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Sacramento Daily Union, Volume 2, Number 280, 13 February 1852 — CALIFORNIA LEGISLATURE  
[ARTICLE]

**CALIFORNIA LEGISLATURE-3d Session.**

THURSDAY, 12th Feb., 1852.

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

Mr. Hubbs, from the committee on Finance, to which was referred a communication from the Comptroller, respecting the Treasurer of Santa Barbara county, introduced a bill for the relief of said treasurer, allowing him the usual mileage.

Mr. Snyder, from the committee on claims, to which was referred the petition of J. B. Carr, praying the Legislature to re-issue certain scrip destroyed by fire, reported favorably upon the prayer of the petitioner, and recommended the passage of a bill in conformity therewith.

Mr. Snyder reported favorably upon several private claims.

Mr. Anderson, from the select committee to which was referred the resolution upon the subject of the disposal of the public domain of the U. S. in this State, presented an elaborate report in the form of a memorial of the people of California to Congress, and introduced several resolutions.

In presenting this report, Mr. Anderson remarked that the subject which the committee had under consideration, embraced some of the most important interests in this State. The committee had divided it into three branches: 1st. Arable Lands; 2d. Mineral Lands; and 3d, land which had been reserved by the United States Commissioners for the benefit of the Indians. In relation to the latter subject, he would remark on behalf of the committee, that he had endeavored to come to a conclusion which all men would concur in. It was not desirable to have a conflict with the General Government, though the committee thought it in-

dispensable to resist the policy of permanently locating good arable or mineral lands in the hands of savages.

Mr. Anderson advanced to the Secretary's desk, and read his report. It is intended as a memorial of the people to Congress. It is a paper of considerable merit. The following resolutions accompanied the report :

Resolved, By the Senate and Assembly, that our Senators, &c., in Congress, be instructed to endeavor to procure the passage of an act declaring that the whole of the mineral lands shall be and remain open and free to the labor of every American citizen, and that said act shall specifically provide for the protection, by title, to quartz mines, upon such terms as may be just and equitable to the owners; and also, the protection, by title, of the investments of miners generally, whether in placers or in damming, or in works designed to convey water from streams to dry diggings.

Resolved, That our Senators in Congress be instructed to procure an amendment of the several treaties recently made in this State with the various Indian tribes by the United States Commissioners, so as to strike out in every treaty, the provisions making a permanent grant of land to the Indians, and instead thereof, that they obtain as a substitute therefor, the system proposed in the memorial of the people of California to the Congress of the United States, as adopted by the Senate and Assembly of said State; and that they further procure the passage of a law requiring the proper department of the Government to instruct the U. S. Commissioners to modify their treaties with the Indians, so as to conform to said amendments, and the adoption of the system referred to in said memorial.

Resolved, That our Representatives be requested to aid in carrying out the objects proposed in the foregoing resolution, conformably to the memorial of the people of California to Congress.

Resolved, That our Senators in Congress are hereby instructed not to vote for said treaties, without they can procure the amendment thereto, striking out the grants of land to Indians.

Resolved, That our Senators be instructed to procure remuneration to our citizens who have

procure remuneration to our citizens who have been dispossessed of their property by said treaties, and that they shall endeavor to have this done at an early day--and our representatives are hereby requested to aid them.

One thousand copies of the report were ordered printed, and it was made a special order of the day for Thursday next.

Mr. Van Buren introduced a bill exempting the Hospital and interest fund from the operation of the act requiring the Treasurer to retain certain monies until appropriations thereof are made by law.

Mr. Robinson said he believed the Treasurer had illegally withheld the monies due for this interest.

Mr. Broderick concurred in Mr. R.'s opinion.

The bill was referred to the Senator from San Diego, (Mr. Warner,) with instructions to report to-morrow.

Mr. Anderson submitted a resolution requiring the Surveyor General to report certain information in relation to the public lands. Agreed to.

Mr. Van Buren called up the joint resolution providing for the distribution of the Journals of the Convention and the Journals of the Legislature of 1850 and 1851. The amendments made to the resolution by the Assembly were concurred in, and the resolution passed, with an additional amendment.

The Senate, after a discussion of abstractions, passed the bill for the relief of the Treasurer of Santa Barbara county.

Mr. Ralston moved that the Senate proceed to consider the special order of the day--the matter of contest between Messrs. Harper, Denver and Lysle, from the Trinity and Klamath district.

Mr. Soule moved to postpone the special order till Monday next. The Senate was thin, and he desired every Senator to be in his place when this case came up for consideration.

Mr. Ralston made an explanation.

Mr. Harper was ready to go on with the case whenever the Senate should signify its readiness to do so.

Mr. Lysle said he had done every thing in his power to bring this matter to a close to-day. But he had failed to secure the attendance of an

important witness, and he hoped the Senate would postpone it till Monday, and in the meantime issue a process to compel the attendance of the witness.

Mr. Denver expressed his readiness to proceed with the investigation whenever the Senate was ready.

The case was postponed till Monday.

Mr. Keene introduced, on leave, a bill to change the name of Lucy A. Stoddard Wakefield to Lucy A. Stoddard. The bill passed under a suspension of the rules.

Mr. Estill, from the Committee on Indian Affairs, to which was referred the Assembly bill authorizing the Treasurer to redeem warrants issued to volunteers in the Mariposa war in 12 per cent. bonds, reported the same to the Senate and recommended its passage.

Mr. Estill presented the account of Wm. J. Whitney for articles sold to the Superintendent of Public Buildings for the use of the Legislature, and moved to refer it to the Committee on Claims. [The total bill for furniture, &c. was \$18,297 13—the sum to be paid in cash, and if paid in scrip the per centage to be added.]

After some discussion, Mr. Sprague submitted a resolution, requesting the Superintendent of Public Buildings to report what purchases he has made, or what debts he has contracted, if any, on account of furniture for the Legislative Halls and the State offices; and that, if any purchases have been made full bills of such purchases accompany said report. The resolution was eventually adopted.

Mr. Estill, from the Select Committee appointed to ascertain and report the actual and approximate condition of the State liabilities, both for civil and military purposes, presented the following report:

Liabilities incurred in the Utah Expedition. commanded	
by Gen. Bean.....	\$ 66,000 00
Los Angeles Expedition, do.....	20,000 00
Monterey Expedition, commanded by Wood-	
worth .....	3,500 00
1st El Dorado Expedition, com'd by Green..	5,000 00
2d El Dorado Expedition, " Rogers.	71,000 00
3d El Dorado Expedition, " Rogers.	256,260 08
Gila Expedition, commanded by Moorehead	86,000 00
Clear Lake Expedition, com'd by Gen. Estill	5,000 00
San Diego, Aldrich Volunteers, by Col. Hays	5,000 00
Paymasters' per centage.....	30,000 00

Total liabilities unaudited.....	\$547,760 08
Annexed is a statement of military liabilities for the payment of which the faith of the State has been pledged :	
Mariposa Expedition, commanded by Major Savage .....	\$233,375 79
Hila Expedition, commanded by Moorehead .....	14,000 00
	<hr/>
	\$247 375 79
Add unpaid liabilities .....	547,760 08
	<hr/>
Total amount war liabilities.....	\$795,135 87
The extra message of Jan. 30, 1852, gives us	
the war debt.....	\$1,445,375 79
Deduct estimate as above.....	795,135 87
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Over estimate.....	\$650,239 92
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The committee believe that a considerable portion of the outstanding claims, amounting, in fact, to much the larger portion of it, namely, \$561,780 08, has not yet been allowed, and that much of it will not be allowed, and none	

of it can therefore be deemed a State liability. The actual war debt allowed and audited by the State, amounts therefore, to the sum of \$233,355 79. In reference to the civil indebtedness, the committee have seen no cause to question the correctness of the statement contained in the Governor's special message. The committee, therefore, represent that, from the facts herein set forth, the debt of the State stands as follows :

Total amount of war liability allowed.....	\$233,355 79
“ “ civil indebtedness, Dec. 31. ....	796,963 95
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Total indebtedness allowed by law.....	\$1,030,319 74
Total amount of war claims not acted upon	\$561,355 79

The report was accepted. Mr. Fry submitted a resolution directing the Comptroller to report to the Senate the data by which he was governed in making up his estimate of the war debt, as shown in the Governor's message. The resolution was adopted. Mr. Ralston offered a resolution ordering the appointment of a select committee with instructions to report the amount and nature of the alleged defalcations of the Treasurer of Calaveras county. Adopted. The Senate then adjourned.

THE HOUSE assembled at 12 o'clock, and was called to order by the Speaker.

Mr. Paxton presented the petition of citizens of Marysville, praying the Legislature to repeal the charter of Marysville. Referred to the committee on corporations.

Mr. Yeiser presented the petition of citizens of Calaveras county, praying for a law to remove the county seat of said county. Referred to committee on county boundaries.

Mr. Gardner presented the remonstrance of citizens of Marysville, against a repeal of the charter of that city. Referred to committee on corporations.

Mr. Ellis, of Nevada, from the committee of conference, to which was referred the disagreeing vote of the two Houses on the joint resolution for the relief of the treasurer of Nevada county, reported that the respective committees had agreed to report the resolution with an amendment. The resolution as amended, was agreed to by the House.

Mr. Peachy withdrew, on leave, a minority report submitted by him yesterday from the select committee of thirteen, to which was referred the bill prescribing a mode of calling and organizing a convention for the revision of the constitution. Mr. P. then presented a substitute to his original report.

The bill to create the new county of *Seiscul*, was taken from the table and referred to the delegation from Klamath, Trinity and Shasta counties.

Mr. McConaha introduced a bill entitled an act to regulate practice at law in Courts of Record. Read twice and referred to the judiciary committee.

Mr. Parrish, from the committee on public lands to which was referred Mr. Wood's resolution in relation to donations of lands by Congress, together with the amendment of Messrs. Hammond and Parrish, presented a report iterating and reiterating the opinions universally expressed in regard to the propriety of donations of land by Congress to settlers in this State, and submitting a resolution very similar in character to that originally proposed by Mr. Wood. The committee say, in their report, that "the area of the State of California, embraces

93,622,400 acres. Of this quantity, 52,000,000 acres are mineral land and other lands unfit for cultivation; 2,622,000 acres are tule or swamp lands; and 19,000,000 acres are lands which cannot be irrigated and are therefore unfit for cultivation, being valuable only for grazing purposes. There remains then, only 20,000,000 acres susceptible of irrigation and cultivation. But a portion of this 20,000,000 acres is covered by private claims—Spanish grants. The committee are therefore of opinion that the quantity of agricultural land in this State belonging to the United States, does not exceed 15,000,000 acres. If, then, 320 acres were donated to each settler, a homestead would only be secured to 46,874 persons; while, if 160 acres was the amount donated, it would give a homestead to 93,748 persons. The committee therefore introduce a resolution directing our Senators, &c. in Congress to endeavor to procure the passage of a law donating 160 acres to each settler.

A substitute offered by Mr. McMullin to the resolution reported by the committee on public lands, was rejected. The latter resolution was read twice and laid on the table.

Mr. Wood introduced a bill to provide for the erection of a State Marine Hospital at San Francisco.

Mr. Canny introduced a bill directing the Comptroller to draw his warrant on the Treasurer in favor of Lyman Leslie for \$60. Referred to committee on claims.

Mr. Pacheco gave notice of his intention to introduce a bill repealing the act creating the county of San Luis Obispo, and to amend the act defining the boundaries of Santa Barbara.

Mr. Paxton gave notice of his intention to introduce a bill to repeal the charter of Marysville, and to create a Board of Trustees therefor.

Mr. Peachy gave notice of his intention to introduce a bill for the relief of insolvent debtors, and to provide for the disposition of their property.

Mr. Coates gave notice of his intention to introduce a bill to provide for the compensation of Commissioners appointed under act of May 28, 1851, for the organization of Klamath and Trinity counties.

Mr. McManus gave notice of his intention to introduce a bill to secure the payment of taxes in this State: also a bill amendatory of an act to provide for the punishment of embezzlement of public moneys.

Mr. Taliaferro introduced a bill concerning lawful fences, and animals trespassing on premises lawfully

enclosed.

On motion of Mr. Wood, the report of the officers of the State Hospital at San Francisco, was referred to a joint committee.

Mr. Coates submitted a resolution granting leave of absence from the State to Judge Turner, of the 8th District.

Referred to the judiciary committee.

Mr. Yeizer presented the account of R. P. Ashe, sheriff of San Joaquin county, for prison expenses. Referred to the committee on accounts.

Mr. Peachy presented the bill of E. J. C. Kewen for \$3 000 for professional services as attorney-at-law, under the order of ex-Gov. Burnett, for a period of three months and three days. Referred to the committee on accounts.

On motion of Mr. McMullin, the House amended the enacting clause of a certain bill to which the Governor had taken exceptions.

There was a call of the House at this stage of the proceedings, and the result was that some members were too refractory to be got into their seats before they had their dinner. The House accordingly took a recess for one hour.

On re-assembling, the House 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 protracted debate, the committee reported progress and were discharged from the further consideration of the same. The bill was sent to a select committee, with instructions to report such a bill as in their judgment will meet the wants of the community.

The joint resolution asking Congress to make an appropriation for the removal of certain snags in the Sacramento river, was taken from the table and referred to the committee of Federal Relations, with instructions to report whether Congress can constitutionally make such appropriation.

The House then in committee of the whole resumed the consideration of the bill reported by the committee on ways and means, fixing the per diem pay of the officers of the House. The committee after some discussion agreed upon a scale of prices, ranging from \$10 to \$20 per diem, to be paid in scrip. The committee reported progress, and the House adopted the report of the committee.

On motion of Mr. Fowler, the judiciary committee were instructed to report to the House the penalty of the bond given by the State Treasurer, for the faithful performance of his duties.

Mr. Crabb submitted a resolution requesting the Governor to transmit to the House copies of all orders and instructions issued to military officers of this State, by the Executives during the years 1849, '50 and '51. The resolution lies over under the rule.

Mr. Crabb gave notice of his intention to intro-

MR. CRABB gave notice of his intention to introduce a bill to repeal all existing laws in relation to the militia and militia officers.

Mr. Parrish introduced a resolution providing that on Saturday next, at 7 p. m., the two Houses will meet in joint convention to elect four major-generals and eight brigadier-generals. Referred to the committee on military affairs.

And the House adjourned.

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DEBUT OF LOLA MONTEZ.—The New York Express says of the debut of Lola Montez, that the Broadway was crowded, mostly with men. "On her first entree she was greeted with much applause, which she very gracefully acknowledged. Her style of dancing is entirely different from any we have ever before seen, and smacks very strongly of the novice. She is entitled to very little merit as a danseuse; we are quite sure there are several artists now in this city, who are far her superiors in the terpsichorean art. After her first entree she received very little applause." Being called before the curtain, she said: "Ladies and gentlemen, I thank you, I thank you from the bottom of my heart, for the kind reception you have given a poor stranger in your happy land." It is evident she will not succeed as a dancer.

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TO NEW YORK VIA PANAMA IN 26 DAYS.—The Golden Gate left San Francisco on the 5th December last, and her passengers were landed in New York on New Year's Day, thus making the trip in twenty-six days!