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Daily Alta California, Volume 1, Number 127, 27 May 1850 — Daily Alta California. E.C. Kemble & J.E.Durivage, Editors. MONDAY MORNING. MAY 27. 1850. [ARTICLE]

Daily Alta California.

E. C. Kemble & J. E. Durivage, Editors.

MONDAY MORNING. MAY 27. 1850.

The Mayor's Veto.

In another column of to-day's paper we publish the Message of His Honor Mayor Geary vetoing the resolution by which the Common Council determined to fill all vacancies in their several bodies by their own votes; thus depriving the people of an inalienable right. We are much pleased at the course His Honor has taken, and are fully satisfied that it will meet with universal approval. The measure adopted in the council could not have been productive of the slightest benefit and would have merely brought that body into disrepute. It was; besides taking an undue and unfair advantage of the people, giving the majority in the council a most arbitrary and unreasonable power and establishing a most dangerous precedent. The attempt to persist in the measure, notwithstanding the veto,proved utterly futile. It was gratifying to find that the council were ready and willing to reconsider their own acts and not persist in the commission of a gross error.

Fire Last Evening.

About 10 o'clock, last evening, we were again startled by the cry of fire in our immediate vicinity. Quite a heavy volume of smoke was observed issuing from a small building in the rear of the Bryant House, which proved to be on fire inside, under the roof. Numbers rushed to the spot, and by means of axes and beams, with quite a small amount of water, succeeded in extinguishing the flames in quite a brief space of

guishing the flames in quite a brief space of time. At one period the flames were of a very formidable character, and apprehensions were very justly excited that the conflagration would be a general one. It was, however, subdued before it had got sufficient headway to result so disastrously. There can be no doubt from the appearance of the premises that the fire was the work of an incendiary, as a quantity of peculiarly combustible material was found in the corner of the room where the fire was first discovered. Two persons, named James Payne and James Campbell, were arrested by the Police upon suspicion of having been concerned in this vile incendiary attempt, but we are not apprized of the character or extent of the evidence against them. That our city is in almost hourly danger of fire from these lawless reprobates every one must feel, and it behooves us to keep a sharp look out. Is it not possible to procure the organization of a good effective Hook and Ladder Company? There are enough persons who are interested in property, we should imagine, who would be willing to turn their attention to this subject—their own interests we should judge would prompt them to some action. All attempts hitherto have proved abortive but we cannot believe that the matter is so impracticable as it would seem from the course affairs have taken. The utility and necessity of companies of this character is clearly perceptible and it requires but a trifling degree of energy to carry the plan out.

OPEN HOUSES.—On Saturday evening the new Empire was opened to the public. The room is about 140 feet in length by 50 in width, with a lofty ceiling and is decorated in the most magnificent manner. It is painted in fresco by Messrs. Fairchild and Duchean and is certainly a most creditable evidence of their artistic skill and taste. We do not know of any public room in any portion of the United States of so great an extent or possessing such elegant decorations and em-

bellishments. Our New Orleans and New York friends would scarcely believe that they could be so far excelled in California.

The Parker House, the lower floor, was also opened. The room is of about the same size and hansomely fitted up although not with quite so much elegance as the Empire. As yet but one story is completed, but it is contemplated to carry out the entire building on the same extensive and elegant plan. The rapidity with which these places of public resort have been completed speaks much for the enterprise of the proprietors.

THE SARAH SANDS.—We understand that a vessel was yesterday despatched to the Sarah Sands loaded with fuel which will enable her to come up to this port and assume her position in the line. One fact in relation to her is very gratifying. No annoyance need be apprehended from lack of provisions as she is well stored, and all those on board will be comfortably provided for until such time as she can be released from her embarrassing situation. The few passengers with whom we have conversed speak in the highest terms of the conduct of the Captain—a very rare occurrence, especially when we take into consideration the many contre-temps with which the Sands has met. We trust that her troubles are nearly over and that she will soon prove of use and profit to her owners and the travelling community.

A COWARD'S WEAPON.—A man was arrested on Saturday evening last, for inflicting serious injury to a person with whom he was disputing, by means of a slung shot. The difficulty occurred over a gambling table, in the City Hotel, and the parties were conveyed to a place of confinement, one bleeding freely from two wounds on the head and the other talking freely of revenge. We did not learn the names of either.

HEALTH OF NEW ORLEANS.—The total number of deaths during the [illegible]

of deaths during the year 1849 was 9,862, of which 3,176 were from cholera, and 769 from yellow fever. The greatest number of deaths from cholera was in March, viz: 813, and the largest number from yellow fever in October, 416.

ARTESIAN WELLS.—Two wells have already been constructed upon the artesian principle, and have operated most admirably, affording a most bountiful supply of water. We learn that the well in the square will be commenced during the present week.

Humboldt and Trinity.

We have received for publication the following communication, and as it contains a good deal of information we give it a place:

MESSRS. EDITORS:—Permit me through the medium of your paper to call the attention of your readers to Humboldt Bay. Although much has already been said respecting this harbor, there are certain facts elicited which are of much interest to the mercantile as well as the mining portion of our community. It has been a question of some doubt with regard to the safety of the entrance of this harbor, but since so large a number of vessels have passed and repassed without the slightest difficulty, such doubts are, I believe, generally removed. The safety within is without a question, for never was there a harbor so finely located and as well protected. The depth of water within, too, ensures the safety of any class vessel. Of course the attention which has been drawn to this point has induced many to settle in the vicinity and many are the locations made. In fact the entire lands bordering upon the bay are taken up and improvements are being made. There are in contemplation several townships within this harbor, but the only one which seems to progress is the town of "Eureka." This is situated at the head of navigation, the channel passing within twenty yards of shore, and some seven miles from the mouth of the entrance. The location is the finest in the bay and already is there a road cut from this point to the Trinity mines, which is two days' journey from this point. In fact less time has been occupied in coming direct from the mines, but such is the average. A party of twelve went through to the mines and seven of them returned, leaving five at work, they having come back for provisions, but have since then returned again. Miners have also come direct to this point and make favorable reports of their success, averaging they say from ½ to 2 oz. per day, the water being rather high, but daily decreasing. There are some 2000

miners at work upon Trinity, some of whom have wintered there while others have gone up this spring from Sacramento City, and it is a journey of 25 days from this latter point. Provisions in the mines are scarce and command high prices, and the miners are now taking the advantage of this point in procuring what they may want, as the expense is less by one half than originally. They have laid out a township some mile and a half in extent, and have elected their officers. James Vanhouten being chosen 1st Alcalde. There are some two hundred persons already upon this site, ready to build and locate as soon as a survey is finished; and there are ready for service some 60 horses and mules which were taken overland by a party of Sonorians, and one thousand more daily expected, having been sent for by the same party, thereby offering every facility to push goods directly through to the mines in a short space of time, and with trifling expense, compared with any other route.

The Port of Tumbez.

We are indebted to Col. Collier, the gentlemanly and efficient Collector of this port, for the following letter from our Consul at Paita. As the Peruvian laws are rigidly enforced, and persons sending to the ports of Peru without a knowledge of facts, might be subjected to the loss of their vessels, it is important that they should obtain the information which the subjoined letter contains. It affords us, as it will all of our citizens, gratification to find that one of our Consuls has at heart our interest.

CONSULATE OF THE UNITED STATES,
PAITA, *March* 30, 1850.

Sir—As two American vessels have come from San Francisco to Tumbez, "in this consular district," for the purpose of loading sweet potatoes, fruits, &c., for California, and, as others may follow, I consider it my duty to inform you, with a view to your making it public, that Tumbez is not a port of entry; and all vessels excepting whalers, arriving there from foreign ports, and pretending to unload, or only take on board, products of the country, are by the laws of Peru, subject to condemnation and confiscation.

I am Sir, mith much respect,
Your obedient servant,
ALEX'R RUDEN, JR. U. S. Consul.

To J. COLLIER, Esq., Collector of the Customs.
San Francisco, Alta California.

A County for California.—Over two hundred persons have recently left or soon will leave Wayne county, Ohio, for the diggings, says the *New Orleans Picayune* of the 29th March. The *Wooster Democrat* contains a list of 140 who left Wooster on the 11th instant, and says the cavalcade was formed and took its departure about 12 o'clock, and embraced over one hundred hardy adventurers, conveyed in about thirty wagons. They were escorted some distance on their way by a large body of horsemen, with music playing and cannon firing. The outfit of the emigrants appeared to be of the very best kind. The wagons were all new, handsome and light; and the various equipments for their long and perilous journey over the plains were ample and well adapted to the preservation of health and comfort. The party is to take steamboat at Wellsville, bound for Independence, Missouri, from which place they take their final departure for the land of gold.

Elleard's.—One of the quietest little places for refreshment we know of is Elleard's, just rebuilt in Clay street. It is fitted up perfectly *a la mode* and supplied in such a manner as to satisfy all who wish to be refreshed and invigorated. A nice little arrangement has been made to furnish the hungry with a relish whenever they desire it, which has been placed under the management of Tom Harper. As there is no gaming carried on in this establishment and "Charley" has determined to keep the arrangement on the Square "according to gunter," we predict that gentlemen will find this little retreat "one of the places."

New Paper.—We understand a gentleman lately connected with the press at New York, is about starting a paper at Los Angeles, having already received sufficient encouragement to justify the purchase of an establishment, which has been ordered, and is now on its way to this port. The name of the new paper is to be "*The Southern Californian.*" As Los Angeles is the principal commercial mart of the entire district of country south of Monterey, we see no reason why a journal at that place should not flourish.

HUMBOLDT TRANSPORTATION LINE.—We under. and that the *Laura Virginia*, Captain Ottinger, sailed r Humboldt on Saturday with thirty passengers and full cargo of freight, including a large number of uses.

The fine brig *Reindeer* will sail for the same place on onday next. This being a regular line the vessel ll positively sail as advertised, so that passengers d shippers will meet with no delay.

ARRIVAL OF MAJOR DICKEY.—This distinguished icer arrived from Sacramento City on Saturday rning the 25th instant. His neck still troubles him, t to use the words of the hardy old campaigner he is ll "as fine as a peach." He attributes his illness to ving been shot in the neck from a skirmish with the Dumfuggins," a tribe at present infesting the valley the Sacramento.

Sonora.—Disturbances in the Mines.

SONORA, Sunday, *May* 19, 1850.

To the Editor of the Stockton Tin es: Sir—As I anticipated, the advent of the Tax Collector was the signal for trouble and alarm. Little, if any excitement was displayed in town until this morning, when reports reached us that large bodies of Mexicans, Chilians and Frenchmen were assembled outside the town, holding meetings and consulting on means to evade the payment of the imposition of $20 per month. No notice was taken of these demonstrations, for the citizens of this place have so uniformly treated foreigners well, that we could hardly entertain any fears for the peace of the town.

About noon, two deputations came in from the assemblies to see the authorities, and as certain if any action of the Governor could arrest the consummation of the contemplated taxation; or at least, to have it explained to them, and the justice of it shown to them. They asserted that it was impossible that such an amount could be paid; that they would willingly pay four or five dollars per month, but that it would be out of the power of more than half of the miners to pay the sum contemplated. A great many diggers hardly getting more gold than sufficed for a mere livelihood.

During the discussion, an American who wished to get out of the crowd, began elbowing his way from the place where he stood, when a *Mexican* or Chilian in front of him drew a pistol. In a

or Chilian in front of him drew a pistol. In a moment a dozen revolvers were out, and a precipitate retreat was made by the foreigners. No shot was fired, but the Mexicans were alarmed and the town was cleared in five minutes. Our peace now seemed threatened by about 5,000 men outside, and no inconsiderable alarm created in town. The citizens armed themselves, and expresses were sent to Mormon Creek and Sullivan's Diggings, from which places about five hundred well armed Americans arrived, and marched through the streets with guns and rifles on their shoulders. The demonstration was sufficient; the crowds in the vicinity soon dispersed, and quiet was restored. The only thing to be feared is the misguided zeal of our own citizens, who although generally sympathising with the discontent occasioned by the unjust tax, are incensed that the foreigners should presume to take the law into their own hands, and may not be willing to allow the affair to rest where it is.

A very serious affray took place this afternoon, in which a Mexican was seriously wounded. A man was noticed parading the street with two or three pistols and a knife in his belt; the man was intoxicated, and the sheriff arested him, or rather took his arms from him. While in the act, a Mexican came up behind and made a stab at the officer with a large knife. The murderous intent was frustrated by a bystander, who with a bowie knife struck the man, wounding him severely, Mr. Work, the sheriff, was happily untouched.

This state of affairs, if allowed to last, will ruin the prosperity of the whole southern mines, and your own town of Stockton will be the first to suffer thereby.

Monday, May 20.—A guard was kept up all last night, but everything was quiet, and as I said yesterday, I believe the danger, if any was to be apprehended, has passed away. But the excitable feelings of the hundreds of Americans now under arms had to be indulged, and hearing that a camp, mostly composed of foreigners, situated about seven miles from Sonora, had mounted Mexican, Chilian, and French flags, (what truth there is in the report I know not) they have started out this morning to avenge the insult, and chastise the temerity of the 'greasers' and outsiders. I sincerely trust there will be good sense enough in the party to refrain from wanton aggression. The foreigners are acting under strong excitement, prevailing from this

under strong excitement, prevailing from this sudden and *unexpected* call for a heavy tax. Few if any of them, have heard the collector's name, and are not aware who are authorised to collect the tax. They complain, and most justly to my thinking, that they have never received the slightest intimation to prepare them for this action on the part of the government, before men unknown to them, with no apparent authority, demanded a payment of twenty dollars for the privilege of working one month in the mines. The consequence is an indecision and a repugnance, mingled with strongly incensed feelings towards the 'powers that be.' What will be the result is perhaps difficult to say; but the commercial interests of the country in the meantime must suffer severely.

A very respectable portion of the foreign population of Sonora, held a meeting on Saturday, in order to memorialize the Governor on the subject of the tax. I have translated a portion of this memorial, to show the moderation of these people. After stating their conviction that it (the tax) will destroy all their interests, along with the commercial interests of the southern mines, causing so many thousands to leave them, they go on :—" Without doubting for a moment the power of the present government to make a difference between American citizens and those of other countries, we humbly draw your excellency's attention to the fact, that it is altogether contrary to the institutions of the free Republic of the United States, to make such a difference as amounts in reality to a prohibition of labor. Without assuming any tone other than that of the deepest respect for the government under which we live and are protected, we beg humbly to suggest to your excellency that a larger state income could be raised, and that too, without causing the slightest dissatisfaction, by the imposition of four or five dollars per month, instead of the large sum of twenty."

Est modus no rebus! The Legislature would have done wisely to have studied this phrase. The latter part of the above memorial speaks truly, not only the opinion of the foreign commercial population, but the great bulk of Americans are convinced likewise of its truth.

I am sorry to be obliged to say that the Mexican hurt yesterday has since died. He has paid the penalty of his attempt at crime.

The passage and action of this taxation law is a subject that has become one of earnest discussion. That it is illegal for men who are cognizant of law, no one will question. No territory or incipient state has any right to interfere with the proceeds of public lands. No state has a right to set aside the treaties of the Federal Government. These are two acknowledged facts; consequently no set of men at San Jose or anywhere else in California had a right to impose such a tax. Have

in California had a right to impose such a tax. Have we not treaties of reciprocity with Franch? Have we not given large immunities to Mexicans by our treaty of peace with them? Has not our government offered every assistance to the efforts of emigrants to reach the haven of our free Republic? Has she not promised and accorded to them, in every part of her territory the same immunities that she favors her own sons with—the right of franchise alone excepted—with its concomitant prviileges? An answer in the affirmative must be given to these questions. I therefore look upon the act passed by the last legislature, as illegal, unjust, abortive and extremely prejudicial to the best interests of the state. Illegal for it wars against existing treaties of the United States. Unjust to those who have adopted California for their home, accelerating her prosperity and growth by their labor and capital. Abortive for three-fifths of the tax will be evaded; and prejudicial to our interests, for business has been prostrated since the collectors have been among us.

Notwithstanding my opinion of the illegality of a tax on foreign miners, I was in favor of a moderate sum being raised from them, in exchange for a legal (as far as the State could make it a legal) warrant to dig. The miners themselves desired this, for the license would have protected them from many an outrage and indignity. For this license a sum of from three to four dollars per month would have been quite

THE VETO MESSAGE.

Gentlemen of the Common Council:

On the twentieth instant the following Ordinance was presented to me for my approval:

"*The People of the City of San Francisco do ordain as follows:*

"All vacancies occurring in the Board of Aldermen, or the Board of Assistant Aldermen, by reason of the death or resignation of any member thereof, or ineligibility of any person elected to either of said Boards, or otherwise, shall be filled by an election on joint ballot of said Boards, and the person or persons receiving the majority of votes at such election, shall be declared elected.

"The time and place of such election shall be fixed by a concurrent resolution of said Boards; and for such election, the two Boards shall assemble together in convention, over which the President of the Board of Aldermen shall preside."

The well known axiom in a republican government, that, from the people is derived all political power, is no where made more conspicuous than in the Constitution and laws of California;

and in few, if in any of the States of the American Union, have the people delegated to the legislative and executive branches of the government so limited a portion of their power as in this State. Hence, where there is so manifest a desire on the part of the people to retain all power except that which is absolutely necessary to be surrendered—where jealous watchfulness has thrown around those to whom the exercise of power has been entrusted so many and such stringent guards, it becomes the paramount duty of a public officer, placed in an important post, to use his utmost endeavors to prevent all infringement of the rights of the people; and especially to avoid on his part, even the semblance of a desire to take from them the power of choosing those who are to govern them, and with whom they are to come so nearly in contact as with the legislative department of a municipal corporation like ours.

The charter of the city of San Francisco is not a primary delegation of power; and the corporate authority, like the power given to courts of inferior jurisdiction, is strictly limited to the clearly expressed intention of the legislature. And it is a fundamental rule of construction, that, whenever any ambiguity arises in a statute, the decision shall be in favor of natural right. It is also a well settled principle, that when there is a doubt as to what construction should be given to any particular section, the intention of the legislature may be sought in other parts of the same act.

With these principles as guides, I proceed to consider the ordinance before me, and on this subject the language of the charter is as follows:

Article II. Sec. 3.—"All vacancies that occur shall be filled by election, in such manner as shall be prescribed by ordinance."

It seems to have been inferred that this section confers the power upon the council to declare by ordinance who shall be the *electors* qualified to fill "all vacancies." The exercise of such power is opposed to the theory of our government, and the right thereto was never, by the legislature, intended to be delegated. The *people* are the *electors*. The power to determine who shall fill elective offices is their right, and it cannot legally be taken from them. No act, therefore, ever passed by the legislature, could have been intended to disfranchise any citizen entitled to the right of suffrage. If there was no guide in other parts of

the charter to the true construction of the language here used, then a doubt might exist as to what was the intention of the legislature; for the word "*manner*" in this section, as in other parts of the charter, is somewhat inapt to convey a clear and distinct meaning as to its intention; and in that case, the ambiguity would indicate that the election should be by the people as their natural right. But it seems to me there is no ambiguity when the whole act is taken together. It will be found that in no other part of the charter is there any provision for filling vacancies in any of the various offices of the city. This, then, so far from applying exclusively to the office of Alderman, looks to the filling of all vacancies that may happen in the city offices where elections have been held by the people.

By Section 5, Article II, it is provided, that, "At all election of city officers the voters shall vote by ballot, and only in the wards where they respectively reside." And again by Section 9, of the same article,—"All elections for city officers shall continue but one day, and during that day, from sunrise until sunset the polls shall not be closed under any pretext whatsoever." And the whole tenor of the Act clearly indicates that it was the intention of the Legislature to insure to the people of this city a right to elect their own officers, and in the event of vacancies to fill them in like manner. The word "election" in the Section under consideration is the distinctive word, and indicates the act to be done. It is for the common council to determine the time *when*, and place *where*, the election is to be held—to appoint Inspectors, and in all other things to direct the course of the election.

Were it otherwise, it is a supposable case, that, before the close of the fiscal year, the city may be under the government and direction of men whom the people had not, and perhaps never would have selected for that office. Nay, every officer elected by them, for some cause, may have vacated his office, and a new set of men, whom the people might never have chosen, may be found in a charge of the public affairs.

It is manifest the Legislature never could have intended to give this power to the Common Council.—The whole tenor of the charter bears testimony to the contrary.

Furthermore:—by Section 6, Article XI. of the Constitution of the State, it is declared that, "All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed as the Legislature may direct." Not that the Legislature may direct *others to direct*.—The Legislature may direct how the election shall be had; but it has no power to delegate that direction to another body, any more than a Judge can delegate his

nother body, any more than a Judge can delegate his ower and authority to another person to perform the unctions of the judicial office.

The office of Alderman for the city of San Francisco s an office "created by law." So then, neither the egislative enactment, nor the Constitution, allows he privilege of electing their own officers to be with-rawn from the people; and if this be so, the con-truction given to this section of the charter is errone-us and ought not to be sustained.

While, therefore, it is equally my pleasure and duty o unite with the Common Council in all measures cal-ulated to promote the public welfare. I feel myself ompelled, for the foregoing reasons, to withhold my pprobation of the aforesaid Ordinance. I therefore eturn it with my objections. (Signed.)

JOHN W. GEARY, Mayor.

Mayor's Office, May 24, 1850.

FRESH BUTTER.—Col. Grant paid us a visit esterday and brought us a sample of fine fresh utter churned at the town of Nicolaus. It was s fresh and sweet as a newly blown rose and up-n trial proved to be butter and no mistake.— hese evidences of the interest taken towards he development of the resources of the country re all truly gratifying.

THE COMMON COUNCIL.—This body will meet his evening for the transaction of their usual outine of business.

sufficient for legislative purposes, and a larger amount seemed to display a desire either to drive the foreign population entirely out of the country, or to amass an amount of money that could hardly be expended in the legitimate business of the government.

Let us be a little statistical. Our foreign working population in this county is estimated at ten thousand, and the estimate is, I assure you, from what experience I have, not exaggerated. Supposing twenty dollars per month to be collected from each one of these, we have an income from public lands placed at the private disposal of a state or territory, of $200,000 per month, or nearly two millions and a half per annum, from one county alone. It is not to be wondered if Uncle Sam should deem this a little too large a bite for our State to indulge in. Again, the collector, I understand, has a commission of $3 on each license. This is a monthly income of $30,000, or an annual income of $360,000. Uncle Sam might object to the public money being disposed of so very summarily. This simple statement of facts is conclusive proof of the recklessness of our legislators, and is another of

the recklessness of our legislators, and is another of the many reasons why we should press an immediate union with the parent country.

The party of Americans who went out this morning has returned. They met no opposition; everything was quiet, and I hope will remain so. Upwards of five hundred Sonorians have left, it is supposed for home. A Frenchman, it is said, has been apprehended for inciting the foreigners to rebel; he is now in custody.

I am happy to be able to close my letter with an assurance of perfect quietness.

SONORA, May 22d, 1850.

All is quiet. A large body of Frenchmen under arms encamped near the town yesterday, and met in a deputation. They had received word from men badly disposed that the French inhabitants were in danger of their lives, and they armed themselves to assist their countrymen.—Upon discovering the falsity of the report, they peaceably dispersed. Do not believe any of the numerous reports flying about the country. I will keep you posted up in regard to *facts*, if any occur of importance. LEO.

Sacramento Intelligence.

We make the following extracts from the *Sacramento Transcript*, of the 25th instant:—

LAW AND ORDER.—Our legislature have enacted a code of laws; proper officers have been elected; our courts are organized, and we trust now to see law and order in the supremacy. We ought to have no bullies or desperadoes walking our streets armed, and just ready to shoot their man. Let these gentlemen understand, if there are any such among us, that such things are to be frowned down and promptly done away with.

We have been informed, by an individual who was present, of a circumstance that occurred a few nights since, in one of the gambling saloons of our city, which, if not exaggerated, was as outrageous, as well as it was cold-blooded. Are the lives of our citizens to be jeopardized with impunity? Are individuals to be allowed to aim at their man and shoot him down in public, without a severe, an unmistakeable expression of the indignation of our citizens?

The circumstance was simply this. A Chilian was betting at monte, and a dispute arose between him and a man by the name of Wm. Burdett, about some paltry sum of money at issue. After a word or two, Burdett drew a pistol upon the Chilian, who fled, with Burdett after him

the Chilian, who fled, with Burdett after him. Of course. the crowd gave way before a desperate man, with a loaded pistol in his hand. The Chilian, meanwhile, ran for refuge to the bar, behind which he endeavored to screen himself; whereupon Burdett, deliberately leaning over the bar, aimed the pistol and drew the trigger. The pistol, however, merely snapped. Burdett cocked it again, fired, and the ball took effect in the fleshy part of the thigh.

This is one of the most high-handed outrages that our city has witnessed for some time. After a while the man was arrested. If the facts of the case are as they were stated to us, we trust that a prompt example will be made of this case.

There were many expressions of indignation at the time, but the crowd were overawed. One miner was manly enough to say, "That he didn't know as they allowed such things in Sacramento, but if that fellow was in the mines, he would be strung up right sudden."

The business men of Sacramento should be the leading portion of society. They make the place, and their interests should be supported by every lover of law and order. Let no desperadoes overawe our citizens, but let every man feel that he has good backers behind him to support him in the right.

The Indian Disturbances—Captain C. *C*. Catlett, on his way up the river yesterday, from down below, stated while the steamer was detained at our landing, that a Lieutenant of Dragoons had just returned to Benecia, bringing reports of two engagements between the Indians and our troops. It appears that a company of infantry, and another of dragoons, had left Sonoma and overtaken and fought the Indians at Clear Lake, and again on Russian River. Two of the troops were badly wounded, and from 180 to 300 Indians killed. We were not present when Capt. C. gave this information, and are unable to obtain further intelligence.

Drowned.—A man named Joseph Kelly, who had been in delicate health for some time, left his house and family on Tuesday evening last, between nine and ten o'clock, in a state of partial derangement. Shortly after, he appeared at the Pacific Theatre, where he was quite noisy. Leaving the theatre, he went to Mr. Queen's Lecture Room, where he attracted notice by his strange conduct; and from this place he went direct to the river and plunged into the current.

direct to the river and plunged into the current. Immediate efforts were made to rescue him, but he was not recovered till life was extinct. A coroner's inquest was held over the body, and the verdict rendered in accordance with the above facts.

GOVERNMENT AND NECROLOGY OF NEW YORK CITY.—The financial report of the city for the year 1849 is just published. The total expenditures for the year were $7,628, 675 13, of which $60,298 88 were for the Board of Health. $277,261 48 for Common Schools, and for the Croton Water Works extension $230,000. The support of the much disputed tea room for the Common Council cost $11,050, exclusive of carriage hire for members, which is no small item in the annual bill. The total expenditures for lamps and gas have amounted to $214,500. The experiment of cleaning streets by contract, it is announced, has turned out a dead failure, and new measures must be devised. The expenditures on this account have been $151,744 82, and the work not half done at that. The amount proposed to be raised by tax, for the year 1850, is a little short of three millions and a half.

The annual report of the City Inspector is also published, giving the necrology for the year 1849. The whole number of deaths was 23,773, being an increase of nearly 8000 on the deaths of preceding year. The greatest number of deaths in any month was during the prevalence of cholera in July, being 5,298. Among those who have died during the past year, were seven person over a hundred years of age, a pretty fair proof that the climate of New York is not unfavorable to longevity.

AMERICAN INSTITUTE.—The American Institute, New York, has received from the Hon. Abbott Lawrence the following letter, which needs no other prelude or introduction:

LONDON, February 23, 1850.

To the Sec. of the American Institute:

DEAR SIR—You have doubtless been apprised, through the public press, that an industrial exhibition is proposed by Great Britain, to take place in *May*, 1850. The invitation embraces all nations. The plan has met with general approbation here, and by the representatives of the different countries of Europe accredited to this

Court.

It has commended itself to my judgment, as the representative of the United States. I have taken an interest in its success, in behalf of the people of the United States, believing that great benefit may be derived not only by citizens of the Union, but by all mankind.

I entertain an abiding confidence that we possess the material to present at the proposed exhibition such combinations of science and art as will gratify the highest anticipations of that class of men who have been, and will continue to be, the creators of wealth, and, through their inventions and labors, the civilizers of mankind throughout the world.

If such a response should be given to this invitation as may be expected, the exhibition will present to the world a victory gained by a Congress of Nations; not acquired by arms or physical strength, but the triumph of man over matter.

The details of this great plan will be published at an early day, which I shall have the pleasure of transmitting to you: in the meantime I send with this note a copy of the Report of the Eleventh French Exposition, with the royal commission establishing the proposed exhibition, and the proceedings of the first public meeting. Will you do me the favor to place these papers before the government of the Institute, and, if the plan should be approved, to open a correspondence with similar institutions in other States, that there may be concert of action in the arrangements for the exhibition.

I have the honor to remain, sir, your obedient servant, ABBOTT LAWRENCE.

The proposition for the contemplated fair emanated from Prince Albert. To promote this, the Queen issued a commission on the 3d of January last, addressed to the most distinguished men of England, embracing, in their respective departments, all the great interests of her realm. The first public meeting in response to the proposition was held in London on the 25th January last.—It was numerously attended by highly distinguished men, and received with unanimity and approbation. We hope the United States will contribute, in a spirit worthy the industry of the country, to this great exhibition of the skill and industry of the world.—*N. O. Pic.*

THE GOLPHIN CLAIM.—Our telegraphic despatch from Washington, says the Picayune of the 7th ult., mentions application to Congress by

the 7th ult., mentions application to Congress by the Secretary of War for a committee of investigation into the settlement of the Golphin claim. The question arises on the legality of the allowance of interest on a claim which Congress had directed to be examined and adjusted by the departments.

The claim arose out of transactions anterior to the revolution. A treaty was formed in 1773 between the King of Great Britain and the Indians in Georgia, by which the latter ceded to the King tracts of land for the payment of debts due to some Indian traders, of whom this Golphin was one. He established his claim and received a certificate from the colonial commissioners for the amount of nearly ten thousand pounds, which was duly sanctioned. The lands were directed to be sold to pay these debts, but they were not sold before the revolution intervened. Georgia claimed the lands, but passed an act requiring all who had an equitable lien on the proceeds to establish their claim, and receive new certificates of indebtedness, payable at certain specified dates. Golphin admitted this, and made application to the Government of Great Britain for indemnity, but was refused. He then made application to the Legislature of Georgia, still without success, until 1839, when the representatives of the claim went to Congress, on the ground that it was comprehended in the treaty of peace, or that it was sacrificed in the service of the United States.

In 1848 an act was finally passed, authorising the Secretary of the Treasury to "examine and adjust" the claim, and "to pay the amount which may be found to be due." Mr. Crawford, now Secretary of War, was then agent of the claimants, and he procured from Mr. Walker, then Secretary of the Treasury, the order to pay the principal sum, £9,691 15s. 6d. Mr. Walker rejected the claim for interest.

It was again set up last winter by the agent who had succeeded Mr. Crawford. The present Secretary of the Treasury, Mr. Meredith, referred it to Mr. Whittlesey, the First Comptroller, and he reported not only against the allowance for interest, but against the equity of having paid the principal.

The claimants still persisted, and Mr. Meredith took up the subject again, and referred it to the Attorney General, Mr. Johnson, who gave an opinion in favor of the allowance of the interest, which was accordingly paid, to the amount

terest, which was accordingly paid, to the amount of about $190,000, on a principal debt of less than $50,000. Great complaint has been made of this decision, and it is for an examination into the affair that the Secretary of War has asked Congress to institute a special committee.

FROM RIO JANEIRO.—The *New Orleans Picayune* has received by the ship Rebecca, Capt. Wolfe, which arrived at that port on the 6th of April, having left Rio Janeiro on the 1st of March, a copy of the *Jornal de Comercio*, of February 28th.

The Brazilian Parliament was in session. The propositions of the Government in relation to the Treasury, as amended by a commission, had been approved. The bounty on the building of Brazilian ships was removed.

The yellow fever was prevailing to a considerable extent at Rio; but its ravages were principally confined to the strangers in the city, and to the shipping. We have before had an account of the prevalence of the yellow fever at Pernambuco and Bahia; but as Rio Janeiro had always been free from it, no apprehension was felt that the epidemic would manifest itself at that point. These hopes, however, have proved fallacious.

As the Rebecca was coming out of the harbor of Rio Janeiro she spoke the brig Clarion, from this port, going in. On the 4th of March, in lat. 20 deg. 40 min. S., lon. 37 deg. 40 min. W., spoke the ship Josephine, of and for New Bedford, bound for California.

The ship of the line Ohio sailed from Rio Janeiro for Boston on the 28th of February. The export of coffee from Rio on the 27th of February was to New York 1400 sacks, Baltimore 1000, Russia 470, New Orleans 350, other places 106. The total number of sacks exported from February 1st to 28th was 36,222.

WILLIAM H. DAVIS has removed his