SACRAMENTO DAILY UNION.

THURSDAY, JANUARY 13.

NEWS OF THE MORNING.

We publish to-day several recent decisions of the Supreme Court. State of California vs. Jas-H. Moore .- In this case, which is one of great importance in principle, defendant was the owner of a certain mining claim, for which he paid the sum of twenty thousand dollars, and upon which. since the purchase, he has expended the sum of five hundred dollars, in opening a tunnel. These sums were assessed against him, as money invested in the business of mining. The object of this action is to test the legality of this assessment, and the questions presented are: 1st. Whether, under the Constitution, it is in the power of the Legislature to tax mining claims; and, 2d. Whether money invested in the purchase and opening of such claims is within the provisions of that portion of the Revenue Act which provides for the levy of a tax on "all capital loaned, invested or employed in any trade, commerce or business whatsoever." The Court say, upon the first of these propositions we entertain no doubt. The only objection to the power of the Legislature to impose such a tax arises from the fact that the mines are the property of the Government, and are exempt m taxation under the Act admitting Califor nia into the Union. This fact, however, if admitted, does, in our view, militate against the right to levy a tax upon the interest of the possessor of such claim. The whole course of legislation and judicial decisions in this State, since its organization, has recognized a qualified ownership of the mines in private individuals. Contracts affecting mining claims have been constantly enforced; remedies have been afforded to those whose possession has been disturbed, or whose claims have been trespassed upon by allegiance. Be this as it may, the English law others, and the right of the locator to sell, hypothecate, or in any manner dispose of his property in a mining claim, has been upheld, as well by legislative enactment as by judicial decisions. Upon the second proposition, the Court say, the rule would be unequal, and would, in a large class of cases, be productive of palpable injustice, hardship and oppression; it would exempt the first locator of a claim from taxation, while his vendee would be compelled to pay a percentage upon the purchase price, although the value of the claim at the date of the assessments might not be a tithe of the sum. The claim may yield no return whatever; may prove entirely useless for any purpose, yet the price paid, would under the rule contended for. be a permanent "investment of capital," and the party compelled to pay yearly a percentage on the amount. It comes to the conclusion that the Legislature having expressly exempted mining claims from the operation of the Revenue Act, it cannot presume that it intended indirectly to subject them, by levying a tax on the price paid for them, which would, be a partial and unequal mode of ascertaining the value, and, in a majority of cases, be productive of great injustice. Judgment of the Court below is reversed In this case it appears, that on the 3d of November, 1856, the plaintiffs brought suit againt one Arronson, of Sacramento, to recover the sum of ten thousand and one hundred dollars, and issued an attachment and levied upon his property. On the same day, but subsequent to the levy of the attachment of the plaintiffs, several other crditors of Arronson commenced suits against him, and caused attachments to be issued and levied upon the same property. Judgments in the several suits passed by default, and the plaintiffs immediately issued execution upon the one recovered by them, under which the Sheriff proceeded and sold the property attached. Whilst the property was in the Sheriff's custody the other creditors instituted suit to set aside the judgment of the plaintiffs as fraudulent and collusive, and obtained an order from the District Judge, directing the payment of the proceeds of the sale into Court, to abide the determination of the suit, upon filing a bond, to be approved by the Clerk, in the sum of one thousand dollars. The order was indorsed upon the complaint in that suit and filed with it. The undertaking, which is the subject of the present action, was then executed, and the restraining order issued. The present action is to recover the damages sustained by reason of the restraining order. The

and three that he is a citizen.

IS HE ELIGIBLE?

The question involved is one of real importance, and one rather difficult of solution. No similar one has ever been presented in the United States-though some have been decided by the Courts involving the same principle. Those cases, too, were all in favor of the proposition that an American born citizen did not forfeit his citizenship by swearing allegiance to another Government, provided he returned again to the United States. Some political opinions of men in power, it is said, have been given to the contrary.

The majority report is written somewhat in the spread eagle style ; it treats upon the high privilege of being an American citizen, but concludes, upon the testimony of C. Duncombe himself, that he is a British subject and not an American citizen. A resolution is appended declaring his seat vacant.

Charles Duncombe was born in Connecticut, went to Canada when a young man, was elected to the Provincial Parliament and took the usual oath of allegiance to George the Fourth and his successors. But in doing so he was not required to "abjure" his allegiance to the United States; the English Government in them recognizing the doctrine of "once a subject always a subject." Hence, under this principle the Courts would probably hold that an American citizen could not abjure his only requires an alien to swear allegiance to the Crown, while our law requires him to abjure all allegiance to the country of his birth. So long as he remained in Canada the oath of allegiance made Duncombe a subject of Great Britain, but the moment he left British soil he ceased, according to their decisions, to be a subject, because he was not an Englishman by birth. But C. Duncombe is by birth an American; since he swore allegiance to English laws he returned to his native country, and has resided in it for about a quarter of a century. He has also sworn to support the Constitution of the United States and of the State in which he lived, nearly or quite a dozen times. Even had he lost his citizenship, would not such an oath again restore it ? Were not his rights as a citizen instantly revived upon his returning and taking an oath to support the State and United States Constitutions? Our naturalization laws were made for aliens-men born in foreign lands. Charles Duncombe is an American by birth and therefore not an alien. Before his return to the United States, we learn with costs..., Hayman et al. vs. Landers et al. that he consulted the Attorney-General of Ohio as to the necessity of his being naturalized. He examined the matter and advised him that it was unnecessary, as he was not an alienthat, in fact, under the law he could not be naturalized. Subsequently he consulted Caleb Cushing, of Massachusetts, late Attorney-General of the United States, and he also advised him that no naturalization was necessary in his case : that he was not an alien, but an American born citizen, to whom the naturalization laws did not and could not apply. Under these circumstances is it surprising that Charles Duncombe should have considered himself an American citizen for a quarter of a century? His citizenship ought never to have been questioned, and to us the doctrines laid down by the majority report are more proscriptive than the worst features of Know Nothingism. It is more proscriptive than that party ever was, for in this case an American by birth is declared to be no citizen because he has not been naturalized. How shall we go to work by law to naturalize a natural born citizen? To talk of naturaliz-

AMENDMENTS. Two reports, a majority and minority, were The Board of Supervisors has recommended made vesterday in the Assembly upon the eli- a few slight amendments to the Consolidation no small degree of interest. It is expected to gibility of Charles Duncombe to the seat he now Bill. One of them is to provide for transfer- contain a detailed account of the management. occupies in the Assembly from this county. ring money from the Salary Fund, which has a operations and expenditures of the Penitenti-Four members report that he is not a citizen, surplus, to the Contingent Fund. The latter is ary for the past nine or ten months. Suggesexhausted, and the county left without a dollar tions upon the future policy for governing the

to pay ordinary expenses. There is also an amendment demanded which past year, are also looked for. the Supervisors have not presented. It is to section 36, which distributes the revenue. large decrease in expenditures, and an improve-The revenue collected "prior to the first day ment in the management of the prisoners and of January, 1859," shall be set apart and appor- in the arrangements made for their comfort and tioned as follows, viz.: "12 per cent. to a subsistence. But the plans and provisions School Fund; 8 per cent. to a Pauper and there, it would be unreasonable to suppose, are Indigent Sick Fund; 18 per cent. to the Salary as perfect as they should be. The Governor Fund; 12 per cent. to the Contingent Fund; admits that the provisions for keeping prisoners and the balance to a General Fund, which shall are so limited, so inferior to the demand, as be applied to the payment of the outstanding to merit the severest condemnation. For years Auditor's warrants lawfully drawn on the past the Prison has proved an incubus upon Treasury, and payable in the order of their the State Government. It has been an eye registry." "And the revenue accruing and sore to the people, as well as a gulf which abcollected for the county after the first of Jan- sorbed a large portion of the money paid into uary, 1859, when paid into the Treasury, 25 the State Treasury. But it is believed a better per cent. shall go to the Interest and Sinking day is dawning-that the lowest depths of mis-

Fund; 10 per cent. to the School Fund; 8 per management have been sounded-and that cent. to the Pauper and Indigent Sick Fund; hereafter the administration of that institution 25 per cent. to the Salary Fund; and the bal- will each year be marked by improvement and ance, 32 per cent. to the General Fund; all of real progress in humanity, economy and usewhich shall be exclusively applied to the sev- fulness. The time has fully arrived for such a eral purposes for which said funds were set change. apart.'

It is evident from the language above quoted, the building of a Branch Prison. A division that the intention was to appropriate fifty per of members will follow; this will enable the cent. of the revenue collected before the first discipline to be changed for the better; give of January, 1859, to pay outstanding warrants, an opportunity for doing something in the line and that, after the 1st of January, of the revenue of reformation, and enable the labor of concertain funds, and the remaining thirty-two per also cut off an expense of thousands now incent to a General Fund to defray the current curred for transporting convicts from the expenses of the county. But by using the term northern counties to San Quentin. Indeed, General Fund instead of Contingent Fund, the the arguments in favor of a branch are so intention of the law may possibly be defeated. numerous and cogent, and the disposition to It is claimed by those who hold old warrants, adopt the policy under consideration on the that the section as worded appropriated fifty per | part of members so general, that no serious cent. of the revenue collected before the first of opposition is anticipated. January, 1859, to pay outstanding Auditor's warrants, and thirty-two per cent. of the revenue received after the first of January for the same roots of the evils attending our Penitentiary purpose, until all those warrants are paid. Notice has been given the Auditor to this

effect. Section 38 of the bill provides that "The following claims shall be received and funded punishment is adopted by statute too indisunder the provisions of this Act. First, all legal debts or liabilities against the county of Sacramento, which may be unpaid and unpro- penalties in County Jails. vided for by this Act on the first day of January, 1859."

It was certainly the intention of the author of the bill to provide for funding all warrants accruing prior to 1859, were to be funded. But the holders of those not paid now come submitted to the Legislature. forward and claim that they are not required to fund, as their warrants are provided for by appropriation of the thirty-two per cent. in the General Fund. And the language of the Act so far sustains the position that the Auditor does not feel safe in denying that construction of the section. Had the words " Contingent Fund " been used in place of " General Fund," no such difficulty could have arisen.

If the construction contended for by the holders of unpaid warrants obtains, the county will be left for an indefinite time without a dollar to pay her contingent expenses. It certainly was never intended that the county should be placed in a position where she would be without a dollar to defray ordinary county expenses, and her Supervisors at the same time prohibited from creating one cent of indebtedness. Section 36 should be amended by striking ou the word "General" in the second apportionment, and inserting "Contingent." That would make it read that thirty-two per cent, should ing a native born American sounds to us most go to the Contingent Fund instead of the Genridiculously absurd. The people of Sacra- eral Fund. This was the original intention, ability. There is a strong party current ming i unless some such amendment is made the

BY TELEGRAPH TO THE UNION.

BY THE STATE TELEGRAPH LINE. San Francisco News-The Pollock

GENTLEMEN'S AND BOYS' Benefit-Glimpse Case. SAN FRANCISCO, Jan. 12th. There is a great rush for seats to-day for the Clothing and Furnishing Goods, Pollock benefit. The line at 8 o'clock this HEYWOOD'S BUILDING, corner J and Second stree SACRAMENTO

CLOTHING.

I. & S. WORMSER.

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Branch: WILLIAM MEYER & CO., 170 Clay street, d18-2dp1m SAN FRANCISCO.

FASHIONABLE CLOTHING

No. 60 J street, next door to D. O. Mills & Co.'s Bank Superfine black, blue and brown Frock Coats; slik satin, velvet, plush and cashmere Vests; Shirts, Cra vats, kid and buck Gloves and Hoslery. Trunks Va ises and Traveling Bags, and everything complet for a gent's wardrobe. Terms cash—at MADDEX, BOOTH & C J. N. B.—Custom clothes made to order. d25-1m2

R. T. BROWN & CO.,

22 77 J street, bet. 3d and 4th. IMPORTERS AND DEALERS IN

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FURNISHING GOODS.

SUPREME COURT REPORTS!

NOW READY AND FOR SALE AT

THE UNION OFFICE

THE

OPINIONS

OF THE

SUPREME COURT,

FOR THE

OCTOBER TERM, 1858,

WILL BE PUBLISHED ON THE SAME DAY.

All the OPINIONS delivered during the year

1858,

With Digest and Table of Cases !

VAN WINKLE & DUNCAN.

TOOLS,

Fourth street, between I and J,

IRON, STEEL & SHITH'S

Price ...

DEALERS IN

Prison, founded upon the experience of the morning extended to Montgomery street from the Opera House. Seats in the dress circle are all taken. Some dissatisfaction at the management has been expressed.

A decision will be rendered to-morrow in the Glimpse libel case.

Arrived to-day, bark Evangeline, Rio Janeiro, 104 days, with coffee.

MARRIED.

Jan. 10th, WM. R. RICHARDSON to In San Francis In San Francisco, Jan, 10th, WM. R. Ricfardson to HARRIET N. BARRETT. At Portland, O. T., Dec. Sist, R. R. RILEY to MARTHA J. PERKINS. At Portland, O. T., Jan. 1st, ROBERT PATTEN to MAR-At Portland, O. T., Jan. 1st, KOBERT PATTER to MAR-HA MCBERNEY. At Milwaukie, O. T., Jan. 1st, HENRY WOODARD to AL-IRA WHITCOME. At Edgartown, O. T., Dec. 29th, JOSEPH A. MAYHEW O ANNIE F. FEHER. In Cache Creek township, Yelo county, Jan. 8d, JA-COB WADISH to ELIZABETH BOOS.

BIRTHS. Near Buckeye, Yolo county, Jan. 1st, the wife of Jo-eph 8 Campbell, of a son. At Benicia, Jan. 3d, the wife of A. McDonald, of a augnter. In Mozart Valley, Contra Costa county, Jan 2d, the

In Moral valley, contra costa county, Jan. 1st, In Ignacio Valley, Contra Costa county, Jan. 1st, Mrs. Kincaid, of a daughter. Near Martinez, Dec. 25th, the wife of A. Penniman, One of the steps towards a reform, will be

At Pinole Ranch, Contra Costa county, Dec. 22d, Mrs. Webster, of a sor

DIED. In Sacramento, Jan. 12th, of rupture of an artery, B ADAMS, aged 50 years. Funeral will take place from the Crescent City Hotel,

vitation

of Mrs. E. M. Page, aged 5 years 2 months and 18 days

EAU ATHENIENNE HAIR RENOVATOR is not a Dy but a Wonderful Chemical Discovery, possessing n deleterious properties. Its use will change Gray Hairs to their Original Life Color; it will prevent the hair from falling off, and will restore a Beautiful New Growth where it has been deprived by sickness or age It does not soil the skin or the finest linen. Sold by all Druggists, and at the Labaratory of Jules Hauel & Co., Perfumers and Importers, No. 704 Chestnu street, Philadelphia. R. H. McDONALD & CO.,

139 J street, Sacramento, Agents for California.

BAKER will commence his class for the instruction f Gentlemen, at his rooms, S1 J street, on FRIDAY EVENING, January 14th, and will continue through an entire Course of Twenty five Lessons. Those who wish to avail themselves of this opportunity of acqui Embraving all the Opinions rendered during the months ing a knowledge of this Ornamental and Beautiful Art of OCTOBER, NOVEMBER and DECEMBER, inclu will please to hand in their names as early as possible PRIVATE LESSONS will be given, if requested. sive of those in which re-hearings have been granted ja13-1w with a COMPENDIOUS DIGEST and TABLE of CASES.

FORMATION WANTED-OfWILLIAM F. COURTNEY, of Oswego, New York. Any per-knowing him or his whereabouts will please ad-sshis son, WILLIAM COURTNEY, al3 1w Sacramento Post Office. ess his son, ja18 1w

TO LET—A DWELLING HOUSE on G street, between Tenth and Eleventh streets, to-gether with a large GARDEN, containing nearly on a hundred Fruit Trees in bearing condition. Terms liberal. For particulars, inquire of ne hundred Fruit frees in angule of liberal. For particulars, inquire of MILLIKIN BROS., 175 J st.; or of ia15 S. B. LEAVITT, on the premises.

DENTISTRY ! Dr. Thos. J. Blakeney, MEDICAL, SURGICAL, and MECHAN-ICAL DENTIST, No. 117 J street, between Fourth and Fifth streets. Operations in Dental Surgery performed on scientific principles. Charges moderate. ja13-1m2dp

NFORMATION WANTED-Of a boy, fif teen years old, named MICHAEL BYRNES, who of the New York House (situated on the stage road between Marysville and Rabbit Creck) on or about the ist of July, 1853. Any information concerning him will be thankfully received by his father, MICHAEL WRNES, at Grass Valley, Newada county, Cal. GRASS VALLEY, Jan. 11th, 1859. ja18-3 H. CRONKITE. sille

Carriage, Wago and Gang Plow Make ioneer brick fire-proof shop, J st., bet. 10th and 11t Always on hand, a Full Assortment of the best Ca rnta-made PLOWS, GANGS, and CULTIVATORS. est Cal Orders respectfully solicited.

THE STEAMER UNION

FIRST EDITION.

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E. JACOBS. Auctioneer,

between the hours of 10 o'clock A. M. and 12 M. on the corner of Sixth and K streets, known as the HORSE MARKET.

HORSE MARKET. HORSES, MULES, HORNED CATTLE, BUGGIES, HARNESSES, etc. Liberal advances made on all kinds of stock. For reference, inquire at the stable of A. D. RIGHTMIRE, one door from the corner of Sixth and F streets, at the Overland Stage Office, or to E. JACOBS, 119 J street, Sacramento FASHIONABLE GLOTTATAG AND GENTLEMEN'S FUR-NISHING GOODS. A new and splendid stock just received by MADDUX, BOOTH & CO.

Overland Stage Once, of Sacramento. **E. JACOBS** Will also sell at the old place of the "Original Cheap John," at 119 J street, between Fourth and Fifth, every evening, all kinds of Clothicy, Dry Goods, Cut-lery, Clgars, Tobacco, and many other goods too nu-E. JACOBS. Strended to. All kinds of out door auction business attended to, j5-1m

JOHN BARTON. C. H. GRIMM. AUCTION AND COMMISSION HOUSE BARTON, GRIMM & CO., 55 Front street,

(C. H. Grimm Auctioneer.) Willat

11 attend to the Auction business in all its branches. les attended to in any part of the city. Particular attended to the sale of REAL ESTATE, ADMINattention paid to the sale of REAL STAIS, ADDIN-ISTRATOR'S SALES, &c., &c. CASH ADVANCES on all kinds of Merchandise. jal

NEW AUCTION FIRM FRED. FRANKS & CO.,

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AUCTION NOTICE. J. DAVIS, Auctioneer.

J. D. would respectfully inform the public of Sacra-nento and up country merchants in general, that he as established a regular Auction and Commission the Antelope Restaurant, Beg leave to state to their friends and the public, that they now offer their entire stock of is established a regular Auction and Commission usiness in general, at his commodious and spacious e proof store, 189 J street, between Fitta and sixth. Particular attention paid to Real Estate, Adminis-ator's, Assignees' Sales, Household Furniture, &c. Liberal advances to any amount made upon mer-handise consigned to me for sale. d20 J. DAVIS, Auctioneer. AT COST! As they are positively closing out business by the 1st of February, 1559. N. B.—All those indebted to the firm are requested to settle before that time. jal-1m2dp

WHEELER & WILSON'S

FIRST PREMIUM

FAMILY SEWING MACHINES.

TAYLOR & WADSWORTH, d20-1m2dp* Agents, Marysville,

UNITED STATES

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HAMBURG BRENKN FIRE INSURANCE COMPANY.

The undersigned, agent for the above favorably nown Company, begs to inform the public that he is athorized now to issue

Policies of Insurance against Loss by Fire in the Interior of the State,

AT THE LOWEST RATES. All Claims will be paid here IN CASH, immediately ter the amount of less is ascertained. For par rs, apply to M. GHEENEBAUM 186 J street, Sacramen MORRIS SPEYET, 185 Washington of PEYET,

ja12-8m2dp CHRISTMAS AND NEW YEAR'S

JUST RECEIVED FOR THE HOLDAYS-CHINA DINNER SETS; GLIT CHINA TEA SETS; SILVER PLATED CASIORS; OR^AMENTAL CANDLESTICKS; SOLAR AND FLUID LAMPS; VASES; MIRRORS; OVAL TRAYS; CHILDREN'& TOYS, And a general assoriment of GLASSWARE, &c. JOSEPH LOREN'S

JOSFPH LOHNER. 121-2dp No. 146 J st., het. 5th and 5th H.R.

GALENA STEEL PLOWS. 100 JUST RECEIVED-manufacture by Evans & Adams, Galena, Illinois. Fo

jal-1m2dp BAKER & HAMILTON. J street, near the Love

DR. L. J. CZAPKAY'S

HAVE JUST RECEIVED AND IN STORE. 200 tons Refined Bar Iron; 10 tons Norway Shapes;

jal-1m2dp

DR. L. J. UCAL AND SURGI-CAL INSTITUTE, Sacramento street, below Montgomery, opposite Pacific Mail Steamship Compa-ny's office, San Francisco.. Established in 1854, for the permanent cure of all Chronic and Private Diseases, and the Suppression of Onackey

Dironic and Frivate Discasts, and the Provide Augustery. Attending and Resident Physician, L. J. CZAPKAY, M. D., late in the Hungarian Revolutionary War; Chief Physician to the 20th Regiment of Honveos, Chief Sur-geon to the Military.Hospital of Pesth, Hungary, the late Lecturer on Discasses of Women and Children, and te Lecturer on Diseases of women and Onhuren, and onorary Member of the Philadelphia College of Med

A CARD.

GIBBS & HOLMES.

AND COAL, Seventh street, between I and J, have in store— Casisteel,

Roston Iron Axles, Rellows, Anvils, Vices, Borax, Nuts and Washers, Cumberland Coal, &c., &c. j6-1m2dp

FRUIT TREES AND VINES.

I AM OFFERING TO THOSE

planting Orchards, Vineyards and Gardens, a large amount of all kinds of FRU1 TREES and Foreign and Native GRAPE VINES, at such prices as offer great inducements to purchasers to plant largely. Nursery one mile below the Railroad Depot, on the

Dealers in trees supplied on reasonable terms, m2dp WILSON FLINT.

FRUIT TREES!

bank of the Sacramento river. During the se hall keep a stock of Trees and Vines in the vacant lot on J street, next to corner of Second

American Bar and Band Iron,

Norway and Swedes Iron,

modified as to admit of the infliction of more It has been customary for the Senate and Assembly to send down committees during each session to investigate State Prison matters, and that custom will doubtless be obnot paid by the first of January, 1859, and served by those bodies this Winter. It was which were not provided for in the first portion thought judicious in the Senate to postpone of Section 36. Those not paid by the revenue the appointment of such a committee, until after the report of the Board of Directors is LEGISLATIVE. An effort was made in the Senate yesterday to everse the decision of that body on the justice and necessity of the office of State Gauger, rendered the day before. Nearly the whole session was consumed in debate on the proposition. It was finally lost, however, by a vote of 11 to 23 The Judiciary Committee reported two Acts relating to the creation and settlement of the omestead ; recommending the printing of 24

STATE PRISON BOARD.

The report of this Board is looked for with

The figures, it is to be hoped, will exhibit a

copies of each bill. Two other bills were reported, each local in its nature. The remainder of the business, under the head of introduction of bills and the work on general file, concerned local subjects of no general interest.

The Committee on Elections, in the House. pade yesterday minority and majority reports i the case of Montgomery vs. Duncombe. Both will be found among our proceedings. The consideration of the matter was made the special order for Tuesday next, at 12 o'clock. The reasoning of the minority is forcible. The report of the majority is not characterized by much

K street, on Friday, at 2 o'clock, P. M. Friends and ac collected, sixty-eight per cent. should go to victs to be more profitably directed. It will quaintances are requested to attend without further in In San Francisco, Jan. 10th, LITTLE ADA, daughter Preserve the Hair !- Jules Hauel's We doubt, however, whether the ax can be fairly brought to bear successfully upon the system, except by a complete revision of our system of penalties. Too many of them are Importers and Wholesale Druggists, now inflicted for violations of law, by imprisonment in the Penitentiary. That mode of ia13-1w Private Lessons in Drawing -George criminately. Our criminal law ought to be so

Court gave judgment for the full amount of the | mento county elected Charles Duncombe to the undertaking. From this judgment, defendants seat he occupies. He has lived among them Court deemed not to be well taken, excepting the third, which is, if the defendants are liable upon the undertaking, the rule of damages must be the legal interest of ten per cent. a year upon the money in Court. The cause is remanded to the Court below, with directions to modify the judgment in accordance with this opinion, the costs of the appeal to be allowed to the respondent Old vs. Steamer Uncle Sam: Sherman vs. Johnson. Re-hearings granted.

Decisions have been rendered in the following cases, which will be published at an early day, at length. For the benefit of the profession we note the judgments at this time: In the matter of the estate of Tompkins, the judgment, so far as it requires appellant to charge herself with the homestead and its rents and profits, is reversed, and in other respects it is affirmed Wheatley vs. Strobe, defendant, and appointed to see that the proceedings are cor-Wilcoxson & Co., Intervenors, Judgment reversed and cause remanded for further proceedings....Jordan et al. vs. Giblin et al. Judgment affirmed May vs. Borel. Judgment affirmed.

The following payments were made by County Treasurers vesterday to the State Treasury Stanislaus, \$4,974 74; Merced, \$6,438 91; San Jonquin, \$37,780 53; Plumas, \$3,732 84; Siskiyou, \$10,827 82; Butte, \$25,756 40. Total, \$89,511 24. Disbursed yesterday, \$5,892 17. Amount remaining in the State Treasury at the close of business yesterday, \$820,921 70.

The Golden Gate and the Southern Overland Mail, having each been out 24 days, may be expected to-day.

A case of habeas corpus, involving the legality of the Act of April 26th, 1858, to prevent the further immigration of Chinese or Mongolians to this State, was heard yesterday before Judges Baldwin and Field, of the Supreme Court. The decision, as will be seen elsewhere in our col-umns, was adverse to its constitutionality. It will be recollected that several months since Hall McAllister, of San Francisco, put forth a reconstruction professional opinion to the same purport. As soon as the Judges can obtain time, the decision will be written out at length.

THE FOREST HILL ROBBERY .- A correspondent of the UNION, writing from Forest Hill, Januar," 11th, gives the following particulars concerning the robbery alluded to in our columns vesterday :

umns yesterday: The stage left Forest Hill at about three o'clock in the norring, with one inside passen-ger and two Chinamen, and the messenger on the seat with the driver. When about half way to Todd's Valley, a body of seren or eight men, disguised, sprang out from a clump of trees, some seizing the horses, and two upon either side of the stage with revolvers cocked and al-most touching the persons of the messenger and driver, demanded the treasure boz. The spot was well selected for their purpose, the road being narrow with room only sufficient for the stage to pass between a few large pines upon one side and an uprooted tree upon the other. It was badly cut up by ruits and somewhat wind-ling, and was merely a new path alongside of the old road. A single step from out behind the trees placed those on the stage within almost reach of the robbers, who fired three shots as they showed themselves, one of them leaving its wind upon the faces of the messenger and driver, as they state. The driver made no effort to go as they state. The driver made no effort to go ahead, and in reaching forward from his seat found a revolver keeping movement with him, and at the same time leaving a revolver covering both sides of the messenger. Another of the party attended in like manner upon the inside passengers. The messenger did not shoot at all; it is said he was carrying his pistol before him, but his fears prompted its use in the first instant, but afterwards, by the order and threats of the crowd, he threw it down. The robbers struck

& Co., near the road at daylight.

appealed, and made several points which the for years, and they are satisfied that he is an the Courts. American citizen, and they feel that they are more interested in the result of this inquiry, so unnecessarily raised in the Assembly, than information in regard to the Indian troubles in their representative.

> THE Journal question was disposed of yesterday by a compromise which strikes us as a very decided giving way on the part of a ma-iority of the Assembly. The select committee valley. Besides, the Indians had lately stolen

which had the matter in hand reported that it was, in the judgment of the members, " practicable" for the Clerk to write up his Journal daily, but still recommended the rescinding of ains alone are missing, and it is supposed the the resolution offered by Mr. Aud. The committee also reported a resolution providing that knowing that more than one hundred Indians the Clerk shall have two days within which to have been killed by whites within three or write up his Journal, and that a committee be four months. rectly copied from the scroll. This resolution admits the objections to the old mode to be son Valley, a reply from J. S. Child, Probate well founded. It concedes that the practice of Judge, to some strictures made in the UNION, leaving the proceedings of the Assembly tied by a correspondent, over the signature of up in little bundles for weeks is dangerous, and

ought not to be tolerated ; that the Clerk can mistakes in the Record on the part of the ceedings of the Assembly daily in the Journal. to enter daily on the Journal. The proceedings are first to be written upon the scroll and ings of the Assembly for the session must be twice written, whereas if entered directly into the Journal, one would suffice. The plan of thirty days' work after the Legislature adjourns. and if the Examining Committee is so particu-

lar in the discharge of its duty as to compare each day's record with the scroll from which it was copied, a correct Journal may be certainly secured. The House, though, ought to have

insisted upon the original resolution.

STATE PRISON AFFAIRS .- We learn that a large lot of flour was purchased of a house in San Francisco and sent to the Prison. A portion of this was used, and the result was considerable sickness among the prisoners. The balance of the flour was immediately sent back. It is said that some seventeen of the prisoners declined their rations, and one convict, a regular gormandizer, devoured not only his share. but that of the seventeen. Yet he was not more sick than the others. We think the Governor would render a service to the State by pardoning this individual, on condition that he leave the country. If he stays long in the Prison, his "unbounded stomach" may breed a famine not only there but throughout the State.

WE learn that efforts are making to reorganize the company and revive the project of building a railroad from this city to Benicia. There are some heavy interests interested in ap a light when the stage had passed on a few rods. The broken box, letters untouched, masks, etc., were found, by the Agents of Wells, Fargo soon assume a definite shape.

ling in the discussion of this matter, which will county government will be unable to go on, unless relieved from its awkward position by

Eden Valley. He says that, on the 31st of December, three men attacked the Indian rancheria, containing forty squaws and fifteen bucks, and killed fourteen of the latter. The cause of the attack was that the Indians of this all the stock of an old man in Round Valley. In fact, they have stolen a great deal of stock in too many cases to be enumerated. Several white men who have been out in the mount Indians have killed them, On the other hand, it is said by those who have an opportunity of

DIFFERENCES IN CARSON VALLEY .- We find in the Territorial Enterprise, published at Car-"Carson." He says : In the month of July last a petition was sent

have his Journal written up daily, and that it to Governor Cumming, praying him to extend is necessary to provide by committee against his jurisdiction over this portion of Utah Territory, as we were entirely destitute of any kind of legal authority. The petition was accompacopyist. Nine men out of ten in the city, ac- nied by no recommendation, to my knowledge; customed to copying, we are confident, would and at no time subsequent, with my consent or decide that it is practicable to enter the pro- knowledge, was I recommended to his Excelency as a suitable person for Probate Judge. ceedings of the Assembly daily in the Journal. It is clear that the plan of the committee is tion by any "clique or clan," as I have been nearly, if not quite, twice as expensive as that charged with. In the month of September, 1858, I received my appointment from the Governor of this Territory, which was unsothen copied into the Journal. This will make licited and unknown by me up to that time. After giving bonds in the sum of \$10,000, I work for an extra clerk, as the entire proceed- ordered an election to be held on the 30th day of October. On the receipt of the returns from the several precincts I found they were all illegal except the returns from precincts Nos. 1 and 2, according to the statutes of Utah the committee, though, will save the usual Territory, chapter 47, sections 4 and 5. In deciding the tie vote between Clemmons and Stebbins, candidates for Representative, regarding the same as a county officer, I was governed accordingly by the statutes, chapter 47, section 12. If I have committed an error in my judgment I hope to be corrected by

47, section 12. If I have committed an error in my judgment I hope to be corrected by higher authority. * * * * Total amount of State school moneys apportioned discharge the duties of my office to the best of my ability, governed alone by the statutes of Utah, without the fear or favor of any man. SALT LAKE AS SEEN BY A SACRAMENTAN.—A former resident of Sacramento, but more re-cently of Yolo county, who is now at Salt Lake, writes to a friend in this city, under date of De-cember 20th, as follows: After passing, perhaps, through a dozen very respectable towns on the road, I arrived in Great Salt Lake City. It is a beautiful place. The houses have the appearance of having been painted lead color; although they are built of adobies, they look like brick and are very neat.

Great Sait Lake City. It is a beautiful place. The houses have the appearance of having been painted lead color; although they are built of adobies, they look like brick and are very neat. The most of them have beautiful yards and gar-dens attached, and considerable attention has been paid to the planting of fruit and other trees, which adds much to the beauty of the place. The city corars pathanes some two or place. The city covers, perhaps, some two or three miles square, with buildings on almost every lot. The streets are very wide, and run at right angles. Among the buildings there are some that will vie with any you have, either in Sacramento or San Francisco. The conviction forces itself upon me that, if this people is only let alone for a few years longer, they will as-tonish the world with their wealth and magnifi-cence, for they are certainly the most enterpris-

cence, for they are certainly the most enterpris-ing and industrious people on the globe. What-ever else the world may say of them, they cer-tainly cannot charge them with being an indolent people,

go far towards, if it does not succeed in depriv ing Duncombe of his seat. Most of the time of the House was consumed vesterday in legislating

for the preservation of Mexico, the purchase of Sonora, and the vindication of the national honor against the border ruffians of both countries. Resolutions were introduced and passed instructing our Senators and Representatives to urge the acquisition of Sonora by "some just measure;" also, to cause an investigation of the massacre at Dunbar's store, in the Spring of 1857, and to urge the necessity of demanding from Mexico ust reparation and immediate satisfaction for these and all similar indignities." How much farther this jealous interference for the national honor and advantage might have been carried by the Assembly of California, had not series mock resolutions here cut the matter short, it is impossible to say. The report of the Sur veyor General reached the House yesterday; 960 copies were ordered printed. An abstract will be found in our columns this morning. But one

bill was introduced : "An Act concerning marriages and divorces," by Mr. Aud. It was re ferred to the Judiciary Committee. The bil comprises about fifty-six sections. Senate bil No. 7, concerning the pay of officers and em ployés of the Legislature, was reported from the Judiciary Committee, amended so as to effect a reduction in the cost of copying per folio. In this shape the bill passed.

THE PUBLIC SCHOOLS OF THE STATE .--- We

have been favored by A. J. Moulder, State Su-

perintendent of Public Instruction, with the fol-

owing exhibit of the condition and progress of

the Public Schools throughout the State for the

year ending Oct. 31st, 1858. It may be consid-

Number of children in forty-one counties (Fresho and Klamath made no report), 64,098; between four and eighteen years of age, 40,530-21,344 boys and 19,186 girls; under four years of age, 23,553. Number of children born in California, 35,546. Number of or phans, 1,906; deaf and dumb, 39. Number of pupils attending public schools 10,660.

In constant communication with its head, are 411 School Marshals 48 County Superintendents, 442 Teachers 1,233 Trustees, 43 County Treasurers—in all, 2,162 of ficers

HOT SPRINGS IN THE SIERRAS .- We learn

from the Territorial Enterprise, published at

Genoa, Carson Valley, that hot springs are very

common on the eastern side of the Sierra Ne-

vadas, and also in the valley near Genoa. The

ered as supplemental to his general report :

(DOUBLE SHEET) FOR THE STEAMER OF JAN. 20th DESIGNED FOR Mailing from the Interior Towns, WILL BE READY ON SATURDAY, JANUARY 15th, IN TIME FOR THE STAGES OF THAT MORNING. Price......\$15 a hundred. JAMES ANTHONY & CO. "LADY ADAMS CO.," H street, Sacramento, Draw at sight or on time, on London, Paris, And FRANKFORT ON THE MAIN. j18-8m

ANTED, DAILY-Help of every description tion. Hotels and Families furnished at the hortest notice. Houses, Ranches, &c., sold and rented. Rents collected. JAMES ROWAN, People's Employment Office, Tukey's Brick Building, Oth street, between J and K, Sacramento. F. 8.—Oountry orders promptly attended to. j18-1m

SITKA ICE! SITKA ICE! MERCIAL COMPANY have appointed RIOHARD A. OHASE their Agent, for the sale of Ice at Sacra-mento, and have reduced their price to Four Cents per pound. J18-Im J. MORA MO8S, President. J. MORA MOSS, President. CALIFORNIA REPORTS !

VOLUME TEN!

Now Ready-Price, Ten Dollars.

phans, 1,906; deaf and dumb, 39. Number of pupils attending public schools, 19,522; average daily at-tendance, 11,158. Number of School Districts, 411. Number of schools, 432--B High Schools, 17 Grammar, 79 Mixed, 11 Inter-mediate, and 322 Primary. Number of schools man-tained for less than three months, 11; for three months, 93; over Wiree, and less than six months, 166; over six, and less than nine months, 102; over nine months, 60. Connected with the Department of Instruction, and in constant communication with its head, are 411 School REPORTS OF CASES ARGUED AND DETERMINED IN THE SUPREME COURT OF THE STATE OF CALIFORNIA, DURING

JULY AND OCTOBER TERMS, 1858.

BY HARVEY LEE.

Cheese Presses; Corn Shellers; Churns; Fan Mill Ox Yokes; Road Scrapers; Straw or Feed Cutters, & Also, a large assortment of PLOW POINTS, cast ar Steel, and many other articles for the use of Farmer For sale by BAKER & HAMILTON, Agricultaral Warehouse and Seed Store, j10-1m2dp Nos. 9 and 11, J st., near the Levee, Counselor t Law, and Reporter of the Supreme Court.

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jal1-1m2dp SAN FRANCISCO. FARMERS, ATTENTION !

ALFALFA SEED. A few more bags left of that CLEAN ALFALFA, to

close out, at \$18 per hundred. JUSTIN GATES,

Sign of the Golden Mortar, ja10-2dp No. 72 K street. SEWING MACHINES-1858.

latter springs issue from the earth directly on WHAT SEWING MACHINES 1000. WHAT SEWING MACHINE WAS recommended the Highest Premium at the State Fair, August, 1558? WHEELER & WILSON'S. What Sewing Machine was awarded the First Premium at the Mechanics' Fair, San Francisco, September, 1559? WHEELER & WILSON'S. What Sewing Machine received the First Premium the margin of Carson river, and discharge such quantities of hot water as to greatly moderate the temperature of the river at that point. It

the temperature of the river at that point. It is a great resort for ducks and geese during cold weather, and while other bodies of water are frozen over, they vary in temperature from that of Summer heat up to boiling water. Whet Set of the State Fair and Mechanics' Fair, Whet Set of the State Fair and Mechanics' Fair, Who received the Highest Premium on Sewing Ma-chine Cases at the State Fair and Mechanics' Fair, WHEELER & WILSON'S.

A and Cherry Seed, just received per Express and for sale by BAKER & HAMILTON, Agricultural Warehouse and Seed Store, j1-1m2dp J street, near the Levee,

20,000 lbs Boston Iron Axles. BRYANT & CO.,

1,000 lbs Wrought Nuts:

1,000 lbs Borax;

2,000 lbs "Wright's" Springs:

00,000 lbs ass'd Norway Car'ge Bolts;

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For these reasons we are enabled to sell for the same. articles at extraordinary low figures: Sugar, of all kinds; Mackerel, In kits and half bbls; Java and Rio Coffee; Superior Teas; Extra Table Butter, in 5 and 10 pound packages; Extra Table Butter, in firkins; Cooking Butter, in firkins; Cooking Butter, in firkins; Cooking Butter, in firkins; Cooking Butter, in firkins; Cadifornia Haws; Clear Pork, in whole and hf bbls; Gandles, 15 and 20 ib boxes; Wines; Liquors; Syrup, in 5 & and 40 gallon packages; Raisins; Taploca; Sago; Farina; Cranberries; Rice; Oysrers; Pie Fruits; Jams and Jellies, all kinds; Flour; Cornmeal; Bodeg Potatoes; Beans; Prunes; Pearl Barley; Cigars, &c. Sold Agents for the LYON & CO, and BAY CITY -ALSO-Sold Agents for the LYON & CO, and BAY CITY BREWERIES, of San Francisco. Obtain our list of prices before purchasing elsewhere. d20-2dp BRYANT & CO.

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CARGO OF THE

Clipper Brig Pride of the Sea-FROM MALAGA, DIRECT!

ne hundred and fifteen days-the shortest passag ever made from that port: **6 520 whole boxes Layer Haisins. 2.000 half boxes do. do. 1,700 qr. boxes do. do.** All in spleadid order, and of superior quality. To distinguish this Fruit from the old Raisins now in mar-ket, each box will be branded "PRIDE OF THE SEA," over the shipping mark C & D

ROSES, and a general assortment of Nur-ROSES, and a general assortment of Nur-ROSES, and a general assortment of Nur-sery articles, of the most choice varieties, for sale at low prices at the Washington Nursery, opposite Sac-sementa City. ver the shipping mark, C. & D Now ready for delivery, and for sale by

CROSBY & DIBBLEE. jaS-2w2dp 111 Battery street, San Francisco. PLOWS! PLOWS! PLOWS!

Brairie Cipper Steel Plow Eagle Cast Plows, Peekskill Cast Plows;

COAL! COKE! FIRE! ICE!

COKEA THENTO COAL FARD AND COKE DEPOT. **FIRDERER & CADUC.** Dealers in ICE and COAL, having exerted themselves to keep their customers during the warm season as cool as possible, are now prepared to keep them during the cold season as warm and comfortable as possible, and guarantee to sell the best kind of COAL, COKE and CHARCOAL, at the lowest market price. They also keep on hand a new article, called the CHELSEA KINDLINGS, now so generally used in the East for making fires, either with Wood or Coal. Price per box, 50 cents, which contains Kindlings enough to make 144 fires.

FRESH ALFALFA SEED.

perfectly free from mustard and other impurities; wa selected by our special agent in Chile, and guarantee fresh and pure. Owing to the large supply, we ar anxious to sell at greatly reduced prices, for cash.

jal-1m2dp BAKER & HAMILTON, J st., bet. Front and Second st

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25.000 LBS. CHILE CLOVER JUST RECEIVED.—This Seed is

art of the city.

ambard & Bous; Side Hill Plows;

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Seed Sowers :

AND OTHER AGRI-CULTURAL GOODS. PEORIA PREMIUM STEEL PLOWS. Boston Clipper Steel Plows; Extra Steel Points: Eagle Cast Plows with Steel Points Rover Steel Plows; Cincinnati Steel Plows; Prairie Clipper Steel Plows;

This seed was selected by trov. Ingler with great care, and is warranted to be free from mustard, kale, and all other impurities. JUSTIN GATES, Golden Mortar Drug Store, j1-1m2dp 72 K street, Sacramento, Lambard & Boe Cast Plow Harrows; Cultivators; Harrow Teeth;

ide. Deale j6-1m2dp

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ow proces at the Washington Nursery, opposite 8 amento City. C. W. REED & CO Trees will be delivered at the Steamboat or Railw lepot, or any part of Sacramento, free of charge. Descriptive Catalogues furnished applicants. n10-8m2dp ALFALFA SEED! HAVE JUST RECEIVED DIRECT for from Chile, 10,000 pounds SPANISH ALFALFA OR CHILE CLOVER SEED, which I offer in lots to suit, at a bargain. This Seed was selected by Gov. Bigler with great care and is associated to the second second

iway

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