz is supposed to inherit all the despotic principles of the defunct administration of Don Antonio Lopez de Santa Anna, he is called by some Don Antonio Segundo. The rumors which have been afloat as to the success of the troops of Haro and as to the success of Comonfort have nearly neutralized each other, until the people do not know what to believe, and therefore have wisely determined to believe nothing.

The government have the command of the telegraph from here to the city of San Martin, distant twenty miles from Puebla, which line of communication has daily furnished us with some favorable news from Comonfort. He was, according to this, daily advancing closer upon Puebla. From San Martin to Rio Prieto, a distance of ten miles; then from Rio Prieto to the bridge at the river, a further distance of eight miles, which brought the Garita within range of his guns. Ghilardi, a general on the side of the government, had gone round Puebla, and had attacked the city from the side of the city of Amasoc. The people in Mexico seem to put more confidence in General Ghilardi than in all the other generals and officers in the army. He is, I believe, an Italian, of a scientific military education, of considerable talents, of undoubted courage, and above all, of unimpeachable integrity—to the government a virtue rather rare at this time.

Daily bulletins arrive from the army, and daily victories are announced. But as this is so much in Mexican style of carrying on a campaign, it is probable, or at least possible, that I may have to contradict what I have said above before I finish this letter. But one thing is certain, that Comonfort is a man of courage, which is more than half the battle. I do not believe he will flinch while his troops stick to him—therefore, he has every probability of success on his side.

Congress is now in session in this city, with full powers to form a new constitution, or frame such organic laws as they in their wisdom may think best. They have referred the subject of a constitution to a committee who are now engaged in that arduous duty. When they will report is uncertain, and what they will report is still more uncertain. Then will follow debates, in which the worst will be many and the ness few, to end, possibly, without agreeing upon anything. Here every public man who originates an idea thinks he must protect, cherish and defend it as if it were one of his natural offspring, and he never will give it up; consequently, he will not agree to any plan or principle which is not in strict accordance with his own. The whole soul of all legislation is compromise, so as to produce unanimity; but here the whole soul of legislation is to reject compromise, and you may well imagine the result. Another novel idea of these liberals in Congress is to hold their sessions with closed doors; to bottle up their wisdom lest it might flow down the streets, like the waters of the lakes, to be lost to the nation. They intend, no doubt, to astonish the republic by some legislation which will overpower the people with surprise and satisfaction, and which must be swallowed as implicitly as a new doctrine of revelations. It is no wonder that all look upon a Congress with distrust, and a large majority with utter contempt. If they should frame a constitution, it will of course have some article in it utterly impracticable, and without the least show of common sense to recommend them. Some members will insist upon principles because of their antiquity, and which modern experience has exploded. Others will no less strenuously urge the adoption of some novelties that have never been tried, and have only had advocates in the dreamy brains of some red republicans. Both sets of principles in all probability will be incorporated into the same organic laws—because both sets of legislators will be satisfied, if they find their favorite ideas incorporated. How the machinery of government will work in such harness may not be a matter of conjecture; but that is all the same to these gentlemen. None of them really suppose it will last long, but it will answer for present purposes. They have discharged their duty to their country and to their own conscience. "Paid if the d—d thing sticks," as the man endorsed upon his letter, when he fixed a three cent stamp upon it. Only let the document be ratified, and they are satisfied about the sticking point. As an evidence of how little heart they have in this business, it is a difficult matter to draw together a quorum for the daily transaction of business. Every method is resorted to for the purpose of making the members more attentive, and even lists of the absentees are published in the papers.

In the public departments everything is conducted in the same listless manner. They say they are awaiting the news from Puebla, and will do nothing until that matter is ended. In the treasury there is no money, and consequently there is not much to be done. The holders of the $3,000,000 drafts on the United States Treasury availed themselves of this poverty to make a compromise with the government, so that they might be paid. Having given Santa Anna fifty cents on the dollar in cash, and government paper worth five per cent, so as to make up nominally the whole amount for the drafts, they could afford to give something more to this administration without losing in the business. This has been done, and Comonfort's government has relinquished its claim. The papers in the United States that advocated the payment of the drafts on the ground that "full value" was given must now be sensible of their being humbugged. The bankers on the whole have not made much by the operation; but have had much anxiety and very reasonable apprehension of losing all.

The accounts from Durango and Chihuahua represent those States to be in a deplorable condition from the incursions of the Comanches. The people are without arms, and other military defences to resist the savages, who are presenting themselves in sight of the largest cities. Haciendas are being abandoned—cattle and sheep are destroyed by thousands—men are killed, and women and children are carried into captivity. The country on the northern frontier will soon become a wilderness if some means are not speedily adopted to prevent it. But as there is no money in possession of the government what can be done?

The State of Coahuila is henceforth to be effaced from the map of the republic, having been incorporated into the State of New Leon, except the cities of Saltillo and Ramos Arispe. This measure was adopted for the sake of economy, as one government will answer for both, and produce more concert of action in operations against the Camanches.

If the people in the northern provinces are thus menaced with dangers from their savage neighbors, the inhabitants in the capital are no less apprehensive of an enemy no less formidable, which is the waters in the lakes of the valley. For some time time past it has become apparent that the drainage of the waters has been interrupted, and now, in the height of the dry season, the level of the lakes is much above what it usually is in the heaviest season of the rains. In some of the streets the water is rising and forming pools where never before was water found to remain. All the roads leading to Puebla from the Garita of San Lazaro to the El Peñon, a distance of ten miles, is overflowed and impassable, so that in approaching the city the road has to be taken which leads through Istapalapa and Mexicalcingo. Besides this, many villages in the neighborhood are now nearly submerged. Councils are held and plans devised to avert the impending inundation; even a premium of twelve thousand dollars is advertised for the best method to drain the valley. But the remedy has not yet been found, nor will one be applied before the rains are upon us.

Thus you will perceive that with Camanches, revolutions, robbers, inundations, bankruptcy in the treasury, and a large number of minor afflictions, Mexico is now in a more deplorable condition than at any period of her former history.

MARCH 18, 1856.

The most authentic letters from Puebla represent Haro's condition as desperate in the extreme. Gen. Ghilardi attacked the Fort Loreto and took it by storm. He received a wound and will have to undergo an amputation of his left leg. Gen. Avalos, known for his good fighting on the Rio Grande, has been killed. General La Vega is slightly wounded.

The government troops now occupy all the heights around Puebla, and all the city except one or two squares near the plaza. Haro has proposed to surrender provided his officers will not be dismissed from the army; but Comonfort will not agree to any compromise. Foreigners who have arrived from Puebla declare that the troops on both sides have fought like tigers, and that such bravery was quite unexpected in comparison with former revolutions.

General Uraga has been sent to the South, where he will be held as a prisoner by Gen. Alvarez until a court martial disposes of his fate.

You will very soon hear of the fall of Puebla.

## Our Matamoras Correspondence.

MATAMOROS, MEXICO, March 20, 1856.

*State of Affairs at Tampico—The City in the Custody of the National Guards—Strong Remedies for Violent Evils—Consequences of Uraga's Capture—The Tariff—The Port of Soto la Marina to be Opened—The New State of Leon, &c., &c.*

To comply with the requisition made by the Governor of this State, a force of four hundred infantry and sixty cavalry has been sent down to Tampico, and the city is now under the custody of the sedentary National Guards. Thus have the people at last got matters into their own hands, as not one of Santa Anna's late "loyal troops" pollute the soil from the Gulf to the Sierra Madre.

On the 11th inst. we received the news of Uraga's capture, having been surrounded in one of the mountain passes, along with all the other traitors that bore him company. This dangerous and faithless satrap has been sent to Mexico, in order, I suppose, that he may again evade punishment. There is virtue in gold, but a Jeffreys, just at present, in Mexico, would save and regenerate the country. Hemp is the only remedy which will cure such men as Uraga, Haro, Grillan & Co.

One of the consequences of Uraga's capture has been the recall of the forces that, from Tampico, were sent to Huasteca, some days ago, to bring to order the Mexican "nullifiers" in that section of the country.

The citizens of Reynosa have protested in a very strong manner against the late tariff, and the closing of their port. The Ayuntamiento, or City Council, of this place have also appointed a committee, to take into consideration the state of this frontier, and report such measures as can be recommended to the government, in order to sustain its decaying trade. All patience is being lost, and if the government should not attend to the prayers of the frontier, its inhabitants will, ere long, adopt such measures as will secure them against poverty and want.

A project for opening the port of Soto la Marina, has been sent to the government of this State, who have received it very favorably, and after submitting it to the council of government here will forward it to Mexico, requesting its approval by the government. The project is not only feasible, but will certainly be carried out, as some Brother Jonathans have a finger in the pie, and are satisfied that it can be made one of the best ports in the Gulf. A new market will thus be opened to your New Orleans and other merchants.

The city of Saltillo and the town of Ramas Arispe, in Coahuila, have held meetings and declared their entire unwillingness to form a portion of Nueva Leon. They will, however, remain in military affairs subject to Governor Vidaurri, as Commander-in-Chief of the Army of the North.

This is Passion Week, and we are, consequently, praying, going to church and fasting. God knows that we need it enough, although I hope we are not beyond redemption.

We have not a word of news on the Lower Rio Grande, and hourly look for news from Puebla, where all the traitors and vagabonds opposed to the government have concentrated. Well may they thank their stars that certain men are not in power. Hemp would then command a premium.

## Shocking Affair in Pennsylvania.

[Extract from a private letter.]

PEAKSTOWN, Pa., March 30, 1856.

Last Thursday night a man went to a farm house, and told the farmer if he did not give him fifty dollars he would burn the barn down. The farmer's son was going to shoot him, but the farmer prevented him so doing. In a few minutes, however, the barn was in a blaze, but the farmer and his son were too frightened to go out, for fear the man would murder them, and therefore three valuable horses, 200 sheep, and thirty heads of fat cattle were destroyed. On investigation the body of a man was discovered in the ruins, with a dirk knife in his belt. It is supposed that there were three or four men, and while one went for the money the others set the barn on fire, and while in the act of setting the barn on fire one of them received a violent kick from a cross old horse, and therefore he could not get away, and was burnt to death. The wicked are punished some time or other. The farmer received assistance by blowing on horns.

## Personal Intelligence.

The Hon. F. B. Cutting, of New York, is in Washington.

The Hon. Thomas H. Bayly, of Virginia, has arrived at Petersburg, Va., improved in health.

The Hon. Messrs. Brigham, of Ohio, and Jewett, of Kentucky, who have been absent on a visit to their homes, have returned to their seats in the House of Representatives at Washington.

The Hon. Wm. Barksdale, of Mississippi, who was recently called away from his seat in the House by the severe indisposition of a portion of his family, has returned to Washington.

The Senate has confirmed William E. Burns as Surveyor of the Customs at Jacksonville, N. C., vice Edward W. Ward, removed.

Purser Bleeker has been ordered to the receiving ship at Boston, and Purser Hambleton to the receiving ship at Norfolk.

Assistant Surgeon Randolph Harrison, of the Navy, has resigned.

ARRIVALS.

From New Orleans and Havana, in steamship Black Warrior—W H Hooper, L B Tillinghast, A Lawrence, Capt Wm Smith, Mrs Leland and friend, Miss Bryan and son, Mrs C J Bostock, M Bourmaire, Mr Bourman and child, J E Kelly, K Calderon, Mrs W R Anthony, K A Savargo, C A Ballou and wife, M Riquaine, J S Drew, wife and child, Albertson, Myers, Lansburgh, Dan Fischer, Capt Long and son, Capt Braird and wife, Mr Cammach and family, Capt Becker, Berry and servant, M Kumgany, L Manique, Mr Gardner, Mr Roseane, G D Palmer, J M Baldwin.

From Charleston, in the steamship Southerner—Mrs Gratton and two children, Mrs C D Broche, Miss Mary Blake, Miss A Ridford, R P Charlton, J W Vensted, R M Adger, A Cunningham, Rev J Selwood, J Selwood, J R W Selwood, lady and child; Master James Selwood, Joseph Selwood, Joseph Selwood Jr, Mr McNewall, J Carrell—and 32 in the steerage.

From Savannah, in the steamship Alabama—Miss Clay, H L Rutgers and servant, Geo R Insley, Mrs Wood, Geo R Wheeler, A Gump, L Geakinheimn, S A Banks, B Howard, Mr and Mrs L Clark, Mrs Irving and infant, Miss Livingston, Miss Ball, J C Booth, lady and infant; Miss Booth, Master Booth and nurse, W H Tevis—and 57 in the steerage.

From Shanghae, in ship Lantao—W Gray, of Boston.

From Havre, in ship J H Ryerson—Mr Dewitt, A Dausit, W Vanderbeyen.

DEPARTURES.

For Havre, in the steamship Fulton—Mrs Martha Dord and maid, T W Peckett, W Wallack, W S Kinnelly, M Switzer, Mrs Edwards and child, T Abraham, P Assouras, I Edusen, T Ricaldi, T Iredar, D S Bavilland and wife, G Bavilland, Miss M Bavilland and brother, F M Jones, P L Freeman, Mr Thisgeon, Mr Dunton and son, Miss Dale and maid, Mr T N Dale and child, Miss Hensley, Master Dale, Mrs Lamartier, Mrs Froust, Mr Lyon, Mrs Lyon, F Lieserman, Mr Sercieri, Mrs Koumbardi and five children and servant, T B Holderman and wife, Dr Preslow, T A Switzer, Dr A March and wife, Isaac Ames, H W Smith, Miss A De Landres, Miss Pest, Mr S M Fellowes and wife, Mr Pourgues and lady, G Runge, E T Perkins, G C Taylor, Mrs M Grosbaumer, Mr Mineral and Leibling E Labeithe, Mr Robergel and lady, P Sauterain, Mrs Wisbrain and child, J Lafarge, Henri and Alphonse Lafarge, Mrs Moses, Mrs Gesmusche, Mrs Beamont and child, T M Dujacques and wife, M Goodchild, B Brannatatel and child F Moses, S Kauffman, C Winter E D Winter, G Berdina, W Paterson, Mrs Samona, Mr Sabine, W T Mack, H Steiner, P Perotin and two sons, Messrs Bugeie, Maderal, Douchet, D Bellizer and two boys T Challard, C T Baptiste, M Switze, B Trapell, Mr Stefarassi, A Gaudalfo, J Audon, H Schwabacher, M Schuler, C Mathey E Adeche, P Bachelemy, C Roussele, J Mcnaier, A Lachard, J Bourgeois, M Bounet, M Caillard, W Carey, H Miell, P Comsieck, Wm Seaton, Sr, Wm Seaton, Jr, S Bellet, Mr Collet, W D Greene and wife, P Better—Total, 135.

For Richmond, &c, in the steamship Roanoke—L Stera, Wm P Burton, Wm V Bolt and 3 children, Capt A H Foote, C D Chamberlain, G A Barrows, Miss Kate Hammond, Mrs C Greenfield, G N Lewis, Miss Catharine Fisher, C O Whitney, Mrs J Kelly, J A Cohan, W H Chapman, C H Culver—9 cabin and 15 in the steerage.

For Savannah, in steamship Augusta—Alonzo Meshaw, S Mumford, Miss Seeley, Mrs Geo R Robbins, daughter, son and servant, P Ferry, Edward Renbow, Jerry Ferry, John S Mullen, Seth Hutchinson, Edwin Thorne, Mrs Maclean and child, John Rae Habersham, Mrs Dr Storer, Miss Storer, Mrs J S Petrie, Miss Petrie, Mrs J H Petrie, Richard Cogdell, E W Baker, G W Richards, Thomas Walter, Wm L McDonald, Mrs Jessie How, James How, Jr, Peter McGowan, J E Halsey, Lucien Morel, George Fitchh, T Bressman, James A Gray, E Thompson, Thomas A Moore, L Rembert, Mr Bacley, Emanuel Bailey, J M Reed, Wm A Helms, G W Gregory, Robt Fitch, Jr, L H Goodman, Capt Paxton, Mr Bush, T W Pearsall, Jr—and 10 in the steerage.

For Charleston, in steamship James Adger—Mr Chandler, Mrs Chandler, Mrs Macauly, Mrs Bleeker, Mrs Carron, Capt S B Horton, H W Van Bergen, A G MacFazie, B W Parsons, Mrs J Mattheusson, Mrs B McElhenan, T Bartridge, Mrs E G Williams, J W Paige and maid, J W Paige, Jr, E T Barton, J T Turner, F Holman, Eugenio de Cavo, S C Sargent, G J Somes, C M Starbuck, F Vabbott, Jr, D J Pipen, B J Lasell, F W Boualca, W N Storrow, F N Dunbar, M E Cushman, S L Burns, A B McDonell, E Hopkins, Mrs Jeffers and child, M E Cushman, H K Crocker, W J Brown, F N Dunbar, J J Bourge—and seven in the steerage.

## Injunction upon the Mayor—Who is to Pay for Cleaning Broadway?

SUPREME COURT—CHAMBERS.

Before Hon. Judge Davies.

APRIL 5.—*Jacob L. Dodge vs. Fernando Wood, Asariah C. Flagg, Wm. Baird, and the Mayor, Aldermen and Commonalty of the City of New York.*—This matter came up upon an order granted on the application of the plaintiff by his counsel, Mr. R. Busteed, for the defendants to show cause why an injunction should not be made perpetual restraining the Mayor and Comptroller from signing and countersigning, and the defendant Baird from receiving a warrant drawn in his favor for the sum of $2,385, for services performed under a contract entered into by him for the removal of the dirt, snow and ice in Broadway. It is unnecessary here to set forth the terms of the complaint, as they have already appeared in the HERALD.

Mr. R. Busteed, who appeared on the part of the plaintiff, cited many sections of the charters of 1849 and 1853, as also the ordinances of the Common Council, with a view to show that the contract entered into by the Mayor with Mr. Baird was invalid, and especially so in the face of the statutory provision, which says—"All work to be done, and all supplies to be furnished by the Corporation, involving an expenditure of more than $250, shall be by contract, founded on sealed bids or proposals, made in compliance with public notice, for a full period of ten days." (Amended Charter, sec. 12.)

Mr. Shepard, Corporation counsel, read the affidavit of the Mayor, in which the deponent states that he advertised for proposals for the cleaning of Broadway, from the Astor House to Union square, the publication of the advertisement commencing upon the 4th March, 1856, and continuing four days; that in consequence of the advertisement, several proposals had been received; that Mr. Mott, the Superintendent of Streets, had fully concurred with him in the action which he had taken. The affidavit of Wm. Baird (the contractor) was also read, and in it the deponent says that the allegation in the complaint, that the work contracted for was not performed, is entirely untrue. Mr. Shepard then read from the joint proceedings of the Common Council, approved April, 1854, in which provision is made relative to the contingency of the contractor failing to perform his contract, and the Superintendent of Streets neglecting to notify him of the non performance. According to the provisions of that ordinance, when such a contingency occurred, the Mayor was authorized to advertise for proposals, &c., &c.

Mr. S. then adverted to the ordinance of 1849 (page 120-23), in which the duties of the Commissioner of Streets and Lamps are designated; also, from page 128 to 134 of the same, together with the 14th section of the Act of 1849, and the 12th section of the Act of 1853. (Amended Charter).

Mr. Busteed followed, commenting upon the statutory and corporate provisions mentioned by Mr. Shepard, and urged that in the case of this contract none of the prerequisites demanded by the ordinance referred to existed. He contended that however laudable the intention of the Mayor may have been in entering into the contract with Mr. Baird, nevertheless his act in the premises was absolutely null and void, in the face of the 12th section of the Act of 1853. (Amended Charter.) Mr. B. further urged that under the 7th section of the charter of 1849, no money shall be drawn from the city treasury except the same shall have been previously appropriated to the purpose for which it is drawn, and all appropriations shall be based upon specific and detailed statements. He also referred to the following provision of the ordinance organizing the Department:—"All contracts for supplies or work of any kind appertaining to the Department of Streets and Lamps shall be made by the Commissioner of Streets and Lamps, and bonds for the faithful performance thereof shall be taken and approved by him. (See sections 290, 91, 94, of ordinance, 1849.) Mr. Busteed then moved the Court that the injunction be made perpetual.

Mr. Shepard, in behalf of the defendants, said that this involved a very important question, and it was in order that there might be a judicial construction of that twelfth section of the amended charter that he came before the Court; and that question being decided, there were no other difficulties in this case. He would take the liberty to state two grounds which he conceived were occupied by the applicant for this injunction. In the first place, they stated that the Mayor had no power whatever to make this contract; they alleged that upon the facts set forth in their complaint, and they could not go outside of their complaint to find other facts to invalidate that power which he conceived to exist. The second question which was presented by the plaintiff was, that there could be no right of payment, because the work contracted for had not been done. In reference to that proposition, he (Mr. S.) would say that the affidavit of the applicant for the injunction was contradicted by the Mayor, and also by Mr. Baird, the contractor. The weight of evidence was therefore against the plaintiff. He, therefore, would not discuss that proposition, but would confine himself to the first proposition which he had stated. On several matters he and the counsel on the other side would not disagree. In the first place, that it was the design of the act of 1849 to establish executive departments, and to confine the bodies of the Common Council to their legislative duties. In the second place, they would agree that it was the design of that charter (1849,) and also of the subsequent charter of 1853, to establish what might be termed "the contract system," or in other words, to provide that all municipal work should be done under general regulations, in order to clear the city from the mischiefs and dangers and corruptions of individual preference for persons whose claims to preference were frequently of an exceedingly equivocal character. He would here inquire what were the powers of the Mayor under that general system. His duties were to be found generally stated in the seventeenth section of the charter of 1850, which was not repealed by either of the subsequent charters alluded to. The learned counsel here read from the act referred to, as to the duties of the Mayor. They are, of course, too well known to require repetition. Under the charter of 1849, the ordinance establishing the municipal departments was adopted, several sections of which had been referred to by the counsel on the other side; he (Mr. S.) would however contend that the joint resolution of 1854 repealed that ordinance to a certain extent. This latter ordinance or resolution (1854) provided in accordance with the general theory of the charters to which he had referred for the cleaning of the streets by contract. It contemplated, however, that a contractor might not perform his contract, and also that a Superintendent of Streets might not discharge his duties, and it gave the Mayor the power on the failure or neglect of the contractor, and the supposed neglect of the Superintendent of Streets, to have the streets cleaned. Then the question was whether that ordinance was the law in this case or not. He did not see anything, nor had he heard anything, tending to show that it was not. He took it that two questions would arise, and the first of these questions would be, whether the Mayor pursued the law in his course of proceeding; and again, whether he was authorized, in consequence of the concurrence of the circumstances stated in the ordinance, to institute the proceedings which he had. As to the first proposition—whether the contingencies had arisen—it was clear, from the complaint in this case, that Broadway was entirely obstructed by snow, dirt and ice, it was in a bad condition for a long space of time, and the Commissioner of Streets did not clean it; he had no authority to do so; it was the business of the Superintendent of Streets to do so; that duty was imposed upon him by the ordinance of 1849; no such duty was imposed upon the head of the department, and the Commissioner had no control over the Superintendent of Streets in the discharge of that duty, Mr. S. then directed attention to the affidavit of Mr. Wood as to the notification of the Superintendent and Commissioner of Streets, and pointed to the statement in the said affidavit that the Superintendent concurred in the proceedings adopted by the Mayor for the cleaning of Broadway. Was that agreement on the part of the Superintendent a substitute for a notice in writing? He (Mr. S.) contended that it was a full and complete notification. The Superintendent of Streets concurred with the Mayor in the measures the latter had devised for freeing Broadway of the obstructions which had occasioned such inconceivable annoyance. In fact, he agreed that he had had notice; and if he (the Superintendent) did not complain as to the matter of notification, he (Mr. S.) would like to know what right the plaintiff had to come in there to complain, and ask an injunction such as had been moved? It was conceded that the advertisement for proposals had been published only for the space of four days; and the question that then arose was, whether or not the twelfth section of the act of 1853 required a longer period of advertisement. (The learned counsel here quoted the twelfth section of the amended charter, given above.) He did not suppose that the Legislature could ever have designed, or that any reasonable man would ever choose to apply that provision in the full breadth of its terms; because if it were so applied, its application would lead to very serious mischiefs. As an example, suppose that a certain nuisance should be established requiring a considerable expenditure to remove, was the Corporation obliged to permit that nuisance to continue for ten days, to advertise for ten days for proposals to remove it?

The Court—There is a provision in the health law of 1850 which enables the Mayor to remove it.

Mr. Shepard would put that as one instance. Suppose another case—that of a vessel being brought to one of our wharves laden with gunpowder. Suppose that vessel to be put in such a position that it was imperatively demanded she should be removed, must ten days elapse before she could be removed, the removal involving an expenditure of over $250?

The Court intimated that if the public safety were endangered in such a case, it conceived that the provisions of the health law would also operate in that instance.

Mr. Shepard would suppose another case—that some of the stores fronting on Broadway should fall down and block up the street, entirely obstructing the passage of citizens, &c., then there would be no power to render the thoroughfare passable by the removal of the rubbish, except under a contract founded upon an advertisement of ten days, if this narrow construction of the 12th section of the amended charter should prevail. The learned counsel contended that the statute should be construed according to the ordinary course and current of events. He considered it monstrous that if Broadway be rendered absolutely impassable, that it must remain so for ten days. The statute was intended to apply to all the work done for and all the supplies to be furnished to the corporation, which in their nature were not works of necessity requiring