# Daily Alta California.

By E. GILBERT & Co.

THURSDAY MORNING, JANUARY 19, 1854.


### The List of Letters—To Advertisers.

We respectfully submit to the public the following letter from Col. Henley, our Postmaster:—

POST-OFFICE, San Francisco, Cal., January 12th, 1854.

TO THE PROPRIETORS OF THE "ALTA," San Francisco.

GENTLEMEN:—Your letter of to-day, claiming the "Letter List" of this office is at hand.

In reply I have to state that, notwithstanding the *average issue* of the *Alta* is LARGER *than the circulation of the newspaper selected*, as appears from *affidavits* on file in this office, I have decided to award, on account of the want of conformity in the affidavits filed by you to the prescribed form, the publication you ask for to the *Sun*, published in this city. In making this decision I have acted more freely, knowing that an appeal can be taken, and, if in error, my award changed.

I am, very respectfully,
Your ob't servant,
THOMAS J. HENLEY, P. M.

The hydra known as Conventionism is not dead. Its seven heads have one after another been lopped off, but the precaution of searing with a hot iron has not been taken, and an attempt is to be made, we understand, to galvanize life into it again. This long continued and ceaseless attempt to force through a measure to which a vast majority of the people are known to be opposed, is the greatest insult to popular rights and popular sovereignty that can well be imagined. It was repudiated in both of the party conventions last summer, and it was more emphatically repudiated at the ballot-box in the fall.

In the Democratic Convention it was anti-conventionism that saved John Bigler, and that alone. Had a strong anti-convention man been run in opposition to Bigler by the anti-Bigler section of the party, instead of Major Roman, Bigler's friends would have been most signally outvoted. It was the fear of conventionism that nominated him and not any confidence or regard which the people had for him. He was personally unpopular and obnoxious to a large portion of the party, who, nevertheless, "rather chose to bear the ills they had than fly to others that they knew not of."

In the Whig Convention the verdict against the "unclean thing" was equally decided. Only one man had the face to force the subject on the Convention, and the feeling of disapprobation against him was deep and earnest. The matter was looked upon as dead by the great majority of the people, and they frowned upon the attempt to revive it.

But after the nominations the Whig candidate was non-committal, and it was observed that the conventionists of both parties were very eager in his support and desirous of his election. This excited distrust in the minds of the anti-conventionists, and now it is a well known fact that Waldo did not receive the vote of many anti-convention Whigs who were, nevertheless, bitterly opposed to Bigler and desirous of a change.

The bare suspicion of Conventionism was sufficient to damn a candidate. The whole scheme was offensive, and in the last election it was treated as a defunct and detested measure.

We now ask in all candor if the members of the present Legislature will be as plastic in the hands of their leaders as were so many in the last, and endeavor to force this thing again on the attention of the public. The Democratic party is committed against it. The platform laid down at Benicia distinctly bound the party to defer the subject till the Constitution was so amended as to require a new Constitution to be submitted to the people, before it became of binding force. We cannot, and we will not, believe that any member of that party will so violate good faith, so betray the trest reposed in him, as now to favor conventionism. Our faith in human nature is not so low as to believe that men will thus violate every principle of political faith and honesty.

The Whig party is not so clearly committed against the measure, but the rank and file of that party is no less strongly opposed to it. It is true that the leaders and managers of that party have generally been in favor of the division of the State, and of the Constitutional Convention. They have been men of honor, and knew no use for a Yankee or a northern man but to vote for themselves. They have never recognized any obligation on their part to support Whigs who did not support their sectional schemes. It has been a one-sided game from the first, and if the leaders of the Whig party in California have voted for Whigs, it was not because they were Whigs, but because they were *sound*, and came from the right quarter.

The complexion of the present Legislature is not yet developed. It may be, and we hope it is, the fact that there are a few who are Whigs indeed—who look upon the issues and principles upon which they were elected as paramount to the sectional schemes of a few ambitious spirits, with whom they have no sympathy, and from whom they can expect nothing in the way of reciprocity.

The Democratic party is to be, or rather is already, severed in two. The Conventionists and Bolters are no longer of that party. This wing will now try to coalesce with the Whigs, but two-thirds of the Whig party have no regard for them or their measures, and they would sooner unite with the old line of the Democratic party than with the Bolters. What, then, will be the result? Both parties will be split and re-constructed on direct local and national issues. The work is well nigh done already. Were an election to take place to-morrow, the Conventionists and Bolters combined would be united, and National Whigs and National Democrats would unite on the same ticket.

The late election of State Senator in this city well illustrates the feeling now existing. We firmly believe that one-half of the votes given for the Whig candidate were given by Bolting Democrats, while nearly half of the Whigs who voted cast their ballots for Mr. Mahoney. The breach is already made. Old parties are broken up, and we ask those National Whigs now in the Legislature—if any such there be—if they are to be bamboozled and bullied into the support of a measure which they must loathe in their hearts? Will they forget the old party principles under which they were educated? Will they forget their fathers and the institutions under which they were reared, and fall into the support of men and measures for whom they have no sympathy and little respect?

THE RUN OF MESSRS. ADAMS & CO.—During the whole of yesterday, there was a tremendous run made by depositors upon the banking house of Messrs. Adams & Co., although there appeared to be not even a serious thought that they were not fully able and willing to meet all their engagements. The cause of the excitement was the fact that in the list of shipments of gold dust, made by the *John L. Stephens* and *Sierra Nevada*, the names of Messrs. Adams & Co. did not appear as shippers. This was done for the best of reasons, while in fact they did actually ship $378 000. On the strength of this, some individual, or clique probably, instigated by malice, raised a report that the house had failed, and this rumor was current throughout Tuesday evening. Yesterday morning, before the opening, a crowd had gathered about the door of the banking house of Messrs. Adams & Co., and during the whole day the clerks were busily employed in cashing certificates of deposit, the banking-room being filled, and a continued stream of anxious-looking depositors passing in and out during the whole day. Of course the certificates were promptly cashed upon presentation, and many persons coming in, with their certificates in their hands, seeing the ready manner in which the others received their cash, and the piles of it behind the counter, went away without drawing their money, concluding the whole thing was a humbug. The resident partners and the clerks took the thing in very good part, and furnished every facility for despatch. Three or four written handbills, with the following notice, were posted up in various parts of the office:

"Gentlemen will confer a favor by leaving the office as fast as they procure their money, to make room for others.
ADAMS & Co."

During the day about twelve hundred certificates, averaging about three hundred dollars each, were cashed. This would amount to about three hundred and sixty thousand dollars. Those who made the run were transient depositors, none of their business, or regular depositors being affected by the panic. The numerous friends of their house made offers to Messrs. Adams & Co. of all the money which they had in their possession, if they required it. About 2 o'clock yesterday afternoon, John V. Plume, Esq., who was in the banking room, mounted the counter and addressed the crowd. He said that he was pretty well known here, and had been a banker; that he was pretty well posted up in the affairs of Messrs. Adams & Co., and knew them to be sound and solvent. They could have all the money he had if they wanted it. In conclusion, he advised the people who were there to draw their money as fast as possible and make room for others.

Many large deposits were made by business men with Messrs. Adams & Co. yesterday, and the general feeling among them was strongly in their favor and the belief in their solvency as great as ever before.

The prompt manner in which Messrs. Adams & Co. have met this large payment, at scarcely a moment's warning, exhibits the stability of their house, and the whole run will have a beneficial rather than an injurious effect upon them. The losers will be the small depositors, who have drawn out their money, many of whom will foolishly spend large portions of what would ultimately have been secure. The business men of the city have expressed no fear of the solvency of the house, and the whole movement is looked upon as ridiculous.

The rush appeared to die away about 3 P. M., and from that time until 5 o'clock, the throng were spectators merely. Messrs. Adams & Co. kept their banking house open until 11 P. M., but after 6 o'clock very few payments were demanded, showing the excitement to have died away, and their business will progress to day as though nothing had transpired, and the men who, like frightened sheep, yesterday run to get their money, will probably be bringing what there is left of it back to make a fresh deposit. Seriously, how such an apparently inadequate cause could have produced such an effect, we are at a loss to imagine, and it only adds another to the long list of evidences that mankind delights to be humbugged.

### Launch of a Steamboat To-Day.

SAN FRANCISCO, Wednesday, Jan. 18, 1854.

[To the Editor of the *Alta*.]—The pleasure of your company is requested to the launch of a River Steamer to-morrow, (Thursday,) at one o'clock, P. M., which will take place at Mr. John North's Building Yard, Third street, South Beach.

The boat has been built for a Costa Rican Company, under the direction of Your ob't servant,
GEORGE T. CAUTRY.

We are obliged to Mr. Cautry for the above invitation, and will endeavor to be present on the occasion. The boat is intended for the Costa Rica trade, to ply from Punta Arenas up the Rio Grande, where there exists a rapidly increasing trade, that country producing many articles of great value in commerce.

This boat has a peculiar interest to us, it being the first built here for a foreign and distant country; it is the first product of our port in shipbuilding for foreign lands—a symptom of that fact—now plain—that San Francisco must be the principal and great shipyard of the Pacific.

THE EXPLOSION.—It is now said that the explosion at Mr. Maydot's gun shop, on Tuesday, was not caused by powder, but by percussion caps. Mr. Maydot says that one of the boxes fell down and exploded, and then fired the others. Mr. Maydot says there were but four or five pounds of powder in his shop at the time. An examination of the matter will be had before the Recorder this morning. Mons. Maydot has already been heavily fined for having in his possession a greater quantity of powder than was allowed by the ordinance.

SALE OF REAL ESTATE YESTERDAY.—The following property was sold yesterday by Messrs. Selover & Sinton, at their rooms:

100 vara lot No. 22, $400. Subdivision of 100 vara lot No. 226: No. 1, $100. No. 2, $675. Subdivision of 50 vara lot No. 295, No. 1, $1,065. Lot on Washington Square, $2,500. Lot on Mason street, $1150. Administrators sale, being part of estate of Hermon R. Haste, $3800.

THE GOLDEN GATE.—The steamship *Columbia* was dispatched yesterday morning by the P. M. S. Company in quest of the *Golden Gate*. Probably the *Golden Gate* is under sail, beating her way up, her machinery having been in some way disabled so that she cannot use her engine to advantage.

CORONER'S INQUEST.—Coroner Whaling held an inquest yesterday morning, upon the body of a colored man named J. Johnson, from Virginia. He died on Clay street, between Front and Davis. The jury returned a verdict that the deceased came to his death from a disease of the heart.

REAL ESTATE SALE.—Messrs. Selim & Edward Frank lin will sell to-morrow at 12 o'clock, subdivisions of hundred vara lot No. 212 Price street; building lots in various parts of the city; fifty vara lots in the western addition, and a much of twenty-two acres in Contra Costa County.

LARGE SALE OF BRANDIES, SEGARS, ETC.—Wm. H. Jones, Esq., will sell to-day, at 11 o'clock, at the store of Lewis Teal & Co., No 130 Washington street, to close the concern, the entire stock of fine brandies, Jamaica and St. Croix rum, Havana segars, Scotch and Irish whiskey, tobacco, etc.

BOARD OF ALDERMEN.—A meeting of the Board of Aldermen was called for last evening. There being no quorum present, the Board adjourned until Monday evening next.

THE BREACH OF PROMISE CASE.—The report of the proceedings in this case yesterday, will be found on the outside of this morning's paper.

MARION RIFLES' BALL.—The Second Annual Ball of the Marion Rifles will take place on the 9th of next month.

### FROM KLAMATH.

**Business at Humboldt.—Fight with the Indians.** The steamer *McKim*, or *Crescent City*, arrived yesterday from Crescent City. During a blow on Sunday, the *McKim* dragged her anchor and went ashore on a reef in the bay, where she lay two days. She was got off, however, without much damage.

The Purser reports that just before they left, two canoes had arrived from Smith's River, bringing intelligence of a desperate fight between a party of Indians and whites, in which seven Indians were killed. A company of volunteers immediately started out from Crescent City for the scene of conflict, which was about ten miles up the river.

The merchants at that port are driving a brisk business, and forward by this steamer nearly one hundred thousand dollars. She brought twenty passengers.

Mr. McCombe, of Leland & McCombe's Express, arrived yesterday morning in the schooner Sierra Nevada, from Humboldt, and informs the *Picayune* that he left the bay following the accident to the McKim for Humboldt Bay, on foot with $10,000 in gold dust on his back in company, with Mr. J. L. Crowell, one of the agents of the steamer, intending to procure a vessel at the latter place, there being none at Crescent City, to bring him to San Francisco. He traveled on foot day and night for a distance of one hundred miles, over a rugged and difficult trail, crossing five streams on his journey, one of which he was compelled to swim. He arrived at Humboldt at 10 o'clock on Sunday, 15th inst., and took passage in the schooner Sierra Nevada, Capt. Woodley.

Mr. McCombe informs us that a courier arrived at Crescent City, from the mouth of Smith's river, eight miles from the former place, with information that an Indian had stolen a white man's clothes, and that the whites immediately formed a small party and attacked the Indians in that vicinity, and killed eight of them. The courier came in for the purpose of getting more men to go out and give the Indians a lesson that would serve them as an example for the future.

After Mr. McCombe's departure, the McKim succeeded in floating from her disagreeable position, and this morning she arrived at this port without having sustained any damage.

The miners at the Gold Beach, or Port Orford diggings, have been compelled to suspend operations in consequence of the prevalence of extraordinary high tides. We learn that a new machine for separating gold from sand has lately arrived at Gold Bluffs, and that it will be in operation in a short time. Great results are anticipated.

Numerous farms are being located about Crescent City and agricultural prospects for the approaching season are promising.

Persons desirous of sending letters, papers, or packages to Crescent City, or to that region of the country, can do so by leaving them at Leland & McCombe's office, Post Office building, Kearny street.

### The Paine Meeting.

At a meeting held last evening, pursuant to call, at the Superior Court room, in this city, the following preamble and resolutions were adopted:

In consideration that the clear understanding and discrimination of the most enlightened views of religious philosophy are highly important to the human race, even in the performance of the ordinary duties of every day life; and that such most enlightened views are for all our purposes truth, which cannot be evil and must be good, and consequently should be openly advocated; and that the belief in untruth must by its very nature have a demoralizing and debasing influence; and that the boldest, most skeptical and most thorough investigation, is the only crucible whence truth can come pure, and that the (self-styled) orthodoxy pretends from becoming acquainted with liberal views, and to cast odium upon those views, and upon all who openly advocate them; and that many who entertain liberal views do not venture to express them on account of this persecution, whereby a veil of slavish hypocrisy is thrown over the face of society therefore

*Resolved*, That we consider it a duty which we owe to truth and the liberty of free discussion, to assert publicly the moral propriety as well as the legal right, to advocate openly any religious opinions honestly entertained, and that to hold a public dinner upon the birth-day of some celebrated freethinker, will be a proper manner in which to make such assertion, and to protest against the internal despotism of the age.

And in consideration that Thomas Paine was, as we believe, an honest man, a bold and liberal thinker, and a clear and very able writer, whose works are comprehensible to the most common understanding; that he did not enumerate the pernicious doctrine advocated by many great philosophers, that the prevalence of the most enlightened views among the mass of the people would endanger the peace of society or the purity of morals; that he was an earnest friend of freedom, and an influential worker in securing the independence of the United States, and in disseminating democratic principles through two hemispheres, and that his works are read and admired by all enlightened nations; therefore

*Resolved*, That without any blind veneration for the character of Thomas Paine, or any intention to subscribe to his religious opinions, or to find fault with those who fairly combat them, we will ceaseless pay respect to Paine and our resolution to demand respect for our own opinions by taking part in a public dinner upon the approaching 29th of January, the birth day of Thomas Paine.

*Resolved*, That we will invite all of every language, nationality and form of religious belief who approve of the views expressed in the foregoing preambles and resolutions, to unite with us in this dinner.

*Resolved*, That upon next Saturday evening, the 21st inst., at 8 o'clock, we will hold a meeting in this Hall, to make further preparations for the dinner.

*Resolved*, That a copy of these preambles and resolutions be offered to every daily paper in this city with a respectful request to publish the same.

J. HUDSON, *Chairman*.
J. S. HITTELL, *Secretary*.

### LAW REPORT.

**Supreme Court.**—Before Judges Hydenfeldt and Wells.—Jan. 18.

*Snyders* vs. *Pitcher & Poole*; *Goulden* vs. *Buckelen*, and *Milton* vs. *Peck*, argued and submitted.

Nos. 298 and 280 were continued for the term. Nos. 211 and 287 set for Monday, and 286 set for Tuesday.

**District Court.**—Before Judge Lake.—Jan. 18.

*Gates* vs. *Buckingham*, on trial. See first page.

**Superior Court.**—Before Judge Satterlee.—Jan. 18.

*Sutton* vs. *Woods*, on trial.

No. 90 set for Monday; Nos. 15 and 62 placed at the foot of the calendar.

**Court of Sessions.**—Before Judge Creigh.—Jan. 18.

*People* vs. *Alex. Francis*. Indicted for grand larceny. Jury disagreed.

The Grand Jury brought in two indictments against G. C. alias *alias* Wm. Jones and Henry Buckland, for obtaining money under false pretences; against Lewis Leclaim and Henry Gray for murder (at the Mission) and against Wm. Mickle alias Coyote Charlie, and Wm. H. Hayes for highway robbery.

## LEGISLATIVE PROCEEDINGS.

[BY ADAMS AND CO.'S EXPRESS.]

BENICIA, Wednesday, Jan 18th, 1854.

### OFFICES OF THE STATE OFFICERS.

SENATE.—Mr. Whiting, on the part of himself and Mr. Kendall, the Committee on Public Buildings, to whom was referred a special message of the Governor, accompanied by a communication from citizens of Benicia, tendering a brick building lately erected in Benicia, for the use of the State officers, recommended that the citizens be thanked for the offer, but that different arrangements should be made for the accommodation of the State officers, as the proposed building was unsuitable and yet in an unfinished state.

Mr. Crabb, on the part of himself, offered a minority report from the same committee, recommending that the citizens be thanked and their offer accepted.

Both reports were temporarily laid on the table.

### THE STAMP ACT.

Mr. Whiting, from the Judiciary Committee, to whom was referred a bill to repeal the act to provide for the publication of legal and official notices, reported the bill and recommended its passage.

Mr. Sprague wished to know at what time the committee had a meeting.

Mr. Heger, the Chairman of the committee stated for the information of the Senate, that in consequence of what took place in the Senate yesterday relative to this bill, he considered it to be the wish of the Senate that the committee should report upon it to-day. Accordingly, he went round yesterday evening and invited the members of the committee to have a meeting. He saw seven of the committee, all of whom were in favor of repealing the law. He also spoke to the senator from Shasta (Mr. Sprague) who informed him that he had not made up his mind upon it yet. He (Mr. H.) therefore supposed that he would have made a minority report to-day should he conclude to report against the repeal of the act.

The President gave it as his opinion that it would be a violation of all parliamentary rule if any bill was reported from a committee without a formal meeting of the committee.

Mr Heger remarked that such had been the case with every bill yet presented from that committee, and he saw no reason why objections should be made now.

Mr. Whiting observed that nothing could be further from his intention than to take any advantage of any member of the committee who was desirous to make a different report to that which he presented. He understood, however, that not a single Senator, or on that committee was desirous to report differently; on the contrary, seven gentlemen, to whom the chairman of the committee had spoken, had given it as their unanimous opinion that the law should be repealed. Under that impression he had unhesitatingly presented the report now under consideration; but to meet the objection of the chair as well as that of the Senator from Shasta, he would withdraw it till another one should be prepared expressive of the views of any Senator on the committee, who might not fully agree with it.

The report was accordingly withdrawn.

On the motion of Mr. Sawyer, the committee were instructed to report to-morrow.

### CODIFIED STATUTES.

Mr. Hall offered a resolution instructing the Secretary of State to furnish to each Senator a copy of the codified statutes of the State.

A brief discussion arose on this resolution, when it was laid on the table till the committee to whom the subject of the course to be taken with regard to the statutes was referred, made their report, which was promised to be made to-day.

Mr. Colby made a report from the committee some time afterwards to the effect that the contract had not been complied with.

### U. S. SENATOR.

Mr. Crenshaw called up the bill which laid over from yesterday, (by notice of his intention to introduce it having then been given,) prescribing the time, manner, and place of holding elections for Senators to Congress. The following is the bill:

"Section 1. At the regular session of the State Legislature, which shall convene in the month of January next, preceding the expiration of the term of a United States Senator, or at any other session at which an existing vacancy or executive appointment shall be reported by the Governor, shall be the time of electing United States Senators, the manner shall be by voice, and the place of holding such election shall be the hall of the Assembly of this State, wherever the Legislature may be in session; and the particular hour and day for such election shall be determined in each case by a joint resolution of the two Houses of the Legislature."

The bill was read a first time.

Mr. Crenshaw then moved to suspend the rules, that the bill might be read a second time.

An animated discussion ensued, in which Messrs. Ball and Coffroth contended that it had been decided over and over again, in the Senate, that no bill could be advanced more than one stage on the same day, if one Senator objected, and that a two third vote could not suspend the rule, otherwise the rights of a minority of the Senate might be at the mercy of an accidental two-third majority when it might be desirable to rush through some obnoxious bill.

Messrs. Crenshaw, Crabb and Wade, thought that any of the rules could be suspended on a two third vote.

Mr. Lyons thought that a bill might be read a first and second time on the same day, but not a third time.

If he had decided that in accordance with previous usage in the Senate, the rules could not be suspended to read a bill more than once on the same day, on any Senator objecting; but he held a different opinion himself.

Mr. Crenshaw, to test the sense of the Senate, appealed from the decision of the Chair.

On this question the ayes and nays were taken, when the decision of the Chair was sustained by the following vote:

AYES—Messrs. Bryan, Catlin, Coffroth, Colby, Dela Guerra, Heger, Hall, Hook, Kendall, Kurtz, Leatt, Livermore, Mahoney, Moore, McFarland, Sawyer, Smith, Stebbins, Tuttle, Whiting—17.

NAYS—Messrs. Crabb, Crenshaw, Gardner, Growell, Hudspeth, Leake, Lyons, McGarry, Peck, Sprague, Wade, and Walkup—12.

The bill, consequently, was laid over till to-morrow.

### REPEAL ACT—CHARTER OF SAN FRANCISCO.

On the motion of Mr. Sawyer, the bill introduced by him to repeal the act providing for the appointment of a Guager for San Francisco, was read a first time and laid over under the rules.

### REPEAL OF FLOUR INSPECTION ACT.

Mr. Leatt, from the Committee on Commerce and Agriculture, recommended the passage, without amendment, of a bill to repeal the acts providing for the inspection of flour, passed in 1852 and 1853. Temporarily laid on the table.

### REMOVAL OF THE CAPITAL.

The following reports, together with a communication from the Secretary of State, enclosing a number of documents on the subject of the various removals of the Capital—the latter being sent in—in reply to a resolution of the Senate, were read and temporarily laid on the table till twelve o'clock noon, when the Capital question should come up pursuant to the special order of yesterday:

### MAJORITY REPORT.

Mr. Hall, from a majority of the committee to whom was referred the special message of its Excellency, the Governor, with communications from the Senate and Common Council of Sacramento, and from the Court of Sessions of that county, respectfully report:

That, for the purpose of accommodating the Legislature and officers of State, in case the seat of Government should be removed to the city of Sacramento, the performance of the following propositions are guaranteed by satisfactory security:—

1st—The use of the Court-House of that city as long as the Government may desire the same, together with rooms for the accommodation of the Governor and all the officers of State, with fireproof vaults for the security of the public monies and archives.

2d—The removal of the members of the Legislature and their officers and clerks, of the Governor, and officers of State, with their secretaries and clerks, and of all the Government furniture, property and archives, free of expense to cost to the State.

3d—Said removal to be effected, and the rooms ready for the reception of the Legislature and officers of State, in three days after the Legislature shall have determined to remove.

Your committee believe that the above mentioned propositions relieve the question of removal of all objections on the score of economy, as there can be no doubt that the Municipal Authorities of that city will punctually comply with all the above named specifications, and that, according to the estimate of a competent architect, the sum of $30,000 having been tendered for State, conditioned upon the faithful performance of such stipulations. With respect to the expense occasioned by the time that may be said removal your committee believe that the same will be more than recovered in the time saved by the employment of increased business facilities at Sacramento, which will enable the Legislature to adjourn at an earlier date than it could be expected at their present location.

The acceptance of these propositions will enable the State to avoid the expenditure of large sums necessarily appropriated to the erection of public buildings for offices of State, until the happy period arrives in our financial history, when, free from debt, our ample resources will justify us in the erection of a Capitol, from material brought by railroads, from the rich quarries of our mountains, rising in view of a prosperous and happy people, worthy of the importance of our State, and the just pride of her citizens.

The opinion somewhat prevalent, that the representatives of the people should assemble in some retired and secluded spot, where, hermetically sealed from the observation of, or contact with, their constituents, they may apply themselves with studious devotion to the duties devolving upon them, seems to your committee peculiarly inappropriate for the Legislature. The agents of the people should be in as close proximity as possible with their principals. Wholesome legislation is more likely to be superintuced by actual observation of the necessities which require it, than by theoretical dreaming in hermit-like obscurity, penetrated only by such beams of light as are vouchsafed from the political heavens.

The duty of legislation is but a comprehensive transaction of business by a few assembled agents in behalf of a multitude of clients, whose causes involve the investigation of facts as they daily occur in life, and whose conflicting interests must be reconciled in harmony by wise provisions and prudent enactments. Is it not necessary that these agents, into whose hands such great and important interests are entrusted, should be in daily communion with their constituents, in order that the true spirit of their aspirations may be understood, their actual wants comprehended and the remedy applied without delay, and consequently with economy.

Where the largest amount of business facilities exist, there business can be transacted with the greatest degree of correctness and dispatch. In secluded nooks and alcoves, retired from the bustle of the busy world, the mind may plunge into profound speculations upon impracticable subjects, but become little fitted thereby to appreciate the local or general wants of a people of diversified habits, language, and principles, occupying and rapidly improving so vast and interesting a territory as the State of California.

In selecting a place for the location of the seat of Government, your committee believe that the convenience of the public should be consulted, by placing the Legislature and Government officers at some point where the laws of trade and the improvements of the age attract the presence of the people, and not in a locality known only to those who visit it to procure the accomplishment of personal objects and special advantages; at some point where lines of communication with the speed of lightning penetrate the remotest portions of the State; where the feelings of the people may be read as an open book; where the popular will acts directly upon its assembled servants, instead of being reflected upon them through channels tainted with interests too often adverse to the general welfare.

Where popular opinion may be gleaned from actual commerce with the people themselves instead of being dependent upon an article manufactured and imported for special purposes.

The fact that the seat of government has already been changed several times, affords to many a prominent objection to further change. But it should be remembered that the object of the State in all her peregrinations, was to find an appropriate location, and which, doubtless, long ere this she would have found, but for the intrigues of landed proprietors and speculators. Even the people have been deceived by princely promises and visions of a magnificent city to be created as if by magic.

Let the odium due past errors rest where it belongs, and be it our duty to continue the search after this important object until success be achieved.

If we can anticipate the censure which our fickleness in this respect seems to deserve, how can we support that which will follow from having made at least a poor choice out of so many opportunities of choosing.

Your committee forego particular reference in detail to the location of Sacramento as being the centre of inland trade, intercommunication and early intelligence, as it is believed to be within the knowledge of every member of this body, that such advantages, with all those incidents, are enjoyed by that city to a degree inferior to none other in the State, while the present location is less favored, in this respect, than any other place.

The municipal authorities of Sacramento, in addition to the proposal referred to above, tender to the State, for the purpose of a building lot for a State Capitol, the public square of that city, lying between I and J streets and 9 th and 10th streets, being 400 feet square, and worth, according to the ordinary rates of valuation of property in that vicinity, the sum of $150,000.

The acceptance of this offer will enable the State at an earlier period than otherwise consistent with the condition of her finances, to erect a Capitol worthy of her fame and character.

In consideration of the reasons herein advanced, your committee would earnestly recommend the passage of a bill entitled an act to provide for the permanent location of the Seat of Government, which bill is made the special order of business for this day.

G. D. HALL, Chairman.
J. H. WADE.
JAMES H. GARDNER.

January 18th, 1854.

### MINORITY REPORT.

Mr. Kendall, from a minority of the Committee, made the following report:

Mr. President—The undersigned, one of the committee to whom was referred the Special Message of the Governor of the State, with accompanying documents, containing propositions to the State from the City of Sacramento, for the removal of the State Capital, respectfully dissent from that city. After carefully examining the subject, would make the following report.

I am opposed to the report presented by the majority of the committee, for the following reasons: This is the eighth proposition to remove the Capital of the State. The first removal having been from Monterey to San Jose, second from San Jose to Vallejo, third from Vallejo to San Jose, by Gov. McDougal, fourth from San Jose to Vallejo, back again! fifth from Vallejo to Sacramento, sixth from Sacramento City back to Vallejo, seventh from Vallejo to Benicia, and now, for the eighth time, within the space of four years, it is proposed to again remove the Capital.

These several removals have cost the people of California enormously—far more than would be required to erect all the buildings necessary or convenient for the purposes of legislation and the preservation of the State Archives.

The undersigned believes that the present proposed removal will be attended by similar expenditures of the public money.

Nearly all of the former removals was based on pledges, and promises of the different cities to which the Capital was changed, and I sincerely believe that not one of those cities has ever complied with its engagements, and the State has no means of compelling their performance.

For the foregoing, and many other reasons, the undersigned has respectfully declined to subscribe to the majority report, and is sincerely convinced that it would be proper and advisable for the present Legislature to *continue* the Capital at Benecia and refer this important question to the people, and let them decide for or against removal.

All of which is very respectfully submitted.

THOS. KENDALL.

### ANOTHER MINORITY REPORT.

Mr. Sprague presented the following report: The undersigned, member of the Senate Committee, to whom was referred the special message of His Excellency the Governor, with accompanying communications of the Senate and Common Council of the city of Sacramento, although concurring in the recommendations of a majority of the Committee, so far as the same relates to the propriety of permanently locating the seat of government of the State at Sacramento City, cannot concur in the recommendation that the bill now pending in Senate be passed until it be so amended as to avoid the necessity of adjourning to Sacramento during the present session. He would therefore recommend that a bill be passed providing for the permanent location of the seat of government at the City of Sacramento, from and after the 1st day of July, 1854.

R. T. SPRAGUE.

The hour having arrived for taking up the special order of the day, the bill for the permanent location of the seat of Government at Sacramento,

Mr. Sprague renewed the amendment he offered yesterday, in Committee of the Whole, to the first section, to strike out "one day after its passage," and insert "1st of July next," with the view of continuing the present session at Benicia.

After a brief discussion, the amendment was negatived—ayes 3, nays 30, the minority being Messrs. Heger, Sprague and Walkup.

The bill was then read a third time and put upon its usual passage, when several eloquent and elaborate addresses were delivered to the Senate for and against removal.

As the majority and minority reports of the committee, inserted above, embrace all the views of the five gentlemen who spoke at length, the bill is not deemed necessary to give their speeches.

Messrs. Hall, Catlin and Colby supported the bill, and Messrs. Crenshaw and Moore opposed it.

The bill was lost by the following vote:

AYES—Messrs Catlin, Colby, Gardner, Growell, Hall, Hooke, Keene, Livermore, Peck, Sprague, Tuttle, Wade, Walkup and Whiting—14.

NAYS—Messrs. Bryan, Coffroth, Crabb, Crenshaw, De la Guerra, Heger, Hudspeth, Kendall, Kurtz, Leake, Leatt, Lyons, Mahoney, Moore, McFarland, McGarry, Sawyer, Smith and Stebbins—19.

Mr. Hall, immediately after the vote was announced, gave notice of his intention to introduce, before the lapse of five days, a joint resolution for the temporary removal of the capital,

Adjourned.

ASSEMBLY.—House met pursuant to adjournment. Mr. Mandeville in the Chair.

### PETITIONS.

Mr. Hubbard presented a petition from Pacific Milling Company asking the right to use the hydraulic power of Mission Creek, in San Francisco, for milling purposes. Read and Referred to Committee on Corporations.

### REPORTS OF COMMITTEES.

Mr. Davidson, from Committee on Public Expenditures, reported back the bill requiring the Comptroller to audit certain accounts of the members of the present Legislature, and recommended its passage.

House in Committee of the Whole, Mr. Davidson in the Chair, considered the bill, and reported it back with the same recommendation. Bill read a third time and passed.

### GOVERNOR'S MESSAGE.

Mr. Conness offered a resolution appropriately referring the various portions of the Governor's annual message, which was adopted.

### NOTICES OF BILLS.

Mr. McKenny gave notice of a bill relating to evidences before Courts.

Mr. Hagan of a bill to provide pay for Supervisors and viewers of roads.

Mr. Van Cleft of a bill for the suppression of gaming.

Mr. Swensey of a bill for the protection of settlers on inchoate Mexican and Spanish Grants.

Mr. Aviette of a bill to amend the revenue law.

Mr. Tivey of a bill to provide for holding terms of the District Court in Tulare County.

Mr. J. W. Park of a bill regulating the salary of officers and pay of members of the Legislature.

Mr. Ewer of a bill to prevent the use of intoxicating drinks in the prisons of the State.

Mr. Leicher of a bill for the relief of Walter Van Dyke.

Mr. Warnicastle of a bill to regulate fees of office.

### RESOLUTION.

Mr. Jones offered a resolution authorizing the Speaker to appoint additional members on committees where members fail to attend for two consecutive meetings without leave of absence. This resolution gave rise to a warm discussion, and was finally laid on the table.

Mr Whipple offered a resolution empowering the Judiciary Committee to employ two clerks.

Mr. Goddard moved to amend by inserting six. Mr. James, by inserting seven. The resolution was afterwards withdrawn.

### THE FILLIBUSTERS.

Mr. Green offered the following joint resolution, which was read and laid over under the rule:

Whereas, large bodies of men, calling themselves citizens of California, have left and are still leaving our shores to make war upon and appropriate to themselves the lands of a weak neighboring Republic, now at peace with the United States of America, therefore

*Be it Resolved*, By the people of California, in Senate and Assembly represented, that the act aforesaid is piratical, ungenerous, and unworthy of American citizens, lessening the dignity of the American name among foreign powers, and is calculated to retard the amicable acquisition of the States of Chihuahua, Sonora, and Lower California which our Government is at present so desirous of effecting.

### BILLS.

Bill relating to Supervisors. Read and referred to Judiciary Committee.

Bill amending the act relating to County Judges. Read and referred to Judiciary.

Bill creating the County of Merced. Read and referred to Committee on Counties and County Boundaries.

Mr. Henry was, on motion, added to this Committee.

Joint Resolutions for the abolishment of the U. S. Board of Land Commissioners. Read and referred to Committee on Public Lands.

Bill allowing pay to Judges, Inspectors, and Clerks of elections. Read and referred to Committee on Elections.

On motion of Mr. Conness, the certificates of the election of members were referred to Committee on Elections.

### GOVERNOR'S PRIVATE SECRETARY.

The Bill to provide to pay for the Governor's Private Secretary was taken from the table and considered in committee of the whole.

Mr Ireson in the chair. The bill was reported back without amendment and referred to Committee on Public Expenditures. (The bill proposes to increase the pay of the Secretary to $270 per month, the same as that of other clerks in the several departments.)

### PRAYER.

Mr. James offered a resolution requesting the Speaker to invite the Rev. Mr. Woodbridge to commence the deliberations of the house each day with prayer. After some discussion the resolution was withdrawn.

Mr Simmons offered a resolution that the house proceed to the election of a Chaplain on Tuesday next. After a lengthened discussion, the resolution was laid on the table by a vote of 39 to 19.

### FEES IN OFFICE.

Mr. Stephenson introduced a bill to regulate fees in office, which was read a first time and laid over under the rule.

Adjourned.

## LETTER FROM MARYSVILLE.

**The Rains—Streams Swelling—Danger of an Overflow—Kohle, the Murderer—The Courts—State of Society—Snow and Storm.**

MARYSVILLE, Jan. 16, 1854.

My last letter, or that portion of it having reference to the late celebrated Lady Correspondence, created quite a flurry in *certain circles*. I am happy to inform the redoubtable champions of the *Herald* of this city that "I still live," and that the crows have not got me, and probably will not before the dogs get them. So much for so much.

The most interesting occurrence of the last few days, and what most immediately concerns the people of this locality, and, perhaps, of the entire state, is the plentiful rains with which we have been visited since my last. The prospect of a flood was most imminent for a few hours. The river rose some two feet above the natural banks, so that the lower portions of the Plaza were inundated when the rains subsided and the waters began to recede.

A threatened flood was never more complacently regarded by all, even those who expected to be the greatest sufferers thereby, than the one we have, for the time being at least, escaped. No water in sufficient quantity to enable the miner and farmer to pursue their avocations is to California its very life blood; without it we cannot exist, and with it in healthful and abundant currents, we are strong and vigorous.

Kohle, the murderer, was brought before Judge Bar four last Monday, and sentenced to be hung on Friday, the 18th of February. I have seen the condemned man several times since he was sentenced: he protests his innocence of any intention to kill his victim. He still flatters himself that the sentence will not be executed. One thing is clear to my mind, that, if it is, he will "die game."

Curses both "loud and deep" are freely vented against the dilatory manner in which our courts are working. The calendar is literally crowded with cases, both civil and criminal, many of them important ones, and of long standing. It is a gross outrage upon us to be treated by the "powers that be" as though we *had* no rights, to be regarded as so many serfs, or puppets to be toyed with as it may suit the whim or caprice of those placed in authority over us. Can nothing be done to relieve us? or must we endure for long years yet this incubus, before we can have a chance to right ourselves at the ballot-box?

It is gratifying to know that gambling is fast dying out, dying a natural death. The moral sense of the community is doing for us what our law makers have failed to do, and doing it a great deal more efficiently than they could have done it. There is no doubt this hydra-headed monster will disband, but die he must, for the people have returned to their reason, in a great measure. They see that they have for years been in a whirl of wild delirium, that they have put to their lips a poisoned chalice which has well nigh corrupted the blood of our body politic and social beyond the power of curative remedies.

Those who resorted to this country in early years were imbued with about the same views that most of our Eastern merchants were in their early shipments of merchandise to California. They imagined that "anything would do for this market." They shipped "anything," and found, to their cost, that "anything" would not do; that success could only be had by sending hither the very best they had. It was a lesson hard to learn, and expensive; it was, however, at last learnt, and has led thousands to fortune. So with those who attempted to give tone and character to our people. *They* also thought "anything" would do here; they drove pell mell into the wildest torrents of dissipation, and bade the people follow on. They