

Buchanan's Real Opinion of Fremont.

The last steamer from England brought an important document, in which two of the candidates now before the people for the Presidency prominently figure. It is a certified copy of the evidence for the defense in the case of Gibbs vs. Fremont, being the copy of depositions taken before Commissioners under the authority of the Court of Common Pleas, London, in 1852. It will be remembered that Col. Fremont was arrested in London on account of debts contracted in California. The defense was, that these debts were contracted on account of the United States Government. Col. Fremont drew bills of exchange to the amount of nineteen thousand five hundred dollars upon the Secretary of State of the United States, the liabilities having been incurred on Government account while Col. Fremont was Governor of California. The bills fell into the hands of persons in London, and being protested for non-acceptance, the holders sought to hold Col. Fremont personally liable. The evidence of James Buchanan of Pennsylvania—upon whom, as Secretary of State, the bills were drawn—being considered material to the issue, the Court appointed Henry L. Gilpin, Hugh Campbell and Peter McCall of Philadelphia, Commissioners to take depositions of witnesses for Col. Fremont in Pennsylvania. They were to be sworn and then administer oaths to interpreters, clerks, &c.—the testimony so taken to be sent under seal to Sir James Parke, Chief Justice of the Common Pleas. Here is THE DOCUMENT.

VICTORIA, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, QUEEN DEFENDER OF THE FAITH: To Henry D. Gilpin, Hugh Campbell and Peter McCall, all of Philadelphia, in the United States of America, esquires, Commissioners, nominated and appointed on behalf of the defendant herein mentioned—Greeting: Know ye, that we, in confidence of your prudence and fidelity, have appointed you, and by these presents do give unto you, or any two or more of you, full power and authority diligently to examine certain witnesses at Pennsylvania, in the United States of America, to be produced, sworn and examined on the part of John Charles Fremont, the defendant in a certain action, on promises now pending in our Court, before the Barons of our Exchequer at Westminster, upon interrogatories, wherein William Gibbs, Henry Hucks Gibbs, John Hayna and George Thomas Davy are plaintiffs, and the said John Charles Fremont is the defendant, to be exhibited and put to them, the said several witnesses, on the part of the said defendant, and also to cross-examine the said several witnesses respectively on certain cross interrogatories also to be exhibited and put to them on the part of the said plaintiffs, &c.

We here quote the oaths: THE WITNESSES' OATH. You are true answer to make to all such questions as shall be asked you touching the matters in question in this cause, without fear or affection to either party, and therein you shall speak the truth. So help you God.

THE COMMISSIONERS' OATH. You shall, according to the best of your skill and knowledge, truly and faithfully, and without partiality to either of the parties in this cause, take the examinations and cross-examinations and depositions of all and every the witness and witnesses produced and examined by virtue of the commission within written. So help you God.

THE INTERPRETER'S OATH. You shall truly and faithfully, and according to the best of your skill and knowledge, and without partiality to either of the parties in this cause, interpret the depositions of the witness now about to be examined before us by virtue of the commission within written; and also that you will truly and faithfully interpret the oath to be taken by the said witness prior to his examination, and also the question or questions to be put to him on his examination and cross-examination. So help you God.

THE CLERK'S OATH. You shall truly, faithfully, and without partiality to any or either of the parties in this cause, take and write down, transcribe and engross the depositions of all and every witness and witnesses produced before and examined by us, the Commissioners in this commission within named, so far as you are directed and employed by us to take, write down, transcribe or engross the said depositions. So help you God.

The Commissioners then proceeded with their duty, as appears by the following: We, Henry D. Gilpin, Hugh Campbell and Peter McCall, the Commissioners named in the writ of commission herewith annexed, issuing out under the seal of Her Majesty's Court of Exchequer, at Westminster, bearing date the 8th day of October, in the sixteenth year of our said Majesty's reign, do hereby, in pursuance of the said writ, certify and return that we have proceeded to examine upon the several interrogatories, herein appended, the Honorable James Buchanan, he being the only witness who has been brought before us for that purpose, pursuant to the said writ, and that the paper writing herewith annexed and marked B, and signed with our names, and with the name of the said James Buchanan, is the examination and cross-examination, reduced into writing, of the said James Buchanan, a witness examined on behalf of the defendant in the said writ named, and cross-examined on behalf of the plaintiffs, which have been reduced into writing by Caldwell K. Hiddell, Esquire, the clerk employed by us in that behalf, as by the said writ is directed; and we certify and return that the several paper writings and documents herewith annexed, and marked with the numbers 1, 2, 3 and 4, respectively, are the several paper writings and documents referred to in the examination and cross-examination of the said witness; and we do hereby certify that the several oaths directed by the said writ of commission to be taken by us, and to be administered by us, have been duly taken by us, and each of us, and by us administered to, and duly taken by the clerk, who so wrote down and transcribed the deposition of the said witness; and also by the said witness, who has been examined under, and by virtue of, the said writ of commission; and we (uz-

THE AGITATOR.

Devoted to the Extension of the Area of Freedom and the Spread of Healthy Reform.

WELLSBOROUGH, WIOGA COUNTY, PA., THURSDAY MORNING, OCTOBER 9, 1856. NO. 10.

COBB, STURROCK & CO. THE AGITATOR'S OFFICE IS THE REQUIRING OF WINDOM. PUBLISHERS & PROPRIETORS.

MR. BUCHANAN'S EVIDENCE. James Buchanan, of the county of Lancaster, in the State of Pennsylvania, gentleman, called, sworn and examined, a witness on the part of said defendant, deposed and said, to such of the several foregoing interrogatories and cross interrogatories as are respectively distinguished by the number set opposite to, and placed at the commencement of each of his answers thereto, as follows, that is to say:

Question. What is your name, your present residence, and your profession, occupation, business or employment? Answer. My name is James Buchanan, my present residence is Lancaster County, Pennsylvania, and I am not engaged in any particular occupation or employment.

Q. Do you know the defendant in this cause, and how long have you been acquainted with him? A. I do know the defendant in this cause, and have been acquainted with him at least ten years.

Q. Where were you residing in the year one thousand eight hundred and forty-seven? A. In the City of Washington.

Q. Were you then personally acquainted with the defendant? A. I was.

Q. Did you see the defendant during that year? A. I did see the defendant during that year, but not till after his return from California, in the latter end of Summer or commencement of Autumn of that year.

Q. Was the defendant then, or at any time, in the service of the United States Government? A. If yes, in what capacity? A. The defendant was in the service of the United States Government, as Lieutenant-Colonel of the regiment of Mounted Riflemen, throughout the whole of that year; he was appointed to this office in the latter end of May, one thousand eight hundred and forty-six; he had been for six or more years previously a Lieutenant in the Corps of Topographical Engineers, in which he brevetted or Captain had been conferred upon him for meritorious services in his exploring expeditions.

Q. Did the defendant in the year one thousand eight hundred and forty-seven hold any, and if any, what offices, or any of them, in the month of March, one thousand eight hundred and forty-seven? A. During the whole year he held the office of Lieutenant-Colonel in the Corps of Mounted Riflemen.

Q. Do you know who was the Military Commandant and Governor of California, within the territory of the United States in the year one thousand eight hundred and forty-seven, and particularly in the month of March in that year? A. I know that in the first months of that year there was a dispute between Col. Fremont, the defendant, and General Kearney of the United States Army, as to which of them was the legitimate Military Commandant and Governor of California; and this dispute existed throughout the month of March, 1847; after this time General Kearney was the undisputed Military Commandant and Governor till the beginning of June, when he was succeeded by Col. Mason of the United States Army, who continued in this position until after the end of the year.

Q. Do you know who was the person in actual command of the land forces of the Government of the United States in California, in the year one thousand eight hundred and forty-seven, and in the month of March in that year? A. Col. Fremont, the defendant, was in California at the commencement of hostilities between the United States and the Republic of Mexico; he there raised and commanded a battalion of California volunteers, consisting of about four hundred men; his services were very valuable; he bore a conspicuous part in the conquest of California, and in my opinion is better entitled to be called the "Conqueror of California" than any other man; he continued in the actual command of this battalion throughout the month of March, 1847, but there were other troops in California—other troops of the United States, under the command of Gen. Kearney, who was afterward the Military Commandant and Governor of California, as I have already stated in my answer to the eighth interrogatory; I cannot undertake to decide the dispute to which I have already referred between Col. Fremont and Gen. Kearney, but as long as the California battalion existed they were under the separate and independent command of Col. Fremont, while Gen. Kearney commanded the other troops of the United States; for the rest of the year I refer to my next preceding answer.

Q. Do you know whether in any part of the year one thousand eight hundred and forty-seven hostilities existed between the Government of the said United States and the Republic of Mexico? If yes, when did such hostilities commence, and how long did they continue? A. Hostilities existed between the United States and the Republic of Mexico, throughout the whole of the year one thousand eight hundred and forty-seven; such hostilities

commenced on the twenty-fourth of April, one thousand eight hundred and forty-six, and the existence of war between the two Republics was recognized by act of Congress of the thirteenth of May, one thousand eight hundred and forty-six. Hostilities continued between them, until the conclusion of the treaty of peace of Guadalupe Hidalgo, on the second of February, one thousand eight hundred and forty-eight.

Q. Were such hostilities existing in or previous to the month of March, one thousand eight hundred and forty-seven? A. They were both in and previous to the month of March one thousand eight hundred and forty-seven.

Q. Do you know whether any, and if any, what forces of the said Government of the United States were, in the year one thousand eight hundred and forty-seven, engaged in hostilities with the said Republic of Mexico? A. All the forces of the United States were engaged in hostilities with the Republic of Mexico, except such as were indispensably necessary for the performance of other duties, and this throughout the year one thousand eight hundred and forty-seven.

Q. Were the said forces of the said Government of the said United States in California, or any part of those forces, engaged in the said hostilities with the said Republic of Mexico in one thousand eight hundred and forty-seven? A. The forces of the United States, in California, were engaged in hostilities with the Republic of Mexico in the year one thousand eight hundred and forty-seven.

Q. Under whose command were the forces of the Government of the said United States in California so engaged in hostilities with the said Republic of Mexico? A. These forces were under the command of Commodore Robert F. Stockton, Colonel Fremont, the defendant, and General Kearney, and, after General Kearney, Colonel Mason. The last actual resistance of which I am aware, was on the eighth and ninth of January, one thousand eight hundred and forty-seven. The forces of the United States in these engagements were under the command of Commodore Stockton and General Kearney. The results of these engagements were so disastrous to the enemy that the leaders of the Californians, a few days thereafter, met Lieutenant-Colonel Fremont (who was in command of the battalion of California volunteers, and who was hastening to the scene of action, but did not arrive in time to take part in these engagements), and entered into a capitulation with him, whereby the people under arms and in the field agreed to disperse and remain quiet and peaceable. There was no actual battle fought afterward in California, to my knowledge, but the state of war between the two Republics continued, of course, until the treaty of peace.

Q. Do you know whether any, and if any, what, forage or other necessities were supplied to or for the said forces of the said United States so engaged in hostilities with the said Republic of Mexico? A. I know not whether any, and if any, what, forage or other necessities were supplied to or for the said forces of the United States, so engaged in hostilities with the Republic of Mexico, but I do know that such supplies were necessary for the forces under the command of the defendant, and that no appropriation had been made by Congress to pay for these supplies. Congress could not have anticipated that Colonel Fremont would raise a California battalion by his own personal exertions, and without previous instructions.

Q. State if known to you, upon whose order the said forage or other necessities were supplied, and the course of dealing in relation to such supplies, and the mode in which the payment for the same was made or secured? A. I know nothing of the matters and things contained in this interrogatory.

Q. Were the said supplies suitable to, and proper and necessary for, the said forces of the said Government of the said United States so engaged in hostilities with the said Republic of Mexico? A. I know nothing of the matters and things contained in this interrogatory, and do not know whether the said supplies were suitable to, and proper and necessary for, the said forces of the said Government of the said United States, so engaged in hostilities, as aforesaid, further than I have stated in my answer to the fifteenth interrogatory.

Q. Do you know whether any, and if any, what bills were given in payment for the said supplies? A. I do not know whether any, and if any, what bills were given in payment of the said supplies.

Q. Look at the bills now produced and shown to you, and say whether they, or any of them, were or was given in payment for the said forage and other necessities so supplied to or for the said forces of the United States Government? A. No bill being shown to me, I am unable to answer anything contained in this interrogatory.

Q. Do you know the handwriting of the drawer of the said bills, if so, state whether the said bills were given in payment for the said supplies? A. I do not know the handwriting of the drawer of the said bills, and I cannot answer this interrogatory.

Q. Look at the copy bills now produced and shown to you, and say whether the original of each bill, or any of them, were or was given in payment for the said forage and other necessities so supplied to or for the said forces of the said United States Government? A. Looking at the copy bills now produced, and shown to me, and which said copies of

bills of exchange are the several paper writings or documents herewith annexed, and marked respectively with the numbers 1, 2, 3 and 4, I say that I do not know whether the original of such bills, or any of them, were or was given in payment for the said forage and other necessities so supplied to or for the said forces of the said United States Government.

Q. If any, say whether any bill or bills of the like tenor and effect were or was ever given in such payment, and if yes, when the same were or was so given? A. I know nothing of the matters and things contained in this interrogatory.

Q. Do you know in what character or capacity the drawer of the said original bill or bills of the like tenor and effect drew the same, whether in his individual character, or in any, and if any, what public character or capacity? If yes, state fully the circumstances? A. I do not know in what character or capacity the drawer of the said bills drew the same; but I perceive, from the face of the bills, that they have been drawn by Colonel John C. Fremont as Governor of California; by the bills, I mean the copies of the bills herewith annexed, marked 1, 2, 3 and 4; I therefore infer that they were drawn by him in the character which he attributes to himself.

Q. Do you know who was the Secretary of State of the said United States in and during the year one thousand eight hundred and forty-seven, or in any part of that year? A. I know that I was Secretary of State of the United States during the whole of the year 1847.

Q. Do you know whether or not the defendant himself individually and for his own private use or benefit ever received any consideration for said bills, or any of them, and was there any consideration whatever for the drawing or accepting of the same bills, or any of them, other than to procure supplies for the forces under his command in California? A. I neither know nor believe that the defendant himself individually, or for his own private use or benefit, ever received any consideration for said bills, or any of them, and do not believe there was any consideration whatever for the drawing or accepting of the same bills, or any of them, other than to procure supplies for the forces under his command in California.

Q. Do you know F. Huttman, in the pleadings of this cause named? A. I do not know F. Huttman, in the pleadings of this cause named.

Q. Look at the bills of exchange now shown you at this time of your examination. Was the said F. Huttman, at any time to your knowledge, the holder or payer of any such bills of exchange, or any of them? If yes, state the time when and all the circumstances within your knowledge under which he became such holder? A. Looking at the copy bills of exchange, now shown to me, and hereto annexed, marked 1, 2, 3 and 4, I say I know nothing of the matters and things contained in this interrogatory.

Q. Had the said F. Huttman, at the time when he first became such holder or payer of the said original bill or bills of the like tenor and effect, or any of them, or at any other and what time, any notice of the circumstances under which such bills, or any of them, were drawn, and did he, when he received the said bills, or any of them, know the consideration for which they were drawn? State fully your knowledge herein. A. I know nothing of the matters and things contained in this interrogatory.

Q. Do you know the plaintiffs in this cause? A. I do not know the plaintiffs in this cause.

Q. Look at the bills of exchange now shown you at this time of your examination. Were the plaintiffs, or any of them, at any time, to your knowledge, the indorsers or holders of the said bills, or any of them? If yes, state, if known to you, when they became such holders and the circumstances under which they became such holders? A. No bills of exchange being now shown to me, I cannot answer this interrogatory.

Q. Look at the copy bills of exchange now shown you at this time of your examination. Were the plaintiffs, or any of them, at any time, to your knowledge, the indorsers of the original of such bills, or any of them? If yes, state if known to you, when they became such holders and the circumstances under which they became such holders. A. Looking at the copy bills of exchange now shown to me, and hereto annexed, marked Nos. 1, 2, 3 and 4, I know nothing of the matters and things contained in this interrogatory.

Q. Do you know whether the plaintiffs were ever the holders of any bill of a like tenor and effect? If yes, state the particulars of such bill or bills fully, and when the plaintiffs so held the same, and the circumstances under which they became such holders. A. I know nothing of the matters and things contained in this interrogatory.

Q. Do you know whether the plaintiffs were ever the holders of any bill of a like tenor and effect? If yes, state the particulars of such bill or bills fully, and when the plaintiffs so held the same, and the circumstances under which they became such holders. A. I know nothing of the matters and things contained in this interrogatory.

Q. Do you know whether the plaintiffs were ever the holders of any bill of a like tenor and effect? If yes, state the particulars of such bill or bills fully, and when the plaintiffs so held the same, and the circumstances under which they became such holders. A. I know nothing of the matters and things contained in this interrogatory.

Q. Do you know whether the plaintiffs were ever the holders of any bill of a like tenor and effect? If yes, state the particulars of such bill or bills fully, and when the plaintiffs so held the same, and the circumstances under which they became such holders. A. I know nothing of the matters and things contained in this interrogatory.

Q. Do you know whether the plaintiffs were ever the holders of any bill of a like tenor and effect? If yes, state the particulars of such bill or bills fully, and when the plaintiffs so held the same, and the circumstances under which they became such holders. A. I know nothing of the matters and things contained in this interrogatory.

A. I know nothing of the matters and things contained in this interrogatory.

Q. Are you aware whether the plaintiffs, when they first became holders of the said original bill or bills of the like tenor and effect, or any of them, had notice of the circumstance under which, and the consideration upon which, the same bills were drawn, and of the capacity in which defendant drew them? A. I know nothing of the matters and things contained in this interrogatory.

Q. Did the plaintiffs give any, and what, value or consideration for the indorsements of the said bills, or any and which of them, or was there never any value or consideration for the plaintiffs becoming the holders of the said bills or any of them? State fully your knowledge herein. A. I know nothing of the matters and things contained in this interrogatory.

Q. Is there within your knowledge any other matter or thing touching or concerning the matters in issue in this cause, or the parties thereto, material or necessary to be known and adduced in evidence on the trial hereof—if yes, state fully the particulars hereof. A. To the best of my knowledge the originals of the bills, copies of which are now produced and shown to me, and are hereto annexed, marked Nos. 1, 2, 3 and 4, were presented at the State Department, in the city of Washington, for acceptance and payment, but I do not recollect the individual or individuals by whom presented; I should have accepted and paid these bills, from my general knowledge of the transactions in California, had Congress appropriated any money, and placed it at my disposal, which could have been more correct to have drawn these bills on the Secretary of War; I should have accepted and paid these bills, and have them charged in account against Col. Fremont, to be settled for at the general settlement of his accounts as Commander of the California battalion, had any such appropriation been made. I know of no other matter or thing touching or concerning the matters at issue in this cause, or the parties thereto material or necessary to be known and adduced in evidence on the trial hereof.

CROSS-EXAMINATION. Question—Where have you resided during the last five years? Are you in the employ of any and what person or persons? If yes, in what capacity?—how long? Answer—I have resided during the last five years, the first portion of the time in the city of Washington, and the remainder of the time in the county of Lancaster, in the State of Pennsylvania. I am not in the employ of any person.

Q. Are you in any manner interested in the result of this cause? If so how? A. I am not in any manner interested in the result of this cause.

Q. Will, or can any result of this cause in any way benefit or prejudice you? A. No result of this cause can in any way benefit or prejudice me.

Q. In case you have made answer that any bills or bill as to which you have been interrogated, were or was given in payment for forage, or any other necessities supplied to, or for the forces of the United States Government, under the command of the defendant, state whether or not the defendant received for his own use, as commander of the said forces, any, or what part, of any of such forage and necessities, or either and which of them. A. I know not whether or not the defendant received for his own use, as commander of the said forces, any, or what part, of any of such forage and necessities, or either and which of them.

Q. In case you have made answer to the interrogatories put to you on behalf of the defendant, John Charles Fremont, go through the same one by one, and state whether you have given your answer thereto from your knowledge and observation, or from what you have been told by others, or how otherwise? State how you have come to know the matters you have deposed to. Is not your knowledge of all, or some and what part, of the matters stated in your answers, derived from hearsay? Declare the truth of your knowledge herein. A. I have gone through my answers to the interrogatories, one by one, put to me on behalf of the defendant, John Charles Fremont, and state that I have answered the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, 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