



powered by

A Freely Accessible Repository
of Digitized California
Newspapers from 1846 to the
Present



Sacramento Daily Union, Volume 2, Number 279, 12 February 1852 — CALIFORNIA LEGISLATURE
[ARTICLE]

CALIFORNIA LEGISLATURE-3d Session.

WEDNESDAY, Feb. 11, 1852.

THE SENATE assembled at 11 o'clock, and was called to order by the Lieut. Governor.

Mr. Sprague, from the judiciary committee, to which was referred a resolution instructing the County Auditor of Colusi county to audit the account of T. J. Hughes, for services rendered as County Judge, reported the resolution to the Senate, and recommended that it be indefinitely postponed, inasmuch as Mr. Hughes has a remedy by applying to the District Court. Adopted.

Mr. Ralston introduced a bill to authorize the prosecution of suits in certain cases by executors and administrators, without the payment of costs in advance, and to repeal an act concerning fees of Public Administrator. Referred to the judiciary committee.

Mr. Wambough, from the committee on Indian affairs, to which was referred certain resolutions of the Senate, referring to the Indian treaties made by the U. S. Indian Commissioners, and the true policy that the interests of this State requires should be adopted by the Federal Government upon this subject, presented a majority report condemning the whole policy pursued by the Commissioners in negotiating treaties with the Indians, and recommending the adoption of the following resolutions:

Resolved, As the sense of the Senate and Assembly of California, That the policy pursued by the Federal Government towards the Indian tribes of this State, is wholly and radically wrong, and should be rejected.

Resolved, That our Senators, &c., in Congress be instructed to oppose the confirmation of any and all treaties with Indians of this State, granting to them an exclusive right to occupy

granting to them an exclusive right to occupy any of the public lands in the State.

Resolved, That the policy so long and steadily pursued by the General Government, of removing the wild Indians beyond the jurisdiction of the States, is conceived in wisdom and dictated by humanity, and is productive of tranquility and happiness to the whole country, and that no other can with safety be adopted within this State.

Resolved, That our Senators, &c., in Congress be instructed to use their best endeavors to procure the adoption by the Federal Government of the same course towards the Indians of this State, that has been pursued in other States for the last quarter of a century.

The report and resolutions were read by the Secretary.

Mr. Warner, a member of the committee on Indian affairs, said he dissented from the views taken by the majority in their report, and he hoped it would be laid on the table until he could have time to prepare and present a minority report.

Mr. Van Buren was willing to give the Senator every opportunity to prepare his report, but he desired to have printed copies of the majority report laid upon the tables of Senators.

Mr. Estill opposed the motion to print, because he believed it contained language which was unjust to the Commissioners. He cautioned the Senators against precipitate action in this business. The Senate would remember, he said, that the State of California had requested Congress to restore to her certain monies which she had expended in the prosecution and suppression of Indian hostilities. He submitted to the Senate whether the passage of these resolutions would not place us in a hostile attitude to the General Government, and whether it would not hazard every chance which we might now have of securing an appropriation for the payment of our debt? He contended that the resolutions must certainly have a bad effect.

Mr. Van Buren did not agree with the Senator from Solano. He did not think the resolutions would exert any such influence upon Congress. Mr. V. B. reviewed the course taken by the Indian Commissioners at great length, and expressed his unqualified disapprobation of it.

Mr. Wambaugh addressed the Senate at some

Mr. Wambough addressed the Senate at some length, in opposition to the proceedings of the Commissioners, and in vindication of the resolutions. His remarks were delivered with a good deal of vehemence, and he seemed to be in earnest with his subject.

The Senate was subsequently addressed by Messrs. Estill, Warner and Robinson, and the debate assumed a highly interesting character.

The result was, that the report was laid on the table till to-morrow, and 500 copies ordered printed.

The bill for the relief of the Under Sheriff of Nevada county was taken up and referred to the committee on claims.

Mr. Wambough submitted a resolution inviting Messrs. Denver and Lisle, contestants from the 21st Senatorial district, to appear in the Senate on Thursday next, and defend their cause, either in person or by counsel. Agreed to.

Mr. Wambough introduced a bill to provide for the establishment and regulation of agricultural societies in the several counties of this State. Referred to the committee on agriculture.

Mr. Warner introduced a bill to grant a right of way to the United States through this State for railroad purposes.

Mr. Ralston moved to refer the bill to the Judiciary committee, with instructions to enquire whether the State can make any such grant, and whether it is needful.

At the suggestion of Mr. Van Buren, the bill was referred to the committee on public lands.

Mr. Soule, on leave, presented the bill of Messrs. Cronin & Markley, of San Francisco, for rent of a building hired by Quarter-Master General Moorehead, to be used as a State Armory. Referred to the committee on claims.

Mr. Broderick, on leave, presented the petition of citizens of San Francisco, praying the Legislature to create the office of Inspector and Gauger of Liquors. Referred.

And the Senate adjourned.

The House assembled at 10½ o'clock, and was called to order by the Speaker.

Mr. Crabb, from the majority of the select committee of thirteen to which was referred so much of the Governor's special message as re-

lates to unequal taxation in this State, and a constitutional convention, together with several bills providing a mode of calling such convention, presented an elaborate report, assuming that a convention for the revision of the Constitution is the only means by which the State can be delivered from the evils which now surround her. The report, after narrating the proceedings connected with the organization of the State Government and the adoption of the Constitution, undertakes to show enormous defects and errors in that instrument, and concludes with the assumption that a new organic law is the only measure that can extricate the State from the labyrinth of troubles in which she has become involved. But what appeared to be the most important position assumed by the majority of the committee was that the Legislature has power to call a Convention, for the revision of the State Constitution, without first giving the people an opportunity to decide whether such a step will receive their approbation or not.

Mr. Peachy, from the minority of the select committee, presented a minority report, uniting with the majority of the committee in the opinion that a constitutional convention ought to be called, but dissenting from that part of the report which refers to the framers of the Constitution and the circumstances which led to its adoption. Mr. P. agrees with the majority of the committee in the assumption that it is in the power of the Legislature to call a Constitutional Convention without first submitting the question to the people.

Messrs. Ellis, of Nevada, Hopkins and Hinchman, from the minority of the same committee, presented a third report, contending that the Constitution itself provides a remedy for any defects which may exist in it. Those gentlemen took the ground that a Constitutional Convention could not be called by the Legislature without first consulting the people. Their report displayed remarkable beauty in its diction and simplicity in its construction. It appears to be a conclusive argument in favor of the position assumed by them at the start, that the people only could change their organic law. Any other course they think would endanger the stability of our Government. They however do not

by of our Government. They however do not concur in the opinion of the majority of the committee that a Constitutional Convention is necessary or expedient, but recommend the propriety of instructing the committee on ways and means to report bills providing such changes in our revenue laws as experience may have shown to be necessary.

One hundred copies of each of the reports were ordered to be printed, and the whole subject was made a special order of the day for Monday next, at 4 o'clock P. M., and for every day thereafter until it is disposed of.

Mr. Boggs introduced a resolution ordering the appointment of a select committee of five, with instructions to devise and report some economical method for the speedy and certain execution of the public printing.

Mr. Coffroth thought the resolution was not very complimentary to the committee on printing, inasmuch as the instructions referred to

ought more properly to have been sent to them.

Mr. Boggs disclaimed any intention of reflecting upon the committee on printing, and, to show that he had full confidence in their integrity, withdrew his resolution, and moved that the instructions be referred to them. It was agreed to.

Mr. Crabb submitted an amendment to one of the standing rules of the House, and moved that it be adopted.

Mr. Hammond opposed the amendment as contrary to parliamentary usage.

Mr. Crabb did not agree with the Speaker in opinion.

The latter gentleman cited authorities to show that he was correct.

Mr. McMullin sustained Mr. Crabb's position.

The amendment proposed by Mr. Crabb related somewhat to the "previous question." Mr. Graham, for the purpose of cutting off debate, and giving a practical illustration of the operation of the rule, moved the previous question.

Mr. Crabb's amendment was as follows:

Resolved, That when a motion for the previous question is not sustained by a majority of the House, another motion for the previous question on the same subject shall not be entertained on the same day

tained on the same day.

The amendment was disagreed to.

The House, then in committee of the whole, resumed the consideration of the bill introduced by Mr. Ingersoll, directing the Treasurer to set apart \$120,000 out of any money in the general fund, for the pay of the per diem of the members and officers of the Legislature.

The bill was discussed at some length. Mr. Ingersoll delivered some sensible remarks in its favor, informing the House very frankly and flatly that it cost him something to live here, and that his constituents were willing to pay him a fair sum for his services.

After a long debate, on motion of Mr. Ellis of Nevada, the bill was referred to the judiciary committee, with instructions to report a bill ——— prescribing the mode of paying out and appropriating public monies in the hands of the Treasurer.

The House then in committee of the whole resumed the consideration of the bill to provide for the appointment of flour inspectors for the several ports of entry in this State. After a discussion of several hours, the committee reported progress and had leave to sit again. The prominent question discussed by the committee was whether these inspectors should be appointed by the Governor or elected by the people.

Mr. Ellis, of Nevada, submitted a resolution directing the clerk to supply the Secretary of the Senate with 30 copies of all bills printed by order of the Assembly.

On motion of Mr. Peachy, the House resolved to meet hereafter at 12 o'clock, M.

Mr. Merrit gave notice of his intention to introduce a bill to regulate fees in office.

Mr. Taliaferro gave notice of a bill concerning lawful fences.

The House appointed a joint committee of conference to confer with a similar committee of the Senate, on the resolution for the relief of the Treasurer of Nevada county.

The Speaker laid before the House a communication from the attorney-general, in reply to a resolution of that body asking his opinion in regard to the constitutionality of the capitation tax. Laid on the table.

The Governor returned to the House a certain

joint resolution, refusing to sign it on account of an informality in the enacting clause. Laid on the table.

And the House adjourned.