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WESTERN AMERICAN

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If it be any farther argument in favor of the editor of the WESTERN AMERICAN obtaining the Public Printing—we would add for information of legislators, that the first American newspaper ever published on this coast was issued by him at Oregon City, in the spring of 1844.

The title of the paper was the "Flumgudgeon Gazette or Bumble Bee Budget," edited by the Long Tailed Coon, a sort of Pike county Punch affair. The motto read "devoted to scratching and stinging the follies of the age."

It was tri-weekly, some eight or ten numbers being issued, continuing during the session of the legislative council of the territory. The paper made quite a stir in those parts and kept the members on their P's and Q's all the time. It was burlesqing, comical and humorously critical upon the honorable body, which like the California legislatures was a compound mixture of Hoosierism and Yankee, without the addition as with us of the Chivalry, Greasers and Sour Krout.

Governor P. H Burnett got hold of several copies, and may possibly have them now amongst his papers. Mr. Springer, a German limner, drew in crayon, the person of the editor at the head of each sheet. Mr. S. is now living on the banks of the Rio Guadalupe just in the edge of the Pueblo de San Jose, where he keeps a public house, the best of liquors, and our friends will be doing us a favor by calling at his casa for a drink on passing.

Our Claims to the Public Printing.

Important and agitating questions relative to the land claims in this city, now occupying our thoughts and time, we have but few and hurried words to say to legislators on the question of our RIGHT to be selected Public Printer.

In the first place, we would remark, that many members of the Legislature, as well as other office-holders and office-seekers in California, have laid much stress on the fact and urged strongly their claims to such stations, on the score of being old residents of the land—having lived here at least *twelve months!*—that they were identified with the interests of the country, had determined to make it their permanent home, etc., etc. But, yet, we have known several of these same office-seeking and office-holding twelve-months residenters, who had pledged to live their lifetime in California, leave the moment they thought a sufficient "pile" had been accumulated. Now, we mean to say, it takes years to fully imbue a man with love and devotion to the true interests of an adopted home, or educate him in the knowledge of principles, best adapted for rule and government of such land.

We know from our own experience such is the case, and that it took several years to wean us from old ties, recollections and associations; and before we could feel the genuine sentiments of citizenship growing in our bosom, for this, long since, adopted country of ours. On this score, then, we have the advantage above all other competitors, and if any who have ever used this argument to get themselves elected, vote against us, their sincerity will certainly be questioned.

Again: As regards the obligations this State and people are under to us. To give a history and fully prove they are largely indebted to us, we have not now the time. Suffice it to say, that we have ever been an active friend and supporter of law, order, and all her best interests; have neglected private affairs, by which thousands of dollars have been lost, in order to render service to the public; have spent time and money—of the latter ten thousand dollars, being due us in one item alone, that for supporting the hospital at Sacramento City, in 1849 and '50, to pay which the Sheriff sold our property to that amount, and still much of the debt yet hangs over us. This claim, however, is placed in such a shape, that we know not any legislature would ever pass a relief law for us. Last winter we could have got it passed, and were solicited by some members to arrange the papers and present the claim; but our answer was, we would not, in any manner, shape or form, have our name known as being connected with, or used by such a pack of ignorant, swindling, perjured rogues. The proposition was made to league us in with their villainy, and robbery of the treasury, in order to silence our tongue and stop our pen, at which most of the honorables there got somewhat frightened, before the close of the session, and with which we intend to frighten them more in future.

Our claims to this office, not only rests upon the right to be, in some measure, supported by that government or people with whose genuine and best interests we have been, are now, and—best of guarantees to show—shall ever be in future most closely identified---but that none other in the land can show such intimate connection, nor prove they possess the capacity and knowledge equal to us, in order to render such service, however willingly they may be to do it.

That the great mass of people in the State will sanction our being the choice of their public servants, so soon as our paper and ourself are better known to them, we have not a shadow of doubt—and also would be willing to have a fair and generous price affixed to the duties of the business as shall remunerate and enable us more widely to disseminate our paper, which has been started solely, and imbued in all the doctrines it advocates, to subserve the true welfare of the people of the State at large.

We have never stooped to ask a member to vote for us; sought no pledges from any one, nor entered into any combination or arrangements with any members or other officials of the State.

If honorable gentlemen can find a more honest man, true-hearted patriot, or efficient and active agent, to fill the post, then we yield our claim and bid them give this patronage to another.

We seek an ample support for our paper, in order to advocate the true principles of the government we live under, to aid us in battling for the just and inalienable rights of man, and in order to uphold the majority and supremacy of law. These sentiments should animate a legislator, control his vote, and direct his casting it in favor of such a man.

For the Picayune.

Palmer and others vs. Webster and others.----Government Reserves.

SAN FRANCISCO, 14th June, 1852.

The important suit of J. C. Palmer and others, against Capt. Wm. Webster and others, for recovery of a portion of the "government reserve" property, after occupying the Superior Court in its trial for more than a week, has at length been decided in favor of the plaintiffs.

This is the first ripening of the fruit—the first tangible result of the late villainous, perjurious and bribed action of our State Legislature in passing the famous "water lot" bills.

Where is the law—where the right—where the shadow of equity in favor of this decision, except what the Court found (and that by a forced and erroneous construction, in my estimation) in this infamous act? The pretended ownership or agency claimed under a lease from Capt. Keyes, of the U. S. Army, and endorsement of this by other equally irresponsible and unauthorized officers of the Genernment, having been blown to the winds by the lucid and incontrovertible arguments of defendents council—the only hopes of success for the plaintiffs, seemed to rest upon the prior occupancy on the high land portion of the reserve. Whether the jury "*constructed*" Palmer, Cooke & Co.'s possessions to spread over and cover the whole extent of this property under such plea, is more than I have learned; at any rate, here evidentiy rested the hopes of victory of Mr. Lockwood, the learned counsel for the plaintiffs, as nearly the whole of his lengthy argument was made, trying to establish this position—first, because his clients had obtained a squatters title, by assignment to the whole premises, in consequence of previous settlement on a part—the dry land, (though they did not at the time claim possession of the whole, and had no lease for it either); and, secondly, that as occupants on the beach land, they had a right by law to the highway—the waters of the bay in front of them—that is, the right to eject Webster and others, and use their grounds and improvements, or remove such obstructions and keep the space clear, according to their pleasure.

Mr. L. read a vast deal of old English law to support all this; but when I asked him, after adjournment of Court, whether this doctrine would not hold equally good in respect to the water lot property, including warehouses, stores, wharves, &c., along the whole front of the town, and the same come under the control and use of the original land holders on the beach or dry land immediately adjoining it—he found himself unable or unwilling to answer, but evaded the question.

The decision of this case was doubtless upon the positive instruction of the Court, made in accordance with its construction of the statute mentioned in the first part of this review.

In this the learned dignitary may be correct, but not so in my opinion. The Court admitted, and so charged the jury, that the lease from Capt. Keyes was totally void and worthless—conveyed no right whatever—yet contended that the act of the Legislature confirmed the losses in sole and exclusive occupancy of this vast property for eight years, the very time mentioned in this piece of paper—admitted to be no lease, or rather a mere semblance of one, without any strength or authority whatever; and this too when it was farther proven to the Court, and not denied, that no such ground, reserved by an army officer, could be any longer held as a reservation, after the date of the treaty of peace.

The language of the Legislative act on this subject of the leases, reads thus—

"The property known as the Government reservation is exempt from the operation of this Act, except that any estate held by virtue of any lease or leases executed or confirmed by any officer of the United States on behalf of the same, shall be, and the same are hereby granted and confirmed to the lessees thereof, and the written instrument whereby such lease or leases was made, shall in all actions brought by the lessees for the recovery of the lands so demised, be sufficient evidence of title and possession to enable the plaintiff to recover."

Now, in any other country of christendom, except California, where it seems the minds of men have become so bewildered, and visions obscured, amid the bustle, whirl and excitement of our golden revolution, that truth and common sense are nearly lost sight of by every body, the following meaning would be given this clause.

The Legislature, in confirming titles derived from city authorities, to property holders in this city, and surrendering up the balance of the land to the corporation, found a portion of it maped off and claimed by the officers of the United States, as reservations of that government. This property, they also found had been leased out to citizens by these officers; believing these leases to be valid,—at least suspecting they might be so—and wishing to avoid any conflict of State and federal sovereignty, laws and courts that might arise, this body sought to acknowledge, uphold and protect, whatever right or claim such lesses of these reserves might have thus derived from the general government.

If it be shewn then, as has been done and so allowed by the Court, that these leases gave no right property or estate whatever—were in fact mere humbugs or waste paper, for which neither Steinberger, the original lessee, nor Palmer, Cook & Co., his assigns, have paid one cent, either to the United States, State of California, or city of San Francisco—I would ask by what authority, under this act, do the plaintiffs in this suit, become invested with any title, use, or occupancy to the same?

This is a case of vast importance, not only as regards the large amount of property at stake, but what is of far more moment, the great principles involved in the question. The first lawyers in the State were engaged on either side—Heydenfeldt and Lockwood for plaintiffs, the former of whom, after making a short speech to prove the right of domain to this land lay in the State, took his hat and left the Court, not to return again during the trial—doubtless ashamed of being compelled, as counsel even, to appear in behalf and aid of such a bold and wholesale robbery of the State, and in depriving a citizen of his sacred and superior rights to all other claimants, except government.

The very able arguments of Messrs. Norton and Chetwood, on the side of defendents, were thought could not be surpassed and unecessary to be done so, in order to gain the cause; but without detracting, in the least, from the efforts of others, it must be conceded, that Mr. Holmes excelled the whole, in the finest display of legal and historical lore, applicable references to various authorities, which, without notes or pauses, he named book chapter, page and section, with the most astonishing freshness and exactness of memoiry; used cogent, connected and sound reasoning, and the feelings of his heart becoming enlisted and beating in unison with his cause—and language rising in strength, beauty and force commensurate with the importance of the great question he was elucidating—drew forth such bold and chaste, yet appropriate flights of eloquent oratory, as are seldom heard it the dry, matter-of-fact details and arguments before a Court of law.

Would to heaven the whole people of California could have heard this trial, from beginning to end, that they might have had clearly placed before their eyes, a part of the foul and iniquitous measures that have been used to rob the State and its citizens of their just rights, by which means, a taint and corruption has been fixed upon the law, and a moral leprosy spread through every department of business and into every grade and condition of society. PACIFIC.

Admitting the courts of this State be bound to construe the act granting this land to the holders of these leases, as did Judge Murray; we shall contend these courts, nor the Legislature either, have any jurisdiction whatever over the property in question, but that the title rests in the U. S. government; and as a last resort for squatters, if our Legislatures are to be bought up, and all our State Judges are to be conscientiously deceived in judgement, or are bought up to manufacture and adjudicate these false titles in favor of holders of the same—to appeal to the U. S. courts to defend them in their possessions. This, such court are bound to do, as not only the letter and spirit of our American laws, protect the actual occupants of the soil, in undisturbed possession, till ousted by a free simple title derived through a patent from government---but that such doctrines and fundamental principles have ever been held in all ages and nations---are based upon the very instinct and natural rights of man, are in accordance with the laws of nature, and may be found sanctioned and conformed to, by perusing the Mosaic Statutes---were held and taught by the law-givers of Egypt, Greece and Rome, and confirmation of which is seen and may be traced through all the books and historical records of our ancestral English land; all of which, however, have been violated and overslaughed by these few unscrupulous and reckless speculators, in order to monopolize the whole to themselves.

'Tis true, these men bring strong proof to show the sovereignty of this water lot property lies in the State, and not general government, adducing the case of Pollard's lessees, as decided in Mobile by a Judge of the Supreme Court, as one in point. But as such doctrine seems not to be entertained at Washington, in reference to similar property in California---there is at least a doubt in the matter, and that doubt should be given in favor of the squatters on the land.

At any rate, we urge upon the meeting to be assembled to-morrow night, to act upon these suggestions, and, disregarding whatever decision may be made against them in our State courts, to refuse longer paying rent into the already well-filled coffers of these gormandizing, hog-grabbing robbers, who have no more right, in equity, to collect it of them than they have of the people in the moon.

Repeal of the Water Lot Bills.

To gentlemen of the Legislature, and others, who are looking for our promised argument in support of the repeal of these fraudulent bills, we would say, that important matter, directly bearing upon the question, is compelled, under present circumstances, to be first inserted. We would notice though, the fact of a petition against such repeal being circulated about the city—started by the land pirates, and which they are getting numbers of persons to sign, who are entirely ignorant of the effect of such repeal, and many of whom are largely damaging their own interests by thus blindly acting. To such we would say, wait for a time till the arguments of legislators and those to be published by us, are read and studied by them.

The Herald's assertion that this petition "embodies the almost unanimous views of the community," we pronounce positively and unequivocally false. Instead of which we mean it shall yet be made manifest, that the contrary is true.

In this petition, that great $25,000,000 bugaboo is held up again to fright the citizens here into signing it—and to stay the action of the Legislature from repealing.

But, to Broderick, Van Buren, McMullen and others, who are pledged to expose the frauds of last session in passing those bills, and against all whom, who voted for them, stands the charge of being bribed so to do—we say onward in the course you have marked out, and be well assured the people will back you in it.

All we shall say farther now, on this great and important question, is—that unless these bills are repealed, and titles to all the landed estates of this city and throughout the State, are settled and "quieted" upon a proper, just and honest basis—in order to do which all that's been done in the way of legislating and adjudicating in reference thereto, must be repealed, wiped out, repudiated and rejected, and first principles resorted to to confirm rights to the same in future—that California will soon become a perfect Pandemonium, chaos—that anarchy and lawlessness will reign supreme, and that the titles to no lands, nor will any species of property be safe in the country, For if one set of men have privilege to override law, trample on the rights of others, and set all justice, truth and equality at defiance, will it not be argument, encouragement and precedent for others to use and follow, and do likewise.

We say it will—that it will be done, and bid legislators take warning from our words.

GOVERNMENT RESERVES.—Last summer we listened to a trial of a week, in the Superior Court, with a great deal of interest. It was a case wherein Palmer, Cooke & Co. were plaintiffs and Capt. Webster, defendant.

The suit, of course, went in favor of the piratical side, although not one shadow of title rested in them, and every principle of law and equity was compelled to be violated, in order to oust Webster from his valuable and honestly acquired possessions.

Again is this villanous crew at work to drive off other men legally, justly and righteously residing on this track of land—the law and courts forced to subserve their ends, whilst citizens stand tamely by and see theirs and their neighbors' rights thus invaded and trampled on, without being roused into any sort of opposition to defend those rights.

We wish all who can, to go this morning to Judge Satterlee's Court, and hear further proceedings in the premises upon which our leader of to-day treats at length. The pirates will doubtless array their forces in order to browbeat the Court, insult, as they did yesterday, opposing counsel, and try to overcome or bribe—as done heretofore—any jury that may be empaneled to try what future action may arise under the questions at issue.

Some infamous doings will soon be developed, and now is the time to bring them forth.

Citizens, arouse! look to your true interests, and see that the genuine and just laws of your country are not violated in order to rob the honest to give to the dishonest.

WHIG DELIGATES FROM MARIPOSA. — The Whigs of Moriposa have organized and appointed Maj. B F. Whittier, J. H. Wade, Dr. W. W. Ward, J. W. Risher, Maj. James Burney, Robert Brownlee, Richard H. Daly, and Horace Monel delegates to the Whig State Convention.

Stockton Journal vs. Western American.

The Journal thinks we shall defeat our object in establishing a "reliable and influential journal" by making such sweeping charges and denunciations without bringing proof to support them, and adduces our accusation against that paper as a case in point, which we are called upon to prove has been subsidized by the land pirates.

Now as the Journal was first to charge us with designs of robbery, in fact of aiding in such—done too in so covert, indirect, and double dealing a manner, which of all ways to attack a man is the meanest, just like stabbing him in the dark—and as this charge upon us by the Journal was not only entirely gratuitous and false, but hatched up in precisely the same cunning, jesuitical style adopted by the land jobbers and their tools, which false sneering, sneaking and inuendo manner of putting down all opposers of their schemes we have heretofore, in several articles, exposed—we were compelled to believe the Journal actuated by improper motives in making the charges on us they did.

That we can prove directly such an amount of money was paid, the time when or by what person or persons to the Journal editors, is out of our power; but that the best of circumstantial evidence or inferential suspicion, rests upon them in this—we but ask readers to peruse our paper, then examine the article in the Journal which we replied to, and we leave it to them to say whether there was not sufficient cause for us to get angered at their false charges, and good ground to predicate an argument before a criminal court on indictment for receiving pay to make such charges. Or else it may be, these Stockton editors are themselves claimants of some false titles estate in land, and occupy the more dignified position of partners or allies of the men we have accused them of taking pay from.

We are, however, perfectly willing to withdraw all accusations, harsh language and wounding epithet, and towards the editors of the Journal, on one condition, that they republish in their paper the article in question, and under it say they did not mean what they have said, or else that they misunderstood us and innocently accused us wrongfully. If they do not this, we first call on them to prove true their slanderous article in reference to us, before demanding different testimony on our side, to substantiate what we have said of them.

GUNN-SHOT AT THE WESTERN AMERICAN EDITOR.—The following is from the Sonora Herald. It is a mixture of praise and sneering inuendo; neither of which, from such quarters, has one particle of effect upon us or our paper.

DAILY WESTERN AMERICAN.—This is the name of a new daily started in San Francisco, under the editorial control of Charles E. Pickett. In his first number he finds fault with everybody and everything, and sets himself forth as the great rectifier of all abuses in California. His charges most of the presses in the State with being subsidized. We hope he will expose all rottenness; but, until he proves something against our cotemporaries, we shall think better of them, at least with one or two exceptions.

One good thing however, we observe in this number of the Western American, and that is the distinct avowal of the editor in favor of the donation system as regards the mineral lands of our State.

There it is, a fizzling, squil discharge of wooden pumpkin seeds at us from the mountain *Gunn*, of which description of amunition he was a manufacturer, we believe, before coming to this country, and doubtless has plenty more of the same sort on hand.

We do not charge all the papers of the State with being subsidized by the land-jobbers—as we know the editors of some one or two of them were sent out here in pay of the Abolitionists—in which list, we have the best of evidence, stands the Sonora Herald.

In a number of this paper, some three or four weeks since, we noticed nearly a whole page taken up with a hue and cry over some mare's nest discovered by this sapient and all-seeing editor, relative to a grand scheme going on secretly in this country to make California a slave State, in which several blanks were left for names of prominent persons in this city and elsewhere in the State; but their real personage so well described in the context as to leave no doubt as to who were alluded to. There is, however, some little truth in this story, and we mean soon to expose the foul combination brought to bear in aid of such cause. Doubtless the Free Soil, "higher law" enthusiatic patriots par excellence in whose pay the paper is, will expect this close watchfulness on part of their agents in California, as these simon pure supporters of the federal constitution are called upon in the present emergency of affairs, to frustrate, at start, any action of the secession, disunionizing, southern subverters and false constructionists of that instrument.

As to the "better" *opinion* of this small bore old fusee in the abolition ranks, relative to the honesty, purity and correct course of "our cotemporaries," it will weigh but little against the almost unanimous contrary sentiment of the mass of the people in the country, who, without regard to age, sex, or color, all morally and mentally know or fully believe our charges against them to be true, without calling for any more "proof;" but which, in time, in order to condemn them *legally*, we mean to "prove" in black and white before the bar of public opinion.

THE SOUTH CAROLINA AND FLORIDA SLAVERY PETITION.---This somewhat strange and unprecedented petition from certain citizens of South Carolina and Florida, presented by Mr. Peachy, in our House of Representatives, was disposed of in an unaccountable manner, to us, as the report of the proceedings we have read in the Sacramento papers do not mention how.

To speak our *individual* preference, we would gladly see California become a slave State; but never on such base and infamous terms as have, by a foul arrangement and agreement, long since been made between certain renegade, false-hearted Southerners of this city, and a pack of blue-bellied Yankee land-pirates, who were formerly of the abolition stripe, but now by this arrangement turned pro-slaverists, and are bound by the contract to use all means in their power to have the institution introduced into California.

Before Mr. Peachy, or anybody else, attempts to induce Southerners, or grant them permission, to bring slaves into California for the purpose of cultivating the soil, he had better try first and fix a permanent and proper title to that soil. This is a question of first consideration and paramount importance.

It is unwise and impolitic to broach this slavery discussion at present, and we would advise gentlemen to let it alone. We have enough other distracting questions to divide us without introducing this.

Besides, there is too much ignorance amongst the masses in California, too much false prejudice against this slavery institution amongst them, and no unity of public opinion, or calm, familiar intercourse and discussion, as yet, to warrant belief, an attempt to alter the Constitution now, in this particular, can succeed.

The committee to which may have been referred this petition, can of course report but one way, to reject it, as the prayer is in violation of the constitution.

Shipwreck of the General Warren.

Forty-two Lives Lost.

The steamer Columbia arrived yesterday from Oregon, bringing the news of the wreck of the Gen. Warren, Capt. C. Thompson.

She had sailed rrom Astoria on Thursday, 28th January, at 3 o'clock, P. M. bound for this port. She got to sea without diffleulty and discharged her pilot, Capt. G. Flavel. After running seaward some distance, she carried away her foretopmast, when the wind hauling, to the southeast, and the weather becoming thick, Captain Thompson determined to put back for the harbor. On Saturday, 31st January, at 5 o'clock, P. M., he signalized the pilot boat about six miles off the bar, and received on board Capt. Flavel. The vessel was leaking considerably, but could be kept free by her engine pumps. Capt. Thompson urged the pilot to take the vessel into port immediately. The pilot remonstrated, saying the bar was too heavy to be crossed in safety. As Capt. Thompson was fearful that if the wind increased, the vessel would be driven northward, the pilot was induced, much against his judgment, to comply. The har was crossed at 5 P.M. in safety, when the weather suddenly shut in extremely foggy and dark. It was found necessary before crossing the bar, to detach the engine pumps, in order to save steam; the haad pumps being in active operation. The pilot stationed three men on the look out, who soon discovered the breakers close to Sandy Island. The pilot immediately ordered the helm to be shifted, but finding that she would not answer it, he ordered the cnine to be stopped and the anchors let go. The vessel was then in six fathoms of water. The capt. here said to the pilot—"don't let go the anchor, back her; she will back as fast as she will go-ahead." The engine was then ordered to be reversed. The engineers not being at their stations, their order was not obeyed, and the vessel continued to forge ahead rapidly. The order to let go the anchor was repeated and executed. At this moment she struck in 16 feet water. The anchor was hove up after she had struck two or three times. As soon as the anchor was off the ground, she sheered off into ten fathoms water, without appearing to have sustained any damage. Capt. Thompson soon discovered that the vessel was making water rapidly, and reported it to the pilot. In a few minutes it was apparent that the vessel was sinking, when the pilot got the order to "beach her without delay!" The pilot, amazed, enquired of the captain if she would not live half an hour? Capt. Thompson replied she could not. The vessel was then headed for Clatsop Spit, where she was beached. This occurred about 7 o'clock, P. M.

Immediately upon her grounding, all hands, both passengers and crew, commenced heaving overboard the deck-load, for the purpose of easing her. The surf broke over her with such violence, that the main saloon was stove and was fast being detached from the hull. The starboard quarter boat was washed from the davits—the larboard boat, the only means by which the lives of so few were saved, was launched by the gallant mate, Mr. Thompson, preserved. With the utmost difficulty he conveyed it forward, and had it secured. At about 9 o'clock, all that portion of the vessel abaft the foremast, was carried away—the sea making a clean breach over the remainder. Up to this time, no lives had been lost—the entire ship's company and passengers having mustered on the forecastle and in the fore rigging, trusting that the wreck would hold together until daylight, when assistance might be procured from shore. The sea increasing in violence, and finding that the wreck was rapidly going to pieces, Captain Thompson, at about 3 o'clock, A. M., selected a boat's crew, ten in number, from amongst his crew ahd passengers, and requested Capt. Flavel to launch the boat and take command of her. He ordered the boat to pull for the shore, and procure any assistance that could be had. In the selection of the boat's crew for this perilous expedition, Capt. Thompson was cautious to choose men in whose return he could implicitly rely. As there was a strong ebb tide, the boat was doubly manned, in order to expedite her movements, and assist in passing the breakers, which there was little hope of their ever crossing in safety. This last measure was restored to by the captain, knowing that it would be the only chance of being saved by remaining upon the wreck, to the peril of passing the breakers in the boat. There was no excitement—no confusion; all that was accomplished, was done in the most systematic and orderly manner. The boat encountered great difficulty in passing the breakers, having shipped a sea from which she incurred great danger of being swamped. The weather still being very thick, she was compelled to run entirely by the roar of the breakers. After about an hour's hard labor, the heights of Chinook, (called Scarborough's claim,) were discovered. The pilot, upon finding his exact position, steered for Astoria, where he fell in with the brig Francisco, lying at anchor off Tansy Point. Upon enquiring of the captain of the brig if he had a boat which could prove of assistance to the wreck, he was informed that the only boat belonging to the vessel was too small to live in the breakers. The pilot then proceeded with his crew to Astoria, where he boarded the bark George and Martha. Capt. Beard, of this vessel, lost no time in despatching his first officer and an able crew, in a whale boat, to the assistance of the wreck. The steamer's boat, then left for the shore, where the pilot and his wearied associates manned a large surf boat, and proceeded to the scene of disaster, when, to their horror, they could discover no vestige of either wreck, passengers and crew.

The persons who had manned the boat were George Flavel, Pilot; Edward Beverly, 1st officer; Wm. Irons, 2d officer; James Murray, seaman; Isaac Sparrow, do.; Joseph Hall, passenger; E. L. Finch, do.; Henry Marsh, do.; Matthew Nolan, do.; James Nolan, do.

The following are the names of the persons lost, so far as has been ascertained:

R. J. Provin, Thomas Mickle, ———Benson, ———Randolph, of Oregon City; Alanson Pomeroy, of Tualatin Plains, ——— Stanley, ——— Montgomery, ——— Miller, Mr. Fuller, John F. Duncan, of Mo.; Mr. Luther, of Clyde, N. Y.; Mr. Shloss, of Humboldt; A Cook, D. A. Buck, Humboldt; George Hatch, porter; —— Nelson steward; Jamison, steward; —— O'Neil, engineer, Augustus Stanley, Marietta, Ohio; Capt Charles Thompson; ———Johnson, purser; John Dellon, Musquetine co., Iowa; W. H. Hart, late of Vancouver, formerly of Iowa.

The New York committee appointed to investigate the merits of Phillips's Fire Annihilator have published a report in relation to the late experiment at Hamilton square, in which they say that they are far from being convinced that the annihilators will prove useful when a building is enveloped in flames This statement is made in reply to a communication of Mr. Phillips, in which he says that his invention was not fairly tested.

A floating dry dock is being constructed in New York city, at the expense of the government, for shipment to San Francisco. It consists of ten sections, and the cost is roughly estimated at $640,000.

"Marminoes!"

The clock had struck the hour of noon,
When at the door of a saloon
Called Clayton's, came an auctioneer,
Who cried, in accents loud and clear—
Marminoes!

Friend Ephriam, clad in apron white,
Stripped off their shells with all his might,
And cooks and waiters rushed around,
Made crazy by that awful sound—
Marminoes!

These plates, and sundry quarts of beer
Were placed before that auctioneer;
But ere the cook one more could fry,
Again arose that dreadful cry—
Marminoes!

The French Ma'amselle across the street,
Stuck out her head about a feet;
She thought the French had riz, so she
Screamed out, with all her might, sacre
And marminoes?

The gamblers from all quarters came,
Supposing 'twas some sort of game,
And taking Ephriam on one side,
Asked how 'twas played; he answered, tried
Marminoes!

For three long hours that man did eat,
While crowds besieged the house and street;
His plate was filled time and again,
But still the burden of his strain
Was marminoes!

The cooks were well nigh tuckered out,
The waiters scarce could run about;
When Jeems he struck an attitude,
And swore that nothing was so good
As marminoes!

At last when he could eat no more,
He waddled slowly toward the door,
And as he slowly pleaded on,
He grunted, going, going, gone—
Marminoes!

LIGHT IS COMING.—We were informed late last evening, from such a source as leaves but little doubt of its truth, that the late Treasurer of Sacramento, has been found to be a defaulter, and that he has left the State of California. It was further stated to us that efforts were being made to screen this transaction from the public. The people have a right to such facts as have transpired. Shall we have them, or are they to be covered up in order to screen heavier defalcations? The men who strive to hide these things from the public will have a fearful account to settle ere long.—*Times and Transcript.*

The above item induces us to publish to-day the article found below. It was written last week, and intended for insertion then, but wishing to hear something about the matter from Sacramento first, we laid it over. It is given for what it is worth.

Who has Robbed the Sacrameneto City Treasury?

A gentleman, lately from Acapulo, a former and well known resident of Sacramento, informs us that he saw at the former place the late treasurer of Sacramento City, Mr. McCracken. Our informant says he was struck with the strange and unaccountable behaviour of Mr. McCracken, who was, whilst in Sacramento, a most intimate friend—that he evidently avoided him, and was leaving Acapulco for the city of Mexico, as he said, without letting our informant know of such intention, when he accidently saw him as he was mounting for the journey. On being questioned about his movements and asked why he left Sacramento, Mr. C. stated that he had been gambling lately, got much in debt, and left for this reason; at the same time requesting silence as to his going to the Mexican capitol; but to say he would be up on the Oregon, which vessel arrived yesterday, but without Mr. McC. We also were told last evening that one of Mr. McC's securities, who is now in this city, has learned there is a deficit of sixty-one thousand dollars in the Treasurer's account.

If this be true, and Mr. McC. be guilty of embezzlement, we venture to predict it will be discovered he has taken off but a small portion of this amount, even if all of it should be missing. *The cash is still in Sacramento City.*

REJECTED.—The review of the trial last summer, inserted in our columns to-day, was at the time carried to three different papers of this city, and, we think, to one in Sacramento, to be published, but refused by them all. The reason it is marked for the Picayune is, because that being the first paper applied to, and after reading it to him, accepted and promised insertion by Mr. Russell, one of the editors, it was, after being copied off in their own office, denied admission into their columns by one of the associates, Mr. Biden, we believe, who gave as a reason—after asking me for the information and getting an affirmative reply—that he could not publish any thing in his columns adverse to the interests of Palmer, Cook & Co., as they were under obligations to these men, or rather to their friends, and did not wish to hurt their business, or offend them.

☞ We find the following in the Oregonian of 7th February.

GARDINER, January 17th, 1852.

Mr. T. J. DRYER: The brig "Almira," Gibbs master, was cast away after passing the bar, on the 9th, and is now ashore and abandoned, about one mile north of Umpqua city. A government vessel is wrecked and ashore at the mouth of the Kowes, about twenty miles below; she was in the quarter-master's service, loaded with supplies and thirty-six dragoons for Port Orford. No lives lost.

The "Ortalan" will probably take the men down to Port Orford. We are looking for them up. The trail down the coast is said to be impracticaple.

There is an active demand at Scottsburgh for miner's supplies, with small stock—an unusual circumstance, both as to demand and supply at this season of the year.

Yours, &c., C. WILSON.

P. S. The master's name of the government vessel, I think is Lucian; I have not heard the name of the officer in command of the troops, but think he ranks as lieutenant. W.

THE WESTERN AMERICAN.—This new journal improves upon acquaintance. As the reader becomes more familiar with the method adopted by the editor in the treatment of his subjects, he is better prepared to recognize the ability and extent of information which is brought to bear upon the most important questions that can engage the attention of the public. Mr. Pickett is thoroughly identified with everything he writes, and the stores of information acquired through a long residence in California, and active participation in all her affairs, cannot fail to impart interest and value to his views, upon the various issues now before the people.—*Times and Transcript.*

From Stockton.

Reynolds, Todd & Co. supplied us with the Republican of Saturday, from which we make the following extracts:

SILVER MINES.—A scientific gentleman, upon whose word we place the utmost reliance, and who has for many years been engaged in the working of silver mines in Mexico, informs us that in a recent prospecting tour on the Stanislaus, amongst the Sierras, above the gold region, he discovered a Silver Mine of great richness, yielding from the surface ore 35 per cent. of silver. The ore was found exposed on the surface. After destroying all traces of the mine, he left, not intending to commence operations until the laws of mines and mining are such as to respect his claims.

INFORMATION WANTED.—Information is wanted at this office, by MARY A. BACON, of her husband, ROBERT A. BACON. Any person having any knowledge of him, would oblige by forwarding the intelligence to us.

LEGISLATION.—Mr. Chauncey, of this county, has obtained his seat in the body, over Mr. Thorne. The vote stood 29 to 17---four Democrats—Messrs. Boggs, Merritt, Wall and Wholer—voting in the negative. It would have been the best policy for the Democrats to have sent both back to the people, as done in Yuba, unless the best of evidence showed Mr. Chauncey's rights.

A genius down east has invented a new kind of dwelling. They are made of India rubber, and are so portable that you can carry a row of three story houses in your hat.

DARING FORGERY BY A SIDNEY "DUCK."—Some few days ago a Sidneyite who gave his name as J. T. Biscoe, arrived in this city from San Francisco, and committed the most daring forgeries we have yet heard of in California. We trust that this infamous scoundrel will be caught and strung up to the first tree is at hand. He went to the Express office of Reynolds, Todd & Co., on Friday last, and wished them to collect a cheque which he showed them on the house of James King of William, in San Francisco, for some $300, and, obtained from them $50 on account. He then proceeded to the house of Newcil & Co., and exhibited two other cheques, one of which was on the house of Rising, Casselli & Co., for $220, and the other on Page, Bacon & Co., and requested them to let him have the sum of $40 on account. Mr. Colt, however refused and said that before he accommodated him he must have the cheque endorsed by some citizen of this place. Biscoe inquired if the name of Mr. McNish—the name of a respectable fellow-citizen—would do. Mr. Colt said that he was quite satisfied, and Biscoe left.

In a short time he returned with the cheque endorsed "J. McNish," and got the money. The cheques were sent down for collection the same day, and the answer returned on Sunday morning was that they were forged. The endorsement was then shown to Mr. McNish, who denied having any knowledge of the man or the signature, and, in fact, the sign manuel was quite different from the hand writing of that gentleman, having no resemblance whatever.—*Stockton Journal.*

NEW USE FOR ICE.—The scientific men of France are at present speculating on a recent instance of a young man brought to life after being frozen up eleven months on the Alps. It has given rise to a revived belief in the theory that life can be suspended at pleasure, and criminals are about to be demanded of the Government, to be frozen on experiment. The reader will already have inferred what a relief this offers to such unhappy ladies as finds themselves not cotemporary with the hearts they sigh to win. They have only to be iced until overtaken. We should add, however, that the above is by no means a joke. The blood of a living man was infused into the veins of the frozen youth, and he moved and spoke. The experiment was afterwards tried on a hare, frozen for the purpose, with complete success. The Home Journal suggests the idea of putting the discovery into prctice—that is, to put out $500 at interest, have yourself packed in ice, and stay frozen, with suspended life, till it amounts to a fortune.

MISSING VESSEL.—The schooner *Penelope* Capt. Austin K. Dodge, sailed from this port for San Juan del Sud, about 17th October las, with *eighty-two passengers*. The last accounts from San Juan left her out ninety-four days, up to which time nothing has been heard from her. It is feared she is lost with all on board. Information is solicited respecting her through the columns of this paper. The names of the passengers can be obtained of F. Swain, who acted as her agent.—*S. F. Herald.*

A DIFFERENCE.—The Sacramento State Hospital is $10,000 in debt; while the Stockton State Hospital has $10,000 on hand, and all her expenses paid. This fact speaks volumes in favor of our trustees, treasurer, and officers of the institution.

MARINE INTELLIGENCE.

Arrived.

SATURDAY, Feb. 14.

Bark H F Bartlett, Marshall, 90 ds fm Batavia; 88 do fm Anjier.

Quartermaster's bark Anita, fm San Diego, with gov't stores.

Schr Mary W., Fish, 48 hours from Santa Cruz; potatoes and lumber, to Plummer & Co.

SUNDAY, February 15.

P M Steamer Columbia, Le Roy, 3 ds from Astoria, O T; to E Knight—61 passengers.

Clipper ship Flying Fish, Nickels, 100 days fm Boston; to Flint, Peabody & Co; 8 pass—3 females.

Sailed.

SATURDAY, February 14.

Steamer Pacific, Jarvis, San Juan del Sud.
Bark Emma Isadora, China.
Mex brig Clarita, for Acapulco.
A brig.

Spoken.

Per Flying Fish—Dec 23d, lat 55 20 S, lon 65 57 W, whale ship Dartmouth, of New Bedford, Capt Manchester, taree and a ha'f months out, clear; same day, whale ship Roscoe, of New Bedford. Dec 13, lat 37 56 S, lon 53 43 W, passed an American clipper ship showing a white signal with the letters B C in a vertical line.

Memorando.

Per H T Bartlett—The bark Mazeppa sailed 10 days before for this port. The H. T. B. has been on the coast these last 15 days, with light winds.

Per Mary W—Left the schr Roanoke, loading for this port.

Per Columbia—Mr Evans, Deputy Collector, from Puget's Sound, reports arrived at Olympia, schr Damariscove from Queen Charlotte's Island, having on board a party of men lately dispatched by Col Moses, Collector, to release the passengs and crew, 27 in number,

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WESTERN AMERICAN

CHARLES E. PICKETT, EDITOR.

JOS. R. MALE, JAS. W. YOUNG, E. BURNSIDE, R. L. MYRICK
J. D. TIGNES.

☞ THE OFFICE OF THE WESTERN AMERICAN is on Montgomery street, three door from Clay, opposite PAGE, BACON & Co.'s, where Advertisements and orders for Job Work can be left until eleven, P. M.

☞ ADVERTISEMENTS LEFT IN COMMUNICATION BOX No. 30, MECHANIC'S AND TRADER'S EXCHANGE, before 10, P. M., will apear next day.

Agents.

S. S. BROOKS, El Dorado.
E. W. CLARKE, Gregory's Express, Nevada.
WM. GWYNN, Auburn, Placer.
JOSIAH ROOP, Shasta City.
B. D. WILSON, Los Angeles,
ELLIOTT RIED, San Jose,
L. W. BOGGS, Sonoma.
J. W. SANBORN, Benicia.
GEORGE W. MURRAY, Sac. City, 23. 2d street.
J. W. HAMPTON, Washington, D. C.,
E. K. WOODWARD, St. Louis, Mo.,
G. A. PICKETT, New Orleans, La.,
J. L. MEEKS and JESSE APPLEGATE, are our general Agents in Oregon; and in this State,

☞ All the Expresses through the State will act as our Agents.

MR. GEORGE W. MURRAY is our authorized Agent in Sacramento City, and will transact all business connected with our paper in that city and vicinity. Advertisements left at his book store, No. 36½, Second st., will be promptly forwarded to us.

Tuesday Morning, February, 17, 1852.

WANTED.—Printing paper 24 by 34 inches. Enquire at this office.

CHARLES E. PICKETT—Editor of the WESTERN AMERICAN, announces himself a candidate for Public Printer, before the Legislature of California—third session.

STEAMER PAPER.

☞ A large edition of our paper will be printed to-day, for the steamer of to-morrow. It will contain a great quantity of most interesting and useful information. Price, in wrappers, 25 cents. To be had at our counter. POSTAGE FREE.

THE MAILS.—The mails for the Atlantic States, per steamer Panama, close at the Post Office, at 10 o'clock this evening.

Summary of News.

The mere incidents of California news may easily be given—but all that has any bearing upon the political, social and moral characteristics of our society, is a task of great difficulty, in order to clearly demonstrate facts to the reading community east of the Rocky Mountains. The only way to know California is to come, see, and judge for one's self.

There is still great apathy amongst the people in reference to establishing a good and well regulated society, and comparatively little difference manifested as to the action of our legislators, although the present is a session of such great importance.

The plea of many for this indifference is the asserted belief that, the present like the two former legislatures, would all,—at least a majority of them,—devote their whole time and talents to schemes of fraud, plunder and personal aggrandizement, instead of attending to their legitimate duties,—the interests of the State. And though the present body is much superior to the two former, yet these fears are not, in our opinion, altogether groundless.

Amongst the measures introduced to swindle the government of California, and through it the federal treasury, are the claims presented for allowance for conducting Indian Wars.

This scheme is noticed in another column, and we ask Congressmen to ponder well on what we have said relative thereto.

There are several other similar operations on foot, and besides, the members who got elected purposely to carry through such, the lobbies are crowded with a lot of loafing, hungry men, who, devoid of all principle, and desperate in fortune, are night and day plying and tempting members to enter into certain speculation with them, which will require the passage of some unjust and obnoxious laws to carry out successfully.

The appointment of a Flour Inspector at this place, with a compensation so large as to enable 70 or 80,000 dollars per annum to be pocketed, is one amongst several such on foot.

The proposition introduced into the House to call a convention, contrary to the express provisions of the Constitution, is giving rise to much debate and opposition. If, instead of wasting time trying to untie the Gordian knot we have got into, and patching up or amending the miserable, foul and polluted government we have had from the beginning, legislators would act honestly, boldly and independantly enough to come out and denounce all that has been done—declare the existing one at an end, and all that's been done under it, except to pay the three or four millions!! of debt contracted, and nothing to show for it—at least so soon as the convention to frame a new one shall have got through their work, we believe the people will sanction such movement. This opinion we promulgated last spring, and since then numbers of persons have expressed themselves favorable to our position. The truth is, nothing will save California, nor put her on the right track, except a revolution; but as we favor a moral, instead of a bloody one, 'tis to prevent this latter alternative that induces us to favor the bold move mentioned, which can be effected through means of the former.

The Indian Commissioners are at loggerheads with the Governor and Legislature. Two of the former, McKee and Wozencraft, have been speechifying to our Solons at the capitol, in defence of the policy pursued by them. Wozencraft made an independent sort of address; but McKee's was a truckling, begging, depreeating, blarneying, Miss Nancy sort of an affair, except when alluding to the California newspaper criticisms on his course, when he became particularly severe. The Commissioners will, however, get the best of the quarrel in the end, if this immaculate State Government of ours is going to sanction all the villainous humbug Indian wars conducted by it, and shoulder a debt to the tune of a million and a quarter, with the vain hope that the U. S. Government is going to take it off again.

The several disasters to vessels on this coast lately, cannot be attributed to any storms, or even accident—at least as regards the two steamers—but to the totally unseaworthy character of these vessels. Amongst the other reckless and irresponsible acts of people out this way, and total indifference of the proper officers to see to such things, may be mentioned the fact of numbers of miserable, rotten old hulks being suffered to go to sea, and that too, in several instances, with a far larger proportion of passengers than allowed by law.

The money market has never been so tight as now, it all being locked up in the safes of a few men. This results from the gross neglect of Congress to settle, long since, our land affairs—to have established a mint in California at least three years ago—which we here in 1848 sent on a petition for; and as a consequence of such neglect, opportunity offered our State officials to enter into all sorts of villainous partnerships, trades and combinations to favor these dishonest speculators and monopolists.

Trade is also remarkably dull, and rents destined to fall considerably very soon. In a few weeks business will doubtless revive.

The great rush to California still going on cannot be viewed with pleasure by the calm, thinking, reflecting political economist. One great injury to the State—which few amongst us seem to have perceived, as they court and encourage immigration, instead of opposing it—is that it has populated too fast. There are a great many people in California, but few citizens, and in the bustle, hurra, turmoil and confusion attendant on so rapid and numerous an influx, it is more difficult to fix a permanent residence, and so organize and consolidate society, and manufacture a just public opinion, as shall give stability to our institutions and govern our affairs properly. There are thousands that have and will come to our golden land, who must rue the day they started.

American citizens are being treated pretty rudely in the British colonies in the Pacific, at present. This was to be expected. In fact, the American character stands but little higher on the Pacific now-a-days, than that of the Greasers, Sydney convicts and Kanakas. The California Government, and the California American people have sunk it to a pretty low ebb; and destroyed that high moral tone the name of an American once carried with him into foreign lands; and which has ever made foreigners so highly respect the sons of Washington.

The loveliest of spring weather has still continued from departure of the last mails—no fires required—ladies dress in summer clothing to walk the streets, whilst grass is half knee high in the country—flowers in bloom, and gardens filled with several varieties of growing vegetables.

The influenza has prevailed as a sort of epidemic since last summer, a thing usual for the Pacific coast.

Rain is wanted for both miners and agriculturists. Great quantities of barley are being sown all over the State, and if the crop yields as bountifully as usual, not a grain will be imported after next harvest. Last year as high as a hundred bushels per acre was raised in San Jose Valley and also north of the bay.

The mines are still turning out well, and new quartz discoveries are of daily occurrence. The great drawback to extracting gold from this rock is in consequence of smallness of machinery and unstable tenure of claims, which prevents capitalists from investing sufficiently large amounts to carry on works successfully.

Indian War in California.

It may surprise folks the other side, and also some in this country, to hear us assert there has not been an Indian war in California since the American flag was first waived over it, and that *not one dollar of the immense debt passed upon by the Legislature last winter, and now before the present one for confirmation, ought ever to have been contracted, nor paid.* We say, there was no necessity for getting up these expensive military arrangements, said so at the start, and as no man in California knows more of Indian character, and the condition of those amongst us, than we—unless the celebrated mountain Capt. Joe Walker be excepted—our opinion, we take, is going to have some weight in the matter.

The whole affair has been one great swindling scheme, from beginning to end; and if our say so is not sufficient to convince Congress of the fact, we would refer them to their own officers sent out here—to Gen. Smith and the rest of the army officers, and to the Indian Commissioners, for proof of what we assert.

We would also call attention of readers, to the great discrepancy between the amount of these war debts, as mentioned in Gov. Bigler's message, about one and a quarter millions of dollars, and that reported by the Senate Committee, of six hundred and fifty thousand less than that sum, and ask what it means. We would also like to know what use is to be made of the word "*approximate*," to be found in Gen. Estill's report on the subject of the Indian wars and their cost. If a bill be loosely drawn up, might not this word "approximate" be made to stretch wide enough to take in this six hundred and fifty thousand dollars.

The fact is, California has beat the Florida war all hollow, and so some of the operators, we have been told, boasted last winter they could do.

We have been promised some rich disclosures in the business by members of the Legislature, so soon as they can get at the facts—plenty of bills for drinks, we are told, may be found amongst the vouchers, $200 and $300 at one item.

Palmer, Cook & Co.'s Vassal Tenantry.

The question to be decided to night by the residents and renters on that portion of these feudal lands, princely demesnes, known as the Government Reserves, is whether the inhabitants of this *lawlessly acquired* territory, mean longer to acknowledge themselves the submissive slaves of these *conquerors*, and pay farther tribute to them, or pay a part of the cash towards supporting liberal, independent, honest, newspapers, in feeing lawyers, supporting charitable institutions, building churches; will throw it into the bay or keep it in their own pockets.

☞ The following private letter, sent us by our friend and assistant from Sacramento, we put in our columns to go for what it is worth.

We had $2,000 subscribed in that place to be paid on reception of our first number; on this amount we collected, after a week's work of great labor, just $75.

We intend soon to publish the names of these men, and also commence suit in court against them for their $20 subscription. Our paper is laboring for their own interests, we being but an agent. We started our enterprise upon their pledged and *written* faith and obligation to assist us, and pay up promptly; this they have not done, though politically, morally, honorably and *legally* bound to do. They have pursued their course, we shall pursue ours.

SAC. CITY, February 14, 1852.

DEAR PICKETT—I wish you to come up here very much, for I make but poor headway, except in *promises*. You could do more in a week than I can in a month. ——, who professes to be a great friend of yours, and of Squatter's Rights, *talks* well, promises well, and says he has several subscribers. But *paying* is another thing. Judge —— and Gov. —— both would assist, but they "have no money." Every one is anxious to read the AMERICAN, and make all sorts of professions of friendship, but not a d——d red cent can I get in advance. The fact is, I am discouraged and disgusted. Last night I met several at Judge —— room, and I, after getting the party well excited about the abuses practised in California, and that the American was the only paper in the State that had the independence to oppose and censure, regardless of fear and favor, every one present agreeing with me in every thing. I proposed that those who wished to see such a paper succeed subscribe and pay even for six months in advance, in order to enable you to go ahead. To this every d——l of them was silent; and thus it has been with all. It is discouraging and provoking. * * * * *

Important Meeting.

A meeting of all the renters and residents on the land in this city known as "Government Reserves," will be held at the warehouse store of E. B. SACKETT, on Battery street, near the corner of Jackson, on Tuesday, the 17th inst., at half past seven o'clock, P. M.

Punctual attendance is requested, as business of the highest importance will be laid before the meeting to take action on.

CONSTITUTIONAL CONVENTION.—We received last night, but too late for insertion, an able and interesting letter from our correspondent at Sacramento, on the subject of the two bills introduced into the Senate relative to calling a convention. It will appear to-morrow. Also other interesting letters and matter from the *pro tem* capital—crowded out.

EPICURES, ATTENTION!—The Clam Chowder this day at the ALBION requires the attention of all epicures. "Every body buys it," and the "smiles" that accompany it will cool the palate, and both together will put fat on the ribs. Remember the Albion and Chowder!

Copy of a Letter to Gen Foote.

The following letter to Gen. Foote, we insert at this juncture, to show how we have ever stood on the land question, and how well we prophecied the fortune of California, at the time this was written.

DEAR SIR:—I wrote you several letters last spring, on various subjects appertaining to this land. Our admission, the last session of Congress, has doubtless prevented much revolution and bloodshed that was threatening various portions of the State. As the question now stands in reference to land in this city, Sacramento, and most other parts of California where they have become of value, and the rottenness of pretended grants enquired into, we are on the brink of a volcano, and Congress must speedily take action to settle these claims upon an equitable and democratic republican basis, or else look to see the laws of the State of California, and of the United States, set at defiance, and such an outburst of popular indignation—perhaps revolution of force—as has never yet been witnessed under our government. As yet, most of the working-men, the sturdy yeomanry of the West, have found such profitable employment in the mines, and at other occupations, as to have prevented much expression of opinion or combination of purpose amongst them as to future action on this subject; but when one does speak, it is to denounce the whole proceedings of our State Government, and action of our Alcaldes, and other judges, on law titles, both as regards the proceedings of the latter prior to adoption of the Constitution and since. Nearly all such persons are interested more or less in these fictitious and villainously hatched up titles—every editor in the country is in the land speculators pay—and as a vast interest, particularly in this town, has arisen to uphold things as they now exist, it will be necessary for Congress to be particularly guarded in framing laws settling such questions.

Nothing so clearly exhibits the state of feeling throughout California—so far as it has been made known—as the universal condemnation of Fremont's course, and affirmative response to your patriotic and sagacious remarks in the U. S. Senate, on the bill for adjudicating land titles here.

The way Fremont obtained his election last winter, which I mentioned to you in a letter in the spring, was generally understood amongst us, before the news of his infamous attempt to get a commission appointed to decide upon the validity of Mexican claims in California, *from whose decision no appeal could be taken.* Now, particularly throughout the mining region, where his gold bill is equally unpopular, he is universally denounced, and no paper in the land, even amongst those established and supported by the men who elected him, dare hint at the idea of his re-election; but, on the contrary, when forced to speak on the subject, say there is no possible chance of his being returned. I learn there is some plotting going on to send him back; his supporters, some six or eight in the next Legislature, basing their hopes upon the inability of members to concentrate on any other of the numerous aspirants for this office, and probability of a compromise upon Fremont. This, however, I conceive to be impossible, and particularly so since the election is viva voce; and it is well known that any man who votes for Fremont, need never look for office again from the people of California.

Whenever his last letter, published in the Baltimore papers, including yours to him and extract of your speech in the Senate, is read, it is set down as the clearest evidence of his ignorance and guiltiness of conscience, as no one under heaven can see where the least insult is given; but, on the contrary, and particularly when taken in connection with his course on the bill assert it, the clearest evidence of self-condemnation and impotent snarling and snapping of a dishonest, disappointed and desperate man. He is entirely repudiated by the Democratic party now being organized with us. Judge Heydenfeldt, of Alabama, will be the man, I think for Senator.

As for confirming Spanish grants of land in California, you are correct in saying, the most guarded measures should be used. In equity, and I doubt not it will be so in a properly made and construed law, if *facts* be brought to bear in settling them, it will be found that few large grants in California are valid, and should be allowed.

The just and most popular settlement, as well as that which will conduce to the greatest benefit of our young State, will be to reject all titles not fully completed under the old government, or so evidently granted by the competent authorities, and the requirements fully proved to have been completed in good faith by the grantees, as to admit of no dispute on these grounds. Numbers of inchoate titles are now held or have been sold by persons, or their assigns, who merely took the initiatory steps of making an application through the nearest Alcalde; others, again, who obtained permission to settle on the lands designated, for the purpose of making such improvements as were specified in the terms of their grant. Many of these—several to my own knowledge—were forfeited prior to the change of flags, and subject to *denouncement* by any one else. Since, however, these requisitions have been complied with, and the grounds taken that as no one ever thus denounced, or after change of flags, settled upon and claimed pre-emption until they had complied with the old law under which the grant was made—that their right is as good as if done in the period specified in the deed—generally one year after date of such conditional application and permit to settle and improve.

The Pueblos or town lands and Mission claims are going to be a great source of litigation—particularly those of this city; which, however, are thought not to be included at all in the limits of the old Pueblo or Mission of San Francisco, as either the Presidio, or Mission of Dolores was the centre from which must be measured the land belonging to such Pueblo, *if there be any at all, which I much doubt.* The Kearny grant, of beach and water lots to the town, was well known at the time, by every one here, to be a humbug, and his proclamation and sale of this property, only brought about through the most improper means. This should never be confirmed by Congress, Commissioners, or Supreme Court, but revert back to the General Government, which can easily be shown to be the owner, as it is in express violation of the Constitution and laws of Mexico ever to part with titles to the sea shore, or banks of navigable rivers. Notwithstanding the asserted unlimited and unparalleled powers in other parts of Mexico, of the Governors to make land grants in California—none ever did grant away the water lots of this or any other town in the territory, though often solicited, by naturalized Americans and other foreigners, to do it.

Of all systems of land robbery ever concocted or carried out on the face of the globe, California can boast of the most high-handed, unblushing, bare-faced and extensive. The Alcaldes of this town, from its first possession by the Americans, to adoption of and election under our Constitution, with perhaps two exceptions, together with all the town councils, from their first organization to the present day—seem to have had but one object in view—that of prostituting all law, violating all the old usages of the land and using every iniquitous scheme, to rob the city and vicinity of all the land in it, and portion it out amongst themselves and friends. From being the richest city corporation in the world, they have made it the poorest; and none who did not acknowledge *their laws*—made for their own purposes at the moment, and wink at, if not participate with them in their dishonest juggling and humbuggery—could hope for any favors, or be allowed any claim to lands around here. Various pre-emptions have been made here, as well as through the county, the past four years; but i every quarter where the *legal* land robber party was, the strongest, the former were forced to vacate their premises under the old Alcalde decisions; and at San Jose, last winter, a forcible entry and detainer law, of a villainous character, was passed by the land monopolists, to enable the newly constituted courts to carry out the same decisions. All of these old pre-emption claimants, as well as those settling on lands now, are waiting most anxiously for Congress to frame a law which will open the way for them to regain their dispossessed rights. A pre-emption law, and that of not too stringent a character as regards the pioneer settlers here, (as few of these, under the circumstances in which we were placed, could do more than build a house on a tract of land that was soon after taken from us by the dictum of a military officer, the action of an illegally constituted town council, or an Alcalde's verdict) must be passed for California, and courts at once established for us, in which to prove our claims and get a patent from Government. This is a question of such vital importance and urgent character, that you must pardon my dwelling so long upon it.

Next to the land laws, the establishment of a mint is of the greatest necessity to us, and should have been in operation here two years ago. This is a thing of vast importance to the General Government as well as to the people of California, as it is the only plan by which the gold lands can ever be made to pay anything into the treasury of the U. States. Fremont's gold bill, nor anything like it, will ever do for California.—Some general laws may be passed by Congress; but for all the minutia of regulating them, nothing but the common law customs growing up and only understood by those on the spot, can ever be made popular and applicable. Even the Legislature of the State, with Representatives immediately from the mines, can make no laws in advance for this business. All it can do, will be to confirm the customs or laws of miners and others in that section, after they shall have first determined their applicability.

The official appointments made by the President, in California, have given very general satisfaction.

We all look with much anxiety for the passage of the law, and appointment of Commissioners to settle the land claims. Some oppose the appointment of any board of Commissioners at all, on the ground that a quicker, more permanent and more equitable settlement will be had, should claimants prefer their suits at once in the U. S. Courts.

That the Commissioners will be tendered heavy bribes, no one pretends to doubt; and had the dictatorial triumvirate, from which no appeal could be taken, been appointed according to Mr. Fremont's wishes—each of the gentlemen composing it might have set his price as high as he pleased, even to a million of dollars, and it would have been raised for him. All this, Mr. F. knew and was no doubt prepared to give his proportion

Much excitement exists in this city, at this moment, by reason of some opinions expressed and invitation given by the Supreme Court of the State to members of the bar, to argue the question before it, relative to the subject of titles to lots in town. The principal land-holders are so desperate as to threaten violence in advance, to even the Court and all who oppose or doubt their pretentions, in order to bluff off all opposition, and smother investigation. The abuse you have seen in the papers about Gen. Wilson, of Missouri, and some other prominent men of this city, has been mainly owing to the fact of their refusal to acknowledge the legality of all the titles, and support the dishonest schemes of the land speculators of the city. Gen. W., from his extensive knowledge of all our land laws, and experience in settling the Spanish claims of Louisiana territory, as well as from his known probity of character—should be one of the Commissioners.

CHAS. E. PICKETT.

Henry S. Foote, U. S. Sen. from Miss.

SACRAENTO CITY, Feb. 14, 1852.

COL. PICKETT:—The present Legislature, with some exceptions, is composed of abler and more honest men, than has characterized any previous one in California. There are several members who, from the first, have exerted themselves, to the extent of their intellectual and moral powers, to cleanse the "Augean stable"—to expose fraud, corruption and wholesale swindling, so characteristic of previous Legislatures in this State, and to spurn and treat with contempt all overtures of outside schemers and swindlers.—This was made apparent in the election of U. S. Senator. Had the old corrupt *regime* not been confronted by these truly independent men, Weller would not have been elected; but, thank God, Tammany Hall pipe layers were unable to withstand and master the Ajax influence and strength of a few honorable and worthy members. The day of retribution is at hand, and these corrupt old hacks begin to see the handwriting on the wall. Water Lot schemes, Indian reservation schemes, and Indian war, or rather, white men marauding schemes, are now investigated, and the *facts* and the *whole truth* sought for. I do not wish to be considered invidious, but must say that Messrs. Robinson, Sprague, Ralston, Frye, of the Senate, and Messrs. Boggs, Wall, Wood and Coffroth, of the Assembly, deserve the thanks of the State for their independence and for their efforts in checking and exposing fraud and corruption.

While I write an interesting discussion is going on in the Senate upon the Fallstaff Indian War Expedition, this State has been cursed with judging from the tone of a majority of the speakers. I have no doubt this matter will be thoroughly sifted; and, if there has been fraud attempted, the perpetrators as well as the instigators, will be exposed, ignominious, though such an exposition may prove to certain would-be great man. In haste. JOSEPH.

JNO. S. HOUSTON.—This gentleman leaves for the other side to-morrow, and though we are not much inclined to give expressions of personal regard, or puff indiscriminately in our paper, yet, as this gentleman is one amongst the few officials California has had employed in her service, who has not tried and succeeded in every way, to rob her treasury and stain her character, and that too when he occupied the very post of all other where the temptation and opportunity to do so was superior to any other—we feel bound to notice and give praise to him and congratulation to the county that was so lucky to obtain his services.

Mr. Houston has saved, as Comptroller, the State of California at least $100,000—50,000 he did not steal, which most any other man, judging by the acts of others in California for two years past, would have done; and $50,000 he kept others from stealing by refusing to accede to their plans to get his orders on the Treasury—by which honest course of policy and watchful care of the State's interest, he has made enemies, been threatened with personal violence repeatedly, and through means of these disappointed blood-suckers swarming around the Treasury, been made unpopular by their slanders. His reward, though, will come in time.

☞ Our thanks are due to Gregory & Co. and Adams & Co. for up river papers at an early hour last night.

☞ A "British Subject and Colonist," will appear to-morrow.

ERRATUM.—The date of the review of law suit, on first page, should be 1851 instead of 1852.

A COURAGEOUS BOY.—In a town not far from Boston, a clergyman was visiting a district school, where a little boy was put forward to "speak a piece" because he was bold. When he was done, the clergyman praised him by saying, "why, my little lad, you are not afraid, are you?" "No! I ain't afraid of nothing; I an't afraid of skunks!"

Court Proceedings.

MONDAY, Feb. 16, 1852.

UNITED STATES DISTRICT COURT—Hon. Ogden Hoffman, Judge.

Paul Morrell *vs.* Bark J. J. Cobb.—Two days allowed to file exceptions to commissioner's report.

Williams *vs.* Steamship Independence.—Argued and submitted.

SUPREME COURT.—Judges, H. A. Lyons, H. C. Murray, S. Heydenfeldt.

Gose Polack *vs.* Smith & Wilson.—Order of the Court below reversed with costs.

Gordon *vs.* Ross.—Argued and submitted.

Munroe *vs.* Thompson.—Submitted.

Buzzle *vs.* Bennell.—Argued and submitted.

Sutch *vs.* West et al.—Judgment of the Court below affirmed.

SUPERIOR COURT.—Hon. John Satterlee, presiding.

Metcalf et al *vs.* Mellus et al.—This cause still on trial.

Calendar same as yesterday.

COURT OF SESSIONS.—Hon. A Campbell presiding Judge, and Wm. Corbett and P. W. Shepheard, Associate Justices.

Grand Larceny.—Geo. Simpson plead guilty to this charge and was sentenced to three years imprisonment in the State Prison.

Jos. Goldsmith was convicted of the same offence and sentenced to receive the same punishment.

Assault with intent to commit bodily injury.—Case of Lewis Boshmun. The Jury found the prisoner guilty of the offence, but recommended him to the mercy of the Court—Sentenced to sixty days improsonment in the county prison.

RECORDER'S COURT.—Before His Honor, Judge Baker.

Assault and Battery.—Wm. Buckley was charged by Ann Brown with having assaulted her most shamefully; but the testimony proved the charge to be wholly unfounded. It seems that Mrs. Brown leads her husband a very miserable life, by her fondness for liquor and ungovernable tongue, and the other night, while drunk, she locked him out of the house, so that he was obliged to go to Buckley's to get lodging. There she followed him next morning by daylight, and before he had time to open his eyes and see that she was there, began a most furious scratching and mauling attack upon him, he making the best defence he could, till Buckley came to his assistance and put the infuriated dame out of the house without violence, although she scratched his face and bruised his eye in a most shocking manner. The Recorder discharged the prisoner, but ordered Mrs. Brown to take up her lodging in the City Prison for ten days.

Petit Larceny.—Robert Smith, being in want of a coat, carried off one in Clay street that struck his fancy, without giving the owner any equivalent for it. Sent to City Prison for ninety days.

Drunk and Disorderly.—Julius Ubertus got tight at one of the Commercial street saloons, last night, and becoming noisy and troublesome, a police officer, who was passing along, took him to the Station House. As they were going along the deft. suddenly drew a pistol and cocked it, swearing that he would not go to prison. He was about to present the pistol at the officer, when the latter seized him and took it away. The Recorder fined Ubertus $100, more as a punishment for drawing the pistol than for his drunkenness and disorderly behavior.

Assault and Battery.—Charles Le Grand and Solomon Blott. Mr. Blott met Monsieur Le Grand on the Plaza, with a dog which resembled very much one that an acquaintance of his had lost, so he requested Monsieur to go with him to the gentleman's house. The Frenchman did not understand what his companion said, but thinking from his manner that he lay claim to the dog, requested Mr. Blott to go to the Polka, where there was a gentleman who knew whose dog it was; he then started in that direction, but Blott, not liking to see the dog slip through his hands, seized him by the neck—of which proceeding Le Grand showed his decided disapprobation by ramming a bottle into Blott's hat—which compliment the latter returned with his fist. Each fined $10.

Drunk and Disorderly.—Jno. McDonald. The deft. first got drunk last night, and then got to fighting with another man. Fined $10.

Petit Larceny.—Andrew Austin. This gentleman, forgetting the difference between *mine* and *thine*, snatched money from off one of the gambling tables in the Polka. For this forgetfulness the Recorder sent him to the County Prison for three months.

Drunk and Disorderly.—Thos. Johnson, the deft., after leading a sober life for six months, as he says, made up for lost time Saturday night, by getting beastly drunk. Fined $10.

The Indian Commissioners, Dr. Wozencraft's Policy.

We have read with much interest, the finely written, rich, racy, caustic argumentative, sentimental and philanthropic speech of Doctor Wozencraft, one of the Indian Commissioners, which was lately delivered in the Capitol before members of the Legislature. As before stated in this paper, the Doctor differs in some respects from the policy advocated and acted upon by his colleagues, and below we give extracts from this speech, wherein we fully endorse the sentiments uttered by him.

His arguments in favor of the reservations are certainly the most plausible we have seen, but yet do not satisfy us as to correctness of such policy. We, years ago, advocated this plan of keeping the Indians of the vallies where they are, and placing them under controal of the neighboring ranchero or farmer who may choose to keep them for their labor, and become respectable for their good behavour. We still think it the humane and true course to pursue toward them, and not to drive them into or rather beyond the Sierra, in order to starve or become bitter enemies of the whites and be continually waging war against us. Dr. W. has or ought to have more experience in Indian affairs than either of his colleagues, and we are inclined to think would not have committed the errors he has but for sake of harmony, and to act in concert with the majority of the board.

With the two first resolutions introduced into the Senate by Mr. Wambough we agree—the two last, disagree. The Commissioners have done bad enough—but to Dr. Wozencraft at least we must accord some praise—at least where he agrees with our notions.

If I speak feelingly, I claim to speak knowingly, and here assert, without fear of successful contradiction, that the true policy which should be pursued towards the Indians of this country is to control, govern and make them useful among us, and not drive them from us, spending our lives and treasure in pursuing and destroying them.—Their nationality must through necessity be destroyed, but we would do well to preserve their individual existence.

To me it is a strange want of judgment and discrimination in those who encourage and protect the foreign pauper and convicts to labor in our placers—who, at best, but enrich themselves and impoverish the State—and at the same time deny the like privilege to the aborigines of the country—the original possessors. They, gentlemen, would enrich the State with their labor, for they will remain, if you will permit them, and freely spend all the fruits of their toil. This, I say, is a strange incongruity to me, and I can only account for it as before stated that the feeling of vengeance is so deeply fixed in our organization towards this unfortunate and doomed race.—It is possible that this feeling, deep as it may be, could be removed with certain politicians, if they were only allowed to vote, for then they would be the "dear people." I wonder if this cannot be brought about? I shall be under particular obligations to you, gentlemen, if you will only do it, for then I may have some Senatorial aspirations.

From San Diego.

By the arrival of the Sea Bird last night, we have San Diego papers to the 14th.

We are indebted to Mr. Wilkinson, the Purser, for an early delivery of the list of passengers and memoranda of the Sea Bird, and also papers of the latest dates.

There is no news of great importance.

The Herald contains the following:

Hon. J R. Bartlett, Commissioner on the part of the United States, under the treaty of Guadaloupe Hidalgo, to run the boundary line between the United States and Mexico, arrived at this place from Sonora, Sunday night last, on the steamship Oregon.

Mr. Bartlett crossed the country from Ures to Guaymas, where he took a pilot boat and coasted down to Acapulco. From this latter point he shipped to this place. He arrives in a very delicate state of health. At Ures he was attacked with the typhoid fever, and detained nearly three months, which accounts for his long delay, already beginning to occasion lively solicitude for his safety, among his friends.

Gen. Conde, the Mexican Commissioner, was attacked with the same fever, and died at Arispe on the 19th of December. It was very prevalent in Sonora, and killing numbers of people at the time Mr. Bartlett left.

The two Commissioners had gone into Sonora to purchase provisions for the parties of the separate govenmernts engaged in surveying the Gila. Owing to the great scarcity of such commodities, amounting almost to destitution, they were unable to succeed in the object of their visit Finally, after traversing the principal part of the State, exposed to its many dangers from disease and hostile Indians, a party were fitted out by Mr. Bartlett, and despatched to meet Mr. Gray on the Gila. This party not starting from Ures until the 16th of December, of course did not reach Mr. Gray, who, as before stated, arrived here with his party on the 8th of January.

We clip the following from the "Los Angeles Star:"

THE DIVISION QUESTION.—The following extract of a letter from Hon. Stephen C. Foster to Benj. D. Wilson, Esq., throws some light upon the course which will be pursued in the Legislature this winter in reference to the question of Division:

"The case stands thus: The ex-Governor has recommended the calling a Convention to revise the Constitution, with a view of effecting a division. The seperation of the four Southern counties to form a new territory can never get the consent of the North; but a seperation, making all south of the bay of San Francisco, including the San Joaquin valley, to remain as a State, and the North a Territory, or the South a Territory and the North a State, as may be agreed upon in Convention—thus securing to the South the greater part of the taxable property of the new State—may be accomplished. The object the northern members have in this, is the introduction of slavery into the Southern part, after the seperation have been effected."

We believe our representatives in the Legislature are fully instructed as to the wishes of their constituents. Any other than a territorial government for the South would not be asked for nor desired, and if this cannot be obtained at present, we can wait and hope for justice from future Legislatures. The subject of Division is not slumbering. It has merely been referred to the power which constitutionally can give us remedy. It might have been expected, perhaps, that irrelevant questions would be brought into the discussion, when the Legislature took up the matter, and so we see that Slavery is to be lugged in, undoubtedly with no other view than to stave off Division. The resolutions of the Santa Barbara Convention, express at this time, as they did at the period of their promulgation, the views and feelings of the people of Southern California, and if the Senators and Representatives from the Southern counties are guided by them, in their measures to consummate a Division of the State, they will but second the views of their constituents.

LOSS OF THE SEA GULL.—We clip from the "Picayune" the following letter describing the loss of this steamer:

UNION HUMBOLDT BAY,
Wednesday, Feb. 4, 1852.

The "Sea Gull" was lost the morning of her arrival in the Bay (Monday), while attempting to cross the Bar, on the way out. The tide was ebb. After crossing the Bar, on being struck by a heavy sea, her steam-chest and pipe were broken, thereby rendering her unmanageable. She was then driven inside the Bar, by two successful seas, when the anchor was let go in five fathoms water. She laid at anchor, pitching and rolling most unmercifully, and shipping heavy seas. Had the wind been from the proper quarter, or the machinery in serviceable order, the Sea Gull would have been relieved from her embarrassing situation; but, no—her doom was sealed. The main-cable parted. She, of course drifted on to the shoals, into the worst of the breakers, thumping hard enough, at every surge almost, to shake the tottering masts from their foundation. Seas then came over her, with tremendous force and great rapidity, carrying away something at every dash Finding further efforts to avoid the fate which awaited this vessel unavailing, and anxious that his passengers should not suffer, Capt. Tichenor immediately headed the steamer towards the beach, on which we were all assembled, viewing the awful scene, and awaiting the result; and setting her head sails through a false channel, approached so near the shore that a boat could be dispatched with lines, kedges, &c., by which means she was soon brought to a position on the land, that enabled the passengers to reach terra firma with dry feet—a disappointed yet thankful company. Too much praise cannot be awarded to Capt. Tichenor for his coolness and great presence of mind, as well as his kind and gentlemanly conduct towards those under his charge on this occasion.

The accident occurred from no fault or mismanagement of his, but was caused purely and undeniably by the engines being disabled at a trying moment, and I sincerely trust, that, upon a proper explanation of the circumstances, the affair will be considered in a proper light.

I know not what will be the effect of all upon the Bay. My fears lean upon the unfavorable side, though I hope they will not be prophetic.

Do all you can to assist it in surviving the blow, for never was a place more deserving of success and prosperity. To say that I am pleased with it, would ill convey my impressions of opinions. I am in raptures of delight with the country and harbor. The rich land, dense tall forests, immense amounts of game, agricultural and business adventures, all contribute to give it a name and reputation above and beyond the reach of prejudice or slander, and greater than that of any other section of country I ever beheld. But come up and see for yourself. I have not now the time to "treat upon facts" and spin a long yarn, but must solicit an immediate visit, that is, as soon as a chance occurs, when you can judge if what I say be true. The Indians have been troublesome, but the American rifle has frightened them away from our borders, and they are now friendly. I should not be at all surprised, however, to be "astonished by the natives" some dark night, when we are all "wrapt up in slumber."

The "Colorado" is outside. I attend a wedding party with Henry to-night. The passengers of the Sea Gull have presented Capt. Tichenor with a complimentary card, and voted him a silver trumpet. Yours truly,

B. F. WYMAN.

NOTICES.

Hibernian Society.

☞ THERE WILL BE A SPECIAL MEETING on to-morrow, Tuesday evening, 17th, at 7 o'clock, at the "Irving House," Montgomery st. The Constitution is ready for the signature of Members elect. A punctual attendance of all is requested, to make arrangements for observance of the approaching anniversary festival, and for transaction of other business.

R. K. NUTTALL, M. D., President pro tem.
R. F. RYAN,
HENRY TOOMY, } Secretaries. feb 16

☞ AT A SPECIAL MEETING OF THE HOWard Engine Company, MR. FRANKLIN WHITNEY was elected Foreman of the Co. for the unexpired term.

B. E. BABCOCK, Secretary.
Feb. 16, 1852. feb17 1t

☞ POST OFFICE EXCHANGE.—THE UNdersigned, heretofore of the St. Francis Saloon, has opened a new and elegant Saloon on Clay street, opposite the Post Office, in the building formerly occupied by Moffat & Co.; where he will be happy to see his old friends and customers. The choicest liquors and fancy drinks can be had at all times. Lunch served every day at the usual hour.

jl5 tf WILLIS CORSE.

☞ NEW DRUG STORE.—DOCTORS CARMAN & MARTIN would inform their friends and the public generally, that they have, by late arrivals, a well selected and general assortment of Medicines, Drugs, &c., in their line, at their Store, on Jackson, above Kearny street.

Orders for Medicines put up with care and despatch. Physicians Prescriptions carefully prepared.

☞ Drs. C. & M. also tender their professional services to their friends and the public. feb6 tf

Atkinson, Hoffman & Miller,

MERCHANT TAILORS, MERCHANT St., San Francisco. Clothing made to order, and Repairing done with neatness and despatch.
feb 17-1m

INTERMENTS in San Francisco for the week ending Feb. 14th, 1852, reported for the WESTERN AMERICAN, by N. Gray, Sexton and Undertaker, Sacramento st. above Dupont.

Feb. 8—Henry A. Swift, 32 years, Illinois.
" "—Willis Johnson, 32, Georgia.
" 9—John Robinson, 21, Australia.
" "—S. A. Biley, 35, New York.
" "—A. McCreary, 22, Scotland.
" "—Wm. Raper, 35, England.
" "—John Skinner, 22, Bermuda.
" 11—John Wm. Budeker, I.
" 12—Felix Benon, 43, France.
" "—Rene Vandermaesen, 45 France.
" "—Thos. H. Ross, 55, Baltimore.
" 13—Fred. Arnold, 2
" "—Wm. Crook, 45
" "—Joseph Stark, 40, Germany.

MARINE INT

BOOK STORES.

SCHOOL BOOKS!

ENGLISH, FRENCH, GERMAN and Spanish.—For sale by
MARVIN & HITCHCOCK.
Montgomery st. near Clay.

Cheap Books and Newspapers by the Cart Load.

BURGESS, GILBERT AND STILL, Portsmouth Square. San Francisco, wholesale and retail dealers in Cheap Publications, Standard Books, Blank Books, Stationery, Fancy Articles and
AMERICAN AND FOREIGN NEWSPAPERS.

B. G. & S., continue to supply all orders for Cheap Books, Newspapers and other articles in their line, in advance of all others, and at the lowest market price. Country Merchants, Agents, the Trade, Pedlars, Canvassers, and the public generally are invited to call, and examine our extensive collection of Publications, where they will be sure to find all the latest works published in this country or elsewhere.

B. G. & S., are sole agents for, and receive per every mail, the Boston Journal, N. O. Picayune, Louisville Courier, Cincinnati Commercial, Portland Transcript, New Bedford Mercury, Baltimore Sun, St. Louis Reveille, &c. &c.; besides which they receive the N. York Herald, New York Tribune, London Illustrated News, Wilmer & Smith's European Times, Weekly Dispatch, Dublin Nation, London Punch, La Cronica, New York Staats Leiteing, N. Y. Schnellepost, La Prosse, Le Constitutional, L'Illustration, and other papers generally, from all parts of the world. One of our firm resides in New York, and will attend to the filling of all orders that we may receive with promptness and dispatch. jan15

MARVIN & HITCHCOCK,

BOOKSELLERS AND STATIONERS, Pioneer Book Store, Montgomery street, near Clay. San Francisco, have constantly on hand a large and complete assortment of Blank Books and Stationery. Importers of American, English and French goods of the first quality. Charts and Nautical Instruments. A fine selection of Musical Instruments of every description. jan15 tf

COLT'S PATENT REVOLVING PISTOLS,

Manufactured, Hartford, Con.
SOLD BY REEVE & GIVEN, Agents.

RECEIVED, PER STEAMERS PANAMA AND REPUBLIC, a large assortment of 6, 8 and 6 inch and Navy sized Colt's Revolving Pistols. For sale, at reduced prices, wholesale and retail, by
REEVE & GIVEN,
Watch Makers and Jewelers, cor. Montgomery and Merchant sts. in Gregory's Express Office. feb10 1m

WASHING MADE EASY!

BY THE USE OF
EXCELSIOR FAMILY SOAP!
Manufactured and stamped
Caldwell, Payson & Co.!!

IT WILL BE TO THE INTEREST OF ALL MINERS TO TAKE NOTICE THAT THIS Soap will save them both time and labor, by simply soaking their garments over-night in cold water; (be it hard or soft,) and then rinsing out their flannels etc. in clean water.

TRY IT.

The price is no higher than any other soap, and superior to all. For sale by manufacturers Agents,
feb8 2w COIT & BEALS, near Clay st.

COLE'S COMPOUND BONESET CANDY,

FOR THE CURE OF
Coughs, Colds, Influenza, Phthysic, Incipient Consumption, and all complaints arising from diseases of the Lungs.

THIS JUSTLY CELEBRATED COMPOUND is particularly recommended to all those suffering from the pulmonary complaints incident to this climate. It is a just saying, that an

"Ounce of Prevention is worth a pound of Cure."

When a cold or cough is insidiously preying upon the vitals, without being really painful, or causing serious illness, should often be taken as a warning to be considered, until that most fearful of all diseases, Consumption, is firmly seated on the constitution—when, by a timely use of this remedy, the first cause of such diseas might be entirely destroyed.

The recipe from which this article is manufactured, was obtained from a celebrated Indian doctor. Its virtues have been tested and confirmed by thousands.

For sale, wholesale and retail, by H. COLE & Co., at their extensive manufactory and salesroom on Montgomery street, San Francisco—and by all the principal Druggists throughout the country.

☞ A liberal per centage allowed to Agents.
San Francisco, Jan. 27, 1852. jan27 tf

Mechanics and Trader's Exchange.

BELIEVING THAT THE INTEREST OF THE Mechanics and Traders of San Francisco require, and are fully able to support an Exchange, the undersigned has fitted up on the most liberal and extensive scale, an establishment similar, though far superior, to the Mechanics Exchange in the city of New York, in the building formerly known as the Pacific Exchange, on the east side of Montgomery street, opposite Burgoyne & Co.'s Banking house. The arrangement of this Exchange is rendered very desirable to every Mechanic or Contractor who becomes a patron, can have the use of a desk at which to transact business, and also a drawer, which will be properly marked with his name, business, or trade, and so arranged as to receive letters or packages at all times. The great advantage of this plan is perceptible at once, as being a saving of time to the employed and the employer. Orders for the execution of work can be deposited in the Mechanic's or Trader's box, and he will thus save much time while at the same time the employer is not subjected to the inconvenience of running over the city to find a Mechanic.

In order to make this plan more acceptable, and to bring it within the means of all to adopt it, the proprietors have placed the rates at the small sum of $5 per month for the use of each person, which includes use of desk, stamp and drawer. The room will always be open for the use of Mechanics and Traders or any particular branch of trade to hold their meetings without any additional charge.

Transient visitors and strangers will at all times be accommodated with a desk and stationery, free of charge.

A fine saloon is attached to the rear of the room, where the choicest liquors and refreshments can at all times be had S. P. WOODWARD & CO.
jan15 tf

JONES' HOTEL,

CORNER SANSOME AND CALIFORNIA streets, San Francisco.—The Proprietor of the above Hotel begs to inform his friends in Sacramento, and the public generally, throughout the State, that he has just completed in the very best manner, extensive additions and renovations to the same, and is now prepared to accommodate them in a more superior style than formerly.

The Hotel fronts on Sansome street 142 feet, and on California 65, and is three stories high. The Ladies' Parlor 23 by 30, is elegantly fitted up with every regard to comfort and convenience The Dining Room 70 by 23 is the largest and most roomy in the State. The building contains 83 rooms, furnished in a manner not to be surpassed, with every attention to ease and luxury, and the terms for Board as low as any first class Hotel in the City jl5 tf

NIANTIC HOTEL.

THE UNDERSIGNED WOULD RESPECTFULLY announce that this new and commodious Hotel, situated at the corner of Clay and Sansome street, is now open for the reception of company. The house is located upon the site of the old ship Niantic, in the very heart of the city, and whether for the man of business or pleasure, the location is not excelled by any other in town.

The parlors are spacious and tastefully furnished, while the sleeping rooms are neat, airy and pleasant.—The larder will be amply supplied with every substantial and luxury which the market affords, and the choicest wines and liquors will always be found at the bar. In short, the undersigned pledges himself that nothing will be wanting to render the NIANTIC HOTEL an agreeable resort for either the traveller of business or pleasure. L. H. ROBIE, Proprietor.

M. B.—The proprietor respectfully informs the public that he has secured the services of Mr. CHAS. F. DAVENPORT, formerly of the Exchange Coffee House, Boston, Mass.

San Francisco, Jan. 15, 1852. jl5 tf

ST. FRANCIS HOTEL.

REDUCTION OF PRICES TO LODGERS in the St. Francis, corner of Clay and Dupont streets.

The proprietor of the St. Francis announces to his friends and the public that from and after this day, the prices of rooms, to casual lodgers, will be reduced to one dollar and a half per night. The beds, as usual, will be supplied with clean sheets, &c., and the rooms are luxuriously and comfortably furnished. Also, rooms to let by the month. feb 4-1m

FOR RENT ON LONG LEASE.

THIRTY ACRES CHOICE GARDEN Land at San Jose, well fenced and good dwelling house, with from one to three thousand grape vines and fruit trees.

Also, 60 acres at Alviso, at the head of navigation on the Bay. An excellent chance for grape and fruit trees.

Also, about 25 acres in Santa Clara valley, all under good fence, and will be ready for the present year. Some of the above land was cultivated last year, and gave abundant crops—is all easily irrigated.

Also, the pleasantly situated Cottage, with seven rooms, garden grounds, good wells of water, fruit trees and grape vines in great variety. Also, a Green House now nearly finished and ready to occupy. To a good tenant, a very reasonable lease will be given—none other need apply. Shrubs, flowering plants, and vines, for sale at the Chelsea Garden, corner of 4th and Market street. San Francisco.
jan 28tf I. H. MERRILL, Proprietor.

FURNISHED ROOMS.—TWO GENTLEmen can be accommodated with a furnished room and bedding, etc., located within two minutes walk of the Plaza. Apply at the Office of this paper.
jan 29tf

CHARLES HOPPS. J. C. BRESLAW.

HOPPS & BRESLAW,

DECORATIVE ARTISTS, CLAY ST., nearly opposite Leidsdorff st., San Francisco.

Military Standards, Banners for Societies Associations, etc., executed to order, and in a style to suit the most fastidious. Transparencies of every description, Badges, Devices, etc., in a variety of taste and execution not to be surpassed. SIGNS painted at short notice, in every possible variety, and on reasonable terms.

Family Coats of Arms Emblazoned. Also, Heraldry Painting in general.

Ship's Cabins Decorated and Ornamented. Imitations of Wood and Marble.

Seventeen years experience warrants the subscribers in asserting their ability to execute any work in the above line with satisfaction to their patrons, and moderate compensation to themselves feb 2-m

Dr. H. Austin,

DENTAL SURGEON—WOULD RESPECTfully inform his friends, and the public generally, that he has opened an office in San Francisco for the practice of his profession in all its various branches. The adverse ier flatters himself, from the success hitherto enjoyed during an extensive practice of many years' consimmance in the State of Maryland, and for the last two years in California, that he can give entire satisfaction to all those who may require his services.

Charges moderate, but always cash.

Office over Battelle's Saloon, Montgomery street, near Commercial. feb4 1m

H. G. Cole & Co.,

WHOLESALE CONFECTIONERS.—MANUfacturers of Pastry, Cake, &c., 109 Montgomery street.

Private Parties and Balls supped on reasonable terms.
jan18-1m

AMUSEMENTS.

JENNY LIND THEATRE.

T. MAGUIRE, ... Proprietor
J. B. BOOTH, Jr., ... Stage Manager
R. SMITH, Jr., ... Treasurer

Notice to the Public.

☞ In order to extend an inducement to the patrons of the JENNY LIND THEATRE, the Managers have reduced the prices.

Parquette,	$2 00	Pit,	$1 00
Boxes,	2 00	Galleries,	50

Third night of the engagement of
MRS. ALEXINA FISHER BAKER,
AND
MR. L. BAKER,
The Favorite Actor!

This, TUESDAY EVENING, the performance will commence with the Comedy of
LONDON ASSURANCE.

Lady Gay Spanker, - Mrs. Alexina Fisher Baker.
Sir Harcourt Courtly, - Mr L. Baker.

The rest of the characters cast to the strength of the Company.

To conclude with the Operatic Farce of
The Sentinel.
Linda, - - - - - - Mrs C. R. Thorne.

☞ To-morrow Mrs. A. F. BAKER will appear in a favorite part.

ADELPHI THEATRE.

TUESDAY EVENING, FEBRUARY 17, 1852.

Last night but three of
The Original New Orleans Serenaders,
under the management of H. B. PLATT:
G. SWAINE BUCKLEY,
J. H. COLLINS,
F. BUCKLEY,
R. BISHOP BUCKLEY,
A. H. BARR; and
J. MULLEN.

Grand Change of Programme.
NEW SONGS, GLEES, CHORUSES, BALLADS, DANCES, &c.

☞ New Solo on a pair of Kitchen Bellows!
New Violin Solos by F. Buckley, accompanied by Mr. McKorkle (of San Francisco) on the Piano.
Lots of Fun by the two sons of Momus,
G. SWAINE BUCKLEY and
R. BISHOP BUCKLEY.
New Ballads by J. H. COLLINS.
In addition to which Mr. J. MULLEN will appear in a variety of his inimitable Fancy Dances.

☞ Seats can be secured at the Box Office from 10 o'clock A. M. to 2 P. M., and from 4 to 5 o'clock P. M. Also, at the Oriental Hotel, during the day.

☞ Private Boxes, having seats for four, $10.
Parquette, $2 00 | Second Circle, $1 00.

Benefit of George Swain Buckley
To-morrow evening, WEDNESDAY, FEB. 18th.

SACRAMENTO.

ADAMS & CO.'S EXPRESS.

ARRANGEMENTS HAVING BEEN MADE BY which the subscribers take an interest in the Express of FREEMAN & CO., and NEWELL & CO., the business hereafter will be conducted under the name and style of ADAMS & CO.'S EXPRESS to and from Sacramento and the Northern Mines; and to and from Stockton and the Southern mines.

FREEMAN & CO., Agents, Sacramento city.
NEWELL & CO., Agents, Stockton.
ADAMS & CO., San Francisco. jan 15-tf

CO-PARTNERSHIP NOTICE.—THE UNDERsigned have this day formed a co-partnership under the firm of D. B. MILNE & CO., for the purpose of transacting a general Auction and Commission Business.

They have taken the store on the Levee, formerly occupied by Messrs Clark & Milne, and have secured the services of Mr. Richard N. Berry as Auctioneer and Salesman.

They respectfully solicit consignments for auction and private sale. D. B. MILNE.
CHAS. C. SACKETT.
Sacramento, Feb. 5, 1852. fe7 3t.

J. B. STARR & CO.,

Auction and Commission Merchants, Sacramento City,

J. B. STARR, FREEMAN McGILVERY.
Sacramento City, Oct. 18, 1851. jan26 tf

THE CRESCENT CITY HOTEL,

J STREET, BETWEEN THIRD AND FOURTH. The enlargement of this House justifies the Proprietor in reducing the price of Boarding and Lodging, but there shall be no falling off from the high reputation of this establishment. This house in size is second to none in California. jan 15-tf

J. PRICE,

WHOLESALE AND RETAIL DEALER IN Groceries, Provisions, Miners Tools, &c., Levee, between J and K streets, Sacramento city.

REFER TO
J. BEAM & Co., } Sacramento City.
C. B. HAZELTINE, }
BURGOYNE & Co., Bankers, San Francisco.
J. H. DUDLEY, New Orleans. jan 15-tf

JOHN M. McBRAYER,

ATTORNEY AT LAW-SACRAMENTO CITY. Office in the El Dorado Building, corner of Second and J streets. jan 15-tf

C. A. JOHNSON,

ATTORNEY AND COUNSELLOR AT LAW and Notary Public. Brick building, corner of J and Front streets, Sacramento City. jan 15-tf

QUEEN CITY HOTEL,

RE-OPENED JANUARY 7TH, 1852, affording superior accommodation. Board per week, $10. jan 15-tf H. H. HOLTON

TOD ROBINSON. MURRAY MORRISON.

ROBINSON & MORRISON,

ATTORNEYS AT LAW.—CORNER OF Front and J streets, Sacramento City. jan 15-tf

M. S. LATHAM. A. C. MONSON.

LATHAM & MONSON,

ATTORNEYS AND COUNSELLORS AT LAW. Sacramento.—Office in Brick Building, corner of Front and J streets
M. S. LATHAM, Notary Public.
A. C. MONSON, Commissioner of Deeds for every State in the Union. jan 15-tf

QUEEN CITY HOTEL,

CORNER OF SEVENTH AND J STREETS, Sacramento. jan 15-tf H. H. HOLTON.

E. J. C. KEWEN,

ATTORNEY AND COUNSELLOR AT LAW, Notary Public, Bruce's Brick Building, corner of J and Front streets. jan 15-tf

L. W. HASTINGS. GEO. E. MONTGOMERY.

HASTINGS & MONTGOMERY,

ATTORNEYS AND COUNSELLORS AT LAW, A Office, south side of J street, a few doors below the corner of J and 5th sts, Masonic Building.

☞ L. W. HASTINGS, Notary Public. jan 15-tf

A. C. LATSON,

ARCHITECT AND BUILDER.—THE subscriber is prepared to design, estimate and contract for the erection of Buildings at short notice, and on the most reasonable terms. Office, Second street, next to corner of K. jan 15-tf A. C. LATSON.

B. F. HASTINGS & CO.,

BANKERS.—J STREET, BETWEEN SECOND AND THIRD.—Highest prices paid for Gold Dust, State and County Warrants, and City Bonds Exchange on New York and New Orleans. jan 15-tf

S. L. SHAW. GEO. H. JOHNSON.

Eureka Daguerrean Rooms,

MONTGOMERY ST., NEAR CLAY, SAN Francisco. We are prepared at all times, and in all weathers, to take DAGUERREOTYPE LIKENESSES, in the highest perfection of the art, and a the usual prices, with all the latest improvements.

A large assortment of Cases and Frames always on hand. feb 5-1m

E. B. Hendee's Daguerrean Gallery.

CLAY STREET, NEXT DOOR TO WELLS' Building, San Francisco.

Daguerreotypes taken in the highest perfection of the art, and set in Lockets, Pins, Rings Cases, Frames, &c., at reduced prices. Instructions given in the art, and materials for sale.

☞ Please call and examine specimens.

Daguerrian Gallery,

C. DUBEN WOULD RESPECTFULLY ANnounce to the citizens of San Francisco, that he has now completed some very important arrangements, together with a variety of unusual process, that enables him to execute Daguerreotype Miniatures and Portraits with an astonishing rapidity, and consequently very accurate, in a style which, for beauty of finish, expression to the eye, and general life-like appearance, stands unrivalled.

CHILDREN'S PORTRAITS taken with surprising accuracy, in the remarkably short time of one second.

Rooms corner of Montgomery and Clay streets, up stairs. feb 23-1m

For Sale,

THE ENTIRE STOCK AND FIXTURES of the Millinery Store on Clay street, together with house, if desired, occupied by Mrs. S. E. Cole, in consequence of her severe illness. Application to be made on the premises.
San Francisco, Feb. 13, 1852. feb13tf

DIAMOND WORK.

JOHN McMENOMY, MANUFACTURER of JEWELRY and DIAMOND SETTING, in all its branches, done in the most superior manner. Shop over the Jewelry store of Hayes & Bailey, Clay street. feb 12tf

QUARTZ OPERATOR.

DR. R. H. COLLYER CAN BE FOUND AT the office of the WESTERN AMERICAN every day at 12 noon. feb 13

Richard F. Ryan,

ATTORNEY AND COUNSELLOR AT LAW. Office No 6, north-east corner of Clay and Montgomery streets. feb 2-f

DR. E. S. ALDRICH, PHYSICIAN AND SURGEON.—Office (up stairs) corner of Clay and Kearny sts. 1m-j15

10,000 POUNDS CONFECTIONERY FOR sale at H. G. COLE & CO.'S.
jan 27tf Montgomery st., San Francisco.

LEMON AND SARSAPARILLA SYRUPS manufactured and sold, wholesale and retail, by H. G. COLE & CO.,
jan 27tf Montgomery street.

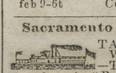
STEAMERS.

Pacific Mail Steamship Company.

The P. M. S. Co.'s Steamship
Panama,

J. T. WATKINS, Esqr., Commander, will leave for PANAMA, with the U. S. MAILS, touching only at ACAPULCO, on WEDNESDAY, 18th February, at 7 o'clock, A. M. Treasure for shipment, will be received at the Office, till 12 o'clock, noon, Saturday, 14th inst. For freight or passage, apply to
K. KNIGHT, Agent.
feb 9-6t Cor. Sacramento and Leidesdorff sts

Sacramento and Marysville Packet---



TAKING THE PLACE OF THE Wilson G. Hunt until she is repaired —The new and splendid double-engine steamboat J. BRAGDON, Thos. W. LYLES, master, will run as a regular packet in the above trade, leaving San Francisco every Monday, Wednesday, and Friday, at 4 P. M., Sacramento at 1 o'clock, P. M., every Tuesday, Thursday and Saturday.

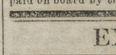
Freight and passengers for Marysville will be forwarded by the steamers Jack Hays and Kennebec.

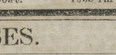
This boat was built expressly for this route, and for safety and speedy delivery of freight, and comfort of passengers, cannot be surpassed by any boat in the trade.

For freight or passage, apply on board, at Pacific Wharf, or to WADSWORTH & RAYESIES,
Agents, Sansome, near Washington st.

☞ No debts will be paid unless sanctioned by the signature of the Captain or Clerk of the boat. All bills paid on board by the Clerk of the boat. feb5 1m

EXPRESSES.





ADAMS & CO.'S EXPRESS.

OUR NEXT
Regular Semi-Monthly Express.
Under charge of a faithful Messenger, will be dispatched per
U. S. MAIL STEAMSHIP PANAMA,
J. T. WATKINS, Esq., COMMANDER,
On WEDNESDAY, 18th inst., at 7 o'clock, A. M.

☞ TREASURE RECEIVED until 2 P. M. on TUESDAY, the 17th inst.

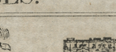
BILLS OF EXCHANGE

Drawn on LONDON and on any of our Offices, viz:
New York,
Boston,
Philadelphia,
Baltimore,
Washington,
New Orleans,
St. Louis, &c.

☞ PACKAGES and small Parcels received up to midnight of TUESDAY, the 17th inst.

☞ To accommodate the public, we shall draw BILLS OF EXCHANGE until 4 P. M. on Tuesday, the 17th.

HUNTER & CO.'S EXPRESS.



THE ONLY EXPRESS IN EL DORADO, PLACER, AND THE NORTHERN PART OF CALAVERAS COUNTY,
Authorized to connect with and draw Bills of Exchange on Adams & Co.

HUNTER & CO. RUN DAILY EXPRESSES by stage, to Coloma, Placerville, (or Hangtown), Georgetown, Greenwood, Mormon Island, Salmon Falls, Auburn Ophir, Drytown, Volcano, and Jackson; thence by EXPRESS MESSENGERS to every part of El Dorado, Placer, and Calaveras Counties—connecting at Nicklemore Hill with Newell & Co.

Treasure, Packages, Parcels, etc., etc., forwarded to and from any point in these counties and Sacramento, and thence by Adams & Co.'s Express to Stockton and the Southern Mines, United States Express, etc.

Checks at sight for sale on Adams & Co., Sacramento, San Francisco, and other offices.

Particular attention paid to the collection of Notes, Bills, Drafts, etc., etc.

Bills of Exchange for sale on any of Adams & Co.'s offices in the Atlantic States.

Drafts on England purchased of Adams & Co.

Highest market price paid for Gold Dust.

Gold Dust forwarded and insured against all risks, to all parts of California and the Atlantic States.

PRINCIPAL OFFICES—At San Francisco, with Adams & Co.; at Sacramento City, with Adams & Co.
HUNTER & CO.
Sacramento City, January, 1852. 1cll tf

Gregory's Fast Express.

BY SPECIAL ARRANGEMENTS WITH VANderbilt's splendid, new and fast steamships, via Nicaragua, we have reduced our rates of insurance and freight on gold dust about one per cent. lower than any other Express, and assume the risk of time, delivering it at the United States Mint in about 25 days.

The New York Herald, of August 14th, says: "Messrs. Gregory are the first company to bring a consignment of gold dust by the Nicaragua route. The passage was made in 29 days, and when the route is completed, it is expected that it will only require about 22 days from San Francisco to New York."

Packages of every description insured, forwarded and delivered, as addressed, by the Agents, as follows:

Messrs. Thompson & Hitchcock, New York.
Messrs. Wesley & Co., 11 and 13 State street, Boston.
Mr. J. M. Burnes, "Herndon's Southern Express," New Orleans.
Messrs. Rawle, Drinker & Co., Hong Kong, China.
Messrs. Peabody & Co., Honolulu, Oahu.
The New York Correspondent of the Alta California, says, July 31: "Gregory's faithful and reliable Express is waiting for me—so I will conclude, hoping you will receive this, as Gregory delivers everything safe and sure to his care, who there it be a bag of gold dust worth five hundred thousand dollars, or a letter from a gold digger to his amiable and interesting wife in the Atlantic States."

N. B. This is the only Express through from the States which runs beyond San Francisco.

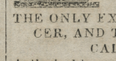
Drafts at sight on the above offices.

The highest price paid for clean gold dust.

JOSEPH W. GREGORY, Proprietor.

☞ Fire-proof Banking House and Remittance Office, corner of Merchant and Montgomery st. cets, San Francisco. jan 15tf

Reynolds, Todd & Co.'s Daily Express



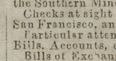
TO STOCKTON, SONORA, MOquelumne Hill, and all parts of the Southern Mines.—A. H. Todd, formerly the senior partner in the firm of Todd & Co., is now one of the partners in the firm of Reynolds, Todd & Co.

Gold dust, valuable packages, etc., received and forwarded. Also, notes, bills etc., collected in Stockton, or any part of the Southern Mines We have a daily line of Stages running between Stockton and Sonora, carrying our Express—also a daily Express between Stockton, Moquelumne Hill, Double Springs, Carson's creek and Angels Camp; as well as a tri-weekly Express to Mariposa, Agua Frio and other places of note in Mariposa County.

We have safes of our own on board the fastest steamers, for the security of treasure, and feel that we can offer to the public every advantage of a well conducted Express. REYNOLDS, TODD & CO.

REFERENCES IN STOCKTON.
Capt. C. M. Weber, Msj. B. F. Hammond, Hon. Sam. Purdy, Walter Herron and others. jan 15tf

BERFORD & CO.'S EXPRESS.



FOR ALL PARTS OF THE States, and the only Express to SAN JOSE. They send a mail every day, and attend to any business that may offer, punctually. Their office is in the California Exchange, corner of Clay and Kearny streets. jan 15tf

BY THEODORE PAYNE & Co,

(Office corner of California and Montgomery streets.)

THEODORE PAYNE, SQUIRE P. DEWEY.

THEODORE PAYNE, Auctioneer.
jan76 tf A. C. LATSON.

By TOBIN & DUNCAN.

[At the Chinese Sales Rooms, Central Wharf, and Sansome st.]
TOBIN & DUNCAN,
jan15 Auctioneers.

Eugene Casserly & McC. Delany,

ATTORNIES AND COUNSELLORS AT LAW have removed from the north-east corner of Clay and Montgomery streets to Howard's Brick Building, Montgomery street, west side, one door from Clay street. jan 1-tf

EDWARD McKINLEY,

ATTORNEY AND COUNSELLOR AT LAW, Adams & Co.'s Buildings, Montgomery street, San Francisco.

DR. LEVETT,

SURGEON DENTIST, CORNER OF CLAY and Kearny streets, up stairs. jan15 tf

S. M. CUNNINGHAM,

COMMISSION MERCHANT.—JACKSON ST., two doors below Sansome st. jan 28-3m

E. F. LUPTON,

ARCHITECT AND BUILDER, PINE St., one door North of Kearny. Contracts for Building, etc. Jobbing attended to promptly.
Communication Box No. 33, Mechanics Exchange. jan 27-1m

H. GILBERT,

UPHOLSTERY AND FURNITURE, Wholesale and Retail, corner of Jackson and Leidsdorff streets, San Francisco.

Mattrasses, Cots, Bedsteads, Tables, Chairs, etc. All orders promptly attended to. feb 13-3w

W. J. SILVER. H. CARRISON.

W. S. SILVER & CO.,

MANUFACTURERS OF BEDS AND MATTRESSES, Wholesale and Retail, Sacramento st., between Montgomery and Kearny, San Francisco.

N. B.—Hair, Moss, Feathers, &c., for sale on the most reasonable terms. jan 26-3m

Steadman & White,

DEALERS IN WATCHES, JEWELRY, Silver Ware, &c., and Manufacturers of all kinds of JEWELRY TO ORDER, at the sign of the "Gilt Watch," north side of Clay street, between Montgomery and Kearny streets. N. B. Marked attention given to Watch repairing and time pieces of all kinds, by Practical Workmen. jan26 tf

J. E. CARR,

BATTERY STREET, WEST SIDE, ONE DOOR South of Pacific street, San Francisco. Dealer in Groceries, Liquors, Provisions, Produce, Tobacco, Segars, &c. Sea stores put up at shortest notice. jan 29-1m

W. SCHLEIDEN,

VICE CONSUL DE LA REPUBLICA MEJICANA, 60 San Francisco. Despacho, calle de Kearny, entre Washington y Jackson. jan 30-1m

REDINGTON & CO., WHOLESALE AND RETAIL dealers in DRUGS and MEDICINES, corner of Clay and Montgomery streets.

THE MARINE WATER WORKS.—Office No 3, second floor, Meiggs's building, corner of Montgomery and Washington street. HOTALING.
je20 1m

List of Rates and Charges

On Foreign and Home Trade, at the Port of San Francisco, as adopted by the Chamber of Commerce.

SCHEDULE FIRST.

Rates of commissions on business with Foreign countries and with the Atlantic States, when no special arrangement exists:

Commission on the sale of merchandize, with or without guaranty - - - - - -	10 per ct.
On purchase and shipment of merchandize, with funds in hand - - - - - -	5 "
Do. without funds in hand - - - - -	10 "
On goods received on consignment, and afterwards withdrawn—on invoice cost -	5 "
For endorsing bills - - - - - -	2½ "
For purchase or sale of vessels - - - -	5 "
For purchase or sale of specie, gold dust or bullion - - - - - - -	1 "
For collecting - - - - - - - -	5 "
For collecting general average claims - -	5 "
For entering, clearing, and transacting ships' business on vessels with cargo from Foreign ports - - - - - - -	$200
From United States ports - - - -	$50
On vessels in ballast - - - - - -	$0
For collecting and remitting moneys on sums over $500 - - - - - - -	5 "
For collecting and remitting delayed or litigated accounts - - - - - -	10 "
For receiving and paying or remitting moneys from which no other commission is derived	2½ "
For landing and reshipping goods from vessels in distress—on invoice value, or in its absence, on market value - - - - -	5 "
For receiving, entering at Custom House, and forwarding goods, on invoice account	2½ "
For effecting marine insurance, on amount insured - - - - - - -	1 "

SCHEDULE SECOND.

Rates of Commissions on business within the State, where no special agreement exists.

Commission on the sale of merchandise, with or without guarantee - - - -	10 per ct
Do. on purchase and shipment of goods with funds or security in hand - -	5 "
Do. without funds or security in hand -	10 "
Do. on purchase or sale of specie, gold dust or bullion - - - - - - -	1 "
Do. on bills of exchange, with endorsement,	3½ "
Do. on selling bills of exchange - - -	5 "
Do. on sale or purchase of vessels - - -	5 "
Do on chartering of vessels, or procuring freight - - - - - - -	5 "
Do. on procuring or collecting freight - -	5 "
Do. on outfits of vessels or disbursements -	5 "
Do. on collecting moneys, when no other commission is earned - - - - -	5 "
Do. on receiving and forwarding goods - -	2½ "
Do. on bills protested or delayed litigated accounts - - - - - - -	10 "
Brokerage - - - - - - - -	2½ "

SCHEDULE THIRD.

Rates of Storage on Merchandize.

Measurement goods, per month, $2½ per ton of 40 cubic feet; heavy goods, $2 per ton of 2240 lbs. The consignee to have the option of charging by weight or measurement. A fraction of a month to be charged as a month.

SCHEDULE FOURTH.

Concerning delivery of merchandize, payment of freight, &c.

When no express stipulation exists, per bill of lading, goods are to be considered as deliverable on shore.

Freight on all goods to be paid or secured to the satisfaction of the captain or consignee of the vessel, prior to the delivery of goods.

That the custom of this port for the time within which goods must be received by the consignee, after notice being given of the ship's readiness to discharge, be fixed at ten days, when not otherwise stipulated in the bill of lading.

That after the delivery to the purchaser of merchandise sold, no claims for damage, deficiency, or otherwise, shall be admissable, unless made within three days, and that no such claims shall be admissable after goods, sold and delivered, have once left the quay.

SCHEDULE FIFTH.

Concerning Rates of Tares.

To be as allowed by custom in New York.

Civil Debt of California.

COMPTROLLER'S OFFICE,
Sacramento City, January 22, 1852.

To His Excellency, JOHN BIGLER:

SIR—In answer to your letter of inquiry, of this date, I have the honor to report the following statement, showing the amount of

THE CIVIL DEBT OF THE STATE, DEC. 31, 1851.

Comptroller's Warrants outstd'g Dec. 31, '52,	$166,192 84
Three per cent. Bonds outstanding - -	147,075 00
Interest due on same Dec. 31, '51,	94,136 11 - 241,271 11
Seven per cent. Funded Bonds, outstanding Dec. 31, 1851. - -	379,593 00
Interest due on same, Dec. 31, '51,	10,000 00—389,593 00
Total Civil obligations outstanding. -	$796,963 95

WAR DEBT.

War Bonds outstnd'g Dec. 31, '51, $200,000 00	
Interest due on same, 12,000 00—212,000 00	
War Loan Warrants outstanding Dec 31, '51,	233,375 79
War Claims yet to be presented, estimated at 1,000,000 00	
Total, - - - - - -	$1,445,375 79
Civil Debt, as above, -	$796,963 95
War Debt, as above, -	1,445,375 79
Total, - - - -	$2,242,339 74

STATEMENT OF PAYMENTS INTO THE STATE TREASURY, FROM JULY 1, 1851, TO JAN. 27, 1852, INCLUSIVE.

TAXES, 1851.	1851.
Butte, - - - - - -	$3,951 85
Contra Costa, - - - - - -	2,690 04
El Dorado, - - - $541 17	8,842 84
Los Angeles, - - - - - -	10,963 32
Monterey, - - - - - -	4,402 03
Napa, - - - - - - -	2,155 73
Nevada, - - - - - -	4,720 70
Placer, - - - - - -	6,636 00
San Francisco, - - - - - -	35,815 66
San Francisco, Gaming Tax, 1,030 01	84,210 48
Sacramento, 14,188 77	14,229 99
Santa Clara, - - - - - -	31,785 09
San Joaquin, - - - - - -	10,957 85
Santa Barbara, - - - - - -	11,2 4 68
San Diego, - - - 1,722 09	3,621 26
Santa Clara, - - - 857 87	1,294 09
Solano, - - - - - -	7,954 35
Sutter, - - - - - -	4,000 00
Shasta, - - - - - -	1,000 00
Tuolumne, - - - 4,681 88	3,338 43
Yolo, - - - - - -	2,701 69
Yuba, - - - - 48 82	7,676 94
	$23,570 31 $245,451 47

ANNUAL EXPORTS OF GOLD.—The following table showing the amount of Gold exported from this port during the year ending Dec. 30, 1851, was taken from the books of the Custom House, and may therefore be relied upon as being strictly correct:

To New York,	$30,861,400 49
New Orleans,	404,294 11
London,	3,392,660 78
Panama,	151,293 64
San Diego,	5,000 00
Valparaiso,	414,482 90
Rio de Janeiro,	15,000 00
Talcahuaua,	15,750 00
Hong Kong,	2,553 00
	$34,492,933 02

Of coin, there was manifested during the same period:

To Hong Kong,	$212,565
Canton,	71,212
Shanghai,	102,000
Manila,	53,766
Honolulu,	16,000
Valparaiso,	5,332
Port of Pacific (one shipment)	8,000
	$158,795

From Calaveras, Klamath, Sonoma, San Luis Obispo, Tuolumne, Mariposa and Trinity, no returns of 1852.

Statement of Duties imposed upon the most important articles of import, by the Revenue Bill, passed, July 30th, 1846.

Ashes, 20 per cent.; Alum, 20 per cent.; Barilla, 10 per cent.; Coal, 30 per cent.; Cocoa, 10 per cent.; Cordage, tarred and untarred, 25 per cent; Camphor, refined, 40 per cent.; Crude, 25 per cent.; Calomel and other mercurial preparations, 20 per cent.; Duck, 20 per cent.; Crash, 20 per cent.; Diaper, linen and hemp, 20 per cent; Cotton, 25 per cent; Fish, Mackerel, 20 per cent.; Salmon, preserved, 30 per cent., do., pickled, dried or smoked, 20 per cent.; Feathers, 25 per cent.; Fruit, Raisins of all kinds, 40 per cent.; Lemons, Limes and Oranges, 20 per cent.; Gunny cloth, 30 per cent

STATE LAWS.

An Act to Regulate Proceedings in Criminal Cases.

THE PEOPLE OF THE STATE OF CALIFORNIA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sec. 1. The act is divided into seven parts: First. The first embraces general definitions and provisions. Second. The second relates to the prevention of public offences. Third. The third relates to proceedings for the removal of public officers by impeachment or otherwise. Fourth. The fourth relates to proceedings in criminal actions prosecuted by indictment. Fifth. The fifth relates to proceedings in Justices' Courts. Sixth. The sixth relates to special proceedings. Seventh. The seventh relates to costs in criminal proceedings.

PART I.

General definitions and provisions.

Sec. 2. A crime or public offence is an act or omission forbidden by law, and to which is annexed upon conviction, either of the following punishments. First. Death; Second, Imprisonment. Third, Fine. Fourth. Removal from office, or Fifth, Disqualification to hold or enjoy any office, trust, or profit, under this State.

Sec. 3. Public offences are divided into first, felonies, and second, misdemeanors.

Sec. 4. A felony is a public offence punishable by death, or by imprisonment in the State prison.

Sec. 5. Every other public offence is a misdemeanor.

Sec. 6. No person can be punished for a public offence, except upon legal conviction in a court having jurisdiction thereof.

Sec. 7. Every public offence must be prosecuted by indictment, except first. Where proceedings are had for the removal of civil officers of the State. Second. Offences arising in the militia when in actual service, and in the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace. Third. Offences tried in Justices', Recorders' and Mayor's Courts.

Sec. 8. The proceedings by which a party charged with a public offence is accused and brought to trial and punishment, shall be known as a criminal action.

Sec. 9. A criminal action shall be prosecuted in the name of the People of the State of California as a party against the party charged with the offence.

Sec. 10. The party prosecuted in a criminal action is designated in this act as the defendant.

Sec. 11. A defendant in a criminal action is entitled, First, to a speedy and public trial. Second, to be allowed counsel as in civil actions, or he may appear and defend in person or with counsel. Third, to produce witnesses on this behalf, and to be confronted with the witnesses against him in the presence of the Court, except where the charge has been preliminarily examined before a committing magistrate and the testimony taken down by question and answer in the presence of the defendant, who has either in person or by counsel, cross-examined or had an opportunity to cross-examine the witness, or without the testimony of witness on the part of the people, who is unable to give security for his appearance, has been taken conditionally in like manner in the presence of the defendant, who has either in person or by counsel cross-examined or had an opportunity to cross-examine the witness, the deposition of such witness may be read upon its being satisfactorily shown to the court that he is dead or insane, or cannot with due diligence be found within the State.

Sec. 12. No person shall be subject to a second prosecution for a public offence, for which he has once been prosecuted and duly convicted or acquitted.

Sec. 13. No person shall be compelled in a criminal action to be a witness against himself, nor shall a person charged with a public offence be subjected before conviction to any more restraint than is necessary for his detention to answer the charge.

Sec. 14. No person can be convicted of a public offence, unless by a verdict of a jury accepted and recorded by the Court, or upon a plea of guilty, or upon judgment against him upon a demurrer to the indictment in the case mentioned in section two hundred and sixty-six.

PART SECOND.

Of the prevention of public offences.

TITLE I.

Of lawful resistance.

Sec. 15. Lawful resistance to the commission of a public offence may be made by the party about to be injured. Second, by other parties.

Sec. 16. Resistance sufficient to prevent the offence may be made by the party about to be injured. First to prevent an offence against his person or his family, or some member thereof. Second. To prevent an illegal attempt, by force, to take or injure property in his lawful possession.

Sec. 17. Any other person, in aid or defence of the person about to be injured, may make resistance sufficient to prevent the offence.

TITLE II.

Of the intervention of the officers of justice.

CHAPTER I.

Intervention of Public Officers generally.

Sec. 18. Public offences may be prevented by the intervention of the officers of justice. First. By requiring security to keep the peace. Second. By forming patrols in cities and towns, and by requiring their attendance in exposed places. Third. By suppressing riots.

Sec. 19. Whenever the police are authorized to act in the prevention of public offences, any other persons, who by their command act in their aid, are justified in so doing.

CHAPTER II.

Security to keep the Peace.

Sec. 20. A complaint may be laid before any of the Magistrates mentioned in section one hundred and four, that a person has threatened to commit an offence against the person or property of another.

Sec. 21. The complaint is to be laid before the Magistrate, he shall examine, on oath, the complainant and any witnesses he may produce, and shall take their depositions in writing, and cause them to be subscribed by the parties making them.

Sec. 22. If it appear from the depositions that there is just reason to fear the commission of the offence threatened by the person so complained of, the Magistrate shall issue a warrant directed to any officer of the county or any Constable, Marshal or Policeman in this State reciting the substance of the complaint, and commanding the officer, forthwith, to arrest the person complained of and bring him before the Magistrate.

Sec. 23. When the person complained of is brought before the Magistrate, if the charge be controverted the Magistrate shall take testimony in relation thereto. The evidence must be reduced to writing and subscribed by the witnesses.

Sec. 24. If it appear that there is no just reason to fear the commission of the offence alleged to have been threatened, the person complained or shall be discharged.

Sec. 25. If, however, there be just reason to fear the commission of the offence, the person complained of may be required to enter into a bond in such sum not exceeding five thousand dollars as the Magistrate may direct, with one or more sureties, to keep the peace towards the people of this State, and particularly towards the complainant. The bond shall be valid and binding for six months, and may, upon the renewal of the complaint, be extended for a longer period, or a new bond may be required.

Sec. 26. If the bond required by the last section be given, the party complained of shall be discharged. If he do not give it, he shall be committed to the prison, specifying in the warrant the requirement to give security, the amount thereof, and the omission to give the same.

Sec. 27. If the person complained of be committed for not giving the bond required, he may be discharged by any Magistrate upon giving the same.

Sec. 28. A bond be given as provided in section twenty-five, must be filed by the Magistrate in the office of the Clerk of the County.

Sec. 29. Any person who, in the presence of a court or Magistrate, shall assault or threaten to assault another, or to commit any offence upon the person or property of, or who shall contend with another with angry words, may be ordered by the court or Magistrate to give security as is provided for in section twenty-fifth, or if he refuse he may be committed, as provided in section twenty-sixth.

Sec. 30. A bond to keep the peace, shall be broken on conviction of the person complained against of a breach of the peace.

Sec. 31. Upon the District Attorney's producing evidence of such conviction to the Court of Sessions of the county, the court shall order the bond to be prosecuted, and the District Attorney shall thereupon commence an action on the same, in the name of the people of this State.

Sec. 32. In the action the offence stated in the record of conviction shall be averred as a breach of the bond, and shall be conclusive evidence thereof.

Sec. 33. No security to keep the peace or be of good behaviour shall be required except as prescribed in this chapter.

CHAPTER III.

Police in cities and towns and their attendance at exposed places.

Sec. 34. The organization and regulation of the Police in the cities and towns in this State are governed by special laws.

Sec. 35. The Mayor or other officer having the direction of the Police in a city, town, or village, shall order a force sufficient to keep the peace, to attend any public meeting when he is satisfied that a breach of the peace is to be apprehended.

CHAPTER IV.

Suppression of Riots.

Sec. 36. When a Sheriff or other public officer authorized to execute process shall find or have reason to apprehend that resistance shall be made to the execution of his process, he may make known the same to the inhabitants of his county as he may think proper, and may command such power or companies in the counties, armed and equipped to assist him in overcoming the resistance, and, if necessary in seizing, arresting and confining the resisters, and their aiders and abettors to be punished according to law.

Sec. 37. The officer shall certify to the court from which the process issued, the names of the resisters, and their aiders and abettors to the end that they may be proceeded against for their contempt of court.

Sec. 38. Every person called upon by a public officer, to assist him in the execution of process as provided in section 36, who shall without lawful cause, refuse or neglect to obey the command shall be deemed guilty of a misdemeanor.

Sec. 39. If it appear to the Governor that the power of any county is not sufficient to enable the Sheriff to execute process delivered to him, he shall on the application of the Sheriff, order such military force, from any other county or counties as shall be necessary.

Sec. 40. Where six or more persons whether armed or not shall be unlawfully or riotously assembled in any city or town, the Sheriff of the county and his deputies, the Police Constable and Marshal of the city or town, and the Justices of the Peace shall go among the persons so assembled or as near to them as possible, and shall command them in the name of the people of this State to disperse.

Sec. 41. If the persons assembled do not immediately disperse, the Magistrates and officers shall arrest them that they may be punished according to law; and for that purpose may command the aid of all persons present or within the county.

Sec. 42. If a person so commanded to aid the Magistrates and officers, neglect or refuse to do so, he shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Sec. 43. If a Magistrate or officer, having notice of an unlawful or riotous assembly, as provided in section forty, neglect to proceed to the place of the assembly, or as near thereto as he can with safety, and to exercise the authority with which he is invested for suppressing the same and arresting the offenders, he shall be deemed guilty of a misdemeanor.

Sec. 44. If the persons so assembled and commanded to disperse, do not immediately disperse, any two of the Magistrates or officers before mentioned may command the aid of a sufficient number of persons, and may proceed in such manner as in their judgments is necessary to disperse the assembly and arrest the offenders.

Sec. 45. When an armed force is called out for the purpose of suppressing an unlawful or riotous assembly or arresting the offenders, it shall obey such orders in relation thereto as may have been made by the Governor or by a Judge of a Court of Record or the Sheriff of the county or by any two of the Magistrates or officers mentioned in section forty.

Sec. 46. When there is an unlawful or riotous assembly with intent to commit a felony or to offer violence to person or property or to resist by force the laws of the State, and the fact is made to appear to the Governor or to the Judge of the Supreme or District Court or County Court, or to the Sheriff of the county, either of those officers may issue an order directed to the commanding officer of a division, brigade, regiment, battalion or company, to order his command or any part thereof (describing the kind and number of troops) to appear at a time and place therein specified to aid the civil authorities in suppressing violence and enforcing the laws.

Sec. 47. The commanding officer to whom the order is given shall forthwith obey the same, and the troops so required shall appear at the time and place appointed, armed and equipped with ammunition as per inspection, and shall execute any order that they shall then and there receive according to law.

Sec. 48. When the Governor shall be satisfied that the execution of civil or criminal process has been forcibly resisted in any county by bodies of men or that combinations to resist the execution of process by force exist in any county, and that the power of the county has been exerted, and has not been sufficient to enable the officer having the process to execute it, he may on the application of the officer or of the District Attorney or County Judge of the County by proclamation to be published in such papers as he shall direct, declare the county to be in a State of insurrection and may order into the service of the State such number and description of volunteer or uniform companies or other militia of the State as he shall deem necessary, to serve for such term and under the command of such officer or officers as he shall direct.

Sec. 49. The Governor may when he shall think proper revoke the proclamation authorized by the last section or declare that it shall cease at such time and in such manner as he shall direct.

Sec. 50. Any person who shall after the publication of the proclamation authorized by section forty-eight, resist or aid in resisting the execution of process in any county so declared to be in a state of insurrection, or who shall aid or attempt the rescue or escape of any person from lawful custody or confinement, or who shall resist or aid in resisting any force ordered out by the Governor to quell or suppress an insurrection shall be imprisoned in a State Prison for a term not less than two years.

PART III.

Of proceedings for the removal of public officers, by impeachment or otherwise.

TITLE FIRST.

Of Impeachments.

Sec. 51. The Governor, Lieutenant Governor, Secretary of State, Comptroller, Treasurer, Attorney General, Surveyor General, Justice of the Supreme Court, and Judges of the District Courts, shall be liable to impeachment for any misdemeanor in office.

Sec. 52. All impeachments shall be tried by the Senate; when sitting for that purpose, the Senators shall be upon oath or affirmation.

Sec. 53. When a civil officer of the State is impeached by the Assembly for a misdemeanor in office, the articles of impeachment shall be delivered to the President of the Senate.

Sec. 54. The Senate shall assign a day for the hearing of the impeachment, and inform the Assembly thereof. The President of the Senate shall cause a copy of the articles of impeachment, with a notice to appear and answer the same, at the time and place appointed, to be served on the defendant not less than ten days before the day fixed for the hearing.

Sec. 55. The service must be upon the defendant personally, or, if he cannot, upon diligent inquiry, be found within the State, the Senate upon due proof of that fact, may order that publication be made in such manner as they may deem proper, of a notice, requiring him to appear at a specified time and place, and answer the articles of impeachment.

Sec. 56. If the defendant do not appear, the Senate, upon proof of service or publication, as provided in the two last sections, may of their own motion, or for cause shown, assign another day for hearing the impeachment, or may then, or at any other time which they may appoint, proceed in the absence of the defendant, to trial and judgment.

Sec. 57. When the defendant appears, he must answer the articles of impeachment, which he may do, either by objecting to the sufficiency of the same, or any article thereof, or by denying the truth of the same.

Sec. 58. If the defendant object to the sufficiency of the impeachment, the objection must be in writing, but need not be in any specific form, it being sufficient to present intelligibly the grounds of the objection. If he deny the truth of the impeachment, the denial may be oral and without oath, and shall be entered upon the journal.

Sec. 59. If an objection to the insufficiency of the impeachment be not sustained by a majority of members of the Senate who heard the argument, the defendant shall be ordered forthwith to answer the articles of impeachment. If he plead guilty or refuse to plead, the Senate shall render judgment of conviction against him. If he deny the matters charged, the Senate shall, at such time as they may appoint, proceed to try the impeachment.

Sec. 60. At the time and place appointed, and before the Senate proceed to act on the impeachment, the Secretary shall administer to the President of the Senate, and the President of the Senate to each of the members present, then present an oath or affirmation, truly and impartially to hear, try and determine the impeachment; and no member of the Senate shall act or vote upon the impeachment or any question arising thereon, without having taken such oath or affirmation.

Sec. 61. The oath or affirmation having been administered, the Senate shall proceed to try and determine the impeachment, and may adjourn the trial from time to time.

Sec. 62. The defendant cannot be convicted on impeachment without the concurrence of two thirds of the members present; and if two thirds of the members present do not concur in a conviction he shall be declared acquitted.

Sec. 63. After conviction the Senate shall immediately or at such other time as they shall appoint, pronounce judgment, which shall be in the form of a resolution entered upon the journal. The vote upon the passage thereof shall be taken by yeas and nays, and shall in like manner be entered upon the journal.

Sec. 64. On the adoption of the resolution by a majority of the members present who voted on the question of acquittal or conviction, the same shall be the judgment of the Senate.

Sec. 65. The judgment may be that the defendant be removed from office, and disqualified to hold and enjoy a particular office or class of offices, or any office of honor, trust or profit under this State.

Sec. 66. If judgment of suspension be given, the defendant shall, during the continuance thereof, be disqualified from receiving the salary, fees or emoluments of the office.

Sec. 67. No judicial officer shall exercise the office after being impeached, until he is acquitted.

Sec. 68. If the Lieutenant Governor be impeached, notice of the impeachment shall be immediately given to the Senate by the Assembly, that another President may be chosen.

Sec. 69. If the offence for which the defendant is impeached be the subject of an indictment, the indictment shall not be barred by the impeachment.

Sec. 77. If an objection to the sufficiency of the accusation be not sustained the defendant shall be required to answer the accusation forthwith.

Sec. 78. If the defendant plead guilty or refuse to answer the accusation, the court shall render judgment of conviction against him. If he deny the matters charged the court shall immediately or at such time as they may appoint, proceed to try the accusation.

Sec. 79. The trial shall be by a jury, and shall be conducted in all respects in the same manner as the trial of an indictment for a misdemeanor.

TITLE SECOND.

Of the Removal of Civil Officers otherwise than by impeachment.

Sec. 70. An accusation in writing against any District, County or Township officer for wilful or corrupt misconduct in office may be presented by the Grand Jury of the county for which the officer accused is elected or appointed.

Sec. 71. The accusation shall state the offence charged in ordinary and concise language and without repetition.

Sec. 72. The accusation shall be delivered by the foreman of the Grand Jury to the District Attorney of the county, who shall cause a copy thereof to be served upon the defendant, and require by notice in writing of not less than ten days to appear before the District Court of the county at the next term, and answer the accusation. The original accusation shall then be filed with the Clerk of the District Court.

Sec. 73. If the defendant fail to appear at the time appointed in the notice, and answer the accusation unless for some sufficient cause the court assign another day for that purpose. If he do not appear, the court may proceed to hear and determine the accusation in his absence.

Sec. 74. The defendant may answer the accusation, either by objecting to the sufficiency thereof or of any article therein, or by denying the truth of the same.

Sec. 75. If an objection to the legal sufficiency of the accusation, the objection must be in writing, but need not be in any specific form, it being sufficient if it present intelligibly the grounds of the objection.

Sec. 76. If he deny the matters charged in the accusation, the denial may be oral and without oath, and shall be entered upon the minutes.

Sec. 80. The District Attorney and the defendant shall be severally entitled to such peremptory challenges as may be necessary to enforce the attendance of witnesses as upon a trial of an indictment.

Sec. 81. Upon a conviction the court shall immediately or at such other time as they shall appoint, pronounce judgment that the defendant be removed from office. But to warrant a removal the judgment must be entered upon the minutes, assigning therein the causes of removal.

Sec. 82. From a judgment of removal an appeal may be taken to the Supreme Court in the same manner as from a judgment in a civil action, but until such judgment be reversed the defendant shall be suspended from his office. During the appeal the office may be filled as in case of vacancy.

Sec. 83. The same proceedings may be had on like grounds for the removal of a District Attorney, except that the accusation shall be delivered to the District Judge of the District, who shall thereupon appoint some one to act as prosecuting officer in the matter or shall place the accusation in the hands of the District Attorney of an adjoining county and require him to conduct the proceedings.

PART FOURTH.

Of the proceedings in Criminal actions prosecuted by indictment.

TITLE FIRST.

Of the local Jurisdiction of public offences.

Sec. 84. Every person, whether an inhabitant of this or any other State, who commits within this State any of the following offences, shall be liable to punishment by the laws of this State for a public offence committed by him therein, except where it is by law cognizable exclusively in the Courts of the United States.

Sec. 85. When the commission of a public offence commenced without the State, is consummated within the boundaries thereof, the defendant shall be liable to punishment in this State, though he were without the State at the time of the commission of the offence charged:

Provided, he consummated the offence through the intervention of an innocent or guilty agent without this State, or any other means proceeding directly from himself, and in such case the jurisdiction shall be in the county in which the offence is consummated.

Sec. 86. When an inhabitant or resident of this State shall by any personal injury or appointment fight a duel or be concerned as a second therein without the jurisdiction of this State, and in such duel a wound shall be inflicted upon any person whereof he shall die within the State, the jurisdiction of the offence shall be in the county where the death shall happen.

Sec. 87. When a public offence is committed in part in one county and in part in another, or the acts or effects thereof constituting or requisite to the consummation of the offence occur in two or more counties, the jurisdiction shall be in either county.

Sec. 88. When a public offence is committed on the boundary of two or more counties, or within five hundred yards thereof, the jurisdiction shall be within either county.

Sec. 89. When an offence is committed within this State on board a vessel, navigating a River, Bay or Lake, or lying thereon, or on the prosecution of her voyage, the jurisdiction shall be in any county through which the vessel is navigated in the course of her voyage, or in the county where the voyage shall terminate.

Sec. 90. The jurisdiction of an indictment for the crime of forcibly stealing, taking or arresting any man, woman or child in this State, and carrying him or her into any other County, State or Territory, or for forcibly taking or arresting any person or persons whomsoever, with a design to take him or her out of this State, without having established a claim according to the laws of the United States, or for hiring, persuading, enticing, decoying or seducing by false promises, misrepresentations and the like, any negro, mulatto, or colored person into slavery or involuntary servitude, or otherwise to employ him or her for his or her own use or the use of another, without the free will and consent of such negro, mulatto or colored person, shall be, in any county in which the offence is committed or into or out of which the person upon whom the offence was committed may in the prosecution of the offence have been brought or in which an act shall be done by the offender in instigating, procuring, promoting, aiding in or being an accessory to the commission of the offence, or in abetting the parties therein concerned.

Sec. 91. When the offence either of bigamy or incest is committed in one county and the defendant is apprehended in another, the jurisdiction shall be in either county.

Sec. 92. When property feloniously taken in one county by burglary, robbery, larceny or embezzlement has been brought into another, the jurisdiction of the offence shall be in either county. But if at any time before the conviction of the defendant, in the latter, he be indicted in the former county, the Sheriff of the latter county shall, upon demand, deliver him to the Sheriff of the former county, upon being served with a copy of the indictment, and upon receipt, endorsed thereon by the Sheriff of the former county, of the body of the offender, and shall on filing the copy of the indictment and receipt, be exonerated from all liability in respect to the offender.

Sec. 93. In the case of an accessory before or after the fact in the commission of a public offence, the jurisdiction shall be in the county where the offence of the accessory was committed, notwithstanding the principal offence was committed in another county.

Sec. 94. When an act charged as a public offence is within the jurisdiction of another State or Territory as well as this State, a conviction or acquittal thereof in such State or Territory shall be a bar to a prosecution or indictment therefor in this State.

Sec. 95. When an offence is within the jurisdiction of two or more counties, a conviction or acquittal thereof in one county shall be a bar to a prosecution or indictment therefor in another.

TITLE SECOND.

Of the time of commencing Criminal Actions.

Sec. 96. There shall be no limitation of time within which a prosecution for murder must be commenced. It may be commenced at any time after the death of the person killed.

Sec. 97. An indictment for any other felony than murder must be found within three years after its commission.

Sec. 98. An indictment for any misdemeanor must be found within one year after its commission.

Sec. 99. If when the offence is committed the defendant be out of the State, the indictment may be found within the term herein limited after his coming within the State, and no time during which defendant is not an inhabitant of, or usually resident within the State, shall be a part of the limitation.

Sec. 100. An indictment is found within the meaning of this TITLE, when it is duly presented by the Grand Jury court, and there received and filed.

TITLE THIRD.

Of the Complaint and proceedings thereon, to the commitment inclusive.

CHAPTER FIRST.—THE COMPLAINT.

Sec. 101. The complaint is the allegation made to a Magistrate that a person has been guilty of some designated public offence.

Sec. 102. A Magistrate is an officer having power to issue a warrant for the arrest of a person charged with a public offence.

Sec. 103. The following persons are Magistrates:—first, the Justices of the Supreme Court; second, the District Judges; third, the County Judges; fourth, Justices of the Peace; fifth, the Recorders of Cities, and sixth, the Mayors of Cities, upon whom are conferred by law the powers of Justices of the Peace.

CHAPTER SECOND.

Warrant of Arrest.

Sec. 104. When a complaint is laid before a Magistrate, of the commission of a public offence, triable within the county, he must examine on oath, the complainant or prosecutor, and any witnesses he may produce, and take their depositions in writing and cause them to be subscribed by the parties making them.

Sec. 105. The depositions must set forth the facts stated by the prosecutor and his witnesses tending to establish the commission of the offence and the guilt of the defendant.

Sec. 106. If the Magistrate be satisfied therefrom, that the offence complained of has been committed, and that there is reasonable ground to believe that the defendant has committed it, he shall issue a warrant of arrest.

Sec. 107. A warrant of arrest is an order in writing in the name of the people, signed by a Magistrate, commanding the arrest of the defendant, and may be substantially in the following form:

County of

The People of the State of California to any Sheriff, Constable, Marshal, Policeman in this State, or the County of

A complaint upon oath having been this day laid before me by A. B. that the crime of (designate it) has been committed, and accusing C. D. thereof, you are therefore commanded forthwith to arrest the above named C. D. and bring him before me at (naming the place) or in case of my absence or inability to act, before the nearest or most accessible Magistrate in this County.

Dated at this day of 18

Sec. 108. The warrant must specify the name of the defendant, or if it be unknown to the Magistrate, the defendant may be designated therein by any name. It must also state the time of issuing the same, and the county, city or town where it is issued, and be signed by the Magistrate with his name of office.

Sec. 109. A warrant must be directed to and executed by a peace officer.

Sec. 110. Peace officers are Sheriffs of Counties, and Constables, Marshals and Policemen of Cities and towns respectively.

Sec. 111. A warrant be issued by a Justice of the Supreme Court, District Judge or County Judge, it may be directed generally to any Sheriff, Constable, Marshal or Policeman in this State, and may be executed by any of those officers to whom it may be delivered.

Sec. 112. If it be issued by any other Magistrate, it may be directed generally to any Sheriff, Constable Marshal or Policeman in the County in which it is issued, and may be executed in that County, or if the defendant be in another County, it may be directed generally to any officer in the County in which it is issued, and may be executed therein, and such Magistrate shall proceed in the same manner as upon a warrant issued by himself.

Sec. 113. If the offence charged in the warrant issued pursuant to section one hundred and twenty-one, be a misdemeanor, the officer shall, upon being so required by the defendant, take him before a Magistrate of the County in which the said warrant is issued, who shall admit the defendant to bail, and shall immediately transmit the warrant, depositions and recognizance to the Clerk of the Court in which the defendant is required to appear.

CHAPTER THIRD.

Arrest by an officer under warrant.

Sec. 124. Arrest is the taking of a person into custody that he may be held to answer for a public offence.

Sec. 125. An arrest may be either: First, by a peace officer under a warrant; second, by a peace officer without a warrant; or third, by a private person.

Sec. 126. At the time of the arrest the officer in the execution of a warrant if the officer require his aid and be present and acting in its execution.

Sec. 127. If the offence charged be a felony, the arrest may be made on any day and at any time of the day or night. If it be a misdemeanor, the warrant shall not be made at night, unless upon the direction of the Magistrate endorsed upon the warrant.

Sec. 128. An arrest may be made by an actual restraint of the person of the defendant, or by his submission to the custody of the officers.

Sec. 129. The defendant shall not be submitted to any more restraint than is necessary for his arrest and detention.

Sec. 130. The officer shall inform the defendant that he acts under the authority of the warrant, and shall also show the warrant if required

Sec. 131. If the defendant be brought before a Magistrate of the County other than the one who issued the warrant, the affidavit upon which the warrant was granted, if the defendant insist upon an examination shall be sent to such Magistrate, or if they cannot be procured, the prosecutor and his witness shall be summoned to give testimony in relation thereto.

Sec. 132. When a complaint is laid before a Magistrate of the commission of a public offence, triable without the Counties of this State, but showing that the defendant is in the County and may, the complaint is laid the same proceedings shall be had as prescribed in this chapter, except that the warrant shall require the defendant to be taken before the nearest or most accessible Magistrate of the County in which the offence is triable, and the depositions of the witnesses and prosecutor, and of the witnesses who may have been produced shall be delivered by the Magistrate to the officer to whom the warrant is delivered.

Sec. 133. The officer who executes the warrant shall take the defendant before the nearest or most accessible Magistrate of the County in which the offence is triable, and shall deliver to such Magistrate the depositions and the warrant, with the certificate endorsed thereon, and such Magistrate shall proceed in the same manner as upon a warrant issued by himself.

Sec. 134. If the offence charged in the warrant issued pursuant to section one hundred and twenty-one, be a misdemeanor, the officer shall, upon being so required by the defendant, take him before a Magistrate of the County in which the said warrant is issued, who shall admit the defendant to bail, and shall immediately transmit the warrant, depositions and recognizance to the Clerk of the Court in which the defendant is required to appear.

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CHAPTER THIRD.

Arrest by an Officer without a Warrant.

Sec. 135. A peace officer may, without a warrant, arrest a person. 1st. For a public offence, committed or attempted in his presence. 2d. When the person arrested has committed a felony, although not in his presence. 3d. Where a felony has, in fact, been committed, and he has reasonable cause for believing the person arrested to have committed it. 4th. On a charge made upon a reasonable cause of the commission of a felony by the party arrested.

Sec. 135. To make an arrest as provided in the last section, the officer may break open any outer or inner door or window of a dwelling house if, after notice of his office and purpose, he be refused admittance.

Sec. 136. He may also, at night, without a warrant, arrest any person whom he has reasonable cause for believing to have committed a felony, and is justified in making the arrest, though it afterwards appear that a felony had not been been committed.

Sec. 137. When arresting a person without a warrant, the officer must inform him of the authority and the cause of the arrest, except when he is in the actual commission of a public offence, or when he is pursued immediately after an escape

Sec. 138. He may take before a Magistrate any person who, being engaged in a breach of the peace, is arrested by a bystander and delivered to him.

Sec. 139. When a public offence is committed in the presence of a Magistrate, he may, by a verbal order, command any person to arrest the offender, and may thereupon proceed as if the offender had been brought before him on a warrant of arrest.

CHAPTER V.

Arrest by a Private Person.

Sec. 140. A private person may arrest another: 1st, for a public offence committed or attempted in his presence. 2d, when the person arrested has committed a felony, although not in his presence. 3d, when a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.

Sec. 141. He must, before making the arrest, inform the person to be arrested of the cause thereof, and require him to submit except when he is in the actual commission of the offence, or when he is arrested on pursuit immediately after its commission.

Sec. 142. If the person to be arrested have committed a felony, and a private person after notice of his intention to make the arrest be refused admittance he may break open any outer or inner door or window of a dwelling house, for the purpose of making the arrest.

Sec. 143. A private person who has arrested another for the commission of a public offence must, without unnecessary delay, take him before a Magistrate, or deliver him to a peace officer.

CHAPTER VI.

Retaking after an Escape or Rescue.

Sec. 144. If a person arrested escape or be rescued, the person from whose custody he escaped or was rescued, may immediately pursue and retake him at any time, and at any place within the State.

Sec. 145. To retake the person escaping, or rescued the person pursuing, may, after notice, of his intention and refusal of admittance, break open any outer or inner door or window of a dwelling house.

CHAPTER VII.

Examination of the case and discharge of the defendant, or holding him to answer.

Sec. 146. When the defendant is brought before the Magistrate upon an arrest, either with or without warrant, on a charge of having committed a public offence, the Magistrate shall immediately inform him of the charge against him, and of his right to the aid of counsel in every stage of the proceedings, and before any further proceedings are had.

Sec. 147. He shall also allow the defendant a reasonable time to send for counsel, and adjourn the examination for that purpose, and shall, upon the request of defendant, require a peace officer to take a message to such counsel within the township or city as the defendant may name. The officers shall, without fee, perform that duty.

Sec. 148 The Magistrate shall, immediately after the appearance of counsel, or if the defendant require the aid of counsel after waiting a reasonable time therefor, proceed to examine the case

Sec. 149. The examination must be completed at one session unless the Magistrate for good cause shown, adjourn it. The adjournment cannot be for more than two days at each time, nor more than six days in all, unless by consent or on motion of the defendant.

Sec. 150. If an adjournment be had for any cause the Magistrate shall commit the defendant for examination, admit him to bail or discharge him from custody upon the deposit of money as provided in this act as security for his appearance at the time to which the examination is adjourned.

Sec. 151. The commitment for examination shall be by an endorsement signed by the Magistrate on the warrant of arrest to the following effect:

"The within named A. B., having been brought before me on the within warrant, is committed for examination to the Sheriff of " If the Sheriff be not present the defendant may be committed to the custody of a peace officer.

Sec. 152. At the examination the Magistrate shall in the first place read to the defendant the depositions of the witnesses examined on the taking of the information. He shall also issue subpœnas for any witnesses required by the prosecutor or the defendant as provided in section five hundred and forty-eight.

Sec. 153. The witnesses shall be examined in the presence of the defendant, and may be cross-examined in his behalf.

Sec 154. When the examination of witnesses on the part of the people is closed, the Magistrate shall distinctly inform the defendant that it is his right to make a statement in relation to the charge against him (stating to him the nature thereof) that the statement is designed to enable him if he see fit to answer the charge and to explain the fact alleged against him, that he is at liberty to waive making a statement and that his waiver cannot be used against him on the trial.

An Act to Regulate Fees in Office.

THE PEOPLE OF THE STATE OF CALIFORNIA REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sec. 1. The fees of the Clerk of the Supreme Court, and of county officers in the following counties, viz: Klamath, Shasta, Butte, Yuba, Nevada, Sierra, Plumas, Colusi, Eldorado, Placer, San Francisco and Sacramento, shall be as prescribed in the first thirty-eight sections of this act.

FEES IN THE OFFICE OF SECRETARY OF STATE.

Sec. 2. For a copy of any act or resolution of the Legislature, or of any report, document or paper kept in the office of the Secretary of State, furnished to any person or person on request, for each folio forty cents; for a certificate thereto, one dollar; but the Secretary of State shall charge for any fees to his own use.

FEES OF THE COUNTY AUDITORS

Sec. 3. The County Auditor shall receive for his services such compensation as may be determined by the Court of Sessions of the county; provided, the same does not exceed the sum of fifty dollars.

FEES OF NOTARIES PUBLIC.

Sec. 4. The drawing and copying of every protest for the non-payment of a promissory note, or for the non-draft or check, two dollars; for noting and protesting every notice of the non-payment of a promissory note, or the non-payment; or non-acceptance of a bill of exchange, order, draft or check, when personal service is made, two dollars; but when notice is made by depositing such notice in the post office, fifty cents; for recording every protest, one dollar; for drawing an affidavit or other paper for which provision is not herein made, for each folio, fifty cents; for administering an oath or taking an acknowledgement of a deed or other instrument, one dollar for each signature; for administering an oath or affirmation, one dollar.

FEES OF THE CLERK OF SUPREME COURT.

Sec. 5. For entering any cause for trial, or for any time, from an inferior court, six dollars; for issuing any process of court, two dollars; for entering any motion, rule or order, two dollars; for entering judgment, five dollars; for entering satisfaction of judgment, two dollars; for every search relative to any matter or cause, two dollars; for certified copy of any record, opinion of the court, or paper, for each folio, forty cents; for entering each cause on the calendar, and making copy thereof for bar, two dollars; for every remittitur or mandate for each folio, forty cents; for searching records on file in his office, (but no charge to be made to suitors or attorneys,) filing each paper, one dollar; for certificate of admission as attorney or counsellor, two dollars; for administering each oath or affirmation, one dollar; for taking acknowledgment of deed or other instrument, for each signature, one dollar; for recording opinion of court each folio, forty cents.

FEES OF CLERK OF DISTRICT COURT.

Sec. 6. For entering writ of possession, one dollar; for docketing each execution, fifty cents; for entering return of each execution, fifty cents; for every writ under seal, one dollar and fifty cents; for entering appearance, discontinuance, nonsuit, default, motion, rule or order, two dollars; for every writ under seal, one dollar and fifty cents; for certificate of issuing or filing, one dollar; for each calling and swearing a jury, one dollar; for swearing each witness, fifty cents; for entering each cause on the docket for trial, a copy for the court or bar, one dollar; for entering every cause, two dollars; for receiving and entering a verdict, one dollar; for filing each paper, 50 cents: for entering every default, one dollar; for every writ under seal, one dollar and fifty cents; for entering satisfaction of judgment, two dollars; for copy of record or paper, for each folio forty cents; searching records, (not charging parties or attorneys,) fifty cents; for administering oath and certifying same, one dollar; for taking testimony of witness in court, for each folio, forty cents.

FEES OF CLERK OF COUNTY COURT.

Sec. 7 For filing papers sent up from time to time from a Justices Court, two dollars; for all other services the same fees as are allowed in the District Court for similar services.

FEES OF CLERK OF COURT OF SESSIONS.

Sec. 8. When the court is sitting as a court of criminal jurisdiction, the clerk of said court shall receive the same fees as are allowed in the District Court for similar services.

Sec. 9. For services when attending the Court of Sessions or the transaction of county business, the clerk shall receive the same fees as are allowed to the Clerk of the District Court for similar services; for transcript of judgment, one dollar.

FEES OF CLERK OF PROBATE COURT.

Sec. 10 For drawing letters testamentary, or of administration, or certificate of the appointment of appraisers, two dollars; for each notice given by posting, two dollars; for each notice given by publication, three dollars; for all other services the same fees as are allowed to the Clerk of the District Court for similar services.

FEES OF THE COUNTY RECORDER.

Sec. 11. For recording any instrument, paper or notice, and for copies of any records,