Richmond Enquirer.

BY WM. F. & THO'S RITCHIE, JR. RICHMOND, VA., TUESDAY MORNING, NOVEMBER 9, 1847. VOLUME XLIV.—NUMBER 55.

Terms of the Enquirer.

☞ The Enquirer is published DAILY (for the city) and SEMI-WEEKLY (for the country.) For the Daily Paper, seven dollars per annum, and at the rate of eight Dollars if taken for a shorter period than one year. For the Semi-Weekly, five dollars per annum, and Three Dollars for six months, payable in advance, *to be paid in the office*, or remitted by mail, post paid; or Six Dollars per annum at the end of the year.

☞ All dues to this office may be remitted per mail, at our risk, in good and available Bank notes, at the risk of the Editors. *Mere postage of all letters being paid by the writers.*—The postage of a single letter is scarcely any account to the writer. It is the accumulation of postage, in an extensive business, which operates as a serious tax upon the Editors.)

TERMS OF ADVERTISING.

IN THE DAILY ENQUIRER—For one square of sixteen lines, or less, first insertion, fifty cents, and every succeeding insertion twenty-five cents—if inserted once a week, twice a week, or three times a week, thirty-seven and a half cents.

IN THE SEMI-WEEKLY—One square of sixteen lines, or less, first insertion, 75 cents; for each continuance, 50 cents.

Annual advertisers are charged fifty dollars for thirty lines, and in that proportion for advertisements of a greater length—except Lottery Venders and Auctioneers, who are charged one hundred dollars (paper included.)

☞ All *Obituaries* and *Marriages* from the country, whenever the party's hand-writing is unknown at this Office, must be authenticated by the endorsation of the Postmaster in the neighborhood, or they will in no case be published. Every measure, that has been taken to prevent impositions and quizzes, has proved heretofore unavailing. We must, therefore, insist, in such a case, that the communication being certified by the name of the Postmaster, *written on the back of the letter.*

Orders from a distance must be accompanied with the cash, or satisfactory references, to insure execution.

NEW FORWARDING AND COMMISSION HOUSE.

L. H. Trigg

HAVING taken a House on the Basin, tenders his services to his friends and the public generally, in forwarding merchandise, and for the sale of all the staple articles of produce.

L. H. T., in the sale of Tobacco, will be assisted by a gentleman, who, from long experience and acknowledged judgment, is fully competent to sustain the interests of Planters. Feb 9—ctf

FIFTY DOLLARS REWARD.

RAN AWAY from the subscribers, on Sunday, the 8th August, a Negro Man named GEORGE. The said slave is about 21 years of age, black, about 5 feet 6 inches high, weighs about 150 pounds, has good teeth, and a round and likely face. He was purchased at R. H. Dickinson & Brothers Auction Room, on the 22d of March last, from Messrs Millner & Keen, of Pittsylvania Court house. He was purchased by them—M. & K.—in Rickingham, N. C., and he will in all probability make for that place, as he ran off last April, and was taken up, on his way there, at Amelia Court-house.—The person that took him up on that occasion shot him, with small shot, on the legs, and the shot marks are very perceptible on the hind part, or the calves of his legs. We will give $50 for the apprehension and delivery of said boy to R. H. Dickinson and Brother, in Richmond, Va., if taken up after this date, and, if taken up previous to this date, we will pay $25 for his delivery here, and the expense of bringing him to this place from where he may be taken up.

KELLY, HUNDLEY & CO.

Richmond, August 27, 1847.—ctf

FOR SALE, RENT OR LEASE,

THAT valuable PLANTATION called Martins, the property of the late Albert T. Goodwyn, lying in Dinwiddie, on Hatcher's Run, about five miles from the Court-house, and twelve from Petersburg, containing about 2800 acres, a large portion of it in woods of prime quality. Few such estates can be found in the county, being well adapted to the growth of corn, wheat, oats and tobacco. The lots are in excellent order. There is a Dwelling house, with five rooms.—Also, necessary out houses, wanting slight repairs.

Planters seeking investments seldom meet with such an opportunity of suiting themselves near market. The Terms will be liberal. R. K. MEADE,

Executor of A. T. Goodwyn, deceased.

Sept. 17—eotf

FOR RENT,

A VERY DESIRABLE FARM, in the county of Powhatan, about one mile from James river, and 22 miles from the city of Richmond. It contains nine hundred acres of land, seven hundred of which are under cultivation. There is on the place a profitable grist mill; also, a saw mill and threshing machine, worked by water power. This Farm is well furnished with tobacco and out-houses; also, an overseer's house, with four comfortable rooms. There will be found seeded on the land 150 bushels of good wheat.

Possession given the 1st of January. For further particulars, address J. H. FINNEY, Sublett's P. O., Powhatan.

P. S.—This place would be suitable for a New England farmer. Oct 12—ctf

NEW KENT FEMALE SCHOOL.

A FEMALE SCHOOL will be opened, under the management of competent Teachers, at the residence of the subscriber, in the county of New Kent, on the 15th of October, and will close on the 15th August, 1848.

Board and tuition in the English branches,	$100
French,	10
Painting and Drawing,	10
Music and the use of Piano,	25

One half of the board and tuition will be expected to be paid either when the scholar enters the School, or on the first of January, and the other half on the first of May. R. T. LACY.

Oct. 22—ct*

FOR SALE—THE SARAH PLANTATION, IN MISSISSIPPI,

Belonging to the Trustees of the Bank of the United States.

CONTAINS about 700 acres all under fence, 500 cleared, of which there are from 350 to 400 in cultivation, and nearly, or about 200 acres of timber—situated 41 miles East South East from the city of Vicksburg—has on it 12 horses, stock of cattle, including oxen, two wagons, sufficient stock of hogs, farming utensils, including tools, &c., two cisterns, and an excellent well of water, a new gin house, (including press and mill,) a new gin stand and thrasher, new negro quarters, carpenter's shop, blacksmith's shop, two new cribs; also, a stable and old cribs, a good double dwelling house, containing three rooms and a closet; also, a vegetable and fruit garden, cotton seed sufficient for the ensuing year. The corn and fodder, sufficient for the place the next year, will be sold on the place, and delivered, at the market price. The farm will be sold for $16,000, of which $4,000 in cash, and the balance in one, two and three years, equal annual instalments, bearing six per cent interest from the date of sale, secured by mortgage, or deed in trust.

Apply to Joseph L. Roberts, Agent, Natchez, who has full power to sell and convey said property.

Aug. 17—c3m

20 Dollars Reward.

THE above reward will be given for the apprehension and delivery of my Negro man JOHN (whom I bought of Mr. Silas Omohundro, of the city of Richmond, who sold him for Thomas S. Jennings, of Petersburg, Va.,) to Dr. Edward A. Rowzer, living about three miles from Beaverdam Depot, on the Louisa Railroad, in the county of Hanover, by or before 8 o'clock on the morning of the 28th of the present month, (October,) at his house, or at Beaverdam Depot by the time the cars arrive there on the same day (28th instant.) If not taken so as to be delivered as above specified, I will give $10 for his delivery to Mr. Silas Omohundro, of the city of Richmond, or for his confinement in jail so that I get him again. John is a bright mulatto, full face, frizzled hair, two upper front teeth partially decayed, 5 feet 9 inches high, had on when he left light colored cotton pantaloons, gray cassinet roundabout, new pegged shoes, an old striped satin wai-coat, rugged linen shirt, black fur hat and black silk strings through his ears—is about 35 years old, and a little grey.

Oct. 25—4tReo4t* J. C. PLEASANTS.

Sutton & Southall's Agency.

THE subscribers have established a General Agency in Richmond, Va., and most respectfully offer their services to their friends, and the public generally, for the transaction of all business requiring an agent in said city. They promise punctuality and strict attention to the collection of accounts and claims of every description, selling all kinds of produce, hiring out servants, renting out and receiving rents of houses, effecting private sales of real estate, paying taxes on delinquent lands, and redeeming those that are sold, &c.

Pensioners who receive their semi annual pay in Richmond, are informed that correct forms will be remitted to them, with instructions for the proper authentication of their vouchers, if desired, for a moderate compensation.

Soldiers, Widows and Orphans, who may be entitled to claims from the United States, may have them promptly attended to, by placing them in the hands of the undersigned.

Office in Wellington Goddin's Building, on Bank street, nearly opposite the South gate of the Capitol Square. JAMES T. SUTTON, Jr.,

JOHN B. SOUTHALL.

Virginia Military Land Warrants bought and sold by us. July 16—c6m

J. P. TAYLOR and others, vs. REV. SYDNOR. } In Bankruptcy.

THE creditors of the defendant are notified that a dividend of one and a quarter per cent. will be declared at the next term of the United States Court for the Eastern District of Virginia.

RICHARD RUSSELL,

Nov. 2—c4t Special Assignee of Rev. Sydnor.

RUNAWAY NEGRO.

WAS committed to the Jail of Tazewell county, as a runaway, a Negro Man, who calls himself Billy Freeman, and says he is free. Said negro is of a copper color, five feet ten or eleven inches high, has a noted scar above his left eye, just in the edge of his hair, and with his back very much marked, apparently from the lash. The owner of said negro is requested to come forward, prove property and pay charges, or he will be dealt with as the law directs.

Oct. 19—cw4w NASH & SAUL, Jailors.

TO DR. WILLIAM M. ARMISTEAD, A NON-RESIDENT OF VIRGINIA.

TAKE notice that, on the 16th day of December next, at Pemberton, in the county of Goochland, I shall take the depositions of Munroe Johnson, Edwin Turpin, Martin James and others; and on the 15th day of the same month, at the residence of Captain George Holeman, in Fluvanna county, I shall take his deposition to be read as evidence in a chancery suit now pending in the County Court of Goochland, wherein I, as guardian of the infant children of Mrs. Emily B. Armistead, deceased, am plaintiff, and you and others are defendants. Yours respectfully, &c.,

Nov. 2—cw4w GEO. P. HOLEMAN.

IN CHANCERY.—VIRGINIA:—At Rules held in the Clerk's Office of the Superior Court of Chancery for the Richmond Circuit, the 5th day of October, 1847:

George W. Goode, assignee of Jesse P. Smith, against Plaintiff:

Ivory P. Hodgden, and other Defendants.

The defendant above named not having entered his appearance and given security, according to the act of Assembly and the rules of this Court, and it appearing by satisfactory evidence that he is not an inhabitant of this Commonwealth, it is ordered, that the said defendant do appear at the rules to be held for the said Court, on the first Monday in December next, and answer the amended and supplemental bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city. A Copy—Teste,

Oct. 12—cw2m P. ROBERTS, Clerk.

Midway Female Academy.

THE friends and patrons of Female Education are respectfully informed that the seventh session of this Institution was opened, for the reception of young Ladies, on Monday, the 4th day of October.

It is located on the Stage road, thirteen miles West of Tappahannock, and thirty five South-east of Richmond. The buildings have been greatly enlarged, and every arrangement made for the convenience and comfort of the pupils. The situation is healthy, water pure, and, in respect to the aids which *location* can give to moral and intellectual improvement, unsurpassed by any other.

In establishing this School, the subscriber's first object was the *desire* of educating his own children, (having six daughters,) for the accomplishment of which, the best energies of his mind and body will ever be devoted. Wishing the aid of his friends, he takes pleasure in informing them that he has secured the services, (*and at a high figure,*) of *four ladies* as teachers in his School, all possessing qualifications of a superior order. Miss LYDIA MARY FAY, so well and favorably known in Alexandria, has been selected as *Principal*. She is a lady of long experience, having taught for fifteen years, seven of which time in the best schools and families in Virginia. Several letters have been voluntarily sent to the subscriber from his friends in Alexandria, Philadelphia and New York, recommending in the highest terms this eminent lady. An extract from one, however, will be sufficient:

From a private letter, written by Mrs. Mary L. Eliason:

"ALEXANDRIA, Sept. 11th, 1846.

"In regard to Miss Fay, I can assure you with a confidence that would only be justified by a long and intimate acquaintance, that I think her highly qualified as a teacher, *particularly* in some of the higher branches, such as Mental and Moral Philosophy, Botany, and with a thorough knowledge of the Grammar and of the English Language. She has an acquaintance with the Greek, Latin, French and Italian, and had in my school last year a very interesting class in Latin. Moreover she is an intelligent christian, having been long a teacher in Sunday Schools and an attendant on Bible Classes."

Miss FAY will be assisted in her department by a young lady eminently qualified for the duty of Instructress.

The Musical and other Ornamental branches will be under the instruction of Miss ELICTA HUMPHREY, late teacher in the Patapsco Institute, Maryland, which she voluntarily leaves to come to Virginia. Miss Humphrey's qualifications are of a high order.

Extracts of a letter from Mrs. A. H. Lincoln Phelps, the distinguished Principal of the Patapsco Institute:

"Miss Humphrey is well qualified for the Musical Department. Teaches on the Piano and Guitar and Singing. It is with much regret that we shall lose her *fine voice;* she is very amiable, and will be faithful in all her duties. She has great sincerity and truthfulness of character. She is a near relative of President Humphrey, of Amherst College, Massachusetts, and St. John's College, Maryland."

Miss H. will also be assisted by a young Lady, highly qualified for the station.

Particular attention will be paid to the manners, habits and morals of the young Ladies at all times, and every pains taken to ensure a profitable employment of time, both in and out of school. Every branch of a finished Education, both solid, Classical and Ornamental, will be taught here.

Mrs. MINOR promises on her part kind and maternal treatment, neat and comfortable rooms, and good *fare*.

The TERMS are such as *merely* to defray the necessary and absolute expenses. For Board, Washing, Light, Fuel, Bed and Tuition, in any or all of the English Branches $11 per month, or $100 per year. For Music on Piano, and use of Instrument, $4 per month, or $30 per year. For instruction on Guitar, $3 per month, or $20 for the year. French, Latin and Italian, each, $10 extra. Drawing and Painting, $10. Ornamental Work, $5 each, per session.

Books and Stationery furnished at Richmond prices. In event of sickness, every attention will be bestowed with particular care, and no charge made for Professional services. The subscriber considers that the best testimonials and reference he can offer is the past success and high standing of his school. Parents and guardians are requested to come and judge for themselves; and none are required to stay a day longer than entire satisfaction is given. A small advance will be desirable. Respectfully,

JEFFERSON MINOR, M. D.

☞ Address the subscriber, at Miller's Post Office, Essex county, Va.

N. B.—I hope to find pardon in the kind hearts of the two distinguished Ladies (Mrs. Eliason and Mrs. Phelps) for the unceremonious manner I have thus brought them before the public. My apology is a desire to prove to my Patrons that Midway School is *what* I promised it *should be*, one of the best in the State.

Most respectfully,

Oct. 19—cwtlstJan. J. MINOR.

MRS. DR. HATCHETT'S SCHOOL FOR YOUNG LADIES

WILL be re-opened on the second Monday in January next. The usual English Branches, with Music on the Piano, will be taught. Preparations are now being made to accommodate comfortably a few boarders.

Terms, per session of ten months:

Board,	$70
Tuition for advanced scholars,	20
Tuition for beginners,	15
Music, with use of Piano,	30

☞ For further particulars, address

R. J. H HATCHETT.

Oct. 12—cw8w Macfarlands, Va.

IN CHANCERY.—VIRGINIA:—At Rules held in the Clerk's Office of the Circuit Superior Court of Law and Chancery for the County of Halifax, in the month of October, 1847:

Hyram Hudson, Hyram H. Crank, Joseph W. Crank and Mary E. Crank, which said Hyram H., Joseph W. and Mary E. are infants, and sue by their next friend, Wm. Crank, Plaintiffs:

against

Charles A. Ballow and Wm. T. Ballow, Executors of Jesse Ballow, deceased, Wm. T. Ballow, Jane Booker, Wm. Montgomery Ballow, Elizabeth B. Ballow, Wm. H. Ballow, Henry Ballow, John Ballow, Edwin Ballow, James Ballow, George Ballow, Augustus T. Walton and Mary E. his wife, Louisa Colquit, James H. Goodman, Zac. T. Goodman, Charles J. Goodman, Littleton B. Goodman, Thomas B. Goodman and Elizabeth his wife, John J. Guthrey and Martha his wife, Samuel Bagwell and Willianna his wife, William Wright and Jane his wife, who was Jane Coleman, Sarah Coleman, Charles Coleman, Hannah Alderson, Henry Alderson, Sterling Alderson, Charles Ballow, John T. Ballow, Wm. T. Ballow, jr., Wm. Ballow, Catharine Ballow, Elizabeth Ballow, Diana Ballow, Eliza A., Mary P., William T., Joseph H. and Hyram H. Crank, Augustus T. Walton and Mary Eliza his wife, John J. Guthrey and Martha A. his wife, T. E. Jones and Elizabeth A. his wife, John T. Ballow and Wm. Montgomery Ballow, not having entered their appearance, and it appearing by satisfactory evidence that they are not inhabitants of this Commonwealth, it is ordered, that the said last named defendants do appear here on the first Monday in January next, and answer the plaintiffs' bill; and that a copy of this order be forthwith inserted in the Richmond Enquirer for two months successively, and posted at the front door of the Court house of this county. A Copy—Teste,

Oct. 26—cw2m WM. HOLT, Clk.

IN CHANCERY.—VIRGINIA:—At Rules held in the Clerk's Office of the County Court of Cumberland, on Monday, the 4th day of October, 1847:

Thomas D. Walton, Plaintiff:

against

Lewis J. Walton, James C. Walton, Martha S. Walton, Cornelia Josephine Walton, Edward G. Walton, Thomas H. Hewlett and Jane his wife, formerly Walton, Martha Walton, widow and relict of Edward Walton, deceased, and Samuel Hatcher, Executor of Edward Walton, deceased, Defendants.

The defendants, James C. Walton, Edward G. Walton, and Thomas H. Hewlett and Jane his wife, not having entered their appearance and given security, according to the act of Assembly and the rules of this Court, and it appearing by satisfactory evidence that they are not inhabitants of this Commonwealth, it is ordered, that the said defendants do appear here on the first day of December Court next, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Court house of this county.

A Copy—Teste,

Oct 12—cw9m B. B. WOODSON, C.

IN CHANCERY.—VIRGINIA:—At Rules held in the Clerk's Office of the County Court of Amelia, on the first Monday in November, 1847:

John Roberts, Complainant:

against

Jacob Roberts, C. C. Roberts, George Roberts, Thos. J. Roberts, and others, Defendants.

The defendant, Thomas J. Roberts, not having entered his appearance and given security, according to the act of Assembly and the rules of this Court, and it appearing that he is not an inhabitant of this Commonwealth, it is entered at rules, and accordingly ordered, that he appear here, at a Court to be held for said county of Amelia, on the 4th Thursday in January, 1848, and answer the bill of the plaintiff; and that a copy of this order be inserted in some newspaper printed in the city of Richmond once a week for two months successively, and posted at the door of the Court-house of this county. Copy. Teste,

Nov. 2—w2m E. G. LEIGH, C.

IN CHANCERY.—VIRGINIA:—At Rules held in the Clerk's Office of the Superior Court of Chancery for the Richmond Circuit, the 9th day of October, 1847:

Jones Heller, Plaintiff:

against

The Protection Insurance Company of Hartford, in the State of Connecticut, and another, Defendants.

The defendants above named not having entered their appearance and given security, according to the act of Assembly and the rules of this Court, and it appearing by satisfactory evidence that they are not inhabitants of this Commonwealth, it is ordered, that the said defendants do appear at the rules to be held for the said Court, on the first Monday in January next, and answer the bill of the plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the city of Richmond for two months successively, and posted at the front door of the Capitol in the said city. A Copy—Teste,

Oct. 12—cw2m P. ROBERTS, Clerk.

IN CHANCERY.—VIRGINIA:—At Rules held in the Clerk's Office of the Superior Court of Chancery for the Richmond Circuit, the 9th day of October, 1847:

Royall Parrish and Felix Matthews, partners, under the firm of Parrish & Matthews, Plaintiff:

against

Thomas B. Nowell and Sarah his wife, and other Defendants.

The defendants above named not having entered their appearance and given security, according to the act of Assembly and the rules of this Court, and it appearing by satisfactory evidence that they are not inhabitants of this Commonwealth, it is ordered that the said defendants do appear at the rules to be held for the said Court, on the first Monday in January next, and answer the bill of the plaintiffs; and that a copy of this order be forthwith inserted in the Richmond Enquirer for two months successively, and posted at the front door of the Court house of this county. A Copy—Teste,

Oct. 12—cw2m P. ROBERTS, Clk.

DOCTOR GIBSON

RESPECTFULLY tenders his professional services to the citizens of Richmond and its vicinity.

☞ Office 7th street, near Franklin.

Oct. 25—c2aw3m

THE ENQUIRER.

RICHMOND, VA.

Monday Morning, November 8, 1847.

TRIAL OF LIEUT. COL. FREMONT.

The National Intelligencer devotes five columns to the interesting evidence given in on Thursday by Brig. Gen. S. W. Kearny, the first witness for the prosecution. We shall attempt to give an imperfect abstract of his testimony—though compelled to omit much matter of interest.

Gen. K. stated that he was in California as a Brigadier General of the U. S army, and under instructions from the War Department, under date of June 3d, 1846. The letter of Secretary Marcy, of June 3, 1846, (confidential,) was then read. In it Gen. K. is designated to command the expedition to take the earliest possession of Upper California, and he is authorized to call upon the Governor of Missouri for a large force of mounted men. He is directed to conquer Santa Fe (including the Department or State of New Mexico,) and, after providing for retaining safe possession of it, to push on to California. He is authorized to muster into service any number of the Mormon emigrants *en route* for California—not, however, to a number exceeding one-third of his entire force—and also to receive into the U. S. service any of the American citizens settled on the Sacramento river, as may be considered useful in holding possession of the country. He is invested with a large discretionary power in regard to these matters "as well as to all others in relation to the expeditions confided to his command." The letter then goes on:

"It is expected that the naval forces of the U. States, which are now or will soon be in the Pacific, will be in possession of all the towns on the seacoast, and will co-operate with you in the conquest of California. Arms, ordnance, munitions of war, and provisions, to be used in that country, will be sent by sea to our squadron in the Pacific for the use of the land forces.

"Should you conquer and take possession of New Mexico and Upper California, or considerable places in either, you will establish temporary civil governments therein—abolishing all arbitrary restrictions that may exist, so far as it may be done with safety. In performing this duty, it would be wise and prudent to continue in their employment all such of the existing officers as are known to be friendly to the United States, and will take the oath of allegiance to them. The duties at the custom-houses ought at once to be reduced to such a rate as may be barely sufficient to maintain the necessary officers without yielding any revenue to the Government. You may assure the people of those provinces that it is the wish and design of the United States to provide for them a free government, with the least possible delay, similar to that which exists in our Territories. They will then be called on to exercise the rights of freemen in electing their own representatives to the Territorial Legislature. It is foreseen that what relates to the civil government will be a difficult and unpleasant part of your duty, and much must necessarily be left to your own discretion. In your whole conduct you will act in such a matter as best to conciliate the inhabitants, and render them friendly to the United States."

The letter concludes by stating that the rank of brevet Brigadier General would be sent to him (then *Col.* K.) as soon as he commenced his movement towards California.

On the 31st July he received another letter from the Secretary of War, dated June 18, 1846, stating that a small force would be sent round Cape Horn to California, and these troops, together with such as might be organized in California, would be under his command. Gen. K. said he had also a letter from the General-in-Chief, [Scott,] dated Nov. 3, 1846, which was read but not spread upon the record, as it contained nothing materiel to the merits of the case. We, however, make a brief extract:

"As a guide to the civil governor of Upper California, in our hands, see the letter of June the 3d, (last,) addressed to you by the Secretary of War. You will not, however, formally declare the province to be annexed. Permanent incorporation of the territory must depend on the Government of the U. States.

"After occupying, with our forces, all the necessary points in Upper California, and establishing a temporary civil government therein, as well as assuring yourself of its internal tranquility and the absence of any danger of reconquest on the part of Mexico, you may charge Col. Mason, U. S. 1st dragoons, the bearer of this open letter, or land officer next in rank to your own, with your several duties, and return yourself, with a sufficient escort of troops, to St. Louis, Missouri.—But the body of the U. S. dragoons that accompanied you to California will remain there until further orders."

Gen. Scott's letter further desires that, should Gen. K. find Lieut. Col. Fremont at San Francisco or Monterey bay, he would not detain him against his wishes a moment longer than the necessities of the service may require. It then urges the utmost cordiality and harmony of co-operation between the land and the navy forces on the coast of California.

In reply to a question, Gen. K. stated that the letter from the Secretary of War was not exhibited by him to Fremont, but he informed F. of its contents. An extract of the letter was furnished to Col. F. by Lieut. Emory, under Gen. K.'s instructions. Being asked what order was given by him (K.) to Fremont, relative to his coming to Monterey, K. said, that on the 1st March, 1847, he was at Monterey, and there issued the 10th military department order, No. 2, which he sent to Lieut. Col. Fremont, with a letter of the same date. The order directs that the battalion of California volunteers, under the command of Lieut Col. Fremont, and stationed at Ciudad de Los Angelos, should be at once mustered into service by Lieut. Col. Fremont.

Gen. K.'s evidence goes on—

"About the 26th of March Lieut. Col. Fremont was in Monterey. He came to Monterey from Los Angelos, and, calling on me at my quarters, I had a conversation with him. The close of the conversation was a reiteration of my orders to him of the 1st of March to come to Monterey, and with the least practicable delay. Then, on the 28th of March, I addressed to him a written communication."

This written paper, signed "S. W. Kearny, Brig. Gen. and Gov. of California," begins thus

"This will be handed to you by Col. Mason, 1st Dragoons, who goes to the southern district, clothed by me with full authority to give such orders and instructions in that section of country as he may deem proper and necessary. Any instructions he may give to you will be considered as coming from myself."

It then suggests that Col. Fremont should at once authenticate and complete for the action of the disbursing officers any unsettled accounts against the Government, "as it may be necessary for you (F.) to proceed from here (Monterey) to Washington city." It concludes as follows:

"In twelve days after you have embarked the volunteers at San Pedro I desire to see you in this place."

The witness then proceeded:

"I waited in Monterey for the arrival of Lieut. Col. Fremont, who did not come; and in May I went to Los Angelos, and there I found him on my arrival at that place, on the 9th of that month. I then repeated my previous order to him, and he left in a few days after."

Here a member of the Court inquired whether the witness meant that Col Fremont left in obedience to the order?

Answer. He left in obedience to my order.

An official order dated 3d Nov., 1846, was then read, creating military departments:

No. 9, to consist of so much of Santa Fe and New Mexico as should be conquered by the American arms, the headquarters to be at Santa Fe; and department No. 10, to consist of so much of Oregon and the two Californias as should be conquered by our arms, the headquarters to be on the field.

The said order was received by Gen. K. about the 13th Feb. 1847, by the hands of Col. Mason, in California.

The following paper was read, which Gen. K testified to as having received from Col. Fremont:

CIUDAD DE LOS ANGELOS, Jan. 17, 1847.

Sir:—I have the honor to be in receipt of your favor of last night, in which I am directed to suspend the execution of orders which, in my capacity of Military Commandant of this Territory, I had received from Commodore Stockton, Governor and Commander-in-chief in California.

I avail myself of an early hour this morning to make such a reply as the brief time allowed for reflection will enable me.

I found Commodore Stockton in possession of the country, exercising the functions of Military Commandant and Civil Governor; and shortly thereafter I received from him the commission of military commandant, the duties of which I immediately entered upon, and have continued to exercise to the present moment.

I found, also, on my arrival at this place, some three or four days since, Commodore Stockton still exercising the functions of Civil and Military Governor, with the same apparent deference to his rank on the part of all officers [including yourself] as he maintained and required when he assumed in July last.

I learned, also, in conversation with you, that on the march from San Diego recently to this place, you entered upon and discharged duties implying an acknowledgment, on your part, of supremacy to Commodore Stockton.

I feel myself, therefore, with great deference to your professional and personal character, constrained to say that, until you and Commodore Stockton adjust between yourselves the question of rank, where I respectfully think the difficulty belongs, I shall have to report and receive orders, as heretofore, from the Commodore.

With considerations of high regard, I am your obedient servant, J. C. FREMONT,

Lieut. Col. U. S. Army and Military Commandant of the Territory of California.

To Brig. Gen. S. W. KEARNY, U. S. Army.

We continue General Kearny's evidence from the Intelligencer's report. To understand the *gist* of the controversy, we deem it necessary to give the statements of General K. and Colonel F., unabridged. Though extended, they are full of interest:

About the 14th of January, 1847, I received from Lieutenant Colonel Fremont a communication dated the day previous, upon the march, and dated 'January 13th, 1846,' [presumed to be written by mistake for 1847,] and which I furnished, together with the charges, to the Adjutant General.

The paper was read as follows:

ON THE MARCH, January 13, 1846.

Dear Sir: I have the honor to report to you my arrival at this place, with 400 mounted riflemen and six pieces of artillery, including among the latter two pieces lately in the possession of the Californians. Their entire force, under the command of Don Andre Pico, have this day laid down their arms, and surrendered to my command.

Very respectfully, your obedient servant,

J. C. FREMONT,

Lieut. Col. U. S. Army and Military Commanda't of the Territory of California.

Big. Gen. S. W. KEARNY.

On the day of the receipt of that report, (viz of the 13th January,) Lieut. Col. Fremont, at the head of a battalion of volunteers, entered the city of Los Angelos. On the 16th of January an order was sent to him, relating to this battalion, by my direction, and signed by Lieut. Emory—a copy of which I have furnished, and which I can identify if shown to me.

[A paper was here exhibited to the witness.]

This is a copy of the order furnished to him by Lieut. Emory.

The paper was read, as follows:

HEADQUARTERS ARMY UNITED STATES,

Ciudad de los Angelos, Jan. 16, 1847.

By direction of Brig Gen. Kearny I send you a copy of a communication to him from the Secretary of War, dated June 18, 1846, in which is the following: "These troops, and such as may be organized in California, will be under your command." The General directs that no change will be made in the organization of your battalion of volunteers, or officers appointed in it, without his sanction or unless it be first obtained.

Very respectfully,

WM. H. EMORY,

Lt. and Acting Assistant Adj't. Gen.

To Lieut. Col. J. C. Fremont, Mounted Riflemen, Commanding Battalion California Vols.

Accompanying this was a copy of a letter from the War Department to myself.

[This has been read in the reply of the witness to the first interrogatory—see above.]

On the day subsequent, viz: on 17th January, Lieut. Col. Fremont came to my quarters, and, in conversation, I asked him whether he had received my communication of the day previous? He acknowledged the receipt of it; and stated that he had written a reply and left it with his clerk to be copied.

About this time a person entered the room with a paper in his hand, which Lieut. Col. Fremont took, overlooked, and then used the pen upon my table to sign it; his clerk having told him that the signature was wanting to it. He then handed it to me. At my request Lieut. Col Fremont took a chair by my table while I read the letter.

Having finished the reading of it, I told him I was an older man than himself—that I was a much older soldier than himself—that I had great respect and regard for his wife, and great friendship for his father-in-law, Colonel Benton, from whom I had received many acts of kindness—that these considerations induced me to volunteer advice to him; and the advice was, that he should take the letter back, and destroy it—that I was willing to forget it. Lieutenant Colonel Fremont declined taking it back, and told me that Commodore Stockton would support him in the position taken in that letter. I told him that Commodore Stockton could not support him in disobeying the orders of his senior officer, and that if he persisted in it, he would, unquestionably, ruin himself. He told me that Commodore Stockton was about to organize a civil government, and intended to appoint him Governor of the Territory. I told him Commodore Stockton had no such authority, that authority having been conferred on me by the President of the United States. He asked me whether I would appoint him Governor. I told him I expected shortly to leave California for Missouri—that I had, previously to leaving Santa Fe, asked permission to do so, and was in hopes of receiving it—that as soon as the country should be quieted, I should most probably organize a civil government, and that I at that time knew of no objections to appointing him as the Governor. He then stated to me that he would see Commodore Stockton, and that unless he appointed him Governor at once, he would not obey his orders, and he left me.

The examination in chief was here closed.

The Judge Advocate stated that Lieut. Col. Fremont had now the opportunity of cross-examination.

Whereupon, Lieut. Col. Fremont presented the following paper, which, by permission of the Court, was read by the Judge Advocate.

"Mr. President—Before putting any questions to the witness, and to enable the Judge Advocate and the Court the better to understand the relevancy of the questions put, I think it best to give some idea of the general scope or nature of my defence. This can be done, with respect to one main branch of the defence, by reading a paragraph from a paper addressed by my counsel to the War Department, asking for certain orders and reports preparatory to the trial; and which paragraph is in these words:

"'In looking over the charges and specifications, it is seen that the imputed acts of mutiny and disobedience and disorderly conduct refer to a period of time when Commodore Stockton and General Kearny were contending for the supreme command in California, and when the decision of that contention was attempted to be devolved upon Lieut. Col. Fremont as commander of the California battalion, by Gen. Kearny giving him orders in contradiction of those of Com. Stockton, which decision Lieut. Col. Fremont declined to make, and determined to remain as he and the battalion were, under the command of Commodore Stockton, until his two superiors decided their own contest. Looking upon this to be the correct answer, the undersigned feel it to be their duty to PROTEST, and do hereby PROTEST, against now trying that question in the person of Lieut. Col. Fremont, on a charge of mutiny and disobedience of orders and conduct prejudicial to good order—charges going to his life and character—for not obeying the orders of General Kearny.—They make this PROTEST, and, reserving to Lieut. Col. Fremont all the benefits to be hereafter derived from it, they deem it their duty to prepare for the trial of the charges and specifications as made, (which is, in fact, the trial of Commodore Stockton, of the navy, in the person of Lieut. Col. Fremont, of the army;) and, for that purpose, they claim the benefit of all the defences which Com. Stockton could himself demand if personally on trial before a naval court martial. Under this sense of duty, and with a full conviction that they cannot do justice to Com. Stockton, (to whom, happily, a decision against him will be legally nugatory, and may be contradicted by the decision of a naval court martial, while unhappily it will be fatal to Col. Fremont,) they ask to be furnished, as early as possible, with official copies of all orders to Commodore Sloat, (under whom Lieut. Col. Fremont first served,) also to Commodore Stockton and Commodore Shubrick, and any other naval officers, charging them with military or civil powers in California; also with copies of all their reports in which Lieut. Colonel Fremont or the California battalion are mentioned or referred to; also copies of all communications from them, or either of them, which show the nature and extent of powers which they, the said naval commanders, actually exercised in California; also copies of the joint proclamation of Commodore Shubrick and General Kearny, in setting the boundaries of power in California between themselves; also a copy of Gen. Kearny's proclamation at the same time; also a copy of the orders to Gen. Kearny to proceed to California, and a copy of the orders, if any, to proceed from California to Mexico; and a copy of the orders, if any, which related to Lieut. Colonel Fremont's movements in or from California; and a copy of the orders, if any, by which Gen. Kearny brought home to the United States the topographical party formerly under the command of Lieut. Colonel Fremont, when Brevet Captain of Topographical Engineer.'

"Another main branch of the defence will go to impeach the motives of the prosecutor, by showing his acts and conduct towards me during a period of six months and twenty-one days of time, and over a distance of about three thousand miles of travelling, and for that purpose to avail myself of all the rights of a cross-examination of the prosecutor and his witnesses, as well as of the direct examination of my own.

"This is sufficient to give a general idea of the main branches of the defence, and will enable the Judge Advocate and the Court the better to understand the drift and relevancy of questions and the effect of answers; and, in my opinion, will be a convenience to them. The plea of not guilty gives no notice of the intended defence: special pleas are discouraged, and this statement is intended to give the notice which the plea of not guilty withholds."

The cross-examination then commenced. In reply to questions by Col. Fremont, Gen. Kearny stated that he formed the design of arresting Col. F., shortly [perhaps a week] after receiving F.'s letter of Jan. 17—that he communicated said design to F. at Fort Leavenworth on the 22d August, when he arrested him—that he wrote to Col. Benton in May from Los Angelos, telling him that the conduct of Lieut. Col. Fremont had been in opposition to his [K.'s] orders and to those of the War Department, and delicacy prevented him (K.) from saying further to Col. B. on the subject—that he did not consider it obligatory on him [and he did not] to give the same information to Col. F., who was then at Los Angelos—that he met an express on the Del Norte, sent from California by Commodore Stockton and Lieut. Col. Fremont, on his way with despatches for Washington, but received no information from the express which induced him to depart from the orders which he had received. He received information which induced him to make some changes there, but these were predicted on his own orders, not on the orders of others.

In consequence of information received by him from that express, he left on the Del Norte, in New Mexico, two hundred dragoons, which he had previously determined to take with him to California. He started from Santa Fe to California with three hundred dragoons; leaving instructions behind him for the Mormon battalion and a mounted company of volunteers under Captain Hudson to follow him. The Company was to be under the command of Capt. Hudson; the battalion and the whole was, as he thought, to be under the command of Capt. Allen.

The amount of force which he (K.) intended to take with him before meeting the express, was the 300 dragoons; and these to be followed by the Mormon battalion, of which he had received no written report as to its numbers, but which he presumed would average about five hundred men; besides a company of volunteers under Captain Hudson, which he presumed would be about 80 strong.

The force he carried with him was 100 dragoons. The Mormon battalion, together with Capt. Hudson's company, would be from 550 to 580. His object in proceeding to California was to comply with the instructions he had received from the War Department. The express was Mr. Carson, who, at the first, was very unwilling to return with K., he (Carson) being desirous of proceeding to Washington to convey letters and communications to that place which he had received from Lieut. Col. Fremont and Commodore Stockton. He told K. that he had pledged himself these communications should be received in Washington. K. at last persuaded him to return with him, by telling him he would send in his place as bearer of those despatches Mr. Fitzpatrick, who was an old friend of Lieut. Col. Fremont, and had travelled a great deal with him. Mr. Carson, on that, was perfectly satisfied, and told K. so. Carson did not tell him (K.) that he was to convey back despatches to Lieut. Col. Fremont and Com. Stockton