

A P P E N D I X .

[Document No. 1.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

RULES AND ORDERS

OF THE

ASSEMBLY

OF THE

STATE OF CALIFORNIA.

ADOPTED JANUARY, 1853.

[GEORGE KERR, STATE PRINTER

STANDING RULES AND ORDERS

FOR CONDUCTING THE BUSINESS IN THE

HOUSE OF ASSEMBLY,

OF THE

STATE OF CALIFORNIA

ORDER OF BUSINESS.

1st.	A	Committee on	Elections.
2d.	"	"	Corporations.
3d.	"	"	Public Printing.
4th.	"	"	Claims.
5th.	"	"	Ways and Means.
6th.	"	"	The Judiciary.
7th.	"	"	Military Affairs.
8th.	"	"	Indian Affairs.
9th.	"	"	Counties and County Boundaries.
10th.	"	"	Commerce.
11th.	"	"	Education.
12th.	"	"	Agriculture.
13th.	"	"	Roads and Highways.
14th.	"	"	Public Buildings and Grounds.
15th.	"	"	Public Expenditures.
16th.	"	"	Accounts.
17th.	"	"	Mission Lands and Claims.
18th.	"	"	Mines and Mining Interests.
19th.	"	"	Public Lands.
20th.	"	"	Federal Relations.
21st.	"	"	Engrossment.
22d.	"	"	Enrollment.
23d.	"	"	State Prison.
24th.	"	"	Mileage.

TOUCHING THE DUTIES OF THE SPEAKER.

1st. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the House to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2d. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

3d. He shall rise to put a question, but may state it sitting.

4th. The Speaker shall examine and correct the journal before it is read; he shall have a general direction of the hall; he shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

5th. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

6th. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and when there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority shall be obtained; and in all ballotings, blanks shall be rejected and not taken into the count in the enumeration of votes, or reported by the tellers.

7th. In all cases of election by the House of its officers, the vote shall be taken *viva voce*.

8th. All acts, addresses, and joint resolutions, shall be signed by the Speaker, and all writs, warrants and subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

9th. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

10th. No person shall be allowed the privilege of the hall, under the character of stenographer, without a written permission from the Speaker, specifying the part of the hall assigned to him; and no reporter or stenographer shall be admitted under the rules of the House, unless such reporter or stenographer shall state, in writing, for what paper or papers he is employed to report.

11th. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities. He shall be deemed to continue in office until another be appointed.

12th. Petitions having been presented and disposed of reports for committees shall be called for and disposed of; in doing which the Speaker shall call upon each standing committee in the order they are named, and when all the standing committees have been called on, then it shall be the duty of the Speaker to call for reports from select committees. If the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off. Resolutions shall then be called for in the same order, and disposed of by the same rules which apply to petitions; *Provided*, that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject.

13th. After an hour shall have been devoted to reports of committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day; which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

First. Messages, and other Executive communications.

Second. Messages from the Senate, and amendments proposed by the Senate to bills of the House.

Third. Bills and resolutions from the Senate on their first and second readings, that they be referred to committees and put under way. But if on being read a second time no motion be made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.

Fourth. Engrossed bills, and bills from the Senate on their third reading.

Fifth. Bills of the House and from the Senate, on the Speaker's table, on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading. The messages, communications and bills on his table having been disposed of, the Speaker shall then proceed to call the orders of the day.

OF DECORUM AND DEBATE.

14th. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personality.

15th. If any member, in speaking or otherwise, transgress the rules

of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain, and the House shall if appealed to decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House, and if the case require it, he shall be liable to the censure of the House.

16th. If any member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

17th. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

18th. No member shall speak more than twice on the same question without leave of the House, unless he be the mover, proposer or introducer, of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

19th. If a question depending be lost by adjournment of the House and revived on the succeeding day, no member who shall have spoken on the preceding day, shall be permitted again to speak without leave.

20th. No member or other person shall visit or remain by the Clerk's table while the yeas and nays are calling, or ballots are counting.

21st. No member shall vote on any question in the event of which he is immediately or particularly interested, or in any case when he was not within the bar of the House when the question was put; and when any member shall ask leave to vote, the Speaker shall propound to him the question, "Were you within the bar when your name was called?"

22d. Upon a division and count of the House on any question, no member without the bar shall be counted.

23d. Every member who shall be in the House when the question is put shall give his vote, unless the House for special reasons shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and any member requesting to be excused from voting, may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

24th. When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk before debated.

25th. Every motion shall be reduced to writing, if the Speaker or any member desire it.

26th. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.

27th. When a question is under debate no motion, shall be received but to adjourn, to lie on the table for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection.

28th. When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: the committee of the whole house, a standing committee, a select committee.

29th. A motion to adjourn and a motion to fix the day to which the House shall adjourn, shall be always in order. These motions, and the motion to lie on the table, shall be decided without debate.

30th. The hour at which every motion to adjourn is made, shall be entered on the journal.

31st. The previous question shall be in this form: "Shall the main question be now put?" On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such a motion, no call shall be in order prior to a decision of the main question.

32d. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

33d. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

34th. Any member may call the division of the question, which shall be divided, if it comprehend propositions in substance so distinct that one being taken away a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither amendment nor a motion to strike out *andius ert*.

35th. Motions and reports may be committed at the pleasure of the House.

36th. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment. No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith, any other bill or resolution pending before the House.

37th. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or the succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn.

38th. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion on any other business shall be received without special leave of the House, until the former is disposed of.

39th. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker or by a member, in his place; a brief statement of the contents thereof shall be made verbally, by the introducer. They shall not be debated on the day of their being presented, nor on any day assigned by the House for the reception of petitions, after the first thirty days of the session, unless when the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented.

40th. A proposition requesting information from the Governor of the State, or directing it to be furnished by the head of either of the executive departments, or to print an extra number of any document or other matter, excepting messages of the Governor to both Houses, at the commencement of each session of the Legislature, and the reports and documents connected with or referred to in it, shall lie on the table one day for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees; and when adopted, the Clerk shall cause the same to be delivered.

41st. Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

42d. Any member may excuse himself from serving on any committee, at the time of his appointment, if he is then a member of three other committees.

43d. No member shall absent himself from the service of the House unless he have leave, or be sick, or unable to attend.

44th. Upon the call of the House, the names of the members shall be

called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over; the doors shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody as they appear, or may be sent for and be taken into custody by the Sergeant-at-Arms wherever to be found, or by special messengers to be appointed for that purpose.

45th. When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees: and in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger.

46th. A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sittings: to execute the commands of the House from time to time; together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

47th. The fees of the Sergeant-at-Arms shall be, for every arrest, the sum of one dollar: for each day's custody, and releasement, one dollar; and for travelling expenses for himself or a special messenger, going and returning, thirty cents per mile.

48th. The Sergeant-at-Arms shall be sworn to keep the secrets of the House.

49th. The Door-keeper shall be sworn to keep the secrets of the House.

OF STANDING COMMITTEES.

50th. It shall be the duty of the committee of elections to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House: and to take into their consideration all such petitions and other matters touching elections and returns, as shall or may be presented or come into question, and be referred to them by the House.

51st. It shall be the duty of the committee of ways and means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House: to inquire into the state of the public debt or the revenue, and of the expenditure, and to report from time to time their opinion thereon.

52nd. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.

53d. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government.

54th. It shall be the duty of the committee on claims to take into consideration all such petitions and matters or things, touching claims and demands on the State as shall be presented, or shall or may come in question and be referred to them by the House, and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

55th. It shall be the duty of the committee on commerce to take into consideration all such petitions and matters or things touching the commerce of the State, as shall be presented, or shall or may come into question and be referred to them by the House, and to report from time to time their opinion thereon.

56th. It shall be the duty of the committee on the public lands to take into consideration all such petitions and matters or things respecting the lands of the State, as shall or may come in question and be referred to them by the House, and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.

57th. It shall be the duty of the committee on public expenditures to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report from time to time such provisions and arrangements as may be necessary, to add to the economy of the departments and the accountability of their officers.

58th. It shall be the duty of the committee on military affairs, to take into consideration all subjects relating to the military establishment and public defence, which may be referred to them by the House, and to report their opinion thereupon; and also, to report from time to time such measures as may contribute to economy and accountability in the said establishment.

59th. It shall be the duty of the committee on roads and highways, to take into consideration all such petitions and matters and things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question and be referred to them by the House, and to report thereupon, together with such propositions relating thereto as may seem to them expedient.

60th. It shall be the duty of the committee on public buildings and grounds, to consider all subjects relating to the public edifices and grounds within the seat of government, which may be referred to them, and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.

61st. It shall be the duty of the committee of accounts to superintend and control the expenditures of the contingent fund of the House of Assembly, and to audit and settle all accounts which may be charged thereon; and also to audit the accounts of the members for their travel to and from the seat of government, and their attendance in the House.

62d. It shall be the duty of the committee on mileage to ascertain and report the distance for which each member shall receive pay.

63d. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion; and the motion shall be made and the bill introduced if leave is given. When resolutions are called for, such motion, or the bill when introduced, may be committed.

64th. Every bill shall receive three several readings in the House previous to its passage, and bills shall be despatched in order as they were introduced, unless the House shall direct otherwise, but no bill shall be twice read on the same day, without special order of the House.

65th. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

66th. Upon the second reading of a bill, the speaker shall state it as ready for commitment or engrossment; and if committed, then the question shall be, whether to a select or standing committee, or to a committee of the whole House: if to a committee of the whole House, the House shall determine on what day. If no motion be made to commit, the question shall be stated as to its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed in the general file on the Speaker's table, to be taken up in its order.

67th. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

68th. All bills ordered to be engrossed shall be executed in a fair round hand.

69th. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

OF COMMITTEES OF THE WHOLE HOUSE.

70th. In forming a committee of the whole House, the Speaker shall leave his chair, and a Chairman, to preside in committee, shall be appointed by the Speaker.

71st. Upon a bill being committed to a committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read

and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so report to the House. After report the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

72d. All amendments made to an original motion, in committee, shall be incorporated with the motion, and so reported.

73d. All amendments made to a report committed to a committee of the whole House, shall be noted and reported, as in the case of bills.

74th. All questions, whether in committee, or in the House, shall be propounded in the order in which they were moved, except that, in filling up blanks, the largest sum and longest time shall be first put.

75th. No motion or proposition for a tax or charge upon the people, shall be discussed the day in which it is made or offered; and every such proposition shall receive its first discussion in a committee of the whole House.

76th. No sum or quantum of tax or duty, voted by a committee of the whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a committee of the whole House; and so in respect to the time of its continuance.

77th. All proceedings touching appropriations of money, shall be first discussed in a committee of the whole House.

78th. The rules or proceedings in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking: but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

79th. No standing rule or order of the House shall be rescinded or changed, without three days' notice being given of the motion thereon; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

80th. It shall be an order for the committee on enrolled bills to report at any time.

81st. The rules of parliamentary practice comprised in Johnson's Manual shall govern the House, in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and the joint rules of the Senate and House of Assembly.

82d. No person shall be permitted to perform divine service in the chamber occupied by the House of Assembly, unless with the consent of the House: nor shall the Assembly room be used for any public or private business than Legislative, except by the permission of the House.

83d. The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of thirty cents each way; but nothing shall be paid for traveling home when the witness has been summoned at the place of trial; no mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

84th. The Clerk shall make a semi monthly statement of the resolutions and bills (Senate bills inclusive) upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the date of each order and proceedings; which statement shall be printed for the use of the members.

85th. The Clerk shall take proper measures for the care and preservation of the public table provided for the business and accommodation of the House.

86th. The unappropriated rooms in that part of the capitol assigned to the House shall be subject to the order and disposal of the House.

87th. Maps accompanying documents shall not be printed, under the general order to print, without the special direction of the House.

88th. No committee shall be permitted to employ a clerk at the public expense, without first obtaining leave of the House for that purpose.

89th. No call of the yeas and nays shall be regarded by the Speaker unless seconded by at least two members. Whenever the yeas and nays are called, they shall be spread on the journals.

90th. No smoking shall be allowed within the Assembly Chamber during the sessions of the House.

91st. No persons except Senators, State officers, and ladies, shall be admitted within the bar of the House, except by invitation on the part of some member.

STANDING COMMITTEES

OF THE ASSEMBLY.

On the Judiciary—Yeiser, Moore, Heydenfeldt, Oliver, Garfield, Carpenter, Flower, Hoff and Johnson.

Ways and Means—McMeans, Bell, Erwin, Hally, Heydenfeldt, Smith and Kittredge.

On Elections—Brush, Flower, Herbert, Walker and Fairfax.

On Claims—Crenshaw, Conness and McGahey.

On Corporations—Owen, Wells and McCandless.

On Military Affairs—Covarrubias, Herbert and Robinson.

On Federal Relations—Garfield, Flower, Crenshaw, Thomas, Van Dyke, Robinson and Oliver.

On Counties and County Boundaries—Erwin, Cabanis and Hunt.

On Commerce—Cardozo, Bostwick, Johnson, Wilson, Blake, Taylor and Mogie.

On Agriculture—Kittredge, Letcher and Lee.

On Roads and Highways—Mandeville, Knight and Pacheco.

On Indian Affairs—Canney, Redding and Rogers.

On Education—Fairfax, Bell and Cardozo.

On Public Buildings and Grounds—Suer, Meredith and Carhart.

On Public Printing—Snyder, Mandeville, Hanison, Brush and Hally.

On Accounts—Conness, McKamy and Taylor.

On Engrossed Bills—Thomas and Blake.

On Enrolled Bills—Wilson and Bostwick.

On Mines and Mining Interests—Gardiner, Myers, Redding, Hoff and Realing.

On State Prison—Moore, Leake, Martin, Myers and Proctor.

On Millage—Blake, Erwin and Estep.

On Public Lands—Cardozo, Owen, Wells, McFarland and Knight.

On Missions—Fulgham, Meredith, Rogers, Pacheco and Covarrubias.

On State Hospitals—McFarland, Suer, McMeans, Wing and Estep.

JOINT RULES AND ORDERS

OF THE

SENATE AND ASSEMBLY.

ADOPTED AT THE FOURTH SESSION, HELD AT THE CITY OF VALLEJO,
JANUARY, 1853.

1. In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee to confer, such committee shall at a convenient hour to be agreed on by their chairman, meet in their conference chamber, and state to each other verbally or in writing as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Senate to the Assembly, it shall be announced at the door by the Door-Keeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the Assembly to the Senate.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House respectively.

6. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

7. When bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the Assembly, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

8. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

9. After a bill shall have thus been signed in each House, it shall be presented by the said committee to the Governor of the State for his ap-

probation, (it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same did originate,) and shall be entered on the journals of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the journals of each House.

10. All orders, resolutions and votes, which are to be presented to the Governor of the State for his approbation, shall also in the same manner be previously enrolled, examined and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

11. When the Senate and Assembly shall judge it proper to make a joint address to the Governor it shall be presented to him in his audience chamber, by the President of the Senate in the presence of the Speaker and both Houses.

12. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

13. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

14. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

15. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

16. No bill or resolution that shall have passed the Assembly and Senate, shall be presented to the Governor for his approbation on the last day of the session.

17. When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

18. No spirituous liquors shall be offered for sale or exhibited within the capitol, or on public grounds adjacent thereto.

[Document No. 2.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON PUBLIC PRINTING.

[GEORGE KERR, STATE PRINTER.

R E P O R T

OF THE

COMMITTEE ON PUBLIC PRINTING.

Mr. SNYDER made the following report :

The Committee on Public Printing, to whom was referred the inquiry as to the cause of the delay in furnishing the Journals of the last session, and also to inquire by what authority the Joint Resolution which was passed at the last session of the Legislature, removing the session to Sacramento, is not printed in the Statutes of 1852, have made all possible inquiries during the short time allowed, and beg leave to make the following report :

First. In relation to the publication of the Journals of the Legislature of last session, they learn that a portion of the Journals were delivered at the office of the Secretary of State yesterday morning, and that the remainder will be delivered as soon as they can be bound. They are reported to be in a rapid progress of completion, and will be ready for delivery in the course of two or three days. The State Printers state, in a communication to the Secretary of State, transmitted by him to us, that "if any delay has occurred, it may be traced to the scarcity of necessary materials for the rapid completion of so large a work, and calamity by fire, as well as the want of facilities for binding." The time allowed the committee to make investigations in this matter was necessarily very limited,—but they are fully satisfied, without attributing the blame directly to any parties, that great delay has occurred—that the law has not been complied with; and that the reasons assigned by the State Printers are, to say the least, very unsatisfactory.

The committee were also instructed to inquire "by what authority the

Joint Resolution which was passed at the last session of the Legislature, removing the session to Sacramento, is not published in the Statutes of 1852," would report that the resolution referred to was a *Concurrent*, and not a *Joint* one; did not receive the signature of the Governor; and that the Secretary of State did not consider it to have the force and formality of a law. For this reason the resolution was not published in the Statutes of 1852, but may be found on the 35th page of the *Assembly Journals* for the same year.

[Document No. 3.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT

OF

COMMITTEE ON MILEAGE.

[GEORGE KERR, STATE PRINTER

R E P O R T
OF
COMMITTEE ON MILEAGE.

The Committee on Mileage, having that subject under consideration, report the following as the amount of mileage due each member.

NAMES.	COUNTIES FROM.	NO. MILES.	MILEAGE.
Bell, - - -	Mariposa, - - -	500	\$200 00
Blake, - - -	San Francisco, - - -	84	40 00
Bostwick, - - -	Nevada, - - -	400	160 00
Brush, - - -	Tuolumne, - - -	450	180 00
Cabaniss, - - -	Shasta, - - -	800	320 00
Caldwell, - - -	Yolo, - - -	220	88 00
Canney, - - -	Placer, - - -	380	152 00
Carhart, - - -	Colusi, - - -	600	240 00
Carpentier, - - -	Contra Costa, - - -	110	44 00
Conness, - - -	El Dorado, - - -	340	136 00
Cardozo, - - -	San Francisco, - - -	84	40 00
Covarrubias, - - -	Santa Barbara, - - -	900	360 00
Crenshaw, - - -	Nevada, - - -	400	160 00
Estep, - - -	Sacramento, - - -	240	96 00
Ewing, - - -	Sonoma, - - -	60	24 00
Fairfax, - - -	Yuba, - - -	350	140 00
Flower, - - -	San Francisco, - - -	84	40 00
Gardner, - - -	Sierra, - - -	500	200 00
Garfield, - - -	El Dorado, - - -	320	128 00
Hally, - - -	San Joaquin, - - -	280	112 00
Harrison, - - -	Sacramento, - - -	236	94 40

NAMES.	COUNTIES FROM.	NO. MILES.	MILEAGE.
Herbert, - - -	Mariposa, - -	500	200 00
Heydenfeldt, - - -	San Francisco, - -	84	40 00
Hoff, - - -	Tuolumne, - -	450	180 00
Hunt, - - -	Los Angeles, - -	1200	480 00
Irwin, - - -	Butte, - -	568	227 20
Johnson, - - -	Sacramento, - -	220	88 00
Kittredge, - - -	Santa Cruz, - -	300	120 00
Knight, - - -	San Joaquin, - -	250	100 00
Lee, - - -	Santa Barbara, - -	900	360 00
Leake, - - -	Calaveras, - -	350	140 00
Letcher, - - -	Santa Clara, - -	220	88 00
Meredith, - - -	Tuolumne, - -	450	180 00
Mandeville, - - -	Tuolumne, - -	450	180 00
McCandless, - - -	Sutter, - -	314	140 00
McFarland, - - -	Los Angeles, - -	1100	440 00
McMeans, - - -	El Dorado, - -	298	119 20
McGarry, - - -	Napa, - -	50	20 00
McKamy, - - -	Sonoma, - -	50	20 00
Moore, - - -	Nevada, - -	464	185 60
Martin, - - -	Trinity, - -	930	372 00
Myres, - - -	Placer, - -	300	120 00
Oliver, - - -	Calaveras, - -	400	160 00
Owens, - - -	Solano, - -	50	20 00
Pacheco, - - -	San Luis Obispo, - -	750	300 00
Proctor, - - -	Siskiyou, - -	1000	400 00
Reading, - - -	Trinity, - -	930	372 00
Redding, - - -	Yuba, - -	380	152 00
Robinson, - - -	Sacramento, - -	220	88 00
Rogers, - - -	Calaveras, - -	350	140 00
Sime, - - -	San Francisco, - -	84	40 00
Snyder, - - -	San Francisco, - -	84	40 00
Smith, - - -	Santa Clara, - -	220	88 00
Taylor, - - -	San Francisco, - -	84	40 00
Thomas, - - -	Butte, - -	568	227 20
Tilghman, - - -	San Diego, - -	1200	480 00
Van Dyke, - - -	Klamath, - -	930	372 00
Wall, - - -	Monterey, - -	320	128 00
Walker, - - -	Marin, - -	140	56 00
Wells, - - -	Butte, - -	500	200 00
Wilson, - - -	Tuolumne, - -	450	180 00
Wing, - - -	El Dorado, - -	340	128 00
Yeiser, - - -	San Joaquin, - -	250	100 00

\$10,457 60

All of which is respectfully submitted.

GEO. H. BLAKE, Chairman.

[Document No. 4.]

IN THE ASSEMBLY,]

[SESSION OF 1853.

MAJORITY REPORT
OF
COMMITTEE ON ELECTIONS.

PITZER vs. MARTIN.

[GEORGE KERR, STATE PRINTER,

MAJORITY REPORT
OF THE
COMMITTEE ON ELECTIONS.

The undersigned, a majority of the Committee on Elections, to whom was referred the matter of the contest between J. S. Pitzer and W. C. Martin,—each claiming to be a duly elected member of the Assembly from Trinity County, beg leave to report—

That they find among the papers referred to them a certificate of election issued to Mr. Pitzer by the County Clerk, on the 10th day after the election; and the balance of the papers consist of the notice of contest, grounds of contest, and depositions taken in pursuance thereof on the part of Mr. Martin, as contestant. They consider that Mr. Pitzer has, *prima facie*, the right to the seat, and therefore recommend the adoption of the following resolution, which they deem a necessary preliminary to any investigation into the merits of the respective rights of those two gentlemen.

Resolved, That the seat now occupied by W. C. Martin, as a Representative from Trinity county, be declared temporarily vacant.

JESSE BRUSH, Chairman.
GEO. H. BLAKE,
THOS. R. WALKER,
P. CANNEY,
CHARLES FAIRFAX.

[Document No. 5.]

IN THE ASSEMBLY]

[SESSION OF 1853.

MINORITY REPORT

OF THE

COMMITTEE ON ELECTIONS.

IN THE MATTER OF THE CONTEST OF W. C. MARTIN AND
J. S. PITZER, CLAIMING TO BE THE REPRESENTATIVE
FROM TRINITY COUNTY.

[GEORGE KERR, STATE PRINTER.

MINORITY REPORT

OF THE

COMMITTEE ON ELECTIONS.

MR. SPEAKER :

The undersigned, a minority of the Committee on Elections, dissenting from the majority in their adoption of a recommendation to declare the seat of W. C. Martin, a Representative from Trinity county, temporarily vacant, beg leave to submit, briefly, the following statement and reasons of their dissent.

Mr. J. S. Pitzer has presented a certificate of election, made out in the usual form by the County Clerk on the 10th day after the election. Mr. W. C. Martin, on the day of the assembling of the Legislature, appeared, presented a certificate of the County Clerk, showing that, according to the full returns of the election—some of which were received subsequent to the 10th day afterwards, he had received a majority of all the votes cast, and was duly sworn in as a member of the Assembly without objection being made.

Your committee are of opinion that Mr. Martin became thereby invested with the full right of membership,—as much so as any other member of the Assembly,—and that this body has no right to dispossess him until a full investigation of the merits of the case shall have shown that he is not the rightful Representative, either by reason of his failure to receive a majority of the votes cast, or of some inexcusable departure from or violation of the election law ; and your committee believe that the matter was referred to them for the sole purpose of making that investigation.

The *prima facie* right claimed by Mr. Pitzer, by virtue of his certificate of election, though it might originally have entitled him to be qualified in

preference to Mr. Martin, has been overcome by the action of the Assembly in allowing the latter to be sworn in ; and this body, in so doing, have recognized in him a right to the seat, of which they can deprive him only for the cause above stated. As well might this Assembly, in the case of those members who were permitted to be sworn in without exhibiting any certificate, deprive them of their seats to admit any individual who might present himself to-day or to morrow with a certificate of election, no matter how obtained.

If there be any advantage in the right of possession, it would certainly be an act of great injustice to deprive Mr. Martin of it and confer it upon Mr. Pitzer previous to any investigation of the merits of the issue between the two. It would be prejudging the case without a hearing.

The course recommended by the majority of the committee will have the effect to retard a decision upon the case ; and we are not aware that it is called for by any parliamentary precedents. On the contrary, we find in the Journals that on the assembling of the last Legislature Mr. T. H. Coates presented a statement similar to that filed by Mr. Martin in the present case, and, although objection was made, he was sworn in as a Representative from Klamath county. A few days afterwards, Mr. W. W. Hawks appeared and presented a certificate of election as Representative from Klamath county, made in due form as that presented by Mr. Pitzer. There was no recommendation by the committee or action by the House in that case to oust Mr. Coates and admit Mr. Hawks. The committee proceeded directly to investigate the merits of the case, although the notice of contest, depositions taken, &c., were on the part of Mr. Coates, as contesting the seat of Mr. Hawks.

We see no reason why a similar course should not be followed here ;— and believing that justice will be done equally as well and the contest more expeditiously settled by allowing us to proceed directly to an examination into its merits, we respectfully recommend that the resolution submitted by the majority of the committee be not adopted.

RICH'D IRWIN,
SAM'L FLOWER.

[Document No. 6.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

A N N U A L R E P O R T

OF THE

S T A T E L I B R A R I A N .

[GEORGE KERR, STATE PRINTER

ANNUAL REPORT
OF THE
STATE LIBRARIAN.

OFFICE OF SECRETARY OF STATE, }
January 1st, 1853. }

The undersigned in obedience to the requirements of "An Act to provide a Fund for the use of the State Library," has the honor herewith to transmit a complete catalogue of the State Library, setting forth the titles of the works, the number of volumes in each, the source whence obtained, and the total number of volumes.

From this it will be seen that the accessions to the Library, during the past year have been considerable, though not great. Much pains has been taken to open up a system of exchanges with all the States and Territories of the Union, and through this means we are beginning to receive valuable additions, in the way of laws and public documents.

Very few improvements have been made in the literary, scientific and historical departments, and in these we are as yet exceedingly defective. The library contains no treatises on International Law, Political Economy, and the Science of Government; and many of our most valuable works on political and legal subjects, are incomplete.

The amount collected, in this office, through the medium of Commissions for the use of the Library Fund, up to the 20th of December, was five hundred and ten dollars, (\$510).

The amount due that fund, up to the same date, from the same source, is six hundred and eighty dollars, (\$680).

Under the law above referred to, the Comptroller of State is required to reserve from the pay of each member of the Legislature, the sum of five dollars for the benefit of the library. If this provision was carried into effect at the last session, the present amount of this fund is some nine hundred and sixty dollars.

All those who are delinquent in not paying their commission fee have been written to and reminded of the fact, and it is believed that their number will be speedily reduced.

No purchase of books has yet been made by the "Board of Directors," mainly, it is presumed, on account of the smallness of the fund on hand.

The law makes it my duty to recommend such alterations and additions to the Library as may be thought best. In the performance of this requirement, I would recommend for the purpose of rendering our Political Department more complete the purchase of the Congressional Globe of the 30th Congress; Niles' Register; The Madison Papers; Marshall's Colonial History; Marshall's Washington; the Federalist; Jefferson's Works; Calhoun's Works; Adams' Works; Junius' Letters, and Sparks' American Biography.

The Congressional documents from the 1st to the 28th Congress, inclusive, might probably be obtained from the Government on application of the Legislature. They are not to be procured elsewhere. Efforts have been made by me to obtain a complete set of these documents through the State Department at Washington, but have proved unavailing. The value of these publications is such, containing, as they do, almost a complete political history of the country, as would justify the intercession of the Legislature, by way of instructions to our Representatives in Congress for their acquisition.

I would also suggest the purchase of some standard authorities on International Law. The works of Wheaton, Vattel, Grotius, Story and Kent, and the English Admiralty Reports are recommended in this connection. Story's Commentaries on the Constitution, and Marshall's Decisions, are standard expositions of the Constitution and should be speedily obtained.

I would recommend also some works on Statistics and Lexicography. McCulloch's Commercial Dictionary, and Webster's and Richardson's Dictionaries, quarto, are the highest authority.

In the course of a few years, should the present law be continued, our Library will present a respectable collection, and as a means of hastening that event, I would suggest the propriety of relinquishing the fees of this office to the Library Fund.

These fees do not amount to an average of more than \$300 per annum, and consequently their loss will not be felt by the Treasury.

It is believed that it would conduce much to the growth of the Library, by giving the Secretary of State more discretion in exchanges than is now allowed by law. The greatest source of increase is through this channel, and if it were permitted to extend our exchanges to Literary Institutions, Authors and Publishers, it is thought that it might be considerably augmented.

The Act of the last session, "appropriating moneys to meet the contin-

gent expenses of Government," by repealing the law of 1850, which allowed the purchasing of necessary furniture for this office, has placed it out of my power to procure suitable cases and shelves for the use of the Library.

Respectfully submitted,

WM. VAN VOORHIES,
Secretary of State.

To His Excellency JOHN BIGLER.

[Document No. 7.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON WAYS & MEANS.

[GEORGE KERR, STATE PRINTER.

R E P O R T
OF THE
COMMITTEE ON WAYS AND MEANS.

MR. SPEAKER :

The Committee on Ways and Means have had under consideration the following resolution :

Resolved, That the Committee on Ways and Means be instructed to report to-morrow morning the per diem allowance of the Clerks, Sergeant-at-Arms, and other officers and employees of this House.

—And beg leave to submit the following :

Influenced by a proper regard for the faithful and satisfactory execution of the public trust, the principles of economy, the present depreciation in value of the State credits, and also by a consideration of the exorbitant prices demanded for ordinary sustenance, we have determined that the prices fixed for the compensation of Clerks and other officers and employees of the Assembly in the accompanying resolution, are such as should be allowed for the present session of the Legislature, and we therefore respectfully recommend their adoption.

All of which is respectfully submitted.

S. A. McMEANS, Chairman.
SAM. BELL,
RICH'D IRWIN,
M. P. HALLY,
E. HEYDENFELDT.

[Document No. 8.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

L I S T

OF

PARDONS GRANTED BY THE EXECUTIVE,

SINCE JANUARY 1ST, 1852.

[GEORGE KERR, STATE PRINTER.

LIST OF
PARDONS GRANTED

BY THE EXECUTIVE,

SINCE JANUARY 1ST, 1852.

- February 19th.*—Rosa Avila, (Monterey county,) fine remitted.
- March 23d.*—Charles L. Taylor, (San Francisco,) pardoned.
- April 8th.*—James Murphy, (Placer county,) pardoned.
- April 16th.*—Christopher Kane, (San Francisco,) pardoned.
- May 9th.*—Pastorio, (Marin county,) punishment commuted.
- June 28th.*—John Rice, (Sacramento county,) pardoned.
- July 4th.*—~~James Davis~~, (Sacramento county,) fine remitted.
- August 13th.*—Francisco Martinez, (Monterey county,) pardoned.
- August 23d.*—Robert C. Dawson, (Sacramento,) pardoned.
- November 12th.*—Wm. H. Morris, (Sacramento,) pardoned.
- November 19th.*—John D. Aray, Lewis Henry and James Anderson, (San Francisco,) pardoned.

[Document No. 9.]

IN THE ASSEMBLY]

[SESSION OF 1853.

REPORT
OF THE
SUPERINTENDENT OF PUBLIC BUILDINGS.

[GEORGE KERR, STATE PRINTER.

R E P O R T

OF THE

SUPERINTENDENT OF PUBLIC BUILDINGS.

VALLEJO, January 1st, 1853.

To the Hon. Speaker of the Assembly :

SIR:—In accordance with the third section of “An Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that officer,” passed April 25th, 1851, the State House and rooms connected therewith were thoroughly prepared with every description of furniture necessary for the transaction of public business; by a resolution passed January, 1852, (which I believe does not appear upon the Statutes,) I was directed by law to turn over to the authorities of Sacramento city such furniture as might in their opinion be necessary for the use of the Legislature during its session at that place. Upon conferring with Mayor Hardenburgh, who represented the authorities of Sacramento, and in accordance with his wishes, the whole of the furniture belonging to the State was turned over by me, and by said authorities shipped to Sacramento. It will be seen, by reference to the law creating my office, that it is only during the “recess of the Legislature” that I have any control over the furniture, and of course from the time that the Legislature directed its delivery to the authorities of Sacramento, I could exercise no authority in regard to it until after the adjournment, and am in no way responsible for any losses which have occurred previous thereto. By an Act passed April 30th, 1852, entitled “An Act directing the removal of the Archives and State Officers to the city of Vallejo,” twelve hundred dollars was appropriated and placed at the disposal of the Governor, who was directed to carry out the provisions of the Act. The law having only specified the removal of “the State Archives and Officers of the several Departments of the Government,” the Governor refused to take charge of the furniture, or

to appropriate any portion of the money placed at his disposal to defray the expenses of its removal. From the various laws passed in reference to the seat of Government, it was evident that the Legislature intended that its furniture should by some means reach the city of Vallejo previous to the commencement of its next session; and inasmuch as the law directs by Act creating the office of Superintendent of Public Buildings that he shall take charge of and safely keep during the recess of the Legislature, &c., and to see that the halls of the Legislature are suitably prepared for the reception of members, I deemed it my duty to cause the removal of such furniture there to be found, which had to be done upon the faith and credit of the State, there being no special appropriation for the purpose which in the opinion of the Comptroller was necessary to its payment, much of the furniture was necessarily lost or destroyed during the two removals, and while the Legislature was in session at Sacramento city. I could only take what was left and supply the place of what was lost by the purchase of new. There are certain repairs and improvements about the Capitol and State offices necessary to their preservation and the comfort of the members, which I have caused to be made, and, as I suppose, in accordance with the duties of my office. The bills for the various articles provided have not as yet been handed in, but in the course of a few days will be presented for your consideration, and as I trust will meet with speedy action, as many of the parties are much in need of such amount as your Honorable body may determine to be justly due them.

Most respectfully,

Your obedient servant,

JAMES S. GRAHAM,
Superintendent of Public Buildings.

[Document No. 10.]

[IN THE ASSEMBLY.]

[SESSION OF 1863.]

R E P O R T

OF THE

COMMITTEE ON ELECTIONS.

[GEORGE KERR, STATE PRINTER.]

R E P O R T
OF THE
COMMITTEE ON ELECTIONS.

MR. SPEAKER :

The Committee on Elections beg leave to report that they have carefully examined the papers submitted to them in the matter of W. C. Martin contesting the seat of J. S. Pitzer, as a representative from Trinity County, and also that they have heard the parol deposition of Judge W. R. Turner, and have agreed on the following facts : That Mr. Pitzer had a majority of the votes which had been returned to the County Clerk up to the 12th of November, the tenth day after the election, and received from the County Clerk on that day a certificate of election in due form ; but that further returns were received by the County Clerk from additional precincts in the county, on the 29th day of November, which showed that Mr. Martin had received a majority of all the votes cast for members of the Assembly. Your committee believe that Mr. Martin was the choice of the people of Trinity County as one of their representatives in the Legislature, and failed to receive the usual certificate of election on account of the inclement weather which prevented a prompt transmission of the returns from Union township to the County Clerk. They therefore submit the following resolution, recommending that Mr. Martin be admitted to his seat as a member of the Assembly.

JESSE BRUSH,
GEO. H. BLAKE,
RICHARD IRWIN,
CHARLES FAIRFAX,
PAT. CANNEY,
THOS. R. WALKER,
SAM'L FLOWER.

[Document No. 11.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF

COMMITTEE ON CLAIMS

ON THE

PETITION OF SMITH BROTHERS & CO., WITH OTHER
PAPERS.

[GEORGE KERR, STATE PRINTER.

R E P O R T

OF THE

COMMITTEE ON CLAIMS.

The Committee on Claims, to whom was referred the petition of Smith Brothers & Co., requesting a re-issue of certain Comptroller's warrants, which they allege were destroyed by fire on the night of the 3d and 4th of May, 1851, in the building of Bolton and Barron, which said warrants they state, were deposited with F. Marriott, Notary Public, in said building—said petition was accompanied by the solemn declaration of the said Marriott that said warrants were destroyed by fire at the time, and in the building aforesaid.

Now your committee beg leave to report that they have caused the Comptroller's and Treasurer's office to be examined in connexion with said warrants, and find that two of said warrants have been redeemed at the office of the Treasurer of State, previous to the expiration of the last fiscal year, and that they can not say whether any have been redeemed since that time, from the fact that the books have not been made up to this time in the present fiscal year.

Your committee are of opinion from the evidence before them that the prayer of the petitioners should not be granted.

All of which is respectfully submitted.

CRENSHAW.

[Document No. 12.]

IN THE ASSEMBLY.]

[SESSION OF 1853

COMMUNICATION

FROM THE

A T T O R N E Y G E N E R A L .

[GEORGE KERR, STATE PRINTER

COMMUNICATION

FROM THE

ATTORNEY GENERAL.

ATTORNEY GENERAL'S OFFICE, }
San Francisco, Jan. 27th, 1853. }

To the Speaker of the Assembly :

SIR—In answer to the resolution of the Assembly requesting my opinion in writing, as to the power of the Legislature, under the first section of article eleven of the Constitution, to remove the permanent Seat of Government from Vallejo, to some other point, and if such power exists, whether it requires a vote of two-thirds of all the members elected, or simply a majority, to effect the passage of such a law, I respectfully submit that the meaning of this section is too obvious to admit of a doubt.

The Pueblo of San José by this Section is made the Seat of Government, and is to remain so until the Legislature by a law passed by two-thirds of the members elected to each House should direct otherwise.

Vallejo is made the Seat of Government by the required majority, and it clearly follows, that this section of the Constitution thereupon became a dead letter, and could never thereafter possess any influence on the question of the location of the Capital of this State.

The future disposition of the Seat of Government, is subject to the control of the Legislature, like any other subject of legislation.

My opinion, therefore, is, that the Legislature can remove the permanent Seat of Government from Vallejo to some other point, and that it does not require a vote of two-thirds of all the members elected, to effect such removal, and that a majority of votes is only necessary to effect the passage of such a law.

I herewith submit an extract from the opinion of my predecessor, of Dec.

30th, 1851, Hon James A. McDougall, upon the subject of the location of the Capital, as a clear, legal solution of all questions that may be suggested.

It has been supposed that the third proviso, Act February 4th, 1851, "That if said Vallejo shall fail, or refuse to comply with the terms of his proposition, in whole or in part, then this Act to be void—would operate as an instant abrogation of the entire law, upon the failure of Vallejo to comply in whole or in part with his propositions, and such indeed seems to be the language of the proviso, but it must be observed, that this law can only be understood and properly construed, in two respects—that is, as an Act of the Legislature, merely, and also as a contract between the State on the one hand, and M. G. Vallejo on the other ; that the terms of the last proviso are to be understood in a mere contract sense, is, I think, unquestionable.

"The proposition of Vallejo, is one involving the expenditure and payment of nearly half a million of dollars, and the performance of a number of acts, some of minor and others of material importance, the money to be expended and paid, and the acts to be performed through a long time, during all of which time it was intended that the Seat of Government should be at Vallejo, and during all of which time, it was expected the State would be constructing expensive public buildings, and making permanent arrangements for the Capital. It cannot be supposed that it was intended by the Legislature, that upon any failure, whether material or not, the Seat of Government, by operation or rather by failure of law, returned necessarily to San José, from which place only a two-thirds vote could remove it. The terms of the last proviso are not those of Legislation, but are strictly contract terms ; laws are not made subject, but to govern the contingencies of business, they are not made to be operative for indefinite periods, and to be rendered void by possible accidents, the very facts of which may be matters of dispute in the courts—upon any such failure the State would occupy the position of any similarly situated party, with the right to avoid the contract and abandon its advantages, or insist on its benefits and compel its completion. It was never the law of any country that any party could defeat a contract by violating it, and it cannot be held that Vallejo can defeat the contract rights of the State, or deprive the State of any position or advantage it may have gained by his own wrong."

Yours respectfully, &c., &c.

S. C. HASTINGS,
Attorney General.

[Document No. 13.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

COMMUNICATION

FROM THE

SECRETARY OF THE INTERIOR.

[GEORGE KERR, STATE PRINTER.

COMMUNICATION

FROM THE

SECRETARY OF THE INTERIOR.

[COPY.]

DEPARTMENT OF THE INTERIOR,
Washington, Aug. 10, 1852. }

SIR :

Pursuant to the requirements of the 26th section of the Act of Congress, approved 23d May, 1850, entitled "An Act providing for the taking of the seventh and subsequent Censuses of the United States, and to fix the number of the members of the House of Representatives and provide for their future apportionment among the several States," I have the honor to transmit to you, herewith, my official certificate of the number of Representatives apportioned to the State of California, under the last or seventh enumeration of the inhabitants of the United States.

I have the honor to be,

Sir, with much respect,

Your obedient servant,

ALEX'R H. H. STUART,

Secretary of the Interior.

To His Excellency, the Governor
of the State of California.

[COPY.]

I, Alexander H. H. Stuart, Secretary of the Interior, do hereby certify,

that in discharge of the duty devolved on me by the provisions of an Act of Congress, approved May 23d, 1850, entitled "An Act providing for the taking of the seventh and subsequent Censuses of the United States, and to fix the number of the members of the House of Representatives and provide for their future apportionment among the several States," and in pursuance of the provisions of another Act of Congress, approved 30th July, 1852, entitled "An Act supplementary to an Act providing for the taking of the seventh and subsequent Censuses of the United States, and to fix the number of the members of the House of Representatives and provide for their future apportionment among the several States, approved May 23d, 1850," I have apportioned the Representatives among the several States as provided for by said Acts, in the manner directed by the 25th section of the Act approved 23d May, 1850, and the 1st section of the Act approved 30th July, 1852.

And I do hereby further certify that the number of Representatives apportioned to the State of California under the last or seventh enumeration of the inhabitants of the United States is Two (2.)

{ L. S. }

In testimony whereof, I have hereunto subscribed my name, and caused the Seal of the Department of the Interior to be affixed at the city of Washington this second day of August, in the year of our Lord one thousand eight hundred and fifty-two.

ALEX'R H. H. STUART.

[Document No. 14.]

IN THE ASSEMBLY]

[SESSION OF 1853.

COMMUNICATION

FROM THE

COMPTROLLER OF STATE.

[GEORGE KERR, STATE PRINTER.

COMMUNICATION

FROM THE

COMPTROLLER OF STATE.

COMPTROLLER'S OFFICE, }
Benicia, Feb. 3, 1853. }

Hon. ISAAC B. WALL,
Speaker of Assembly.

SIR:—In pursuance of a resolution of Assembly, dated February 3, 1853, desiring the Comptroller to inform that body “whether any warrants have by him been issued to that date in favor of the State Prison Contractors, &c.” I have the honor to state that no payments have been made to said contractors, or on account of said contract to this date.

With respect,

I have the honor to be

Your obedient servant,

WINSLOW S. PIERCE,
Comptroller of State.

[Document No. 15.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON ELECTIONS.

[GEORGE KERR, STATE PRINTER.

R E P O R T

OF THE

COMMITTEE ON ELECTIONS.

MR. SPEAKER :

We, the undersigned, a majority of the Committee on Elections, to whom in part was referred the matter of contest between Walter Van Dyke and James McMahan, each claiming to be the legally elected member of Assembly from Klamath county, beg leave to report.

The committee have examined with the utmost care all the documentary testimony adduced on both sides, and examined a number of witnesses, giving them the largest latitude of speech, in order that as much light as possible might be shed on the case, to enable us to arrive at a correct understanding of its merits. The undersigned find there is but one point, and that a question of boundary to be considered. It appears by the returns from all the precincts of Klamath county, sent to the County Clerk's office, that Walter Van Dyke received 240 votes, and James McMahan 171 votes. The contestant, McMahan, avers that two of the precincts, Althouse Creek and Walling's Ranch, whereat Walter Van Dyke received a majority of votes, is not in the county of Klamath in the State of California, but in the Territory of Oregon; and also that one of the precincts (Walling's Ranch) was not established by the Court of Sessions, the only constituted authority. The certificate of election, by virtue of which Mr. Van Dyke holds his seat, shows that if those two precincts (Althouse Creek and Walling's Ranch) be set aside, that James McMahan, the contestant, would have a majority of the votes cast. To sustain himself in his averments the contestant has produced documentary evidence, verbal testimony, and the map of the Surveyor General of the State, which goes to show that the precincts (Althouse Creek and Walling's Ranch) are already in the Territory of Oregon. On the contrary, the gentleman who holds the seat, Mr. Van Dyke, has brought

forward witnesses who swear, to the best of their knowledge and belief, that the precincts of Althouse Creek and Walling's Ranch, are in Klamath county, in this State.

The undersigned find the evidence very conflicting, and therefore propose a brief analysis of the testimony. We find, from the evidence adduced on both sides, that new diggings were discovered in the vicinity of Althouse Creek and Illinois River. The diggings were called the Sailor Diggings, and lie near the boundary of California and Oregon.

The evidence further goes to show, that the question as to whether the diggings are in Oregon or California, has been and is still in dispute among the people of that section of country. It further appears that the Court of Sessions of Klamath county, at the last general election, established precincts at Althouse Creek, Josephine Creek and Sucker Creek, and that Walling's Ranch precinct was established by Judge Roach of his own volition.

The undersigned, in view of the conflicting, documentary and verbal evidence adduced by the contestants, have resolved to attach the most weight to that which is sustained by the map of the Surveyor General of the State, which places Althouse Creek and Walling Ranch in the Territory of Oregon. These two precincts being set aside, Mr. McMahon is found to have a majority of the votes polled in the county of Klamath.

We, therefore, submit the following resolution: That the seat now occupied by Walter Van Dyke be declared vacant, and that James McMahon be admitted to a seat as a member of Assembly.

JESSE BRUSH,
 RICH'D IRWIN,
 GEO. H. BLAKE,
 CHAS. FAIRFAX,
 PAT. CANNEY.

[Document No. 16.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MINORITY REPORT

OF THE

COMMITTEE ON ELECTIONS.

[GEORGE KERR, STATE PRINTER.

MINORITY REPORT

OF THE

COMMITTEE ON ELECTIONS.

MR. SPEAKER :

The undersigned, of the Committee on Elections, beg leave to submit the following report in the matter of J. McMahon contesting the seat of W. Van Dyke as a Representative from Klamath county.

The contestant alleges that two precincts known as Althouse Creek and Walling's Ranch are within Oregon Territory, and that the votes cast at those precincts were improperly counted in the official returns,—according to which, Mr. Van Dyke has a majority of sixty-nine votes over Mr. McMahon. If these votes are thrown out, Mr. McMahon has a majority of seven over Mr. Van Dyke.

The depositions of numerous witnesses touching the locality of these two precincts were introduced before the committee, and are so voluminous that it would be impossible to give a full and fair statement of their substance within the limits of this report. The testimony was conflicting, and the undersigned are of the opinion that it was at least as favorable to the claims of the incumbent as to those of the contestant. The contestant also introduced a tracing from the Map of the State—now being prepared by the Surveyor General of the State—according to which the above named precincts are within the limits of Oregon Territory. But that officer stated in his testimony that he had never visited this portion of the State, and was guided in the preparation of this Map by information received from others. On the other hand, the same officer produced a Map of this region of country prepared by J. T. Lowry, County Surveyor of Siskiyou county, in obedience to the instructions of the Surveyor General, which instructions were forwarded in compliance with the Act passed at the last session of the

Legislature, "to provide for a Map of the State of California." This Map locates the precincts in question within the boundary line of Klamath county. The undersigned is of opinion that this Map,—made by the County Surveyor, and accompanied by his assurance that "the position of the various streams, &c., are correctly laid down,"—is more likely to be correct than that prepared by the Surveyor General, who had not been over the ground.

It also appears in evidence that Klamath county has assumed and exercises jurisdiction over this section of country; at the late election, precincts were regularly established by the Court of Sessions on Althouse Creek and at Sailors' Diggings, and the County Judge attended one of these precincts on the day of election. Township and county officers were voted for. It further appears that Oregon has never exercised any jurisdiction over said section, and has never held any election there. In the face of the presumption to be derived from these facts alone, that these precincts are in Klamath county, positive and direct evidence that they are in Oregon should be required before disfranchising the number of voters who participated in that election.

Again, it does not appear that the contestant has complied with the provisions of the law in instituting the proceedings preliminary to a contest. The incumbent was not notified of his intention to contest, and a large portion of the testimony introduced by the contestant are *ex parte affidavits*. The incumbent has had no opportunity to cross-examine the witnesses, nor introduce witnesses of his own except such as happened to be present at Vallejo or San Francisco during the session of the committee while having this case under consideration.

The undersigned are of opinion that Mr. Van Dyke is justly entitled to the seat now held by him, and respectfully recommend that he be retained in the same.

SAM'L FLOWER,
THOS. R. WALKER.

[Document No. 17.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON ELECTIONS.

[GEORGE KERR, STATE PRINTER.

R E P O R T

O F T H E

COMMITTEE ON ELECTIONS.

The Committee on Elections, to whom was referred the matter of E. O. F. Hastings, contesting the seat of A. G. McCandless, as a Representative from Sutter county, beg leave to report as follows :

According to the certificate of the County Clerk, Mr. McCandless received a majority of the votes that were counted by that officer. Mr. Hastings contests the seat of the former on the ground that the votes returned from a precinct designated as Cranmore's Ranch, were not included in the enumeration made by the County Clerk; these returns, if counted, would give Mr. Hastings a majority of one vote over Mr. McCandless. It appears in evidence that the officers who officiated at this precinct were not sworn : that the returns were opened during their conveyance to the County Clerk's office ; and also, that there is a discrepancy between the returns made out by the officers of that precinct and what is certified by the County Clerk to be a copy of the returns filed in his office.

Your committee believe that the sanctity of an oath is an essential qualification of those officers appointed to preside over the ballot box ; without which, great wrong might be practised and no remedy be left to punish the offenders. With a view to establishing this precedent now, and for the reasons above stated, your committee believe that the returns from Cranmore's Ranch should be rejected.

JESSE BRUSH, Chairman.
CHARLES FAIRFAX,
PATRICK CANNEY,
GEO. H. BLAKE,
SAM'L FLOKER.
THOS. WALWER,

[Document No. 18.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

TRUSTEES STOCKTON STATE HOSPITAL.

[GEORGE KERR, STATE PRINTER.

R E P O R T

OF THE

TRUSTEES OF THE STOCKTON STATE HOSPITAL.

To the Honorable the Legislature of California:—

The Trustees of the Stockton State Hospital beg leave respectfully to submit their second annual Report to your Honorable body. In doing so they have caused to be prepared the accompanying exhibit (A,) showing a detailed statement of its fiscal affairs, under their administration, from its organization to the 31st of December, 1852, inclusive. From this it will be seen that the Trustees have received from all sources, the sum of fifty-one thousand one hundred and forty-three dollars and forty-three cents; and that there is to be deducted from this six thousand five hundred and eighty-three dollars and sixteen cents, for the depreciation of State Warrants; and one thousand seven hundred and forty-six dollars and twenty-three cents, the unaccounted for balance in the hands of W. A. Root, late Treasurer, at the time of his death—leaving a balance in cash received (from all sources) since our organization, of forty-two thousand eight hundred and fourteen dollars and four cents.

The said exhibit (A,) further shows that for the year A. D. 1852, we have received from all sources, *in cash*, (including Argenti's certificate of deposit,) the sum of thirty-seven thousand eight hundred and seven dollars and twenty-nine cents; to which add four thousand eight hundred and forty-eight dollars and ninety-one cents, for the depreciation in warrants received during the year, and one thousand seven hundred and forty-six dollars and twenty-three cents for the deficit by W. A. Root, and we have received the total amount of forty-four thousand four hundred and one dollars and three cents, in means, available and unavailable, during the present year, for the support and maintenance of the institutions under our care. And we have expended all the funds we have received, less the sum of fifteen hundred and fifty-seven dollars and sixty-three cents, now in the treasury, and the loss aforesaid of one thousand seven hundred and forty-six dollars and twenty-three cents, sustained by

the aforesaid deficit of Wm. A. Root. It is proper to state that his account is presented in exhibit (A) just as he stated it, without change or alteration of any kind whatever.

We have drawn the sum of seven thousand five hundred dollars in warrants, of the special appropriation made by the last Legislature, to erect the Lunatic Asylum, which has been paid to the contractor, as shown by the exhibit (A.) pages 25 and 26.

The intimate relation of the Hospital and Lunatic Asylum, renders it impracticable and even impossible, to keep the accounts so distinct between them as to show the amount due from one to the other, or the actual cost of each, in its support. An attempt is made in exhibit (A,) (p. 21 et seq.,) at an approximation to the truth on this point, but it is obvious from the number of patients in each, which is relatively varying almost every day, that it is but a mere attempt, and one not at all successful, in showing the real relation of each to the other, in the respect under consideration. While some items of charge are perfect against one or the other institution, there are others, from their nature—as the butcher's bill, for instance—which cannot be accurately proportioned between them.

The construction the Comptroller of State puts upon the 8th section of the Commutation Act, passed at the last session of the Legislature, has been a serious inconvenience and injury to the Hospital, while it has been of no advantage to the State. He holds, that by that section he can only issue his warrants monthly, for such accounts as we may exhibit him against the Hospital, and which are due and unpaid. In other words, that we can only get funds to pay debts incurred *in supporting* but none *for the support* of the Hospital. The *inconvenience* of this is, that we must buy everything on a credit, and when bought the creditor is often necessarily delayed, and to that extent the credit of the institution affected, even when there are funds lying idle in the State Treasury especially dedicated to its support. If this be the true meaning of the law, we submit that its folly is self evident. Again, others not familiar with the rule of construction adopted by the Comptroller, do not present their accounts exactly within the month, and when they do present them they are seriously, (sometimes grievously) disappointed, at finding they must be delayed another month in order for the Comptroller to pass on their accounts.

The practical inconvenience of this rule is so apparent that on two or three occasions the Comptroller has waived it, for the time being, and issued for such amount as the Treasurer could precisely certify to, as being due, and on his assurance that he would produce the accounts in verification of his certificate.

Again, the Hospital has suffered direct injury by this construction, because it has kept back in the Treasury the Commutation Fund, until such period as it became the duty of the Comptroller to turn it over to the General Fund.

The Commutation Fund becoming thus exhausted, it became necessary to issue to us warrants on the General Fund, and these had to be sold at a great sacrifice, for the support of the Hospital. So that while the State and Hospital are injured by the rule, no interest, public or private, is or can be benefitted by it. Such a construction virtually substitutes the Comptroller for the Board of Trustees, and *from the nature of the case,*

takes the administration of the affairs of the institution from the hands of those necessarily the most competent to control them, because most familiar and conversant with its affairs. It leaves the Board of Trustees without the power and discretion naturally pertaining to their office. If the Comptroller is but to ratify the acts of the Board, then the rule is useless and wanting in reason. If his discretion and judgment are to be substituted for those of the Board, (as such construction makes them,) then it is respectfully submitted that the Board had better be abolished. It, with the sanctions of oaths, and the other obligations of office, is of no practical utility. The difficulties of their station are necessarily increased, while their usefulness is rendered almost entirely nugatory. We submit that the accounts or drafts of the Board for means to sustain the Hospital, and not the accounts of the creditors of the Board against it, shall be the rule by which our demands shall be audited; and that we be responsible, *directly*, to the Legislature, and not through the medium of the Comptroller, for the management of our funds.

The Board of Trustees believed themselves authorized, from the nature and purpose of their creation, and the statute organizing them and defining their duties and powers, to erect a State Hospital. They accordingly, in the months of July and August last, advertised in two newspapers for proposals to erect the same, on a plan and with specifications, which they believed would be commodious, convenient and comfortable, to be let to the lowest bidder who would give bond and security to perform the work according to the said plan and specifications. At the same time they advertised for proposals to build an Insane Asylum. They received eleven bids, and gave the contracts to the lowest bidders who would comply; which was a contract of \$31,893, with Luke Vickers and William Saunders, to build the Hospital; and a contract of \$15,470 with H. M. Smith, to erect the Asylum. The contractors proceeded to the execution of the work; and after some progress and a very great outlay of money by them, the President of the Board drew a draft, properly countersigned, for money to carry on the erection of the Hospital, on the Comptroller of State. But the Comptroller refused to issue his warrant for any sum whatever, averring that by his construction of all the laws concerning the Hospital, taken together, that there was no authority left in him to issue for anything more than the bare support and maintenance of the Hospital. The Board, of course, disagreed with him; and they desired him to take the opinion of the Attorney General of the State, who was, at the very time, in the Capital. This he declined doing; but said he would give the laws a careful and thorough revision, and if he came to the conclusion that we were entitled to the money, he would then issue his warrants for it, otherwise he would not. After a month or six weeks he gave a written opinion to the Board, directed to their treasurer, which he has had published in several newspapers, as we presume, because we have had no agency either direct or indirect in its publication. In the mean time, the Board itself consulted the Attorney General. But he declined to give any opinion as to the duty of the Comptroller, except at the instance of that officer, stating that he had made no such request upon him. It is not the purpose of the Board, in this report, to controvert the soundness of the Comptroller's legal opinion; because it would be out of place in a mere report concerning the condition and wants of the Hospi-

tal ; and, because a legal discussion of the nature and true construction of a variety of statutes bearing on the subject in hand, would not be likely to enlighten the Legislature of the State, as to their duty to themselves and the country. That duty, the Board presumes, is limited only by equity, justice and policy, within the pale of the Constitution. As the Board have, under the circumstances, declined all proceedings against, and all legal discussion with the Comptroller, and have determined to appeal to the justice and wisdom of the Legislature, to be exercised upon a just policy and a sound expediency, it becomes not improper, we hope, in the discharge of our duty, to explain to your Honorable body why it should, in an authoritative and unmistakable manner, provide the means to enable the Board to complete their undertaking. That the Board took the steps they did *in good faith*, under the laws, whatever be their real meaning, and only with a sincere desire to discharge their duty faithfully, is a circumstance that will, we suppose, have no inconsiderable influence with your body.

In the prosecution of your duty, however, we are aware that faithfulness alone to our conceptions of duty, will not suffice as a basis for your action. You must be satisfied that the interests of humanity, concurring with an enlightened policy, justifies the course we took, in obedience to our dictates of duty. Is this so ? We think the condition of the Hospital, and its extensive and rapidly extending usefulness, sufficient answer to this question. The number of its inmates, the wretched state of their accommodation, the great and constant increase of patients, are sure criterions of what humanity and policy demand at your hands. And when we remember the unexampled increase of the population in the southern mines, and the country bordering on them, the future can be readily seen from the existing state of things.

Men of humane sentiments, generous hearts and expansive minds, it seems to us, cannot fail to perceive, when contemplating the development of this portion of our State, the extreme urgency of the necessity under which we labor. And, when it is remembered that this already great and increasing population is one of homeless men, as a general rule, who are mostly strangers to each other, and deprived of the solace and comforts of their own kindred and families, and on these accounts doubly subject to disease, destitution and extreme suffering, it would seem that an enlightened statesmanship must concur with the earnest demands of humanity, and that both alike dictate to your Honorable body, that your duty in the premises is to sanction and effectuate what we have thus far vainly tried to do—and, as we honestly believe, *by authority of law*.

But this is not the only instance in which the Board have been thwarted in the supposed discharge of their duty by the Comptroller of State. The last Legislature authorized us to erect a Lunatic Asylum for the State, and made a special appropriation of ten thousand dollars towards its erection. At the same time, and in the same manner that we advertised proposals, plan and specifications for the Hospital, we advertised the same for the erection of the Asylum. This plan was on a scale of dimensions as contracted as possible, so as to be at all useful or convenient, for the purposes intended ; as we were advised by both the physicians to the Hospital. One more limited in its character, it was thought, would be a waste of time and money to construct, even as a temporary arrangement.—

And the lowest bid we could obtain, able and willing to give the necessary security, was that by H. M. Smith, for the sum of \$15,470, and we made a contract for that sum, not doubting for a moment that the Legislature would make up the deficiency, yet when the proper draft was presented to the Comptroller *for the Legislative appropriation* of ten thousand dollars he would only give us five thousand dollars. In about a month afterwards we asked for the remainder, when the Comptroller would audit but \$2,500. The contractor had made a contract for lumber at \$80 per thousand, and by or about the time of the second demand, it had arisen to just double that sum; and as the time of payment had expired, and because he could not get money to meet this and other contracts, he had to forfeit them. If the entire appropriation had been given us, it is believed this and similar losses would not have occurred. The reason the Comptroller gave for his course, was that the law *made it his duty to see* that the Asylum was completed before he paid over the entire appropriation—*otherwise the Board would be coming before the Legislature with relief bills*. He was reminded that the Legislature had not appointed him the *superintendent* to see to the erection of the Asylum, and that it had entrusted to the Board the expenditure of the money, and that the persons composing the Board were men of individual honor and sworn officers, as good patriots and as great devotees of economy as himself—and finally, that the reason was absurd, because no conduct of his, right or wrong, could prevent us from going before the Legislature for relief. And moreover, that the reason defeated itself, as his course would *compel* us to apply to the Legislature to relieve us from the injury his conduct had, and was likely to inflict. He, however, persisted in the conclusion, in effect, that he *was* the superintendent for the erection of the State Asylum, and as such he refused to issue to the Board *Comptroller's* Warrants for the appropriation to build it, until HE was satisfied it was completed, and as we suppose, in a workman-like manner.

Five thousand dollars of the warrants received to erect the Asylum, were sold for eighty cents per dollar; two thousand of the \$2,500 last received were sold at seventy-seven cents, and \$500 two days afterwards at seventy-five cents on the dollar. So that a direct loss has occurred in consequence of the Legislature appointing the Comptroller our superintendent, if he were right in the assumption that it did.

As no State with which we are acquainted has ever erected a Lunatic Asylum for less than eight or ten times the sum appropriated, the Board might have safely concluded that the present appropriation was a mere basis for future ones. But they did not do so, but proposed and contracted for a building on as limited a scale as possible to meet present and indispensable exigencies. They therefore appeal with great confidence to the justice and good sense of the Legislature, to relieve them from the condition in which they are unavoidably placed in the discharge of a gratuitous and onerous duty.

We submit herewith the very able and interesting report of Dr. Reid, the resident physician at the Hospital, which we ask may be considered as a part hereof, (Appendix B,) and which shows fully the interior of the institutions under our care. We deem it unnecessary to encumber this Report with statistics, statements or principles, culled from this lucid exposition of the affairs of which it treats.

The Trustees have received by grant and donation, from Charles M. Weber, a title to a lot of land containing between fifteen and sixteen acres, on which to erect the Hospital and Asylum building, and for the use and benefit of the same. Part of said land—that on which the buildings are being put up—is in the city of Stockton, and the remainder is immediately adjoining thereto and connected with it, and just without the corporate limits of the city, on the north-west. The location is high and eligible, presenting a fine exposure to the sea breeze, and is above all overflow, and well shaded, and is in all respects, we think, admirably suited for the purposes to which it is devoted.

All of which is respectfully submitted.

NELSON TAYLOR, Pres.
B. F. LEE,
ISAAC S. FREEBORN,
HENRY A. CRABB.

EXHIBIT A.

TO REPORT OF THE TRUSTEES

OF THE

STOCKTON STATE HOSPITAL.

STOCKTON STATE HOSPITAL,

An Exhibit, showing from the Treasurer's Books the amount received by said Hospital from all sources, and the amount expended, and on what account, from the 29th day of November, 1851, to the day of December, both inclusive, to wit :

DR.		CR.
1851.		1852.
Nov. 29, Whole amount received, to date, brought forward, - - -	\$3,146 07	<i>Amount expended and for what.</i>
Dec. 1, Received from patients in the Hospital for November, - - -	95 00	Nov. 29, By amount of expenditures against moneys received to date,
“ 31, To amount of cash received on account \$20,000 appropriation, - - -	3,400 00	“ By amount of check, No. 4, - - -
	\$6,641 07	“ By amount of order in favor of Daniel Y. Barley, - - -
1852.		“ By amount of order in favor of S. Byrne, - - -
Jan. 17, To amount of cash received on sale \$2,000 warrants on the \$15,000 appropriation, - - -	1,000 00	“ Amount of order in favor of P. Gilbert, - - -
Feb. 23, To amount of cash received on a Theatre license, - - -	58 00	“ Amount of order in favor of John Butler, - - -
April 16, To amount of cash received on do., - - -	20 00	“ Amount of Rea & Barnes' bill, - - -
	Amount carried forward, - - - \$7,719 07	“ Amount of do. do. do. - - -
		Dec. 1, Am't of order in favor of C. Brown & Co. - - -
		Amount carried forward, - - - \$2,591 21

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

DR.		CR.	
1852.	Amount brought forward,	\$7,719	07
March 5,	To cash received from \$20,000 ap- propriation, - -	- 1,713	83
9,	Do do	1,120	00
25,	Do do	912	00
June	Received order on State Treasurer for \$6,413 46, and received in cash \$3,656 02, with 157 oz. 11¼ dwts. gold dust at \$17 50 per oz. \$2,757 44—sold at \$17 25 per oz., \$2,718 38 : Total, -	- 6,374	40
	Cash received from sale of \$1,250 Warrants of the \$15,000 appro- priation, - -	- 1,000	00
	Amount carried forward,	\$18,839	30
1852.	Amount brought forward,	\$2,591	21
Jan. 3,	Cash paid balance on lease to Jelly,	390	00
17,	Do Expenses of collection, -	140	00
Feb.	Do Visiting Physician, -	250	00
	Do J. D. Dagget, -	620	50
	Do Morrison, -	8	00
	Do G. M. Penfield, -	10	00
	Do J. Ferguson & Co., -	299	11
	Do S. Landdon, -	450	00
	Do Stockton Journal, -	106	00
	Do San Joaquin Republican, -	106	00
	Do Murphey & Ferguson, -	46	75
	Do J. Ferguson & Co., -	134	12
	Do E. S. Holden & Co., -	37	37
	Do do	13	25
	Do J. Brown & Co, -	196	49
	Do J. A. Walker, -	36	00
	Do Murphey & Ferguson, -	55	75
	Do A. Blackman, -	37	38
	Do John (Lascar,) -	100	00
	Do J. Pockleman, -	40	00
	Do F. Barnes, -	36	50
	Amount carried forward, -	\$5,704	43

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

DR.		CR.	
1852.	Amount brought forward,	\$18,839 30	
			1852.
			Amount brought forward,
			\$5,704 43
			Feb. Cash paid S. Smith, - - 21 50
			Do M. Levy, - - 20 17
			Do F. Boyenton, - - 36 00
			Do John Canovan, - - 96 00
			Do Ward & Visher, - 164 39
			Do Chinaman, - - 38 50
			Do do - - 24 00
			Do do - - 12 50
			Do P. Long on lease, - 300 00
			Do Mrs. Masters on resolution of Dec. '51, - 50 00
			March Do Mrs. Masters, - - 300 00
			Do A. Taylor, - - 300 00
			Do P. Barnes, - - 22 50
			Do M. D. Silver, - - 75 00
			Do Mrs. Masters, - - 300 00
			Do J. G. De Costa, - 100 00
			Do P. Le Roy, - - 17 50
			Do W. F. Robins, - - 82 25
			Do Paige & Webster, - 7 00
			Do Murphey & Ferguson, - 121 12
	Amount carried forward,	\$18,839 30	Amount carried forward,
			\$7,792 86

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

DR.		CR.	
1852.		1852.	
	Amount brought forward,		Amount brought forward,
	\$18,839 30		\$7,792 86
		March, Cash paid Wm. Bell,	- 57 00
		Do John Canovan,	- 212 50
		Do A. W. Ball,	- 13 00
		Do P. Barnes,	- 23 25
		Do do	- 23 25
		Do do	- 21 75
		Do Zacharia & Brother,	- 27 75
		Do Stockton Journal,	- 6 00
		Do Mrs. Masters,	- 75 00
		Do W. Silver,	- 75 00
		Do Antonio,	- 200 00
		Do Francis, (Lascar,)	- 100 00
		Do Antonio,	- 100 00
		Do William, (Lascar,)	- 75 00
		Do do	- 150 00
		Do Jacob Christian,	- 24 00
		Do Weber & Hammond,	- 750 00
		April and May, By cash paid expenses col-	
		lecting revenue, going to San	
		Francisco and Sacramento, etc.,	
		and 5 per cent. on cash collected	113 69
	Amount carried forward,	Amount carried forward,	\$9,840 50
	\$18,839 30		

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

	DR.				CR.	
1852.	Amount brought forward,	\$18,839 30		1852.	Amount brought forward,	\$9,840 05
				June	By cash paid M. H. Bond,	- 10 00
					Do E. S. Holden & Co.,	- 79 87
					Do do	- 45 75
					Do do	- 50 50
					Do R. K. Eastman,	- 21 37
					Do Thomas Barnes,	- 49 25
					Do Paige & Webster,	- 57 25
					Do Weber & Hammond,	- 750 00
					Do Expenses going to Sac-	
					ramento,	- 24 00
					Do Draft on revenue,	- 15 00
					Do John Canovan on acc't,	400 00
					Do J. Ferguson & Co., on	
					account,	- 400 00
					Do Mrs. Masters on account,	300 00
					By amount cash on hand,	- 6,745 76
		\$18,839 30				\$18,839 30

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

DR.	CR.
1852.	1852.
Aug. 2, Cash on hand, - - - \$842 44	Aug. 2, By cash paid E. Holden & Co., 4 bills, \$172 75
13, Received from the State Treasury, \$1,868 in cash, and 179 ounces gold dust at \$17 50, (\$3,132,) which weighed when cleaned in Stockton, 176 oz. 15 dwts. 6 grs. at \$17 25, \$3,049 11, 4,917 11	do Dr. R. P. Ashe, - 200 00
Cash received from Circus, - 15 00	5, do Todd & Co.'s Express, 2 bills, - 11 00
24, do do Treas. of State, 2,000 00	13, do Expense to Vallejo and back, - 69 00
do do Concerts, 15 00	do Chinaman, - 30 00
25, do do proceeds of sale, of \$4,250 State Warrants at 90 cents, - - - 3,825 00	do John, (Lascar,) - 62 50
	do Rea & Barnes, - 61 75
	do W. A. Root, - 750 00
	do J. Ferguson & Co., - 394 11
	do do - 555 47
	do John Gross & Co., - 425 37
	do Alfred Taylor, - 160 00
	16, do Mrs. Masters, - 150 00
	do Francis, (Lascar,) - 100 00
	do W. De Silva, - 75 00
	do Manuel, - 37 50
	17, do F. A. Smith & Co, 2 bills, 166 00
	18, do R. P. Ashe, - 750 00
	do Paige & Webster, 2 bills, 101 88
	24, do Expenses to Vallejo and San Franc'o, and return, 90 00
Amount carried forward, - \$11,614 55	Amount carried forward, - \$4,362 33

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

	DR.		CR.	
1852.	Amount brought forward,	\$11,614 55	1852. Amount brought forward, \$4,362 33	
cs			Aug. 24, Cash paid balance old account, 5 41	
			25, do commission on the sale of scrip, 1 per cent., 57 38	
			do R. R. Reid, - - 2,000 00	
			do R. P. Ashe, - - 1,800 00	
			do Mrs. Masters, - - 75 00	
			do W. A. Root, - - 750 00	
			28, do E. Hall, - - 200 00	
			do J. Pastore, - - 100 00	
			do Chinaman, - - 91 50	
			do Robert Gooburn, - - 370 70	
			Sept. 1 do A. Blackman & Co., - - 16 00	
			do M. H. Bond, - - 40 00	
			Cash on hand, - 1,746 23	
		<u>\$11,614 55</u>		Sept. 4, 1852, - - \$11,614 55

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

1852.		DR.	
Sept. 25,	To amount received from Lee & M.'s Circus, - - -	\$5 00	
30,	To this amount received from the State Treasurer, on a Comptroller's Warrant, - -	2,626 25	
Oct. 16,	To 99 ozs. gold dust at \$17 50, amounting to \$1,733 22, deposited at Adams & Co. at \$17 25, and weighed here 99 ozs. 12 grs. - -	1,708 11	
(This am't received for the Asylum)			
20,	To amount received from Chapman's Theatre, - -	10 00	
26,	To amount received from Chapman's Theatre, - -	10 00	
29,	To amount received from Chapman's Theatre, - -	5 00	
Amount carried forward, -		\$4,364 36	

1852.		CR.	
Oct. 1,	Cash paid Fobes Burger's account,	\$25 00	
2,	do J. O. Alexander's do	77 50	
7,	do Williams account \$150, François \$100, Frank \$50, Mrs. Masters' \$150, and Bradley, \$100, - -	580 00	
9,	do John M. Birdsall & Company, - -	55 00	
11,	do Rea & Barnes, - -	31 00	
do	George Kerr, San Joaquin Republican, - -	144 00	
13,	do Baldwin & Gardner, for rent, - -	600 00	
19,	do J. Tabor, Stockton Journal, - -	144 00	
do	W. Baker, - -	20 00	
do	R. P. Ashe, - -	183 32	
26,	do R. P. Ashe, - -	20 00	
29,	do M. H. Bond, - -	50 00	
do	D. S. Holden & Co., 3 accounts, - -	267 50	
Nov. 3,	do Robt. Goodrum, 2 acc'ts,	84 00	
Amount carried forward, -		\$2,281 32	

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

		DR.	
1852.	Amount brought forward,	-	\$4,364 36
			<u>\$4,364 36</u>

		CR.	
1852.	Amount brought forward,	-	\$2,281 32
Nov. 3,	Cash paid A. C. Baine, expense to		
	Vallejo and back,	-	24 00
	Do A. C. Baine, do	-	24 00
			<u>\$2,329 32</u>
	By balance on hand,	-	2,035 04
			<u>\$4,364 36</u>

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

DR.		CR.	
1852.		1852.	
Nov. 3,	To balance on hand, - - \$2,035 04	Nov. 6,	By Mrs. Maria Liley's account, - \$250 00
6,	To this amount received from New Orleans Srenaders, - - 10 00	8,	Jasper M. Whiting, - - 120 00
10,	To amount received from Chapman's Theatre, - - - 10 00		China Washman \$48, Z. Paulenster \$20, and Andrew Turner, - - - 218 00
18,	To 45 ozs. gold dust at \$17 50 per oz., which, when cleaned here, amounted to 44 ozs. 8 dwts. and at \$17 25, - - 665 90	9,	M. H. Boud, - - - 50 00
	To Coin from State Treasurer, - 712 50	10,	Charles M. Weber, - - 750 00
	To \$5,681 35 in Civil Warrants--converted same into bonds, which last were sold at 75 cents on the dollar, and produced - - \$4,261 02	12,	"Stockton Foundry," John M. Birdsall, - - - 24 00
		20,	Rea & Barnes, two accounts, - 61 00
			Frauco Teresa \$200, Mrs. Masters \$300, - - - 500 00
			Jno. Gross, Stockton Bakery, in part of his account, for \$788 66 300 00
			Thompson & Co., in part of their account for \$492, - - 200 00
			Frye & Moore, two accounts, - 44 00
			S. C. Grove & Co., - - 360 42
		30,	Dr. R. K. Reid, in part of his account for \$1,000, - 900 00
			Cash retained in part of my salary, \$500 per quarter, - 400 00
	Amount carried forward, - \$7,793 46		Amount carried forward, - \$4,177 42

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINÉ, TREASURER)

DR.		CR.	
1852.		1852.	
Amount brought forward,	- \$7,793 46	Amount brought forward,	- \$4,177 42
		Nov. 30, By my account for expenses to Vallejo, thence to San Francisco and return, and express account	
		\$10,	- - - 48 75
			<u>\$4,226 17</u>
		Nov. 30, Balance,	- - 3,567 29
	<u>\$7,793 46</u>		<u>\$7,793 46</u>

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER)

DR.	
1852.	
Nov. 30, Balance on hand,	\$3,567 27
Dec. 14, Cash received from the State Treasurer by check on Palmer, Cook & Co.,	421 46
14, To Comptroller's State Civil Warrants on the General Fund, No. 566, for \$2,000, which when sold, at 69 cents per dollar, produced	2,070 00
14, To Comptroller's State Civil Warrants on the General Fund, No. 567, for \$2,656 70, which when sold at 69 cents per dollar, produced,	1,833 12
27, To amount in cash received from patients at the Hospital,	346 50
27, To a certificate of deposit on F. Argenti & Co. in favor of James Holmes, dated January 27th, 1852, and No. 1514, for (received from same,)	154 00
Amount carried forward,	\$8,392 35

CR.	
1852.	
Dec. 1, By amount of Ferguson & Co.'s account,	\$41 87
1, By amount to same in part of their account, for \$549 79,	412 00
2, By amount to W. D. Cowan, in part of his account for \$1,066 66,	900 00
2, By amount to John Gross, in part of his account, for \$788 66,	311 52
3, By amount paid E. S. Holden & Co in part of their account for \$89,	66 50
3, By amount paid P. E. Jordan & Co. in part of their account for \$389 61,	293 00
4, By Thompson & Co. for amount paid to their account for \$492, and in addition to \$200 paid the 20th November,	170 00
15, By amount paid Calvin Paige & Co.'s account,	35 06
15, By amount paid Ward & Vischer on their account for \$1,785 83,	871 46
Amount carried forward,	\$3,101 41

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

1851.		DR.	1852.		CR.
	Amount brought forward,	- \$8,392 35		Amount brought forward,	- \$3,101 41
			Dec. 18,	By amount paid Thompson & Co., balance in full of their account for \$492,	- 122 00
			20,	By amount paid China washman,	- 55 00
				By amount paid Charles M. Weber, in part of his account for \$750,	- 500 00
			30,	By amount paid A. Creaner & Co., in part of their account for \$244,	160 00
				By amount paid M. H. Bond, for his account,	- 50 00
				By amount paid Jno. Gross, balance of his account for \$788 66, \$177 14, and in part of his account for \$433 25,	- 417 14
			22,	By amount J. M. Birdsall's account,	50 00
				By amount paid balance E. S. Hol- don & Co's account for \$89,	- 22 50
			24,	By amount paid balance of Dr. Reid's account for \$1,000,	- 100 00
	Amount carried forward,	- \$8,392 35		Amount carried forward,	- \$4,578 05

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER)

DR.		CR.	
1852.	Amount brought forward, -	\$8,392 35	
			1852.
			Amount brought forward, -
			\$4,578 05
			Dec. 25, By amount paid E. S. Holden &
			Co., in part of their account for
			\$97 50, - - - 65 00
			By amount paid Dr. Reid for Jno.
			Shepard's acc't \$320, and Man-
			uel's account for \$150, - - 470 00
			By amount paid same for Wm. De
			Silva's account \$225, Jno. China-
			man, \$150, and Mrs. M. B. Mas-
			ters \$150, - - - 525 00
			27, By amount paid P. E. Jordan & Co.
			balance of their account for \$389
			61, - - - 96 61
			By amount paid Baldwin & Sperry,
			in part of their account for \$600, 500 00
			By amount retained in balance of
			Treasurer's account for \$500, - 100 00
			28, By amount paid Dr. W. D. Cowan,
			balance in full of his account for
			\$1,066 66, - - - 166 66
	Amount carried forward, -	\$8,392 35	Amount carried forward, -
			\$6,501 32

STOCKTON STATE HOSPITAL—EXHIBIT CONTINUED.

(A. C. BAINE, TREASURER.)

DR.		CR.	
1852.	Amount brought forward,	-	\$8,392 35
Dec. 31, 1852,	-	-	<u>\$8,392 35</u>
1852.	Amount brought forward,	-	\$6,501 32
Dec. 28,	By amount paid A. Creaner & Co. balance in full of their account for \$244,	-	84 00
24,	By amount paid Paige & Web- ster for their account,	.	116 15
31,	By amount paid Jno. Gross, State Bakery, balance in full of their account for \$433 25,	-	133 25
	By balance,	.	<u>\$6,834 72</u>
Dec. 31, 1852,	-	-	1,557 63
			<u>\$8,392 35</u>

STOCKTON STATE HOSPITAL.

Appendix: Showing the amount of money received, and from what source, from its origin to the 29th of Nov., 1851, so that this, (Appendix,) in connection with the foregoing Exhibit, will show the entire transactions of the Hospital from its commencement.

DR.	CR.
<p>1851.</p> <p>July 7, To cash as per Treasurer's Report, \$30 00</p> <p>8, do from Theatre, three nights, 15 00</p> <p>do do one night, 5 00</p> <p>do do three nights, 15 00</p> <p>Aug. 15, do W. H. Fobes, for exhibitions, - - 23 00</p> <p>18, do J. B. Hardy, for two exhibitions, - - 10 00</p> <p>Sept. 30, Cash rec'd from the State Treasurer on account of the \$20,000 appropriation, - - 1,017 32</p> <p>Oct. 15, Cash rec'd as nett proceeds on sale of \$2,000 State Warrants in the \$15,000 appropriation, - 852 00</p> <p>Nov. 29, Cash proceeds of sale of \$1,750 of Warrants in the \$15,000 appropriation, - - - 1,163 75</p> <p style="text-align: right;">Amount carried forward, - \$3,131 07</p>	<p>1851.</p> <p>July 5, By cash paid Buffum & Co., for bill books, - - - \$16 25</p> <p>Aug. 15, Cash for one load of wood, - 12 50</p> <p>Sept. 20, Cash paid for one sign, - - 10 00</p> <p>do bill of Rea & Barnes, - 4 13</p> <p>Oct. 1, Amount of discount on \$2,000 of Baldwin gold coin received from the State Treasurer, - - 2 00</p> <p>3, Cash paid on lease of Wm. Jelly, do expenses of Treasurer to San Jose to collect revenue, - 300 00</p> <p>61 00</p> <p>10, Cash amount of order in favor of Jeremiah Crabb, - - 122 50</p> <p>Cash amount of order in favor of John Butter, - - 100 00</p> <p>11, Cash amount of order in favor of John White, - - 20 00</p> <p style="text-align: right;">Amount carried forward, - \$648 38</p>

LUNATIC ASYLUM IN ACCOUNT WITH THE STOCKTON STATE HOSPITAL.

DR.	CR.
1851.	1851.
Oct. 16, To amount of A. C. Baine's account, \$24 50	Oct. 16, By cash to the credit of the Stockton
19, To amount of J. Tabor's account, - 144 00	State Hospital, the full amount
13, To amount paid Baldwin & Gardner's account, - - 600 00	charged for the gold dust by the
9, To amount paid John M. Birdsall's account, - - - 55 00	State Treasurer, say 99 ozs. at
To amount W. C. Bradley's account, 100 00	\$17 50 per oz., - \$1,723 32
do Frank's account, - 50 00	
6, To amount Jo. Alexander's account, 77 50	
Nov. 3, 1852, - \$1,051 00	
1852.	
To half of Whiting's account, - 60 00	
To half of Rea & Barnes' account, 30 50	
To Goodrum's account entire, - 14 00	
To Foundry's, (J. M. Birdsall's,) entire, - - - 24 00	
To Mariah Liley's account entire, 250 00	
To Andrew Turner's account entire, 150 00	
Groves & Co., account entire, - 360 42	
To Frye & Moore's account entire, 17 00	
To Ferguson & Co.'s account entire, 41 87	
Amount carried forward, - \$947 79	Amount carried forward, - \$1,723 32

LUNATIC ASYLUM IN ACC'T WITH THE STOCKTON STATE HOSPITAL—CONTINUED.

DR.		CR.	
1852.		1852.	
	Amount brought forward,		Amount brought forward,
	\$947 79		\$1,723 32
Oct. 6,	To half of Ferguson & Co.'s account for \$549 79, - -		
	279 89		
	To half of Holden & Co.'s account for \$89, - -		
	49 50		
	To half of Butcher's bill, estimated at \$600, - -		
	300 00		
	<hr/>		
	Nov. 30, 1852, -		
	\$1,576 98		
	Add amount Nov. 3, -		
	1,051 00		
	<hr/>		
	\$2,627 98		
Dec. 1,	To half the <i>actual</i> amount of the Butcher's bill, (\$1,785 83,) less \$300 before charged by estimate,		
	592 91½		
	To half Dr. W. D. Cowan's acc't,		
	533 33		
	To China Washerman's account,		
	48 00		
	To half of Dr. R. K. Reid's account,		
	500 00		
	To half of State Bakery's (\$788 66) John Gross account, -		
	394 33		
	To half of M. H. Bond's account,		
	25 00		
	To half of Mrs. M. B. Master's ac- count, - -		
	150 00		
	<hr/>		
	Amount carried forward, -		
	\$4,871 55½		
	<hr/>		
	Amount carried forward, -		
			\$1,723 32
			<hr/>

LUNATIC ASYLUM IN ACC'T WITH THE STOCKTON STATE HOSPITAL—CONTINUED.

DR.		CR.	
1852.		1852.	
	Amount brought forward,		Amount brought forward,
	\$4,871 55½		\$1,723 32
Dec. 1,	To half of Calvin Paige & Co.'s, account,		
	- - - 17 33		
	To P. E. Jordan & Co.'s account, entire,		
	- - - 389 61		
	<u>\$5,278 69</u>		
Dec. 14,	To half of State Bakery's		
	John Gross account, - 216 62½		
	To half M. H. Bond's account, 25 00		
	To A. Creanor & Co.'s bill entire, 244 00		
	To half China washerman's (\$55) account, - - - 27 50		
	To Baldwin & Sperr's account entire, - - - 600 00		
	To half of Paige & Webster's bill (\$49 75.) - - - 24 87½		
	To half of Ferguson & Co.'s bill (\$147 18) - - - 73 59		
	To half of do entire, 21 00		
	To Maish & Boon's bill entire, 12 00		
	To half of A. C. Baine's (\$48 75,) 24 37½		
	<u>Amount carried forward, - \$6,557 66</u>		<u>Amount carried forward, - \$1,723 32</u>

THE TRUSTEES OF THE STOCKTON STATE HOSPITAL IN ACC'T WITH THE STATE
FOR FUNDS TO MEET THE LUNATIC ASYLUM.

DR.	CR.
<p>1852.</p> <p>Oct. 16, To Comptroller's Warrant No. 374, for \$5,000, drawn on the Civil (General) Fund, sold at 80 cents per dollar, - - - \$4,000 00</p> <p>Nov. 18, to Comptroller's warrant for the sum of \$2,500, drawn on the Civil Fund as aforesaid, and con- verted into State Bonds for \$2,- 500—\$2,000 of which were sold on the 27th of November, 1851, at 77 cents on the dollar, pro- ducing - - - 1,540 00</p> <p>29, And \$500 of same sold on the 29th of November, at 75 cents on the dollar, and produced - 375 00</p> <hr style="width: 50%; margin-left: auto; margin-right: 0;"/> <p style="text-align: right;">\$5,915 00</p>	<p>1852.</p> <p>Oct. 24, By sale of Warrant No. 374, and payment of the amount of the proceeds to H. M. Smith, the contractor, - - - \$4,000 00</p> <p>Nov. 27, By sale of \$2,000 of the Bonds at 77 cents on the dollar, and pay- ment of the amount produced to H. M. Smith, the contractor, 1,540 00</p> <p>29, By sale of \$500 of the Bonds at 75 cents on the dollar, and pay- ment of the sum produced to H. M. Smith, the contractor, 375 00</p> <hr style="width: 50%; margin-left: auto; margin-right: 0;"/> <p style="text-align: right;">\$5,915 00</p>
<p>Amount of Warrants drawn for the erection of the Asylum, say, - - - \$7,500 00</p> <p>Amount produced from their sale, - - - - - 5,915 00</p> <hr style="width: 50%; margin-left: auto; margin-right: 0;"/> <p style="text-align: right;">Difference, - - - - - \$1,585 00</p>	

An account of Warrants drawn in favor of the Stockton State Hospital, as shown by the Treasurer's Books, with the amount produced from their sale, all of which appears from the foregoing Exhibit. The amount drawn for the erection of the Asylum being excluded therefrom, as that account explains itself in this respect at a glance.

Amount produced from sale,	-	\$852 00	1851, Oct. 15, Warrants drawn,	-	\$2,000 00
do do do	-	1,163 75	Nov. 29, do do	-	1,750 00
do do do	-	1,000 00	1852, Jan. 17, do do	-	2,000 00
do do do	-	1,000 00	June do do	-	1,250 00
do do do	-	3,825 00	Aug. do do	-	4,240 00
do do do	-	4,261 02	Nov. do do	-	5,681 35
do do do	-	2,070 00	Dec. do do	-	3,000 00
do do do	-	1,833 12	Dec. do do	-	2,656 70
		<u>\$16,004 89</u>			
Difference,	-	6,583 16			
		<u>\$22,588 05</u>			<u>\$22,588 05</u>

RECAPITULATION,

Showing the entire amount received by the Hospital, in cash, from all sources, excluding therefrom the amount received for the erection of the Lunatic Asylum.

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Cash received by W. A. Root, Treasurer,</td> <td style="text-align: right;">\$29,611 41</td> </tr> <tr> <td>Am't received by A. C. Baine, Treasurer,</td> <td style="text-align: right;">14,448 36</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">44,059 77</td> </tr> <tr> <td>Add deficiency in warrants, - -</td> <td style="text-align: right;">6,583 16</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">50,642 93</td> </tr> <tr> <td>Deduct amount received before 1st of January, 1852, say, - -</td> <td style="text-align: right;">6,641 00</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">44,001 93</td> </tr> <tr> <td>To show the transactions for the year '52, deduct deficiency by W. A. Root,</td> <td style="text-align: right;">1,746 23</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">42,255 70</td> </tr> <tr> <td>Deduct deficiency in warrants received, to show cash actually received in '52,</td> <td style="text-align: right;">4,848 91</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">37,406 79</td> </tr> <tr> <td style="padding-left: 40px;">Amount carried forward,</td> <td style="text-align: right; border-top: 1px solid black;">\$37,406 79</td> </tr> </table>	Cash received by W. A. Root, Treasurer,	\$29,611 41	Am't received by A. C. Baine, Treasurer,	14,448 36		44,059 77	Add deficiency in warrants, - -	6,583 16		50,642 93	Deduct amount received before 1st of January, 1852, say, - -	6,641 00		44,001 93	To show the transactions for the year '52, deduct deficiency by W. A. Root,	1,746 23		42,255 70	Deduct deficiency in warrants received, to show cash actually received in '52,	4,848 91		37,406 79	Amount carried forward,	\$37,406 79	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Cash paid out by W. A. Root, Treasurer</td> <td></td> </tr> <tr> <td>say, - - - -</td> <td style="text-align: right;">\$29,611 41</td> </tr> <tr> <td>Less, - - - -</td> <td style="text-align: right;">1,746 23</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">27,865 18</td> </tr> <tr> <td>Cash paid out by A. C. Baine, Treasurer,</td> <td style="text-align: right;">14,948 86</td> </tr> <tr> <td>Less the balance in hand, say -</td> <td style="text-align: right;">1,557 63</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">\$13,391 23</td> </tr> </table> <p style="margin-top: 20px;">N. B. The amount received on the 27th December, is added on this page to the sum of \$14,448 36, stated on the other page to have been received by Baine, Treasurer, which accounts for the difference in the two sums.</p>	Cash paid out by W. A. Root, Treasurer		say, - - - -	\$29,611 41	Less, - - - -	1,746 23		27,865 18	Cash paid out by A. C. Baine, Treasurer,	14,948 86	Less the balance in hand, say -	1,557 63		\$13,391 23
Cash received by W. A. Root, Treasurer,	\$29,611 41																																						
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Add deficiency in warrants, - -	6,583 16																																						
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	44,001 93																																						
To show the transactions for the year '52, deduct deficiency by W. A. Root,	1,746 23																																						
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Amount carried forward,	\$37,406 79																																						
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	27,865 18																																						
Cash paid out by A. C. Baine, Treasurer,	14,948 86																																						
Less the balance in hand, say -	1,557 63																																						
	\$13,391 23																																						

RECAPITULATION—CONTINUED.

Amount brought forward,	-	\$37,406 79
Add amount received from patients on 27th December, in cash,	-	346 50
And in a certificate of deposit on F. Ar- genti & Co.,	- -	154 09
		\$37,907 29

N. B. This statement was prepared before the 27th of Dec., and this accounts for the additions received on that day.

Burns,	-	-	-	-	3
Cholera Morbus,	-	-	-	-	24
Constipation,	-	-	-	-	2
Cystitis,	-	-	-	-	1
Debility, general,	-	-	-	-	8
Delirium Tremens,	-	-	-	-	24
Diarrhœa,	-	-	-	-	35
Dysentery,	-	-	-	-	54
Dislocation,	-	-	-	-	6
Dyspepsia,	-	-	-	-	3
Erysipelas,	-	-	-	-	10
Fever, Intermittent,	-	-	-	-	176
" Remittent,	-	-	-	-	73
" Continued,	-	-	-	-	14
" Congestive,	-	-	-	-	4
" Typhoid,	-	-	-	-	42
" Panama,	-	-	-	-	32
" Puerperal,	-	-	-	-	2
Fistula in Ano,	-	-	-	-	4
" Lachrymalis,	-	-	-	-	2
Fractures,	-	-	-	-	4
Gastralgia,	-	-	-	-	4
Gastritis,	-	-	-	-	20
Gonorrhœa,	-	-	-	-	30
Heart, Disease of,	-	-	-	-	5
Hemiplegia,	-	-	-	-	2
Hemorrhage,	-	-	-	-	2
Hemorrhoids,	-	-	-	-	10
Hepatitis,	-	-	-	-	5
Hernia,	-	-	-	-	3
Hydrocele,	-	-	-	-	4
Influenza,	-	-	-	-	5
Insanity,	-	-	-	-	124
Jaundice,	-	-	-	-	4
Laryngitis,	-	-	-	-	5
Meningitis,	-	-	-	-	5
Nephritis,	-	-	-	-	2
Orchitis,	-	-	-	-	4
Ophthalmia,	-	-	-	-	22
Parelysis,	-	-	-	-	6
Paronychia,	-	-	-	-	14
Parotitis,	-	-	-	-	5
Phthisis,	-	-	-	-	7
Pneumonia,	-	-	-	-	25
Poison,	-	-	-	-	13
Ptyalism	-	-	-	-	4
Rheumatism,	-	-	-	-	32
" Syphylitic,	-	-	-	-	5
Scorbutus,	-	-	-	-	6

Sciofuia,	-	-	-	2
Skin, disease of,	-	-	-	24
Stricture,	-	-	-	7
Syphilis,	-	-	-	16
" Secondary,	-	-	-	30
Ulcers,	-	-	-	19
Uvula, Elongated,	-	-	-	2
Variola,	-	-	-	2
Wounds, Incised,	-	-	-	42
" Contused,	-	-	-	15
" Gun-shot,	-	-	-	8

TABLE III.

Shows the nativity of patients, and the whole number from each State and Foreign Country.

AMERICANS, -	-	-	-	582
Maine,	-	-	-	24
New Hampshire,	-	-	-	14
Vermont,	-	-	-	11
Massachusetts,	-	-	-	46
Rhode Island,	-	-	-	6
Connecticut,	-	-	-	12
New York,	-	-	-	100
New Jersey,	-	-	-	6
Pennsylvania,	-	-	-	41
Delaware,	-	-	-	3
Maryland,	-	-	-	22
Virginia,	-	-	-	25
North Carolina,	-	-	-	7
South Carolina,	-	-	-	8
Georgia,	-	-	-	14
Alabama,	-	-	-	9
Mississippi,	-	-	-	7
Florida,	-	-	-	4
Louisiana,	-	-	-	19
Texas,	-	-	-	16
Arkansas,	-	-	-	12
Tennessee,	-	-	-	12
Kentucky,	-	-	-	13
Missouri,	-	-	-	35
Ohio,	-	-	-	24
Indiana,	-	-	-	13
Illinois,	-	-	-	30
Michigan,	-	-	-	8
Iowa,	-	-	-	5
Wisconsin,	-	-	-	3

District of Columbia,	-	-	-	1
California,	-	-	-	19
FOREIGNERS,	-	-	-	459
England,	-	-	-	56
Ireland,	-	-	-	69
Scotland,	-	-	-	19
France,	-	-	-	43
Spain,	-	-	-	4
Germany,	-	-	-	39
Wales,	-	-	-	1
Austria,	-	-	-	4
Prussia,	-	-	-	5
Sweden,	-	-	-	7
Norway,	-	-	-	3
Denmark,	-	-	-	2
Portugal,	-	-	-	2
Italy,	-	-	-	7
Turkey,	-	-	-	2
Sicily,	-	-	-	1
Poland,	-	-	-	2
Mexico,	-	-	-	107
Canada,	-	-	-	6
Nova Scotia,	-	-	-	2
New Granada,	-	-	-	6
Central America,	-	-	-	4
Sandwich Islands,	-	-	-	4
Peru,	-	-	-	9
Chile,	-	-	-	15
China,	-	-	-	8
Hindustan,	-	-	-	15
Brazil,	-	-	-	2
Australia,	-	-	-	4
Buenos Ayres,	-	-	-	2

IV.

Shows the residence of each patient at the time of admission.

Butte,	-	-	-	2
Calaveras,	-	-	-	198
Colusi,	-	-	-	2
Contra Costa,	-	-	-	27
El Dorado,	-	-	-	14
Los Angeles,	-	-	-	10
Mariposa,	-	-	-	145
Monterey,	-	-	-	12
Napa,	-	-	-	2
Nevada,	-	-	-	5

Placer,	.	.	.	.	3
Sacramento,	.	.	.	.	40
Shasta,	.	.	.	.	4
Sierra,	.	.	.	.	3
San Diego,	.	.	.	.	2
San Francisco,	.	.	.	.	117
San Joaquin,	.	.	.	.	156
Santa Clara,	.	.	.	.	12
Solano,	.	.	.	.	7
Siskiyou,	.	.	.	.	1
Tulare,	.	.	.	.	8
Tuolumne,	.	.	.	.	188
Yolo,	.	.	.	.	4
Yuba,	.	.	.	.	5
Plains,	.	.	.	.	65

TABLE V.

Diseases which proved fatal.

Panama Fever,	.	.	.	.	2
Typhoid “	.	.	.	.	6
Congestive “	.	.	.	.	1
Puerperal “	.	.	.	.	1
Disease of Heart,	.	.	.	.	1
“ Spine,	.	.	.	.	1
Diarrhœa, Chronic,	.	.	.	.	6
Dysentery, “	.	.	.	.	4
Gun-Shot Wound,	.	.	.	.	1
Pneumonia,	.	.	.	.	2
Epilepsy,	.	.	.	.	1
Erysipelas,	.	.	.	.	1
Paralysis,	.	.	.	.	3
Marasmus,	.	.	.	.	2
Meningitis,	.	.	.	.	1
Acute Mania,	.	.	.	.	1
Delirium Tremens,	.	.	.	.	4
Ascites,	.	.	.	.	3

TABLE VI.

Shows the native place of those who died.

AMERICAN,	.	.	.	.	20
Maine,	.	.	.	.	2
Massachusetts,	.	.	.	.	1
Rhode Island,	.	.	.	.	2
New York,	.	.	.	.	6

New Jersey,	.	.	.	.	1
Pennsylvania,	.	.	.	.	1
Virginia,	.	.	.	.	1
Kentucky,	.	.	.	.	1
Mississippi,	.	.	.	.	1
Missouri,	.	.	.	.	1
Arkansas,	.	.	.	.	1
Ohio,	.	.	.	.	1
California,	.	.	.	.	1
FOREIGN,	.	.	.	.	20
England,	.	.	.	.	2
Ireland,	.	.	.	.	2
Scotland,	.	.	.	.	2
France,	.	.	.	.	3
Norway,	.	.	.	.	1
Sweden,	.	.	.	.	1
Mexico,	.	.	.	.	6
Chile,	.	.	.	.	2
Spain,	.	.	.	.	1

It will be observed by the preceding and following tables, that the population of California is afflicted with almost every form and variety of disease, although the climate is probably more healthy, and the temperature more equable than that of any other country. This is attributable chiefly to the manner of living, the unwholesome diet, the occupation and the exposure of the great mass of the people. In the central portion of the State intermittent and remittent fevers are the prevailing epidemic diseases. These, however, readily yield to prompt, judicious and energetic treatment. Within the past year the small pox and erysipelas exhibited themselves epidemically through the whole range of the southern mining counties, with great virulence and alarming fatality. The cases of cholera were in reality little else than violent cholera-morbus. Most of them had their origin in excesses and indiscretions in diet and drinking—few cases proved fatal. The Chronic forms of diarrhœa and dysentery, are our most dangerous and unmanageable diseases.

A large number of those admitted had just arrived in the country, after a tedious and protracted journey across the plains, or from Mexico, debilitated, exhausted and diseased, without employment and without means, proper objects of our interest and compassion.

The majority of those received from San Francisco were brought into the country by the Pacific steamers, and were generally ill with dysentery, diarrhœa, and Panama or typhoid fever.

The large and populous mining counties of Calaveras, Tuolumne and Mariposa, have contributed their full share to increase our numbers, while many of the more southern counties have been well represented.

We trust, however, that with our accumulated labors and great responsibility, we have faithfully and successfully performed our duty to our patients and ourselves, to you, and to the State.

INSANE DEPARTMENT.

By an Act of the last Legislature, all the Insane of the State were ordered to be placed under the charge of the officers of this Hospital. The treatment and attention necessarily bestowed on these numerous and unfortunate persons have greatly increased our labors, and added much to our responsibilities.

This additional report on the movements and condition of this department has been prepared at the suggestion of the Board of Trustees, for the information of the members of the Legislature.

It is almost impossible to define the term insanity so as to include every case, or embrace every variety of disease. "Some definitions are so narrow and contracted as to set at liberty one-half the inmates of the Lunatic Hospitals, while others are so loose and capacious as to give a straight jacket to half the world." It is however, a disease of the brain, which produces a derangement of the moral and intellectual faculties, changes the affections, the sentiments and the propensities of the individual—frequently induces a partial and often a total deprivation of memory and understanding. It renders the person irresponsible for his actions, and acquits him of crime. He becomes an unmanageable charge on his family, distrustful of his friends, and in many instances dangerous to the community.

Statistical Tables, Remarks, &c.

TABLE I.

Showing the whole number of admissions, discharges and deaths, from May 14, 1852, to December 31, 1852.

	Males.	Females.	Total.
Number of admissions,	113	11	124
“ discharges,	47	3	50
“ deaths,	9	1	10
“ escaped,	2	—	2
“ remaining,	57	7	62

Within the space of seven and a half months no less than one hundred and twenty-four cases of insanity have been sent to this Hospital for treatment. One hundred and thirteen were males and eleven were females. Sixty-two cases are still in the Hospital; fifty-five males and seven females.

TABLE II.

Showing the different forms of insanity and manner of classification.

Acute mania,	35
Chronic “	10

Acute Dementia,	.	.	.	18
Chronic do.	.	.	.	14
Melancholia,	.	.	.	12
Paroxyunal Mania,	.	.	.	8
Epileptic do.	.	.	.	5
Puerperal do.	.	.	.	2
Mono-Mania,	.	.	.	10
Do. suicidal,	.	.	.	2
Do. homicidal,	.	.	.	4

By a proper system of classification but few insane persons will be found unable to engage in some kind of labor or amusement, although no system has yet been devised which will include every case.

Acute Mania.—In this class are found the most violent, furious and dangerous characters. They are usually brought to us in an irritable and excited condition, bound in chains and manacles, and clothed in filth and rags. The general treatment is a thorough cleansing, a gentle cathartic, a liberal use of stimulants and a nourishing diet, then follow chalybeates, quiet and repose. Depletion is rarely indicated, as the excitement merely marks the real debility.

Acute Dementia.—This is a low stage of mental degradation. Here are seen the quiet and the imbecile, the laughing and the idiotic. No exhibition of human agony and suffering is more affecting than a group of this class. Restoration occurs only in recent cases. When the disease becomes chronic, recovery is altogether hopeless. The mental activity and physical sensibility have gradually decayed, and will soon become entirely obliterated.

Mono-Mania.—In this class are placed those who are deranged on one or a limited number of subjects. Their intellectual faculties are not much disturbed, but their dispositions and affections are perverted and changed. They usually run a short course and terminate favorably.

Epileptic Mania.—This is a periodical disease, characterized by convulsions, a loss of consciousness and the want of sensibility. The prognosis is unfavorable, the organic cause not being well understood. Five cases of this form have been admitted.

Melancholia.—In this group are found the depressed, the sullen and the morose. Those who are careless and weary of life. The vast number of suicides of daily occurrence, is furnished by this class.

TABLE III.

Showing the supposed causes of insanity.

Physical causes..

Intemperance,	.	.	.	12
Dissipation and exposure,	.	.	.	8
Masturbation,	.	.	.	9
Disease of Spine,	.	.	.	1
Coup de Soliel,	.	.	.	2

Effect of Poison,	.	.	.	.	1
Ill Health,	.	.	.	.	12
Epilepsy,	.	.	.	.	5
Puerperal,	.	.	.	.	2
Seduction,	.	.	.	.	2

Moral causes.

Religion,	.	.	.	.	3
Jealousy,	.	.	.	.	2
Fear and Grief,	.	.	.	.	3
Loss of Property,	.	.	.	.	4
Intense application,	.	.	.	.	2
Disappointment, &c.,	.	.	.	.	14
Neglect of Husband,	.	.	.	.	1
Desertion of Mistress,	.	.	.	.	1
Domestic trouble,	.	.	.	.	8
Desertion of Wife,	.	.	.	.	4
Unknown,	.	.	.	.	28

The causes of insanity, whether predisposing or exciting, moral or physical, deserve particular attention. Unfortunately most of our patients were brought to us by constables, sheriffs, police officers or other persons, who knew nothing of the cases or their previous history. The preceding table is merely a record of information obtained from friends and acquaintances, and occasionally from the individuals themselves. In some instances this has been quite satisfactory, in others no reliance whatever could be placed upon it.

Intemperance occupies a prominent place in our list of causes. Its moral and physical effects are witnessed in the wearing out of the nervous system, the destruction of the moral sensibility, the approach of delirium sometimes accompanied with paralysis, and terminating in confirmed insanity.

Masturbation is frequently a cause and often a consequence of insanity. Nine cases in our table are attributable to this injurious and disgusting vice. Some have been addicted to the practice for a series of years, even from youth. Their mental and physical powers have gradually decayed, and dementia, the lowest state of human existence, slowly supervenes.

In these cases we rely on the usual anti-aphrodisiac medicines, as conium, camphor, belladonna, dulcamara, the tincture of the muriate of iron, the cauterization of the prostate gland and blistering with cantharides.

Disappointment and failure in business have produced mental derangement in fourteen cases. This is not at all singular considering the rapid fluctuations in trade and commerce, the many unsuccessful speculations in mining, and the repeated losses sustained by floods and conflagrations, throughout the entire State.

Ill Health.—This indefinite and general term includes a variety of diseases, and has been the assignable cause of twelve cases recorded in our table.

Domestic trouble.—This ranks high among the moral causes. The separation of friends and relations, the sundering of domestic ties, the trials, the griefs and the dissensions of the social state, all come under this head and are a fruitful source of mental alienation.

Unknown.—Under this head we are compelled to place a large number, not being able to discover any assignable cause, the individuals and their history being entirely unknown.

TABLE IV.

Showing the nativity of 124 patients.

AMERICANS,	-	-	-	-	63
Maine,	-	-	-	-	4
New Hampshire,	-	-	-	-	1
Massachusetts,	-	-	-	-	2
Rhode Island,	-	-	-	-	1
Connecticut,	-	-	-	-	3
New York,	-	-	-	-	10
New Jersey,	-	-	-	-	1
Pennsylvania,	-	-	-	-	3
Delaware,	-	-	-	-	1
Maryland,	-	-	-	-	2
Ohio,	-	-	-	-	3
Indiana,	-	-	-	-	4
Kentucky,	-	-	-	-	2
Tennessee,	-	-	-	-	2
Virginia,	-	-	-	-	5
North Carolina,	-	-	-	-	2
South Carolina,	-	-	-	-	1
Georgia,	-	-	-	-	4
Mississippi,	-	-	-	-	1
Missouri,	-	-	-	-	1
Louisiana,	-	-	-	-	2
Arkansas,	-	-	-	-	1
Texas,	-	-	-	-	1
California,	-	-	-	-	4
FOREIGNERS,	-	-	-	-	61
England,	-	-	-	-	10
Ireland,	-	-	-	-	10
Scotland,	-	-	-	-	7
France,	-	-	-	-	12
Spain,	-	-	-	-	1
Italy,	-	-	-	-	1
Germany,	-	-	-	-	5
Denmark,	-	-	-	-	1
Norway,	-	-	-	-	1
Poland,	-	-	-	-	2

Russia,	.	.	.	.	1
Prussia,	.	.	.	.	1
Chile,	.	.	.	.	5
Mexico,	.	.	.	.	4

Twenty-five States of the American Union and fourteen foreign countries are here represented: of the former, New-York and Virginia sent the largest number—of the latter, France and England.

TABLE V.

Showing the residence of each patient at the time of admission.

Butte,	.	.	.	.	2
Calaveras,	.	.	.	.	10
Contra Costa,	.	.	.	.	2
El Dorado,	.	.	.	.	9
Napa,	.	.	.	.	1
Nevada,	.	.	.	.	3
Mariposa,	.	.	.	.	4
Monterey,	.	.	.	.	2
Placer,	.	.	.	.	3
Sacramento,	.	.	.	.	26
San Joaquin,	.	.	.	.	14
San Francisco,	.	.	.	.	34
Santa Clara,	.	.	.	.	2
Solano,	.	.	.	.	2
Siskiyou,	.	.	.	.	1
Tuolumne,	.	.	.	.	5
Yolo,	.	.	.	.	2
Yuba,	.	.	.	.	2

The large number attributed to San Francisco, Sacramento and San Joaquin, did not originate in those places. They most probably congregated there from other portions of the State.

TABLE VI.

Showing the relation of Insanity and occupation.

Merchant,	.	.	.	.	5
Trader,	.	.	.	.	3
Clerk,	.	.	.	.	3
Teacher,	.	.	.	.	1
Preacher,	.	.	.	.	1
Artist,	.	.	.	.	2
Druggist,	.	.	.	.	1
Painter,	.	.	.	.	2

Baker,	.	.	.	.	6
Cook,	.	.	.	.	4
Mason,	.	.	.	.	2
Saddler,	.	.	.	.	1
Farmer,	.	.	.	.	7
Laborer,	.	.	.	.	6
Soldier,	.	.	.	.	6
Sailor,	.	.	.	.	2
Tailor,	.	.	.	.	2
Peddler,	.	.	.	.	1
Gambler,	.	.	.	.	2
Printer,	.	.	.	.	1
Distiller,	.	.	.	.	1
Lithographer,	.	.	.	.	1
Engraver,	.	.	.	.	1
Lawyer,	.	.	.	.	1
Butcher,	.	.	.	.	1
Miner,	.	.	.	.	38
Carpenter,	.	.	.	.	6
Gardener,	.	.	.	.	2
Arriero,	.	.	.	.	2
Vaquero,	.	.	.	.	2
Silversmith,	.	.	.	.	1
Blacksmith,	.	.	.	.	4
Sail Maker,	.	.	.	.	1
Cabinet Maker,	.	.	.	.	2
No occupation,	.	.	.	.	12

It is difficult to determine what influence the different occupations of life exert on the development of insanity. Nothing applicable on broad and general principles has yet been deduced from these tables.

TABLE VII.

Showing the civil condition and the relation of celibacy and marriage to insanity.

	MALES.	FEMALES.	TOTAL.
Married,	27	5	32
Widowed,	14	3	17
Unmarried,	72	3	75

The influence which marriage exerts on diseases of the mind, has long been a subject of investigation and inquiry. In the preceding table the difference between the married and unmarried is very great, but probably not greater than the disproportion of the sexes.

TABLE VIII.

Showing the different ages at which insanity commenced.

	MALES.	FEMALES.	TOTAL.
Between 10 and 20 years,	7	2	9
“ 20 and 30 “	39	7	46
“ 30 and 40 “	43	1	44
“ 40 and 50 “	15	1	16
“ 50 and 60 “	8	—	8
“ 60 and 70 “	1	—	1

What period of life furnishes the greatest number of insane persons has not yet been determined. It appears, however, to be a disease of mature years, as youth and advanced age have only a few representatives in the preceding table.

Mania is more peculiar to youth, melancholia to manhood, and dementia to old age. From 25 to 35 years is probably the period most favorable to the development of insanity. The average age of the whole number admitted was only 33½ years. The extremes were 18 and 66 years.

TABLE IX.

Diseases which proved fatal.

Acute Mania,	-	-	-	1
Delirium Tremens,	-	-	-	1
Disease of Spine,	-	-	-	1
Meningitis,	-	-	-	1
Marasmus,	-	-	-	2
Dysentery,	-	-	-	2
Epilepsy,	-	-	-	1
Puerperal,	-	-	-	1

The average age of those who died was only 30½ years. Insanity consumes the vital power very rapidly. The mortality depends on many local circumstances, and is very much modified by the position and arrangement of the Hospital; by the regimen, the medical treatment, and general supervision of the establishment. It is estimated that four-fifths of all recent cases are curable, while scarcely one-tenth of the chronic cases recover.

The treatment of the insane is, in a great measure, one of a moral character. They are frequently aware of their inclination to commit injury upon themselves and others, but are utterly incapable of resisting or controlling the impulse. Formerly those afflicted with this malady were subjected to the strictest confinement—chained, manacled, and treated in the most cruel and inhuman manner. Under a later, more enlarged and enlightened experience, it has been found more judicious and beneficial to dispense with those barbarous measures, which only aggravated and con-

firmed the evil. By abstaining from violence, or any manifestation of passion—by gentleness and sympathy, combined with decision and firmness—by acceding to their reasonable desires, and cultivating their feelings of self-respect, many have been rescued from an unhappy fate, and restored to their friends and society perfectly recovered. The provision made at the last session of the Legislature was entirely insufficient, inappropriate and unworthy the present state of knowledge in the treatment of mental diseases. It furnished a mere receptacle, a place of confinement, a great custodial mad-house, for their safe keeping and security; and but few of the appliances absolutely necessary for their convenience, their comfort, or their successful treatment.

In consequence of these limited accommodations the recent and confirmed cases, the tranquil and the excited, the maniac, the melancholic and the demented, have at different times been indiscriminately crowded together, operating very much to their physical and mental injury.

The condition of this unhappy class of persons appeals with peculiar and accumulating force in this country, where some of the causes exist in a higher degree than elsewhere—homeless, friendless, and entirely dependent upon the public benevolence for care and attention. It addresses our representatives with the strongest reasons to make some more adequate provision for their maintenance, and the application of such means as will probably secure their restoration to health, and the ability to perform the duties and pursue the ordinary avocations of life. Could those upon whom rests the obligation to provide for their urgent necessities witness their wretchedness, and at the same time reflect that it is one of those sad calamities to the invasion of which all are liable, that it can be treated with but little success in civil practice, and that its victims if not early rescued, will be condemned to certain and hopeless misery—they would spare no effort to secure for such unfortunate fellow-creatures the restoration of reason which constitutes the chief excellence and dignity of our nature, or at least procure some means of those sufferings which are rapidly crushing them to the earth. An extensive and inviting field for the exhibition of their benevolence, and all that is accomplished for their benefit will be remembered with pleasure and satisfaction. Justice pleads with mercy in their behalf for sustenance and protection, which it is their duty and solemn obligation as citizens and legislators to grant. As the increased number afflicted is a consequence of the advance of civilization, it is the duty of society not only to ameliorate their condition, but it is right to compel it to diminish their number, and remedy the evil it creates. It is therefore earnestly hoped that a knowledge of their condition and misfortunes may lead to the consummation of some measures which will relieve them from their present disadvantages, and insure their permanent improvement.

In 1850 the number of insane persons in the different hospitals of England was estimated at 32,000; in France, 20,000; in the United States, 16,000; in London, 7,000; in Paris, 4,000.

In 1851, in the Massachusetts Lunatic Hospital, at Worcester, the average number of persons under treatment was 462, the number of admissions 263, the annual expenses were \$66,572, the number of attendants 67.

In the New York Lunatic Asylum at Utica, in 1851, the whole number under treatment during the year was 795; the number at the commence-

ment of the year, 429; the number of admissions, 366; the number of nurses and attendants, 88. The expenses for the year were \$81,783.

In the New Jersey State Lunatic Asylum, in 1851, the cost of completing and furnishing the building was \$153,861; the number of patients at the commencement of the year was 110; the number of admissions, 110; and the annual expense \$27,560. In the insane department of the Pennsylvania Hospital in Philadelphia, in 1848, the average number of patients was 199, and the expenses \$40,450. In the Pennsylvania State Hospital, opened in 1851, the number of admissions was 37, and the expenses \$32,000.

From the above statement it will be observed, that the average cost of maintaining each patient for the year 1851 was, in Massachusetts \$142, in New York \$91, in New Jersey \$128, in Philadelphia \$202, in Harrisburg \$162, and in Ohio \$54.

This is merely an estimate of the average cost of supporting each patient, exclusive of the construction and furnishing of the buildings.—Some of these States are already demanding additional hospitals, and new ones have lately gone into operation in Pennsylvania, Illinois, Kentucky, and Missouri, while North Carolina, Alabama and Mississippi are engaged in the work of erection.

At this moment the urgent wants of this State demand an Insane Hospital, sufficient for the accommodation of at least one hundred patients. Some of the requisites for such an establishment are detailed below, and are the unanimous and deliberate opinions of the superintending physicians of the American Hospitals for the insane.

1. Every hospital for the insane should be in the country, near a large town, and easily accessible at all seasons.

2. It should possess at least fifty acres of land for grounds, gardens and cultivation.

3. It should consist of a main central building with wings, should be constructed of brick or stone, and made secure from fire.

4. The main building should contain the offices, receiving rooms, and apartments for the superintending physician, &c.

5. Each wing should be divided into four or eight wards, each ward should have a parlor, a portico, bath room, and sleeping apartments for each patient.

6. All the apartments should be above ground, and none should be constructed less than eight by ten feet, and twelve feet in height.

7. Some power should be provided for raising five thousand gallons of water daily, to tanks in the attic, which will supply every part of the building.

8. A complete system of forced ventilation is absolutely necessary, and indispensable in every hospital.

9. The wards for the most excited class should be constructed on but one side of a portico, with large windows, and be well ventilated.

10. The rooms for cooking, washing, &c., should be detached from the main hospital building.

11. The drainage from the bath rooms, washing rooms, water closets, &c., should be under ground, and well secured from offensive emanations.

12. If possible the hospital grounds should be enclosed by a permanent and substantial wall, &c.

I am under many obligations to Dr. Chandler of Massachusetts, Dr. Benedict of New York, Dr. Buttolph of New Jersey, Dr. Curwen and Dr. DeWitt of Pennsylvania, who have kindly furnished me with the reports and statistics of their respective institutions for the insane. These documents arrived too late to be incorporated in this report, but they will be cheerfully furnished to any committee of the Legislature to whom these matters may be referred.

ROBERT K. REID, M. D.,
Resident Physician,
State Hospital and Insane Asylum.

Stockton, December 31, 1852.

The only persons employed about the Hospital and Asylum, and their monthly salaries, are as follows:

Hospital.

The Matron, at	.	.	.	\$150 per month.
William, at	.	.	.	75 "
John, at	.	.	.	75 "

Asylum.

Shepherd,	.	.	.	\$100 per month.
Manuel,	.	.	.	75 "

CATALOGUE

Of Patients admitted into the Insane Hospital, from May 14, 1852, to December 31, 1852.

NAME.	AGE.	NATIVITY.
Anselmo Danglede,	24	France.
Augustus Miller,	25	New Jersey.
John Campbell,	30	Ireland.
David Allen,	33	Virginia.
Thomas Brannan,	35	New York.
Andrew Caughman,	27	Tennessee.
James Clarkson,	30	New Hampshire.
Michael Bartell,	30	Connecticut.
William McDonald,	26	Texas.

NAMES.	AGE.	NATIVITY.
Albert Gallatin Sybert,	25	Virginia.
Phillip Kettler,	24	New York.
William Maconell,	34	Scotland.
Daniel Hurley,	33	Ohio.
John Newcomb,	45	Ireland.
John Devin,	23	Ohio.
Jacob Fockler,	30	Germany.
Peter Wise,	27	do.
L. H. B. Clavie,	20	France.
J. M. Flanagan,	23	New York.
Julius Orton,	27	Massachusetts.
Robert Dymon,	50	England.
Casper Schaffer,	30	Germany.
Stephen Belary,	37	France.
Antoine Cigala,	36	do.
Papa Machicha,	25	Chile.
Jose Pastore,	22	do
Marianna,	25	France.
Antoine Feri,	37	do.
Francisco Riviera,	26	Chile.
Frederick Taft,	26	Germany.
John B. Folsom,	25	Maine.
James McGlone,	36	Scotland.
Harrison Light,	23	Indiana.
William Beards,	35	Scotland.
Sarah Jessey,	38	Virginia.
J. P. Lefevre,	33	France.
N. K. Randall,	40	Massachusetts.
John W. Stevens,	28	Indiana.
Angus McDougal,	40	Scotland.
John Coulson,	43	Tennessee.
Jesus Leon Sotera,	18	California.
Saldado,	18	do.
N. K. Bradshaw,	34	Georgia.
Hugh Murry,	30	New York.
Robert Stewart,	32	Kentucky.
W. W. Nichols,	30	New York.
Hiram Hayward,	23	do.
Andrew Turner,	25	Scotland.
Rebecca Cohen,	27	Russia.
Jessey Shelley,	45	North Carolina.
William McDonough,	34	Scotland.
Jos. Jessen,	42	Denmark.
John Kelley,	35	Ireland.
Thomas Kelley,	66	do.
John Nicholas Peltier,	28	France.
Elijah Barnes,	30	Indiana.
William Boynton,	28	Maine.

[Document No. 19.]

IN THE ASSEMBLY]

[SESSION OF 1853.

COMMUNICATION

FROM THE

A T T O R N E Y G E N E R A L .

[GEORGE KERR, STATE PRINTER.

COMMUNICATION

FROM THE

ATTORNEY GENERAL.

ATTORNEY GENERAL'S OFFICE, }
San Francisco, Feb. 18, 1853. }

To the Hon. Speaker of the Assembly :

SIR:—In reply to the resolution of the Assembly of the 16th instant, I submit the enclosed list of Beach and Water Lots, embraced within the boundary limits of Beach and Water property, which is all of the property disposed of by the Commissioners of the Funded Debt of the city of San Francisco.

The total proceeds are	\$71,900
Twenty-five per cent. due the State,	17,975
Paid into the State Treasury,	11,000
Balance now due the State,	6,975

Nearly the entire balance of Beach and Water property has been sold on execution issued on judgments against the city, for prices greatly inadequate, if not merely nominal, compared with the actual value of the property. No part of the proceeds of the Sheriff's sales has been paid into the State Treasury.

As stated in my Annual Report, I have commenced an action in the District Court of the 4th Judicial District against the City, the Commissioners of the Funded Debt, and the purchasers at the Sheriff's sales to recover this property for the State.

I transmit herewith a copy of the complaint in the action, which will explain the grounds of this proceeding.

Without entering into an argument in support of the action, I will here remark, that at the time of the rendition of the judgments and of the levy of the executions the title of the property was in the State. Subsequently and before the sales, the use and occupancy was granted to the city for ninety-nine years, and at the time of the sales all the rights which the State had relinquished to the city were held by the Commissioners of the Funded Debt in trust for the benefit of the creditors of the city and for the State, one fourth of the proceeds being reserved.

In a late decision of the Supreme Court confirming the sales as to property to which the city had the legal title at the time of the rendition of the judgments the rights of the State are reserved for future investigation.

I think I may safely estimate the value of Beach and Water property in the city of San Francisco which has not been disposed of according to the provisions of the Statutes, and which rightfully belongs to the State, at the sum of \$5,000,000.

A great part of this property is now held and claimed by persons who have no legal or equitable right to it.

I shall soon report to the Governor the condition of this immensely valuable property, and in what manner and under what pretended rights it is now withheld from the control of the State and the city of San Francisco.

Respectfully yours, &c.,

S. C. HASTINGS,
Attorney General.

[Document No. 20.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON WAYS AND MEANS,

TO WHOM WAS REFERRED SO MUCH OF THE GOVERNOR'S MESSAGE AS RELATES TO THE FINANCES OF THE STATE.

[GEORGE KERR, STATE PRINTER.

IN THE ASSEMBLY]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON WAYS AND MEANS,

TO WHOM WAS REFERRED SO MUCH OF THE GOVERNOR'S MESSAGE AS RELATES TO THE FINANCES OF THE STATE.

[GEORGE KERR, STATE PRINTER.

R E P O R T
OF THE
COMMITTEE ON WAYS AND MEANS.

Mr. Speaker :

The Committee on Ways and Means, to whom was referred "so much of the Governor's Message as relates to the Finances of the State," beg leave to report: that they had the same under consideration, and regarding it as a subject of paramount interest to all who are concerned in the monetary relations of the State, have devoted much time and anxious reflection to it, after availing ourselves of all the light afforded us by the very able communication of the Executive; the minute, comprehensive and satisfactory report of the Comptroller of State, together with such suggestions as gentlemen were able to make, whose connection with the practical operations of the present financial system enabled them to judge of its merits and demerits. The committee have not deemed it advisable to do more than to propose such amendments to the Revenue Laws now in force, as the experience of the past has pointed out as indispensably necessary. To do more than this would be to jeopardize the public interest without the assurance of securing a system of laws more harmonious, practical and efficient in their effects. The increase in the amount of tax on real and personal property as proposed in the accompanying bills, we believe to be absolutely necessary and justifiable, when considered in connection with our pecuniary embarrassments, scarcity of resources which can be made available at present, and a proper regard for the honor of the State at home and abroad.

Although we deeply regret the necessity for imposing additional burdens upon the people, we have every confidence in their willingness to submit, with that patriotic devotion which has ever characterized the American people, to any and *all reasonable* exactions, promotive of the honor, of the interest, or prosperity of our republican institutions.

We hold that it is the duty of Governments to protect the rights of their people, as well private as public; and this is one of the features in

our National and State Constitutions which all Americans can point to with just pride : and it is this that tended, as much as any one thing, to build up this great American confederacy, strengthen its bands, enshrine a love and devotion to it in the hearts of its children, and render it “ the brightest gem in the world’s casket of national jewels.”

In attempting to do *indirectly*, that which we have no right to do *directly*, we put justice and sound policy at defiance, and when such action materially interferes or invades the chartered rights of the people, we travel out of the bounds of legislative powers, subject our acts to just condemnation ; destroy the confidence of the people in the government ; and inspire a spirit of contempt of her authority, such, in the opinion of the committee, would necessarily be the effects of an increase at this time of the amount of tax on real and personal property, over that which the accompanying bill proposes.

The great landed interests of the State would, of necessity, be the most seriously affected by a different policy.

Not being able to meet the demands of the State without being compelled to alienate their title to large amounts of property, of which they are legally and equitably in possession, they would find themselves forced to do so or else to resist the revenue laws of the State, and any attempt at coercion by State authority would be regarded as agrarian in spirit and effect. It belongs to monarchies and not to republics, to carry out such monstrous principles. Should the amendments to the present revenue law, contained in the accompanying bill, meet the favorable consideration of the Legislature, the surplus arising under the provisions for raising the necessary fund for liquidating the interest on the funded debt of eighteen hundred and fifty-two, we believe will go very far towards liquidating the outstanding civil debt of eighteen hundred and fifty, commonly known as the 3 per cent. bond debt. The subsequent action of the present Legislature, will materially bear upon and influence the correctness or incorrectness of this statement. If *Constitutional restraints* should not be regarded so far as the aggregate amount of State indebtedness is concerned, and if a just and wise spirit of economy should be lost sight of, the opinion above stated must necessarily prove erroneous. We must, however, be compelled to await the developments of the future for a decision, not doubting the ability and willingness on the part of the immediate representatives of the people, to guard with vigilance the interests and rights of their respective constituency.

The satisfactory arrangements in the existing law, for the payment of the interest and principal of the funded debt of one thousand eight hundred and fifty-one, should not in our judgment, be disturbed, as nothing better could be suggested under existing circumstances. The interest accruing has been promptly met, and a sum amounting to upwards of thirty thousand dollars is now being applied to the liquidation of the principal. By the first section of the Funding Act of one thousand eight hundred and fifty-two, some have been influenced to believe that six hundred thousand dollars was the extent to which the Legislature intended to go, in funding the outstanding indebtedness of the State, which had accrued from the 29th of April, 1851, to the 31st of December, 1852, and were surprised to learn that the amount has so far exceeded that sum.— What the opinion of the majority of the late Legislature was in relation

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
G A G Sell,	28	France,	1851, July 2	ulcerated leg,	1852, Feb. 4	cured,	City patient.
J F Riley,	25	New York,	"	rheumatism,	Jan. 4	do	do
H A Dermerest,	52	France,	"	contusion,	" 29	do	S M hospital.
J Crosby,	31	Ireland,	"	fractured leg,	April 16	do	City patient.
C Johnson,	43	Denmark,	"	paralysis,		in hospital,	do
P Nelson,	38	do	"	secondary syphilis,		do	S M hospital.
"Nancy,"	80	Louisiana,	"	16 general debility,		do	City patient.
J T Hathaway,	22	Massachusetts,	Aug. 7	paralysis,		do	do
D Duprey,	54	France,	" 20	do	Aug. 23	dead,	S M hospital.
A Laustalet,	28	do	" 10	general debility,		in hospital,	do
B G Kruse,	22	Denmark,	" 14	scrofula,	March 14	dead,	do
Ato,	25	China,	Sept. 19	scurvy,	Feb. 9	cured,	do
P Hudson,	23	N Carolina,	" 23	rheumatism,	April 8	do	City patient.
Atoon,	21	China,	" 24	disease of chest,	March 11	do	S M hospital.
Chas Carr,	37	Ireland,	Oct. 6	delirium tremens,	" 24	do	City patient.
O C Gunze,	27	China,	" 7	rheumatism,	Jan'y 14	do	S M hospital.
J Dawson,	34	Ireland,	" 11	neuralgia,		in hospital,	City patient.
C A Lord,	30	Maine,	" 14	dysentery,	Feb'y 4	cured,	do
M Cosmer,	37	Ireland,	" 15	jaundice,	Jan'y 3	do	do
C E Lange,	30	New York,	" 15	rheumatism,	March 4	do	do
E Johnson,	22	South Carolina,	" 17	do		in hospital,	S M hospital.
Wm Evans,	28	Massachusetts,	" 18	secondary syphilis,	Jan'y 19	cured,	do
Oporo,	30	China,	" 25	scurvy,		in hospital,	do

J Moffat,	40	Scotland,	1851, Oct. 28	erysipelas,	1852, Jan'y 4	cured,	City patient.
B Boutwell,	17	New York,	Nov. 21	do	" 2	do	do
W Glynn,	56	Massachusetts,	" 5	scurvy,	" 4	do	do
J McLaughlin,	26	Scotland,	" 6	gun-shot wound,	" 7	do	do
J Young,	33	do	" 10	intermittent fever,	Feb'y 3	do	do
J McElroy,	23	Pennsylvania,	" 12	do	Jan'y 13	do	do
J M Monsoc,	23	do	" 14	scurvy,	May 2	do	do
J B Hebert,	50	France,	" 15	intermittent fever,	Nov. 12	do	S M hospital.
P Mullen,	25	New York,	" 18	do	Feb'y 4	do	City patient.
J Rowland,	68	Philadelphia,	"	ophthalmia,	Aug. 26	dead,	do
G Kuhm,	27	Holland,	" 20	dysentery,	Jan'y 8	do	S M hospital.
J Durfee,	58	Rhode Island,	"	intermittent fever,	Nov. 15	cured,	City patient.
P Farston,	36	Hindustan,	" 21	dropsy,	March 1	do	Pay patient.
J Hudson,	30	Massachusetts,	"	erysipelas,	Jan'y 5	dead,	City patient.
J Beverly,	20	New York,	" 22	diarrhœa,	July 16	cured,	do
J Morgan,	60	Nova Scotia,	" 24	disease of heart,	March 19	dead,	do
M Karrigan,	61	Ireland,	"	fistula,		in hospital,	do
Wm Harrison,	12	Alabama,	"	bilious fever,	Jan'y 20	cured,	do
J Lee,	25	England,	" 26	intermittent fever,	" 18	do	do
Wm Creighton,	37	North Carolina,	" 27	do	" 16	do	do
J Long,	30	Ireland,	" 29	Panama fever,	July 16	do	do
N Noel,	33	France,	Dec. 1	dysentery,	Feb'y 9	do	S M hospital.
J Harley,	25	Ireland,	" 3	eruption,	Jan'y 2	do	City patient.
H Cram,	33	New Hampshire,	" 4	intermittent fever,	Feb'y 14	do	do
B Gody,	49	Spain,	"	syphilis,	" 10	do	do
J Smith,	23	St. Louis,	"	erysipelas,	Jan'y 7	do	do
Miss Fanny Curtis,	21	England,	"	general debility,	" 24	do	S M hospital.
J Mepres,	28	Germany,	"	injury to leg,	May 11	do	City patient.
H W Rich,	25	Maine,	" 5	Panama fever,	Jan'y 15	do	do
P Klais,	29	Holland,	" 6	do	" 5	do	do
J Cronin,	35	Ireland,	"	scurvy,	" 27	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
E Wilson,	42	Massachusetts,	1851, Dec. 6	dysentery,	1852, Feb'y 5	cured,	S M hospital.
L Ducoss,	21	France,	"	gun shot wound,	Jan'y 27	do	City patient.
J Bennett,	22	England,	"	Panama fever,	" 25	do	do
L Desmanuel,	34	France,	"	bilious fever,	"	in hospital,	S M hospital.
D Benay,	1	Massachusetts,	"	injury to groin,	Jan'y 8	cured,	City patient.
R Patterson,	54	Scotland,	"	scurvy,	" 3	do	S M hospital.
Wm Walters,	27	New York,	"	10 Panama fever,	Feb'y 20	dead,	City patient.
G Poultnr,	23	England,	"	do	" 10	cured,	do
J Campbell,	34	Ireland,	"	11 rheumatism,	Jan'y 3	do	do
Wm Lawler,	24	do	"	12 Panama fever,	" 4	do	do
D Kinnick,	28	Maine,	"	13 rheumatism,	Feb'y 17	do	do
M Montafiu,	22	New York,	"	cough,	" 24	do	S M hospital.
J Murry,	39	Louisiana,	"	15 intermittent fever,	Jan'y 20	do	Pay patient.
H Pugh,	39	Ohio,	"	Panama fever,	Feb'y 4	do	City patient.
A Stephens,	29	do	"	do	" 17	do	do
J Bispham,	40	Philadelphia,	"	dropsy,	" 24	dead,	do
Wm Smith,	29	Germany,	"	dysentery,	Jan'y 13	cured,	do
P Man,	31	New York,	"	16 bilious fever,	" 16	do	do
T King,	35	Ireland,	"	rheumatism,	" 13	do	do
R P Knapp,	25	Maine,	"	17 intermittent fever,	" 10	do	do
J Gertudes,	16	Mexico,	"	typhoid fever,	" 13	do	do
C Christianson,	22	Norway,	"	do	" 7	do	do
F J Levey,	51	France,	"	poisoned,	" 3	do	do

J Moffat,	40	Scotland,	1851, Oct. 28	erysipelas,	1852, Jan'y 4	cured,	City patient.
B Boutwell,	17	New York,	Nov. 21	do	" 2	do	do
W Glynn,	56	Massachusetts,	" 5	scurvy,	" 4	do	do
J McLaughlin,	26	Scotland,	" 6	gun-shot wound,	" 7	do	do
J Young,	33	do	" 10	intermittent fever,	Feb'y 3	do	do
J McElroy,	23	Pennsylvania,	" 12	do	Jan'y 13	do	do
J M Monsoc,	23	do	" 14	scurvy,	May 2	do	do
J B Hebert,	50	France,	" 15	intermittent fever,	Nov. 12	do	S M hospital.
P Mullen,	25	New York,	" 18	do	Feb'y 4	do	City patient.
J Rowland,	68	Philadelphia,	"	ophthalmia,	Aug. 26	dead,	do
G Kuhn,	27	Holland,	" 20	dysentery,	Jan'y 8	do	S M hospital.
J Durfee,	58	Rhode Island,	"	intermittent fever,	Nov. 15	cured,	City patient.
P Farston,	36	Hindostan,	" 21	dropsy,	March 1	do	Pay patient.
J Hudson,	30	Massachusetts,	"	erysipelas,	Jan'y 5	dead,	City patient.
J Beverly,	20	New York,	" 22	diarrhœa,	July 16	cured,	do
J Morgan,	60	Nova Scotia,	" 24	disease of heart,	March 19	dead,	do
M Karrigan,	61	Ireland,	"	fistula,	"	in hospital,	do
Wm Harrison,	12	Alabama,	"	bilious fever,	Jan'y 20	cured,	do
J Lee,	25	England,	" 26	intermittent fever,	" 18	do	do
Wm Creighton,	37	North Carolina,	" 27	do	" 16	do	do
J Long,	30	Ireland,	" 29	Panama fever,	July 16	do	do
N Noel,	33	France,	Dec. 1	dysentery,	Feb'y 9	do	S M hospital.
J Harley,	25	Ireland,	" 3	eruption,	Jan'y 2	do	City patient.
H Cram,	33	New Hampshire,	" 4	intermittent fever,	Feb'y 14	do	do
B Gody,	49	Spain,	"	syphilis,	" 10	do	do
J Smith,	23	St. Louis,	"	erysipelas,	Jan'y 7	do	do
Miss Fanny Curtis,	21	England,	"	general debility,	" 24	do	S M hospital.
J Mepies,	25	Germany,	"	injury to leg,	May 11	do	City patient.
H W Rich,	25	Maine,	" 5	Panama fever,	Jan'y 15	do	do
P Klais,	29	Holland,	" 6	do	" 5	do	do
J Cronin,	35	Ireland,	"	scurvy,	" 27	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
J Shenstone,	19	England,	1851, Dec. 31	rheumatism,	1852, Jan'y 29	cured,	City patient.
C Piper,	32	Maine,	1852, Jan'y 2	Panama fever,	" 3	dead,	do
J W Taylor,	36	Georgia,	"	injury to hand,	Feb'y 4	cured,	do
C Stowell,	26	Germany,	"	Panama fever,	" 9	do	do
M Klanckenbaum,	21	do	"	typhoid fever,	Jan'y 14	do	do
P McGrand,	27	Ireland,	"	do	" 21	do	do
J Willis,	20	New York,	"	scorbutis,	April 26	do	do
John Brown,	20	St. Louis,	"	ulcer,	Jan'y 24	do	do
Wm Tate,	36	New York,	" 3	do	May 13	do	do
J Kennedy,	17	Philadelphia,	"	scurvy,	Feb'y 7	do	do
B Hughes,	41	London,	"	syphilis,	Jan'y 14	do	do
R Edwards,	24	England,	"	intermittent fever,	Feb'y 14	do	do
F French,	19	New Hampshire,	"	Panama fever,	Jan'y 30	do	do
J French,	26	do	"	do	May 4	dead,	do
R Lane,	45	Maine,	"	general debility,	Jan'y 12	cured,	do
F P Pillsby,	45	New Hampshire,	"	typhoid fever,	" 14	do	do
F Saltmem,	37	Germany,	"	paralysis,	" 26	do	do
J McCoy,	28	Ireland,	"	Panama fever,	" 12	do	do
D McMullin,	24	do	"	typhoid fever,	" 8	do	do
Wm B Hood,	37	Scotland,	" 4	abcess,	Feb'y 9	do	Pay patient.
J Adams,	45	Massachusetts,	"	ulcer,	" 8	do	City patient.
C Man,	21	Ireland,	" 5	debility,	" 9	do	City patient.
Can Hing,	57	China,	"	scurvy,	Jan. 4	do	S M Hospital.

J Griffin,	27 Ireland,	1852 Jan. 5	dropsy,	1852 Feb. 5	cured,	City patient.
J Berhen,	18 Germany,	"	6 Panama fever,	Jan. 14	do	do
J E Mitchell,	22 Maine,	"	do	" 15	dead,	do
J B Summers,	32 Belgium,	"	ophthalmia,	" 26	cured,	S M Hospital.
H H Hurst,	35 Pennsylvania,	"	injury,	" 13	do	Pay patient.
J M Leon,	38 Spain,	"	7 bronchitis,	Feb. 10	do	City patient.
Miss Ann Kelly,	35 Ireland,	"	cough,	" 7	do	do
J Taylor,	56 New Hampshire,	"	disease of lungs,	" 6	dead,	do
8 A Dolan,	30 Portugal,	"	8 rheumatism,	Jan. 6	cured,	S M Hospital.
J Campbell,	32 Ireland,	"	Panama fever,	" 27	do	City patient.
John Spencer,	48 New York,	"	diarrhœa,	Feb. 26	do	do
J Sturk,	40 Germany,	"	typhoid fever,	" 13	dead,	do
C Sturk,	28 do	"	do	March 4	cured,	do
J Brady,	22 New York,	"	do	Jan. 12	do	do
Geo Robert,	31 Germany,	"	12 diarrhœa,	" 20	dead,	S M Hospital.
J Block,	35 do	"	Panama fever,	" 22	cured,	City patient.
J Doin,	35 Ireland,	"	do		in hospital,	do
Wm F'leen,	20 New York,	"	do	Jan. 16	dead,	Pay patient.
C Ingalls,	26 Holland,	"	ophthalmia,	" 18	cured,	S M Hospital.
J M Earthman,	16 Tennessee,	"	13 Panama fever,	" 22	do	City patient.
E Brown,	23 England,	"	do	Feb. 25	do	do
S McKune,	22 Ireland,	"	14 intermittent fever,	" 16	do	do
A Lomer,	23 Germany,	"	16 do	" 6	do	do
W P Stockwell,	29 Massachusetts,	"	disease of spine,		in hospital,	do
P Falls,	26 New Brunswick,	"	erysipelas,	Feb. 17	dead,	do
A Smail,	32 England,	"	intermittent fever,	" 9	cured,	do
B McDougal,	31 Ireland,	"	17 dropsy,	" 25	dead,	do
C Phillips,	26 Portugal,	"	disease of throat,	Jan. 31	cured,	do
J Divine,	32 Ireland,	"	19 dysentery,	April 16	dead,	do
J D Lucas,	21 New York,	"	do	Feb. 4	do	do
J K Potter,	30 Massachusetts,	"	delirium tremens,	Jan 2	cured,	do

NAMES.	Age.	Native Country.	When discharged.	Disease.	When discharged.	How discharged	Remarks.
G Loudrum,	26	Ireland,	1852 Jan. 20	jaundice,	1852 Feb. 3	cured,	City patient.
G Hoag,	24	Maryland,	"	rheumatism,	" 4	do	do
J McCrea,	26	Maine,	"	gun-shot wound,	May 4	do	do
G A Baccus,	39	New York,	"	rheumatism,	Feb. 26	do	do
H Van Buskirk,	23	do	"	dysentery,	" 6	do	do
L S Cannell,	20	do	"	do	Jan. 25	do	do
P Cole,	41	Massachusetts,	"	typhoid fever,	" 27	do	do
C V Kraft,	27	Sweden,	"	rheumatism,	July 8	do	do
J D Minos,	30	Chile,	"	asthma,	Jan. 23	do	do
J H Rogers,	50	New York,	"	general debility,	" 28	do	do
F Outlett,	25	Belgium,	" 20	intermittent fever,	April 7	do	do
J Mulhern,	43	Massachusetts,	"	tetanus,	Jan. 23	dead,	do
B Stoneburner,	47	New York,	"	intermittent fever,	Feb. 4	cured,	do
S A Allen,	35	Maine,	"	small pox,	" 16	do	do
J Mullay,	23	Ireland,	"	intermittent fever,	" 3	do	do
J Furard,	23	do	" 23	ophthalmia,	" 9	do	do
S Haskins,	52	do	"	dysentery,	" 7	do	do
A McDonald,	19	New York,	" 24	jaundice,	" 9	do	do
J Qumby,	23	do	"	typhoid fever,	" 30	do	do
Ann Griffin,	21	Ireland,	"	intermittent fever,	" 24	do	do
S Brown,	14	England,	" 25	injury to leg,	" 7	do	do
J Donally,	26	Ireland,	" 26	dropsy,	" 7	do	do
Ling Ching,	34	China,	"	bronchitis,	" 14	do	do
Chun Han,	44	do	"	abscess,	" 6	do	S M Hospital.
An Gale,	35	do	"	ulcer,	Jan. 29	do	do
Assing,	30	do	"	do		in hospital,	do

J Hickey,	20 Ireland,	1852 Jan. 25	rheumatism,	1852 Feb. 10	cured,	City patient.
J Wilson,	26 England,	"	phthisis,	March 4	do	do
J Walsh,	33 Ireland,	" 27	intermittent fever,	Feb. 17	do	do
Win Nelson,	36 Copenhagen,	"	do	" 8	do	S M Hospital.
S A Riley,	35 New York,	" 28	typhoid fever,	" 9	dead,	City patient.
Geo Swain,	40 Ireland,	"	rheumatism,	March 11	cured,	do
Ayet,	27 China,	" 29	scurvy,	Feb. 8	do	S M Hospital.
J L Van Morton,	36 New York,	"	diarrhoe,	March 4	do	City patient.
Win Raper,	35 England,	"	bronchitis,	Feb. 29	dead,	S M Hospital.
J M Kenny,	35 Ireland,	" 30	wound,	Jan. 31	cured,	City patient.
G Gathney,	21 do	"	intermittent fever,	Feb. 11	do	do
J A Cariote,	43 Chile,	"	syphilis,	" 20	do	S M Hospital.
J Taires,	28 do	"	dropsy,	" 6	dead,	do
J Devan,	35 Ireland,	" 31	diarrhoea,	" 16	cured.	City patient.
F Stephenson,	14 Norway,	Feb. 2	delirium tremens,	" 7	do	do
J O Brine,	24 Ireland,	"	intermittent fever,	" 13	do	do
J Malloy,	60 do	"	gun-shot wound,	" 25	do	do
T Barnes,	30 Germany,	" 3	general debility,	Jan. 9	dead,	S M Hospital,
F Mark,	47 Scotland,	"	diarrhoea,	Feb. 18	cured,	City patient.
J B Bird,	30 Tennessee,	" 4	typhoid fever,	" 29	dead,	do
J R Clerry,	33 Maine.	" 6	do	" 7	do	do
J Devoto,	30 Italy,	"	syphilis,	"	cured,	S M Hospital.
Bastian,	27 India,	"	enlargem't of heart,	" 15	dead,	City patient.
T Bendibentia	24 Chile,	"	intermittent fever,	" 9	cured,	do
H J Harper,	31 Philadelphia,	"	delirium tremens,	March 4	do	do
E Smith,	33 Ireland,	"	typhoid fever,	"	do	do
J Durfec,	48 Rhode Island,	" 7	intermittent fever,	Feb. 14	do	do
J Silva,	33 West Isles,	"	dysentery,	" 9	do	do
G Sherman,	25 Germany,	"	intermittent fever,	"	do	do
J Malt,	27 Connecticut,	"	diarrhoea,	April 19	do	do
J Robinson,	18 Sydney,	"	9 gun-shot wound,	Feb. 10	dead,	do

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged	Remarks.
J Lane,	27	Ohio,	1852 Feb. 9	typhoid fever,	1852 March 3	dead,	City patient.
Wm Hyler,	30	New Jersey,	"	jaundice,	" 8	cured,	do
J Skinner,	22	Bermuda,	"	pneumonia,	Feb. 10	dead,	S M Hospital.
J Meighin,	28	Ireland,	"	intermittent fever,	" 27	cured,	City patient.
C Wescott,	22	New York,	" 10	constipation,	" 15	do	do
A Quo,	50	China,	"	dropsy,	April 8	dead,	S M Hospital.
J Hanley,	23	New York,	"	epilepsy,	Feb. 16	do	City patient.
O Engston,	23	Sweden,	"	intermittent fever,	March 15	cured,	do
Jourane,	24	Chile,	" 11	rheumatism,	" 22	do	do
J Palmer,	28	Denmark,	" 12	ptyalism,	Feb. 16	do	S M Hospital.
C A Lord,	30	Maine,	"	dysentery,	March 2	dead,	City patient.
J S Paranto,	23	Chile,	"	rheumatism,	Feb. 20	cured,	do
J Silva,	33	West Isles,	"	dysentery,	" 15	do	do
Geraund,	24	France,	" 13	burn,	" 20	do	Pay patient.
J Riley,	26	Ireland,	"	intermittent fever,	June 18	do	City patient.
G Ganassa,	27	Mexico,	" 15	bronchitis,	March 16	do	S M Hospital.
R Quin,	41	Ireland,	" 16	injury,	Feb. 23	do	City patient.
A Lowe,	24	Germany,	"	rheumatism,	April 2	do	do
J Hallet,	41	Massachusetts,	"	mania-a-potu,	Feb. 17	dead,	do
Wm Rees,	25	Wales,	" 18	intermittent fever,	March 12	cured,	do
J Anderson,	49	Boston,	"	typhoid fever,	" 11	do	do
J Williams,	40	England,	"	fracture of skull,	Feb. 22	dead,	do
A Dias,	19	Chile,	"	syphilis,	Aug. 31	cured,	do
A McDonald,	18	New York,	" 19	intermittent fever,	Feb. 23	do	do
T C Linden,	23	New Jersey,	"	bronchitis,	March 9	do	do
G Mendis,	35	England,	"	do	Feb. 22	do	do

T Fermerty,	21	New York,	1852 Feb. 21	intermittent fever,	1852 March 19	cured,	City patient.
Wy Ee,	23	China,	"	do	" 8	do	S M Hospital.
A Peia,	23	Spain,	"	ulcer,	" 4	do	City patient.
T Farley,	32	Ireland,	" 23	intermittent fever,	" 22	do	do
J H McNarry,	32	do	" 24	typhoid fever,	" 20	do	do
G B Brewster,	28	New York,	"	intermittent fever,	" 16	do	do
P Clark,	19	Ireland,	"	do	" 22	do	do
Wm Montgomery,	30	New York,	"	do	"	do	do
C McGuire,	28	Ireland,	" 25	do	" 12	do	do
G Smith,	29	do	"	rheumatism,	" 11	do	do
J Murry,	39	Louisiana,	"	hepatitis,	"	dead,	do
P McFadden,	25	Ireland,	"	erysipelas,	Feb. 28	do	do
J Lydecker,	28	Germany,	"	intermittent fever,	March 19	cured,	do
J Nelson,	35	Boston,	"	rheumatism,	" 4	cured,	S M hospital.
Wm H Mason,	26	New York,	" 27	typhoid fever,	"	do	City patient.
P Patterson,	42	Scotland,	"	delirium tremens,	April 9	do	do
M Bryan	31	Ireland,	"	dianthæa,	" 12	do	do
G Johnson,	21	Chile,	"	intermittent fever,	March 11	do	do
A Barros,	24	do	"	wound,	May 14	do	do
J B Summers,	32	Belgium,	" 28	abscess,	" 2	do	S M hospital.
T Adams,	40	Fayal,	"	scurvy,	Mar. 19	dead,	City patient.
E Wilson,	35	Norway,	"	typhoid fever,	June 9	cured,	do
G Keslenbury,	38	England,	"	gonorrhœa,	April 8	do	do
C Dumas,	32	Peru	"	gun-shot wound,	May 13	do	do
J Robinson,	28	Ireland,	"	intermittent fever,	Mar. 15	do	S M hospital.
J Nesmith,	25	Scotland,	March 1	general debility,	" 29	dead,	City patient.
J Castello,	19	Guayaquil,	"	sypphilis,	" 12	cured,	do
J W Leon,	28	do	"	bronchitis,	"	do	do
Wm Grisham,	22	Louisiana,	"	swelled testis,	" 22	do	do
Wm Price,	24	Ireland,	"	ophthalmia,	April 24	do	do
H Joice,	19	do	"	intermittent fever,	Mar. 15	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
P G Posten,	33	Philadelphia,	1852, Mar. 3	Panama fever,	1852, April 10	cured,	City patient.
J Canby,	23	Ireland,	"	rheumatism,	Mar. 11	do	do
C E Lange,	35	New York,	"	do	April 7	do	do
C Christianson,	20	Norway,	"	intermittent fever,	Mar. 15	do	do
J Jacobs,	22	Vermont.	"	do	April 13	do	do
A Night,	22	Massachusetts,	"	syphilis,	May 15	do	do
J M Cocholat,	31	France,	"	disease of heart,	April 13	dead,	do
J Bell,	59	Isle of Man,	"	delirium tremens,	Mar. 12	cured,	do
Mrs McBude,	55	Ireland,	"	typhoid fever,	April 27	do	do
Mrs Jane Spencer,	26	England,	"	rheumatism,	" 30	do	S M hospital.
J Constantine,	28	Louisiana,	"	jaundice,	Mar. 24	do	City patient.
J Valdman,	30	Hungary,	"	Amputation,	April 4	do	do
J Dunfie,	48	Rhode Island,	"	intermittent fever,	" 3	do	do
J Beckford,	20	Vermont,	"	Panama fever,	May 2	do	do
C Mathewson,	57	do	"	do	Mar. 26	do	do
T Miller,	23	Ireland,	"	do	May 2	do	do
J Maloney,	21	do	"	diarrhœa,	April 4	do	do
Wm Tecce,	25	England,	"	Panama fever,	Mar. 12	do	do
W Arbie,	46	Germany,	"	ulcer,	April 8	do	do
A E Cansby,	30	New York,	"	rheumatism,	Mar. 20	do	do
P Farrell,	28	Ireland,	"	10 bronchitis,	" 22	dead,	do
W Green,	46	Maine,	"	injury,	" 25	cured,	do
J Hapley,	30	New Brunswick,	"	11 delirium tremens,	" 13	dead,	do
E Elliot,	43	Virginia,	"	rheumatism,	" 18	cured,	do
Tyel,	33	China,	"	ulcer,	"	do	S M hospital.
D Featherstone,	31	France,	"	intermittent fever,	April 5	do	do

J Colamunture,	31	France,	1852. Mar. 12	intermittent fever,	1852, April 5	cured,	City patient.
J Delvin,	32	Ireland,	"	do	June 7	do	do
R Garris,	24	Mexico,	"	disease of heart,	" 5	do	do
Taylor,	31	Georgia,	"	Panama fever,	March 6	do	do
A Greer,	21	Philadelphia,	"	rheumatism,	June 21	do	do
H Cole,	22	Poland,	"	ophthalmia,	April 14	do	do
F Maria,	34	Spain,	"	laryngitis,	March 14	dead,	do
J McMullen,	37	Scotland,	"	scurvy,	April 7	cured,	do
Ahem,	32	China,	"	13 rheumatism,	" 4	do	S M hospital.
A Engston,	23	Sweden,	"	15 swelled testis,	"	do	City patient.
J Ward,	19	Ireland,	"	diarrhoea,	June 3	do	do
D Haikin,	33	do	"	do	March 27	do	do
Miss S A Lowe,	16	England,	"	16 acme,	May 8	do	S M hospital.
D K Maloney,	31	Ireland,	"	17 epilepsy,	March 5	dead,	City patient.
Wm Cornell,	20	Connecticut,	"	diarrhoea,	" 23	do	do
B Alsey,	22	Iowa,	"	18 syphilis,	April 27	cured,	do
L Langar,	18	Massachusetts,	"	rheumatism,	March 20	do	do
J Malay,	26	New York,	"	debility,	April 19	do	S M hospital.
Miss Kate Conner,	22	Ireland,	"	secondary syphilis,	July 2	do	City patient.
J O Conner,	27	Philadelphia,	"	19 wound,	April 8	do	do
C Crabb,	34	France,	"	injury,	" 3	do	do
C Harwood,	22	New York,	"	20 Panama fever,	" 20	do	do
H Cunningham,	36	do	"	do	" 3	do	do
G Lacy,	38	Scotland,	"	do	" 13	do	do
R Furnace,	42	Liverpool,	"	disease of lungs,	Sept. 5	dead,	do
H Delaney,	60	do	"	21 Mania a portu,	March 31	do	do
C B Ott,	51	Philadelphia,	"	22 rheumatism,	May 5	cured,	do
A Mcfutyrc,	23	Scotland,	"	23 typhoid fever,	June 15	do	do
J Karney,	37	Maine,	"	rheumatism,	March 27	do	do
W Brown,	32	New York,	"	24 injury,	April 26	do	do
S Richards,	45	Ireland,	"	fracture,	" 6	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
A Dunante,	50	Granada,	1852, Mar. 24	ophthalmia,	1852, May 19	cured,	City patient.
H Manolis,	23	New York,	"	syphilis,	March 27	do	do
E Canambolt,	29	France,	"	abscess,	April 12	do	do
J Bafoult,	23	Maryland,	" 25	pneumonia,	" 24	dead,	do
T Cunningham,	27	Liverpool,	"	rheumatism,	" 21	cured,	do
Ali,	30	China,	" 26	do	" 4	do	S M hospital.
A Olivia,	23	Chile,	"	scurvy,	June 28	do	City patient.
J Harvey,	35	Scotland,	"	injury,	May 12	do	Pay patient.
J Stewart,	23	New Brunswick,	"	rheumatism,	April 19	do	do
T J Apharp,	33	Massachusetts,	" 27	dysentery,	May 7	do	City patient.
W Hillbrand,	28	Germany,	"	rheumatism,	April 14	do	do
C F Hopkins,	28	Vermont,	"	Panama fever,	" 2	dead,	do
Mrs. A O'Donnell,	32	Ireland,	"	wound,	" 4	cured,	do
J Marphew,	52	England,	" 28	dropsy,	May 14	do	Pay patient.
N J Parker,	35	Massachusetts,	" 29	rheumatism,	June 16	do	City patient.
J J Cafrey,	29	Chile,	"	do	April 6	do	do
N Cartois,	18	do	"	do	" 7	do	do
L J Summerland,	20	North Carolina,	"	diarrhoea,	" 14	dead,	do
P Bell,	20	Georgia,	"	do	May 17	cured,	do
J J Jones,	22	do	"	do	"	do	do
C Buenaventura,	27	Chile,	"	gun-shot wound,	" 7	do	do
J Meadsker,	45	Prussia,	"	typhoid fever,	" 2	dead,	do
Wm Berry,	25	Ireland,	" 30	delirium tremens,	" 4	cured,	do
Ching Too,	31	China,	"	erysipelas,	"	in hospital,	S M hospital.
Atcoo,	45	do	" 31	dropsy,	April 4	dead,	do
R Martinez.	22	Mexico,	"	dysentery,	May 3	cured,	City patient.

J Olibarres,	45	Chile,	1852, Mar. 31	syphilis,	1852, June 24	cured,	S M hospital.
H Thompson,	25	Philadelphia,	April 1	constipation,	April 7	do	City patient.
Wm Williams,	29	New York,	" 2	diarrhœa,	" 12	do	do
Aching,	30	China,	"	disease of lungs,	" 14	do	S M hospital.
F Beaugrand,	23	France,	"	abscess,	" 9	do	do
S Andulce,	25	Chile,	" 3	syphilis,	"	do	do
J M Solanis,	24	do	"	intermittent fever,	"	do	do
H Studson,	30	Rhode Island,	" 5	rheumatism,	" 7	do	City patient.
3 P Oarricia,	22	Chile,	" 6	abscess,	May 4	do	do
H Dubargunes,	31	France,	"	scurvy,	April 17	do	S M hospital.
A Bartlett,	30	Connecticut,	" 7	paralysis,	June 27	do	City patient.
P Riley,	20	Ireland,	"	abscess,	April 12	do	do
J Brocklenback,	21	Maine,	"	Panama fever,	" 25	dead,	do
L J Bergland,	37	Sweden,	" 8	dropsy,	May 15	cured,	S M hospital.
J McIlroy,	18	New Jersey,	"	intermittent fever,	April 15	do	City patient.
D Collins,	25	Vermont,	"	dysentery,		in hospital,	do
C Smith,	31	Germany,	"	rheumatism,	May 5	cured,	do
H Cogswell,	52	Maine,	"	hydrocele,	April 9	do	S M hospital.
Wm Richards,	31	Liverpool,	"	disease of chest,	" 21	dead,	Pay patient.
P Freed,	23	Germany,	" 9	rheumatism,	" 12	cured,	City patient.
S Edson,	54	Vermont,	"	injury,	" 14	do	do
H Losnip,	22	Ohio,	"	intermittent fever,	"	do	do
M Ring,	25	Ireland,	" 10	hemorrhage lungs	May 29	dead,	do
C W Haddon,	42	London,	"	constipation,	April 15	cured,	do
C Hernandez,	22	Chile,	"	ophthalma,	May 3	do	S M hospital.
J Wilson,	40	England,	" 11	delirium tremens,	April 13	dead,	City patient.
T Galbinger,	36	do	"	rheumatism,	" 18	cured,	do
Wm Bowles,	24	New York,	" 12	disease of chest,	" 17	do	do
J Frunce,	31	France,	" 12	rheumatism,	May 19	do	City patient.
J Conlough,	50	Liverpool,	"	delirium tremens,	Aug. 14	do	Pay patient.
A Dodard,	24	Italy,	" 14	abscess,	May 15	do	City patient.

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
P Clark,	19	Ireland,	1852 April 15	cough,	1852 April 22	cured,	City patient.
Curin,	37	China,	"	erysipelas,	May 7	do	S M hospital.
E Price,	32	Wales,	"	abscess of cornea,	April 17	do	City patient.
J Walters,	22	Maine,	" 16	injury,	"	do	do
A Peirce,	28	New York,	"	rheumatism,	June 14	do	do
J Mullen,	32	Germany,	"	Panama fever,	May 9	dead,	do
G C Slayton,	27	Vermont,	"	do	22	do	do
J Fardice,	38	Massachusetts,	"	rheumatism,	4	cured,	do
B Roper,	16	England,	"	disease of spine,	June 20	do	do
J Rankin,	28	Scotland,	"	injury,	" 7	do	do
J Morgan,	26	New York,	" 17	intermittent fever,	April 24	do	do
J Moody,	46	Ireland,	"	do	May 29	do	do
R McKinley,	28	do	"	diarrhœa,	June 7	do	do
E J Langberone,	30	France,	"	injury,	April 22	do	do
J B Smith,	27	Philadelphia,	"	gun shot wound,	June 26	do	do
J H Ringold,	42	Maryland,	" 18	ophthalmia,	May 18	do	Pay patient.
J Miller,	32	Germany,	" 19	erysipelas,	" 12	do	City patient.
H Newcomb,	23	Ireland,	"	intermittent fever,	April 27	do	do
J Marrs,	23	New York,	"	do	" 26	do	do
Miss F Curtys,	21	England,	"	phleg masia dolens	" 28	do	S M hospital.
F Harris,	25	Lattaina,	" 20	typhoid fever,	July 8	do	City patient.
H Panot,	36	New York,	"	ulcer,	May 18	do	do
A Leopold,	17	France,	"	syphilis,	April 23	do	do
J Cunningham,	33	Maryland,	" 21	pneumonia,	May 1	dead,	do
J Kreen,	30	Germany,	"	diarrhœa,	June 28	cured,	do
Miss B Roberts,	21	Wales,	"	delirium tremens,	April 24	do	do

C Morrell,	45	France,	1852	April 21	intermittent fever,	1852	April 27	cured,	S M hospital.
C R Davidson,	24	New York,		" 23	do		"	do	City patient.
J Dickenson,	24	Illinois,		"	diabitees,		July 31	dead,	do
S Handley,	28	Maine,		"	injury to hand,		May 18	cured,	do
F Millday,	28	Hamburg,		"	dysentery,		" 20	do	do
F Rowe,	27	England,		" 24	swelled testis,			in hospital,	do
G Combs,	20	Sweden,		"	fracture,		July 7	cured,	do
Aling,	38	China,		"	fever typhoid,		June 8	dead,	S M hospital.
A Coak,	24	do		"	rheumatism,		May 7	cured,	do
G Dawson,	39	England,		"	delirium tremens,		April 26	do	City patient.
L Spite,	35	France,		"	bronchitis,		" 27	do	S M Hospital.
D Young,	23	Michigan,		"	jaundice,		"	dead,	City patient.
J Costello,	40	New Grenada,		" 26	bronchitis,		May 13	cured,	do
Henry Smith,	29	England,		"	dysentery,		" 9	dead,	do
J O Brine,	31	New York,		"	fracture,			in hospital,	do
P Philipson,	29	Germany,		"	typhoid fever,		" 24	cured,	do
Miss M Wigund,	26	do		"	miscarriage,		June 15	dead,	do
A Myles,	38	France,		"	scald,		May 4	cured,	S M hospital.
C Douglass,	33	England,		" 27	intermittent fever,		" 15	do	City patient.
F Bessy,	21	Maine,		"	do		July 5	do	do
B Wheaton,	39	England,		"	do		May 5	do	do
Wm Muddick,	58	do		" 28	ophthalmia,		" 29	do	do
Alon,	35	China,		"	paralysis,			in hospital,	S M Hospital.
D Howser,	31	Germany,		"	Panama fever,		May 5	cured,	City patient.
G Kenyon,	17	Rhode Island,		"	syphilis,		" 6	do	S M Hospital.
T Campsa,	35	Russia,		"	dropsy,		"	do	do
J Moyanes,	27	New Grenada,		"	intermittent fever,		" 11	do	City patient.
F Lawrence,	27	New York,		"	disease of kidneys,		" 12	do	do
J Torrence,	46	France,		" 29	intermittent fever,		" 19	do	do
J Henry,	19	Ireland,		"	do		" 29	do	do
F Boyd,	20	Equador,		"	ophthalmia,		"	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
T C Linden,	23	New Jersey,	1852 April 29	bronchitis,	1852 Nov. 9	cured,	City patient.
J Robinson,	21	New Hampshire,	" 30	typhoid fever,	May 24	do	do
A Monroe,	29	Scotland,	"	do	June 18	do	do
H Dobson,	37	England,	"		" 7	do	do
Aching,	21	China,	"	typhoid fever,	May 1	dead,	S M Hospital.
A Mun,	24	do	"	do	June 15	cured,	do
M Kelly,	26	Ireland,	"	do	May 25	do	City patient.
S G Cummings,	48	Maine,	"	do	" 2	dead,	do
J Gardner,	24	Maryland,	"	injury to head,	" 30	cured,	do
J Murry,	27	Scotland,	May 1	erysipelas,	" 24	do	do
J Larkins,	30	Louisiana,	"	gun-shot wound,		in hospital,	do
D Jacobs,	26	Prussia,	"	diarrhœa,	May 8	dead,	do
J H Williams,	35	New York,	"	delirium tremens,	" 3	cured,	do
C Smith,	39	Delaware,	"	stricture,	" 30	do	do
S Michold,	31	Chile,	"	puerperal fever,	" 9	dead,	do
J Klunkenbam,	31	Germany,	" 3	intermittent fever,	" 10	cured,	do
P Hermandes,	34	Mexico,	"	syphilis,	June 17	do	S M Hospital.
M Tracy,	23	New York,	" 4	intermittent fever,	May 8	do	City patient.
J Santiago,	17	California,	"	erysipelas,	" 17	do	Pay patient.
A J Eubelen,	23	France,	"	syphilis,	" 7	do	S M Hospital.
T Craig,	24	Scotland,	"	scurvy,	June 19	do	Pay patient.
M Lagarra,	20	Mexico,	" 5	typhoid fever,	May 21	do	City patient.
J Mullen,	21	Ireland,	"	rheumatism,	" 29	do	do
Ling Chow,	28	China,	"	ophthalmia,	" 7	do	S M Hospital.
B Earl,	29	New York,	" 6	Panama fever,	" 14	dead,	City patient.
R Barthow,	50	France,	"	dysentery,	" 15	cured,	S M Hospital.

J Anselmo,	30	Chile,	1852, May 6	intermittent fever,	1852, July 16	cured,	S M Hospital.
Ting Sow,	26	China,	"	dropsy,	May 7	dead,	do
H Weuie,	47	France,	"	7 ophthalmia,	" 10	cured,	do
J Lean,	24	New York,	"	rheumatism,	July 3	do	City patient.
E Legard,	31	Maine,	"	8 do	May 10	do	do
J Montgomery,	33	do	"	scurvy,	"	do	do
J Steel,	30	Scotland,	"	10 fracture,	Sept. 11	do	do
J Klackenbaum,	21	Germany,	"	11 intermittent fever,	May 30	do	do
J R Nichols,	48	England,	"	12 erysipelas,	" 29	do	do
Wm Flood,	22	Maine,	"	diarrhœa,	" 13	do	do
P Dewitt,	31	New Jersey,	"	13 wound,	" 21	dead,	do
A Hock,	35	China,	"	rheumatism,	" 28	cured,	S M hospital.
R Fiet,	41	France,	"	bronchitis,	June 4	dead,	do
B Brumhall,	23	New York,	"	14 Panama fever,	May 15	do	City patient.
F Barlow,	20	Ireland,	"	do	June 5	cured,	do
A Josquire,	22	Mexico,	"	bronchitis,	May 20	do	do
S R Perry,	26	New York,	"	diarrhœa,	June 14	do	do
Mrs Mary Marrow,	30	Georgia,	"	pleuritis,	May 30	dead,	do
P Levander,	24	Mexico,	"	syphilis,	June 7	cured,	do
J Bullard,	44	New York,	"	15 Panama fever,	May 18	dead,	do
Geo Kohler,	20	do	"	gun-shot wound,	" 24	cured,	do
Geo Bird,	35	Philadelphia,	"	16 delirium tremens,	" 27	do	do
J Vignas,	28	Germany,	"	17 injury,	June 10	do	do
F Brunkinbosh,	30	do	"	intermittent fever,	May 25	do	do
Hangi,	40	China,	"	bronchitis,	June 2	do	S M hospital.
Chi Ho,	50	do	"	intermittent fever,	May 20	do	do
Ching Li,	40	do	"	diarrhœa,	" 26	dead,	do
Arhoo,	26	do	"	rheumatism,	" 27	cured,	do
J Fearnot,	39	France,	"	18 injury,	" 29	do	do
A Heard,	26	Maine,	"	intermittent fever,	June 2	do	City patient.
T Lucas,	24	Baltimore,	"	24 abscess,	" 22	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
F Erbin,	40	France,	1852, May 24	cholera,	1852, June 13	dead,	City patient.
Ahoh,	30	China,	"	do	" 23	do	S M hospital.
J Lancey,	26	England,	" 19	syphilis,	May 2	cured,	do
M Tracy,	22	New York,	" 20	intermittent fever,	" 20	do	City patient.
F Cervantes,	23	Mexico,	"	scrofula,		in hospital,	do
C Jones,	26	New York,	"	intermittent fever,	May 24	cured,	do
A Valentia,	22	Manila,	"	bronchitis,	" 25	dead	do
W Collins,	20	New York,	" 21	diarrhœa,	" 22	cured,	do
J M Mitchell,	24	Maine,	"	Panama fever,	June 13	dead,	do
N Maddis,	21	Connecticut,	"	do	" 9	cured,	do
C Styles,	27	Michigan,	"	do	" 22	do	do
Thomas Dencey,	25	Illinois,	"	rheumatism,		in hospital,	do
J Wright,	37	Massachusetts,	"	intermittent fever,	May 22	cured,	do
J McAffrey,	17	Louisiana,	"	Panama fever,	June 7	do	do
M M Egan,	22	Missouri,	"	diarrhœa,	Dec. 9	do	do
B Lawrenson,	30	Germany,	"	do	June 25	do	do
S Handley,	28	Maine,	"	typhoid fever,	" 1	do	do
T Torley,	33	Ireland,	"	intermittent fever,	May 22	do	do
Akin,	33	China,	"	do	" 28	do	S M hospital.
F J Romas,	45	Chile,	"	rheumatism,	Aug. 16	do	do
J Aldson,	32	Sweden,	"	do	Sept. 10	do	do
T Miller,	31	do	"	do	June 17	do	do
C M Farine,	24	France,	"	syphilis,	" 8	do	City patient.
J McAlpen,	40	North Carolina,	"	diarrhœa,	May 24	dead,	do
T Watson,	24	Scotland,	"	fracture,	Aug. 29	cured,	do
O Richards,	25	South Carolina,	" 22	measles,	June 24	do	do

A E Gleason,	24	Connecticut,	1852, May 22	diarrhoea,	1852, July 2	cured,	City patient.
G Bowen,	25	Ireland,	"	rheumatism,	June 7	do	do
P Solly,	28	Philadelphia,	"	swelled testis,	" 12	do	do
J Eaton,	35	Georgia,	"	intermittent fever,	" 16	do	do
Wm Kirr,	30	Scotland,	"	gun-shot wound,	May 29	do	do
M Felix,	38	France,	"	syphilis,	" 2	do	do
P Adolphe,	18	do	"	scrofula,	June 3	do	do
A Stead,	23	New York,	"	Panama fever,	May 25	dead,	do
G Scott,	29	Scotland,	" 24	disease of spine,	"	do	do
G Daniels,	60	New Jersey,	"	ophthalmia,	July 18	dead,	do
J Kaufman,	23	Baltimore,	"	—	June 18	do	do
F L Herry,	38	France,	"	injury,	"	do	do
J Dougherty,	38	Ireland,	"	Panama fever,	July 2	do	do
W Miner,	25	Germany,	"	injury,	May 28	dead,	do
J A Jamieson,	23	New Jersey,	"	typhoid fever,	" 27	do	do
Tong Lisk,	50	China,	" 25	scurvy,	June 2	cured,	S M Hospital.
G O'Callahan,	22	New York,	"	dropsy,	July 2	do	City patient.
J Riley,	35	Ireland,	"	intermittent fever,	June 29	do	do
F Beckett,	28	Pennsylvania,	"	diarrhoea,	" 21	do	do
R Schlotle,	23	do	"	do	" 8	do	do
W Finley,	49	Ireland,	"	sprain,	" 4	do	do
G Brohaska,	24	Germany,	" 26	intermittent fever,	" 21	do	do
E Hudson,	25	Maine,	"	cholera,	Aug. 20	dead,	do
J Chambers,	28	Philadelphia,	"	dysentery,	June 18	cured,	do
F Dunsemar,	28	Germany,	" 27	erysipelas,	" 7	do	do
M Boyle,	21	Boston,	"	diarrhoea,	" 24	dead,	do
A Mullen,	26	Ireland,	"	dropsy,	" 8	cured,	do
J R Gates,	26	New York,	"	cholera,	May 30	dead,	do
W S Malroy,	38	Connecticut,	" 28	diarrhoea,	June 21	cured,	do
J Valentine	23	Prussia,	"	neuralgia,	" 14	do	do
H Tates	22	New York,	"	Panama fever,	" 8	dead,	do

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged	Remarks.
J Harrey	23	Wales,	1852, May 28	Panama fever,	1852, June 16	cured,	City patient.
J B Summers	32	Belgium,	"	abscess,	July 8	do	do
J Coad	29	Ireland,	" 29	dysentery,	June 26	do	do
J Karrigan	27	New York,	"	Panama fever,	May 30	dead,	do
F S Robinson	24	Boston,	"	intermittent fever,	June 19	cured,	do
P Duffy	40	France,	"	ruption,	" 11	do	do
J Nicholas	32	do	"	ulcer,	" 4	do	do
F Bruckeback	30	Germany,	" 31	diarrhœa,	" 20	do	do
J C Watts	26	New Hampshire,	"	cholera,	Aug. 24	dead,	do
J Stewart	23	England,	"	rheumatism,	July 24	cured.	do
L S Bethencamt	17	Louisiana,	"	syphilis,	June 9	do	do
F Collins	24	Ireland,	"	typhoid fever,	Sept. 2	dead,	do
J Warton	24	Pittsburg,	"	Panama fever,	June 3	do	do
James Hanlin	23	Peunsylvania,	"	dysentery,	Aug. 4	cured,	do
A Comingos	36	France,	"	injury,	June 3	do	S M Hospital.
H Lable	25	Poland,	June 1	swelled testis,	" 17	do	City patient.
Miss M A Williams	5	Sydney,	"	abscess of carnea,	" 9	do	do
Wm Henry	21	Ireland,	"	Panama fever,	" 10	do	do
S Hallam	41	Germany,	" 2	constipation,	June 18	do	do
Simon Salinas	24	Chile,	"	intermittent fever,	" 13	do	S M Hospital.
J Daniels	35	London,	"	injury,	" 4	do	City patient.
P Mullen	30	Sweden,	" 3	rheumatism,	Sept. 9	do	do
J Spencer	22	Maine,	"	Panama fever,	Aug. 20	dead,	do
A Carney	25	Italy,	"	rheumatism,	July 15	cured,	do
J Lena	29	Ireland,	"	do	Oct. 12	do	do
A C Holmes	41	Massachusetts,	"	do	June 17	do	do

J Johnson	27 New York,	1852, June 4	syphilis,	1852, June 27	cured,	City patient.
J A Benson	52 Pittsburg,	"	ophthalmia,		in hospital,	do
R C Gleason	22 New Hampshire,	"	Panama fever,	June 9	dead,	do
N Cibilis	34 Ragusa,	"	do	" 12	cured,	do
Mrs C Wilson	40 New York,	"	cancer,	" 5	do	do
P Estuadilla	25 Chile,	"	pneumonia,	" 10	dead,	S M Hospital.
J M Ratournel	35 do	"	disease of lungs,	" 13	do	do
J E Martinburg	35 St. Kitt's,	" 5	rheumatism,	" 16	cured,	City patient.
J Antony	49 Louisiana,	" 7	do	" 17	do	do
Wm D McFarlan	31 Pennsylvania,	"	typhoid fever,	" 14	dead,	do
S Manson	28 Nantucket,	"	syphilis,	" 28	cured,	do
G Scrow	23 Germany,	"	poisoned,	" 13	do	do
I. J Bergland	37 Sweden,	"	pneumonia,	" 9	dead,	S M hospital.
M Fitzgerald	26 Ireland,	"	rheumatism,	" 25	cured,	City patient.
A Powleskiney	27 Poland,	" 8	typhoid fever,	July 2	do	do
H Taft	26 Pennsylvania,	"	typhoid fever,	Nov. 24	dead,	do
J Logan	23 do	"	intermittent fever,	June 20	cured,	do
J Hays	24 do	"	do	"	do	do
G Gullen	30 Sicily,	"	injury,	July 7	do	do
J Berwick	23 Liverpool,	"	abscess,	June 22	do	do
P Griffin	29 Norway,	"	syphilis,	Aug. 13	do	do
Mrs Jones	24 Ireland,	"	pregnancy,	July 12	do	do
J Robinson	23 New York,	" 9	wound,	Aug. 7	do	do
Wm. Allen	23 Ireland,	"	intermittent fever,	June 21	do	do
C M Farrine	34 France,	" 10	syphilis,	" 12	do	do
J Murty	39 Ireland,	"	rheumatism,	July 10	do	do
M S O'Neal	8 New York,	"	ophthalmia,	" 3	do	do
G Gould	35 Liverpool,	"	mania a-portu,	June 14	do	Pay patient.
J Silva	15 West Isles,	" 11	ptlisis,	July 8	dead,	City patient.
H Hetherington	29 Scotland,	"	rheumatism,	June 29	cured,	Pay patient.
J J Robinson	35 England,	"	do	" 11	do	City patient.

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J Muller	37	Illinois,	1852, June 11	stricture,	1852, June 22	cured,	City patient.
J Berry	27	Maine,	"	diarrhœa,	July 16	do	do
J Porter	20	Pennsylvania,	"	dysentery,	" 2	dead,	do
J Galligan	40	United States,	" 12	epilepsy,	June 16	do	do
C Miller	24	Denmark,	"	cough,	July 14	cured,	do
H J Cuishing	31	New York,	"	rheumatism,	" 12	do	S M Hospital.
Wm. Fields	25	do	"	wound,	Nov. 8	do	City patient.
E Taft	24	Vermont,	" 14	diarrhœa,	June 21	do	do
T H Brown	39	Massachusetts,	"	rheumatism,	July 23	do	do
S Jefferson,	22	New York,	"	poisoned,	" 10	do	do
T Golden	37	Ireland,	"	gun-shot wound,	" 27	do	do
J Gallagor	29	do	"	jaundice,	June 18	dead,	do
S F Dunlap	21	Maine,	" 15	Panama fever,	"	do	do
Alhi	30	China,	"	eruption,	July 4	cured,	S M hospital.
R Martinez	22	Mexico,	" 16	disease of lungs,	June 18	do	City patient.
L Glynn	25	Louisiana,	"	Panama fever,	" 29	cured,	do
B Disheroon	18	Georgia,	" 21	diarrhœa,	" 21	do	do
J M Putman	28	do	" 16	do	" 22	dead,	do
W H Jones	31	Maine,	"	do	" 29	cured,	do
W Caudray	28	Ohio,	"	typhoid fever,		in hospital,	do
P Merton,	51	France,	"	do	June 18	cured,	do
J Anderson	25	Massachusetts,	"	scurvy,	"	cured,	do
C Crocket	24	Maine,	"	intermittent fever,	July 8	do	do
J Mallery	30	Ireland,	" 17	syphilis,	" 12	do	do
S Caldwell	33	do	"	diarrhœa,	"	do	do
C Rogers	23	New York,	"	ulcer,	Aug. 19	do	do

J M Pretlove	22 New York,	1852, June 17	phthisics,	1852, June 23	dead,	City patient.
A A Caldwell	30 Vermont,	"	Panama fever,	" 21	do	do
G Dameizt	31 Poland,	"	intermittent fever,	" 24	cured,	do
L Junk	45 Missouri,	"	18 poisoned,	July 16	do	do
J Pollock	38 Ireland,	"	scurvy,	Sept. 6	do	do
G Rigsdale	26 Louisiana,	"	dysentery,	Aug. 10	dead,	do
D H Crosby	35 New York,	"	general debility,	" 2	cured,	do
E McGinnis	30 Ireland,	"	Panama fever,	Sept. 25	dead,	do
D Brown	28 do	"	diarrhœa,	July 11	cured,	do
F Dowling	26 Louisiana,	"	ptyalism,	" 27	do	do
T Kingston	25 Ireland,	"	intermittent fever,	" 9	do	do
G Miller	24 Germany,	" 19	do	" 6	do	do
J Lynch	31 Maine,	"	ulcer,	" 21	do	do
S Ifowits	30 Poland,	"	rheumatism,	"	do	do
A Barron	21 Maine,	"	injury,	" 9	do	do
Achee	35 China,	"	debility,	" 8	do	S M Hospital.
E Vaughn	26 New York,	"	injury,	June 20	do	City patient.
J Morgan	26 Buenos Ayres,	"	20 cholera,	" 25	dead,	do
J Maher	27 Connecticut,	"	general debility,	" 2	cured,	do
J Morphen	52 England,	"	dropsy,	July 3	do	do
J Cole	29 New York,	"	intermittent fever,	" 22	do	do
Achow	31 China,	"	21 rheumatism,	" 29	do	S M Hospital,
Alum	39 do	"	scald,	"	do	do
B Zunga	35 Chile,	"	intermittent fever,	" 26	do	do
H Beck	3f Germany,	"	do	" 8	do	City patient.
P Lawler	31 Ireland,	"	22 Panama fever,	" 22	do	do
T Bruining	43 Germany,	"	bronchitis,	" 24	do	do
A Weisenthall	25 Boston,	"	do	" 22	do	do
C Bonfante	20 New York,	"	general debility,	" 21	do	do
Wm Lane	30 do	"	diarrhœa,	" 4	do	do
J Beautiully	37 France,	"	23 abscess,	" 25	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
J Elliott	22	Ireland,	1852 June 23	intermittent fever,	1852 July 27	cured,	Pay patient,
O P Hazard	30	Rhode Island,	"	abscess,	"	in hospital,	do
M Duffy	49	England,	"	scurvy,	" 3	cured,	do
Wm Edmondson	32	Finland,	" 24	rheumatism,	" 26	do	do
D McGinnis	26	Ireland,	"	hernia,	" 29	do	do
J Harley	48	do	"	rheumatism,	" 7	do	do
A Murry	28	New York,	"	Panama fever,	" 24	do	do
H Cohoon	39	Massachusetts,	" 25	diarrhœa,	" 29	dead,	do
A Miller	23	Scotland,	"	intermittent fever,	" 5	cured,	do
H Myres	23	New York,	"	rheumatism,	"	do	do
E O Campo	33	France,	"	remittent fever,	" 4	do	S M Hospital.
D Lopez	32	Chile,	"	bronchitis,	" 21	do	do
P Lopez	26	do	"	cholera,	Aug. 19	dead,	City patient.
E Murry,	27	England,	" 26	intermittent fever,	July 2	cured,	City patient.
J Divine	22	Ireland,	"	injury,	Aug. 3	do	do
Mrs Jane Davis	26	Liverpool,	" 27	gonorrhœa,	" 2	do	do
A Cremer	27	Germany,	"	dysentery,	" 6	do	do
C Pierce	47	New Hampshire,	"	Panama fever,	June 28	dead,	do
J Tomlinson	55	New York,	"	do	July 16	cured,	do
A Logan	22	Nova Scotia,	"	diarrhœa,	" 21	dead,	do
R Torrence	34	Scotland,	"	do	" 13	cured,	do
J R Higginson	19	New York,	"	Panama fever,	June 28	dead,	do
J P Smith	26	Pennsylvania,	"	dysentery,	July 9	do	do
J Bruce	24	Ireland,	" 28	diarrhœa,	Aug. 12	cured,	do
J H Tong	25	Baltimore,	"	phthisis,	July 12	dead,	do
Wm Wallace	31	New York,	"	rheumatism,		in hospital,	do

B Durfee	27 Prussia,	1852, June 28	ophthalmia,	1852, Aug. 11	cured,	City patient.
J Jones	31 do	"	rheumatism,	" 2	do	do
Ayct	38 China,	"	intermittent fever,	July 7	do	S M hospital.
M Fitzgerald	26 Ireland,	"	rheumatism,	" 3	do	City patient.
J Lewis	38 New York,	"	stricture,	" 14	do	do
Wm Green	43 London,	"	do	" 26	do	do
R Knight	23 Scotland,	"	hernia,	Aug. 20	do	do
W Andie	27 do	"	29 ophthalmia,		in hospital,	do
F Myres	38 Germany,	"	intermittent fever,	July 8	cured,	do
J Foster	55 England,	"	do	Aug. 2	dead,	do
D Andrea	44 Italy,	"	syphilis,	July 29	cured,	do
J Hallet	21 England,	"	30 intermittent fever,	" 28	do	do
J Truman	47 France,	"	rheumatism,	" 17	do	do
D White	40 Glasgow,	July 1	do	" 2	do	Pay patient.
J McDougall	27 do	"	syphilis,	Sept. 20	do	do
T Connington	2 Ireland,	"	delirium tremens,	July 7	do	City patient.
J Cunningham	24 do	"	rheumatism,	" 22	do	do
J Clarkson	23 New York,	"	intermittent fever,	" 6	do	do
E Hughs	31 Wales,	"	bronchitis,	" 11	do	do
A Henry	29 New York,	"	abscess,	Aug. 21	do	do
W Sawyer	23 Massachusetts,	"	intermittent fever,	July 2	do	do
W Lawrence	42 New York,	"	poisoned,	"	do	do
A Alvord	28 Mexico,	"	intermittent fever,		in hospital,	S M hospital.
G Derbyshire	41 England,	"	rheumatism,	" 4	cured,	City patient.
F Milday	28 Hamburg,	"	2 do	" 20	do	do
A-Chow	37 China,	"	indigestion,	" 8	do	S M Hospital.
Wm Hutchinson	27 Ireland,	"	typhoid fever,	Aug. 14	do	City patient.
P Sobasia	25 France,	"	intermittent fever,	July 26	do	do
N N Christian	28 New York,	"	3 do	Aug. 16	do	do
Chowkm	37 China,	"	abscess,	July 20	do	S M Hospital.
C Williams	19 Massachusetts,	"	intermittent fever,	July 16	do	City patient.

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
R White	22	Scotland,	1852, July	3 rheumatism,	1852, July 9	cured,	Pay patient.
G Williams	28	Walcs,	"	syphilis,	Oct. 11	do	do
R McKinley	26	Ireland,	"	4 pneumonia,	Sept. 4	dead,	City patient.
D H Crosby	35	New York,	"	diarrhoea,	Aug. 5	do	do
J M Dunn	29	do	"	5 abscess,	Oct. 2	cured,	do
F Amon	40	France,	"	injury,	Aug. 22	do	do
A Gleason	24	Connecticut,	"	6 rheumatism,	July 21	do	do
L Andulzia	27	Chule,	"	syphilis,	Sept. 22	dead,	S M Hospital.
J H Ringold	42	Maryland,	"	7 ophthalmia,	Aug. 11	cured,	City patient.
J Purdon	30	New York,	"	Panama fever,	July 8	dead,	do
S McVicker	30	Canada,	"	dysentery,	" 18	do	do
J Maxwell	24	Ireland,	"	abscess,	" 14	cured,	S M Hospital.
G A Wall	22	Rhode Island,	"	general debility,	" 22	do	City patient.
P Robertson	18	Maine,	"	gun-shot wound,	Dec. 13	do	do
D McCloud	21	do	"	Panama fever,	Aug. 27	do	do
Wm Denins	29	New York,	"	abscess,	" 20	do	do
P Harper	26	Pennsylvania,	"	dysentery,	Oct. 22	dead,	do
L Klampf	33	Germany,	"	abscess,	" 12	cured,	do
P T Class	33	New Jersey,	"	8 general debility,	July 10	do	do
Wm B Brown	32	New York,	"	disease of kidneys	Aug. 8	do	do
M Fitzgerald	26	Ireland,	"	rheumatism,	July 13	do	do
J Waung	30	China,	"	intermittent fever,	" 16	do	S M hospital.
C Divine	36	Ireland,	"	do	Aug. 29	do	City patient.
Wm Robinson	54	Alabama,	"	diarrhoea,	July 9	do	do
J Buck	32	Vermont,	"	9 typhoid fever,	" 11	dead,	do
Wy Man	40	China,	"	scald,	" 29	cured,	S M Hospital.

E Chung	32 do	1852, July 9	dropsy,	1852, July 16	cured,	S M hospital.
A Hang	32 do	"	rheumatism,	" 28	do	do
Ge Hup	26 do	"	dropsy,	" 13	do	City patient.
J Van Brunt	31 Kentucky,	"	bilious fever,	" 14	do	do
J Baker	22 Boston,	"	abscess,	" 12	do	do
P Fontney	36 France,	" 10	bronchitis,	Aug. 10	do	S M Hospital.
F Kurtz	27 Germany,	"	abscess,	" 30	do	City patient.
J Dempsey	24 England,	"	intermittent fever,	July 17	do	do
J M Rose	25 New York,	"	Panama fever,	" 14	dead,	do
Wm Brown	21 Pennsylvania,	"	do	Aug. 17	cured,	do
G Taylor	27 Vermont,	"	do	" 19	do	do
H Knocknerer	28 Germany,	"	do	" 15	do	do
P Sherry	40 Ireland,	"	syphilis,	" 7	dead,	do
J Beckford	21 Vermont,	" 11	dianthæe,	" 26	do	do
C F Bonfaute	20 New York,	" 12	intermittent fever,	July 21	cured,	do
D W Brown	27 do	"	diarrhœa,	Aug. 6	do	do
L Barnes	2 Ohio,	"	do	July 18	dead,	do
J Darern	32 Ireland,	"	do	"	cured,	do
Wm Gillim	42 do	"	intermittent fever,	" 20	do	do
T Nealin	27 do	"	Panama fever,	"	in hospital,	do
A Boots	22 Germany,	"	diarrhœa,	" 21	cured,	do
J Victar	22 France,	"	cholera,	" 13	dead,	do
B Conroy	25 Ireland,	"	diarrhœa,	"	do	do
E Duffy	29 Vermont,	"	ophthalmia,	" 24	cured,	do
L Carter	49 Poland,	"	bronchitis,	" 17	do	do
J Williams	29 Germany,	"	typhoid fever,	" 21	do	do
W Pike	23 do	"	intermittent fever,	Aug. 17	do	do
A Cottan	40 England,	"	do	July 21	do	Pay patient.
Wm Green	24 do	" 13	disease of heart,	"	do	do
J Robinson	36 do	"	asthma,	Aug. 3	dead,	do
Abdallah	30 Hindostan,	"	enlargem't of heart,	" 2	do	do

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged	How discharged	Remarks.
J Purcell	52	Ireland,	1852, July 13	injury,	1852, Aug. 7	cured,	City patient.
J O'Brine	26	Ohio,	"	ophthalmia,	" 17	do	do
C Thom	39	China,	"	dropsy,	" 3	dead,	S M Hospital.
Wm Willet	36	New York,	"	rheumatism,	July 26	cured,	City patient.
D Shannon	27	do	"	disease of lungs,	Sept. 3	dead,	do
J F Furmer	39	France,	"	rheumatism,	July 15	cured,	S M Hospital.
A Rosas	22	Chile,	"	do	" 16	do	do
C Guillianson	48	France,	"	jaundice,	" 20	dead,	City patient.
M Pedro	48	Isle of France,	"	intermittent fever,	" 26	cured.	do
J Brown	45	England,	" 14	injury,	Aug. 16	do	Pay patient.
H Davis	29	Ireland,	"	do	July 31	do	City patient.
J McGinnis	30	do	"	ulcer,	" 29	do	do
P McGrath	22	do	"	bronchitis,	" 20	do	do
Wm Morgan	27	London,	"	intermittent fever,	" 18	do	do
S Clark	38	Ireland,	"	do	Aug. 17	do	do
H Smith	27	Hamburg,	" 15	rheumatism,	July 21	do	do
J Abana	20	Spain,	"	intermittent fever,	" 30	do	do
J Noel	29	Ireland,	"	injury to foot,	" 20	do	do
B Bower	22	New York,	"	intermittent fever,	Aug. 9	do	do
P Paulin	28	France,	"	abscess,	July 31	do	do
G Reinbert	27	do	"	typhoid fever,	Aug. 4	do	do
N Levalley	49	Rhode Island,	" 16	do	Sept. 2	dead,	do
J Fitzgerald	32	Massachusetts,	"	intermittent fever,	Aug. 27	cured,	do
W Gibson	19	New York,	"	syphilis,	July 17	do	do
F Blake	27	Ireland,	"	rheumatism,	Aug. 11	do	do
F Stell	24	England,	"	dropsy,	" 4	dead,	do

T Askew	27 New York,	1852, July 16	intermittent fever,			in hospital, City patient.
S Nickerson	27 Rhode Island,	"	diarrhœa,	1852, Aug. 3	cured,	do
J Harry	23 Wales,	"	do	" 23	do	do
B R Holmes	23 Massachusetts,	" 17	typhoid fever,	July 27	do	do
B Shlilen	40 Switzerland,	"	do	" 24	dead,	do
N Greenwood	22 England,	"	do	" 27	cured,	do
A C Petigassis	22 France,	"	bilious fever,	Aug. 2	do	do
J Maria	32 St. Domingo,	"	dysentery,	" 4	do	do
L Drancourt	40 France,	" 18	abscess,	July 22	do	do
J Beman	18 North Carolina,	" 19	ulcer,	" 28	do	do
H C Demming	50 Connecticut,	"	diarrhœa,	" 20	do	do
R M Allen	38 Virginia,	"	do	Aug. 3	dead,	do
W Darrate	34 Ireland,	"	bilious fever,	July 29	cured,	do
G H Sanbourn	20 New Hampshire,	"	ptiisecs	" 22	dead,	do
F Waynot	36 France,	"	injury,	Aug. 15	cured,	do
Anim	40 China,	" 20	dropsy,	July 29	dead,	S M Hospital.
Achce	52 do	"	do	" 23	cured,	do
Ali	36 do	"	scurvy,	" 26	dead,	do
A Woo	19 do	"	do	Aug. 2	cured,	do
Aroe	35 do	"	dropsy,	July 24	do	do
Echung	45 do	"	rhcumatism,	" 26	do	do
Chahin	29 do	"	constipation,	" 29	do	do
J Hisinger	24 Ohio,	"	diarrhœa,	Aug. 30	do	City patient.
E Holbrook	20 Vermont,	"	typhoid fever,	" 11	dead,	do
G Marshall	25 Ohio,	"	diarrhœa,	Sept. 13	cured,	do
D Sapp	21 do	"	do	Dec. 4	do	do
Choug Tong	28 China,	" 21	paralysis,		in hospital,	S M Hospital.
B D Mansfort	15 France,	"	deci,	Aug. 16	cured,	do
L J J Baumient	42 do	"	intermittent fever,	July 26	do	City patient.
T Bumbury	27 Dublin,	"	diarrhœa,	" 23	do	do
M Ricard	22 Germany,	"	do	Aug. 9	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
Fack-Lin	28	China,	1852, July 21	rheumatism,	1852, Aug. 23	cured,	S M hospital.
On Gee	20	do	"	cholera,	July 27	dead,	do
J Willis	25	Baltimore,	"	bilious fever,		in hospital,	City patient.
E McAnab	19	Ireland,	"	rheumatism,	Oct. 26	cured,	do
Atoy	24	China,	" 22	do		in hospital,	S M Hospital.
A Chow	27	do	"	cholera,	July 26	dead,	do
Ar Foo	26	do	"	scurvy,	" 24	cured,	do
Acho	21	do	"	dropsy,	" 24	do	do
Ar-Chum	41	do	"	rheumatism,	Aug. 5	do	do
En-Ckow	37	do	"	disease of chest,	July 31	dead,	do
Lup Sow	33	do	" 23	scurvy,	" 26	cured,	do
Hung Chin	58	do	"	dropsy,	" 25	do	do
Nong Chin	41	do	"	swelled testis,	Aug. 11	do	do
Now In	30	do	"	do	" 5	do	do
Kuhin	38	do	"	do	July 30	do	do
Wington	22	do	"	rheumatism,	" 27	do	do
Ton-Quon	54	do	" 24	swelled testis,	Aug. 24	do	do
Meen-Kit	24	do	"	do	July 24	dead,	do
Amon,	20	do	"	do	" 28	cured,	do
Wong-Ne	46	do	"	dropsy,	Aug. 14	do	do
L Kanfoo	37	do	"	do	" 2	do	do
Ameo	37	do	"	do	" 18	dead,	do
Sang-Tee ;	32	do	"	diarrhœa,	July 31	cured,	do
Apoy	36	do	"	injury,	" 27	do	do
D McDermitt	28	Ireland,	"	diarrhœa,	" 30	do	City patient.
A Classen	46	do	"	scurvy,	Aug. 26	do	do

G P Cannille	36	France,	1852, July 24	ulcer,	1852, Aug. 14	cured,	City patient.
Wm Roberts	22	England,	"	typhoid fever,	" 4	do	do
Laquassait	26	France,	"	do	July 27	do	do
P Lawler	37	Ireland,	"	diarrhœa,	" 24	dead,	do
A Napier	43	Scotland,	"	wound,	Sept. 30	cured,	Pay patient.
J Morphew	52	England,	" 26	dropsy,	July 28	dead,	do
P Murphey	22	do	"	rheumatism,	Aug. 10	cured,	do
P Daranses	23	Maine,	"	gun-shot wound,	" 16	do	City patient.
M Carval	28	Ohio,	"	intermittent fever,	July 30	do	do
C Page	32	Hamburg	"	injury,	Sept. 14	do	do
L P Brown	26	Maine,	"	Panama fever,	Aug. 29	do	do
J McAllrey	42	New Orleans,	"	rheumatism,	" 5	do	do
T Lusk	24	New York,	"	do	Sept. 26	do	do
J Signell	38	France,	"	intermittent fever,	July 31	do	do
J McCarty	24	Ireland,	"	do	Aug. 8	do	do
C Armery	23	Boston,	"	syphilis,		in hospital,	do
J P Gray	27	New York,	"	bilious fever,	Aug. 4	cured,	do
Aha	42	China,	"	dropsy,	" 3	dead,	S M hospital.
Aton	42	do	"	do	July 29	cured,	do
Pa-Woo	44	do	"	do	Aug. 3	dead,	do
J Dixon	35	Maine,	" 27	intermittent fever,	" 4	cured,	City patient.
C Carr	38	Ireland,	"	ulcer,	Sept. 7	do	do
J S Whitfield	26	North Carolina,	"	bronchitis,	Aug. 4	do	do
J Kaufman	23	Baltimore,	"	typhoid fever,	" 6	do	do
Young-Gee	31	China,	"	do	" 2	do	S M hospital.
Wo-Tuck	44	do	"	dropsy,	July 31	dead,	do
Le-Ki-Lin	36	do	"	do	Aug. 2	cured,	do
Le Yaung-Chong	36	do	"	do	July 29	do	do
Le-Ki Lam	35	do	"	do	Aug. 21	do	do
Peter Smith	24	Scotland,	"	intermittent fever,		in hospital,	City patient.
Hong-Dong	52	China,	"	typhoid fever,	Aug. 2	dead,	S M Hospital.

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged	Remarks.
J Lagissairt	26	France,	1852, July 27	typhoid fever,	1852, July 31	dead,	City patient.
Ar-Wine	37	China,	"	disease of heart,	" 29	do	S M Hospital.
Wm Holden	34	Rhode Island,	"	general debility,	" 31	cured,	City patient.
J Moley	31	Ireland,	"	injury to hand,	Aug. 9	do	do
W Edmonson	32	Finland,	"	wound,	" 10	dead,	do
C Short	25	Ireland,	"	intermittent fever,	" 20	cured,	do
L Numberg	22	Germany,	" 29	diarrhoea,	" 30	do	do
N Handley	28	Ireland,	"	intermittent fever,	" 11	do	do
S Jefferson	22	New York,	"	do	" 19	do	do
L Walton	28	Ireland,	"	do	" 4	do	do
J Hernandez	26	Florida,	"	delirium tremens,	" 30	do	do
Achow	30	China,	"	paralysis,	"	dead,	S M Hospital.
J Levon	31	do	"	swelled testis,	" 11	cured,	do
An Gen	33	do	"	cholera,	" 6	dead,	do
Hong-Hoy	32	do	"	dropsy,	July 30	do	do
Mrs W Murry	30	Ireland,	"	cholera,	Aug. 30	do	City patient.
L Eaton	26	Boston,	"	gun-shot wound,	July 30	do	do
J Winn	30	Vermont,	" 30	intermittent fever,	Aug. 15	cured,	do
Chow	34	China,	"	dropsy,	" 4	do	S M hospital.
An-Hin	30	do	"	swelled testis,	" 6	do	do
J Morrell	23	Germany,	"	rheumatism,	" 16	do	City patient.
E F Dume	17	New York,	" 31	typhoid fever,	" 12	do	do
L Murphy	24	Ireland,	"	dyspepsia,	" 31	do	do
J Darren	34	do	"	fistula,	Nov. 3	do	do
E J Muson	43	Boston,	"	rheumatism,	Aug. 11	do	do
H M Fay	31	New York,	"	general debility,	" 9	do	do

P Cassidy	31	Ireland,	1852, July 31	intermittent fever,	1852, Aug. 2	cured,	City patient.
J Cunningham	24	do	"	diarrhoea,	Sept. 4	do	do
W James	25	Connecticut,	"	dysentery,	Oct. 12	do	do
An-Cow	31	China,	"	disease of throat,	Nov. 12	do	S M Hospital.
Wm Blangdon	33	Ireland,	Aug. 1	ophthalmia,		in hospital,	City patient.
Chick-Tuck	36	China,	"	rheumatism,	Aug. 15	cured,	S M Hospital.
Wm Paronndrick	24	New Brunswick,	"	bilious fever,	" 29	dead,	City patient.
A Johnson	27	New York,	"	disease of lungs,	Dec. 19	cured,	do
Ayet	32	China,	"	diarrhoea,	Aug. 4	do	do
E J Hartlings	25	Ohio,	"	syphilis,	" 26	do	do
J B Pencels	28	France,	"	injury to foot,	" 16	do	do
T Manson	22	Norway,	"	bilious fever,	" 7	do	do
A Rice	47	Prussia,	"	intermittent fever,	" 8	do	do
J Conally	27	Ireland,	"	fistula,	Sept. 10	do	do
J Backster	40	do	"	cholera,	Aug. 20	dead,	do
C Malo	30	Chile,	"	disease of lungs,	" 3	do	S M Hospital.
J F Farnier	39	France,	"	ulcer,	" 26	cured,	do
Mrs M Rowless	31	Ireland,	"	rheumatism,	" 29	do	City patient.
Ahon	25	China,	"	do	" 6	do	S M Hospital.
Assing	38	do	"	dropsy,	" 13	dead,	do
B Gant	24	Baltimore,	"	burn,	Oct. 24	cured,	City patient.
A Miller	23	Philadelphia,	"	cholera,	Aug. 3	dead,	do
J D B Pine	27	France,	"	stricture,	" 8	cured,	do
J Cast	51	do	"	fever,	" 16	do	do
Chang Hel	41	China,	"	syphilis,	" 20	do	S M hospital.
L Alvares	24	Chile,	"	injury,	" 12	do	do
Want Luck	44	China,	"	dropsy,	Sept. 2	do	do
Ka-Hin	38	do	"	do	Aug. 11	dead,	do
Ar-Pon	32	do	"	do	" 23	cured,	do
B Bier	38	Germany,	"	do	" 19	do	City patient.
S Bolifonda	37	France,	"	typhoid fever,		in hospital,	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
G Day	27	Maine,	1852, Aug. 4	Panama fever,	1852, Sept. 7	cured,	City patient.
N Jackson	43	Cape de Verdes,	"	rheumatism,	Aug. 15	do	do
S Carmon	28	New York,	"	laryngitis,	" 12	do	do
A Garfield	28	Sweden,	"	intermittent fever,	" 9	do	do
E Harton	26	New York,	"	injury,	" 22	do	do
P Davis	66	Rhode Island,	"	ulcer,	" 9	do	do
J Riley	24	New York,	"	Panama fever,	Sept. 20	do	do
J Rausk	21	Ireland,	"	do	Aug. 16	do	do
P Daily	20	do	"	do	" 7	do	do
J Christian	21	Norway,	"	rheumatism,	" 8	do	do
W B Dickinson	31	Pennsylvania,	"	Panama fever,	Sept. 16	do	do
R Crosby	31	Ireland,	"	do	Aug. 19	do	do
A D Boing	35	France,	"	do	" 16	do	do
S Kickerson	27	Ireland,	"	diarrhoea,	" 6	do	do
J Nelson	21	New York,	"	intermittent fever,	" 13	do	do
Long Chi	28	China,	"	rheumatism,	" 14	do	do
G Walford	26	Germany,	"	intermittent fever,	" 17	do	S M hospital.
J French	40	Canada,	"	do	" 6	dead,	City patient.
T Dcavaurax	29	Ohio,	"	6 swelled testis,	Sept. 3	cured,	do
J D Miller	26	Michigan,	"	diarrhoea,	Oct. 11	do	do
J Friend	30	Switzerland,	"	Panama fever,	" 7	do	do
H Dermitt	25	Ireland,	"	dysentery,	Aug. 16	do	do
N Donnahue	27	do	"	intermittent fever,	" 23	do	do
A Gensen	22	Norway,	"	diarrhoea,	" 8	do	do
RA Mead	21	Massachusetts,	"	inflam.ed jaw	" 11	do	do
J Pilloit	21	New York,	"	dysentery,	" 23	dead,	do

J Gun	34	Germany,	1852, Aug. 6	fever,	1852, Aug. 11	cured,	City patient.
J A Carnohan	25	Ireland,	"	intermittent fever,	" 17	do	do
Kin Fel	27	China,	"	dropsy,	Oct. 20	do	S M hospital.
Song Key	33	do	"	do	Aug. 16	do	do
T Williams	25	New York,	"	intermittent fever,	" 20	do	do
M J Ryan	25	Ireland,	" 7	diarrhœa,	" 9	dead,	City patient.
D Brown	30	do	"	do	" 27	cured,	do
J Madden	22	do	"	intermittent fever,	" 23	do	do
G Thompson	32	New York,	"	do	" 24	do	do
P Glynn	30	Ireland,	"	do	" 17	do	do
G A Clarkson	22	do	"	dropsy,	" 13	do	do
J Mayard	23	New Grenada,	" 8	rheumatism,	" 28	do	do
D Clark	39	Connecticut,	"	dropsy,	" 11	dead,	do
T Murphy	22	New York,	" 9	intermittent fever,	" 21	cured,	do
E Daley	40	Illinois,	"	do	Oct. 4	dead,	do
Wm Ford	21	Baltimore,	"	diarrhœa,	Aug. 16	do	do
J Collins	28	Ireland,	"	typhoid fever,	" 28	cured,	do
J M Athcart	35	do	"	do	Sept. 12	do	do
D Ryan	36	do	"	Panama fever,	Aug. 16	do	do
M Washburn	23	Massachusetts,	"	dysentery,	Oct. 11	do	do
J Clement	40	France,	"	do	Aug. 18	do	do
D Hall	53	Illinois,	"	intermittent fever,	" 11	do	do
J Mooney	40	Ireland,	"	hepatites,	Sept. 9	dead,	do
G Dougherty	24	do	"	debility,	" 4	cured,	do
Le Chow	23	China,	"	dropsy,	Aug. 19	do	S M hospital.
Long Chow	44	do	"	do	" 9	do	do
Lee Chee	38	do	"	do	" 12	dead,	do
Lec See	25	do	"	do	" 11	do	do
Ling Chow	22	do	"	do	"	in hospital,	do
J McGnath	27	Ireland,	"	intermittent fever,	" 23	cured,	do
F Jones	25	do	" 10	do	" 17	do	City patient.

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
J McDonald	28	Scotland,	1852, Aug. 11	intermittent fever,	1852, Aug. 21	cured,	City patient.
B Smith	38	do	"	rheumatism,		in hospital,	do
A T Bowl	38	Massachusetts,	"	injury,	Dec. 23	cured,	do
P Zachrison	28	Germany,	"	diarrhœa,	Aug. 31	dead,	do
C Whitney	21	New York,	"	ulcer,	" 29	cured,	do
J Ludlow	40	New Jersey,	"	wound,	" 18	dead,	do
D Desic	30	France,	"	ulcer,	Sept. 2	cured,	S M Hospital.
F Pierce	24	London,	"	dysentery,	Aug. 23	do	City patient.
G S Lewis	34	France,	"	ferumculas	" 15	do	S M hospital.
J Rooney	37	Germany,	" 12	typhoid fever,	" 31	dead,	City patient.
Wm Blacknell	22	Long Island,	"	intermittent fever,	" 17	cured,	do
T Waters	24	Ireland,	"	ulcer,	Oct. 2	do	do
R McKibben	40	New York,	"	pneumonia,	Aug. 20	do	do
B Garcia	29	France,	"	ulcer,	Sept. 24	do	S M hospital.
J McCarley	42	New York,	"	dropsy,		in hospital,	City patient.
D Maher	26	Ireland,	"	intermittent fever,	Aug. 30	cured,	do
A Esckman	28	Sweden,	"	syphilis,	Oct. 9	dead,	S M hospital.
Aching	28	China,	"	dropsy,	Aug. 29	do	do
N Francis	21	New York,	"	typhoid fever,	Sept. 17	cured,	City patient.
P Horn	27	Germany,	"	abscess,	" 11	do	do
Wm King	23	England,	"	intermittent fever,	"	do	do
A Eckenstine	22	Sweden,	"	do	Aug. 18	do	do
P Daily	20	Ireland,	"	rheumatism,	" 26	do	do
S Comstock	28	New York,	"	do	" 21	do	do
F Lafoulan	30	France,	"	do	" 14	do	do
J Durm	32	Ohio,	" 13	dysentery,	" 23	do	do

C Sylvester	31	France,	1852, Aug. 13	Panama fever,	2852, Aug. 19	cured,	City patient.
J O'Brine	40	Ireland,	"	intermittent fever,	" 22	do	do
L Dusine	30	France,	"	diarrhœa,	" 21	dead,	do
F Levana	22	do	"	intermittent fever,	"	cured,	do
M Tyler	26	Baltimore,	"	typhoid fever,	" 23	do	do
J Gage	37	New Hampshire,	"	general debility,	"	in hospital,	do
W Smith	21	Norway,	"	intermittent fever,	" 17	cured,	do
H Smith	32	Germany,	"	do	" 21	do	do
o Foustine	26	France,	"	do	" 19	do	do
J Pusion	18	Boston,	"	do	" 16	do	do
Chin Afoo	24	China,	" 14	dropsy,	"	dead,	S M Hospital.
Tan Cow	38	do	"	do	"	in hospital,	do
Mon Mow	36	do	"	do	"	do	do
Lin Lum	25	do	"	rheumatism,	"	do	do
R Feedman	23	England,	"	typhoid fever,	Aug. 21	cured,	City patient.
J Kirby	32	Ireland,	"	do	Sept. 8	do	do
M Conroy	42	do	"	do	"	do	do
R Richardson	37	Maine,	"	disease of lungs,	Aug. 7	do	do
J Blanchar	33	France,	"	scurvy,	" 24	do	do
Deleschun	24	do	"	infl. of stomach,	" 16	do	do
J Lessang	31	do	"	do	Sept. 22	dead,	do
Ar-Hin	21	China,	"	dropsy,	Aug. 17	cured.	S M hospital.
J Young	39	London,	"	typhoid fever,	" 23	do	Pay patient.
T Gray	36	Philadelphia,	"	injury,	" 20	do	City patient.
F Berger	24	France,	"	dropsy,	" 19	dead,	do
J M Massy	34	Maryland,	" 15	general debility,	Sept. 9	cured,	do
G Curtis	34	Massachusetts,	"	scurvy,	Aug. 29	do	do
J P Grace	27	Ireland,	"	fever,	Sept. 4	do	do
H P Prayal	29	Germany,	" 16	Panama fever,	Oct. 1	do	do
Maria Kinny	14	Ireland,	"	disease of lungs,	Aug. 11	dead,	do
J Hanna	19	Massachusetts,	"	intermittent fever,	Sept. 9	cured,	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J Pinter	23	England,	1852, Aug. 16	intermittent fever,	1852, Aug. 24	cured,	Pay patient,
Arho	13	China,	"	dropsy,	" 23	do	S M hospital.
Anom	28	do	"	disease of heart,	" 22	dead,	do
Acia	26	do	"	dropsy,	" 17	do	do
J Kunhell	19	Germany,	"	fever,	" 28	cured,	City patient.
L Jemannins	21	Peru,	"	injury to hand,	" 19	do	do
J Canada	27	New York,	"	diarrhœa,	" 22	do	do
Antonio	24	Chile,	"	typhoid fever,	" 28	dead,	do
J Hennery	22	Ireland,	"	diarrhœa,	" 23	cured,	do
J Fulter	28	New York,	"	Panama fever,	" 24	do	do
H Dryden	20	Ohio,	"	do	" 17	dead,	do
C Gaudier	31	France,	"	ulcer,	"	in hospital,	do
T Fitzpatrick	45	Dublin,	"	dysentery,	" 24	cured,	do
J Hunt	19	Jamaica,	"	syphilis,	Sept. 12	do	do
Iayng Cour	29	China,	"	dropsy,	Aug. 30	dead,	S M Hospital.
Loo Chow	32	do	" 17	do	" 28	cured,	do
Mock Chee	23	do	"	do	" 27	do	do
Tan Mun	23	do	"	disease of heart,	" 21	do	do
Tan Tuck	26	do	"	dropsy,	Sept. 3	do	do
J Maher	23	Ireland,	"	typhoid fever,	" 28	dead,	do
T C Whitte	45	"	"	rheumatism,	Aug. 28	cured,	City patient.
Helen Whitte	34	Germany,	"	ophthalmia,	"	do	do
J Frederick	38	Prussia,	"	ulcerated leg,	Sept. 16	do	do
T Larirty	29	Louisiana,	"	injury to leg,	Dec. 2	do	do
J Fellipe	47	France,	"	do	Aug. 23	dead,	do
Wm Jones	34	New York,	"	ophthalmia,	" 26	do	do

E Schoeffler	31	France,	1852, Aug. 17	intermittent fever,	1852, Aug. 29	cured,	City patient.
Assing	26	China,	"	dropsy,	" 18	dead,	S M Hospital.
Flucking	27	do	" 18	do	Sept. 3	cured,	do
Assing	42	do	"	do	Aug 27	do	do
Ahoy	18	do	"	do	"	do	do
Mrs M Allen	26	Ireland,	"	rheumatism,	" 30	do	City patient.
T M Cook	40	Nova Scotia,	"	typhoid fever,	" 18	dead,	do
P Davis	14	Chile,	"	intermittent fever,	" 23	cured,	do
J John	25	New York,	"	rheumatism,	"	in hospital,	do
J B Fogg	25	New Hampshire,	"	injury to foot,	Sept. 19	cured,	do
S Moore	32	Ireland,	"	syphilis,	Aug. 29	do	do
M Field	25	New York,	"	disease of lungs,	" 19	do	do
J Finn	27	Ireland,	"	intermittent fever,	" 27	do	do
J McCarty	34	do	"	do	"	do	do
R Morrison	19	Canada,	" 19	Panama fever,	" 26	do	do
W Weasman	32	Sweden,	"	intermittent fever,	"	do	do
W Brown	37	Massachusetts,	"	disease of chest,	" 28	dead,	do
R Couples	18	Scotland,	"	intermittent fever,	" 23	cured,	do
J Williams	29	Germany,	"	do	Sept. 26	do	do
Mahomet	19	Hong Kong	" 20	disease of heart,	"	in hospital,	Pay patient.
Sing Sow	31	China,	" 21	dropsy,	Aug. 28	dead,	S M Hospital.
Ar-Hin	31	do	"	do	Sept. 2	cured,	do
Cock Fuck	32	do	"	do	"	do	do
Leangres	42	France,	"	typhoid fever,	" 28	dead,	do
P Henry	26	do	"	intermittent fever,	" 24	cured,	City patient.
T Donally	24	Dublin,	"	typhoid fever,	Aug. 26	do	do
G H Porter	15	Philadelphia,	"	intermittent fever,	" 23	do	do
J Galloby	48	Ireland,	"	rheumatism,	Sept. 6	do	do
G Little	45	do	"	intermittent fever,	Aug. 28	do	do
D Alphonso	29	France,	"	do	" 24	do	S M Hospital.
J Canaan	21	New York,	" 22	general debility,	" 23	do	City patient.

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
Le Ping Poy	28	China,	1852, Aug. 23	disease of heart,	1852, Aug. 27	dead,	S M Hospital,
D Smith	32	Pennsylvania,	"	intermittent fever,	" 29	cured,	do
R Assing	22	China,	"	rheumatism,	" 30	do	City patient.
S F Headly	30	Pennsylvania,	"	general debility,	Sept. 14	do	S M Hospital.
J Moran	27	do	"	dropsy,	" 22	dead,	City patient.
Wm Morgan	24	England,	"	ulcer,	Aug. 29	cured,	do
A Wagner	36	Germany,	"	syphilis,	Sept. 28	do	do
C Dreckel	26	do	"	eruption,	" 5	do	do
S C Ayres	48	Massachusetts,	"	fracture,	" 11	do	do
G Reed	29	Ireland,	"	diarrhoea,	Aug. 28	do	do
R Lindo	28	London,	"	intermittent fever,	Sept. 12	do	do
Lin Chow	35	China,	"	scurvy,	" 4	in hospital,	S M hospital.
T Burry	26	Dublin,	"	dysentery,	" 29	dead,	City patient.
Ting Quoy	26	China,	"	rheumatism,	" 29	cured,	S M Hospital.
A Brown	25	Austria,	"	eruption,	Aug. 28	do	do
J Garrime	35	France,	"	rheumatism,	" 24	do	City patient.
W Brown	21	Pennsylvania,	"	Panama fever,	Sept. 18	dead,	do
Assine	28	China,	" 24	disease of lungs,	" 27	do	S M hospital.
P Borden	36	France,	"	ulcer,	Aug. 31	cured,	do
Atong	42	China,	"	dropsy,	" 28	do	do
M Holmes	28	England,	"	diarrhoea,	" 30	do	City patient.
W Andrews	28	New York,	"	Panama fever,	" 27	dead,	do
A Littleur	28	France,	"	ulcer,	Oct. 12	cured,	do
W Roberts	22	England,	"	diarrhoea,	Aug. 28	do	do
C Triptchar	37	France,	"	fracture,	" 28	in hospital,	do
J Griffith	21	England,	"	syphilis,	Sept. 28	cured,	do

A K Randall	47	Massachusetts,	1852, Aug. 24	cholera,	1852, Aug. 28	cured,	City patient.
C H Camphfield	20	New Jersey,	" 25	intermittent fever,	Sept. 15	do	do
J J Miller	33	France,	"	do	" 2	do	do
D Carey	27	Nova Scotia,	"	disease of throat,	Oct. 26	do	do
J Williams	24	Connecticut,	" 25	Panama fever,	Sept. 2	do	do
H Webber	21	Germany,	"	do	Aug. 28	dead,	do
H Johnson	45	Denmark,	"	typhoid fever,	Oct. 9	do	do
J Barry	26	Ireland,	" 26	intermittent fever,	Aug. 28	cured,	do
Chuck Nug	34	Hong Kong,	"	diarrhœa,	" 29	dead,	S M hospital.
Long Jee	34	do	"	rheumatism,	Sept. 10	cured,	do
A Collison	42	Scotland,	"	diarrhœa,	" 6	do	City patient.
P Powell	50	Ireland,	"	Panama fever,	Aug. 31	dead,	do
T McGuire	25	do	"	syphilis,	" 29	do	do
R H Smith	21	England,	"	do	Oct. 20	cured,	do
J McBean	29	Scotland,	" 27	Panama fever,	Sept. 4	do	do
J Brown	19	do	"	typhoid fever,	"	dead,	do
Atong	29	China,	"	dysentery,	" 2	do	S M Hospital.
Chas Con	28	New York,	" 28	diarrhœa,		in hospital,	City patient.
J Loyd	29	Germany,	"	eruption,	Sept. 18	cured,	do
Wm H Neal	23	Pennsylvania,	"	Panama fever,	Aug. 29	do	do
W Leary	21	Ireland,	"	abscess,	Sept. 28	do	do
E P Wise	35	New York,	"	intermittent fever,	" 2	do	do
P Wise	35	do	"	do	Aug. 30	do	do
Annett Wise	4	do	"	do	"	do	do
C Wise	2	do	"	do	"	do	do
F Danard	40	Chile,	"	do	Sept. 2	do	S M hospital.
A Kohan	44	China,	"	typhoid fever,	Aug. 30	dead,	do
W Martin	20	Ireland,	"	Panama fever,	Sept. 14	cured,	do
Kin-Ahlee	25	China,	"	general debility,	Nov. 20	do	do
Wong-Chong	42	do	"	abscess,	Sept. 30	do	do
Low-She-Tong	27	do	"	œdema,	Aug. 29	dead,	do

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged	Remarks.
B Callahan	35	Ireland,	1852, Aug. 28	Panama fever,	1852, Sept. 3	cured,	City patient.
J Callahan	3	do	"	do	"	do	do
T Callahan	10	do	"	do	"	do	do
J Callahan	8	do	"	do	"	do	do
W Callahan	5	do	"	do	"	do	do
W Burk	29	do	" 29	diseases of lungs,	Sept. 24	do	S M hospital.
M Chandler	42	England,	" 30	intermittent fever,	" 7	do	Pay patient.
J Gilchrist	28	do	"	rheumatism,	"	do	do
J Fisk	37	Massachusetts,	"	typhoid fever,	" 6	dead,	City patient.
Ching-Chong	28	China,	"	cholera,	" 1	do	S M Hospital.
Wang-Song	24	do	"	dropsy,	Nov. 25	cured,	do
Ah-Lee	31	do	"	do	Sept. 5	do	do
L Alphonse	40	France,	"	delirium tremens,	" 2	do	do
J Chesson	28	Massachusetts,	"	intermittent fever,	" 7	do	City patient.
J Adams	30	Scotland,	"	rheumatism,	Oct. 1	do	do
A McLean	28	Hamburg,	"	fracture,	Sept. 15	do	do
J Frick	27	Pennsylvania,	"	Panama fever,	" 13	do	do
R Dempsey	27	Ireland,	"	remittent fever,	" 4	do	do
H Riley	54	do	"	do	" 7	do	do
L Vanseul	23	Chile,	"	swelled testis,	" 2	do	do
B Adolph	27	France,	"	chclera,	" 1	dead,	do
Te-Hong-Chee	35	China,	" 31	do	Nov. 8	do	S M hospital.
W Dennis	29	New York,	"	gun-shot wound,	Sept. 8	cured,	City patient.
J Collins	45	Maryland,	"	typhoid fever,	" 10	do	do
J Freeman	26	Hamburg,	"	ulcer,	" 6	do	do
J Sherridan	24	Ireland,	"	intermittent fever,	" 11	do	do

J Madden	22 Ireland,	1852, Aug. 31	diarrhoea,			in hospital,	City patient.
J Mullen	21 do	"	Panama fever,	1852, Sept. 9		cured,	do
R Kennedy	37 do	"	fracture,	" 6		do	do
J Fanlet	32 Germany,	"	Panama fever,	" 24		do	do
J Robb	21 New York,	"	inflammation of lungs	Oct. 20		do	do
P Cresped	47 France,	"	injury,	Sept. 20		do	do
W C Dow	31 Vermont,	"	cholera,	" 7		dead,	do
C Smith	33 Missouri,	"	intermittent fever,	Oct. 19		cured,	do
E Carmul	31 France,	"	mania,	Sept. 5		do	do
Pong-Ton	40 China,	"	dropsy,	" 6		dead,	S M Hospital.
Hock-Chong	56 do	"	do	" 2		do	do
Ty-Sem	29 do	"	do	" 6		cured,	do
J Larkin	42 England,	"	Panama fever,	Nov. 7		do	City patient.
T Watson	24 Scotland,	"	fracture,	Oct. 1		do	do
Ching Hoy	30 China,	Sept. 1	dropsy,	" 16		do	S M Hospital.
Lee-Buck	47 do	"	cough,	Sept. 6		do	do
C Jean	40 France,	"	intermittent fever,	" 13		do	City patient.
S Thorday	52 England,	"	ptyalism,	" 8		dead,	do
J Smith	22 Denmark,	"	2 diarrhoea,	Dec. 24		cured,	S M Hospital.
P Breckholdt	9 do	"	typhoid fever,			in hospital,	do
J Evans	22 Wales,	"	intermittent fever,	Sept. 21		cured,	City patient.
E Ferris	24 New York,	"	disease of lungs,	"		do	do
J Bucha	50 do	"	Panama fever,	Oct. 25		do	do
J S Goodwin	33 Massachusetts,	"	do	Sept. 7		dead,	do
L Costell	41 France,	"	intermittent fever,	Oct. 2		cured,	do
D Rijoudet	50 do	"	cholera,	Sept. 9		dead,	do
B McCabe	21 Ireland,	"	Panama fever,	" 20		cured,	do
P O Caffee	28 do	"	3 do	" 8		do	do
W Graham	40 U. S. A.	"	do	Nov. 11		do	do
T Bridle	26 Ohio,	"	do	Sept. 22		do	do
L C Stillings	21 New Hampshire,	"	do	" 30		dead,	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
J A Zimmerman	37	Denmark,	1852, Sept. 3	Panama fever,	1852, Sept 5	cured,	City patient.
J McGardney	28	Ireland,	"	do	" 28	do	do
Wm Robinson	26	New York,	"	cholera,	" 6	dead,	do
P Gallagher	21	Ireland,	4	intermittent fever,	" 22	cured,	do
Mrs S Wood	40	do	"	do	" 11	do	do
R Gallagher	32	do	"	abscess,	" 10	do	do
Laguart	24	France,	"	typhoid fever,	" 21	do	do
J Grooel	23	Germany,	"	diarrhœa,	" 6	dead,	do
F Dowd	40	Chile,	"	cholera,	" 8	do	S M hospital.
Afook	28	China,	"	dropsy,	" 14	cured,	do
T C Witte	45	Germany,	"	rheumatism,	" 11	do	City patient.
T Addis	34	California,	"	5 typhoid fever,	Oct. 11	dead,	do
J Riley	33	Connecticut,	"	intermittent fever,	" 19	cured,	do
P Riley	29	Ireland,	"	Panama fever,	Sept. 6	dead,	do
Eli Harrison	22	England,	"	do	" 20	cured,	do
P Lasgait	21	Ireland,	"	do	Nov. 22	do	do
E Williams	25	England,	"	do	Sept. 14	do	do
J Jewell	27	do	"	do	Dec. 16	do	do
P Lafferty	42	Ireland,	6	do	Sept. 11	dead,	do
M Curran	23	do	"	do	Oct. 6	cured,	do
P Hemassy	32	do	"	do	" 1	do	do
F Russell	40	Massachusetts	"	do	" 26	do	do
P Sautoy	27	Ireland,	"	intermittent fever,	" 6	do	do
B Barer	35	Germany,	"	Panama fever,	" 7	dead,	do
P Tully	19	Pennsylvania,	"	ulcer,	" 6	cured,	do
Aton	23	China,	"	do	Nov. 21	do	S M hospital.

Atong	32	China,	1852, Sept. 6	burn,	1852, Oct. 4	cured,	S M Hospital.
A Warton	32	Sweden,	"	fever,	" 25	do	do
Ar Fee	37	China,	"	disease of heart,		in hospital,	do
H Davis	37	Wales,	" 7	stricture,	Sept. 29	cured,	Pay patient.
D Thomas	21	do	"	scurvy,	Nov. 26	dead,	do
J Gould	41	Conncticut,	"	abscess,	Oct. 7	cured,	City patient.
J O'Brine	40	Ireland,	"	Panama fever,	" 10	do	do
Mrs M Keef	24	do	"	do	Sept. 16	dead,	do
Wm Schordon	28	Poland,	"	do	" 9	do	do
J Foin	21	France,	"	intermittent fever,	Oct. 4	cured,	do
J Hallet	21	England,	"	rheumatism,	Sept. 9	do	do
M Kavankin	20	New Orleans,	"	injury,	" 25	do	do
Wong Long	45	China,	"	rheumatism,	" 29	do	S M Hospital.
Assay	38	do	"	cholera,	" 11	dead,	do
Chock Chow	54	do	"	rheumatism,	" 16	cured,	do
J Lindross	34	Sweden,	"	injury,	" 27	do	City patient.
J McDougal	25	Ireland,	" 8	Panama fever,	" 14	do	do
J Mead	23	do	"	do	Oct. 27	do	do
D Johnson	26	New York,	"	æodema,	" 6	do	do
M Harrigan	28	Maryland,	"	injury,	Nov. 22	do	do
Wm Welden	21	New York,	"	Panama fever,	Sept. 17	do	do
J Mellus	19	do	"	do	"	do	do
N Mellus	23	do	"	do	"	do	do
J Winn	34	Vermont,	"	intermittent fever,	" 25	do	do
D Hanson	24	Ireland,	"	Panama fever,	" 23	do	do
F Le Mair	26	France,	"	do	" 15	do	do
A Williams	29	Massachusetts,	"	do	" 10	dead,	do
A-Hoy	46	China,	"	dropsy,	" 16	cured,	S M hospital.
T Funy	28	Ireland,	"	Panama fever,	" 17	do	do
J Coptell	28	France,	"	dysentery,	Oct. 12	do	City patient.
J Monpert	20	do	"	do	Sept. 13	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
T Dixon	23	Ireland,	1852, Sept. 8	intermittent fever,	1852, Sept. 16	cured,	City patient.
J Berry	30	Arkansas,	"	typhoid fever,	" 10	dead,	do
R Henegage	57	Boston,	"	9 diarrhoea,	" 15	do	do
J Welch	25	Ireland,	"	general debility,	" 12	cured,	do
V Leathers	22	New Hampshire,	"	intermittent fever,		in hospital,	do
H Butler	27	Louisiana,	"	10 injury,	Oct. 5	cured,	do
W Wolf	21	New York,	"	diarrhoea,	Sept. 11	dead,	do
V Klem	26	France,	"	ulcer,	Oct. 18	cured,	do
T Fox	22	Ireland,	"	intermittent fever,	Sept. 24	do	do
F Lawson	22	Sweden,	"	typhoid fever,	" 22	do	do
G N Bolt	40	France,	"	intermittent fever,	" 28	do	do
E Riley	27	Ireland,	"	bilious fever,	" 29	do	do
P Regan	27	do	"	do	" 20	do	do
W Sale	22	Scotland,	"	intermittent fever,	" 14	do	do
Lo Kong	29	China,	"	dropsy,	" 17	dead,	S M hospital.
J Wells	45	England,	"	intermittent fever,	" 15	cured,	Pay patient.
E McIntyre	30	Scotland,	"	asthma.	Dec. 1	do	do
J Doody	31	Ireland,	"	typhoid fever,	Sept. 14	dead,	S M hospital.
E Hughs	25	England,	"	do	" 28	cured,	do
Arfoong	27	China,	"	rheumatism,		in hospital,	do
S Christian	25	England,	"	do	Sept. 12	cured,	do
Chin Won	23	China,	"	dropsy,	Oct. 6	dead,	do
N Powusand	22	New York,	"	diarrhoea,	Sept. 14	cured,	City patient.
P Hays	28	Ireland,	"	11 Panama fever,	Nov. 15	do	do
J Hanley	26	Ohio,	"	do		in hospital,	do
A Edwards	33	South Carolina,	"	intermittent fever,	Sept. 24	cured,	do

J W Rose	40	Virginia,	1852, Sept. 11	intermittent fever,			in hospital.	City patient.
John Bates Hurley	14	Massachusetts,	"	do	1852, Oct. 2		cured,	do
J B Steward	32	Georgia,	"	general debility,	Sept. 11		do	do
T Hurley, sen.	37	Ireland,	"	rheumatism,	Oct. 25		do	do
T Hurley, jr.	17	Massachusetts,	"	general debility,	" 21		do	do
T Maher	22	Ireland,	"	Panama fever,	Dec. 11		dead,	do
W Looney	21	do	"	intermittent fever,	Oct. 1		cured,	do
J M Gladdin	35	Ohio,	"	Panama fever,	Nov. 15		do	do
A P Brechholdt	36	Denmark,	"	general debility,			in hospital,	S M hospital.
P M Victor	22	France,	"	typhoid fever,	Sept. 19		cured,	City patient.
L Dennis	22	Ohio,	"	do	Oct. 1		dead,	do
R McCloud	43	South Carolina,	"	Panama fever,	Sept. 18		cured,	do
A Steward	43	Georgia,	"	typhoid fever,	" 26		do	do
Choo-Hoon	40	China,	"	rheumatism,	" 23		do	S M Hospital.
E Green	21	Long Island,	"	fever,	" 20		do	City patient.
C D Deville	35	France,	" 12	intermittent fever,			in hospital,	do
J Smith	24	Scotland,	" 13	rheumatism,	" 19		cured,	Pay patient.
Atoy	24	China,	"	do	" 18		dead,	S M hospital.
R Burford	35	Ireland,	"	cholera,	Nov. 29		cured,	City patient.
C E Dolitz	34	France,	"	intermittent fever,	" 13		do	do
Mc McGrath	52	Ireland,	"	Panama fever,	Sept. 21		dead,	do
B R Hatch	20	Maine,	"	do	" 25		cured,	do
J Hull	17	New York,	"	do	" 24		do	do
N Philips	24	Maryland,	"	do	Nov. 23		do	do
J McCarr	45	Ireland,	"	do	Dec. 27		dead,	do
Mrs Thompson	48	London,	"	paralysis,	" 9		cured,	do
Wm Rollins	25	New Hampshire,	"	intermittent fever,	Sept. 21		do	do
W Colbert	23	Indiana,	" 14	cholera,	" 14		dead,	do
C W Bartlett	29	Maine,	"	intermittent fever,	" 28		cured,	do
S Stapleton	22	New York,	"	intermittent fever,	Oct. 20		do	do
J McLean	26	Scotland,	"	Panama fever,	Sept. 27		do	do

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged.	Remarks.
G Gallois	24	France,	1852, Sept. 14	intermittent fever,	1852, Sept. 29	cured,	City patient.
Chong Atae	29	China,	"	scorbutis,	" 21	dead,	S M hospital.
P Collins	26	Ireland,	"	intermittent fever,	" 28	cured,	City patient.
Lamnaroux	24	France,	"	do	Oct. 10	do	do
J Welch	25	Ireland,	"	epilepsy,	"	do	do
Miss H Lara	30	do	15	Panama fever,	Sept. 16	dead,	do
J Ryder	37	Long Island,	"	general debility,	" 17	cured,	do
M Show	38	Ireland,	"	ferunculus	" 28	do	do
McDonald	26	do	"	general debility,	Oct. 7	do	do
J McMullin	20	do	"	intermittent fever,	" 8	do	do
Wm T Gould	28	Maine,	"	rheumatism,	" 29	do	do
A H Lung	26	China,	"	cholera,	Sept. 21	dead,	S M Hospital.
F Holland	47	Ireland,	"	Panama fever,	Nov. 3	cured,	do
Wm Langon	40	do	"	do	Oct. 25	do	do
R Henderson	38	Scotland,	"	scorbutis,	" 17	do	Pay patient.
J Bevan	22	England,	"	syphilis,	Sept. 24	do	do
T Mayher	39	Ireland,	16	Panama fever,	" 18	dead,	City patient.
F L Antoine	12	France,	"	typhoid fever,	" 25	do	do
A Domayde	28	Mexico,	"	cholera,	" 17	do	do
S Goodrich	38	New Hampshire,	"	small pox,	"	in hospital,	do
D Brown	27	England,	"	dysentery,	Sept. 22	cured.	do
J Biadley	29	Ireland,	"	intermittent fever,	" 23	dead,	do
C Teacquot	44	France,	"	do	Oct. 4	cured,	do
A Dnscol	24	Mexico,	"	typhoid fever,	Sept. 24	do	do
Choung-Atok	29	China,	"	17 rheumatism,	Oct. 9	do	do
H Krahe	24	Germany,	"	intermittent fever,	Nov. 18	do	do

Atoy	32 China,	1852, Sept. 17	paralysis,	1852, Sept. 29	dead,	S M Hospital.
N Phillips	27 England,	"	intermittent fever,	Oct. 30	cured,	City patient.
C Mirsell	20 Illinois,	"	diarrhœa,	Sept. 19	do	do
J F Parker	43 Massachusetts,	"	ulcer,	Oct. 2	do	do
C Mesner	18 France,	"	intermittent fever,	Sept. 28	do	do
J Elder	25 Ireland,	"	do	" 27	do	S M Hospital.
V Theraphile	39 France,	"	rheumatism,	Oct. 1	do	do
T Costello	20 Ireland,	"	gonorrhœa,	Nov. 8	do	do
A Forman	32 New Jersey,	" 18	intermittent fever,	Sept. 19	dead,	City patient.
J Hernan	41 Germany,	"	cholera,	Oct. 3	do	do
J J Russell	24 England,	"	rheumatism,	Dec. 22	cured,	Pay patient,
A Lewis	16 New York,	" 19	injury to arm,	Sept. 25	do	City patient.
H A Stark	25 do	"	Panama fever,	Oct. 19	dead,	do
Wm Smith	24 England,	"	cholera,	" 1	cured,	do
C Campfield	20 New Jersey,	"	diarrhœa,	Nov. 16	do	do
G Smith	42 Ireland,	"	injury to hand,	Sept. 27	do	do
P Latno	24 Chile,	"	typhoid fever,	Oct. 15	do	do
N Edwards	32 Ireland,	" 20	wound,	Sept. 24	do	do
Miss Cook	45 do	"	intermittent fever,	Oct. 26	do	do
A L Roux	25 France,	"	typhoid fever,	" 18	do	do
G August	46 do	"	intermittent fever,	Sept. 24	do	do
J Paulm	29 do	"	do	" 23	do	do
J Jurgensen	19 Denmark,	"	syphilis,	Oct. 20	do	S M hospital.
J Sallender	25 Norway,	"	intermittent fever,	" 6	do	do
E Lee	45 Sweden,	"	typhoid fever,	" 30	do	do
Go-Qua-Hong	20 China,	"	do	Sept. 30	dead,	do
P McCormick	29 New York,	"	diarrhœa,	Oct. 6	do	do
J Fayal	36 France,	"	typhoid fever,	" 1	cured,	do
J Brown	28 Louisiana,	" 21	ophthalmia,	"	in hospital,	City patient.
T Felix	26 France,	"	intermittent fever,	Sept. 27	cured,	do
W Hilt	40 New York,	"	injury to hand,	"	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
R Stanley	34	Connecticut,	1852, Sept. 21	hepatitis,	1852, Oct. 12	dead,	City patient.
H Dye	40	New York,	"	intermittent fever,	" 1	cured,	do
J Mooney	25	do	"	do	"	do	do
Camilla Rosa	35	Chile,	"	small pox,	Nov. 20	do	S M hospital.
R S Watkins	50	Boston,	" 22	cholera,	Sept. 22	dead,	City patient.
J Jenkins	24	England,	"	rheumatism,	Dec. 16	cured,	Pay patient.
Attoy	46	China,	"	do	Oct. 17	do	S M Hospital.
E W Harrison	22	England,	"	intermittent fever,	Nov. 18	do	City patient.
Mrs Stoddard	18	Ireland,	"	Panama fever,	Oct. 18	do	do
J Williams	30	Norway,	" 23	cholera,	Sept. 23	dead,	do
J Buckall	41	Massachusetts,	"	do	" 28	cured,	do
J Newkirk	46	New York,	"	intermittent fever,	Nov. 20	do	do
R Double	37	England,	"	ulcer,	Sept. 27	do	do
P S Pinshuit	28	Germany,	"	intermittent fever,	" 28	do	do
J Faber	30	France,	" 24	do	" 30	do	do
Miss Johnson	19	"	"	phthisis,	Oct. 16	dead,	do
B Leary	31	Baltimore,	"	intermittent fever,	" 2	cured,	do
E McCaura	22	Philadelphia,	"	do	Sept. 27	do	do
C Linbeck	39	Denmark,	"	do	Oct. 6	do	do
J Davis	38	New York,	"	do	" 16	do	do
P Westenburg	29	Germany,	"	injury,	Dec. 5	do	do
R F Milker	37	New York,	"	typhoid fever,	Sept. 27	dead,	do
E Henri	43	France,	"	intermittent fever,	Oct. 12	cured,	do
H Smith	25	Germany,	"	do		in hospital,	S M hospital.
G Taylor	33	England,	"	stricture,	Sept. 28	cured,	Pay patient.
L Alivas	45	France,	"	diarrhœa,	Oct. 4	do	City patient.

J A Morel	30 New York,	1852, Sept. 25	general debility,	1852, Oct. 19	do	City patient.
J Dowdell	20 Maine,	"	diarrhœa,	"	do	do
J Sherridan	23 Ireland,	"	abscess of cornea,	Nov. 18	do	do
J Gladfield	26 S Carolina,	"	diarrhœa,	" 2	do	do
N Chase	26 New York,	"	small pox,	Sept. 30	dead,	do
J C Pierre	37 France,	"	intermittent fever,	Oct. 15	cured,	S M Hospital.
J F Rosas	26 Chile,	"	rheumatism,	"	in hospital,	do
J Crosby	33 England,	" 26	diarrhœa,	Oct. 11	cured,	City patient.
S Maloney	43 Maine,	"	intermittent fever,	Nov. 4	do	do
C Vish	20 Germany,	"	ophthalmia,	"	in hospital,	do
J McDonald	22 Indiana,	"	typhoid fever,	Sept. 30	dead,	do
T Castro	35 Mexico,	" 27	syphilis,	Oct. 7	cured,	S M Hospital.
W P Vance	23 Philadelphia,	"	intermittent fever,	Nov. 10	do	City patient.
J Smith	21 New York,	"	diarrhœa,	Oct. 8	do	do
W L Britton	21 do	"	syphilis,	" 17	do	do
H Riley	54 Ireland,	"	injury to foot,	" 11	do	do
E McCan	24 New York,	"	remittent fever,	Dec. 15	do	do
J Monito	30 France,	"	do	Oct. 24	do	do
J Lightner	21 Pennsylvania,	" 28	do	" 6	dead,	do
C O Pond	24 China,	"	intermittent fever,	"	in hospital,	S M hospital.
J W Dive	23 London,	"	intermittent fever,	" 1	cured,	Pay patient.
Mow Chow	20 China,	"	dropsy,	" 6	do	S M hospital.
J Smith	23 New York,	"	intermittent fever,	" 7	do	City patient.
H Stolls	33 Germany,	"	typhoid fever,	" 11	do	do
J Kinney	46 England,	"	rheumatism,	"	in hospital,	do
P Cingaws	22 France,	"	intermittent fever,	" 15	cured,	do
A Haw	19 China,	"	pneumonia,	" 4	dead,	S M hospital.
J Summers	28 New York,	"	intermittent fever,	"	cured,	City patient.
C Beaufot	24 France,	"	ulcer,	" 2	do	do
J Barry	25 Ireland,	"	30 diarrhœa,	" 19	dead,	do
J Bell	65 England,	"	Panama fever,	" 5	cured,	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
D Burk	33	Ireland,	1852, Sept. 30	ulcer,		in hospital,	City patient.
J Wagner	24	Germany,	"	intermittent fever,	1852, Oct. 6	cured,	do
M Bowlan	35	Ireland,	"	ulcer,	" 11	do	do
T Monfor	41	China,	"	do	Nov. 16	do	S M Hospital.
B Wolf	19	Germany,	"	pneumonia,	Oct. 13	do	City patient.
T Smith	30	New York,	"	intermittent fever,	" 6	do	do
A Fremshol	38	Germany,	"	do	" 24	do	do
J Julien	27	France,	Oct. 1	do	" 8	do	do
A Hamer	38	Sweden,	"	diarrhœa,	" 15	do	do
J Johnson	28	do	"	hernia,	Nov. 18	do	Pay patient,
Tong Fuck	26	China,	"	rheumatism,	Oct. 12	do	S M hospital.
J Voigts	30	Germany,	"	typhoid fever,	" 9	dead,	City patient.
E Valett	27	France,	"	intermittent fever,	" 11	cured,	do
C Kent	29	Maine,	"	rheumatism,	" 7	do	do
J Hughes	23	England,	"	diarrhœa,	" 6	do	S M hospital.
D Devandier	25	France,	" 2	intermittent fever,	" 14	do	City patient.
F Cazanbon	29	do	"	rheumatism,	" 18	do	do
T Torry	27	Ireland,	"	intermittent fever,	" 14	do	do
C Coot	29	Germany,	"	cholera,	" 10	dead,	do
P Alimees	52	France,	"	intermittent fever,	Dec. 9	cured,	do
J Knox	33	Pennsylvania,	"	do	Oct. 4	do	do
G A Walker	22	Massachusetts,	"	do	" 15	do	do
B Archocho	49	Mexico,	"	do	" 8	do	do
S W Slamdeck	29	Ohio,	" 4	syphilis,	Nov. 9	do	do
T Brown	30	Ireland,	"	dysentery,	Dec. 1	do	do
H Smith	22	Canada,	"	intermittent fever,	Oct. 10	do	do

P Allerne	27	France,	1852, Oct. 4	general debility,	1852, Nov. 14	cured,	City patient.
J Flores	32	Mexico,	"	typhoid fever,	" 7	do	do
F Bandring	36	France,	"	eruption,	Oct. 10	do	do
M Harris	27	Germany,	"	typhoid fever,	" 7	dead,	do
E E Brown	22	Ireland,	"	intermittent fever,	" 8	cured,	do
F Garmax	29	Mexico,	"	do	" 16	do	do
J H Love	21	Vermont,	" 5	do		in hospital,	do
PG Porter	23	Philadelphia,	"	do		do	do
∞ B Louis	30	France,	"	do	" 12	cured,	do
E Merton	21	Massachusetts,	"	dysentery,	Nov. 24	dead,	do
Ahoy	36	China,	"	dropsy,	Oct. 6	do	S M Hospital.
Wm Davis	32	Baltimore,	"	intermittent fever,	Dec. 13	cured,	City patient.
J McCarty	26	Ireland,	"	do	Oct. 20	do	do
E F Bryan	43	England,	"	disease of lungs,	" 16	dead,	do
J J Twibell	22	Virginia,	"	intermittent fever,	" 14	cured,	do
D Adolphe	40	France,	"	rheumatism,	" 19	do	do
P Shaw	27	Ireland,	"	diarrhœa,		in hospital,	do
J Roberts	43	England,	"	intermittent fever,	Oct. 16	cured,	Pay patient.
G Newman	26	Germany,	" 6	cholera,	" 25	do	City patient.
K McLean	26	Massachusetts,	"	intermittent fever,	" 21	do	do
J Mullen	22	New York,	"	Panama fever,	" 11	do	do
J Jackson	38	Germany,	"	ulcer,	" 16	do	do
G Grace	32	Connecticut,	"	debility,	" 8	do	do
A Brimralder	23	France,	"	rheumatism,		in hospital,	do
S Hearn	58	England,	"	dysentery,	Nov. 21	cured,	S M Hospital.
R B Merina	38	Connecticut,	"	do	" 5	dead,	do
A Lobattry	30	France,	"	do	"	do	do
F Holmes	21	England,	" 7	diarrhœa,		in hospital,	City patient.
G Reuminson	25	do	"	ulcer,	Oct. 18	cured,	do
M Noael	25	France,	"	cholera,	" 14	dead,	do
J Scal	29	Massachusetts,	"	syphilis,	" 9	cured,	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
W Berry	40	Maine,	1852, Oct. 7	Panama fever,	1852, Oct. 14	dead,	City patient.
J Smith	40	Ireland,	"	ulcer,	" 11	cured,	do
G Seymour	22	do	"	intermittent fever,	" 25	do	do
G S Hawkins	44	New York,	"	Panama fever,	" 15	do	do
M Brook	26	Poland,	"	do	" 21	do	do
J Williams	24	Connecticut,	"	do	" 17	do	do
J Harris	30	England,	"	wound,		in hospital,	do
C Rearr	34	France,	"	intermittent fever,	Nov. 8	cured,	do
L Young	40	Philadelphia,	"	cholera,	Oct. 14	dead,	do
G Ward	19	Ireland,	"	8 Panama fever,	Dec. 8	cured,	do
Beanto	28	France,	"	ulcer,	Oct. 13	do	do
E Jones	38	Wales,	"	Panama fever,	" 18	do	do
W Williams	43	do	"	do	" 15	do	do
B Davis	32	do	"	do	" 23	dead,	do
G B Watson	30	Scotland,	"	abscess,	Nov. 11	cured,	do
J Barney	35	Ireland,	"	Panama fever,	"	do	do
O Barney	24	do	"	do	"	do	do
J Keiley	47	do	"	intermittent fever,	Oct. 19	do	do
F Josephs	28	France,	"	do	" 20	do	do
T Bebbey	22	England,	"	do	Nov. 2	do	do
J Johnson	28	Pennsylvania,	"	do	Oct. 27	do	do
P McDevitt	38	Ireland,	"	do	Nov. 9	do	do
C Manjur	24	Tahiti,	"	cholera,	Dec. 19	dead,	S M Hospital.
J B Campbell	22	New York,	"	injury to spine,	Oct. 25	do	City patient.
O Riley	28	Ireland,	"	Panama fever,	" 11	do	do
J Jarginton	19	Denmark,	"	9 diarrhoea,	" 24	cured,	S M Hospital.

S Nostrand	20 Connecticut,	1852, Oct. 9	intermittent fever,	1852, Oct. 13	cured,	City patient.
J Watson	30 Ireland,	"	do		in hospital,	do
J Pontry	24 do	"	Panama fever,	Oct. 14	cured,	do
M Townsend	43 London,	"	do	" 11	dead,	do
S Sylva	20 Portugal,	"	diarrhœa,	" 16	cured,	do
Ann Harton	30 Ireland,	" 10	pregnancy,	Nov. 18	do	do
J Hope	25 Philadelphia,	"	intermittent fever,	Oct. 18	do	do
C K Sumner	19 Maine,	"	gonorrhœa,	" 17	do	do
H Walcott	24 New York,	"	Panama fever,	" 14	dead,	do
G Menendit	19 Spain,	"	do	"	cured,	do
J Dougherty	29 Brooklyn,	"	syphilis,	" 13	do	do
B D Montfort	15 France,	"	ulcer,	Nov. 9	do	S M hospital.
J Mallory	53 Ireland,	" 11	intermittent fever,	" 3	do	City patient.
G Alexander	21 France,	"	diarrhœa,	Dec. 3	dead,	do
E G Bolter	22 Massachusetts,	"	intermittent fever,	Oct. 16	cured,	do
T H Johnson	23 New York,	"	do	Nov. 5	do	do
J Evans	40 Wales,	"	do	Oct. 25	do	do
M Price	40 Ireland,	"	do	"	do	do
H Masterson	30 do	"	do	"	do	do
L Folk	24 Virginia,	"	scrofula,		in hospital,	do
A McCormick	25 Nova Scotia,	"	rheumatism,	Nov. 8	cured,	do
M Gadroy	30 France,	"	intermittent fever,		in hospital,	do
D Henry	28 Ireland,	"	do		do	do
A-Cow	24 China,	"	dropsy,	Oct. 12	dead,	S M Hospital.
M Gavardin	27 France,	"	intermittent fever,	" 30	cured,	City patient.
C Domingo	26 do	" 12	do	" 21	do	S M Hospital.
J Stewart	46 Georgia,	"	typhoid fever,	" 20	dead,	City patient.
Mrs S Woods	40 Ireland,	"	intermittent fever,	" 13	cured,	do
J Hart	32 Germany,	"	do	" 26	do	do
W Wilcox	33 Pennsylvania,	"	Panama fever,	Nov. 12	do	do
J Cannon	29 Georgia,	"	ulcer,	Oct. 15	do	do

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged	Remarks.
P Coast	45	Poland,	1852, Oct. 12	intermittent fever,	1852, Oct. 30	cured,	City patient.
B P Francois	33	France,	"	do	" 18	do	do
J Rankin	26	Scotland,	"	do	Nov. 3	do	do
N Kall	57	Denmark,	"	bilious fever,	" 6	dead,	do
C Oswald	33	Germany,	" 13	intermittent fever,	" 3	cured,	do
T W Doliff	31	Maine,	"	dysentery,		in hospital,	do
A B C Moody	26	New York,	"	intermittent fever,	Oct. 21	cured.	do
Asson	48	China,	"	dropsy,	" 24	do	S M hospital.
Ar-Wi	45	do	"	do		in hospital,	do
R Norris	23	Boston,	"	diarrhœa,	" 15	dead,	City patient.
J S McClure	22	Maine,	"	intermittent fever,	" 21	cured,	do
G Baker	30	Germany,	"	do	Nov. 23	do	do
T Jones	36	Ireland,	"	do	Oct. 25	do	do
J Bowen	24	Rhode Island,	"	do	Nov. 22	do	do
T Williams	22	Ireland,	"	do	" 14	do	do
J Johnson	40	do	" 14	do	" 25	do	do
J L Ford	57	Arkansas,	"	typhoid fever,	" 16	do	do
H E Smith	24	Massachusetts,	"	diarrhœa,	" 8	do	do
G Cossello	20	Mexico,	"	intermittent fever,	Oct. 29	do	do
P Grogan	24	Ireland,	" 15	bilious fever,	Nov. 3	do	do
L Nan Nostrand	24	Connecticut,	"	diarrhœa,	" 19	do	do
Pickersgill	36	England,	"	intermittent fever,	" 25	do	do
J P Selby	34	Ohio,	"	diseases of lungs,	Dec. 25	dead,	do
B W Stephens	37	Massachusetts,	"	rheumatism,	Oct. 24	cured,	do
J Welch	25	Ireland,	"	do	" 25	do	do
N Smith	28	New York,	"	intermittent fever,	" 21	do	do

J Mahoney	29	Ireland,	1852, Oct. 15	ulcer,	1852, Oct. 27	cured,	City patient.
G Woodman	20	Germany,	"	intermittent fever,		in hospital,	do
C Johnson	31	Denmark,	"	rheumatism,	Nov. 20	cured,	do
E J Lewin	21	New Hampshire,	"	intermittent fever,	Oct. 24	do	do
W Steel	26	Boston,	" 16	do	" 25	do	do
J Bradley	21	Massachusetts,	"	do	"	do	do
J McBride	27	Pennsylvania,	"	do	" 24	do	do
H Russell	36	New York,	"	do	" 26	do	do
M Cammel	22	Ireland,	"	do	" 24	do	do
G Stagg	43	Liverpool,	"	do	Nov. 5	do	do
A Castro	20	Mexico,	"	pneumonia,	Dec. 21	do	do
T Maher	40	Ireland,	"	intermittent fever,	Oct. 30	do	do
F T Armstrong	30	New York,	"	delirium tremens,	" 21	do	do
J P Beck	22	Illinois,	" 17	intermittent fever,	Nov. 8	do	do
J Hunter	21	Pennsylvania,	" 18	rheumatism,	Oct. 21	do	do
N Norton	25	Ireland,	"	small pox,	" 26	dead,	do
J P Welch	25	Boston,	"	bilious fever,	" 25	cured,	do
J H Billin	27	North Carolina,	"	typhoid fever,	Dec. 26	dead,	do
Lissing	36	China,	"	cholera,	Oct. 27	do	S M Hospital.
M Wallois	32	France,	"	ulcer,	Nov. 4	cured,	do
E Cervantes	42	Mexico,	"	ascities,	Oct. 29	do	City patient.
C Brott	23	Missouri,	"	rheumatism,		in hospital,	do
J Dixon	29	Ireland,	"	intermittent fever,	Nov. 20	cured,	do
P Sloan	17	do	"	lumbago,		in hospital,	do
F McIlaney	26	do	"	intermittent fever,	" 6	cured,	do
T Barbion	27	France,	"	do	Oct. 21	do	do
J Carrigan	25	Ireland,	" 19	do	" 24	do	do
R Domoran	29	do	"	Panama fever,	"	do	do
J Smith	35	do	"	dysentery;	Nov. 22	do	do
G Phillips	21	New York,	"	do	" 18	do	do
Wm Morgan	24	Wales,	"	ulcer,	" 25	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
J Williams	28	Ireland,	1852, Oct. 19	pneumonia,	1852, Nov. 15	dead,	City patient.
H Holmes	45	Boston,	"	varioid,		in hospital,	do
J Avery	27	Maine,	"	intermittent fever,	Oct. 26	cured,	do
G Gaste	38	Maryland,	"	diarrhœa,	Nov. 22	do	do
H Sherridan	19	Canada,	"	intermittent fever,	" 4	do	do
W McGill	34	Ireland,	"	paralysis,	" 14	do	do
H Raynes	30	do	"	intermittent fever,	Oct. 25	do	do
S Beaugrand	25	France,	20	disease of heart,	" 27	do	do
J Denny	38	New York,	"	intermittent fever,	Nov. 16	do	do
J Kirkman	21	England,	"	hernioplegia,	Oct. 28	do	do
E Levy	27	Ireland,	"	intermittent fever,	Nov. 3	do	do
J Claffy	28	do	"	do	Oct. 31	do	do
G McAmber	30	Massachusetts,	"	do		in hospital,	do
P McAmber	38	do	"	do		do	do
J B King	47	do	"	do	Nov. 8	cured,	do
J Belclotsky	26	Poland,	"	diarrhœa,	" 19	do	do
G Le Maitre	26	Isle of Jersey,	"	wound,	Oct. 31	dead,	do
W Roberts	27	England,	21	Panama fever,	Dec. 15	do	Pay patient.
G Davidson	31	Maine,	"	do	Oct. 27	cured,	City patient.
D Davandier,	25	France,	"	typhoid fever,	" 30	do	S M Hospital.
S Chickester	38	New York,	"	do	Nov. 14	dead,	City patient.
F Ferall	20	do	"	injury to testis,	" 18	cured,	do
M Clanney	26	Ireland,	"	intermittent fever,	Oct. 30	do	do
C Passent	42	France,	"	gun-shot wound,		in hospital,	do
J Parsons	20	Ireland,	"	abscess,	Oct. 24	cured,	do
J Nugent	17	do	"	remittent fever,	" 31	do	do

P Comroy	27 Ireland,	1852, Oct. 21	syphilis,	1852, Nov. 3	cured,	City patient.
A Gleason	46 do	" 22	ulcer,	" 4	do	do
M Kirwin	31 do	"	intermittent fever,	"	do	do
G O'Byrne	40 do	"	do	Oct. 31	do	do
A Miller	27 Norway,	"	bronchitis,	Nov. 19	dead,	do
Wm Potter	50 Sandwich Islands,	"	rheumatism,	" 4	cured,	do
R Husband	32 Scotland,	" 23	pleuritis,	Oct. 24	dead,	do
H Zimmerman	36 Germany,	"	ulcer,	" 29	cured,	do
G Gallois	24 France,	"	intermittent fever,	Nov. 2	do	do
W Rice	56 Massachusetts,	"	Panama fever,	Dec. 3	dead,	do
H Johnson	26 Denmark,	"	injury,	Oct. 26	cured,	do
D McCarty	22 Ireland,	"	fracture,	Nov. 22	do	do
P Hennessey	34 do	"	intermittent fever,	" 3	do	do
L Tus	34 France,	" 24	do	" 21	do	do
S Ardie	18 New York,	" 25	diarrhoea,	Oct. 29	dead,	do
C Victor	26 France,	"	intermittent fever,	Nov. 4	cured,	do
J O'Neil	28 New York,	"	do		in hospital,	do
C Custianson	24 Norway,	"	do	Nov. 3	cured,	do
B Brown	22 France,	"	do	"	do	do
J Galleney	32 Ireland,	"	erysipelas,		in hospital,	do
T Garren	40 do	"	injury,		do	do
D Fayles	22 New York,	"	intermittent fever,	Oct. 21	cured,	do
L Pierre	22 France,	"	do	Nov. 6	do	do
H Dobbin	30 New York,	"	general debility,	" 5	do	do
J Carmona	25 Chile,	"	intermittent fever,	Oct. 27	do	S M hospital.
G Lewis	22 England,	"	phthisis,	Nov. 8	dead,	Pay patient.
S B Bogert	37 New York,	" 26	bilious fever,	Oct. 3	do	City patient.
W Clark	23 do	"	abscess,		in hospital,	do
G Ryder	32 do	"	diarrhoea,	Nov. 12	cured,	do
M Barnes	19 Boston,	"	intermittent fever,	" 8	do	do
T Sullivan	28 Ireland,	"	do	" 16	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
J Eglatins	30	Spain,	1852, Oct. 26	bronchitis,		in hospital,	City patient.
C Miller	23	England,	"	intermittent fever,	Nov. 2	cured,	Pay patient.
J Simonds	27	New Jersey,	" 27	rheumatism,	" 18	do	City patient.
J Hamilton	22	Maine,	"	abscess,	" 24	do	do
A Laparie	25	France,	"	intermittent fever,	" 27	do	do
B Jasquire	39	do	"	do	" 26	do	do
J Miller	40	Scotland,	"	pneumonia,	" 3	do	do
T Robinson	40	New York,	"	diarrhœa,	" 7	dead,	do
J McCormick	27	Ireland,	"	intermittent fever,	"	cured,	do
J Haffron	31	Rhode Island,	"	do	Oct. 28	do	do
M W Summbold	26	Sweden,	"	rheumatism,	Nov. 6	do	do
A Colby	22	Maine,	"	do	Dec. 1	do	Pay patient,
J McCarty	26	Ireland,	" 28	cholera,	Nov. 12	dead,	City patient.
E Stoddard	19	do	"	intermittent fever,		in hospital,	do
J Finn	27	do	"	do	Oct. 31	cured,	do
F Burk	37	Maine,	"	ulcer,	Nov. 26	do	do
J B Racine	52	France,	"	do	" 7	do	do
J Campbell	33	Ireland,	"	rheumatism,		in hospital,	do
H Peck	27	Philadelphia,	"	secondary syphilis,		do	do
W Lake	31	New York,	"	rheumatism,	Dec. 20	cured,	do
S Handley	28	Maine,	"	diarrhœa,	" 3	do	do
S A St John	46	Connecticut,	"	ferunculus,	Nov. 26	do	do
W Morton	29	Ireland,	" 29	intermittent fever,	" 16	do	do
R W Hall	25	Maine,	"	do	" 22	do	do
Z Jones	43	Maryland,	"	phthisis,		in hospital,	do
M Higgins	23	Ireland,	"	rheumatism,	Dec. 11	cured,	do

E Vallet	26 France,	1852, Oct. 29	intermittent fever,	1852, Nov. 8	cured,	City patient.
J Ganon	33 New Jersey,	"	do	" 15	do	do
T Proux	26 Canada,	"	do	" 22	do	do
H Lindois	30 France,	"	rheumatism,	" 30	in hospital,	S M hospital.
W Broderick	29 England,	" 30	disease of lungs,	" 30	cured,	City patient.
E F Garegus	24 New Jersey,	"	dianthœa,	Dec. 3	do	do
J Hurst	23 Virginia,	"	typhoid fever,	"	in hospital,	do
E Hanney	60 England,	"	hernia,	Nov. 10	cured,	do
∞ J Collins	26 Louisiana,	"	injury,	Dec. 9	do	do
J Pollock	27 Scotland,	"	general debility,	Nov. 12	do	do
J E Kelly	29 New York,	"	do	Dec. 16	do	do
S Stockwell	42 Massachusetts,	"	rheumatism,	Nov. 8	do	do
G Runn	27 Canada,	"	intermittent fever,	" 13	do	S M Hospital.
T Jolly	26 England,	"	Panama fever,	"	in hospital,	Pay patient.
O Runn	19 Canada,	"	do	" 15	cured,	S M hospital.
R L Frune	32 South Carolina,	" 31	gun-shot wound,	" 8	do	City patient.
M Nutter	26 Illinois,	"	Panama fever,	"	in hospital,	do
R C D Rose	21 Rhode Island,	"	do	" 8	cured,	do
J Hock	38 Germany,	"	small pox,	" 15	do	do
H Breff	29 do	"	ulcer,	Dec. 16	do	do
J Silva	20 New York,	"	dysentery,	" 17	dead,	do
E Haskell	55 do	"	Panama fever,	Nov. 25	cured,	do
J Lewis	52 do	Nov. 1	debility,	" 26	dead,	do
Wm Lindrop	48 England,	"	diarrhœa,	" 22	cured,	do
A Quitcow	38 Prussia,	"	rupture,	Dec. 16	do	do
J E Arnold	25 Maine,	"	diarrhœa,	" 9	dead,	do
J Lockhart	24 Ireland,	"	intermittent fever,	Nov. 10	cured,	do
C Brown	30 Sweden,	"	dysentery,	" 17	do	do
E Wayna	32 France,	"	rheumatism,	" 10	do	do
J Daniels	49 London,	"	Panama fever,	"	in hospital,	do
S Burnet	30 Ohio,	" 2	varioid,	"	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
J Phillips	26	New York,	1852, Nov. 2	intermittent fever,	1852, Nov. 15	cured,	City patient.
W Parley	24	Ireland,	"	do	" 16	do	do
P Hays	35	do	"	do	" 10	do	do
M Lubey	28	do	"	do	" 15	do	do
F Darats	26	Germany,	"	3debility,	" 26	do	do
B Hughes	42	Ireland,	"	2dropsy,		in hospital,	do
J Wolf	40	Prussia,	"	3injury,	" 14	cured,	do
J McAlee	27	Ireland,	"	intermittent fever,	" 7	do	do
E Dunker	35	Germany,	"	do	Dec. 11	do	do
J S Clatsworthy	25	West Islands,	"	diarrhœa,	Nov. 6	do	do
R P Seaman	36	Rhode Island,	"	do	" 13	dead,	do
E Kirby	21	Canada,	"	do	" 8	cured,	do
P Weason	11	Louisiana,	"	Panama fever,	"	do	do
J Hope	26	Pennsylvania,	"	bilious fever,	" 23	do	do
E Wyville	17	Louisiana,	"	Panama fever,	Dec. 19	do	do
W Wyville	11	do	"	do		in hospital,	do
J Allen	19	New York,	"	do	" 13	cured,	do
T Hernes	22	Ireland,	"	4varioid,	Nov. 13	dead,	do
J A Smith	35	Philadelphia,	"	general debility,	" 14	cured,	do
M Lyon	38	France,	"	intermittent fever,	Dec. 24	do	do
C Androso	26	Chile,	"	small pox,	Nov. 9	dead,	do
J Ward	28	England,	"	5syphilis,	Dec. 8	cured,	do
H Glynn	26	Maine,	"	rheumatism,		in hospital,	do
T L Page	21	Boston,	"	intermittent fever,		do	do
G Curtain	5	France,	"	injury,	" 2	dead,	do
H Riley	54	Ireland,	"	diarrhœa,	"	cured,	do

Ar-He	18 China,	1852, Nov. 5	cholera,	1852, Nov. 20	dead,	S M hospital.
C Wendland	27 Sweden,	"	Panama fever,		in hospital,	City patient.
F L Navit	34 France,	"	diarrhœa,	Nov. 11	cured,	do
A Krcar	27 Germany,	"	disease of bladder,		in hospital,	do
D Posson	17 Scotland,	"	dysentery,	" 16	cured,	do
H Lundt	39 Germany,	"	rheumatism,	" 21	do	do
C McCanly	26 Ireland,	"	intermittent fever,		in hospital,	do
J McKune	35 do	"	general debility,	" 18	cured,	do
A Brown	22 Norway,	"	gun-shot wound,	Dec. 30	do	do
H Norton	21 New York,	"	typhoid fever,	" 27	do	do
J McAflrey	47 Ireland,	"	injury,	" 30	do	do
C Genskye	26 Germany,	"	intermittent fever,	" 14	do	do
J Hasley	25 New York,	"	bronchitis,	" 26	do	do
J F Neveraux	36 France,	"	intermittent fever,	Nov. 7	do	do
W Runson	41 Belgium,	"	abscess,	" 27	do	do
B Labbavien	26 France,	"	intermittent fever,	" 9	do	do
E Reynolds	29 Ireland,	"	do	" 15	do	do
M Cummin	23 do	"	general debility,	" 16	do	do
B Bushart	22 France,	"	6 diarrhœa,	Dec. 2	dead,	do
A Martin	33 Sweden,	"	intermittent fever,	Nov. 15	cured,	do
R Turner	38 England,	"	abscess,	" 20	do	do
Wm Beach	25 Connecticut,	"	intermittent fever,	" 17	do	do
J Murphey	20 Ireland,	"	do		in hospital,	do
T Clark	23 do	"	injury to foot,		do	do
W Carrigan	24 do	"	intermittent fever,	" 18	cured,	do
R Xavier	40 France,	"	parrigo,	" 12	do	do
G A Orndio	28 do	"	ulcer,		in hospital,	do
J C McLennare	61 North Carolina,	"	7 acme,	" 10	cured,	do
E Farbes	44 Vermont,	"	rheumatism,	Dec. 3	do	do
J Warrel	38 Pennsylvania,	"	intermittent fever,	" 4	do	do
Capt Freeman	25 Maine,	"	delirium tremens,	" 8	dead,	do

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged	Remarks.
J N Stephens	19	Tennessee,	1852, Nov. 7	diarrhœa,	1852, Dec. 5	dead,	City patient.
J Annis	65	Boston,	"	bronchitis,	Nov. 22	cured,	do
T Jones	37	England,	"	Intermittent fever,	" 23	do	do
J Grogan	17	do	"	constipation,	"	do	do
H Manning	31	Vassachusetts,	"	intermittent fever,	" 15	do	do
Assoon	43	China,	"	wound,		in hospital,	S M Hospital.
B Trow	53	Massachusetts,	"	ophthalmia,		do	City patient.
M Carpenter	22	Kentucky,	"	diarrhœa,	Dec. 21	dead,	do
C Finnegan	21	Canada,	"	debility,	" 12	cured,	do
J Shultz	31	Germany,	"	ophthalmia,		in hospital,	do
J Fidel	38	France,	"	intermittent fever,	Nov. 21	cured,	do
A Delure	34	do	"	rheumatism,	" 23	do	do
W Broderick	25	England,	"	bronchitis,	Dec. 16	do	do
T P Bolan	23	Virginia,	"	syphilis,	" 30	do	do
P Curry	28	Ireland,	"	intermittent fever,	Nov. 21	do	do
P Lamberrat	26	France,	"	typhoid fever,	" 11	do	do
B Wyville	43	Germany,	"	do		in hospital,	do
J Snyder	40	do	"	9 small pox,	Dec. 13	cured,	do
G Stona	35	do	"	wound,	Nov. 15	do	do
T Noon	19	Ohio,	"	diarrhœa,	" 22	do	do
J Myres	29	Germany,	"	rheumatism,	Dec. 3	do	do
G W Hodgson	24	Ohio,	"	diarrhœa,	" 27	dead,	do
J Hots	26	Pennsylvania,	"	do		in hospital,	do
P Caissant	44	France,	"	intermittent fever,		do	do
P Christabel	40	do	"	do		do	do
E Pendley	22	New York,	"	remittent fever,	Dec. 29	dead,	do

D B Pierre	43 France,	1852, Nov. 9	rheumatism,	1852, Dec. 2	cured,	City patient.
W Mark	34 Sweden,	"	do	" 3	do	do
R Swartstrober	22 Germany,	"	intermittent fever,	" 14	do	do
P Swartstrober	21 do	"	do		in hospital,	do
J Smith	31 do	"	diarrhœa,	Nov. 15	cured,	do
P Kelley	22 Ireland,	"	Panama fever,	" 24	do	do
W Knwin	48 South Wales,	"	intermittent fever,	" 20	do	do
Koch Gois	40 France,	"	bronchitis,	Dec. 7	do	do
J Scott	23 Indiana,	"	ulcer,		in hospital,	City patient.
N Hallan	26 Ireland,	"	ophthalmia,		do	do
H Atwill	37 New York,	"	gun shot wound,	Dec. 3	dead,	do
Mrs A Josephs	26 England,	"	bronchitis,		in hospital,	do
L F Acton	26 France,	"	intermittent fever,	Nov. 12	cured,	do
E Pous	62 do	"	rheumatism,		in hospital,	do
J Maid	22 Ireland,	"	intermittent fever,	" 21	cured,	do
G Brown	22 England,	"	do	" 12	do	do
C Carambo	20 France,	"	rheumatism,		in hospital,	do
N Nelson	29 Germany,	"	do		do	S M hospital.
J B Coleman	26 Ohio,	"	intermittent fever,	" 21	cured,	City patient.
A Harris	18 Maine,	" 10	diarrhœa,		in hospital,	do
J R Nersesbord	12 Chile,	"	pleunitis,		do	do
W Brown	36 Ireland,	"	intermittent fever,	" 13	cured,	do
P Merchand	25 France,	"	rheumatism,	" 18	do	do
L Chamois	18 do	"	burn,	" 15	dead,	do
J Berry	27 England,	"	cont. fever	Dec. 2	do	do
J O Conner	21 New York,	"	intermittent fever,	" 9	cured,	do
L August	36 France,	"	do	Nov. 18	do	do
E A Lathrop	21 New York,	"	do	Dec. 11	do	do
J P Hullm	45 France,	"	typhoid fever,	Nov. 19	dead,	do
J May	42 Scotland,	" 11	lysentery,	Dec. 13	cured,	do
P South	29 Ireland,	"	injury,		in hospital,	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
H Elfers	19	Germany,	1852, Nov. 11	intermittent fever,	1852, Nov. 17	cured,	City patient.
W H Shed	28	New York,	"	do	Dec. 20	do	do
N Richt	23	France,	"	do	Nov. 17	do	S M Hospital.
C Stevans	25	do	"	dysentery,	" 14	do	do
J Blackington	22	Ohio,	"	intermittent fever,	" 23	do	City patient.
P Huckston	48	New York,	"	typhoid fever,	" 22	do	do
J Sharker	25	Ireland,	"	ulcer,		in hospital,	do
M Darsey	28	do	"	Panama fever,	" 19	cured,	do
G Walker	26	Scotland,	"	do		in hospital,	do
M Mackassy	24	Ireland,	"	cont. fever		do	do
O'Keane	34	do	"	paralysis,		do	do
D B Aldrich	23	Rhode Island,	"	injury,		do	do
J Livingston	23	Maine,	"	intermittent fever,	" 14	cured,	do
G Kunc	44	Germany,	"	abscess,	Dec. 3	do	do
J Johnson	40	Ireland,	"	rheumatism,	" 9	do	do
M Knott	42	Germany,	"	typhoid fever,	" 15	dead,	do
T Bancroft	33	New York,	"	injury,	" 21	cured,	do
R W Scott	26	Baltimore,	" 12	abscess,	" 4	do	do
O Guenna	25	Mexico,	"	typhoid fever,	" 2	dead,	do
J Conally	26	Pennsylvania,	"	do	Nov. 25	cured,	do
V E Phillipe	22	France,	"	intermittent fever,	Nov. 26	do	do
W Ward	41	New Jersey,	"	jaundice,		in hospital,	do
W Freadson	23	Salem,	"	syphilis,		do	do
G Lams	30	France,	"	intermittent fever,	Dec. 13	cured,	do
W Potter	50	Sandwich Islands,	"	cholera,	" 22	dead,	do
M Gallagher	53	Ireland,	"	disease of lungs,		in hospital,	do

J B Bates	22 Pennsylvania,	1852, Nov. 12	dysentery,			in hospital,	City patient.
G L Baptiste	45 France,	"	intermittent fever,	1852, Dec. 13		cured,	do
H Sheen	28 England,	"	debility,	Nov. 22		do	do
J Waiship	23 New York,	13	intermittent fever,	" 13		do	do
W Burfield	32 Philadelphia,	"	ophthalmia,			in hospital,	do
P Coyle	28 Ireland,	"	typhoid fever,	" 20		cured,	do
W Murry	24 do	"	intermittent fever,	Dec. 2		do	do
D P Francois	37 France,	"	typhoid fever,	Nov. 26		do	do
G S Smith	21 New York,	"	dysentery,	" 21		dead,	do
W Ehils	25 Germany,	"	intermittent fever,			in hospital,	do
R L Prayne	41 S Carolina,	"	gun-shot wound,	Dec. 26		cured,	do
H G Bushnell	24 Pennsylvania,	"	intermittent fever,			in hospital,	do
H P Robinson	23 Massachusetts,	"	dysentery,	" 4		cured,	do
H Ensign	34 New York,	"	varioid,			in hospital,	do
K Florent	38 France,	"	intermittent fever,	Nov. 23		cured,	do
E Mairillet	30 do	14	typhoid fever,	" 19		dead,	do
H Seargent	43 do	"	do	" 22		cured,	do
J Anderson	19 Sweden,	"	diarrhœa,	" 28		do	do
R S Pierce	27 New Hampshire,	"	intermittent fever,	Dec. 18		do	do
T Hayley	20 Ireland,	"	abscess,	" 2		do	do
W H Freeman	45 England,	"	intermittent fever,	Nov. 20		dead,	do
W Garrey	30 Ireland,	15	injury,			in hospital,	do
T Littell	33 England,	"	ulcer,			do	do
W A Crawford	57 Baltimore,	"	dysentery,	Nov. 27		cured,	do
C Hoag	23 New York,	"	intermittent fever,	Dec. 27		do	do
C Christianson	24 Norway,	"	bronchitis,	Nov. 27		do	do
T Costello	21 Ireland,	"	syphilis,	Dec. 20		do	do
C Gordon	38 Scotland,	"	intermittent fever,	" 6		do	do
C Smith	24 New York,	"	do	" 10		do	do
P Mullet	22 France,	"	do	Nov. 19		do	do
F Napenger	30 New York,	"	rheumatism,			in hospital,	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
J Dumar	33	Germany,	1852, Nov. 15	intermittent fever,		in hospital,	City patient.
Miss B Hart	31	France,	" 16	do		do	do
C Suen	20	Ireland,	"	do		do	do
E Jones	30	Spain,	"	do	1852, Nov. 25	cured,	do
T E Smith	20	Wales,	"	typhoid fever,		in hospital,	do
L Turkey	23	Massachusetts,	"	do	Dec. 16	dead,	do
H Wagner	40	Canada,	"	paralysis,	Nov. 18	cured,	do
J P Copeland	17	Norway,	"	intermittent fever,	Dec. 21	do	S M Hospital.
J Antoine	33	Germany,	" 17	do	" 14	do	City patient.
Miss M Noon	30	France,	"	do	" 3	do	do
J West	21	Ireland,	"	general debility,	" 23	do	do
W Darothy	35	Maine,	"	ophthalma,		in hospital,	do
G Silva	18	Ireland,	"	intermittent fever,	" 18	cured,	do
N Hoffman	20	Alabama,	"	varioid,	Dec. 19	do	do
B Alvalos	27	Germany,	"	scorbutis,	Nov. 29	do	do
J Johnson	9	Mexico,	"	varioid,	Dec. 22	do	do
C Guthrie	32	Scotland,	"	dysentery,		in hospital,	S M Hospital.
Aton	19	Ireland,	" 18	intermittent fever,	Nov. 20	cured,	City patient.
T Richards	32	China,	"	paralysis,		in hospital,	S M Hospital.
J Mendennis	22	New Hampshire,	"	varioid,		do	City patient.
C Darras	19	Spain,	"	typhoid fever,	" 26	cured,	do
A M Bennett	23	France,	"	dysentery,	" 21	dead,	do
A Crockhall	24	New York,	"	diarrhœa,		in hospital,	do
J Madison	31	Ireland,	"	intermittent fever,	Dec. 21	cured,	do
Q-Toy	35	do	"	ophthalma,		in hospital,	do
	40	China,	" 19	pneunomia,	"	cured,	S M Hospital.

	A Coy	30 Ireland,	1852, Nov. 19	intermittent fever,	1852, Nov. 20	cured,	City patient.
	J O'Conner	11 Boston,	"	scrofula,	Dec. 3	do	do
	P Devandier	26 France,	"	laryngitis,	Nov. 25	do	do
	W Lawson	21 Norway,	"	varioid,	Dec. 3	do	do
	N F Bulos	25 France,	"	intermittent fever.	Nov. 28	do	do
	W G W Scott	29 Ohio,	"	bronchitis,		in hospital	do
	O Riley	27 Ireland,	"	remittent fever,		do	do
	B Eaton	43 Maryland,	"	fistula,	Dec. 13	discharged	do
	G Rose	19 France,	"	intermittent fever,	Nov. 29	cured.	do
10	Miss M O'Brinc	29 England,	"	ulcer,	" 22	do	do
	J Oldson	22 Sweden,	"	paralysis,		in hospital,	do
	A Bocanant	30 Russia,	"	rheumatism,	" 24	cured,	do
	F Sideman	25 Poland,	" 20	intermittent fever,	" 28	do	do
	B Dowd	24 Ireland,	"	syphilis,	" 10	do	do
	I. Walton	28 New York,	"	Panama fever,		in hospital,	do
	W H Kenley	32 Kentucky,	"	dropsy,	Dec. 11	cured,	do
	J B Tatesfelt	40 Germany,	"	ophthalmia,	" 20	do	do
	N Hawes	34 Massachusetts,	"	small pox,		in hospital,	do
	A Bassowman	25 Scotland,	"	rheumatism,	" 13	cured,	do
	Miss M Weason	31 Germany,	"	intermittent fever,	" 11	do	do
	P Neason	11 Louisiana,	"	do	"	do	do
	A Talbot	33 Ireland,	" 21	Panama fever,	" 6	do	do
	B Losky	31 Poland,	"	rheumatism,	"	do	do
	Miss Mary Gates	32 Sydney,	"	mania-a-potu,	Nov. 22	dead,	do
	J S Clatsworthy	24 West Indies,	"	typhoid fever,	" 29	do	do
	J Brannull	30 Ireland,	" 22	injury,	" 22	cured,	do
	C Witham	22 Maine,	" 23	Panama fever,	Dec. 3	do	do
	W Kirrigin	24 Ireland,	"	intermittent fever,	"	do	do
	Ah-Tung	26 China,	"	dropsy,	" 20	dead,	S M Hospital.
	J Cranmall	33 France,	"	intermittent fever.	" 9	cured,	City patient.
	J Barbour	33 Rhode Island,	"	do	" 4	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
C Garnig	26	Prussia,	1852, Nov. 23	debility,	1852, Dec. 6	cured,	City patient.
H Dushell	21	Germany,	"	intermittent fever,	" 8	do	do
H Cash	26	do	"	typhoid fever,	" 26	dead,	do
J Lunay	22	Ireland,	"	intermittent fever,	"	cured,	do
W Dougherty	18	do	"	do	Nov. 27	do	do
Mrs M Courtney	27	do	"	Panama fever,	Dec. 3	do	do
A Schaffer	31	Germany,	"	varioid,	Nov. 27	dead,	do
T Rowan	18	Ireland,	"	Panama fever,	Dec. 23	cured,	do
J B Congdon	21	New York,	"	intermittent fever,	" 5	do	do
R Brittell	44	France,	"	cont. fever	Nov. 24	dead,	do
J young	17	China,	"	do	" 29	do	S M hospital.
T W Garretson	27	New Jersey,	"	remittent fever,	Dec. 27	cured,	City patient.
J Dun	44	Maine,	"	bronchitis,	Nov. 27	do	do
G Ribaerbs	17	Illinois,	"	intermittent fever,		in hospital,	do
Miss M O'Brine	29	England,	"	abscess,	Dec. 17	cured,	do
G Williams	17	Brooklyn,	"	injury,	" 2	do	do
J Bowen	23	Rhode Island,	" 24	intermittent fever,		in hospital,	do
F McFarland	23	Ireland,	"	remittent fever,	" 2	cured,	do
Miss E Fitzpatrick	37	do	"	syphilis,		in hospital,	do
W Martin	23	do	"	intermittent fever,	" 7	cured,	do
W Hut	21	do	"	rheumatism,	" 20	do	do
R Bennett	17	South America,	"	wound,	" 27	do	do
J Spencer	26	England,	"	injury to head,	" 9	do	do
J Channey	37	Ireland,	" 25	dropsy,	" 2	do	do
J Cane	29	France,	"	rheumatism,	" 13	do	do
J Lantz	23	New York,	"	intermittent fever,	" 10	do	do

D Dougherty	35 Ireland,	1852, Nov. 25	intermittent fever,	1852, Dec. 4	cured,	City patient.
W W Shull	36 Philadelphia,	"	ptyalism,	"	in hospital,	do
Charlemange	33 France,	"	intermittent fever,	" 26	cured,	do
J Jacob	37 Germany,	" 26	dysentery,	" 10	do	do
R Smith	25 Hamburg,	"	injury to hand,	" 20	do	do
Miss A Dougherty	25 Ireland,	"	intermittent fever,	" 13	do	do
Miss A Smith	35 do	"	do	"	do	do
L Lawlin	22 Denmark,	"	dianhœa,	"	in hospital,	do
J Henry	20 Anica,	"	pneumonia,	" 22	cured,	do
J Gom	24 Germany,	"	intermittent fever,	" 4	do	do
W Smith	34 New York,	"	remittent fever,	" 9	do	do
J Harvey	24 Missouri,	"	injury,	" 20	do	do
J Larring	22 Massachusetts,	"	debility,	" 28	do	do
2 Quayne	25 Ireland,	"	injury,	" 3	do	do
M D Van Econ	41 France,	"	pleuritis,	" 4	dead,	do
J Tracey	21 Philadelphia,	" 27	intermittent fever,	" 7	cured,	do
J Harmon	42 England,	"	rheumatism,	"	in hospital,	do
J Damon	26 Germany,	"	do	" 16	cured,	do
J Graham	31 Ireland,	"	debility,	" 10	do	do
B W Woodbury	42 Massachusetts,	"	dianhœa,	"	in hospital,	do
A Howe	23 New York,	"	cont. fever,	"	do	do
W Howe	25 Kentucky,	"	epilepsy,	" 29	cured,	do
O Lambert	20 Illinois,	"	cont. fever,	" 13	do	do
H Ludick	50 France,	"	do	"	in hospital,	do
C W McKinney	24 Indiana,	"	syphilis,	" 27	cured,	do
J Avery	26 Maine,	"	intermittent fever,	" 5	do	do
R Martin	17 England,	"	dianhœa,	" 7	do	do
N Gerry	29 New York,	" 28	abscess,	" 5	dead,	do
E W Caley	40 Massachusetts,	"	intermittent fever,	" 6	cured,	do
W Calcroft	26 Germany,	" 29	varioloid,	"	do	do
H Hosford	24 New York,	"	delirium tremens,	" 2	dead,	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
J Hill	20	Ireland,	1852, Nov. 29	rheumatism,	1852, Dec. 11	cured,	City patient.
J Ferguson	22	New York,	"	remittent fever,	" 16	do	do
T Ashton	32	Ireland,	"	abscess,		in hospital,	do
J Beaumont	22	Ohio,	"	remittent fever,		do	do
J McDougal	33	do	"	do		do	Pay patient.
A L Desire	29	France,	" 30	diarrhœa,		do	City patient.
S Colhool	32	Maine,	"	intermittent fever,	" 28	cured,	do
D Sinclair	37	New York,	"	injury,	" 20	do	do
N P Vance	23	Philadelphia,	"	intermittent fever,	" 13	do	do
C Farrell	22	Ireland,	"	injury,	" 6	do	do
J Suckson	33	England,	"	pleunitis,	" 10	dead,	do
H Sumner	35	Missouri,	"	intermittent fever,	" 3	cured,	do
W Simpson	35	Ireland,	"	hepatitis	"	do	do
J Andrews	33	Scotland,	Dec. 1	injury,	" 8	dead,	do
J McKay	30	Ireland,	"	bronchitis,	" 4	cured,	do
J Caffre	25	Chile,	"	paralysis,		in hospital,	do
F Meals	39	France,	"	ulcer,		do	do
P Lamar	30	do	"	rheumatism,	" 16	cured,	do
C Ryder	33	Prussia,	" 2	intermittent fever,	" 11	do	do
J Wyant	32	New York,	"	diarrhœa,	"	do	do
D Flecker	30	do	"	do	" 22	do	do
T Quincy	20	Ireland,	"	hepatitis,	" 7	do	do
O Murry	29	New York,	"	continued fever,	" 22	do	do
B Brown	22	do	"	diarrhœa,	" 14	do	do
H Thornly	28	England,	"	dysentery,	" 13	do	do
M Casey	21	Ireland,	"	intermittent fever,	" 25	do	do

J Alamel	42 France,	1852, Dec. 2	intermittent fever,	1852, Dec. 11	cured,	City patient.
E H Stout	23 New York,	"	3 dysentery,	" 5	do	do
E Camisy	26 France,	"	intermittent fever,	" 9	do	do
M Delsecartes	20 Chile,	"	bronchitis,	" 19	do	do
To Chock Ling	52 China,	"	rheumatism,	" 11	do	do
L Julien	39 France,	"	bronchitis,	" 20	do	do
L Nicholas	34 Germany,	"	intermittent fever,	" 13	do	do
K J Pierre	36 do	"	4 debility,	" 11	do	do
F Herman	43 Switzerland,	"	diarrhœa,	" 13	do	do
H Newman	37 Germany,	"	diarrhœa,	" 9	do	do
E Van Hara	17 do	"	syphilis,	" 5	do	do
N Homme	22 France,	"	5 ulcer,	" 23	do	do
H A Dawson	40 England,	"	do		in hospital,	do
J L Eugene	46 France,	"	do		do	do
C Lyons	16 Maine,	"	6 intermittent fever,	" 23	cured,	do
D La Grapier	25 France,	"	ulcer,		in hospital,	do
P G Styles	23 Massachusetts,	"	intermittent fever,	" 10	cured,	do
W Sheen	22 Ireland,	"	do	" 11	do	do
A Bemis	23 Maine,	"	ulcer,		in hospital,	do
J Brown	36 Sweden,	"	dysentery,	" 23	cured,	do
J Bernard	49 do	"	intermittent fever,		in hospital,	do
J Gett	61 Virginia,	"	do		do	do
Wm Pickersgiell	36 England,	"	ascites,		do	do
P Mandish	30 Bombay,	"	syphilis,		do	do
J Smith	30 New York,	"	7 stricture,		do	do
A Mascht	26 Germany,	"	ulcer,		do	do
S Baker	22 North Carolina,	"	intermittent fever,	" 17	dead,	do
H H Hunt	41 Ohio,	"	bronchitis,	" 25	do	do
J Veniaux	31 France,	"	diarrhœa,	" 11	do	do
J Phillips	19 Wales,	"	remittent fever,		in hospital,	do
L Lucant	28 Germany,	"	intermittent fever,	" 15	cured,	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged	Remarks.
V Day	25	Germany,	1852, Dec. 7	diarrhœa,	1852, Dec. 16	cured,	do
C Gun	34	France,	"	intermittent fever,	" 21	do	S M hospital.
J Kelsey	39	Ireland,	"	diarrhœa,	" 23	do	City patient.
J Beakman	42	Germany,	"	S intermittent fever,	" 15	cured,	do
D Coollough	23	New York,	"	rheumatism,		in hospital,	do
J Slade	25	England,	"	ulcer,		do	do
W H Barroll	27	New York,	"	do		do	do
J Herman	25	New Grenada,	"	injury,		do	do
J Smith	43	Ireland,	"	ulcer,	Dec. 24	cured,	do
A G McCandless	25	Tennessee,	"	intermittent fever,	" 12	do	Pay patient.
J J Rees	32	Pennsylvania,	"	9 Panama fever,	" 13	dead,	City patient.
G Eads	20	England,	"	bronchitis,	" 19	cured,	do
J Marsailles	25	France,	"	ulcer,		in hospital,	do
P Hays	27	Ireland,	"	bronchitis,		do	do
H Duime	20	Germany,	"	diarrhœa,		do	do
S L Sampson	42	France,	"	ulcer,		do	do
F Thompson	22	Hamburg,	"	rheumatism,	" 15	cured,	do
J Clement	40	France,	"	intermittent fever,	" 11	do	do
F Daniels	27	Germany,	"	do	" 18	do	do
J Frissalier	41	do	"	ulcer,		in hospital,	do
P Douchet	31	France,	"	intermittent fever,	" 20	cured,	do
Mrs C McGhee	24	Ireland,	"	do		in hospital,	do
M McGhee	1	Louisiana,	"	do		do	do
M Hosford	28	Ohio,	"	ulcer,		do	do
J Hyde	23	New York,	"	10 gun-shot wound,		do	do
C Anaya	24	Chile,	"	typhoid fever,	" 11	dead,	do

B Poiran	31	France,	1852, Dec. 10	intermittent fever,	1852, Dec. 19	cured,	City patient.
T Haley	21	Ireland,	"	injury,	" 24	dead,	do
B Goss	44	France,	"	intermittent fever,	"	in hospital,	do
G N Adler	36	Boston,	"	pleuritis,	" 15	dead,	do
A Cheron	32	France,	" 11	dysentery,	" 27	cured,	do
J Brown	26	Maine,	"	varoloid,	"	in hospital,	do
J Hinson	24	Louisiana,	"	do	"	do	do
O Crispell	34	France,	"	intermittent fever,	" 13	cured,	do
J Stephens	23	Baltimore,	"	bronchitis,	" 19	do	do
C Latterson	33	Vermont,	"	paralysis,	"	in hospital,	do
Larbuetta	22	France,	"	small pox,	" 22	cured,	do
H Suel	37	do	"	diarrhœa,	" 31	do	do
J Eagles	26	Baltimore,	" 13	typhoid fever,	" 14	dead,	do
C Digasse	22	West Indies,	"	small pox,	" 22	cured,	do
W Taylor,	31	Philadelphia,	"	dysentery,	"	in hospital,	do
J Barbour	23	England,	"	do	" 24	cured,	do
J Nelson	21	Long Island,	"	intermittent fever,	" 18	do	do
D McMillan	39	New York,	"	do	"	in hospital,	do
M R Wilcox	33	Pennsylvania,	"	do	" 15	cured,	do
P Wirtubury	29	Germany,	"	disease of spine,	"	in hospital,	do
W O Harra	29	Ireland,	"	injury,	"	do	do
C Brown	42	Maine,	"	diarrhœa,	" 20	cured,	do
J Croy	28	Ohio,	"	paralysis,	"	in hospital,	do
F Fitzsimmons	23	Ireland,	"	intermittent fever,	" 19	cured,	do
P Kelly	23	do	"	do	"	in hospital,	do
J P Ryan	12	do	"	rheumatism,	"	do	do
J Champion	64	New York,	"	dysentery,	"	do	do
A Beakley	20	Ohio,	" 14	abscess of cornea,	"	do	do
W Cunningham	25	Ireland,	"	herpes,	"	do	do
J Kelly	17	do	"	ophthalmia,	" 20	cured,	do
U Elfers	19	Germany,	"	intermittent fever,	"	in hospital,	do

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged	Remarks.
J Clark	26	Ireland,	1852, Dec. 14	intermittent fever,		in hospital,	City patient.
R Thorn	35	New York,	"	diarrhœa,		do	do
A Ramos	38	Luna,	"	laryngitis,	1852, Dec. 13	cured,	do
J Conally	26	Pennsylvania,	"	intermittent fever,		in hospital,	do
G B Brewster	29	New York,	"	do		do	do
G Hetzman	42	France,	"	typhoid fever,		do	do
B Eaton	42	Maryland,	" 15	fistula in ano,		do	do
J W Smith	23	Ohio,	"	intermittent fever,		do	do
F Stanley	25	England,	"	abscess,		do	do
J Basset	27	France,	"	intermittent fever		do	do
J Merlin	20	South Carolina,	"	ulcer,	" 20	cured,	do
P Byrne	30	Ireland,	"	injury,	" 19	do	do
A Zimmerman	37	Denmark,	"	cholera,	" 17	dead,	do
J Williams	25	Connecticut,	"	intermittent fever,		in hospital,	do
F Fairbank	58	Belgium,	"	injury,		do	do
H Prince	23	Canada,	"	small pox,	" 23	dead,	do
Mrs M McCarty	45	Ireland,	"	intermittent fever,		in hospital,	do
Bndget McCarty	15	New Orleans,	"	do		do	do
Eugene McCarty	8	do	"	do		do	do
Jeremiah McCarty	3	do	"	do		do	do
Margaret McCarty	$\frac{3}{4}$	do	"	do		do	do
M Ryan	22	Ireland,	" 16	small pox,		do	do
R Coltwright	23	Illinois,	"	intermittent fever,		do	do
J M Johnson	27	Sweden,	"	remittent fever,		do	do
C Looney	35	Massachusetts,	"	rheumatism,		do	do
D Dartera	25	France,	"	intermittent fever,		do	do
				do		do	do

R Grafton	41 Italy,	1852, Dec. 16	wound,	1852, Dec. 24	cured,	City patient.
P Linsky	21 Ireland,	"	intermittent fever,	"	in hospital,	do
A A Brown	25 New York,	"	diarrhœa,	" 27	dead,	do
W Reed	35 do	"	gun-shot wound,	"	in hospital,	do
J Tomey	19 Long Island,	"	dysentery,	" 19	cured,	do
H Andrews	18 Virginia,	"	small pox,	" 29	do	do
J Alarquil	51 France,	"	scorbutis,	"	in hospital,	do
L Lawson	31 Sweden,	"	rheumatism,	"	do	do
11 C Johnson	31 Massachusetts,	"	remittent fever,	"	do	do
M Ruth	18 Ireland,	"	intermittent fever,	"	do	do
J Tracy	20 Philadelphia,	Dec. 17	cholera,	" 18	dead,	do
T Bibby	32 England,	"	intermittent fever,	"	in hospital,	do
A H Wilmot	43 New York,	"	dysentery,	" 22	dead,	do
J Clark	28 do	"	Panama fever,	"	in hospital,	do
A Davis	27 South Wales,	" 18	dysentery,	" 27	cured,	do
J Williams	27 Maryland,	"	orchitis,	"	in hospital,	do
H W Levit	32 Philadelphia,	"	intermittent fever,	"	do	do
F Powell	31 Germany,	"	debility,	"	do	do
F Leights	43 do	" 19	Panama fever,	" 27	cured,	do
R Brompton	27 Scotland,	"	rheumatism,	" 24	do	do
D Manly	40 Ireland,	"	ulcer,	"	in hospital,	do
J Schrorder	24 New York,	"	rheumatism,	"	do	do
M Jocquaire	27 France,	"	eozema,	" 20	cured,	do
Co-Chin-Foo	43 China,	" 20	dropsy,	"	in hospital,	S M Hospital.
J Sellander	25 Norway,	"	intermittent fever,	"	do	do
P Conally	25 Ireland,	"	bronchitis,	"	do	City patient.
A Davis	21 do	"	dropsy,	"	do	do
Miss A Dougherty	25 do	"	intermittent fever,	"	do	do
J Mullen	21 do	"	ophthalmia,	"	do	do
E Sallet	36 France,	"	intermittent fever,	"	do	do
W Murphy	35 Ireland,	"	typhoid fever,	"	do	do

NAMES.	Age.	Native Country.	Time of admission.	Disease.	When discharged.	How discharged.	Remarks.
J Huskin	28	Boston,	1852, Dec. 20	dysentery,	1852, Dec. 25	cured,	City patient.
H Carret	27	France,	" 21	intermittent fever,	" 25	in hospital,	do
F Scabourn	17	Sweden,	" "	do	" 25	cured,	do
W Robertson	25	Penusylvania,	" "	syphilis,	" "	in hospital,	do
J Brown	30	England,	" "	dysentery,	" "	do	do
J Chase	28	Boston,	" "	do	" 27	cured,	do
L Luff	42	Delaware,	" "	small pox,	" "	in hospital,	do
G Kunacka	22	Sandwich Islands,	" "	scrofula,	" 30	dead,	do
J Burke	28	Ireland,	" 22	rheumatism.	" "	in hospital,	S M hospital.
T Coburn	36	Massachusetts,	" "	intermittent fever,	" "	do	City patient.
A Lena	28	Italy,	" "	Panama fever,	" 27	cured,	do
A Blanc	39	France,	" "	do	" 23	dead,	do
M Montgomery	24	Ireland,	" "	rheumatism,	" "	in hospital,	do
F Reichster	25	Germany,	" "	syphilis,	" "	do	do
T Hall	50	Scotland,	" "	dysentery,	" 25	dead,	do
H Sebby	35	Maine,	" 23	pleuritis,	" "	in hospital,	do
Lebillet	40	France,	" "	rheumatism,	" "	do	do
W Farbes	23	Canada,	" "	intermittent fever,	" "	do	do
Sandy	11	Oregon	" "	pneumonia,	" "	do	do
A Potter	23	Ohio,	" "	small pox,	" "	do.	do
H Meadows	26	New York,	" "	diarrhœa,	" "	do	do
E McKan	24	do	" 24	intermittent fever,	" "	do	do
W Kelly	35	Ireland,	" 23	do	" "	in hospital,	do
A Journot	42	France,	" "	diarrhœa,	" 25	dead,	do
A Brown	22	Rhode Island,	" 24	do	" "	in hospital,	do
N Parris	38	Mexico,	" "	rheumatism,	" 31	cured,	do

J Bennett	27 Ireland,	1852, Dec. 25	dysentery,	in hospital,	City patient.
L Landaria	30 Chile,	"	remittent fever,	do	do
Abramis	42 France,	"	do	do	do
V Arevorcha	50 Spain,	"	do	do	do
Z Gillot	35 France,	"	intermittent fever,	1852, Dec. 29	cured,
J Milbank	20 Mobile,	26	do	in hospital,	do
A Gatier	40 Spain,	"	injury,	do	do
C Walbeit	1- Bavaria,	27	intermittent fever,	do	do
G Hernandez	21 Spain,	"	dysentery,	do	do
A Ray	42 Maine,	"	intermittent fever,	do	do
F Kennedy	23 Canada,	"	do	do	do
R C Smith	24 Ohio,	"	small pox,	do	do
J White	29 Germany,	"	intermittent fever,	do	do
J McCarty	38 Ireland,	"	dropsy,	do	do
J H Wescott	27 Connecticut,	"	disease of throat,	do	do
C J Powell	37 New York,	"	intermittent fever,	do	do
W Garkin	27 England,	28	orchitis,	" 29	cured,
J Oerr	22 Louisiana,	"	bronchitis,	in hospital,	do
T W Fletcher	22 Baltimore,	"	rheumatism,	do	do
A Marchand	25 France,	"	intermittent fever,	do	do
T Glendy	46 Scotland,	29	burn,	do	do
W Graham	53 England,	"	scorbutis,	do	do
R Grant	22 New York,	30	intermittent fever,	do	do
E Smith	29 Germany,	"	abscess,	do	do
J Russell	30 Massachusetts,	"	ptyalism,	do	do
J Guarra	15 Chile,	"	disease of heart,	do	do
M Napiton	60 France,	"	dysentery,	do	S M Hospital.
W Morgan	24 Wales,	"	intermittent fever,	do	City patient.
P Finley	44 Kentucky,	"	dysentery,	do	do
P Morris	26 Sandwich Islands.	"	syphilis,	do	do
H Bottsford	27 Connecticut,	"	intermittent fever,	do	do

NAMES.	Age.	Native Country.	Time of admission.	Diseases.	When discharged.	How discharged	Remarks.
P Harserer	22	Germany,	1852, Dec. 30	intermittent fever,		in hospital,	City patient.
L Margot	34	France,	" 31	do		do	do
D Mathews	46	Ireland,	"	ulcer,		do	do
J Milson	52	England,	"	injury,		do	do
P Clenigen	50	Germany,	"	dysentery,		do	do
J Little	26	England,	"	Panama fever,		do	do
W Hart	20	Ireland,	"	intermittent fever,		do	do
J Karney	37	do	"	rheumatism,		do	do
E Crammells	35	Holland,	"	intermittent fever,		do	do
P Robone	24	France,	"	do		do	do
M Mahan	27	Ireland,	"	diarrhoea,		do	do
P Maloney	34	do	"	fracture of tibia,		do	do

*RECEIPTS and EXPENDITURES on account of the "San Francisco State Marine Hospital,"
from January 1st, 1852, to January 1st, 1853.*

RECEIPTS.						EXPENDITURES.							
1852.	Passenger Tax.	City of San Francisco	Gaming License.	Pay Patients.	Total.	Old Board of Health	Board of Trustees.	Treasurers' Office.	Physicians Salary.	State M. Hospital	Wages and Labor.	Legal Account.	Total
Balance on hand, January 1st,	\$1,438 84				1,438 84								
January,	2,022 00	\$5,000 00	\$14,386 7		21,408 74			550 00	\$3,750 00	\$4,177 00	2,027 83	70 00	\$10,606 52
February,	2,141 00	2,500 00			4,641 00			280 00		3,100 99	1,925 77		5,376 76
March,	6,162 00	2,500 00			8,662 00			250 00		3,059 89	2,263 07	450 00	6,023 56
April,	11,289 15				11,289 15			1,090 00	3,750 00	3,489 40	1,970 00		10,605 40
May,	2,700 00				2,700 00		156 00	823 75		3,662 30	1,640 00		6,282 05
June,		10,500 00	13,332 42		23,832 42		100 00	905 00		3,422 87	1,719 40	610 00	6,757 47
July,	14,634 75				14,634 75			1,637 25	2,016 66	3,617 99	1,768 11		9,440 01
August,				3,518 79	3,518 79			450 00		5,398 58	2,463 42	450 00	8,762 00
September,	11,476 39		2,000 00		13,476 39	11,886 10	350 00	1,880 00		5,949 56	2,737 58	90 00	22,793 24
October,	20,100 08	7,500 00		974 00	28,640 08	5,731 61	100 00	450 00	3,750 00	6,857 39	2,337 82	1,000 00	20,226 84
November,	3,029 55	2,500 00		260 00	5,789 55	1,555 09		450 00	944 36	6,336 86	2,025 13		12,511 32
December,			10,666 25		10,666 25	570 00		1,444 50	3,750 00	9,277 57	3,040 93	450 00	18,963 00
	\$75,059 76	\$39,500 00	\$40,385 41	\$4,752 79	\$150,697 96	\$10,822 71	\$708 00	\$10,116 50	\$18,961 02	\$59,401 06	\$20,519 66	\$3,120 20	\$138,547 15

Total Expenditures,
Balance January 1st, 1853,

\$138,547 15
12,150 81

Total Receipts, \$150,697 96

\$150,697 96

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RECAPITULATION.

Whole number of Patients admitted into the State Marine Hospital at San Francisco, from January 1, 1852, to January 1, 1853, - - - - 2,283

Of these there were, Americans, - - - - 875
 " " Foreigners, - - - - 1,408
 Total, - - - - 2,283

Males, - - - - 2,220	Adults, - - - - 2,266
Females, - - - - 63	Children, - - - - 17
Total, - - - - 2,283	Total, - - - - 2,283

1,604 of this number were discharged cured.
 368 have died.
 311 remain in Hospital, January 1, 1853.

Total, 2,283.

1,898 of the above were received on account of the City of San Francisco.

334 were Commutation Patients.
 51 were Pay Patients.

Total, 2,283.

The Places of Birth of the Foreign Patients are as follows :

France, - - - - 228	Prussia, - - - - 3	Austria, - - - - 1
England, - - - - 153	Peru, - - - - 3	Manila, - - - - 1
Ireland, - - - - 411	Chile, - - - - 38	Spain, - - - - 11
China, - - - - 171	Western Islands, 9	Hungary, - - - - 1
Germany, - - - - 145	Sandwich Islands, 5	Mexico, - - - - 23
Sweden, - - - - 44	Poland, - - - - 12	Finland, - - - - 1
Norway, - - - - 29	Isle of France, - 1	Scotland, - - - - 52
Denmark, - - - - 11	Hindustan, - - - 2	Belgium, - - - - 6
Portugal, - - - - 3	Cape de Verde, - 1	Wales, - - - - 10
Italy, - - - - 5	Sicily, - - - - 1	Canada, - - - - 11
Switzerland, - - - 3	Russia, - - - - 4	New South Wales, 4
Nova Scotia, - - - 1	Isle of Jersey, - 1	West Indies, - - - 3

**DISEASES OF PATIENTS IN STATE MARINE HOSPITAL AT
SAN FRANCISCO, FROM JAN. 1, 1852, TO JAN. 1, 1853.**

Abscess,	32
Anasarca,	11
Anthrax,	11
Aneurism,	2
Apoplexy,	4
Ascites	17
Asthma,	18
Bronchitis,	34
Carditis	7
Cholera,	58
Cholera-Morbus,	12
Chorea,	3
Colica-Pictonum,	6
Delirium-Tremens,	26
Dislocations,	15
Diarrhœa,	247
Dysentery,	123
Eczema,	4
Epilepsy,	5
Erysipelas,	21
Fever, Continued,	193
" Intermittent,	538
" Typhoid,	165
" Remittent,	121
Fistula,	12
Fracture,	32
Gastritis,	11
Gonorrhœa,	23
Hemiplegia,	9
Hepatitis,	16
Hæmna,	13
Hydrothorax,	3
Icterus,	10
Iritis,	8
Nephritis,	5
Ophthalmia,	34
Orehtis,	7
Paralysis,	19
Peritonites,	14
Phthisis Pulmonalis,	33
Pleuritis,	27
Pneumonia,	34
Ptyalism,	16
Rheumatism,	97
Scorbutis,	43
Scrofula,	14
Small Pox,	44
Stricture,	18
Syphilis,	37
Wounds, Gun Shot, etc.,	31

DEATHS IN THE STATE MARINE HOSPITAL AT SAN FRAN-
CISCO, FROM JAN. 1, 1852, TO JAN. 1, 1853.

Died of Abscess,	4	Died of Fever, Remittent,	19
“ Anasarca,	2	“ “ Typhoid,	41
“ Aneurism,	1	“ Fracture,	3
“ Apoplexy,	2	“ Herniplegia,	4
“ Ascites,	5	“ Hepatitis,	1
“ Asthma,	1	“ Hydrothorax,	2
“ Bronchitis,	2	“ Paralysis,	2
“ Carditis,	5	“ Peritonitis,	7
“ Cholera,	45	“ Phthisis Pulmonalis,	19
“ Cholera Morbus,	3	“ Pleuritis,	7
“ Delirium Tremens,	10	“ Pneumonia,	11
“ Diarrhœa,	42	“ Rheumatism,	3
“ Dysentery,	34	“ Scorbutis,	8
“ Epilepsy,	2	“ Scrofula,	4
“ Erysipelas,	3	“ Small Pox,	6
“ Fever, Continued,	52	“ Syphilis,	4
“ “ Intermittent,	3	“ Wounds, Gun-Shot, etc.,	11

Respectfully submitted,

FRANK T. MAYNARD,
Clerk S. M. Hospital.

San Francisco, January 1, 1852.

[Document No. 22.]

[IN THE ASSEMBLY.]

[SESSION OF 1853.]

C O M M U N I C A T I O N

FROM THE

S E C R E T A R Y O F S T A T E .

[GEORGE KERR, STATE PRINTER.]



COMMUNICATION

FROM THE

SECRETARY OF STATE.

OFFICE OF THE SECRETARY OF STATE, }
Benicia, February 25, 1853. }

To the Hon. the Assembly of California :

In compliance with a resolution of the Assembly of the 21st inst., I have the honor to state, that of the seven hundred volumes of the Acts of 1852, ordered printed under the law of the last session relative to the public printing, there have been distributed to the different Counties, Officers of the State, Members of the last and present Legislatures, States and Territories of the Union, Members of Congress, Congressional Library, and the State Department of the Sandwich Islands, six hundred and seventy-five copies, leaving now in the library twenty five copies. To the counties alone there have been distributed five hundred and ten copies

I would further state in this connection, that the most urgent solicitations have been and still continue to be received from every quarter of the State, calling for an increased supply of the laws, which in consequence of the very limited number on hand, have, much to my regret, to be passed unsatisfied.

I embrace this opportunity of suggesting a modification of the law of 1850, relative to the manner of distributing the laws and journals through the State, so as to allow the Secretary of State to adopt some more effective method of performing this work, so necessary and indispensable to the convenience and interests of the people of the different portions of the State.

I have the honor to be,
J. W. DENVER,
Secretary of State.

[Document No. 23.]

IN THE ASSEMBLY]

[SESSION OF 1853.

R E P O R T

OF THE

STATE PRISON COMMISSIONERS.

[GEORGE KERR, STATE PRINTER.

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT

OF THE

STATE PRISON COMMISSIONERS.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

STATE PRISON COMMISSIONERS.

OFFICE OF SUPERINTENDENT OF PUBLIC BUILDINGS.

To the Honorable Speaker of the House of Representatives of the State of California:—

The undersigned, appointed Commissioners by Act of the Legislature May 1st, 1852, to select a suitable location for a State Prison and to contract for the building of the same, have discharged the duty thus devolving upon them, and beg leave to report :

That duly impressed with the importance and responsibility of the trust confided to them, they proceeded directly after their appointment to examine and survey the points which were at first recommended to their consideration, as the most appropriate localities for the site of a permanent prison. Their attention was in the outset directed to Goats Island, opposite to the City of San Francisco, and if security alone against the escape of convicts was to be considered, this Island would have been entitled to a first choice ; but after diligent investigation, the undersigned could not determine in whom the ownership of this island was vested, and not being authorized to purchase under a doubtful or insecure title, this locality was rejected.

Angel Island was the next site considered, but no warranty of a title could here be obtained, and without considering its advantages, it was necessarily passed. It was deemed important that the prison should be built on some point contiguous to the Bay of San Francisco, and passing by the two islands before mentioned, the most suitable locality was found at Point St. Quentin, near the mission of San Rafael, and distant from San Francisco about twelve miles. No other place on the bay appeared to the undersigned to possess superior or equal advantages. It is within the line of steamboat navigation, and easy and safe of access. It is an elevated, healthy and conspicuous point; good water is obtained on the

ground, and abundance of wood in the neighborhood. Quarries of stone suitable for building purposes, apparently inexhaustable, are found within the prison limits and immediate vicinity. Clay, well adapted for the manufacture of brick, forms the substratum of the ground selected, and it has been demonstrated by actual practice, that the convicts can be worked to advantage upon the ground now designated as the prison limits.

Ten thousand dollars, the amount appropriated for the purchase of a site, were paid for thirty acres (20 acres) of land on Point St. Quentin ; but the contract provides for the building of a wharf leading to sixteen feet water in the bay, without charge to the State, and to be free forever to its use.

The undersigned having thus far, they believe, without impeachment of motive, discharged faithfully their duty to the State, proceeded next to contract for the building of the Prison, and in passing, they must be permitted to refer to the gratuitous and vindictive assaults which have been made upon them personally, and upon their official action by the public press, or by malicious and irresponsible persons availing themselves of this mode of attack. The malignity of interested Stock Brokers ; the harpies who live by crying up and down the State credit, the rnoths who feed and fatten upon State script : the " Bulls and Bears" who gamble in State securities cannot be measured by argument, or silenced by facts ; and it would be extra official, and not comport with our self respect to analyze pointless invective that has become stale to the public ear. The undersigned have had a duty to perform, a task they were commissioned to accomplish, and they are prepared to show they have been faithful to their trust.

Pursuant to the law under which the undersigned hold their appointments, they published at large proposals for building a State Prison ; it will not be denied that ample time, ample information and due publicity were given : that competition was invited, and the undersigned have only to say that after an impartial consideration of all the proposals submitted to them ; the contract was awarded to the lowest responsible bidder. And now, sir, the undersigned respectfully submit the contract which they have made, to the candid consideration of the Legislature : if in their official capacity they had bound the State to pay exorbitant prices, or even higher than the current prices of the country, if they had violated any law, or abused the extraordinary powers conferred upon them, they might approach the representatives of the people with diffidence and doubt ; but the contract wears an open face, it is composed of figures and facts ; it is susceptible of measure, it has length, and breadth, and depth convertible into cubic yards ; and what it ought to cost is susceptible of exact calculation. It is by measurement that the work is let, and the accompanying papers will show that measure by measure in comparison, the Prison will be built cheaper than like work is being or has been done in any part of the State ; it may be that the undersigned are at fault in requiring the Prison to be completed within the period of one year, but they see no reason to doubt that the magnitude of the plan will give rise to a structure not more than commensurate with the prospective wants of the State. Older States have larger population, but the number of convicts is increasing in a fearful ratio and will soon outnumber those in many of the States that have prisons of superior dimensions.

Even were it now practicable, the undersigned would not recommend a remodelling of the plan with a view to its contraction, but it is understood that the contractors will be content to build within one year only the most essential portions, proceeding afterwards from time to time, or from year to year, according to the public wants, and with a due regard to the means of the State.

All of which is respectfully submitted.

JAMES GRAHAM,
Superintendent Public Buildings.

GEO. McDOUGAL,
J. MILLER.

[Document No. 24.]

IN THE ASSEMBLY.]

SESSION OF 1853.

REPORT

OF THE

AMOUNT OF RECEIPTS INTO STATE TREASURY.

FROM JULY 1, 1852, TO FEBRUARY 26, 1853.

[GEORGE KERR, STATE PRINTER.]

[DOCUMENT NO. 24.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT

OF THE

AMOUNT OF RECEIPTS INTO STATE TREASURY,

FROM JULY 1, 1852, TO FEBRUARY 27, 1853.

[GEORGE KERR, STATE PRINTER.]

COMPTROLLER'S OFFICE, }
BENICIA, February 28, 1853. }

To the Honorable Speaker of Assembly :

SIR :—In answer to the resolution of your body, passed the 25th instant, I have the honor to transmit herewith the information therein solicited.

Very respectfully,

Your ob't serv't,

WINSLOW S. PIERCE,

Comptroller of State.

RECEIPTS

*Into the State Treasury from July 1st, 1852, to Feb. 26th, 1853,
inclusive.*

RECEIVED FROM	IN CASH	3 PER CENT. BONDS	WARRANTS	TOTAL
Butte County,	\$3,092 73	\$199 00		\$3,291 73
Calaveras County,	9,870 96			9,870 96
Contra Costa County,	9,159 40			9,159 40
Colusa,	1,178 86			1,178 86
Comptroller of State,			\$235 00	235 00
Commissioner of Immigrants,	60,483 65			60,483 65
El Dorado County,	23,535 52			23,535 52
Funding Commission San Francisco,	10,000 00			10,000 00
Klamath County,	549 62			549 62
Los Angeles "	9,354 53			9,354 53
Monterey "	5,821 55			5,821 55
Marin "	3,014 68			3,014 68
Mariposa "	6,091 28			6,091 28
Napa "	1,725 00			1,725 00
San Francisco County,	47,202 97	20,850 49		68,053 46
" City,	5,113 31	6,999 19		12,112 50
San Diego County,	595 11			595 11
San Luis Obispo County,	1,353 13			1,353 13
San Joaquin "	13,438 88			13,438 88
Santa Barbara "	3,430 34			3,430 34
Santa Cruz "	146 30			146 30
Santa Clara "	1,890 09	193 80		2,083 89
Sacramento "	11,657 29			11,657 29
Siskiyou "	3,402 27			3,402 27
Sutter "	2,781 02			2,781 02
Solano "	570 26			570 26
Shasta "	429 27			429 27
Sonoma "	8,449 53			8,449 53
Placer "	17,798 95			17,798 95
Nevada "	8,405 99			8,405 99
Trinity "	766 65			766 65
Tuolumne "	12,734 52	136 00	600 00	12,470 52
Yuba "	4,556 67			4,556 67
Yelo "	4,576 01			4,576 01
Secretary of State,	812 00			812 00
Sales of School Lands,	20 15		154,539 85	154,560 00
	\$297,308 49	\$28,378 48	\$155,374 85	\$481,061 82

[Document No. 25.]

77th ANNUAL ASSEMBLY]

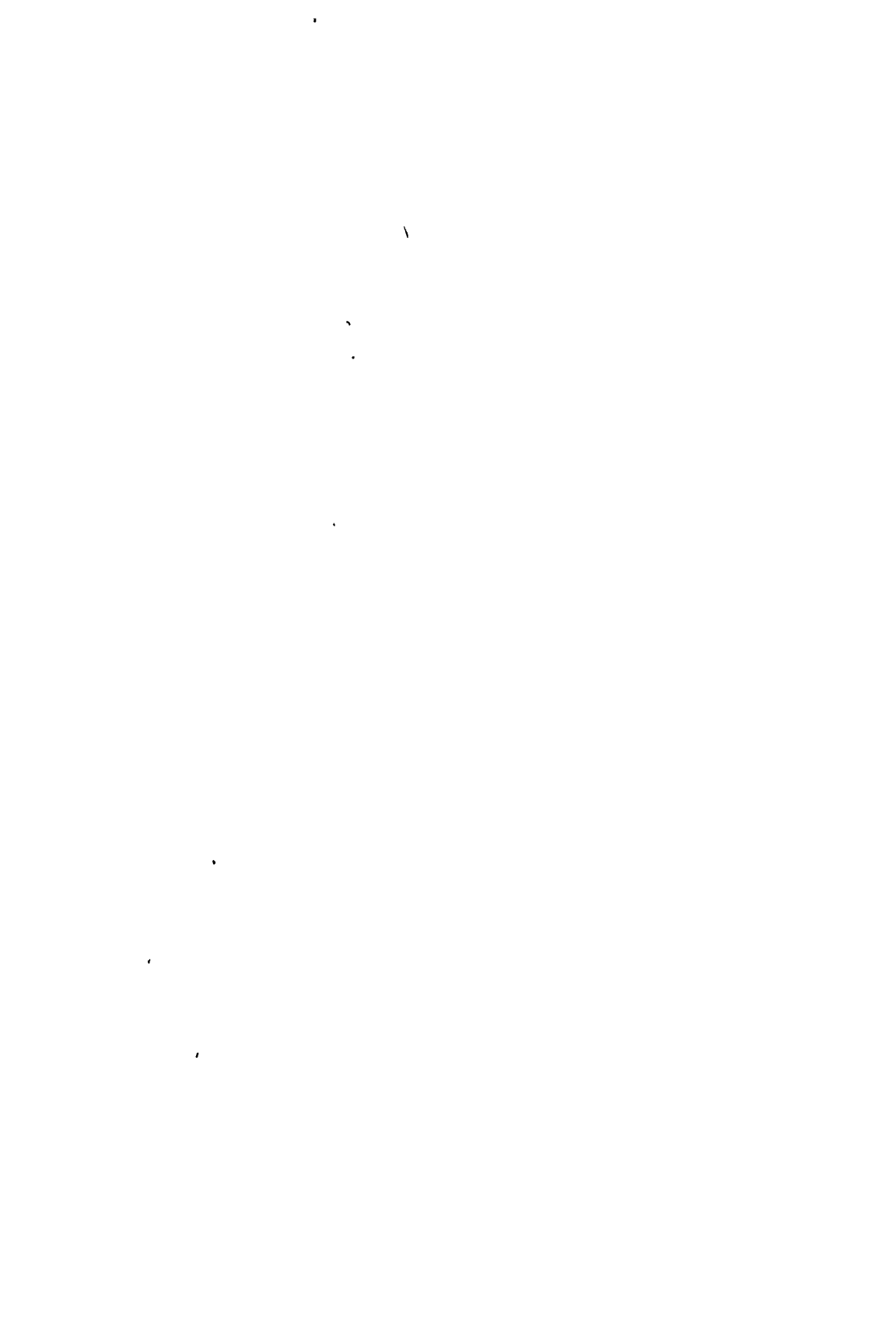
[SESSION OF 1853.

COMMUNICATION

FROM THE

COMPTROLLER OF STATE.

[GEORGE KERR, STATE PRINTER.



R E P O R T

OF THE

SELECT COMMITTEE OF THIRTEEN.

The Committee of Thirteen, to whom was referred that portion of the Governor's Message recommending certain alterations in the State Constitution, respectfully beg leave to submit the following report :

They have given to this subject that consideration which the circumstances of their situation, and their limited means of investigation would allow.

Every attempt to change the fundamental laws of government must necessarily be regarded with jealousy and solicitude, and your committee cannot but feel the importance of the duty which has devolved upon them, and acknowledge their embarrassment, in recommending any plan for the correction of those evils and imperfections which, we conceive exist in our present Constitution.

Your committee are aware of the fact that many of the people of this State are opposed to any amendments whatever, both for the reason that they deprecate frequent changes in the organic structure of government, and because they look upon our Constitution as amply sufficient for the present wants of the State, and do not think the time has yet arrived, when experience shall have pointed out the errors of our present system, and directed the proper policy for us to adopt as a State.

On the other hand, it is urged with much plausibility and justice, that our present Constitution was adopted at a time when California was yet in embryo, and its framers could not, unless gifted with the power of divination, have foreseen the unexampled prosperity which she was destined so soon to attain, and consequently could not understand the wants of a State, which has in a few years, from comparative insignificance, become the goal for the enterprise and capital of the whole world, and is yet destined to overshadow her sister States of the Atlantic.

As we have increased in wealth and population, and extended our commercial relations, we have felt sensibly the influence of many restrictive

clauses in our Constitution, which have fettered and retarded the growing prosperity of the State.

The present impoverished condition of the treasury, and the acknowledged incapacity to sustain the credit of the State, and carry on the government without the imposition of ruinous and onerous taxation, which would drive capital from our shores to seek an investment elsewhere, have excited the fears of every one, and directed the attention of the public to some radical changes, which will obviate the evils which now threaten us.

We have carefully examined the recommendations of His Excellency, the Governor, and heartily concur with him in urging the amendments proposed.

The adoption of biennial for annual Sessions of the Legislature, would appear to be imperatively demanded by the peculiar condition of the State. Our territory is so extensive, that the new laws, and amendments of existing statutes, are not published and acted upon, before, in many instances, they are repealed. Such has been the history of California legislation, from the first State Legislature to the present time. Our volume of the laws of the last legislature is but just published. No doubt many of its enactments will be repealed or amended by the present Legislature, of which nothing will be known for a period of one year or more. It is thus impossible for the people to make themselves acquainted with their laws, or to know by what directions they are to be guided in matters affecting their most important interests. On the score of economy, as well as stability and certainty in our laws, your committee would earnestly recommend biennial sessions. It appears from the report of the Comptroller of State, that for the last three fiscal years, our aggregate receipts from all sources of revenue have amounted to \$700,777 79. The expenses of the Legislature during that time have amounted to the enormous sum of \$1,105,082 21. Our legislative expenses for the last three years have, therefore, exceeded our whole income during that period by the sum of \$404,304 42. We may safely calculate upon a saving of \$500,000 every alternate year, by exchanging the sessions of the Legislature from annual to biennial.

A change, however, so important as this, and which must necessarily require other and corresponding changes, can, in the opinion of this committee, best be effected by a convention of delegates elected by the people to revise the entire Constitution.

Another object to be accomplished by a new Constitution is the reduction of the number of District Judges in the State. Six Judges, well paid and well employed, might easily attend to all the District Court business of California. We might, in this respect, effect a saving of between thirty and forty thousand dollars per annum. The present incumbents are elected for a term of six years from the first day of last January. It is the opinion of able lawyers and eminent jurists that by no change in the Judicial Districts could the present incumbents be deprived of their salaries.

The great number of unnecessary offices with which the Constitution and the Treasury are burdened, might well be dispensed with. The vast and complicated machinery of government which our present Constitution imposes upon the people of this State, which might possibly be tolerated by a State with four or five millions of inhabitants, would, in the opinion of your

committee, be happily replaced by a form of government much more simple and economical, and better suited to our small and sparse population. Our whole Constitution is upon too grand a scale. Doubtless the minds of its framers were directed into a far futurity, which, by the golden light of the era of its formation, was brought before their mind's eye in deceitful proximity. Otherwise, we can scarcely imagine how such a crushing burden of useless and expensive forms—of vast and superfluous machinery—of costly names to satisfy unknown wants, and of functions dearly and annually purchased to do what nobody wished done, should have been strapped upon the backs of this and coming generations, to be borne by them through poverty and tribulation, as a rich and suitable gift from the Convention of 1849, to their distant posterity of the twentieth century. It has been customary for nations to incur debts in accomplishing objects which last through centuries, and enure to the benefit of future generations,—and such custom is deemed just,—but it is certainly quite a novel doctrine to burden a century with what is entirely useless to itself, that it may be transmitted to its successor in the hope that some use may there be found for it. Your committee would not be understood as casting any reflection upon the framers of the present Constitution. They committed an error common to Constitution makers, who think that by novel regulations they can subserve the true interests of the body politic for which they undertake to present a fundamental law. Fortunately for them, they may with truth say there was no body politic possessing interests to be consulted; and we may say for them that, while they extended their authority through time and over space, and directed it to every conceivable object, they yielded to the seductions of power as it is the weakness of man to yield, and made their will the commandment and the law, through time as long, and space as great, as it was presumed would be tolerated.

Your committee agree with His Excellency the Governor in the opinion that the last enumeration of the people of this State may without inconvenience be acted upon until the census of eighteen hundred and sixty is taken by the Federal Government. That which is just completed has cost the State at least one hundred thousand dollars. The census of eighteen hundred and fifty-five, required to be taken by the present Constitution, we have every reason to believe will be still more expensive. By a revision of the Constitution this unnecessary expenditure may be avoided, and perchance at a time too when the financial condition of the State will most require it.

The attention of your committee has also been directed to the spirit of dissatisfaction which exists in the southern and agricultural counties of the State, in consequence of the disparity between taxation imposed upon them, and their representation. While the people of this State feel the injustice which necessarily is done to the inhabitants of these counties, they are constrained to acknowledge the evil so much complained of, unless by a change in the Constitution, and the incorporation of principles which will leave the Legislature unfettered, and place in their hands the power of graduating taxes and representation upon a sound and equitable basis.

As another important reason for calling a Convention to revise the entire Constitution, your committee would refer to the provision in the present

instrument against contracting a State debt, except under such restrictions as render the borrowing of money by the State almost impossible. The effect of this provision, which prohibits an aggregate indebtedness of more than \$300,000, has been the contracting of a debt which, on the 15th December last, amounted to \$2,349,483 83. With such a practical operation, it may be reasonably doubted whether the prohibition is of any value, if indeed the indebtedness of the State has been legally contracted. The constitutionality of the various Acts for funding the State debt is, in the opinion of your committee, very questionable, as well as that of the various appropriation bills directing the Comptroller to draw upon an empty treasury-box. Comptroller's Warrants, drawn according to law, are neither more nor less than promissory notes given by the State, and made payable when there is money in the treasury. They create a present indebtedness, although the payment thereof may be deferred until the State has funds. Whether an indebtedness incurred by the State for a consideration advanced to it, other than money borrowed, is not such indebtedness as is prohibited by the Constitution, is worthy of serious consideration. It is very clear that any indebtedness, no matter how remote may be the time of its promised liquidation, is prohibited beyond the amount specified in the clause referred to. In the opinion of your committee, neither the character of the consideration advanced the State, as whether it consist in money borrowed, or furniture, stationery, or other property purchased, or services received; nor the time of liquidation, as whether the promise be to pay on demand, or after a period of twenty years or more, changes in any manner the operation of the Constitution in its limitation of the power of the Legislature respecting the creation of a State debt.

It has been argued that the expenses rendered necessary by the operation of the government created by the Constitution itself, must be regarded as being sanctioned by the Constitution, despite the prohibition of which we are treating. Your committee are acquainted with no *rule of interpretation* which authorizes them to *imply* the existence of a power, which is *expressly* denied in the most general and comprehensive terms. It is very true, there is a stringent necessity for arriving at the supposed power in some mode or other. The continuance of our State Government depends upon the power of the Legislature to incur debts, but that makes no advancement towards proving that the power under discussion is not absolutely prohibited by the Constitution. Besides, if the Legislature have, by necessary implication, the power of creating debts for the support of the government, it follows that the borrowing of money for such purpose, being the cheapest mode of payment, would constitute the most reasonable and proper exercise of the power. Yet, if California were to enter the money market, with proposals to borrow a million of dollars, who would lend it, with this clause of the Constitution staring the world in the face? Who would then have the boldness to avow that the borrowing a million of dollars by the State, to be applied to the maintenance of its government, and to defraying the expenses necessary to its very existence, is a power impliedly given by the Constitution to the Legislature, when by that instrument it is expressly taken away from them. It is very clear that this implied power would badly stand such a practical test. And it is equally clear that if the power cannot be implied

in favor of the creation of a debt, the consideration being money lent for the purchase at the cheapest rate, of things essential to the continuance of the government, still less can it be implied in favor of the creation of a debt, the consideration being the maintenance of the government in a manner less effective and much more costly. The reasons by which the argument in favor of this implied power is supported, apply with much more force in favor of the legality of borrowing money, despite the prohibitory clause of the Constitution, than in favor of the creation of a debt under the circumstances which have attended the existing one: because in no other manner can a State like California, which possesses a vast property, good credit, a great future and no money, so effectively and economically maintain its government, as by borrowing money for that purpose.

As we before said, the practical operation and grand result of the clause under discussion, is a debt of more than *two millions three hundred thousand dollars*. And your committee will add, that rarely, heretofore, has a State or individual purchased so little with so large a sum of money. But this result was inevitable, and might have been foreseen, as your committee, under a continuation of the system can easily foresee, and safely predict larger results of the same kind. The State must have what it necessarily requires at any price, else its government must come to a stand. The State has no money wherewithal to buy its necessaries. It cannot borrow money in Europe or New York, where it may be had at six per cent. per annum. It cannot devote its large domain of overflowed swamp lands to raising money, which in a few years might easily be repaid by moderate taxation. All its property, which is not money, is entirely useless as an article of exchangeable value. It can pay for what it is obliged to purchase, only by drafts upon a treasury which is empty, and enjoys the likelihood of remaining so for a number of years to come; consequently it pays a double or treble price for everything it buys, even for the services of its legislators and other officers. The seller does not expect to receive money from the treasury in honor of his draft thereon. He believes of a certainty that his draft will be converted into stocks, and the debt which the State owes him into a funded debt, payable twenty or thirty years hence, with interest at the rate of six or seven per cent. per annum. He calculates the price of such stock, and finds that the brokers, availing themselves of the advantage of a foreign market, of which the State is deprived by the present Constitution, can afford to purchase seven per cent. funds at fifty cents on the dollar, and are satisfied with fourteen per cent. per annum on their money, at a time when every other borrower in the State must pay at least three per cent. per month. According to this calculation, the State is forced to pay for everything it purchases, just double the price for which it might be bought for cash. In this way our present enormous debt has been created. Thus do we account for the very small benefit received for so large a sum of money. We may reasonably ask ourselves, if it would not be as well for the State to avail itself of its own credit and property to borrow money at a low rate of interest, and for a long time, as to be continually funding year after year, its promises to pay double prices, thereby enabling brokers to sell in the money market, at par value, the credit of the State, which to the State itself was worth only fifty cents on the dollar. Your committee, therefore, considering

the very questionable legality of the present mode of creating the State debt ; the unquestionable extravagance and wastefulness of the system, and the ruinous extent to which it must inevitably proceed, would respectfully urge the necessity of effecting a change in this objectionable and costly provision of the Constitution ; and that they regard such change, or some material modification thereof, as a good reason why the proposed question of calling a convention should be submitted to the people.

Your committee desire, also, to call your attention to our Judiciary System. While the present system is apparently sufficiently simple in its organization, and speedy justice is offered to litigants, still it is not free from imperfections. The Supreme Court of the State, is, by the Constitution, composed of but three Judges, two of whom are required to constitute a quorum ; in case of the sickness or absence of two, there might be a total failure of justice.

The duties of this Court are arduous and important, and the increase of litigation requires a corresponding increase of Judges. Under a late decision of the Judges of that Court, there is no power in the Governor or Legislature to provide for filling temporary vacancies occasioned by absence or otherwise ; and it may not unfrequently happen that the disqualification of Judges by interest or otherwise, will indefinitely postpone or defeat the rights of litigants. An increase of Judges from three to five, and the incorporation of a clause in the Constitution, authorizing the Governor to fill such vacancies would, in our opinion, greatly facilitate the transaction of business, and render the administration of justice more speedy, certain and uniform.

In connection herewith, your committee would direct your attention to a subject, which, in all countries, and especially in those possessing democratic governments, requires the gravest consideration of the people and their law makers. The present Constitution refers the appointment of all Judicial Officers to the voice of the people. Your committee find no fault with this feature of the Constitution ; but they think it is not guarded with the jealous and watchful care demanded by a subject so delicate and of such infinite importance. We pride ourselves upon our limited government ; upon the limited powers of the executive ; upon the limited powers of the legislative department ; we are too apt to forget that the Judicial branch exists, and must from the nature of its functions continue to exist, in the possession of *absolute and uncontrollable power*. We cannot limit the Judicial power by lessening the subjects of which it shall have cognizance, for the business habits of a free and enterprising people necessarily lead to differences between individuals, and to innumerable rights and wrongs, which require resort to courts of justice.

Neither is it possible to limit the Judicial power by holding the Judges responsible for their illegal decisions to any earthly tribunal. Who shall say that the error, which has wrought injustice, is the fault of malice or corruption, and not the result of ignorance or folly ? Nor is it possible to limit the Judicial power by depriving its judgments of absoluteness and finality. There must be a Court from which there shall be no appeal, and whose judgments on all matters belonging to its jurisdiction shall be finally pronounced and absolutely obeyed. To this view of the nature of the Judicial power

the attention of the people should be earnestly called. A citizen's right to his life, to his liberty, to his reputation, to his property, and to his dearest and social relations, so far as any one or all of them may be involved in the construction of the law, are in the hands of a body of men possessing absolute, irresponsible and uncontrollable power. In what respect soever, it is possible for human tyranny to treat a human being, there may the Judicial power of this republic reach him, and be responsible to no man for the wrong. It follows as a necessary consequence, that the only guaranty against enormous and irremediable abuse of power in the Judicial department is to be found in the proper qualifications of the Judges. The most distinguished attributes of a Judge should be impartiality between suitors; a profound knowledge of the law; indefatigable industry; inexhaustible patience; a sincere desire to do what is right; a profound regard for all moral observances in form and substance; an elevated, dignified, sober, consistent and prudent life, for a Judge should not only take care that he pronounce the law aright; he should, moreover, so conduct himself as to win by the strength of his intellect and the daily beauty of his life the profound respect and unlimited confidence of the people who have submitted to his judgment their Constitution and their Laws, and every right and interest which governments are instituted to protect. The unsettled condition of our laws, and the great variety of new questions involving vast amounts of property, fill our courts with cases upon which great results depend. Perhaps the courts of justice of no nation in the world have so many important principles, affecting immense interests, to pass upon, as those of this State.

We therefore regard it as a matter of the greatest importance that some provision should be incorporated into the Constitution, whereby, as far as possible, the deleterious effects of political combinations and the evil results of party intrigues and contrivances in foisting upon the people unworthy candidates for judicial offices, may be guarded against. In the opinion of your committee the election of Judges is of itself a matter of sufficient importance to engage the careful attention and awaken the solicitude of the people. We owe no duty to the State or our fellow-citizens more important than the selection of a proper judge. With an able, upright, honest and independent judiciary, the Constitution will be sustained, the laws observed, and rights protected. Such a judiciary constitutes the corner stone and true foundation of republican institutions. Without it, republicanism is but a name. Our Constitution is careful in providing that the powers of the Executive, Legislative and Judicial Departments of Government shall be kept separate and distinct.

It may be said that the Constitution cannot by any provision secure this desirable end. We may at least approximate to it, by removing the election of Judges a certain length of time from all other elections, and by directing the single and undivided attention of the people to the qualifications of the men who are presented or who present themselves as candidates for judicial power and honor. The introduction of such a provision in the Constitution is much to be desired; and here do we find another reason for calling a Convention.

Your committee fully concur with His Excellency, the Governor, in the following additional recommendations:—

“That the first section of the ninth article of the Constitution be repealed, and the duties of the Superintendent of Public Instruction devolve upon the Secretary of State, or upon Commissioners to be chosen by the people of each school district or township.

“The office of Superintendent of Public Instruction, as a distinct department, is of very doubtful necessity, as an original question; and if, under any circumstances, it were desirable, can now with propriety be dispensed with, and thus relieve the Treasury annually to the amount of the salary and contingencies of that office. In adopting the policy proposed, we follow the example of a large majority of our sister States on this interesting subject. On examination, it will be found that more than two-thirds of the members of the confederacy have, after mature experience, in some of them, finally settled down on the measure advocated by this amendment. The States of Vermont and Wisconsin are the only ones which have constituted this a separate and independent office; New York, Massachusetts, Illinois, and Pennsylvania have merged the duties of this office in that of the Secretary of State; Indiana has placed it in the hands of the State Treasurer; Connecticut, with the State Auditor; and Maine, New Hampshire, Louisiana, Mississippi, Alabama, Florida, Georgia and Missouri have divided them out among commissioners elected by the people of the various school districts. Such commanding precedents should not be disregarded by us.

“The fundamental law of government, which can only be changed after long and strenuous effort, it would seem, should be confined to provisions for great and admitted principles and measures, and leave the ways and means of carrying those great truths into effect to the wisdom and patriotism of the legislative power, acting under a knowledge of the peculiar circumstances of the times.

“The twenty-fifth section of the fourth article is equivocal and doubtful in its construction, and would seem to impose a novel, unnecessary, expensive, and—as it has been sometimes acted on—inoperative duty. It provides that, in order to revise or amend an Act or Section, the Act or Section proposed to be amended must be re-enacted and re-published at length. This requisition increases considerably our printing expenditures, and from the useless labor required, is frequently disregarded in practice. Thus, at one and the same time teaching us to evade the solemn injunctions of the Constitution which we have sworn to support, and uselessly enhancing the demands upon the Treasury.

“I therefore recommend that the portion of this section liable to these objections be repealed, and that the section be left to read, ‘Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title.’

“That the eighteenth section of the fifth article of the Constitution, providing for the election of Surveyor General, be amended, and that the whole matter of the necessity of appointment or election of such officer be confided to the Legislature. The reasons for this recommendation are the same as those which obtain in the case of the Superintendent of Public Instruction.

“The eighth section of the eleventh article provides that the fiscal year

shall commence on the first day of July. I recommend that this section be so amended as to make the commencement of the fiscal year on the fifteenth of December. The reasons for this change will readily present themselves. Under the existing provisions, the Legislature which assembles on the first Monday of January, cannot obtain satisfactory information from the Annual Reports of the Comptroller and Treasurer as to the condition of the State finances, after the first day of July preceding. And, consequently, it becomes necessary for this information to be obtained by special resolution, always at great expense of time and labor to those officers. If the change suggested, however, were made, the Reports of these officers would display the condition of our finances up to the fifteenth of December, and be much more satisfactory.

“The office of Superintendent of Public Buildings is believed to be unnecessary, and a useless burden to the Treasury. I recommend, therefore, that the law creating that office, unless it expired by limitation on the first of January, as is believed to be the case, be repealed, and that the duties thereof be required to be performed by some one, or all of the State officers, without additional compensation; or that some other disposition be made of those duties which will relieve the Treasury of the expenditures incident to that office. In this too, we follow the example of most of our sister States. New York vests these duties in the Governor, Lieutenant-Governor, Speaker of Assembly, Secretary of State, Attorney-General and Comptroller, by right of office. Mississippi vests them in the Auditor and Treasurer of State. Illinois places them with the Secretary of State. Wisconsin with the Governor alone. In no State of the Union, save that of Missouri, can I find this constituted a separate and distinct office.”

To the defects in the Constitution already pointed out, your committee are aware many others of magnitude might be added, but they are of opinion that sufficient has been seen of the errors of that instrument to awaken attention, and peradventure enough to satisfy the thinking and the candid, that an entire revision of its provisions is imperiously demanded by the best interests of the State.

Your committee entertaining these views in regard to the numerous and important changes which should be made in the fundamental law of the State, deem it scarcely necessary to enter into argument to prove that the entire Constitution should be revised, and that the proposed alterations cannot be effected by any set of amendments to be proposed by the Legislature to the people. It is obvious that the subjects of the proposed revision are numerous and important, and if adopted, would in a great measure change the entire structure of the present Constitution.

Your committee deem it to be consonant with truth and reason, and with the true spirit of the Constitution *to effect the results of an entire revision* of that instrument, in the mode therein recommended, and not in the manner pointed out for the accomplishment of quite a different object. By a convention of delegates chosen by the people for that purpose, and not by amendments proposed by the Legislature.

The members of the present Legislature were not elected with the understanding that any amendments were to be made, and it is but just that their constituents should be heard before any alterations are proposed. It may

be that the people of this State prefer the present system, defective as it is, to the uncertainty which must always attend a change of the organic law of the State; and it would be useless labor and expense to waste the time of two successive Legislatures in discussing proposed amendments, which are liable to be rejected as soon as the voice of the people can be heard upon them.

Changes in the Constitution in certain respects, necessarily require also corresponding changes in others—biennial sessions adopted, would necessarily increase or diminish the terms of various officers. Proposed amendments submitted to the people may, perhaps be in part adopted, and in part rejected, and the amendments adopted required as indispensable, those rejected, or others. If, however, it be contended that the proposed amendments must go together, all to share the same fate, and be together adopted or rejected, then this mode of amending the Constitution is still the more objectionable; for it may be that the people desire a certain amendment, but not just as proposed. Then, and in that event, they are placed in the peculiar predicament of being required to vote for an amendment as they do not want it, or to vote against any amendment, when in truth they want one. Another objectionable feature in this mode of amending the Constitution is, that if pursued, it will necessarily occasion that instrument to be undergoing continual changes, assimilate it to special statutes, destroy its efficiency, and injuriously affect every vested right in the State. Above all things, our fundamental law should be stable, certain, and consistent with itself. It should be plain, harmonious and intelligible. Itself being designed as the Supreme Law of the State, with which all others must conform, should, as little as possible, be liable to doubt, and the subject of Judicial construction and Legislative debate.

One of the principal arguments against a Convention to revise the Constitution is the expense with which it would be attended. Your Committee can scarcely award to gentlemen who urge this objection the credit of sincerity. For in the first place it is not the question of calling a Convention by the Legislature, for which they contend. It is simply that the question of a Convention, or no Convention, shall go to the people. This, your committee recommend, because it can cost the State nothing worthy of note at all; because by it, and it alone, can successfully be taken the preliminary steps towards the adoption of a system of retrenchment and reform, which is imperiously required to save the State from bankruptcy and ruin: because it will save, if the Convention be called and biennial sessions be adopted, at least a quarter of a million of dollars yearly. The census of 1855, if also dispensed with, will save the State nearly, if not fully, the entire cost of a Convention. We further propose to dispense with five or six District Judges, and to abolish numerous sinecure offices, which will have large salaries attached to them as long as the offices exist. On the score of economy we think there can be but one opinion among gentlemen who take a rational view of the subject. There are those, however, who stand opposed to submitting this question to the people, and who still contend for amendments of the Constitution by the Legislature. The impolicy of this course to your committee appears evident—first, from the fact that it virtually resolves the present Legislature into a Constitutional Convention;—assumes as

a certainty that the people desire alterations in the Constitution ;—presumes that the precise alterations demanded are exactly understood ;—makes the members of the present Legislature the elected delegates of the Convention ;—occasions an expense to the State equal to that of the very Convention those gentlemen are contending against : and all this, too, without any expression whatever from the people, or without their being first consulted. Now we would inquire in all candor, what difference can there be in the expenses of two successive Legislatures while considering and acting upon the Constitution, and a Convention of Delegates elected by the people for the same purpose ? The number of Delegates cannot exceed that of both branches of the Legislature, and the time of the sitting of either, as well as their compensation, is indefinite. Gentlemen have, perhaps, not reflected upon the vast amount of time that must necessarily be consumed in discussing proposed amendments to the Constitution by two successive Legislatures ; also the probabilities of their disagreement, and of amendments to amendments being proposed by the latter to be acted upon by the one then next ensuing ;—all of which must evidently tend to an increased consumption of time and an increased amount of expense.

Again, it has been said, that the people have expressed no desire to have a convention. This objection, your committee are of opinion, is not well founded ; for, although, no general and universal call from every portion of the State has been made, yet we are very sure that quite a large and respectable number of our citizens do entertain the hope, that they will be allowed to vote upon a question of so much interest to them ; and, indeed, in not a few instances, have they so declared themselves. We take it, that wherever the people have agitated the question of changing the Constitution, they have as often agitated the question of a convention ; and that in no instance have they ever, in this State, urged the propriety of changing that instrument in any other mode. It should also be borne in mind, that the people of our State are a free and independent people—as well privileged to silence, as to the freedom of speech—as well to remain mute, if they so choose, as to herald forth their opinions and wishes to the world ; and that the interests of none should be disregarded through mistaken notions of their indifference in respect to the question at issue, because, forsooth, they have chosen to exercise but the rights of freemen.

It is urged, also, that although the time will soon arrive, that it has not yet come, for revising the Constitution ; the hour is not yet rife. Your committee would beg leave to ask, *for what should we wait ?* By what political Miller is the year and month to be prognosticated ? What system of chronology ? What book of the Prophets ? do they consult, who see into the necessities of the future, and cannot discern the wants of the present day. To what extent do they desire the catalogue of grievances to be increased, before they will consent to afford a remedy ? How large a State debt do they desire to accumulate before they will yield to retrenchment, and to the abandonment of a ruinous system of extravagance ? How heavy shall be the burden, how devastating the effects of unequal taxation, before they will consent to distribute the burdens and the blessings of government equally over all parts of the State ? How long shall rich sinecures be retained, that the people may pay with actual labor for imaginary services,

and be reduced to want in process of supplying the fancied necessities of State. Wait a little longer, say the opposition, and then will the proper time have come. Your committee think it due to the people, the real sufferers and parties in interest, that they themselves should be heard upon this important question, and that immediately. If they desire a convention changing the Constitution, why deny them? If they do not, why not hear them?

Your Committee herewith submit the accompanying bill, entitled "an Act recommending to the Electors to vote For or Against calling a Convention to Revise and Change the entire Constitution of this State," and earnestly recommend its passage.

BENJ. F. MYRES,
Chairman.

ELCAN HEYDENFELDT,
ROMUALDO PACHECO,
W. F. TILGHMAN,
R. G. READING,
F. W. KITTREDGE,
SELDEN ALLEN McMEANS,
A. G. McCANDLESS,
PATRICK CANNEY,
CHAS. A. LEAKE,
PHIL. MOORE,
SAM. BELL,
CHARLES FAIRFAX.

[Document No. 27.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT OF THE CHAIRMAN

OF THE

COMMITTEE ON COMMERCE

IN RELATION TO EXTENDING THE CITY FRONT OF SAN FRANCISCO.

[GEORGE KERR, STATE PRINTER.

R E P O R T

OF THE

CHAIRMAN OF THE COMMITTEE ON COMMERCE.

MR. SPEAKER :

The Committee on Commerce and Navigation, to whom was referred that portion of the Governor's message which relates to the Extension of the front of the City of San Francisco, have had the same under consideration, and ask leave to make the following report :

Your committee, in compliance with their duties, have investigated the question of the practicability of extending the front of the city of San Francisco, and also the necessary measures to be adopted for the accomplishment of that object, with all the contingencies with which it is at present complicated. The discussion of the feasibility of this undertaking having been before the public for some time, has been the means of eliciting many facts in relation to this measure highly interesting to the community, touching, as it does, the three great points of consideration, and involving each and all of them, viz : Commerce, Economy and Finance.

Your committee, in the pursuit of their duties, have availed themselves of the practical experience and observations of men who have been intimate with the Bay and Harbor since the year 1849, and whose business has been almost exclusively confined to those branches of employment that are immediately connected with the great commercial interests of the State, men engaged in Harbor and Bay employments as Pilots, and other duties in connection therewith.

Your committee deem that a correct knowledge of the effects of the currents of the Bay is necessary to a full understanding of this matter in all its parts ; with this view, your committee have solicited the aid of the persons alluded to, and to Capt. Urie we are much indebted for a great portion of the data on which the chart herewith submitted is drawn.

The chart comprises that portion of the Bay between Tonguin Shoal and the south side of Rincon Point, bounded on the north and east by

the Alcatraz Yerba Buena Islands, and is designed to show the course of the principal spring and neap tides (flood and ebb) with the counter currents that are produced from the relative positions of the headlands and islands adjacent with the effects of the counter tides and eddies on the Bay; also the original water line, prior to the Water Lot Extension beyond Montgomery street, with the depth of water in fathoms as acknowledged at the present time, the incident and reflected angles of the flood tide, and its effects in producing in part the early ebb, the velocity of that ebb, with the eddies near the end of Market street and Central Wharves. The chart further shows the course of the proper ebb tide and its velocity, the position of a number of vessels prior to the turn of the tide from flood to ebb, and the position of the proposed Breakwater near North Point, and the course of the winds that prevail during what is generally termed the winter season. It is a conceded fact, that the system heretofore and at present pursued of filling in the shoaler portions of the Bay has had an injurious effect, both from the material that has been used, and from its causing the softer substance on which it is thrown to protrude so as to shoal the water to a considerable distance in what is called the Harbor of San Francisco.

The excavation of this mud cannot, in the opinion of your committee, be of any permanent advantage to the Bay, as it must necessarily be deposited at some other point, the result of which would be the production of an artificial shoal, thus rendering navigation more complicated; moreover, the mud thus excavated would soon be replaced by the loose sand at present used for filling in, so that if the entire mud was at this time excavated, one year would place us in the same position again, with the addition of a shoal in some other part of the Bay, or a still greater accumulation on those now existing.

Your committee would recommend that a Breakwater be constructed at the point designated on the chart, or at some other suitable position, said Breakwater not to exceed the deepest depression that existed in the indentation of the Bay prior to the extension of the city beyond Sansome street, measuring from a straight line extending from North to Rincon Points; the effect of this would be to form an artificial harbor, which would be equal to the original, prior to its having been destroyed by any extension, and would afford ample protection to at least one thousand vessels at all seasons of the year.

A Breakwater so constructed would further have the effect of deflecting the flood tide in a such a manner as to throw a much greater amount of water through the channel to the north and east of Yerba Buena Islands, and also destroy the tide ripple immediately below North Point, and thus prevent, in a great measure, that accumulation which is the cause of the increase of Tonquin Shoal so much beyond its former limits; one third of the velocity of the flood tide would also be avoided, which, it is evident, must produce a beneficial effect in the channel by deepening the same during the time occupied in ebbing. In addition to this, a point of great practical importance would be attained in the destruction of the obnoxious influence of that early ebb which, sweeping from Rincon to North Points with a velocity of from two to three knots per hour, and commencing from one to two hours before the flood tide ceases. (The course and velocity of this counter current are indicated on the chart, and it

needs but a glance to comprehend the effect.) So great a body of water moving with that velocity must be an active agent in the displacement of a large amount of the loose and soft bottom in the shoaler parts of the Bay and slips, and deposit the same in other places where the force of the current is less violent. In connection with this current is an eddy which forms near Market street wharf, and pursues a circular course nearly over to Pacific wharf; this eddy appears to commence a short time before the setting in of the early ebb, and has rotary motions of about two knots, and seems to have an immediate connection with the ebb above alluded to. The causes of this early ebb are supposed to arise from a reflection of the flood tide on Yerba Buena, and the shores on the eastern and southeastern portions of the Bay, for any such reflected current would produce all the effects that are herein noticed, and it is an anomaly in the history of tides which cannot well be attributed to other causes. A reflection from the flood tide on Yerba Buena Island, in its direct course, would strike Rincon Point and the adjacent vicinity in positions indicated on the chart. A Breakwater thrown out on the southeastern extremity of Rincon Point would arrest this ebb and render the harbor more commodious and safe. The result of these improvements would be to produce but two uniform currents in the place of those now existing, together with the counter currents to which they give rise, and which must from their nature continue to enhance these difficulties to a much greater extent than now exists.

Your committee, after a careful examination of the facts that have been elicited, and from the information derived from various sources, are of opinion that the extension of the front of the city of San Francisco not only presents itself as feasible but also judicious; and aside from either of the above considerations, there is another, both weighty and important, which they deem it their duty to duty to present, and that is, the absolute necessity of such an extension.

Your committee therefore recommend that a Breakwater be constructed at North Point, as above set forth, and that an extension be made to extend from the south side of Long or Central wharf, running to a point six hundred feet east from the end of the present city limit and thence south to Rincon Point, with either open or enclosed slips. That all said property be held by the State of California, and leased or sold by a Board of Commissioners to be appointed for that purpose, and that a certain part of the proceeds derived from such leases or sale be paid into the State Treasury, and the balance be appropriated to the building of said Breakwater and bulking up the city front in a substantial manner, with such open or enclosed slips as may be provided for, so as to effectually prevent further extensions. At the present time your committee are fully aware that the public mind is unprepared for this announcement, but after a careful examination of the subject, they are convinced that an extension is necessary for the ultimate preservation of the Bay and Harbor.

Respectfully submitted.

J. CARDOZO, Chairman.

[Document No. 28.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MAJORITY AND MINORITY REPORTS

OF THE

C O M M I T T E E

ON

MINES AND MINING INTERESTS.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

COMMITTEE ON MINES AND MINING INTERESTS.

MR. SPEAKER:—

The Committee on Mines and Mining Interests, to whom were referred several bills amendatory of the “ Act to provide for the protection of Foreigners, and to define their liabilities and privileges,” approved May 4th, 1852, ask leave to report :

Your committee have given to these several bills the care and attention their provisions merit, and find their objects two-fold : First, to increase the State revenue, and secondly, to exclude certain Foreigners from the mines.

The Assembly could not have regarded the revenue objects as the striking features of the proposed amendments to the existing law ; otherwise they would have been referred to the Committee on Ways and Means.

So far as revenue is concerned, we are satisfied the present law needs change.

A larger per centage should be given to the collector of Foreign Miners’ tax, and the means for enforcing the payment of the license money should be more stringent ; twenty-five per cent. would probably reward the collector, and secure a faithful performance of the duties of the office ; and payment of the tax might be enforced by giving the collector authority to assess the amount due from the foreigner, with power to sell under the assessment as under execution ; these amendments, together with an increase of the tax to four dollars a month, would make the revenue objects of the law, attainable.

But the second object of these proposed amendments—the exclusion of certain foreigners from the mines, presents a more difficult subject for our consideration.

In this are involved questions of right and justice, as well as of convenience and policy, requiring for their solution numerous facts and enlarged views of political economy.

The difficulty of attaining the ends sought for by the advocates of the exclusive policy may be seen in the language of the bills proposed: Thus. one of the bills would enact that “no Asiatic, or person of Asiatic descent, nor Chileno shall be permitted to work in any of the mines of this State under the provisions of this Act.” Such a clause would unfortunately exclude the whole Caucasian race, of which the American people is almost entirely composed.

And as to the Chileno, why single him out for special reprobation? What has he done to deserve such signal reproof?

And even if the Chileno were excluded by law, how could he be distinguished from the kindred race of Mexico and Peru? Under such a statute, Chilenos would be as scarce as Jewish treasure in the middle ages, and the State would have to provide an ethnologist to accompany the Sheriff in his tour through the mining districts.

Another bill, drawn apparently with more care, and essaying to be more definite, would have us, after demanding and receiving license money from all foreigners, provide “That nothing contained in the provisions of this Act, shall secure Foreign miners, who from their color, nature, and education can never become citizens of the United States, against the liability of being ousted from any mining claim by citizen miners of this State who may be present at such claim, and desirous and prepared to work it immediately, and who shall first pay or offer to pay to such Foreigner, Miner or Miners the cash value of any improvements they may have made thereon—such cash value to be determined by two disinterested citizens, duly sworn, to be selected by each party.”

The injustice of such a provision is at once apparent; we do not release from the payment of the tax, those foreigners, who, in the peculiar language of the bill, “from their color, nature, and education can never become citizens of the United States,” we only take away the property they have paid us to protect.

Then, too, the vagueness of the language, pardonable in an essay, is inconsistent with the strictness and precision we require in a law. Who are the persons that from their color, nature, and education can never become citizens of the United States?

What nature and what education unfit a man for American citizenship?

The Greenlander who dozes away existence over fish-oil and fire, and the Laplander whose intellect is benumbed by six months night, may become citizens of the United States.

Therefore, we presume it is not brutality of nature or savageness of education which work corruption in the blood of a foreigner, and render him incapable of naturalization.

We are constrained to believe the clause we have quoted means nothing at all, and that it was inserted for the purpose rather of rounding a period than of giving force, and clearness, and precision to a law.

It is said, however, that these provisions—indefinite as they are—intend to apply principally, if not entirely, to the Chinese.

If this be so, let us inquire whether the policy they aim at establishing is wise and proper.

Some persons advocate the exclusion of the Chinese, because they fear the immigration of this people will become too large, and thus crowd out our own citizens and other white races. On this ground we have no apprehensions.

Independent of the peculiar influences which operate to keep the Chinese in their own country, the intensity of their attachment to old customs and old opinions, their strong feeling of family and reverence for the government which discourages immigration, we do not think it probable that they will ever be found in the way of Caucasian races. Physiologists tell us that whenever two races meet on the same soil, the weaker is bound to succumb and give way before the stronger.

The superior energy of the Caucasian will always conquer the sullen industry of the Mongal, and the latter can never, either in the struggle of commerce or of arms, compete successfully with the former.

And if all the Caucasian tribes, the American—last in its formation, but destined, undoubtedly, to be most perfect in its development—fears least to meet the other races.

If the American has maintained his place amidst the immense immigrations of Celt and Saxon, Selave and Dane, which have for the last fifty years been pouring into the country, surely he can stand against a people who for centuries have been tyrannized over by a band of Tartars.

It appears to us derogatory to the national spirit and the national character to express a fear of being overrun by any number of Chinese who may choose to land on our shores.

Instead of discouraging immigration of the Chinese, it would better become us to encourage the important trade which is the result of their coming hither.

For a long time European nations have been endeavoring to open the trade of the Chinese and Japanese Empires; and we have also been aiming at the same object for a number of years. With this policy the Federal Government has lately fitted out an expedition with the view of opening trade with the Japanese; and it would ill become the State of California to do aught in contravention of such a wise and beneficial policy.

And how are we to enlarge our trade with China?—surely not by an annihilating the Chinese themselves.

The trade between San Francisco and China has been rapidly increasing ever since the discovery of the gold mines; but last year when the exclusion of the Chinese from the mines was spoken of, the Chinese trade languished, and only revived after it was understood that all foreigners would be permitted to work in the mines on the payment of a certain license tax.

The products of China will certainly be cheaper in our markets if we do not close our ports to the Chinese themselves; and a larger market for our own goods will be created by permitting the Chinese to come among us and acquire the same habits and customs, and therefore the same wants, as we ourselves have. Every Chinese who returns from California to his own

country is a missionary for the propagation of American tastes, and an agent for increasing the demand and the sale of American products.

A necessary consequence of an enlarged commerce between San Francisco and the Chinese ports, will be an increase of the fixed capital in San Francisco. And the more capital there is in our commercial centre, the less opportunity will there be for combinations of capitalists to command the markets and monopolize the trade in the necessaries of life.

It is only where capital is small and limited, that such combinations are able to accomplish their selfish purpose.

Enlarge the amount of capital, and the flour and provision markets will no longer be under the control of men who do not scruple to sacrifice their fellow-beings on the altar of mammon. Let us, then, by all the means in our power, allure to our shores the vast accumulations of Asiatic capital which are the result of ages of labor and economy. Let us invite to our State the hoarded treasures of a people who fear, in their own country, to expose all their wealth to the eyes of greedy Tartars and impoverished mandarins. Thus will we secure benefit to ourselves, and at the same time elevate the inferior race which are to live and trade among us.

We cannot therefore sanction the exclusive policy contemplated by two of the bills referred to us. In addition to the amendments we have already suggested to the Act of 1852, the first section of it should be amended by striking out the clause acknowledging the right of Congress to assume the control of the mining lands of California.

It is not necessary for us at this time, to examine the rights of the Federal Government over the mines; we only ask that the right of Congress to control them may not be hastily or inconsiderately acknowledged.

We beg leave to report back the several bills referred to us, and to recommend the passage of the bill for "an Act to revise the Act to provide for the protection of Foreigners and to define their liabilities and privileges," with amendments thereto annexed.

JAMES H. GARDNER, Chairman.
T. T. CABANISS,
BENJ. B. REDDING,
R. G. READING,
PATRICK CANNEY.

REPORT

OF THE

COMMITTEE ON MINES AND MINING INTERESTS.

The Committee on Mines and Mining Interests, in reply to the resolution requesting them to impart any information that they had obtained in relation to the Chinese population of this State, respectfully beg leave to submit the following Report :

A number of the Chinese merchants of San Francisco, believing they had conceived a system in relation to the taxation of the Chinese residing in the mining portions of the State, which, if enacted into a law, would be of benefit not only to their people, but also to the State, employed their legal adviser to come before your committee and request for them an interview.

Your committee, believing that the subject was one of importance, and directly connected with the purposes for which your committee was selected, appointed a time and place in San Francisco when they would hear any suggestions the Chinese merchants might have to make, and for this purpose asked a leave of absence. The House having refused to grant such leave of absence, your committee were compelled to employ such times as the House was not in session, and consequently offer this as an excuse for the incompleteness of their report.

From records of the arrivals and departures kept in San Francisco by the authorized agents of these people, it appears that the Chinese population in the State at the present time is between twenty one and twenty-two thousand. By their report the population at one time was twenty-five thousand, but it has since decreased, in consequence of an ill feeling that existed against their people immediately after the publication of the Governor's message of April 23d, 1852. Communications were sent at

that time by the Chinese merchants in San Francisco to the people in those parts of China from whence the immigration comes, informing them of the feeling that existed against them in certain portions of this State. These communications were extensively published in China, and had the effect of causing the emigration to cease, almost entirely.

Nine tenths of all the Chinese in this State are from that province of China of which Canton is the capital.

After the large immigration which took place in 1850, the Chinese, finding that their language, habits and customs were not understood by our people, thought it necessary to establish some system for their better regulation and internal government. Not having among them any authorized agent of their own country, they consulted with the more intelligent of their own people in relation to our form and system of government, and finding it adapted to their wants and the circumstances in which they were placed, they have adopted a system which, when the conservative character of the Chinese is considered, is a remarkable exemplification of the adaptation of a democratic form of government to a people who, although not christians, are generally educated and naturally intelligent.

For the purposes of their better organization in this country they have divided that province in China of which Canton is the capital, into four departments

All of the Chinese in this State with the exception of about thirty, are members of one or other of these departments. Each department has a house in San Francisco, presided over by two men known as the heads of the houses, who are *elected* by the Chinese in the State belonging to that particular department.

There is also a committee, elected from among the Chinese merchants of San Francisco, who act in conjunction with the heads of the houses in all public matters relating to their people. The heads of the houses receive a stipulated sum as a salary for their services. It is however, worthy of remark, that the heads of two of the houses being wealthy men, have given their services to their countrymen in this capacity gratuitously.

The committee are not paid, and consequently are independent of the heads of the houses, and act as a check upon them. When immigrants arrive at San Francisco from China, they go to the house which represents the particular department from whence they come. Upon recording their names, each individual pays a tax of ten dollars, which constitutes the fund from whence the salaries of the officers are paid, as well as the purposes hereafter mentioned. Clerks are appointed in all these houses, who keep a record of all who come and go, as well as of the receipts and expenditures of money. The heads of the houses grant passports, and allow no person to leave the country if it is ascertained that his debts are unpaid. These houses are largely concerned in the importation and sale of goods from China.

The buildings are also used as hotels, in which all who desire it, belonging to that particular department are boarded. They are likewise used for hospital purposes, in which the sick are cared for and attended by their own physicians.

When Chinese who come to this country are poor and unable to pay their tax, the houses advance them money to go to the mines, to purchase tools, &c., and when the persons receiving this assistance have earned sufficient, the money has been invariably refunded. Those who have been sick and unsuccessful, and desire to return, are also sent back to China.

The clerks keep a record of the places in which the principal bands of Chinese are located, and of their migrations in the mines. The houses are also used as post-offices, in which letters are received from China and distributed in all parts of the mines where these people are located.

When differences arise, the houses are used as courts of justice, in which the heads of the houses set as judges, and enforce the collection of debts and punish for the commission of petty offences—more serious cases being sent to our courts.

Should differences arise between the heads of one of the houses and its members, the committee hear and decide upon it.

When a vacancy occurs among the heads of the houses, either by death or resignation, the committee, together with the heads of the other houses, temporarily fill the vacancy; and messengers are immediately sent to all of the Chinese in the State belonging to that department, who deposit their suffrages with the messengers, and either confirm the appointment or elect another individual—a system which they have adopted from our plan of elections and modified to meet their peculiar wants.

The heads of the houses appear to enjoy the entire confidence of their people, and exert a controlling influence over them.

These gentlemen, consisting of Messrs. Gee Atai and Lee Chuen of the She yup company, having under their management nine thousand five hundred Chinese; Messrs. Tong K Achick and Lum Teen-kwei of the Yaong Wo company, having seven thousand five hundred; Messrs. Tam Sam and Chun Aching of the Canton company, having four thousand, and Messrs. Wong Sing and Lee Yuk nam of the Suwon company, having one thousand, were presented to your committee, and through their interpreter, Mr. Tong K Achick, stated the grievances of which their countrymen complain, and suggested the remedies which they conceive would do away with the evil.

Your committee find that a record is kept in the several houses, of difficulties which have arisen between our citizens and the Chinese, principally in relation to mining claims. To the correctness of some of these reports, in which the Chinese have been unjustly treated, members of your committee can bear testimony, the facts having transpired under their observation.

Complaint is made that in disputes which have arisen between our citizens and Chinese, in a large number of instances, the testimony and statements of their people have not been allowed before courts of justice, because as has been stated to them, of the color of their skin. Your committee was at some pains to inform them of the legal connection between the color of a man's skin and a complaint in court, but we believe without the desired effect.

They complain that their people are taxed by the State for the privilege of working in the mines, while at the same time the State does not or cannot afford them that protection which is implied in the payment of taxes.

They suggest as a remedy that if the people of the mining counties could be brought to believe that the presence of the Chinese among them was a benefit to the county, they would then find friends among those who are now opposed to them; and to this end they desire that a law should be enacted, increasing if necessary the foreign miners' tax, and making such tax when collected a part of the revenue of the county in which such tax is collected. This they believe would create them friends among the tax paying citizens of the mining counties, or those who would at least be willing to tolerate their people among them, in consideration of the benefit which the counties would derive.

Your committee were desirous of ascertaining if possible, the facts in relation to statements that have been extensively circulated, that a large number of the Chinese who come to this State are hired by Chinese and foreign capitalists, and work here under contract for such employers.

Your committee are assured that although this was done to some extent at one time, yet it was not found to be as profitable as was anticipated and is now abandoned. A very large majority have come as their own masters and with their own means. Some have hired money for this purpose and pledged their property as security for its payment; some have agreed to give the proceeds of their labor for a certain length of time, and others have procured money by pledging their children to be owned as slaves in the event of its non-payment.

The heads of the houses in their interview with your committee, expressed a truly liberal and earnest desire to do everything in their power to increase the trade and commerce between this State and China. They estimate the Chinese capital employed in this State, other than that employed in mining, at two millions of dollars. They assure your committee that from the existing state of feeling in this State against their people, they do not consider it prudent to invite their friends in China to invest capital in the trade and internal improvements of this State. They feel that at the present time they are but tolerated among us, and that their residence is but temporary. They say that it is futile to legislate for the protection of their capital in trade, while at the same time their persons and property are not safe in other occupations.

They desire that some settled and certain policy should be pursued towards their people, that their persons and property may in *fact* as well as in law, occupy the same position as the persons and property of other foreigners.

When this state of things shall have arrived they assure your committee that trade and commerce between the two countries will increase, that capital now lying dormant in China (or at least earning but a trifling interest when compared with capital in this country) will here seek investment in private trade and public improvements, and in fact in everything in the State that gives fair promise of its safe and profitable employment.

To some of the questions which were put by your committee, these gentlemen desired to consult with each other previous to answering.

Your committee take pleasure in including these questions and answers with their report.

Question 1.—What amount of capital have the Chinese in this country?

Answer.—About two millions of dollars, consisting of houses and goods and money employed in trade, and not estimating the tools and property

of the miners, which are worth very little. We cannot speak with certainty but think this sum is not too large. The importation of goods from China was very great last spring, but then suddenly ceased almost entirely. Trade is now beginning to increase again, and we have received information of many valuable cargoes on the way.

Question 2.—What will you do to make the Chinese pay their taxes?

Answer.—The superintendents of the four Chinese houses can furnish to the Tax Collector of each county an interpreter who will accompany him and obey his orders. This interpreter would make known to the Chinese that the Tax Collector was a true officer, and not some one imposing upon them by pretending to be an officer, and use the authority of the superintendents of the several houses to make the Chinese belonging to each house pay the sum that he owed for his taxes. A fair reward to this interpreter ought to be paid by the State out of the fund collected.

Question 3.—Will you divide the Chinese so as to apportion them according to the size of the counties?

Answer.—The superintendents of the four houses will use all their authority to accomplish this object. They cannot promise to cause this distribution of the Chinese to be made immediately, as many men would be much injured by leaving suddenly the places on which they had been employed and on which they had spent much money.

They will, however, endeavor to induce a portion of the Chinese to withdraw from those counties in which they are most numerous and go to other counties where there are now few or none, just as soon and as fast as it can be done without causing great losses.

Question 4.—If a Chinaman cannot pay his tax what will you do to make up the loss to the county, and thereby produce the license for the Chinamen—can you make the Chinamen work?

Answer.—We will use all our authority and influence to compel such Chinamen to obey the proper officers of the State, and perform such labor as may be required of them. If the Legislature passes any law requiring those unable to pay the tax to perform any labor, they should not fix the rate of wages at which it is to be performed too high, as otherwise many might prefer to work who were able to pay—nor too low, so that those who are really poor would suffer more than they deserve.

Question 5.—Cannot the different houses pay the taxes of the Chinamen? Each house can know the number of its men in each county, and they can pay for the China miners and make the China miners pay back to them.

Answer.—The superintendents of the four houses would be very reluctant to enter into an obligation to the State for so large a sum of money. Their organization and means of command over their countrymen have heretofore been sufficient for all necessary purposes, but they would be unwilling to rely upon them exclusively to collect so large an amount of money from their countrymen—sixty or seventy thousand dollars every month. They could not, in case of disappointment, undertake to pay so much out of their resources. They believe that they can safely for themselves and the State promise to serve the officers of the State, and faithfully and humbly give them all the aid in their power in collecting the taxes from their countrymen.

Question 6.—Could the tax be collected without expense to the county?

Answer.—We are unable to propose any plan by which this could be done.

The officers, whether American or Chinese, who devote themselves to the business of collecting the tax would, we suppose, require some compensation for their labor. We do not doubt that there would be a great deal more money collected than necessary to pay the expenses of collection.

Some questions were asked as to our ability to prevent too large an emigration from China to this country. We can only say we will use all of our persuasions with our countrymen at home to this end. We have no authority there, but very confidently believe we could exert much influence. After our representations last spring the emigration ceased almost entirely for many months, and now has only partially revived. Of those who are on the way many are traders, who are bringing with them large quantities of Chinese goods. Not so many are miners as formerly.

All of which is respectfully submitted.

JAMES H. GARDNER,
Chairman.

MINORITY REPORT

ON

MINES AND MINING INTERESTS.

MR. SPEAKER :—

The undersigned, a minority of the Committee on Mines and Mining Interests, to whom was referred “an Act revising an Act to provide for the protection of Foreigners, and to define their liabilities and privileges,” have had the same under consideration, and with due deference to the opinions of the majority of the committee, with whom we are compelled to disagree most respectfully submit the following report.

The main question of disagreement was upon the propriety of framing this law, so as to encourage the introduction of the labor of those foreigners incapable of becoming citizens of the United States, into our mining districts.

Past experience has taught us that in our laboring communities, there exists a laudable determination to preserve the dignity and independence of *labor* from the trammelling of masters, or the pollution of serfs, and as base attempts have been made under the sanction of the present law to fasten upon our mining population systems of peonage and slavery, we, therefore, deem it but just to attach to the Act the following Section.

Section 18. The provisions of this Act shall not be so construed as to prevent the Miners in any mining district from adopting and enforcing rules and regulations preventing foreigners, who, on account of their color, are ineligible to the rights of citizenship from working the mines in said mining district.

This will at all times give to the Miners the power of relieving themselves from oppression.

It is but due to *them*, to whom the regulation of our mineral lands have been given, the right to declare what labor shall be employed upon them.—As the drawing of a distinction between the different classes of foreigners has met with much opposition, we purpose briefly setting forth our views upon the question.

The Constitution in the Bill of Rights reads as follows : Article 1st, Section 17th, “ Foreigners who are, or who may hereafter become *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.” Now inasmuch as we can only judge of a man’s intention to become a *bona fide* resident, from surrounding circumstances, and of his availing himself of the benefits of our naturalization laws, we conceive that the former, as far as it applies to the Chinese, Pacific Islanders, and others ineligible to become citizens, does not exist in fact, and from the admissions of our opponents it fails in intention, and no reasonable man can doubt the impossibility that exists for their making the naturalization laws the medium by which such intention might become recorded ; and this we believe to be the mode contemplated by the framers of our Constitution.

In our opinion the enactment of a law granting privileges to foreigners to work in our mines, is only intended as a police regulation for the maintenance of good order in our community, and as past experience has shown us that in many portions of the State it has failed in its object, we, therefore, contend that the law should be so remodelled as to produce its intended effects, and conceive that such object can be best obtained by placing a supervising power in the hands of the people.

Many of our best citizens in conventions assembled, goaded by the necessities of the case, and feeling deeply the injuries that were inflicted on them, have declared their unmitigated hostility to any measure that seeks to cripple their honest industry.

It is a potential voice that of an outraged people, and when American citizens, in whom there is an innate feeling of respect for law, assume the position of rebels, it can only spring from consciors rectitude contending against evils too grievous to be borne, it is but a struggle for their natural rights that they had temporarily resigned to their rulers.

All agree that the evils exist, but that legislation can offer no remedy ; it is so cramped and restricted by hackneyed customs and fancied policies, it can offer no relief ; if so, let the whole fabric of government crumble, and not mock its supporters with the resemblance of protection.

As the question of the propriety of encouraging the Chinese immigration to this State has been more generally discussed in connection with this subject than any other, we deem it proper to express our views upon the same. We must ever regard such immigration with fear, not of the subversion of our Government, or the absorption of our nationality, or any such cowardly apprehension, but we do dread the effects that their introduction will have upon the free white labor of our State.

Our proximity to the Chinese Empire, its overflowing population, its leperous labor, that can scarcely command for its exertions the necessaries of life to sustain it—all, *all* offer too strong inducements for capital to introduce that labor here where it meets with such generous rewards.

Those engaged in the traffic are benefitted ; but are the best interests of

our masses to be immolated on this altar of money, *we* suffer degradation from the contact, for we cannot raise these hirelings to our equality, but we must sink to their level: the dignity of honest toil has gone, the bold open front of the hardy laborer relying upon a sinewy arm and a courageous heart, necessity has changed to the cowering bondsman, his faculties deadened for want of mental culture, having no aspirations, no hopes for the future to elevate him from a consideration of his mere animal wants, he becomes more of the brute than an intelligent rational being. Oh! ye sapient pioneers of progress, that here, on the Pacific slope, in the only asylum that labor had from the blood-hound of capital baying on its track, would ye extend enlightenment and freedom, or would ye build up a model Republic for the Western World, by first degrading *that*—upon which the prosperity of every community depends—its Labor? We, too, have as much sympathy for struggling mankind as any, but we would be just to ourselves before we are generous to others.

Again, look at the outrages that are daily recorded as attending the shipment of these people to this and other countries; does it need a prophet to reveal the cause?

English Capital, backed by English bayonets, is dragging these poor minions from their friends and homes, first trapping by duplicity, and then retaining them by power, the characteristic horrors of the Slave Trade are re-enacted here.

Humanity then should dictate our course.

They are a class that ever must exist among us as inferior, both in a political and social point of view, and there is no evil that demands more serious consideration from government, than this inequality in our social organization; for the lowest class always form a hot-bed for the fostering of misery and crime.

Look to the *Negro race* in some of our Northern Atlantic States and you will find a parallel, let us not then place such an incubus upon our community, such a canker spot in a society that has all the elements of purity and health; we should not have adverted to this subject, did we not believe that a constituency of laborers demanded it at our hands.

We wish to see independent labor in this, its last refuge, free from the contaminations that have dragged it down from being the first and noblest occupation of man, to making it the servitor to the cupidity of men.

We wish to see in this community no class that must bend as inferiors; we also wish to see the principles of our institutions, like the sun's rays, radiate from this State, over the Pacific World, but we cannot forget that a Democratic Government, or the principles it promulgates, must necessarily partake of the intelligence and purity of the community they govern.

There is an over-weaning anxiety upon the part of some *would be Statesmen* as to the effect of the adoption of *our* policy upon the trade of our country with China, it is an unfounded fear, and one derogatory to our national spirit. No! the indomitable enterprise of our citizens, our natural facilities, and the superiority of our mercantile marine will always give us the supremacy in our commercial intercourse with the world.

JOHN J. HOFF,
B. F. MYRES.

MINORITY REPORT

OF THE

COMMITTEE ON MINES AND MINING INTERESTS.

MR. SPEAKER :

It being impossible for all of the Committee on "Mines and Mining Interests" to agree upon any line of policy to be pursued towards Asiatics and other people, who cannot, as it is maintained, become citizens of the United States, the undersigned had felt that the importance of the subject demands a free and candid expression of opinion on the part of those who have had the question under consideration.

It is to be regretted that many Americans of this State, in their anxiety to protect the rights of their countrymen from what they consider the incursions and robbery of barbarians, do not *look beyond the present time*, and lose sight of much of the past, that should instruct them and be a guide for their *present* action.

It is also known, that in their zeal to afford protection to the citizens of *California*, they leave out of consideration the interests of the United States altogether, which at least have a right to representation in matters wherein the public domain is concerned. For example: they are in favor of expelling all Asiatics and descendants of Asiatics from the mines of *California*. They also recommend, that if a Chinaman shall have in his possession a mining claim, and an American citizen should wish to take into his possession the said claim, the American shall order the Chinaman off; and by paying the cost of any *improvements* that may have been put upon such claim, he (the American) shall take possession of the said mining claim. Those who would recommend this course, forget that the Chinaman may

have paid to an American citizen, a few days before this time, the sum of one thousand dollars for said claim ; and that if his claim should be taken, he would be robbed of the sum of one thousand dollars.

They even go so far as to recommend that *Chilenos* should be excluded the mines of California, and that they shall be liable to the same penalties as the Chinamen are subject to.

They seem to forget that Chile is a Republic ; and that her form of government assimilates more nearly to our own than that of any other country : and the stability of which, when compared to the governments of other States of South America, excites within our minds a feeling of wonder, that a State, composed of the same material, settled by the same people who first planted colonies in Mexico on the north, and Peru, Bolivia and the Argentine Republic on the south, should so far excel her sisters, that of all of those just mentioned, *her* soil is the only one that is not drinking continually the blood of citizens slaughtered by fellow-citizens amid the rage of civil war.

The only reason that this *Republic*, whose citizens are to be treated by those of the " Model Republic " as the Jews have been and are now treated by some of the despots of Europe, is, that because, in a commercial point of view, she has eclipsed the rest ; and that because of her position, the people of other countries have been induced to visit her ports for the purpose of trading. And they have taken with them, and left there to germinate, the liberal views of political economy, that all nations must have if they occupy a prominent position in the commercial history of the world. Chile has profited by the examples of England and the United States ; and she bids fair to be in South America what our own glorious country is in the north—the bulwark of republicanism.

The absurdity of a recommendation in a bill that was presented to this House, wherein it was declared that Chileans should not work in the mines of California, is so palpable, that it is unnecessary to attempt a refutation of any of the arguments that might be advanced to prove the *justice* or the necessity of such a law.

After the declaration that " no Chilean should be allowed to work the mines of this country," the great matter of surprise to the undersigned is, that the Chilean be excluded from enjoying privileges which the author of the bill would allow to the people of other States of South America, namely : Peruvians, Bolivians and Brazilians. Surely, the author of this " exclusive bill " must have known that each of the countries named above are independent of each other ; and that this " bill " would affect none of the last named. The undersigned cannot believe that the author of this " bill " desired its passage, but would rather believe that he was induced to embody the wishes of a portion of his constituents, than to put upon the statute books a line of policy that would be at once partial and unjust, and in direct opposition to the well known and fixed policy of the United States Government. For especially is the interest of the United States, in view of the mission which we have of spreading abroad the institutions under which we flourish, and the exposed condition of our whaling and commercial marine on this side of the continent, to cultivate as much as possible the respect and friendship of all the people who inhabit the Pacific coast.

The undersigned are aware that of all the foreigners who have visited

our shores for the purpose of digging gold from the placers, the Chinese are the most objectionable in the opinion of all Americans who are engaged in gold mining. And that against the Chinese there is more prejudice than any other people who have left their hitherto secluded homes in the East to try their fortunes among us. This prejudice arises from the fact of their differing so entirely from us in every attribute that a nation can have ; and from the fact that the Emperor of China can send to our country, from her almost adjoining shores, a sufficient number of her population to entirely monopolize our mineral lands. Of this fear, the undersigned does not partake.

The question of whether the Chinese shall be allowed to work in the mines of this State, is one of serious importance, and demands of us a consideration second to none other.

In discussing this question we should look to the future interests of California as well as to the present. And though "posterity has done nothing for us," we should do something for "posterity."

It is well known that during the continuance of the war with Mexico the United States had in contemplation the acquisition of the then Territory of California ; and that to that end a large force of vessels of war were sent to the Pacific coast ; and that upon their arrival here they took formal possession of all the ports of importance that California had. It is also known that a regiment of soldiers were sent here shortly after ; and that upon the arrival of the same, the authority of the United States was firmly established.

It is also known that upon the settlement of the difficulties between the Mexican Republic and our own Government, that the sum of fifteen millions of dollars were paid to Mexico for this country.

Now it is proper that we should inquire why the Government of the United States should be so anxious to get the Territory of California ? And to this end we will search a little the records of history for the answer.

For three hundred years past, the several maritime nations of Europe have each endeavored to procure for themselves the monopoly of the East India trade. The first who procured this were the Portuguese. At that time Portugal was the first commercial power in Europe ; and her navigators, many of whom were cradled and nursed, as it were, on board of the ships of the East India merchant, gave to the geographer more new lands than any other people. As long as the Portuguese held this trade in their own hands, they kept the ascendancy among commercial nations ; but fortune, who ever smiles in the end on those who persevere and labor, took this jewel from the first holder and gave it to the Dutch. And from that time, Portugal began to decline in the scale of nations ; and at this time she is not able to defend her ports from a line-of-battle-ship or frigate.

Holland advanced as Portugal retrograded, and in a few years she became mistress of the seas. But having engaged in war with England, and having met with the loss of her fleet, the sovereignty of the ocean was transferred to the victor ; and from that day to this, the "cross of St. George" has been over every sea known to navigators. With the transfer of naval superiority to England, came the commercial dominion of the East ; and at this time the commerce with India is among the most important that England has.

The possession and loss, then, of the Eastern trade to Portugal and Hol-

land has been the principal cause of their rise and fall ; and to-day the monopoly of it is the main stay of England's greatness.

Then to the question, Why our Government should desire so much the possession of this country ?

It was because California is the stepping-stone from Asia to the United States ; and because the magnificent bays and harbors on this coast afford safe and good resting places to the splendid clippers that now plough the waters of every sea, and bear to foreign climes the evidences of the genius and skill of Americans, during the time their rich cargoes are being removed, to be borne on the railway which will ere long unite the Pacific and Atlantic oceans to the great cities of the Atlantic coast.

This was the principal reason why our Government purchased California ; and will any man say that our position does not promise to us the golden rize for which nations have so long contended. We believe that no man will say nay.

Then if the people of California are to aid our Government in the carrying out of that policy which we know she has pursued, and by which the United States can obtain the monopoly of the East India trade, and by that become the *first* commercial nation in the world, what course of policy must we pursue towards those people by whose industry and skill have been manufactured those commodities for which we are to exchange our fabrics, and perhaps, in course of time, the fruit of our soil ? Are we to drive by force and tyranny from this State all of those who have, on the faith of our actions in making them believe that they were welcome, and the declaration that our land was open for the oppressed of all nations, to come among us ?

Would it not comport more with the policy of our Government, and be more consistent with the dictates of *humanity* to allow them to *remain* among us, those who are here *now*, than to entail on them the sufferings that would follow their expulsion ;—sufferings that would make us shudder to behold ? Would it not be better to allow them to remain and acquire for our Government and institutions that respect and veneration they *must* imbibe, that when they return voluntarily to their homes they may dwell with delight on the liberty, religion, and greatness of our people ? Nothing wins the hearts of mankind like kindness ; and nothing gains the respect of others so soon as the practice of justice.

Apart from the considerations above expressed, would the Congress of the United States, composed as it is of the representatives of the great commercial States bordering on the Atlantic, tolerate our course, if we were to expel the Chinese from our territory, and thus destroy what we conceive to be the principal means of establishing a friendly intercourse with the people of Asia, and of course the numerous islands in the Indian ocean ? Suppose a thousand or more Japanese should ask of us permission to visit our State and to work among us :—would it not be bad policy to refuse them ? Certainly it would. We believe that if we persist in following the course recommended by some, that the mineral lands of California would be disposed of by Congress, and the declaration that “the mines shall remain as free as air,” would have been wasted with the breath of those who made it.

Again : If we exclude Chinamen and other foreigners from the mines of

California, we lose an important part of the source from whence we *might* derive our revenue. And the causes of complaint which are continually made by the agricultural and commercial counties against the present State Government and the mining counties, would be much increased and eventually lead into open rebellion against the State authorities. The undersigned have herein expressed those views which seem to them of most importance; and they do hope that all will consider the subject before them without prejudice, and have in view not only the present but the future good and glory of California, whom destiny points to as the medium through which *Christianity and Republicanism* will enter the Celestial Empire.

All of which is respectfully submitted.

T. T. CABANISS.

[Document No. 29.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MAJORITY REPORT

OF THE

COMMITTEE ON ELECTIONS

IN THE CONTESTED ELECTION CASE BETWEEN CLARK AND CAR-
PENTIER.

[GEORGE KERR, STATE PRINTER.

MAJORITY REPORT

OF THE

COMMITTEE ON ELECTIONS.

MR. SPEAKER :

The Committee on Elections, to whom was referred the case of Samuel J. Clark, contesting the seat of H. W. Carpentier, member of Assembly from Contra Costa County,

REPORT,

That they have investigated the case with great care, and have taken a large amount of testimony. As the result of their investigation, they submit the following as the conclusions of fact which they have gathered from the residence.

That Mr. Carpentier received in the county of Contra Costa for Assembly 519 votes.

That Mr. Farrelly received 254 votes, and Mr. Halliday 192 votes, giving Mr. Carpentier a plurality of 265 votes, or more than two to one over Mr. Farrelly the highest opposing candidate, and a clear majority of 73 over both Farrelly and Holliday.

The most important charges on which evidence has been taken, are that the vote at the Oakland precinct was increased by fraud, and that Mr. Carpentier was a resident of San Francisco at the time of the election.

In support of the first charge, testimony has been given tending to prove, that in August last, three months before the election, there were but five hundred and twenty votes in San Antonio Township, including Oakland: it

appears that 374 votes were given in Oakland, and 212 in the precincts of of ~~San~~ Antonio Township, being five hundred and eighty six in all, and making an excess of only 66 over the number of voters found to reside there in August, previous, which excess we may reasonably suppose to be more than made up, by additions to the population, especially in Oakland, a young and thriving town.

And when we add to this natural increase of population, the fact that a large number of persons, said to be from 300 to 400, are at work in the neighboring Red woods, not included in the above calculation, and that a great number, if not a majority of them, voted at Oakland, whilst some from the Encinal and other San Antonio precincts also voted at Oakland, there remains no reason for doubting that the votes in Oakland precinct were honestly cast by qualified Electors.

In support of this charge, the contestant also introduced testimony to show, that one John McConky voted near the close of the polls, and that about 100 votes appear to have been received according to the poll list after he had voted: to rebut this, Mr. McConky himself swears, that he voted about 2 o'clock, and before going to San Francisco on that day.

Other testimony was given, to establish that the inspectors fraudulently deposited a ballot for Mr. T. A. Brown against his will.

To rebut this allegation, Mr. Brown himself appeared before the Committee and satisfactorily explained the circumstance, fully exonerating the inspectors from all blame or intention to control his vote.

Without the testimony of Mr. McConky, as to the time of his voting, and even if it were established that all the votes on the poll list, after his name were fraudulent, still Mr. Carpenter would have 150 majority of legal votes, and his election would not be affected by the fraud, if committed, which under the testimony of Mr. McConky the committee cannot believe to have been.

As to the residence of Mr. Carpenter, we have no evidence of his residing elsewhere than in Contra Costa County, except the expression of a belief on the part of one witness, whilst on the other hand, the County Clerk of Contra Costa County, testifies that Mr. Carpenter has been an acting Notary Public, and generally considered to be a resident of Contra Costa County for one or two years past, and the official certificate of the Sheriff, of the service of the notice of this contest, states Oakland to be Mr. Carpenter's usual place of residence.

Another point was raised during the investigation before the committee, on which they received evidence in regard to an irregularity occurring at La Ruse precincts in San Antonio Township.

The irregularity consisted in returning the name of Mr. Carpenter as receiving ten votes without stating that they were for the office of member of Assembly. But the committee considers that the evidence clearly shows that the board of county canvassers, properly canvassed those votes for the Assembly, and even if those votes had been rejected the result would not have been varied or affected, as Mr. Carpenter would still have had over two hundred and fifty majority.

The other causes of complaint which relate to irregularities occurring at the Oakland polls, we do not find, from the verdict, to have been occasioned by design or fraud, but merely by accident.

Many of the allegations in the testimony produced by the contestant have been fully explained by the witnesses for Mr. Carpentier, while other charges seem to have been made upon vague opinions, in support of which no substantial facts were shown by the contestant; considering the large majority which Mr. Carpentier received, being more than two to one over his highest adversary, we conceive that it would be unjust to him and his constituents to refuse him a seat in this House.

The committee therefore recommend the passage of the following resolution :

Resolved, That Horace W. Carpentier, member of Assembly from Contra Costa county, is entitled to retain his seat in the Assembly.

JESSE BRUSH,
PATRICK CANNEY,
CHAS. FAIRFAX,
GEO. H. BLAKE.

[Document No. 30.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MINORITY REPORT
OF THE
COMMITTEE ON ELECTIONS
IN CASE OF
CLARKE vs. CARPENTIER.

[GEORGE KERR, STATE PRINTER.

MINORITY REPORT

OF THE

COMMITTEE ON ELECTIONS.

The undersigned, of the Committee on Elections, to whom was referred the matter of T. J. Clarke, a qualified elector, and attorney for R. T. Farrelly, contesting the seat of H. W. Carpenter, as a representative from Contra Costa county, beg leave to report as follows:

They find the following grounds of contest set forth by the contestants: That there was mal-conduct on the part of the Board of Judges, and Inspectors and Clerks at the precincts and polls held in the township of Contra Costa, (or Oakland,) in this--that after the closing of the polls and before the counting of the votes, the ballot-box was removed from the house in which the election was held, by the said Judges, Inspectors and Clerks, and was detained from said house for more than one hour; that the said officers did not count the ballots in a public manner, but in a manner to preclude those who were present from seeing the ballots counted; that there are fictitious names on the poll list returned to the County Clerk's office; and that there were not the number of votes polled at said election as purports to have been and were returned on said list and counted.

Your committee find the following facts established by the witnesses called on behalf of the contestants; that the ballot box was carried off by some of the officers of election, at dinner time, and detained in their possession for over an hour, and that the same occurrence took place after the closing of the polls at sundown; and also that the manner of counting the ballots was such as to preclude all others than the officers of election from seeing and examining as to its correctness; other irregularities are also testified to by the witnesses.

As to the charge that a greater than the legal number of votes were returned from the Oakland precinct, it is testified by the census agent of the county, who took the census of that township about two months and

a half preceding the election, that there were about one hundred and thirty legal voters residing within its limits. A number of other witnesses estimate the legal vote of that township at about one hundred and fifty. The number of votes returned from Oakland or Contra Costa township is 377. It was testified by three of the witnesses that one of their number, L. J. Hardy, voted at about 3 o'clock P. M., and his name appears on the poll list as number ninety-four. It is hardly probable, if possible, that two hundred and eighty votes were polled between that hour and sundown, in a precinct so sparsely settled. Some witnesses swear that one McConkey and two others voted at sundown, and were the last who did vote. McConkey's name appears on the poll list as number two hundred and sixty-one. The poll list was brought before the committee by the County Clerk, upon examination of which your committee find that the one hundred and thirteen names which follow McConkey's, are written on a separate sheet, in a different manner than the others, in a different handwriting, and from its defaced and blotted condition, the inference seems a just one, that these names were hastily written and the sheet folded or rolled up before the writing of the greater part of the names was dry—a circumstance that could not possibly occur with the usual and necessary delay in recording the names of the voters.

It is also testified by two witnesses, that the officers of election declared at the closing of the polls, in reply to a question from a by-stander, that the whole number of votes polled was two hundred and sixty eight. It is also testified by three or four witnesses, that two of the three men who voted last, voted white (Farrelly) tickets; and it is further testified that upon the opening of the ballot box no white tickets were visible, but that there was on top a compact layer of yellow (Carpentier) tickets, the counting of which lasted for two hours before a white ticket was reached.

The defendants have adduced numerous witnesses whose testimony went partly to the merits of the controversy, partly to the points which your committee do not consider involved in or material to the case, and partly to the credibility of some of the contestant's witnesses. Among them was Mr. McConkey, who testified that he voted at 2 o'clock on that day. The contestant replied with rebutting evidence.

This testimony is altogether inconclusive for a review here, and your committee feel themselves restricted to the simple statement that, in their conviction, the weight of the evidence is in favor of the contestant, and that the grounds of contest above set forth are fully sustained.

Your committee believe, that for the above reasons, the whole vote of Oakland or Contra Costa township should be thrown out and not considered in the returns. This being done would leave a majority in favor of Robert S. Farrelly, of forty seven votes over the incumbent, H. W. Carpentier, as a representative from Contra Costa County. But in order that the citizens of the county may have another opportunity to express their choice for representative, your committee respectfully recommend the adoption of the following resolution:

Resolved, That the seat now held by H. W. Carpentier, as a Member of the Assembly from Contra Costa county, be and the same is hereby declared vacant.

SAML FLOWER,
THOS. R. WALKER.

[Document No. 31.]

IN THE ASSEMBLY]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON INDIAN AFFAIRS.

[GEORGE KERR, STATE PRINTER.

R E P O R T

OF THE

COMMITTEE ON INDIAN AFFAIRS.

MR. SPEAKER :

Your committee, to whom was referred the claim of the petitioner, O. S. Wetherby, have had the same under consideration, and beg leave to report as follows :

1st. The claim consists of a note given by Gen. Moarhead,—in his official capacity, while in command of the Gila Expedition,—to Heath and Warner, for the sum of \$301 00, for provisions furnished his command : said note is assigned to the petitioner ; the signature of Gen. Moarhead is proven to be genuine ; and the statement is made by the petitioner, that, in conversations had with Moarhead, and with Heath and Warner, he was informed that the said supplies were furnished.

2d. A certificate of discharge given by General Moarhead to Henry Wright, a soldier in his command. The deposition of Wright establishes the fact that he was a soldier in Gen. Moarhead's command in the Gila Expedition, and that this certificate was given to him for his services as such, and that he assigned said certificate to H. Heath, and your committee believes that the petitioner is the owner of said certificate ; the certificate bears the assignment of Wright to Heath, and of Heath to O. S. Wetherby ; other testimony goes to show Wright to have been a soldier in Moarhead's command, and establishes his character as good.

3d. A certificate for services rendered Gen. Moarhead's command by the Calhoun Ferry Company on the Colorado River ; said certificate is drawn in favor of the Treasurer of the Company, and by him assigned to A. B. Moses, by him to Heath, and by Heath to petitioner. The dep-

osition of Russell Sacket establishes the fact, that the State of California became indebted to the said Ferry Company for supplies furnished and services rendered Gen. Moarhead in the Gila Expedition ; that said Moses was a member of the Company, and that the draft is a just and valid claim against the State : witnesses have also testified to the good character of all the parties ; the signature of Gen. Moarhead to all the papers is shown to be genuine ; said claim cannot be audited by the War Board, because they do not appear on the muster roll of Gen. Moarhead on file in the Treasurer's office, but the statement of the Board is given as to their validity, and we recommend the payment of the same.

P. CANNEY, Chairman.

[Document No. 32.]

[IN THE ASSEMBLY.]

[SESSION OF 1853.]

REPORT OF A PORTION
OF THE
SELECT COMMITTEE
UPON THE
EXTENSION OF THE WATER FRONT
OF THE
CITY OF SAN FRANCISCO.

[GEORGE J. KERR, STATE PRINTER.]

R E P O R T .

MR. SPEAKER:—

The committee, to whom was referred that portion of the Governor's Message relating to *The Beach and Water Lot Property of San Francisco*, beg leave respectfully to report—

That they have had the subject under consideration several weeks;— during which time they, in pursuance of their investigation, visited the city of San Francisco, and while there, sat for three days in joint session with a committee of the Senate, for the purpose of hearing whatever testimony might be offered in the premises.

Many persons voluntarily pressed forward to give evidence; and the views of the greater number who offered themselves, were averse to any action by the Legislature. This aversion developed itself in the assertions,

1st. That the harbor of San Francisco would be ruined if it were extended six hundred feet further into the bay, the shipping thrust into the winds, and the anchorage rendered insecure: and

2d. That to drain the proposed extension, it would be requisite to raise the grade of the city several feet, to the great detriment of property and at an immense cost to its citizens. In addition to this, it has been objected—

3d. That the State has no right to extend the city any further into the bay than East street; that by the Act of March 26th, 1851, it declared that a line—of which East street was the eastern extreme—“*should be and remain a permanent water front of said city;*” and that this Act conferred upon the property in the vicinity of this line rights and conditions, of which said property could not be divested by any alteration of the boundary, without impairing the obligation of contracts and a consequent infraction of the Constitution.

Your committee have carefully examined all these propositions; but before proceeding to their discussion, they do not find that the objectors, if they fail to establish them, are justified in expecting the Legislature to refrain from action in the premises to the sacrifice of the interest of all the counties of the State.

The area in question is of immense value; it has been refused by the

city of San Francisco, and now that the State finds herself overwhelmed with debt, it seems due to the remaining counties, which share the load, that she resume her jurisdiction over the said area, and institute some measure which may make it conduce to the liquidation or reduction of the common burden.

This latter desideratum should only be controlled by the consideration, whether the proposed extension of the water front of San Francisco will injuriously affect the general interests of the city and State. And your committee will take this opportunity to say, they do not include in this consideration the complaint which they have heard of, that the large creation of new lots by the proposed extension will reduce the price of city property. We respectfully submit, that it is not the policy of a State which desires population, to limit or lessen the quantity of property within its borders, in order to enhance the prices of land beyond general acquisition. High prices are not comprised in the obligation of contracts, nor included among the guarantees of the Constitution. The public interest is the other way; and in this respect the city may benefit more largely even than the State by the proposed extension; for, in addition to the settlement it would invite within its borders, the amount of its saleable property would be so greatly increased that every tax payer, large and small, would experience an immediate relief.

This is in itself a sufficient motive to induce every citizen, not selfishly interested to the contrary, to desire the accomplishment of the "Extension."

THE HARBOR.

The question of the effect which the proposed extension would have upon the harbor, is, in the opinion of your committee, of a purely practical nature, and directly amenable to the judgment of every intelligent man in the community.

In this respect your committee do not propose to relinquish their opinions to those of any professional class whatever. They see for themselves, that the entire of the Bay of San Francisco is a harbor; and it is within their own observation that, at all seasons of the year, vessels of the first class, containing valuable cargoes, prefer to anchor at distances varying from three hundred feet to a mile from the shore. While conflicting with the adverse mass of professional objections, we have the testimony (as recently taken before a committee of the Senate) of one of the oldest harbor-masters of San Francisco, and of the Surveyor-General, (the highest authority of the State on this branch of the inquiry,) that the "Extension" can be made without impairing the anchorage and without injury to the harbor. Common sense, experience and daily demonstration go hand in hand with this; while with the opposition, is associated the exploded forebodings which once threatened destruction to the harbor should the water limit be extended beyond Front street, and which has persistently predicted the same ruin (and with an equal parade of science) at every new step of its outward progress.

From the best evidence on the subject, therefore, as well as upon their own observations and experience, your committee are of the opinion that

the water front of the city of San Francisco may be indefinitely extended without injury to the harbor ; and that an extension of six or eight hundred feet, on a proper plan, will be a great improvement to the harbor, and can be made highly beneficial to the commerce of said city and State.

They are the more convinced of this from the irregular and predatory manner in which said front is now being extended by capricious and desultory enterprise. Already private parties have, without warrant, extended wharves several hundred feet into the area of the proposed extension ; and unless some plan be speedily adopted by the State to give and secure a consistent and systematic front to San Francisco, the harbor will be really impaired and the dockage utterly ruined.

THE GRADE.

The second objection put forward to the proposed extension, is on the subject of the alteration which it will require of the grade of the city of San Francisco ; but your committee do not regard the assertions and testimony on this subject as ingenuous or correct.

According to the testimony of the Surveyor General, the old grade at Battery street has always been five feet too low ; it was established so low because of the high price of lumber in 1849, when the grade was made ; and he further says, that the proposed extension will not add a single necessity for a new grade.

On this point, your committee respectfully report, that some of the testimony heard by them in San Francisco was preposterous in the extreme. A flat of six hundred feet will certainly not back up any of the water of the bay into the city. The only part affected in the way of grade will be the extension itself ; and according to established rules of science, a special grade can be made for that, if desirable, at the rate of ten inches to the hundred yards ; making a gradual elevation of fifteen inches to the centre, with an inner sewer for the draining of the first plane, and the bay for the draining of the second. Thus is disposed of the bugbear of the grade ; and the headlong testimony that an extension of the city front six hundred feet would require Montgomery street to be raised to the level of the roof of Davidson's Bank, ranks with the assertion, that the advance of that front six hundred feet nearer to the east, would thrust the shipping of the harbor into the terrible region of the southeast winds.

Your committee are therefore content to leave this branch of the subject with the remark, that while an extension would not of itself make any alteration of the grade of San Francisco necessary, it ought to be welcome to the city, if it were the cause of enforcing an alteration that has been a necessity ever since the present grade was established.

DOMAIN OF THE STATE.

The objection, that by the Act of March 26, 1851, the State concluded itself from any further alteration of the water boundary of San Francisco, and, *by inference*, conferred certain positive rights upon property adjacent

to that line, is, as your committee finds, the main argument relied upon by the objectors in the premises, against the re-exercise of any jurisdiction over the area of the proposed extension by the State. This, however, your committee regard as the least tenable, and most easily refuted point of all. No principle is better settled, or more familiar to all men of public information, than, that the right of eminent domain over all land under navigable water belongs to the State in which it lies. The shores of such water and the lands under them, were expressly reserved to themselves by the States, at the time of their forming the Constitution of the United States; and in recognition of this doctrine, the Supreme Court of the United States (in the case of Pollard vs. Hagan et al., in 3d Howard's Reports,) have used the following language: "The right of eminent domain over the shores and soils under the navigable waters, for all *municipal* purposes, belongs exclusively to the States within their respective territorial jurisdictions; and they only have the constitutional power to exercise it."

Under this right of eminent domain, the State of California, at the intercession of the citizens of San Francisco, extended, by an Act of March 26, 1851, the water front of said city from Front to East Street; making conditions, that said city in consideration thereof, should keep the space in front of said line, clear and free from all obstructions to the distance of five hundred feet, and concluding with the especial reservation "*that nothing in that act should be construed as a surrender by the State of its rights to regulate the construction of wharves, OR OTHER IMPROVEMENTS, so that they shall not interfere with the shipping and commercial interests of the Bay and Harbor of San Francisco.*" This Act plainly did not limit and involve the rights of the State beyond East Street, but only restricted and bound the city, in evidence of which we find that the State on the first of the following month of May, by what is known as the Second Water Lot Act, exercises the powers thus reserved, by granting to the City of San Francisco the franchise to construct wharves to the distance of six hundred feet beyond the limits prescribed to her on the 26th March.

The character of the Act of March 26th, therefore, is not to be misunderstood. At the time it was made, the City was *begging*, and the State *granting*. The State therefore was not limiting itself *but binding the city*. The words "shall be and remain a permanent water front" are consequently words of *limitation and restriction* against the city. It is merely a *political* boundary or demarcation, as between City and State, declaring strictly that the city may go so far and no farther. For the correctness of this construction no references are needed. On the subject of Legislative grants it has been decided again and again by the Supreme Court of the United States, "that in such grants nothing shall be taken by *implication* as against the State; and no right or power is given or surrendered by the State except such as is expressly designated." Least of all then can it be assumed that the State, in addition to relinquishing all jurisdiction over her domain beyond the line of East Street, by the Act of 26th March, 1851, invested by that Act, property in the vicinity of that line with certain positive rights of which it cannot be divested.

Such a proposition is absurd. When a man buys property, he buys it subject to all proper public improvements on the part of State or City. His vested and positive rights lie within the boundaries of his lot. Streets may

be cut through it, sewers constructed near it, slips opened or closed in front of it, or buildings put up alongside. The revised laws of the State of New York, in vol. 2, p. 145, give the general doctrine on that subject.

The State, the admitted and undisputed controller of tide waters, by an Act of 1813, confers upon the City of New York the right to fill all lots upon its front as it shall deem expedient, and to compel the proprietors of such lots to make suitable bulkheads adjoining or opposite such lots." It further empowers said city "to fill up, alter and amend all public slips in said city, at such times and in such manner as they may deem proper."

Here is no provision for the consent of owners of the adjacent property; indeed, the only notice that is taken of them at all by the State which confers the power, is to oblige them to contribute to the expense of the redemption of the land, and improvements of the front in their vicinity. Under this established rule, the entire front of the City of New York has been frequently extended. Within the last few years, James Slip, Peck Slip, Burling Slip, Old Slip, Coffee House Slip, and other Slips on the East River side, have been filled in, and the front of the city extended in that direction several hundred feet.

On the North river side similar alterations have frequently been made, and during the last two years, that large portion of its western front lying between the Battery and Cedar street, has been extended several hundred feet into the river, thus constructing a new street beyond Washington street, and transferring the water front from Washington to the new street. And very recently we have received the news that an enlargement of the Battery itself, the very bulkhead and water bastion of the harbor, had been decreed.

Nevertheless, and though commercial rights and the rights of property are tolerably well understood in New York, we have never heard of any protests against these acts (although all of them have met with strong opposition) on the score of the rights of property in a *permanent water front*. That novel doctrine is the peculiar invention of the owners of water lots in San Francisco. It was never heard of before, and the history of all the maritime cities on the face of the earth, every one of which has had frequent cause to alter and extend its water front, condemns it as a preposterous pretension, and one more befitting the mouth of an auctioneer, than of a grave objector to the paramount powers of a State.

We assume therefore:

1st. That the State of California did not, by the Act of March 26, 1851, which extended the limits of San Francisco to East street, relinquish its right to make improvements upon property beyond that line, but especially asserted and reserved that right; and

2d. That she exercised that reserved right on the 1st May following, by conferring upon the city of San Francisco the privilege of constructing wharves six hundred feet beyond the line of East street, and by investing her with the valuable franchise *to levy and collect wharfage* thereupon.

ADVERSE CLAIMANTS.

The Act of May 1st, therefore, is a specific grant governing all the proposed slips, and controlling all the space immediately beyond it in the bay;

for it is essential to the character of a wharf that it should have harbor room, both beside and in front of it. The Act relating to this matter consists of a bill of two sections concerning the beach and water lot property, the first section of which confers upon the city of San Francisco the franchise above alluded to, by way of improving the outer boundary of said property, and the second of which was intended to settle the conflicting titles to portions of the area within it. The first section of this Act is entirely independent of the second, (though relating to the same subject,) and being accompanied, as it will be seen, by no conditions, the franchise to build said wharves, the privilege to take toll, and the right (in order that said privileges might be enjoyed) to have said slips remain open and the adjacent waters kept free from obstruction, vested at once in said city, and became a portion of its most valuable pecuniary possessions.

Your committee find, however, that soon after the city of San Francisco came into possession of said franchise to construct wharves and collect wharfage, a judgment was obtained against her by one Doctor Peter Smith, for the satisfaction of which judgment the sheriff of said city proclaimed its property for sale, and among other of its property, offered for sale at public auction said franchise to construct wharves and take wharfage. This franchise was therefore bought in a regular manner by various citizens of San Francisco, and it is the opinion of your committee, (and was likewise the admitted opinion during a recent debate in the House on the subject of the repeal of this very Act,) that said franchise passed on that occasion, by virtue of said sale, into the hands of the purchasers thereof.

Your committee, therefore, have met with two classes of objectors to any interference on the part of the State with the area beyond East street. 1st—The city of San Francisco objects, on the pretension that the Act of March 26th, 1851, was a relinquishment by the State of her power to alter or amend the city front beyond that line; and 2d—The purchasers at the sheriff's sale object, on the ground that the franchise which they hold and which passed from said city to them, includes the right to have the slips of the indicated area remain open, and the water space in front kept clear and free from all obstructions.

From both of these classes of objectors your committee have received remonstrances; and from the latter, proposals of arrangement by which the State may be relieved of the trammels of their franchise and allowed to resume its jurisdiction in the premises. Your committee are also informed that there are other adverse claimants who assert both legal and equitable titles to large portions of said property or rights therein, all tending to great confusion and production of almost endless litigation, retarding improvements of an essential and valuable character that would otherwise be put upon said property.

With a view, therefore, to settle finally all vexed questions connected with this property, to throw the same open to individual ownership, and thus add to the general prosperity of the city and State, your committee have thought advisable to prepare a bill, which they herewith present, providing means by which the whole subject matter may be referred to a commission and disposed of satisfactorily and beneficially forever to city and State.

Your committee do not feel called upon to enlarge on the advantages

which may be made to accrue to the State by the adoption of this, or of any other bill, which will enable it to liquidate the indebtedness which now weighs so heavily upon every county, and so depresses public credit.

Apart from its consideration as a financial measure, however, we have no hesitation in saying that we believe that an extension of the harbor of San Francisco will be a wise act of commercial policy; that it will be a benefit to both city and State; and that it is imperatively demanded by the prospects of a maritime greatness, which will soon comprise the supremacy of the Western Ocean.

It is idle to suppose that the harbor of a city with such a destiny before it, will remain confined within its present meagre limits; and weak to pretend that such a span of front will be equal to the demands of future commerce. Within ten years, doubtless, San Francisco will be the depot, by railroad, of the overland commerce of half the world; and we think we, ourselves, may see the day—perhaps not very distant—when her immense line of wharves will stretch into a front of miles; and forests of shipping, nestling safely within their sheltered coves, proclaim the successful competitor for the commercial diadem of the world. It may then well be said with a smile of incredulity, if not of a lesser sentiment—“There were those who ten years ago contended that the harbor of San Francisco should never stretch beyond the headlands of Clark’s and Rincon Point, nor extend its line beyond the inner curve of yonder cove!”

All of which is respectfully submitted.

JESSE BRUSH,
GEO. W. BLAKE.

R E P O R T

OF

S E L E C T C O M M I T T E E .

The Select Committee appointed to examine into the expediency of extending the Water Front of the City of San Francisco, beg leave to Report :—

That in discharge of the special duties confided to them, they have taken a body of testimony which is herewith submitted, and upon a full consideration of the facts elicited, as well as of the principles of law applicable to them, they are of opinion that the extension of the existing eastern Water Front of the City of San Francisco would be both inexpedient and illegal.

In discussing the expediency of the measure, we have necessarily been drawn into the consideration of its effect upon the general interests of the State at large, upon those of the City of San Francisco, as well as of private citizens, and upon the character of the government of the State for good faith and prudence, and integrity of legislation.

A safe and commodious harbor is one of the most inestimable jewels of a State, especially of one like ours, whose interests are inseparably connected with the prosperity of commerce and navigation. This proposition needs neither argument nor illustration. But we are convinced that the Water Front of the City is already extended to the extremest point consistent with the safety of shipping lying in the harbor, and that even now much of the shipping is deprived, in gales from the southeast and northwest, of the protection naturally afforded by the projecting headlands of Rincon and Clark's Points. It would be much easier to demonstrate that the Water Front is already extended too far into the Bay, than that it could be any farther projected, without the most disastrous consequences to the shipping interests of

the City and State ; while it is perfectly certain that the existing slips of the city can be preserved only by an early recourse to constant dredging, and to the erection of large and expensive bulk-heads. It is, also, very doubtful whether the erections which would be necessary to insure any ordinary degree of security to shipping lying in the harbor, in case of the proposed extension, are within the compass of all the public or private capital which could be obtained for such an investment.

The injuries which would thus result to the general commercial interests of the State, would fall with a peculiar force upon the City of San Francisco, for her interests are entirely and purely commercial. If commerce stagnates, she is paralyzed ; if it is depressed, she sinks with it ; if it is destroyed, she must participate in its ruin. The City of San Francisco has no other resources than those of commerce, but her interests are not, for this reason, less identical with those of the whole State, for her commerce is that of the State. Were it possible that a desire existed in any quarter to inflict a blow upon the prosperity of our commercial metropolis, still well regulated interest would forbid its gratification, and even stimulate an enlightened legislation to foster the interests and protect from further encroachment the natural advantages of our most valuable sea port.

If the consequences of the proposed extension would be thus prejudicial to the general interests of the State and City, to private individuals they would be eminently disastrous. It is a fact sufficiently well known, independently of our statute book, that the property situate on the eastern front of the City of San Francisco has become the subject of private ownership. It is now distributed among a large number of persons, who have invested their earnings in it, many of whom have thus invested all that they possess. Much of it has been filled in with solid earth, upon which have been erected buildings of brick, stone and iron, of the most substantial, tasteful and expensive kind ; and the construction of wharves, streets and sewers has proceeded with an equal pace with other improvements. But all these investments and improvements were thus made by individuals under a feeling of security engendered by their confidence in the guaranties of the State legislation. They were made upon streets laid down upon a map which had been adopted and legalized by the State. They were made in reference to the near proximity of a water front which had been accurately traced by the finger of State legislation, and which the audible voice of a sovereign State had solemnly declared should "be and remain permanent." They were made conforming to grades of streets fixed by the Common Council, under a law enacted by the assembled wisdom and integrity of the State. They were made upon the border of an accessible harbor, which the Legislature had declared should remain open and free from obstructions. The withdrawal of these guarantees and declarations, on the part of the State, by the extension of the water front, could not fail to be ruinous to the property holder. The value of most of these lots consists in their proximity to the present water front and harbor, but these will then be removed to a distance and made comparatively inaccessible. The sewers will be useless, the grades of the streets must be raised from five to twenty feet, in order to secure a drainage ; every building now erected on the most valuable commercial streets will be depressed below the new grades, and one will even be compelled to descend below the level of the street to enter the second story of

some of the most valuable buildings already erected. Millions of dollars would not defray the losses which the consequent alteration of the grades of the streets would of itself cause to private citizens; and its effect upon the city of San Francisco, in its municipal and corporate capacity, would be a complete and hopeless bankruptcy. The whole resources of city taxation for a long series of years would be entirely inadequate to defray that portion of the expense of changing the grades of the streets, which would fall upon the city as a municipal corporation.

Any one of the preceding considerations is sufficient to justify the conclusion that the proposed extension of the water front is inexpedient. It would be inexpedient if it were merely hurtful or dangerous to the commerce and navigation of the Port of San Francisco. It would be inexpedient if it were prejudicial only to the interests of the commercial metropolis of the State. It would be inexpedient for the single reason that it would be ruinous to a large class of private citizens, for the proper attributes of government are of a paternal and beneficent character, and it is always inexpedient for a Legislature to enact a cruel and oppressive wrong. But above all, it is inexpedient because it would strike a fatal blow at the credit and character of the State. Good faith and integrity are a large part of the capital of a sovereign State. These constitute her claims to respect and estimation among the community of nations, and these are even capable of appreciation as among her most available pecuniary resources; for whereas individuals pledge their property as security for the performance of their engagements, a sovereign State merely pledges its faith. But what would be the condition of a State that violated its faith plighted to its own citizens? And not to its own citizens merely, but to citizens of every civilized nation upon earth, who have come hither, bringing their treasures to add to the aggregate wealth of the State, by investing them in this property, under pledge of the integrity of legislation, and of the hitherto unsullied good faith of the sovereign State of California?

Thus far, the question has been discussed as a mere matter of expediency, and as if the Legislature had the full power to make the proposed extension. But we are of opinion that the Legislature has not this power, and that a law passed for this purpose would be illegal, unconstitutional and void. Among the restrictions imposed upon State Legislation by Art. I., Sec. 10, of the Constitution of the United States, it is provided that "no State shall pass a law impairing the obligation of contracts." The proposition that the grant of a vested right, whether made by an individual or by a State, is a contract of the most indefeasible character, needs only to be stated to be received without contradiction. Such a grant is of itself a contract that the party making it will not attempt to revoke it, and that he will not attempt to disturb his grantee in the possession of the thing granted. Over grants and contracts of this kind, the Supreme Court of the United States have always extended the ample shield of the Constitution to protect them from the attacks of State Legislation, nor have they allowed a sovereign State to divest rights once vested under a legislative grant, even under the plea that the grant was obtained by fraud.

Applying this familiar principle, which in American law has become an elementary one, to the matter under discussion, we find that on the 26th day of March, 1851, the State of California, by a legislative grant, to be

found in the Laws of that year, Chap. 41, at page 309, Sec. 2, granted and confirmed to individuals, and to the city of San Francisco, for the period of ninety-nine years, the use and occupation of certain lands therein described, as the same were laid down upon a map adopted and legalized by the first section of that Act. These lands were situated between high-water mark and the line known as the present water-front, and in that Act are designated as Beach and Water Lots. A reference to the map thus legalized and made official, will show that the lands thus granted were bounded on the east by the harbor of San Francisco, and thus, by a familiar principle of law, the State forever bound itself to its grantees to keep that harbor as such. But this important matter was not left subject to mere implied covenants, for the State, in the fourth section of the same Act, expressly covenanted and declared, "that the boundary line described in section first of this Act, shall be and remain a *permanent water front* of said city," merely reserving to the State, in the sixth section, "the right to *regulate* the construction of wharves and other improvements, so that they shall not interfere with the commercial interests of the Bay and Harbor of San Francisco." But, on the first day of May, then next succeeding, as will be seen by reference to the laws of 1851, page 311, chapter 44, section 1, the State, by another absolute legislative grant, relinquished its reserved right of regulating the construction of wharves and other improvements outside of the permanent water front, and granted to the city the right of constructing such wharves, extending two hundred yards beyond that water front, at the foot of all streets connecting with the bay; and again, expressly covenanted, that "the space between said wharves, when they are extended, which is situated outside of the outer line of the Beach and Water Lot Property, as defined by the Legislature, shall remain free from obstructions, and be used as public slips for the accommodation and benefit of the general commerce of the city and State." That these wharves are already contracted for on the part of the city, at an expense of a million of dollars, we are credibly informed, but it is sufficient for the present purpose, that the city has a vested right to build them and derive revenue from them, which she has not forfeited by any relinquishment or non use.

Here, then, are absolute vested rights, which cannot be over-ridden by any State Legislation. The city of San Francisco, as the municipal guardian of the rights of her citizens, as well as the corporate owner of portions of the Water Lot Property, can prevent the success of such legislation, by appealing to the constitution and to the Supreme Court of the United States. Even the owner of the smallest sub-division of this property, has the same recourse, and the constitutionality of the law being brought into question, no matter in what court it is first mooted, each case will receive its final decision from the Supreme Court of the United States.

The final result of such litigation cannot be doubtful; equally certain will be the evils and intolerable oppression which will attend its slow and expensive progress. Property will be depreciated; a new complication added to the intricacy of titles; improvements will be interrupted; the investment of foreign capital will be discouraged; the minds of our citizens will be exasperated, and violent acts against the public peace may be with great reason apprehended. Nay, more, the character of the State, for sound and prudent legislation, for integrity and good faith, must inevitably suffer. To

do a wrong or inexpedient act, is to incur the penalty attached to the transgression of justice or policy ; but to attempt such an act, without the power to accomplish it, is to expose the legislative functions to the ridicule of the world. The single suggestion that the proposed extension of the eastern water front of the city cannot be legally effected, is therefore a sufficient answer to the proposition.

But in the present instance, in the opinion of the undersigned, every consideration of expediency, policy, justice and law, concurs in pronouncing against the proposed extension.

The committee desire to submit the annexed schedule as a part of their report.

JNO. T. CRENSHAW, Chairman.

SCHEDULE,

CONTAINING ELUCIDATIONS OF MATTERS OF LAW REFERRED TO IN
THE PRECEDING REPORT.

Limitation of the powers of a State Legislature. *Constitution of the United States*. Article I., Section 10. No State shall enter into any treaty, alliance or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make any thing but gold and silver a tender in payment of debts ; PASS ANY bill of attainder, or ex post facto law, or LAW IMPAIRING THE OBLIGATION OF CONTRACTS, or grant any title of nobility.

A LEGISLATIVE GRANT IS A CONTRACT.

From Judge STORY'S COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES. Sections 696, 697 and 698.

Section 696. "The remaining clause, as to impairing the obligation of contracts, will require a more full and deliberate examination."

Section 697. "In the first place, what is to be deemed a contract in the Constitutional sense of this clause ? A contract is an agreement to do, or not to do, a particular thing ; or (as was said on another occasion) a contract is a compact between two or more persons. A contract is either executory, or executed. An executory contract is one in which a party binds himself to do, or not to do, a particular thing. An executed contract is one in which the object of the contract is performed. This differs in nothing from a grant, for a contract executed conveys a chose in possession ; a contract executory conveys only a chose in action. Since, then, a grant is in fact a contract executed, the obligation of which continues ; and since the Constitution uses the general term, CONTRACT, without distinguishing between those which are executory and those which are executed, it must be construed to comprehend the former as well as the latter. A State Law, therefore, annulling conveyances between individuals, and declaring that the grantors

shall stand seized of their former estates notwithstanding those grants, would be as repugnant to the Constitution as a State law discharging the vendors from the obligation of executing their contracts of sale by conveyances. It would be strange, indeed, if a contract to convey were secured by the Constitution, while an absolute conveyance remained unprotected. That the contract, while executory, was obligatory; but when executed, might be avoided."

Section 698. "Contracts, too, are express or implied. Express contracts are where the terms of the agreement are openly avowed and uttered at the time of the making of it. Implied contracts are such as reason and justice dictate from the nature of the transaction, and which therefore the law presumes, that every man undertakes to perform. The Constitution makes no distinction between the one class of contracts and the other. It then equally embraces and applies to both. Indeed, as by far the largest class of contracts in civil society, in the ordinary transactions of life, are implied, there would be very little object in securing the inviolability of express contracts, if those which are implied might be impaired by State legislation. The Constitution is not chargeable with such folly or inconsistency. Every grant in its own nature amounts to an extinguishment of the right of the grantor, and implies a contract not to re-assert it. A party is, therefore, always estopped by his own grant. How absurd would it be to provide that an express covenant by him, as a muniment attendant upon the estate, should bind him forever, because executory, and resting in action; and yet, that he might re-assert his title to the estate and dispossess his grantee, because there was only an implied covenant not to re-assert it."

DECISIONS OF THE SUPREME COURT OF THE UNITED STATES, that a LEGISLATIVE GRANT IS A CONTRACT WHICH CANNOT BE REPEALED OR ANNULLED.

FLETCHER vs. PECK.

6 Cranch's Reports, 87.

On January 7th, 1795, the Legislature of the State of Georgia passed an Act granting certain lands belonging to the State to certain persons named in the Act.

On January 13th, 1796, the Legislature repealed the former Act, by "an Act declaring null and void a certain *usurped* Act passed by the last Legislature of this State at Augusta, the 7th day of January, 1795, under the pretended title of "an Act, &c., reciting its title," and declaring as the reason, that it was made without authority, and FRAUDULENTLY OBTAINED. The question coming up in the Supreme Court of the United States, whether the *grant* thus made by the State under the first Act could be revoked by the Legislature, the court decided that *that legislative grant was a contract within the terms of the Constitution of the United States, and that the Legislature could not alter, annul, or repeal it.*

PER MARSHALL, CHIEF JUSTICE.

"The case as made out in the pleadings, is simply this: One individual who holds lands in the State of Georgia, under a deed covenanting that the

title of Georgia was in the grantor, brings an action of covenant upon this deed, and assigns, as a breach, that some of the members of the Legislature were induced to vote in favor of the law, which constituted the contract, by being promised an interest in it, and that therefore the Act is a mere nullity."

"That corruption should find its way into the governments of our infantile republics, and contaminate the very source of legislation, or that impure motives should contribute to the passage of a law or the formation of a legislative contract, are circumstances most deeply to be deplored."

"The lands in controversy vested absolutely in James Gunn and others, the original grantees, by the conveyance of the Governor, made in pursuance of an Act of Assembly to which the Legislature was fully competent. Being thus in full possession of the legal estate, they, for a valuable consideration, conveyed portions of the land to those who were willing to purchase. If the original transaction was infected with fraud, these purchasers did not participate in it, and had no notice of it. They were innocent. Yet the Legislature of Georgia has involved them in the fate of the first parties to the transaction, and, if the act be valid, has annihilated their rights also."

"The Legislature of Georgia was a party to this transaction; and for a party to pronounce its own deed invalid, whatever cause may be assigned for its invalidity, must be considered as a mere act of power which must find its vindication in a train of reasoning not often heard in courts of justice."

"But the real party, it is said, are the people; and when their agents are unfaithful, the acts of those agents cease to be obligatory."

"It is however to be recollected, that the people can act only by these agents; and that, while within the powers conferred on them, their acts must be considered as the acts of the people. If the agents be corrupt, others may be chosen; and if their contracts be examinable, the common sentiment, as well as common usage of mankind, points out a mode by which this examination may be made and their validity determined."

"If the Legislature feel itself absolved from those rules of property which are common to all the citizens of the United States, and from those principles of equity which are acknowledged in all our courts, its act is to be supported by its power alone; and the same power may divest any other individual of his lands, if it shall be the will of the Legislature so to exert it."

"It is not intended to speak with disrespect of the Legislature of Georgia, or of its acts. Far from it. The question is a general question, and is treated as one. For although such powerful objections to a legislative grant, as are alleged against this, may not again exist, yet the principle, on which alone this rescinding act is to be supported, may be applied to every case to which it shall be the will of any Legislature to apply it. The

principle is this : that a Legislature may, by its own act, divest the vested estate of any man whatever, for reasons which shall, by itself, be deemed sufficient."

"In this case the Legislature may have had ample proof that the original grant was obtained by practices which can never be too much reprobated, and which would have justified its abrogation so far as respected those to whom crime was imputable. But the grant, when issued, conveyed as estate in fee simple to the grantee, clothed with all the solemnities which law can bestow. This estate was transferrable ; and those who purchased parts of it were not stained by that guilt which infected the original transaction. Their case is not distinguishable from the ordinary case of purchasers of a legal estate without knowledge of any secret fraud which might have led to the emanation of the original grant. According to the well known course of equity, their rights could not be affected by such fraud. Their situation was the same, their title was the same, with that of every other member of the community who holds land by regular conveyances from the original patentee."

"Is the power of the Legislature competent to the annihilation of such title, and to a resumption of the property thus held ?"

"The principle asserted is, that one Legislature is competent to repeal any Act which a former Legislature was competent to pass, and that one Legislature cannot abridge the powers of a succeeding Legislature."

"The correctness of this principle, so far as respects general legislation, can never be controverted. But, if an act be done under a law, a succeeding Legislature cannot undo it. The past cannot be recalled by the most absolute power. Conveyances have been made,—those conveyances have vested legal estates ; and, if those estates may be seized by the sovereign authority, still, that they originally vested is a fact, and cannot cease to be a fact."

"When, then, a law is in its nature a contract,—when absolute rights have vested under that contract,—a repeal of the law cannot divest those rights ; and the Act of annulling them, if legitimate, is rendered so by a power applicable to the case of every individual in the community."

"The Constitution of the United States declares that no State shall pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts."

"Does the case now under consideration come within this prohibitory section of the Constitution ?"

"In considering this very interesting question, we immediately ask ourselves, What is a contract ? IS A GRANT A CONTRACT ?"

"A contract is a compact between two or more parties, and is either

executory or executed. An executory contract is one in which a party binds himself to do, or not to do, a particular thing; such was the law under which the conveyance was made by the Government. A contract executed is one in which the object of contract is performed; and this, says Blackstone, differs in nothing from a grant. The contract between Georgia and the purchasers was executed by the grant. A contract executed, as well as one which is executory, contains obligations binding on the parties. A *grant* in its own nature *amounts to an extinguishment of the right of the grantor, and implies a contract not to re-assert that right.* A party is, therefore, always estopped by his own grant."

"Since then, in fact, a grant is a contract executed, the obligation of which still continues;—and since the Constitution uses the general term contract, without distinguishing between those which are executed and those which are executory, it must be construed to comprehend the former as well as the latter."

"If, under a fair construction of the Constitution, grants are comprehended under the terms contracts, is a grant from the State excluded from the operation of the provision? Is the clause to be considered as inhibiting the State from impairing the obligation of contracts between two individuals, but as excluding from that inhibition contracts made with itself?"

"Whatever respect might have been felt for the State sovereignties, it is not to be disguised, that the framers of the Constitution viewed, with some apprehension, the violent acts which might grow out of the feelings of the moment; and that the people of the United States, in adopting that instrument, have manifested a determination to shield themselves and their property from the effects of those sudden and strong passions to which men are exposed. The restrictions on the legislative power of the States are obviously founded in this sentiment; and the Constitution of the United States contains what may be deemed a bill of rights for the people of each State."

"It is, then, the unanimous opinion of the court, that, in this case, the estate having passed into the hands of a purchaser for a valuable consideration, without notice, the State of Georgia was restrained, either by general principles which are common to our free institutions, or by the particular provisions of the Constitution of the United States, from passing a law whereby the estate of the plaintiff in the premises so purchased could be constitutionally and legally impaired and rendered null and void."

THE STATE OF NEW JERSEY *vs.* WILSON.

7 Cranch's Reports, 164.

The Legislature of the Colony of New Jersey, on August 12th, 1758, passed a law authorizing the purchase of lands for certain Indians, restrains them from granting leases or making sales, and enacts "that the

lands to be purchased for the Indians aforesaid *shall not* hereafter *be subject to any tax.*"

Afterwards, the Legislature of the State of New Jersey passed a law authorizing the Indians to sell these lands.

Afterwards, in October, 1804, the Legislature *repealed* that section of the Act of August, 1758, which exempted the lands therein mentioned from taxes. The lands were then assessed and the taxes demanded. The owners of the lands refused to pay, and the case came into the Supreme Court of the United States, upon the question, whether the State could repeal the Act exempting the lands from taxation.

The court decided—Marshall, Chief Justice, delivering the opinion—that *the Act* exempting the lands from taxation *was a contract*, which could not be rescinded by subsequent legislation; and that "the Act of repeal was repugnant to the Constitution of the United States, inasmuch as it *impairs the obligation* of a contract, and *is, on that account, void.*"

See also to the same effect the cases of

THE TRUSTEES OF DARTMOUTH COLLEGE *vs.* WOODWARD.
4 Wheaton's Reports, 518.

GREEN *vs.* BIDDLE. 8 Wheaton's Reports, 1.

TRUSTEES OF WATERTOWN *vs.* COWEN. 4 Paige Rep. 510.

WALWORTH, CHANCELLOR, decides that "where the owners of land in a city or village lay out such lands into lots, with streets and avenues intersecting the same, and sell the lots with reference to such streets and avenues, they cannot afterwards deprive their grantees of the benefit of having such streets and avenues *kept open*; and the same principle is applicable to a similar dedication of urban lands to be used as an open square or public walk."

When the owner of lands *grants* or conveys *them by reference to a map* on which a portion of said lands are laid out for public use, such lands so laid out are to be considered as *dedicated* to the *public*.

LIVINGSTON *vs.* THE MAYOR OF NEW YORK. 8 Wendell, 85.

MATTER OF LEWIS STREET. 2 Wendell, 472.

MATTER OF SEVENTEENTH STREET. 1 Wendell, 262.

In the case of the CITY OF CINCINNATI *vs.* THE LESSEE OF WHITE, 6 Peters, 432, the Supreme Court decide, in relation to lands so dedicated, that "after being thus set apart for public use, and enjoyed as such, and individual rights acquired with reference to it, the law considers it in the nature of an *estoppel in pais*, which *precludes the original owner from re-voaking such dedication.*"

BREED & DENNIS vs. CUNNINGHAM & POTTER.
 Supreme Court of California.

BY MURRAY, CHIEF JUSTICE.—The Court rendered a decision in favor of defendants as follows: “This action is brought to restrain the defendants by injunction from filling up the space between the north side of Market street wharf and the north line of Market street, and to recover damages for the partial filling of the same. The proofs show, that on the 28th of March, 1851, the Commissioners of the Sinking Fund on behalf and as Trustees for the city of San Francisco, entered into a contract with the plaintiffs, whereby the plaintiffs were granted the exclusive use and right to Market street, commencing on the east side of Front street and extending out into the Bay to the termination of Market street, as laid down on the map of the city, for the purpose of constructing a wharf, with the right to levy and collect tolls, wharfage, &c. This contract was confirmed by the Legislature on the 29th of April, 1851. The plaintiffs proceeded to construct the wharf according to the contract, leaving on either side a space within the line of Market street sufficient for the mooring of vessels. It is for the threatened filling in of this space and the consequent obstruction to the plaintiffs’ enjoyment and use of the wharf, that this action is brought.”

“Before the grant to the plaintiffs of 28th of March, 1851, the space known as Market street, on the map of the city of San Francisco, had by a series of acts, both on the part of the city and the Legislature of the State, become dedicated to the public as a public street. The Ayuntamiento, before the incorporation of the city, had sold to several persons the lots on each side of the space referred to by numbers, as they are known and marked on the map of the city; the lots on such plan or map being bounded on this space, which is named in the conveyances and laid down on the map as Market street. The Act of the Legislature of the 26th of March, 1851, usually known as the Water Lot Act, was passed prior to the grant to the plaintiffs. By this Act, the State granted and confirmed to the purchasers from the Ayuntamiento the lots so purchased, thereby becoming a party to the grants. Thus the use to the several purchasers and their successors, as well as to the public, of the space called Market street, became a vested right.”

“Where lands are laid out into lots, and are sold and conveyed as fronting on and bounded by a space which is designated on the plan and in the conveyance as a street, the use of such space as a street passes as appurtenant to the grant, and vests in the grantees, in common with the public, the right of way over such street. Such acts on the part of the grantor constitute an immediate dedication of the street, and it is out of his power to sell or dispose of the land so dedicated, or to devote it to any other purpose than that of a public street.”

“The grant, therefore, to the plaintiffs, being subsequent to the passage of the “Water Lot Act,” so far as it conflicts with rights secured under such Act, is inoperative. There must be judgment for defendants upon the whole issue.”

[Document No. 33.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MAJORITY AND MINORITY REPORTS

OF THE

SELECT COMMITTEE

APPOINTED TO VISIT STOCKTON FOR THE PURPOSE OF EXAMINING THE
GROUNDS SELECTED FOR THE SITE OF THE

S T A T E A S Y L U M

FOR THE INSANE.

[GEORGE KERR, STATE PRINTER.

MAJORITY REPORT

OF THE

SELECT COMMITTEE.

MR. SPEAKER :

The undersigned, a majority of the Select Committee, appointed to visit Stockton for the purpose of examining the grounds selected for the site of the State Asylum for the Insane, make the following Report :

Your committee found that the whole country around and about the city of Stockton and the Asylum, is flat and low ; embraced within this, is some tule land.

The general appearance of the neighborhood is as much like that of Sacramento City, in its relation to the water of the river and sloughs, as any portion of the State to which we can compare it.

Your committee would state, that the land about the Asylum is of alluvial deposit, and this fact is good evidence that, at no very long time past, the whole of the valley of the San Joaquin was subject to overflow.

Your committee would further state, that during the past winter, the water covered that part of the city lying near the main slough, which is evidenced by the water marks on and in the houses near by.

From evidences which are presented to your committee, they are compelled to the conclusion, that the ground between the city and the Asylum was almost entirely covered by the rain water, or by the water which was backed on the Hospital by the swollen condition of the San Joaquin River. This evidence alluded to, is the drift wood, &c., which is seen among the limbs of trees bordering on the slough, and immediately by the *site*. These sloughs are, at this time, narrow sheets of water, and if they remained as they are, would be no cause of objection to the location, on the part of your

committee. But your committee believe, that the appearance of the country around will not justify either of us in saying, that the location which we examined is so situated as to be beyond the probability of being overflowed, or that it is accessible at all seasons of the year.

Your committee will call to the mind of the Assembly the fact, that many parts of the valleys of the Sacramento and San Joaquin were covered with water during the past winter, which were said to be entirely above the influence of water coming either from rivers or sloughs, by the oldest inhabitants of this State.

Your committee will state, that to the south and west of Stockton, an immense tule stretches as far as the eye can reach. And your committee have been taught by theory, and learned by observation, that winds impregnated with malarious poison, when they blow from marshes, bear with them the seeds of disease, (ague and fever,) which nothing but a reclaiming of these low lands can entirely prevent. It is true, that during the summer, and all of some years, at which time these diseases prevail, that the poison is neither very virulent nor wide spread, but at other times the reverse is the case. In the opinion of the undersigned, an Asylum for any and every purpose should be located on grounds, the position of which, *admits of no doubt as to their being above the danger of overflow, or submergance* by the waters of rivers or sloughs.

Your committee will not say, that the location of the Asylum for the Insane is sickly, because they have not statistical information to justify such assertion; but they could see nothing in the neighborhood to justify them in recommending that the work which has been commenced should be completed by the State.

Your committee cannot conceive how a *sea breeze* could reach the city of Stockton, without, at least, passing over the marshes which are between this place and the said city, even if one ever goes up the San Joaquin. As to the ranges of the thermometer, your committee will say that the minority report which will be presented to the house, will contain a tabular account of the rise and fall of the mercury during the summer.

Your committee will hold themselves in readiness to answer, *verbatim*, any questions which may relate to their visit, &c., &c.

Respectfully,

T. T. CABANISS,
JOHN SIME.

MINORITY REPORT

OF THE

SELECT COMMITTEE.

MR. SPEAKER :

The undersigned, from the Select Committee of three, appointed to visit the city of Stockton for the purpose of examining the site selected by the Trustees of the Stockton State Hospital for the erection of a State Insane Asylum, has the honor to report—

That in accordance with the requirements of a resolution, adopted March 5, 1853, the committee repaired to the city of Stockton and proceeded to the discharge of their duties. The grounds selected are the most elevated in the vicinity of Stockton—the whole country in and about that place being low and flat—but from the best evidence the undersigned could obtain, the site for the Asylum is not subject to overflow.

In evidence of the healthiness of the location, the undersigned submits a few statistics from the meteorological tables for the months of July, August and September, in the years 1851 and 1852.

The tables were kept at the State Hospital, and marked regularly every day at the hours designated, by the Resident Physician, Dr. R. K. Reid.

The instruments were placed in the open air, in the shade, and with a north-western exposure :

1851. Thermometer.	JULY.			AUGUST.			SEPTEMBER.		
	A.M.	P.M.	P.M.	A.M.	P.M.	P.M.	A.M.	P.M.	P.M.
	8	2	8	8	2	8	8	2	8
Highest point,	78	98	76	70	97	73	72	88	73
Lowest point,	58	76	74	60	84	60	62	74	60
Average height,	74	92	66	63	82	61	66	80	64
1852.									
Highest point,	80	100	79	72	98	75	74	100	78
Lowest point,	64	80	70	62	86	62	54	75	50
Average height,	73	95	65	65	85	63	64	85	60

Thus, in 1851, the mercury never rose to 100 degrees, and in 1852 only six days in July, and five in September, did it reach that height, and never above it.

In 1852, the 30th and 31st days of July, the 2d of August, and 3d of September were cloudy, with a few drops of rain; the remaining days clear and pleasant, the breeze invariably from the North West.

	THERMOMETER.			BAROMETER.			WIND, RAIN, &c.
	A.M.	P.M.	P.M.	A.M.	P.M.	P.M.	
	8	2	8	8	2	8	
March 1,	50	68	58	29.75	29.67	29.57	clear, wind N. W.
2,	52	69	58	29.65	29.60	29.57	foggy, at 8 A.M.
3,	49	73	60	29.60	29.60	29.67	clear at nine.
4,	52	74	64	29.65	29.55	29.50	clear.
5,	56	76	62	29.50	29.48	29.48	"
6,	62	74	58	29.49	29.48	29.48	"
7,	56	69	52	29.49	29.49	29.48	"
8,	56	67	56	29.49	29.47	29.40	cloudy, rain 1-100 inch.
9,	54	60	50	29.35	29.31	29.35	rain, 2-10 inch.
10,	48	56	44	29.49	29.50	29.57	clear.
11,	40	56	44	29.57	29.57	29.57	"
12,	42	58	48	29.57	29.57	29.57	"
13,	44	60	50	29.60	29.57	29.57	
14,	46	62	60	29.55	29.49	29.47	61-2m. wind S.S.W. and rain 3-10 in.

For the first fourteen days in March, at 8 A. M., the thermometer only varied 22 degrees. At 2 P.M. 20, and at 8 P.M. 20; while at the same hours, and for the same number of days, the barometer only varied 40-100, 36-100 and 32-100 of an inch. The above facts prove conclusively, that the temperature of the climate is very equable, and that sudden changes and extremes of heat and cold are unknown.

The undersigned has also been informed by numerous residents of the first respectability, that during the dry season a breeze from the sea-board regularly sets in every morning, and continues till 4 o'clock, or later, P.M.

These facts, notwithstanding the flat and low appearance of the country

in and about the city of Stockton, with its tule lands, compel the undersigned to the conclusion that the site selected is a healthy position, and as such is eminently adapted to the location of the State Insane Asylum.

The only objection that obtains with the undersigned, is the fact that it is less accessible for the whole State, and necessarily involves parties conveying lunatics to that point, in greater expense than would be incurred, if the Asylum was located at some point on the Straits of Carquinez.

The foundation laid for the Asylum, commenced in accordance with the provisions of an Act of the last Legislature making an appropriation of moneys for the erection of an Asylum for the Insane at Stockton, is not, in the opinion of the undersigned, sufficiently large for the purposes of the State ; but would answer for a wing to the main building.

The material composing the foundation could be taken up and used in the further construction of the Hospital building, in process of erection, by the Trustees of the Stockton State Hospital.

The undersigned, would further add, that he was assured that any amount of land necessary for Asylum purposes would be donated, and is here able to state, that the following resolution has been adopted by the City Council of Stockton.

Resolved. That the Mayor of this city be and he is hereby instructed, to offer as a donation to the State of California, 100 acres of land to be situated in or near the city ; provided the same be used for the location of a State Insane Asylum and Hospital.

The question will probably arise, whether it will be advisable to locate the Asylum at any other point after the outlay already made by the State towards the erection of an Asylum.

The undersigned will make no suggestions in his report ; but prefers to discuss the matter, when the whole subject is properly before the Assembly, and will hold himself in readiness to impart any further information which he may possess from observation of the present condition of the works now suspended, and awaiting the action of the Legislature.

AUSTIN WING,
Chairman of Select Committee.

[Document No. 34.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON CLAIMS.

[GEORGE KERR, STATE PRINTER.

R E P O R T

O F T H E

COMMITTEE ON CLAIMS.

The Committee on Claims, to whom was referred "An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital," have had the same under consideration, and beg leave to submit the following report:

In consequence of the magnitude of the interests, as well as the principle involved in the endorsement of an Act of a Board of Officers appointed by this body to an extent not required or guaranteed by the law by which said officers were appointed, have induced your committee to examine with great care and caution the subject matter of the bill before them.

The Board of Trustees, believing themselves authorized so to act, did, in July and August last, advertise for proposals to erect a State Hospital at Stockton, and contracted for the building of the same with Luke Vickers and Wm. Saunders for the sum of \$31,880. The contractors proceeded to the execution of this contract, and, after having expended much time and money in the construction of said building, the President drew upon the Comptroller of State for money to carry on the erection of the building, which draft the Comptroller declined to audit. The consequence of this course, on the part of the Comptroller, was to check the progress of the work, and the State Hospital building now remains unfinished, after the contractors had expended about \$23,000 thereon, including material now on the ground. Without attempting a defence to the course pursued by the Comptroller, your committee feel bound to conclude, after a thorough examination of all the laws on this subject, that it was, to say the least, a stretch of authority on the part of the Board of Trustees to contract with a party for the erection of such a building at such a price, without the certainty of having a fund sufficient to satisfy the indebtedness thereby created.

Your committee are of opinion, however, that in consequence of the increasing immigration to this State, the Trustees may have believed that the Hospital Fund from that source would have been greatly increased by way of passenger Tax, and that by a more perfect administration of the laws the amount received into the Hospital Fund from Gambling and Auction Licenses, would have so enlarged the Stockton Hospital Fund, with the \$15,000 annual appropriation, to enable them to support and maintain the Hospital, and also to erect the building for which they have contracted. We are informed that but little, if any more, has come into the Fund than was necessary for the support of the Hospital.

Your committee feel satisfied that the contractors undertook the erection of said building in good faith, believing that they would be promptly paid at the compliance with the contract. They have been compelled to abandon the work for want of the means to complete the contract, at the almost total ruin of the said contractors. They contracted upon the faith and credit of the agents of the State, that prompt payment would follow the execution of the work.

Your committee would further report that they find that a donation of land has been made to said Trustees for the purpose of erecting a State Hospital and an Asylum, located within and adjoining to the city of Stockton, amounting to fifteen or sixteen acres, and now worth about \$15,000. From the best information your committee can receive, they believe that the location is admirably adapted to the purposes for which it was donated.

From the foregoing considerations, the committee have concluded that, notwithstanding they believe that the Trustees of the Stockton Hospital did exceed their authority as agents of the state in contracting for the erection of said building at a price beyond the amount they officially received, yet in consideration of the facts that the building has been contracted for and partly erected by parties relying upon the faith and credit of the State; that there were lands donated upon which to erect said building; that there was a necessity for enlarged accommodations to the inmates of said Hospital; that the building will be useful to the State as a Hospital, should the Legislature see proper to continue that system, and admirably adapted to a Lunatic Asylum, should the Hospital system be abolished.

Your committee therefore recommend that the building should be completed by the State, and that the claim presented through the bill referred to the committee should be recognized by the passage of a law authorizing the Comptroller to audit said claims, with a proviso that the contractor shall be required by bond and security to complete said building at a cost not to exceed the amount mentioned in this contract.

We ask leave to submit the following bill as a substitute for the bill referred to them, and recommend its passage.

JNO. T. CRENSHAW.
EDW'D. McKAMY.

[Document No. 35.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MAJORITY AND MINORITY REPORTS

OF

SELECT COMMITTEE,

CONSISTING OF ONE FROM EACH MINING COUNTY, TO
WHOM WAS REFERRED THE SUBJECT OF CALLING
A MINERS' STATE CONVENTION BY THE
LEGISLATURE.

[GEORGE KERR, STATE PRINTER.

MAJORITY REPORT.

MR. SPEAKER :

Your committee, consisting of one from each of the Counties of Yuba, Butte, Placer, Sacramento, San Joaquin, Calaveras, Tuolumne, Mariposa, El Dorado, Nevada, Sierra, Siskiyou, Shasta, Trinity and Klamath, appointed under a resolution of the House, for the purpose of taking into consideration and reporting upon the expediency and necessity of calling a Miners' State Convention by the Legislature, respectfully beg leave to report.

Your committee, coming from among that portion of the population who are more directly interested in this question, than any other, and, from the nature of our own avocations, having, in addition, our personal interests indirectly involved, have given this subject that mature deliberation which its importance demands. This question of a Miners' State Convention having been agitated for the past year, your committee have had extensive opportunities to ascertain the public opinion and wishes of a large majority of the people of the mining counties, not only in relation to the expediency of calling a Convention, but also of the objects sought to be attained by it.

Since the discovery of gold in this country, the Federal Government has thought proper to leave the mines free to the operations of American labor, regulated only by such laws, under the Constitution, as the people might see fit to enact.

The State, with the same confiding faith in the deep-rooted democratic tendencies of her people, has continued the same wise policy and confirmed the course pursued by the General Government. The State has gone farther—and, not knowing what laws the miners had passed or would pass, has declared by statute that the customs, usages and regulations of the miners shall, under the Constitution and Law of the State, govern the decision of the courts. This confidence in the people—unexampled in the history of the world—has not been betrayed; and California presents, at

the present time, the example of a large majority of her people regulating their own internal affairs, involving the monthly return of millions of dollars, without restraint by legal enactment on the part of the State or of the General Government.

The President, in his message of December 2d, 1851, says:—"The proper disposition of the mineral lands of California is a subject surrounded by great difficulties. In my last annual message, I recommended the sale and survey of them in small parcels, under such restrictions as would effectually guard against monopoly and speculation. But upon further information, and in deference to the opinions of persons familiar with this subject, I am inclined to change that recommendation, and advise that they be permitted to remain, as at present, a common field—open to the enterprise and industry of all of our citizens, until further experience shall have developed the best policy to be ultimately adopted in regard to them. It is safer to suffer the inconveniences that now exist, for a short period, than, by premature legislation, to fasten on the country a system founded in error, which may place the whole subject beyond the future control of Congress."

Your committee are well aware of the universal satisfaction expressed by the people of the mining counties, in the wisdom of the policy, as regards the mineral lands, expressed in this message. We believe that the inconveniences referred to, are not grievous to the people most interested, and but temporary in their nature; and that any material change in the present system would work great injury to a large number of persons, who have acquired rights and interests under it.

When it is considered that at the first a very large majority of the people laboring in the gold mines of this country were entirely unacquainted with any system of extracting the gold, and that at the present time the amount annually exported is over fifty millions of dollars, it must be conceded that the rules and regulations of miners, so far as they affect the obtaining of gold, have at least been as successful as could have been anticipated.

The mining population having full power in making all local laws in relation to mining, your committee believe that if they were dissatisfied with the system resulting from such laws, they would change it to another more suitable to their wants.

Entertaining these views, your committee are of the opinion that the wishes of the people of the mining counties will be met by the enactment of a law, which, while not violating the fundamental principles of the present arrangements, shall, at the same time, organize them into a more perfect system—by regulating the time of the enacting of the local mining laws—by providing for their record and preservation, and by giving them greater force and efficacy.

For this purpose we would recommend the passage of an Act requiring the Justices of the Peace of the several townships in the mining counties, to give notice to the people of such township, to meet on such day in each year as may be named in the Act, in such place as they may designate, for the purpose of enacting such local laws in relation to mining as they may deem proper—requiring such laws, when passed, to receive the certificate of the presiding officer and clerk of such meeting, as well as of the Justices of the Peace of such township—requiring, further, that copy of such

laws be preserved in the offices of each of the Justices of such township, and also in the office of the County Recorder of the county in which such township is situated, and making such laws, when not in conflict with the Constitution and Laws of the State, govern the decision of the courts in actions respecting mining claims in such township.

Should this be found, in its operations, to work as advantageously as is anticipated, a collection of local laws will be formed, from the principles of which general laws might be framed, satisfactory to the people most interested.

Future legislation might provide, that at the township meetings delegates should be elected to form County Conventions for the purpose, and provide for the preservation of their laws.

When this shall have been done, your committee believe the time will have arrived when a Miners' State Convention can be called, which would fully represent their various and diversified interests; and if, at that time, the class of title to mining claims, at present in force, shall cease to be satisfactory, the material will have been provided, from which some general and satisfactory system can be collated, as a recommendation to Congress for the final disposition of the mineral lands by donation or otherwise.

We believe that any plan for the calling of a Miners' State Convention, at the present time, by the Legislature, would be both inexpedient and unnecessary: because the miners, having created and adopted the present system, find it suited to their wants, and are satisfied with it;—because there is not sufficient general interest in the subject to insure a general representation of the various interests;—because the people of the mining counties fear that one great object, sought to be obtained, is a recommendation to Congress for the adoption of some system by which the miners will be required to procure a fee simple title to their claims, that they may be subject to additional taxation. The people in the mines, while willing, for the good of the State, to bear an increase of taxation on their improvements, on their personal property, and on the gold dust which is the result of their labor, they believe it to be unjust to tax their labor in prospect before it has been performed, and its results ascertained, as would be the case should their claims be taxed for their supposed value: they believe it right, and are willing to be taxed for their gold dust, after it has been obtained; but to tax their labor in procuring it, before such labor is performed, they consider equivalent to taxing the farmer for the value of the proceeds of his crop, as soon as planted, or the owner of a forest for the value of the ships that might be built from its timber.

We believe that at the present time they do not desire a Convention called by the State; they do not wish to be brought before the people, as having separate or adverse interests, and as asking for special legislation.

Your committee would respectfully offer the following resolution, and urge its adoption:

Resolved. That the Select Committee of one from the mining counties be requested to prepare and present a bill, having for its objects the regulation of the time of the enactment, or repeal, of local mining laws, providing

for the record and preservation of such laws, and making them, when passed, binding upon the courts, in all actions respecting mining claims.

All of which is respectfully submitted.

BENJ. B. REDDING, Yuba,
 Chairman.
 PATRICK CANNEY, Placer ;
 T. T. CABANISS, Shasta ;
 J. H. ESTEP, Sacramento ;
 AUSTIN WING, El Dorado ;
 J. McMAHON, Klamath ;
 R. G. READING, Trinity ;
 W. P. OLIVER, Calaveras ;
 THOS. WELLS, Butte ;
 SAMUEL KNIGHT, San Joaquin ;
 JAMES H. GARDNER, Sierra ;
 W. G. PROCTOR, Siskiyou.

Believing in the impracticability of calling a Miners' State Convention by the Legislature, at the *present time*, but disagreeing as to the reasons which are based upon a change in the tenure of land.

JOHN J. HOFF, Tuolumne.

MINORITY REPORT.

MR. SPEAKER :

The undersigned, one of the committee to whom was referred the expediency and necessity of calling a Miners' State Convention, after examining carefully the subject, would make the following brief report.

I am opposed to the report presented by the majority of the committee, upon the expediency and necessity of calling a Miners' State Convention by the Legislature, for the reason that it is believed that a Miners' State Convention, to be held at this time, would be productive of great benefit to the State generally, and especially to the entire mineral region, by establishing permanently laws in said mineral regions throughout the State, thereby giving stability to the profession, and confidence to the miner in pursuing with energy and industry his profession.

Experience teaches the necessity of a Miners' State Convention ; for the longer it is deferred, the more difficult it will be found to accomplish the desired object, by establishing permanent and general laws throughout the mines, thus equalizing the rights and privileges of the miner, and impeding the progress of monopoly in the mines, already in existence.

Daily are the placers throughout the mineral regions becoming divided and subdivided into small districts, each district governed by its own local laws, and in many instances whole districts monopolized and claimed by one or two individuals. As long as this state of things shall exist, we cannot hope to have, throughout our mines, equal rights or sound rules and regulations.

For the foregoing, and many other reasons, the undersigned declined subscribing to the majority report of the committee.

P. T. HERBERT.

[Document No. 36.]

IN THE ASSEMBLY]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE OF PUBLIC EXPENDITURES

ON THE

REPORT OF THE AGENTS OF THE CALIFORNIA
RELIEF EXPEDITION.

[GEORGE FERR, STATE PRINTER

REPORT.

MR. SPEAKER:

The Committee on Public Expenditures, to whom was referred the "Report of the Agents of California Relief Expedition," have the honor to report—

That they have had the same under consideration, and find that the Governor, by authority of "an Act for the Relief of Immigrants travelling overland to California," approved May 3d, 1852, proceeded, soon after the adjournment of the last Legislature, to the purchase of mulcs, wagons, harness, &c., for the transportation of necessary provisions for the purposes contemplated in the above named Act, and appointed, as agents, Messrs. James S. Raines, J. W. Denver, and Capt. J. Bodley, to superintend the distribution.

It appears that the Relief Train left the city of Sacramento on the 25th of June past, *en route* for Carson Valley, under charge of Messrs. Raines and Denver, and the remainder under charge of Capt. Bodley, for Humboldt River *via* Marysville and Beckwith's Valley; the Carson Valley Train reached that point on the 13th of July, having been delayed on the route by accidents incident to the crossing of the Sierra Nevada by roads untravelled since the preceding year.

One of the agents (Gen. Raines) immediately proceeded from Carson Valley across the *Desert* to Humboldt River, and met that part of the Train which left Sacramento city under charge of Capt. Bodley. A post was established by them at the sink of the Humboldt, and left in charge of Mr. L. M. Ounsby. Returning back across the *Desert*, Capt. Bodley established a post on Truckee or Salmon Trout River, and Gen. Raines one on Carson River. At the last post it was found necessary to construct a harbor for the reception of the sick, and to employ a physician and as many of the immigrants were sick, and suffering for want of necessaries to sustain life under the inflictions of disease. Thus derived from the Report of the agents. Your committee here feel it a duty

to say, that in the selection of agents to take charge of the Relief Train, "His Excellency the Governor exercised sound judgment and discretion," as it appears from the printed Report and the unpublished papers accompanying the same, that through the whole expedition they acted with discretion, zeal and faithfulness in the discharge of their duties, and in all cases adhering strictly to the instructions given by the Governor for their guidance. A copy of which is here presented.

EXECUTIVE DEPARTMENT,
Sacramento City, Cal., June 25, 1852. }

*To the Agents appointed to distribute
the California Emigrant Relief Fund:*

GENTLEMEN—

In proceeding on your Expedition for the Relief of Emigrants to this State, you will observe the following

INSTRUCTIONS.

First. Proceed to a favorable point on the Humboldt River, above the sink, so as to meet the emigrants coming down both sides of the river.

Second. Establish depots on the several routes at the points you may, after examination, deem best.

Third. Employ the teams and teamsters in procuring grass and water, and in aid of emigrants over the Desert and up difficult mountains and hills.

Fourth. You will instruct the superintendents of stations, in the distribution of provisions, to furnish all who are in want, but to give preference, in all cases, to families of women and children.

Fifth. Instruct the superintendents of stations to keep an account of the amount of provisions distributed and the names of recipients.

Sixth. Instruct the superintendents of stations not to engage in the purchase of stock from the emigrants, nor to permit others to do so about the stations.

Seventh. Instruct the superintendents of stations not to advocate any particular route, but to give correct information in reference to the several routes, as far as within their knowledge.

Eighth. You will afford every aid in your power to the sick; and, if necessary, place them in covered wagons, and with as little delay as possible transport them to a point within reach of medical aid and proper attention.

Ninth. You will render all the assistance in your power to families crossing the Desert; and, when necessary, place the women and children in covered wagons, and take them speedily to a point on this side the Desert, where they can remain safely and comfortably until joined by their friends.

Tenth. Instruct the teamsters and superintendents of stations to guard the mules and stations carefully, so as to prevent losses or injury.

Eleventh. You will report to me as frequently as possible; and when in want of additional provisions, name the articles and the amount of each required.

Twelfth. At this distance from the seat of operations, it is impracticable to make suggestions which will meet every case that may arise; much, therefore, must be left to your discretion and prudent management. You will adopt such course, not inconsistent with the preceding instructions, as, under the circumstances, you may deem necessary to the attainment of the object of the expedition.

(Signed.)

JOHN BIGLER.

The above instructions were, as your committee were informed and believe, from the evidence before them, strictly complied with and carried out through the whole expedition.

In compliance with instruction No. 5, by His Excellency the Governor, (as above,) the superintendents opened an account with the recipients of the distribution, recording the names of recipients, place from which they immigrated, number pounds each of the various articles distributed, date, &c.

In the distribution of supplies, it was deemed necessary, by the agents, to use much discrimination and care: and, for the better protection of the State from imposition, those receiving supplies were required to subscribe to the following oath, viz:

I do solemnly swear before Almighty God that I am an immigrant in destitute condition, having neither provisions, nor money, nor property of any kind with which to purchase a subsistence into California, and that it is necessary for me to have ——— pounds of flour, &c., &c., for the subsistence of ——— number of persons.

Sworn and subscribed to before me this ——— day of ———, 1852.

Agent Relief Train.

The lists of distributions by L. P. Ormsby at the Sink of Humboldt River, and of Capt. J. Bond at Truckee River, up to the time of his resignation, and of Gen. D. from date of said resignation until the breaking up of both stations, are both complete.

That of Carson River is perfect to the 25th of August, but the accounts,

from this date to the breaking up of the station, were destroyed by fire at Sacramento city, on the 2d day of November, 1852.

Schedule G exhibits a list of some ninety-two persons relieved at Carson Valley by orders upon Reese & Co.

By calculating the cost of transporting the provisions distributed to indigent immigrants at and beyond the Carson and Truckee River stations, (say 38,000 pounds, about the amount distributed,) at the usual prices paid, (which was twenty-five cents per pound to Carson Valley from Sacramento city, and of course additional rates to the stations beyond,) and it will be seen that this item alone would have absorbed nearly or quite one-half of the original appropriation, add to this the amount of money actually saved the State by the Train, in the transportation of indigent persons (women, children and sick) across the Sierra Nevada mountains, on each return trip, at the prices charged by packers and traders, and the above amount will be considerably increased.

By Schedule H, of accounts of receipts and expenditures of Relief Expedition, it appears, as confirmed by vouchers before your committee, that the expenditures amounted, in all, to \$32,583 79. By sale of mules, and other property, at public auction, November 18th, in Sacramento city, belonging to the Relief Train, \$6,108 02 was realized. Add to this the amount appropriated by Act of Legislature, (\$25,000,) and subtract the total from the amount expended, (32,583 79,) and we find an excess of expenditure of \$1,475 77. Had not the wagons, harness, &c., of the expedition in Sacramento city, on the night of the 2d of November last, been destroyed by fire, their sale would probably have made up the amount of excess—perhaps left a small balance in favor of the State. This excess of expenditure the Governor met from his private funds. Your committee are unanimous in the opinion that this sum should be refunded to the Governor by the State, as he was but the agent of the State in dispensing this relief, and ought not to bear the burthen of this accidental excess of expenditure, occasioned by the memorable conflagration of November last, so completely destructive of property in the city of Sacramento.

Schedule F exhibits a list of some forty persons, or thereabouts, who were admitted to the Hospital at Carson River, nine of whom died and were properly interred, and their graves enclosed, before the station broke up. Eight of these remaining sick when the stations were abandoned, they were taken across the mountains and placed in the State Hospital at Sacramento city.

The agents estimated that about three thousand persons were relieved, in all, at the different stations; the loss of papers, as above, making it impossible to give the precise number.

The list at Carson River, up to the 25th August, shows that over one thousand persons had been relieved: about this time the great mass of the immigration began to pass, and the per centage of destitution consequently increased, both from the increased immigration and the lateness of the season, occasioning greater loss of stock for want of feed, and consequent sacrifice of property to subsist and get forward to the point of relief.

Your committee believe that the estimation of the agents is not overrated, and that a full and complete examination of the papers connected with the

expedition, with a knowledge of the circumstances under which they acted, justify them in the conclusion, that as agents of the State in the dispensation of its Relief Fund to the destitute and sick immigrant, they have discharged their duties faithfully and are deserving of all confidence; and your committee would further say, that upon examination of the plan of operations, as devised and carried out by and under the directions of His Excellency the Governor, they are satisfied that it was eminently practicable and economical, and gives evidence of that experience in the wants and necessities of the overland immigration, requisite to carry out the praiseworthy and benevolent design of the expedition.

AUSTIN WING, Chairman.
FRED. A. SNYDER.

[Document No. 37.]

IN THE ASSEMBLY]

[SESSION OF 1853.

REPORT OF THE COMMITTEE

RELATIVE TO

ACT TO DISPOSE OF THE INTEREST OF THE STATE OF
CALIFORNIA IN CERTAIN PROPERTY, &c.

[GEORGE KERR, STATE PRINTER.

REPORT.

Mr. Speaker:

The Committee to whom was referred an act entitled "An Act to dispose of the interests of the State of California in certain property, and quiet the title thereto," have considered the same, and beg leave to report:

That in the judgment of your committee, two important objects will be accomplished by the passage of the proposed act.

First. To aid materially in diminishing the civil indebtedness of the State.

Second. To increase to a corresponding or greater extent the basis of taxation, by adding to our tax list a large amount of real estate from which the State now derives no revenue.

By this policy, diminishing our indebtedness on the one hand, and increasing our permanent tax list on the other, can the State now free herself from embarrassment.

We are satisfied that the property described in the bill, or a large portion of it, can be disposed in individual ownership without detriment to the City of San Francisco, or injury to the harbor, or to the commercial interests of the State. On the contrary, we believe that the best interests of the State will be subserved by carrying out the provisions of the proposed act, not the least of which is the fact that it proposes a basis of settling difficulties of the most complicated character, in which both State and City, as well as a large number of our citizens are involved, and which, without some legislative enactment, must continue to prove a fruitful source of litigation and increasing trouble with our people, and at the same time retard large and permanent improvements on the property implicated.

To accomplish so desirable an object, all must admit is within the province and duty of the Legislature when empowered so to do.

On the part of the State, it is proposed to appoint Commissioners, by and with the advice and consent of the Senate, whose duty it will be to act for her, and much must be left necessarily to their sound judgment and discretion, in carrying out the provisions of the proposed law.

Prominent among those who oppose the proposed extension, are men who two years since advocated an extension vastly more injurious, in the opinion of your committee, to the harbor of San Francisco and commercial interests of the State, than the one now under consideration.

Your committee believe they do not err when they say, that these advocates of the first extension were influenced largely in their views on that subject by the private gains that were to inure to them at the expense of the State, and feel confident in the justice of the conclusion, that their opposition to the present proposition is founded also more largely on the fact, that it will lead to an investigation of the titles under which they claim an immense amount of property adverse to the State, than from considerations of a public character.

Your committee are supported in their position by the opinion of the Attorney General on this subject, communicated to this House on the 18th of February, 1853, to which they respectfully refer.

They fully concur in the general views set forth in the able report accompanying the bill, and more particularly that part under the head of "Domain of the State," and the conclusions of the committee on that branch of the subject, as also that portion of said report relative to adverse claimants to the property under consideration, and endorse the opinion and views in said report on that branch of inquiry.

Satisfied that the bill forms the basis of a plan which, if carried out, will greatly aid the State in her present financial embarrassment, and at the same time settle all vexed questions of title and ownership to the property embraced in this act, as well as fix, on the part of the State, a line of water front to the City beyond which the State will not hereafter extend the same.

Your committee herewith report said bill back, with the accompanying amendments, and recommend its passage.

All of which is respectfully submitted.

S. A. McMEANS, Chairman.
 SAM'L BELL,
 F. M. KITTREDGE,
 M. J. HALLEY.

[Document No. 38.]

IN THE ASSEMBLY.]*

[SESSION OF 1863.]

MINORITY REPORT OF THE COMMITTEE

RELATIVE TO

ACT TO DISPOSE OF THE INTEREST OF THE STATE OF
CALIFORNIA IN CERTAIN PROPERTY, &c.

[GEORGE KERR, STATE PRINTER.]

REPORT.

Mr. Speaker:

A minority of the Committee of Ways and Means, to whom was referred the bill for "An Act to dispose of the interest of the State of California in certain property, and quiet the title thereto," have had the same under consideration, and would respectfully report:

That in their opinion the bill is eminently well calculated to abuse the interests of the State and the City of San Francisco, and to advance the views and interests of real estate jobbers, brokers and speculators. Entertaining these views, and not having the fear of any of the *Smith* family before our eyes, we recommend that the bill be indefinitely postponed.

All of which is respectfully submitted.

ROBERT ROBINSON.

[Document No. 39.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON STATE HOSPITALS.

[GEORGE KERR, STATE PRINTER.

R E P O R T

O F T H E

C O M M I T T E E O N S T A T E H O S P I T A L S .

That, notwithstanding they acknowledge the power which the State proposes to throw protection around the medical profession, and prevent the indiscriminate practice of the same ; yet they do not think it expedient or proper for the Legislature, at this time, to exercise that power.

They are of the opinion that legislative restrictions would not tend, in the remotest degree, to correct the evils sought to be remedied by the provisions of this bill.

In many of the older States Acts analagous to this bill have been enforced. But after testing them for many years, they proved inefficient, and have been repealed. Those States, preferring to give a free and wide scope to those who might see proper to adopt this profession, rather than to enforce any restrictions.

Impediments of a legislative character should not be placed in the way of the free cultivation and practice of the sciences and arts. Freedom of thought and freedom of action should be extended to those who cultivate one science or profession, as well as to those who cultivate another. The scientific physician can, under all circumstances, command the respect and support of the community ; while he whose medical education is limited, is only left with tools in his hands with which he is as likely to injure himself as others.

Believing it inexpedient for the Legislature to take action on this subject, your committee recommend that the bill be not passed.

McFARLAND, Chairman.
J. H. ESTEP.

[Document No. 40.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON ELECTIONS.

[GEORGE KERR, STATE PRINTER.

R E P O R T

OF THE

COMMITTEE ON ELECTIONS.

Mr. Speaker:

The Committee on Elections, to whom was referred the matter of the contest for seats in the Assembly, as representatives from Santa Barbara county, beg leave to report :

That they find from the evidence that an election notice was issued in due form by the Court of Sessions of the County, appointing the inspectors and judges, and naming the corridor of the Court House as the place of holding the polls. It appears that the officers of election located polls in the Court room, and other parties polls in the corridor. The contestants in this case, Messrs. Lee and Vidal, contend that the regularly appointed officers had no right to hold the polls at any other point than in the corridor, and that the votes received by them should not be counted in the returns.

Your committee think that the action of the officers of election in removing the polls from the corridor into the Court room, was not such a violation of the law as to vitiate the election, and that no injustice was done thereby to the voters of the county.

According to the returns made from these polls, Messrs. Covarrubias and Huse received a large majority of the whole number of votes cast.— Your committee therefore recommend the adoption of the accompanying resolution.

JESSE BRUSH,
SAM. FLOWER,
RICHARD IRWIN,
P. CANNEY,
GEORGE H. BLAKE.

Resolved, That J. M. Covarrubias and C. E. Huse are the legal representatives from Santa Barbara county, and that the seat now occupied by C. V. R. Lee be awarded to Mr. C. E. Huse.

[Document No. 41.]

IN THE ASSEMBLY]

[SESSION OF 1853.

COMMUNICATION

FROM THE

ATTORNEY GENERAL.

[GEORGE KERR, STATE PRINTER.

COMMUNICATION

FROM THE

ATTORNEY GENERAL.

ATTORNEY GENERAL'S OFFICE, }
San Francisco, March 21, 1853. }

To the Hon. Speaker of the Assembly :

In answer to the resolution of the Assembly, requesting my opinion as to the legality of an Act to further extend the city front of the city of San Francisco, an inquiry is at once suggested as to the power of the Legislature over the navigable waters of the Bay and Harbor of this city.

“What in England belongs to the King, in our own more free and original system belongs to the people, whose will is expressed and whose rights are represented by the Legislature.” [Commonwealth vs. Wright et al. : 3d American Jurist, 185.]

The right of property in tide waters is vested in the Crown by the Common Law of England, as the representative of the public and as the Trustee and guardian of their common rights.

Hence the King has no authority, and since Magna Charta has never had, to obstruct navigation. [Angell on Tide Waters, 283.]

But sometimes, says Judge Thatcher in the case above cited, the common good of the subjects requires that bridges should be erected across the channel of the sea or river, and that wharves and other accommodations should be projected beyond the line of high water mark, and even into the channel, and therefore the law leaves it to the wisdom of the Sovereign, and makes it his right and duty to have them constructed.

By the 6th Section of the Act of March 26:h, 1851, it is provided that "nothing in this Act shall be construed as a surrender by the State of its right to regulate the construction of wharves or other improvements so that they shall not interfere with the shipping and commerce, and interests of the Bay and Harbor of San Francisco."

The 4th Section of the same Act, which provides that the "boundary line described in Section first of this Act shall be and remain a permanent water front of said city," must be construed to apply only to the authorities of the city, and as no restraint whatever upon the State in its exercise of the right reserved in the 6th Section.

My opinion, therefore, is that an extension of the city front by the Legislature for the construction of wharves, and improvements of any kind which shall not interfere with the shipping, commerce, and interests of the Bay and Harbor of San Francisco, is unquestionably legal.

Very respectfully,

Your obedient Servant,

S. C. HASTINGS,

Attorney General.

[Document No. 42.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

COMPTROLLER'S COMMUNICATION

ACCOMPANYING THE

GOVERNOR'S SPECIAL MESSAGE.

[GEORGE HERR, STATE PRINTER.

COMPTROLLER'S COMMUNICATION

ACCOMPANYING THE

GOVERNOR'S SPECIAL MESSAGE.

Hon. JOHN BIGLER, *Governor of California.*

Sir :—I have the honor to transmit you the information called for in your note of 22d inst., which is respectfully submitted, and consists as follows :
First, of a

STATEMENT OF THE CIVIL AND WAR DEBT OF THE STATE *To March 22d, 1853, inclusive.*

Three per cent. Bonds outstanding, - - -	\$39,125 00	
Interest due on same, - - -	42,255 00	\$81,380 00
Seven per cent. Bonds, Act of 1851, - - -	368,000 00	
Interest to date unpaid, - - -	6,440 00	374,440 00
Seven per cent. Bonds, Act of 1852, - - -	995,000 00	
Interest to date unpaid, - - -	17,412 50	1,012,412 50
Comptroller's Civil Warrants outstanding Dec.		
15, 1852, - - -	69,763 79	
Do. issued to March 22, 1853, - - -	388,890 26	
	\$458,654 05	\$1,468,232 50

Amount brought forward, - - -	\$458,654 05	\$1,468,232 50
Comptroller's Civil Warrants redeemed from December 15 to March 22, 1852,—		
By Cash, - - - - -	\$32,877 85	
Lands Sold, - - - - -	95,680 00	
Funding, - - - - -	204,500 00	333,057 85
		<hr/>
Comptroller's Warrants outstanding March 23, 1853, - - - - -	\$125,596 20	\$125,596 20
		<hr/>
March 22, Civil Debt, - - - - -	-	\$1,593,828 70

WAR DEBT.

Twelve per cent. War Bonds of 1851, - - - - -	\$200,000 00	
Interest due on same, and un- paid, - - - - -	45,500 00	245,500 00
Seven per cent. War Bonds of 1852, - - - - -	511,850 00	
Interest due on same and un- paid, - - - - -	19,600 00	531,450 00
War Warrants outstanding and unfunded, -	31,298 82	808,248 82
Add debt to the School Fund for 142,880 acres of land, at \$2 per acre, - - - - -	-	285,760 00
		<hr/>
Total, - - - - -	-	\$2,687,837 52

RELATIVE TO THE ESTIMATE OF UNPRESENTED WAR CLAIMS.

I have no other data on which to base an estimate than that afforded from my last year's estimate, submitted to yourself and by your Excellency to the Legislature. The Comptroller then judged the total amount of "unpresented" War Claims in the State to amount to \$1,000,000. Subsequent to making the estimate then submitted, the Legislature made reductions of at least 25 per cent. (if not 33 $\frac{1}{3}$) from amounts of original claims placed before that body; and the Board of Examiners of Military Claims have reduced them still further, say 15 per cent., an amount turned over to them by that body, as well as still greater reductions on others which had never been examined by them. Thus it will be perceived, that an estimate would only be one embracing the amount of claims which claimants believe them-

selves entitled to receive, and not what would constitute a debt if presented and audited in conformity to the strict method adopted heretofore by the Legislature and auditing officers, in the examination and allowance of this class of claims; and which would undoubtedly reduce them at least $33\frac{1}{3}$, and probably 50 per cent. on amount claimed. The Comptroller believes, however, that before the whole of the War Claims now held in the State are presented, fully settled, and claimants cease to look either to the State or to the General Government for further allowance, the original claims now unaudited will in the aggregate amount to from \$300,000 to \$400,000, and perhaps more. This estimate, added to the amounts originally claimed and audited, either wholly or in part, since January, 1852, and since my estimate of \$1,000,000 (then unrepresented) would at least reach that sum.

With respect. I have the honor to be,

Your obedient servant,

WINSLOW S. PIERCE,
Comptroller of State.

[Document No. 43.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF

SELECT COMMITTEE

OF SUNDRY PETITIONS RESPECTING THE

FIRST DAY OF THE WEEK.

[GEORGE KERR, STATE PRINTER.

[DOCUMENT NO. .]

IN THE ASSEMBLY]

[SESSION OF 1853

REPORT OF
SELECT COMMITTEE
OF SUNDRY PETITIONS RESPECTING THE
FIRST DAY OF THE WEEK.

[GEORGE KERR, STATE PRINTER

REPORT.

MR. SPEAKER :

The Special Committee, to whom was referred sundry petitions in reference to the first day of the week, signed by about five thousand citizens from various portions of the State, requesting the enactment of a law to secure the better observance of the Sabbath, as a day of rest, as also a remonstrance in opposition to the same, respectfully present the following report :

It has been the endeavor of the committee to examine the subject, irrespective of religious sanctions, and with due regard to the wants of a majority of the people, and to the rights of all. After a careful examination of legal precedents, and having regard to inalienable rights and the general welfare, the committee have come to the conclusion that the prayer of the petitioners should be granted, and have, accordingly, drafted a bill, which they have the honor to submit to the Assembly.

From a review of the common law, and of the statutes of the various States of the Union, it is ascertained that it has universally been found necessary to protect a community in that degree of rest, which experience demonstrates is necessary for the public good. This will be apparent, upon a moment's consideration. It results from the inequality of position between the employer and the employed,—between capital and labor. There must always be a desire on the part of an employer to secure the greatest amount of work for the least remuneration ; while the dependant position in which the employed are often placed, may compel them to submit to oppression, unless the authority of Government is interposed in their behalf. It is to protect the laborer, that the ten hour bill is passed. It is to protect the laborer, that every State in America, from Maine to Texas, has passed laws to secure the better observance of Sunday as a day of rest.

Philanthropists have made many experiments to determine the greatest number of hours which can most profitably be employed in the ordinary pursuits of life. The conclusion is, that *ten* hours a day, for six days—provided the work is ordinarily laborious—is all that ought to be demanded. It is also demonstrated, that rest upon the seventh is indispensable, in order to restore the energies of the system exhausted by constant employment. More work can be accomplished by an individual, in a long period of time, as well as effected with incomparably greater ease, when the day of rest is observed.

But although precedent be altogether in favor of securing to the people, by law, a day of rest, in accordance with the wants of the physical constitution, it may be questioned whether California ought not to prove an exception.

The remonstrants urge that it is the case that the miners are so situated that they are compelled to use the day for the purpose of obtaining supplies, and that consequently the passage of a law to secure the observance of Sunday, would be productive of injury. This objection would have much more force, were not trading posts established in nearly all the mining districts, and in the immediate vicinity of the more important placers. The proposed law itself also makes provisions for cases of necessity.

The representatives of democracy in all the less progressive States have assumed that protection to rest should be given by the Legislature. In this State it is given to the various branches of government; and your committee do not see with what propriety it can be withheld from the people. It is remonstrated, however, that the petitioners are insincere in their petitions because they do not *now* observe a day of rest. This, it may be observed, is no criterion by which to judge, no more than in the case of the number of hours in the day in which the laborer must work. Men engaged in business pursuits, are often under the absolute necessity of following general usage, however it may be disliked, or else materially suffer in their interests. Where competition is warm, it is well known great sacrifices will often be made in hopes of ultimate benefit, and however anxious they may be to have a day of rest, many will prefer to labor, rather than suffer the loss of business. This is the very class of men comprising some of the most active, industrious, and energetic citizens in the State, that apply for relief.

The committee would also refer to the experience of all the States in the Union, as illustrating the beneficial effects of a day of rest. Intelligence and virtue are the foundation and strength of a free government. It is important that the whole people be able to know the course adopted by their representatives that they may approve and sustain them. Experience, however, shows that after the labors of the day, fatigue will ordinarily prevent that attention to moral and political subjects which their importance requires. But when a day of rest is given to a whole people, it will almost invariably be spent in the performance of religious, intellectual, or social duties, many who have no other time to attend to the movements of government, and those political investigations which are the inalienable privilege of every American, and a portion of this day in informing themselves upon these and similar subjects. A portion of the time may also be spent by many in religious duties or social enjoyments, and thus virtue may be promoted, and happiness increased. Many observers have confidently asserted, that one cause of the vast diffusion of general and political information in our country, is the opportunity for improvement given by a day of rest.

It may also be observed, that while large numbers of persons of foreign descent are entering California, and ignorant of the advantage resulting from a day of rest, are opposing its protection, and while your committee would wish to continue to extend to foreigners that hospitality for which the people of the United States have ever been so distinguished, they also believe it to be the duty of the Legislature to give especial protection to the AMERICAN FAMILIES becoming residents of this State.

They should be protected in every social, religious, or natural right. When they ask that on the day which the great majority of them consider sacred, they may not be disturbed by public exhibitions or the tumults of fandangoes, or bull-fights, their request should be complied with.

When they ask that the morals of their children, who according to universal usage are prevented on the first day of the week from attending the ordinary public schools, should be guarded from corruption by legal provisions, it appears to the committee no more than justice to accede to their wishes.

The proposed enactment can produce no injury to any of our citizens. The business of the trader is not lessened, it is only condensed into six days in the week. No individual is debarred from any work of necessity or mercy, or from any private right or privilege ; and the people are protected in their day of rest, and consequent opportunity of social, political, moral and religious improvement.

JOHN F. BOSTWICK, Chairman.
GEO. H. BLAKE,
J. W. MANDERVILLE,
J. CONNESS.

[Document No. 44.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

GOVERNOR'S MESSAGE

IN ANSWER TO

A RESOLUTION OF THE ASSEMBLY REQUESTING INFORMATION IN RELATION TO WATER LOTS IN THE CITY OF SAN FRANCISCO, SOLD IN 1850.

[GEORGE KERR, STATE PRINTER.

GOVERNOR'S MESSAGE, &C.

EXECUTIVE DEPARTMENT, }
Benicia, March 27th, 1853. }

TO THE ASSEMBLY OF CALIFORNIA:

In compliance with a resolution of the Assembly passed on the 15th inst., "requesting the Governor to transmit copies of all papers now on file in his Department in relation to the sale of Beach and Water Lot property in the year 1850, in the city of San Francisco, and also such other information as may be in his possession on the same subject:" I have the honor herewith to transmit the accompanying papers, marked alphabetically from A to K, inclusive.

The communications marked A and B exhibit the number of water lots sold by order of the Ayuntamiento of San Francisco, and purchased by members and officers of the same, on the 3d day of January, 1850, after the organization of the State Government in California.

The number of such lots sold to other parties is not stated.

The seventy-six water lots sold as per schedules A and B brought one hundred and fifty-nine thousand six hundred and fifty dollars.

This water lot property was all sold by order of the Ayuntamiento of San Francisco, without the authority of Congress or of the State Legislature.—
(See *Schedule L.*)

SCHEDULE C.

- Communication of the Prefect, addressed to the Ayuntamiento of San Francisco.

SCHEDULES D & E.

Communications of the Prefect addressed to Governor Burnett in relation to land sales in San Francisco.

SCHEDULE F.

Instructions of Governor Burnett to the Prefect.

SCHEDULE G.

Order of Governor Burnett suspending further sales of land or lots in San Francisco.

SCHEDULE H.

Proclamation of the Prefect issued in pursuance of the order of the Governor.

SCHEDULE I.

Proceedings of the Ayuntamiento of San Francisco, after the issuance of the Governor's order suspending further sales.

SCHEDULE J.

Opinion of Hon. E. J. C. Kewen, Attorney General of the State of California.

SCHEDULE K.

Letter from Attorney General Kewen to Gov. Burnett, announcing that the sale ordered to take place on the first Monday in March, 1850, had been indefinitely postponed.

The above comprise all the papers now on file in this Department having reference to the sale of water lot property in San Francisco in 1850.

In reply to the second branch of the resolution, requiring "such other information as may be in my possession on the same subject," I have the honor to state, that the water property described in schedule L, was sold after the organization of the State government in California, and long after the right of sovereignty over the same had passed from the Mexican republic to the United States. Attorney General Kewen, in his communication to Governor Burnett, dated at San Francisco, March 8, 1850, (see schedule J,) says:—

"At the ratification of the Treaty of Peace, at Queratero, the sovereignty over the soil of California was transferred from the government of Mexico to that of the United States, and consequently, although the existing

laws at the time of the conquest, are allowed to remain in full force so far as they are necessary for the purposes of civil government, there can be no power under the Mexican law authorizing the alienation of American soil. The ratification of the treaty brings with it an exchange of sovereignty, and the soil therefore remaining ungranted by virtue of existing law up to that time, must be subject to the action of Congress; and in the absence of any Congressional law authorizing its alienation, all sales made subsequent to that period must of necessity be invalid."

It is therefore maintained, that the moment the right of sovereignty vested in the United States, they took upon themselves the trust to hold the municipal eminent domain for such new States as might be organized within the acquired territory, and to invest them with it when admitted into the Union, to the same extent in all respects, as the other States of the Confederacy; and, that on the 3d day of January, 1850, the property in question was under the control of the constitution and laws of the United States. "The constitution declares, that 'Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States.' No public property can therefore be disposed of without authority of law, either by an express act of Congress for that purpose, or by giving the authority to some department of the government." (see Paine's C. C. Reports, vol. 1, page 640.)

On the 3d day of January, 1850, "the shores of all navigable waters, and the soil under them," as well as all public lands in California, were under the control of the United States, and could not be set apart, appropriated or disposed of, for any purpose whatever, without the consent of Congress. And the fact that the laws of the Mexican republic had not been abrogated by the Legislature of California at the time of the sale, and that the authorities of San Francisco were acting under them, does not alter the case, because the principle is well settled that "every nation acquiring territory by treaty or otherwise, must hold it subject to the constitution and laws of its own government, and not according to those of the government ceding it, or from which it is acquired." (Vat. Law of Nations, book 1, chap. 19, pp. 210, 244 and 245.)

The property in question on the 3d day of January, 1850, was "subject to the constitution and laws of the United States," and not to the laws of Mexico.

After the admission of California into the Union, the exclusive right to dispose of the lands "below usual high water mark," passed to the State. The Supreme Court of the United States at its January term, in the year 1845, decided that "the power of Congress over navigation, and its power to make all needful rules and regulations for the sale and disposition of the public lands, conferred no power to grant land in any State admitted into the Union, which was below high water mark; that the shores of all navigable waters, and the soil under them, were not granted by the constitution, but were reserved by the States respectively, and that the *new* States have the same rights, sovereignty and jurisdiction, as the original States."

The framers of the Water Lot Act of March 26th, 1851, certainly regarded all the sales made after the ratification of the treaty and before the admission of the State into the Union as illegal, or the provision legalizing

and confirming all sales of this description of property made by the authorities of San Francisco prior to the 3d day of April, 1850, would not have been incorporated in the Act.

The second section of the Water Lot Act passed on the 26th day of March, 1851, it will be seen, grants to the city of San Francisco for the term of ninety-nine years all the land described in the first section, except the portion described as having been sold or granted by the different authorities therein named, before the 3d day of April, 1850, which portion is confirmed to individual purchasers or grantees.

But the *Proviso* to the same section requires "the city of San Francisco to pay into the State Treasury twenty-five per cent. of all moneys hereafter arising in any way from the sale or other disposition of the property described in the first section of this Act."

The requirement of the proviso to pay into the State Treasury twenty-five per cent. of all moneys arising in any way from the sale or other disposition of the property described has not been complied with, though it is well understood that nearly all the property granted has been disposed of, and most of it sold to satisfy judgments obtained against the city of San Francisco.

In the consideration of this important question, it should not be forgotten that a large portion of this property was sold and granted after the sovereignty over the same had passed from the Government of Mexico to that of the United States, and that neither the General Government nor the State of California have realized one cent from the sales or grants then made; that after her admission into the Union, this description of property belonged exclusively to the State of California, and that by the Water Lot Act of March 26, 1851, she granted with a liberal hand to the city of San Francisco. And now when her Treasury is empty—when her credit is greatly depreciated—when a debt of nearly three millions of dollars has accumulated, and her people are burthened with onerous taxation, she claims the right to demand and appropriate to her own use the portion reserved, and such additional amount, as may be necessary to liquidate her indebtedness, and avoid increased taxation on the people.

In view of these facts and the existing condition of the finances of the State, it is believed to be the duty of her agents at once to adopt measures which will secure all the rights of the State in the premises.

Having, as I believe, complied with the requirements of the Resolution of the Assembly, I commend the whole subject to your careful examination and consideration.

JOHN BIGLER.

LIST OF LOTS

SOLD IN THE

CITY OF SAN FRANCISCO,

AND PURCHASED BY

MEMBERS OF THE TOWN COUNCIL.

[A.]

REPORT

Of the HON. HORACE HAWES, Prefect of San Francisco, of purchases of Town and Water Lots made at Auction Sales, by members of the Ayuntamiento, Secretary, and Auctioneer, as ascertained by me from returns made by George Tyler, Auctioneer, and now on file in the Alcalde's and Secretary's offices. done in pursuance of your commission, dated this day.

Nos.	Varas.	Purchasers.	Price.
1,288	50	S. Braman, - - - -	\$700
1,289	"	do	630
1,383	"	do	525
1,381	"	do	580
1,317	"	do	355
1,224	"	do	425
1,225	"	do	375
1,371	"	do	375
260	"	do	525
242	"	do	725
1,015	"	do	225
986	"	do	200
961	"	do	255
963	"	do	335
959	"	do	250
199	100	do	2,600
226	"	do	675
462	$\frac{1}{3}$ of 50	do	4,400
468	"	do	2,600
647	"	do	850
649	"	do	450
652	"	do	600
653	"	do	600
654	"	do	750
655	"	do	800
744	"	do	300
747	"	do	270

TOWN AND WATER LOT PURCHASES—Continued.

Nos.	Varas.	Purchasers.	Price.
748	$\frac{1}{3}$ of 50	S. Biannan, - - - -	\$325
753	"	do	300
754	"	do	385
220	"	Osborn & Brannan, - -	4,200
221	"	do	3,000
222	"	do	2,900
229	"	do	2,500
230	"	do	2,800
231	"	do	4,600
545	"	do	1,750
546	"	do	1,100
547	"	do	2,100
548	"	do	1,100
549	"	do	1,100
550	"	do	2,500
551	"	do	2,300
552	"	do	2,200
1,359	50	J. W. Osborn, - - - -	135
257	100	do	535
211	"	do	290
270	"	do	420
251	"	do	400
233	"	do	405
239	"	do	420
216	"	do	510
204	"	do	510
278	$\frac{1}{3}$ of 50	do	2,800
280	"	do	2,300
281	"	do	2,800
282	"	do	4,700
1,353	50	Frank Turk, - - - -	230
1,385	"	Foster & H. L. Dodge, - -	485
1,382	"	do	560
1,262	"	W. H. Davis, - - - -	175
1,166	"	do	130
1,008	"	G. B. Post, - - - -	220
996	"	do	315
1,002	"	do	210
983	"	do	160
1,058	"	do	220
277	100	do	480
256	"	W. H. Davis, - - - -	520
278	"	Geo. E. Tyler, - - - -	525
1,005	50	do	220
982	"	do	210

TOWN AND WATER LOT PURCHASES—Continued.

Nos.	Varias.	Purchasers.	Price.
234	$\frac{1}{3}$ of 50	T. H. Green, - - -	\$3,400
241	"	do	2,100
242	"	do	2,400
243	"	do	5,100
289	"	do	4,100
290	"	do	3,000
291	"	do	7,500
485	"	do	1,300
484	"	do	1,200
486	"	do	4,100
490	"	do	1,200
491	"	do	1,100
492	"	do	2,100
994	50	H. L. Dodge, - - -	345
493	$\frac{1}{3}$ of 50	T. H. Green, - - -	3,100
494	"	do	2,000
495	"	do	2,200
496	"	do	2,300
497	"	do	2,700
498	"	do	3,000
577	"	do	900
578	"	do	1,500
579	"	do	1,600
580	"	do	1,300
581	"	do	1,000
582	"	do	1,300
583	"	do	1,100
584	"	do	1,900
585	"	do	1,100
586	"	do	1,800
587	"	do	1,700
588	"	do	1,300
589	"	do	2,400
590	"	do	2,450
435	"	R. M. Price, - - -	2,200
436	"	do	2,100
437	"	do	1,700
438	"	do	1,900
439	"	do	1,900
440	"	do	2,600
441	"	do	4,300
763	"	do	420
758	"	do	300
765	"	do	1,100
766	"	do	1,800
232	"	T. H. Green, - - -	4,700

The terms of above sales were, cash for those of the 19th and 28th of November, and 10th of December, 1849; and one-fourth cash, one-fourth in three months, one fourth in six months, and one-fourth in nine months, for that of 3d January, 1850.

Mr. P. Turk, whose name appears in this report, is 2d Alcalde, and ex-officio a member of the Ayuntamiento.

Mr. H. L. Dodge, whose name also appears, is Secretary to the board.

Mr. George E. Tyler, whose name also appears, was the Auctioneer.

Mr. J. W. Osborn, whose name also appears, is a business partner of S. Brannan, who is a member of the Ayuntamiento.

The wharf for which an appropriation of \$200,000 was made, is to be constructed on the line of California street to its junction with Market street, thence along the line of Market street to the ship channel.

The wharf for which an appropriation of \$100,000 was made, is to be constructed along the line of Market street, from the intersection of Market and First streets to the intersection of Market and California streets, and to connect with the California street wharf at that point.

Of the water lots sold, 468, purchased by S. Brannan, is on the line of California street; 220, by Osborn & Brannan, is on the same street; 516, 517, 551, 552, 577, 578, 579, 580, 581, 582, 585, 583, 584, 586, 587, 588, 589 and 590, by Osborn & Brannan, are on the line of Market street; 289, 290, 291, by T. H. Green, are on the line of the same street; 232, 243, 492, by T. H. Green, are on the line of California street; 278, 280, 281, 282, by J. W. Osborn, are on the line of Market street. 256, town lot, by W. H. Davis, is on California street.

S. R. POND.

San Francisco, 6th March, 1850.

[B.]

LETTER FROM HORACE HAWES, PREFECT TO THE
AYUNTAMIENTO OF SAN FRANCISCO, MARCH 15,
1850.

PREFECTURE OF SAN FRANCISCO, }
March 15, 1850. }

TO THE AYUNTAMIENTO OF SAN FRANCISCO:

Gentlemen:—I have learned, by examination made by my direction, that at several auction sales of Municipal lands situated within the town of San Francisco, made by order of the Ayuntamiento, a large number of lots were purchased by members of that body, and several by their Secretary, the Auctioneer, and one of the Alcaldes, and by business partners of members. I give below a list for your information, including the number of the lot, the date of the sale, and name of the purchaser.

DATE OF SALE.	NUMBER OF LOT.	PURCHASED BY.
November 19, 1849,	1,288	S. Brannan.
"	1,289	do
"	1,383	do
"	1,381	do
"	1,317	do
"	1,371	do
"	1,224	do
"	1,225	do
"	250	do
"	242	do
" 28,	1,015	do
"	986	do
"	961	do
"	963	do
"	959	do
"	199	do
"	226	do

SALE OF LOTS—Continued.

DATE OF SALE.	NUMBER OF LOT.	PURCHASED BY.
January 3, 1850,	462 Water Lot,	S. Brannan,
"	468 do	do
"	647 do	do
"	649 do	do
"	652 do	do
"	653 do	do
"	654 do	do
"	655 do	do
"	744 do	do
"	747 do	do
"	748 do	do
"	753 do	do
"	754 do	do
November 19, 1849,	1,359	J. W. Osborn, business partner S.
" 28,	257	do [Brannan,
December 10,	211	do
"	270	do
"	251	do
"	233	do
"	239	do
"	216	do
"	204	do
January 3, 1850,	278 Water Lot,	do
"	280 do	do
"	281 do	do
"	282 do	do
"	220 do	Osborn & Brannan,
"	221 do	do
"	222 do	do
"	229 do	do
"	230 do	do
"	231 do	do
"	545 do	do
"	546 do	do
"	547 do	do
"	548 do	do
"	549 do	do
"	550 do	do
"	551 do	do
"	552 do	do
November 19, 1849,	1,353	F. Turk, Alcalde.
" 28,	994	H. L. Dodge, Sec. Ayuntamiento.
" 19,	1,385	Foster and H. L. Dodge.

SALE OF LOTS—Continued.

DATE OF SALE.	NUMBER OF LOT.	PURCHASED BY.
November 19, 1849,	1,382	Foster and H. L. Dodge.
“ 28,	1,262	W. H. Davis,
“	1,166	do
“	256	do
“	1,008	C. B. Post,
“	1,002	do
“	983	do
“	1,058	do
“	277	do
“	996	do
“	278	George E. Tyler, Auctioneer,
“	1,005	do
“	982	do
January 3, 1850,	234 Water Lot,	T. H. Green,
“	241 do	do
“	242 do	do
“	243 do	do
“	289 do	do
“	290 do	do
“	291 do	do
“	481 do	do
“	485 do	do
“	486 do	do
“	490 do	do
“	491 do	do
“	492 do	do
“	493 do	do
“	494 do	do
“	498 do	do
“	495 do	do
“	496 do	do
“	497 do	do
“	577 do	do
“	578 do	do
“	579 do	do
“	580 do	do
“	581 do	do
“	582 do	do
“	583 do	do
“	584 do	do
“	585 do	do
“	586 do	do
“	587 do	do

SALE OF LOTS—Continued.

DATE OF SALE.	NUMBER OF LOT.	PURCHASED BY.
Jan. 3, 1850,	588 Water Lot,	T. H. Green,
"	589 do	do
"	590 do	do
"	232 do	do
"	435 do	R. M. Price.
"	436 do	do
"	437 do	do
"	438 do	do
"	439 do	do
"	440 do	do
"	441 do	do
"	763 do	do
"	758 do	do
"	766 do	do
"	766 do	do

The existing law of this country contains the most minute regulations respecting the management of municipal property, and the powers of the Ayuntamiento with respect to it. These regulations strictly prohibit any member of the corporation, whether Alcalde, Regedor, Sindico or Secretary, from purchasing, renting, or being directly or indirectly concerned or interested in the purchase or renting any part of the lands in the pueblo in which they officiate. This principle of the existing law, so necessary to secure the fidelity and impartiality of these officers in the administration of municipal affairs, was introduced into the Spanish ordinances for the government of pueblos three hundred and fifty years ago, and has been preserved during all the changes and modifications which those ordinances have undergone in the Mexican Republic. By the rules of the Common Law, also, as it is recognised in the United States, it is believed that the same principle would hold good and be rigidly enforced by a court of equity acting under it. The reason of the rule is obvious. A man cannot be the seller and buyer of property at the same time. Those who are entrusted with property to sell, or dispose of otherwise, cannot directly, or by the intervention of a third party, transfer it to themselves, or convert it to their own use. It is to take away every temptation to fraud and collusion in the management of property held in trust, that courts are rigid in the enforcement of this most salutary principle, and vigilant in dissecting every artifice that may be adopted to evade it.

Considering the legal disqualification to purchase pueblo lands, especially at auction sales, as extending not only to members of the Ayuntamiento but to those connected with them in business as partners as well as the auctioneer or agent by whose intervention the sale is effected, I have to inform you that the sales of the lots above specified, and all other sales

made by the Ayuntamiento to any one of their own body since the first of August last, are disapproved and annulled. Expressing at the same time the opinion that the purchasers have no claim in law or equity to recover back that portion, if any, of the purchase money which they may have paid.

From this decision the Ayuntamiento or any party interested will have the right of appeal to the Governor.

It is proper for me to observe, that I have never received any account from the Ayuntamiento of the lands sold by them, or of their receipts and disbursements, and that information of the above mentioned purchases have been procured by me with some difficulty.

[Official.]

HORACE HAWES,
Prefect of San Francisco.

GEO. W. PUNCHARD, Secretary.

[C.]

COMMUNICATION FROM HORACE HAWES TO AYUN-
TAMIENTO, FEBRUARY 25, 1850.

PREFECTURE OF THE DISTRICT OF SAN FRANCISCO,

February 25, 1850.

To the Honorable Ayuntamiento of San Francisco:

I respectfully request that at the time of presenting your account on the first day of March next, you will communicate to me the following information:

First—How many, and what water and town lots have been sold by the Ayuntamiento since the first of August last, the date of the sale, price paid for each lot, and the name of the purchaser, with the terms of payment.

Second—How many of the said town lots, if any, have been originally purchased by members of the Ayuntamiento, at sales, public or private, ordered by that body.

Third—Whether, by the resolutions ordering the public sale made on the 3d January, or any other public sale of said lots, it was provided that a credit should be given for the purchase money, and if so, whether notice that such credit would be allowed and given to the public, in the printed advertisements of such sale.

Fourth—Whether on the night of the 7th January last, the night preceding the election for members of the Ayuntamiento, several of the old members met and resolved to appropriate \$200,000 for building a wharf at the foot of California street, and if so, who of such members were present at such meeting, and who presided thereat.

Fifth—Whether the water lots adjoining the line of the proposed wharf, were purchased by the same members who made the appropriation, and when.

This information is desired for the information of the government and the people, and has been called for by reason of repeated complaints, and it will be extremely gratifying to me if your reply should prove them groundless.

I have the honor to be, &c.,

HORACE HAWES,

Prefect of San Francisco.

[D.]

COMMUNICATION FROM HON. HORACE HAWES,
FEBRUARY 27, 1850.

PREFECTURE OF THE DISTRICT OF SAN FRANCISCO.

February 27, 1850.

To His Excellency the Governor,

Sir:—I have the honor to enclose herewith, the copy of a communication sent to the Ayuntamiento on Monday evening, in order that your excellency may be informed of the progress of affairs of this district.

I have the honor to inform your excellency that the Ayuntamiento appear to be determined to break loose from all the checks that the Law has established, and to set the superior authorities at defiance. It will be perceived from the enclosed copy of a letter from their Secretary, and the printed *land-billi* which was sent me, accompanying it, that they intend to proceed with the sale of municipal lands, and the probability is that no account will be rendered by them on the first of March. This state of things is exciting a high state of alarm with the public, who have sought in vain to know what has become of the immense sums of money that have already been raised, and now see that all that remains of the public property of the city, is about to be swallowed up and dissipated as effectively as if it was sunk in the bottom of the sea.

It remains for your excellency to determine what further orders the exigencies require, and be assured they will be promptly carried into execution. I will cheerfully take that responsibility. I ought here to allude to the fact that the leading and most conspicuous actors in the council, have resigned their places and left the country, or are about to do so.

Feeling assured that your excellency is determined to see the laws faithfully executed, and insist upon political purity in the administration of affairs, I am endeavoring to develop all the material facts respecting the official conduct of the council and some other public functionaries here. I shall succeed, Governor, if sustained—I shall succeed, and your excellency and the public will be amazed at the result.

The importance of the dispatches I have to forward, has induced me to employ a special messenger to convey them.

I have the honor to be, with high considerations of respect,

Your Excellency's obedient servant,

HORACE HAWES,
Prefect.

[E.]

COMMUNICATION FROM HORACE HAWES,
MARCH 1, 1850.

PREFECTURE OF THE DISTRICT OF SAN FRANCISCO,

March 1st, 1850.

To His Excellency, the Governor of California,

Sir:—Referring your excellency to my respects of the 27th ultimo, it now becomes my duty to advise you that the apprehensions have been realized, which I then entertained, that the Ayuntamiento of San Francisco would fail to render their accounts as required on this day, and that they would persevere in their disregard of the order of your excellency, suspending the further sales of municipal lands. Up to this late hour, 11 o'clock, p. m., no statement of accounts has been rendered to this Prefecture; and to-day, the "Catalogue of the sale of lots in the city of San Francisco," a copy of which I have the honor herewith to enclose, has been circulated through the town.

Your excellency will therefore perceive that an issue is clearly presented between the Ayuntamiento of San Francisco and constituted executive authorities of the State. The question to be decided before this community, and before the people of the State, is whether the arbitrary will of the members of the town council or the laws of the land, supported by the executive authorities, shall be the rule in the administration of public affairs.

I shall therefore feel extremely obliged by your excellency's definite instructions for my governance in this crisis. On the presumption that your excellency will be resolved to maintain the position in regard to the sale of municipal lands, taken in the executive proclamation of the 15th ultimo, I have the honor to suggest the necessity of my being furnished with instructions in that regard, at an early hour on Monday next.

I may be permitted to say that I have good reason to believe, that the very general sentiment of the citizens of San Francisco accords with the views of your excellency, respecting the further sale of town lots. It seems to be the very general opinion, that while so large a quantity of lands already sold remain unoccupied, there is no necessity for the public convenience of bringing more into the market, and that in the present depressed state of monetary affairs, a forced sale would be attended with

immense sacrifice of present and future values to the town. There is furthermore, a great anxiety in the community to know how the proceeds of sales already effected, have been or are being disposed of, before any further realizations shall pass into the same hands.

If in view of the facts and circumstances of the case, it shall appear to your excellency that the 8th article of section 1st of the Mexican Laws, is an applicable rule of duty, I have the honor to invite your attention to the 3d and 6th articles of section 7th, as providing a mode of substitution that would be legal, and would be likely to afford satisfaction. I would have the greatest care used in the nominations of Justices of the Peace, on such an occasion for them, of men of the best qualifications and standing, so as to secure public confidence in a new custody of the municipal interests.

With the best considerations,

I have the honor to be,

Your Excellency's most ob't servant,

HORACE HAWES,

Prefect.

[F.]

COMMUNICATION FROM GOVERNOR P. H. BURNETT,
TO H. HAWES, PREFECT OF SAN FRANCISCO,
MARCH 4, 1850.

SAN JOSE, March 4, 1850.

HORACE HAWES, Esq., Prefect of the District of San Francisco :

Dear Sir :—Your official communication under date of 2d inst. was received in due time. I have directed the Attorney General of the State to aid you and the Sub-Prefect in an examination of the law for the following purposes :

First.—To file a bill in Chancery against the Ayuntamiento for such accounts as the law requires them to make out and transmit to the Sub-Prefect.

Second.—To file a bill in Chancery to restrain the Town Council from completing the sales of lots made after the issuing of my order, suspending the sales, and from collecting any of the money due upon obligations given for the purchase of such lots.

Third.—To file a bill in Chancery to set aside all the purchases of town lots made by any member of the Town Council before or since the issuing of my order.

You will consult with the Attorney General and will take the necessary steps that you and he may deem requisite. Having no time nor opportunity to examine authorities I refrain from expressing any positive directions further than the above. My views are stated more fully in the memorandum for the Attorney General. Your proceedings should be as prompt and speedy as possible. I have not, as I conceive, the power to suspend the Ayuntamiento unless by the consent of the Legislature. See 3th division of Article 1st, Section 1st. Before the Legislature could act, the evil would be passed a full remedy. I may however lay the matter before them.

In the meantime leave no legal and fair means untried to bring the Ayuntamiento to discharge their duty as the law requires.

I have the honor to be,

Your ob't servant,

PETER H. BURNETT.

22
[G.]

PROCLAMATION OF GOVERNOR P. H. BURNETT, SUS-
PENDING SALES OF MUNICIPAL LANDS, ETC., FEB-
RUARY 15, 1850.

[COPY.]

WHEREAS it hath been represented to the undersigned that a large sum of money has been raised by the municipal lands in the city of San Francisco, a sum more than sufficient for all the wants of the city government, and that no further sale of said municipal lands is demanded, either for the purposes of revenue or for the settlement and improvement of the city. Now, therefore, I, Peter H. Burnett, Governor of the State of California, in the name and by the authority of the people of said State, do order and declare, that no further sales of the municipal lands of said city shall be made until the further order of the Executive, or until the Legislature shall pass some Act in reference to said lands.

Given under my hand at San Jose, the fifteenth day of February, in the year of our Lord eighteen hundred and fifty, and of the Independence of the United States the seventh fourth.

PETER H. BURNETT.

[H.]

PROCLAMATION OF HORACE HAWES, MARCH 30,
1850.

PROCLAMATION:

All further sales of the municipal lands of the town of San Francisco are suspended for the present, and the public are hereby warned against purchasing at the sale advertised to take place by order of the Ayuntamiento on Friday, March 15, or paying any money on account of them. The said sale is unauthorized, and under it the purchaser will acquire no title. The Governor, in the exercise of the power conferred upon him by law, by an order of the 15th of February, 1850, duly communicated to all the authorities of the district and published, has suspended for the present all further sales of the municipal lands of San Francisco. That order is still in full force. It was necessary to give to the city a small remnant of the public property, the greater part of which has been disposed of by the Ayuntamiento in less than six months, without rendering any account of the proceeds. I give no intimation respecting the validity of former sales, especially when members of the Ayuntamiento were both the sellers and the buyers, any further than to express my unequivocal disapproval of the latter. But it is my imperative duty to warn the public to give no countenance to a proceeding not only ill-advised and illegal, but carried on in open defiance of the constituted authorities of the State. Those who buy them will buy with their eyes open, and with the admonition that they can acquire nothing by their purchase.

Given under my hand at the Prefecture of San Francisco, this thirtieth day of March, A. D., 1850.

[Official.]

HORACE HAWES,
Prefect of the District of San Francisco.

GEO. W. PUNCHARD, Secretary.

[I.]

COMMUNICATION FROM H. L. DODGE TO HON. H.
HAWES, FEBRUARY 26, 1850.

SAN FRANCISCO, February 26, 1850.

SIR:—

I am unable at this time to give you the entire proceedings of the Council of last evening, not having had time to make them up complete. I will do so as soon as practicable.

The Resolution you refer to was adopted *viva voce*, therefore I am unable to give you the ayes and noes.

The Resolution was adopted as follows :

On motion of Mr. Ellis—

Resolved, That the sale of town lots advertised to take place on the first Monday of March next, take place on that day.

I have the honor to be, Sir,

Your ob't servant,

H. L. DODGE,

Secretary.

To H. HAWES Esq.,

Prefect of San Francisco.

[J.]

COMMUNICATION FROM E. J. C. KEWEN,
MARCH 8, 1850.

SAN FRANCISCO, March 8, 1850.

Honorable Peter H. Burnett,

Sir :—Since I have been here, I have given much and intense thought in relation to the powers and authority of the Ayuntamiento, and as to the proper mode of reaching that body, with a view of having defined the limitation of such power and authority. The more I have examined the matter, the more I am convinced that the plan of proceeding, as first proposed, would fail of the object we seek. Has the following idea ever suggested itself to your mind? At the ratification of the treaty of peace at Queretaro, the sovereignty over the soil of California was transferred from the government of Mexico to that of the United States, and consequently, although the existing laws at the time of the conquest are allowed to remain in full force, so far as they are necessary for the purposes of civil government, there can be no power under the Mexican law authorizing the alienation of American soil. The ratification of the treaty brings with it an exchange of sovereignty, and the soil, therefore, remaining ungranted by virtue of existing law, up to that time, must be subject to the action of Congress, and in the absence of any congressional law authorizing its alienation, all sales made subsequent to that period must of necessity be invalid. Even granting (which I do not) the authority which they claim under the Mexican law, as having existed to the unlimited extent they exercise, is it legitimate to exercise it upon a soil which has been transferred, and in the very nature of that transfer, liable to the operation of different laws, to the exclusion of all other interference? I think not. In this case would it not be better to issue a *quo warranto*, citing them to show upon what authority they assume the extraordinary functions they exercise? It strikes me that this would be the easiest and quickest method of arriving at the points in the case. They must show a good right to their office, which they cannot do, and they must show a clear and undoubted authority for the exercise of the powers we contend they have usurped.

Excuse this abrupt termination. I am suddenly taken ill and cannot proceed.

Yours, &c.,

E. J. C. KEWEN,

[K.]

COMMUNICATION FROM E. J. C. KEWEN,
MARCH 15, 1850.

SAN FRANCISCO, March 15, 1850.

Honorable Peter H. Burnett,

Dear Sir:—The enemy have fled, and we are sole occupants of the field. The sale is indefinitely postponed. I advised Hawes to exert the authority of his office to the utmost extent that law would justify, and in the event of failing to accomplish the desired end, I should have proceeded without further delay upon a writ of *quo warranto*. They are evidently fearful of any action that will cause an investigation into the extent of their authority, and catching some hint of ulterior proceedings in contemplation, in case of disobedience to executive behests, they have exposed the character of the beast that paraded so ostentatiously in the lion's skin. They will now so soon be superseded, and an investigation of their official conduct had by the competent authorities of the town and district, that I scarcely deem it advisable to take measures against them at present.

I appeared, &c.

Yours, respectfully,

E. J. C. KEWEN.

[L.]

LIST OF WATER LOTS, WITH PRICES.

List of WATER LOTS sold January 3, 1850; exhibiting the number and price paid for each.

No.	No. of Lot.	Price.	No.	No. of Lot.	Price.
1	462	\$4,400	33	241	\$2,100
2	468	2,600	34	242	2,400
3	647	850	35	243	5,100
4	649	450	36	288	4,100
5	652	600	37	290	3,000
6	653	600	38	291	7,500
7	654	750	39	481	1,200
8	655	800	40	485	1,300
9	744	300	41	486	4,100
10	747	270	42	490	1,200
11	748	325	43	491	1,100
12	753	300	44	492	2,100
13	754	385	45	493	3,100
14	278	2,800	46	494	2,000
15	280	2,300	47	498	3,000
16	281	2,800	48	495	2,200
17	282	4,700	49	496	2,300
18	220	4,200	50	497	2,700
19	221	3,000	51	577	900
20	222	2,900	52	578	1,500
21	229	2,500	53	579	1,600
22	230	2,800	54	580	1,300
23	231	4,600	55	581	1,000
24	545	1,750	56	582	1,300
25	546	1,100	57	583	1,100
26	517	2,100	58	584	1,900
27	548	1,100	59	585	1,100
28	549	1,100	60	586	1,800
29	550	2,500	61	587	1,700
30	551	2,300	62	588	1,300
31	552	2,200	63	589	2,400
32	234	3,400	64	590	2,450

No.	No. of Lot.	Price.	No.	No. of Lot.	Price.
65	232	4,700	71	440	2,600
65	435	2,200	72	441	4,300
67	436	2,100	73	763	420
68	437	1,700	74	758	300
69	438	1,900	75	765	1,100
70	439	1,900	76	766	1,800

RECAPITULATION.

Amount of Sales—Lots	1 to 32,	-	-	-	-	\$62,780
"	"	"	33 to 64,	-	-	71,850
"	"	"	65 to 70,	-	-	14,500
"	"	"	71 to 76,	-	-	10,520
			Whole amount,	-	-	<u>\$159,650</u>

[Document No. 45.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON CLAIMS.

[GEORGE KERR, STATE PRINTER.

R E P O R T
OF THE
COMMITTEE ON CLAIMS.

The Committee on Claims, to whom was referred a bill "for the Relief of Wm. Waldo," have maturely considered the same, and beg leave to report—

That they find that Capt. William Waldo had charge of a Relief Expedition, the object of which was to relieve the suffering immigrants crossing the Plains in the Fall of 1850.

Your committee find that immense suffering characterized the trip across the Plains that season. Death, by reason of disease and famine, was common among the immigrants,—that their suffering condition stands unparalleled in the history of the settlement of this State.

Capt. Waldo, after having donated a large amount—to wit, \$1000—to constitute a Relief Fund, upon the earnest solicitation of those who knew his energy and perseverance, devoted his time to distribute the necessaries of life so charitably contributed by the citizens of the cities of San Francisco, Sacramento, Marysville, and other cities of this State. He proceeded to the scene of suffering on the Truckee, the Desert, and the Sink of Humboldt River, and dispensed there necessaries of life to those who were dying of hunger, refusing to receive any compensation from the immigrants for such relief. The supplies furnished Capt. Waldo being insufficient to relieve the suffering of the immigrants, and the suffering around him being so great the necessity of additional supplies being essentially necessary to save life, Capt. Waldo furnished them of his own funds, and still remained on the fields of suffering, dispensing aid and comfort to the distressed, and returned to the settlements only after all the immigrants had crossed the Sierra Nevada mountains, and until it had become dangerous to remain beyond the moun-

tains for fear of being caught by the snows of the Sierras and share the fate that befel the Donnué party in a previous year.

Your committee are satisfied that numbers of lives of men, women and children were saved by the charity and energy of Capt. Waldo. That in consequence of these acts of benevolence towards this immigration who are now citizens of our State, Capt. Waldo has been reduced from wealth to poverty. The committee believe, from all the evidence that they have been able to obtain, that the State of California should assume and pay this debt, which will in part repay Capt. Waldo the amount he has so nobly expended in behalf of suffering humanity, and in aiding our citizens to overcome the difficulties that beset them in reaching our State. We therefore recommend the passage of the bill.

CRENSHAW, Chairman.

[Document No. 46.]

IN THE ASSEMBLY]

[SESSION OF 1853.

REPORT
OF THE
SELECT COMMITTEE.

[GEORGE KERR, STATE PRINTER.

R E P O R T

O F T H E

S E L E C T C O M M I T T E E .

The Select Committee, to whom was referred the petitions asking for the passage of a law which will embrace the essential principles of the Maine Liquor Law, beg leave to report—

That they have bestowed upon this important subject the most serious attention, impelled to do so, not only by the intrinsic importance of the subject presented, the full force of which is felt by this committee, but also by the fact that the call is made upon us, not merely by bearded men, many of whom are perhaps *too weak* to err, but by the fair and gentle women of our State, who, as sisters, wives and mothers, we have to rely upon, as the only safeguards against social anarchy. They are and always have been the innocent sufferers from the consequences of the vice of intemperance,—a vice which is the fruitful mother of all vices. However we might be disposed to treat with an antagonistic spirit the petitions of those whom we may suspect as advancing their precepts and their views in the spirit of the Pharisee rather than that of the Christian,—the soft voice of woman, raised as it is in support of Religion and Virtue, in support of society and law, and in support of the happiness and prosperity of individuals, families, and the State, we would not venture to disregard.

The evils of intemperance, against which the proposed law is aimed, are too well understood by every member of this body, to admit of discussion. It is the damning and desolating evil of the age; and here, in this, the fairest and youngest State of the Confederacy, with soil and climate, resources and position, which demand of the future a great destiny, that destiny is most obscured by the almost universal prevalence of this evil, which is weakening the hands of labor, impairing the spirit of enterprise, and sapping the physical and intellectual energies of the State.

We do not believe in restraining individual liberty any further than is necessary for the well being of the State, but all law is a restriction upon

individual liberty, and regarding the general welfare and health of the State, no law is more imperatively required than one that will tend to suppress the evils of intemperance.

Entertaining this opinion, we have the honor to report back to the House "An Act for the suppression of drinking houses and tippling shops," and to recommend its passage.

A. G. McCANDLESS, Chairman.
CHAS. FAIRFAX.

[Document No. 47.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

TESTIMONY

IN

CONTESTED CASE

OF

H. W. CARPENTIER, &c. &c.

[GEORGE KERR, STATE PRINTER.

TESTIMONY

IN

CONTESTED CASE OF H. W. CARPENTIER, &c.

COUNTY OF CONTRA COSTA, }
State of California. } ss.

Horace W. Carpentier being duly sworn, says: That at the special election held in the County of Contra Costa on the 26th day of March, 1853, for the election of a Member of Assembly for said county, this deponent was a candidate for said office; that to this deponent's own knowledge many votes were cast for him, and that as he is informed and believes, he was duly elected to said office by a large majority of all the votes cast at said election, the returns of which are filed with the County Clerk of said Contra Costa County, and are now in his possession; that more than ten days have expired since the day of said election, and that as he is informed and believes, the returns of said election have not yet been canvassed, nor any certificate issued to the person elected thereat.

H. W. CARPENTIER.

Sworn and subscribed before me, this April 7th, 1853.

S. H. ROBINSON,

Notary Public, Contra Costa Co.

THOMAS A. BROWN, Esq.,
County Clerk of Contra Costa County,

Sir:—Notice is hereby given that you are required to cause the returns of the special election holden March 26, 1853, for Member of Assembly for Contra Costa County, to be canvassed, and a certificate to be issued forthwith to me, if entitled thereto, according to law, and for a refusal to do so you will be held responsible in damages and otherwise according to law.

Respectfully, &c.,

HORACE W. CARPENTIER.

I do hereby certify, that the Board of Supervisors for Contra Costa County met at the County Seat thereof in a regular adjourned meeting on the 7th day of April, 1853; present, Wm. Patten, chairman of the board, Samuel H. Robinson, and Charles P. Crangle, supervisors, and Thomas A. Brown, clerk; and that said Board, after organizing, did demand from the County Clerk of said county the returns of the election holden March 26th, 1853, for Member of the Assembly for said county, for the purpose of canvassing the same, but that the said Clerk then refused and still refuses to deliver to the said Board the returns of the said election as aforesaid, or to permit them to canvass the same.

WILLIAM PATTEN,
Chairman Board Supervisors.

Martinez, March 7th, 1853.

William Patten, Samuel H. Robinson, and Charles P. Crangle, being duly sworn, say: That they were elected Supervisors of Contra Costa County at the last general election, and duly qualified; that they have acted ever since and continue still to act as such officers; that the allegations and statements set forth in the foregoing certificates are to the best of their knowledge and belief true. The said deponents further say, that to the best of their information and belief, Horace W. Carpentier was duly elected at the special election held March 26th, 1853, Member of Assembly for Contra Costa County, by a majority of votes over the highest opposing candidate, and that the same would appear from the returns of said election duly filed in the office of the County Clerk of said county.

WILLIAM PATTEN,
S. H. ROBINSON,
CHAS. P. CRANGLY.

Sworn and subscribed by William Patten, S. H. Robinson, and Charles P. Crangly, this April 8th, 1853, before me,

H. W. CARPENTIER,
Notary Public.

[Document No. 48.]

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IN THE ASSEMBLY.]

[SESSION OF 1853.]

T E S T I M O N Y

I N

C O N T E S T E D C A S E

O F

H . W . C A R P E N T I E R .

[GEORGE KERR, STATE PRINTER.]

TESTIMONY IN CONTESTED CASE OF

H. W. CARPENTIER.

In the Court of Sessions of Contra Costa county, present Hon. F. W. Warmeczte, County Judge, A. R. Mallery and J. H. Leveystein, Justices, the 2d day of April, 1853.

It appearing to the satisfaction of the Court that in the organization of the county of Alameda from the county of Contra Costa and Santa Clara, that the office of Supervisor of the county of Contra Costa, now holden by Lemuel H. Robinson and William Patten, are vacant in consequence of the said Robinson and Patten being residents of the said county of Alameda.

It is thereupon ordered and adjudged by the Court that S. A. Bishop, of Monte Diablo Valley, Contra Costa county, be appointed Supervisor of the county, to supply the vacancy occasioned by the non-residence of L. H. Robinson.

It is ordered by the Court that Lemuel Russell, of San Ramon, Contra Costa county, be appointed Supervisor of the county, to supply the vacuum occasioned by the non-residence of William Patten.

I, Thos. A. Brown, Clerk of the Court of Sessions of said county, do certify that the foregoing is a correct copy of an order or judgment entered on the records of said court.

Witness my hand and seal, 7th April, 1853.

THOMAS A. BROWN,
Clerk Court of Sessions.

On the day of the last election in Contra Costa county, to fill the seat vacated by Carpentier, the undersigned was a passenger on the Ferry Boat from San Francisco to Oakland; on the way over, I became a little acquainted with a man by the name of Gilman, who promised to settle for thirty-seven passengers. I asked him what he was going to do with so many men, he told me they were hands that he was taking over to work on his bridge, or ranch. I saw several of these men around the place when

the votes were received, and am very certain some voted, if not all, on the day of the election; some of them swore in their votes. In the afternoon, I returned to San Francisco in the same Ferry Boat. On my way over, some of my acquaintances requested me to take a seat and play a game of cards, which I did. About half way, several of these men, somewhat the worse for liquor, came up to me; one of them slapped me on the shoulders, saying,—Sir, we would like to have you settle with us, as we are nearly over. I asked them,—Settle for what? they said settle for going over to vote. They said their bill was \$5 each. I then asked them who they voted for, they said Carpentier. I then told them that I was a Thompson man, and wanted them to vote for Thompson; they said I bargained with them, to vote for Carpentier, in San Francisco, and they did so, and now wanted their pay as agreed. I told them they were mistaken in the man that hired them to go over and vote. Two or three of them then spoke up rather ugly, and said I was the man, and was pointed on board the boat to them as the man, and they knew I was. A good deal was said about it. Several of my friends joined in, and assured them that they were mistaken, and that I was not the man; some of the hands were satisfied that I was not the man. I further understood that one man said he voted seven times that day for Carpentier, and that he said he ought to be paid any way.

J. FORD.

SOLANO COUNTY, {
City of Benicia, }

Personally appeared before me the signer of the foregoing instrument, and known to me to be the person who executed the same, who being sworn, deposeth and saith, that the above statements set forth are true according to the best of his knowledge and belief, on this 8th day of April, A. D. 1853.

The erasures on the first and last page of this affidavit were made before signing.

EDWARD L. STETSON, J. P.

Sworn to before me at Benicia, county of Solano, State of California, this eighth day of April, A. D. 1853.

EDWARD L. STETSON,
Justice of the Peace.
Solano county.

[Document No. 49.]

IN THE ASSEMBLY]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON MILITARY AFFAIRS.

[GEORGE KERR, STATE PRINTER.

R E P O R T

O F

C O M M I T T E E O N M I L I T A R Y A F F A I R S .

MR. SPEAKER :

Your Committee on Military Affairs, to which was recommitted Assembly Joint Resolution "requiring the Comptroller of State to draw his warrants for five thousand dollars in favor of any person or persons arresting or capturing the robber Joaquin, dead or alive," has considered the same, and a minority beg leave to report: That a desire to prevent the perpetration of outrages and crimes, and to insure the safety of our people in remote and unprotected portions of the State from aggression, as well as the glaring nature and boldness of the atrocities ascribed to this individual, and the failure of all attempts hitherto to capture him, induced them unanimously at first to recommend the adoption of the resolution.

On more mature deliberation, however, it has occurred to a minority of your committee, that the principle involved in offering such reward is not justifiable in equity, nor would it be a safe and effectual mode of remedying the evil which we suffer. To set a price upon the head of any individual who has not been examined and convicted by due process of law, is to proceed upon an assumption of his guilt. The minority of your committee does not think that floating rumor and mere statements of newspapers shall be taken as conclusive evidence either of the commission of crime or of the guilt of one accused. On the contrary, they are confident that the accounts given are somewhat erroneous. Unless the said Joaquin be endowed with supernatural qualities, he could not have been seen at the same time in several places, widely separated from each other. The offer of such reward

would be likely to stimulate cowardly, to magnify fancied resemblance, and dozens of heads similar in some respects to that of Joaquin might be presented for identification.

The magnitude of the reward might tempt unscrupulous and unprincipled men to palm off by purchased evidence, the head of another for that of Joaquin, and thus defraud the State Treasury. Besides, the danger of mistaking the identity of individuals in this country is very common.

During the present session of this Legislature, an individual named Berdeu has presented a memorial for relief, and asked that he might be indemnified for costs incurred in a prosecution wherein he was convicted of an infamous crime, which was afterwards proved to have been committed by another named Stuart who resembled him in personal appearance.

It may not be improper here to remark, that there are citizens of this State, descendants of ancient and honorable families, who bear the name of Joaquin Carrillo, the name by which the individual is known for whose capture this reward is proposed to be offered. The minority of your committee will allude to two who are well known to them. One is a very respectable citizen of the County of Sonoma, and the other is the District Judge of the Second Judicial District, who enjoys a distinguished reputation, and discharges his high and delicate duties with the integrity befitting an honorable and renowned magistrate.

For the reasons set forth, the minority of the committee recommend that the whole matter be indefinitely postponed.

J. M. COVARRUBIAS,
Chairman.

[Document No. 50.]

IN THE ASSEMBLY]

[SESSION OF 1853.

R E P O R T

OF THE

SELECT COMMITTEE

TO WHOM WAS REFERRED A BILL AND PETITION FOR
THE SUPPRESSION OF GAMBLING.

[GEORGE KERR, STATE PRINTER.

R E P O R T

O F T H E

S E L E C T C O M M I T T E E .

MR. SPEAKER :

The Select Committee, to whom was referred a petition praying for the suppression of Gambling, also a bill to be entitled An Act to suppress Gambling, have had the same under consideration, and have instructed me to make the following report :

That the time has arrived when this monster of evils, which like an eating ulcer is preying on the body politic, should hear its early death knell, seems apparent to your committee. We are influenced from a conviction of duty that this body owes to its constituency,—to the youth of our growing and prosperous State—to mankind and to the world,—to erase from our Statute books all laws legalizing a pursuit, alike destructive of the interests and happiness of all.

The enlightened policy of all Governments,—“and more especially this of ours,”—are at war with its pursuits, and have declared that it is antagonistic with the best interest of society and the well being of man.

Gaming is but the foundation stone of vices, upon which to rear a superstructure that sets at defiance law and order, trampling upon the rights of citizens, and fostering a feverish excitement that brings in its train the most hideous vices and wrongs that ever *curst* a land or blasted the prospects of man, and, like the pale horse in St. John's vision, drags Death and Hell after it.

It would be impossible for your committee to enumerate the wrongs inflicted on society and the community in general by this seductive vice. We will not make the attempt. It is in our power to stop, to some extent, its evil tendency, and we are unworthy the high and honorable station we occupy should we tacitly approve, or suffer longer to publicly exist, an occupation which, while it contributes nothing to the public good, nor adds a penny to the intrinsic wealth of the country, for the vicious it affords employment ; for the indolent, a resort ; and for the innocent, a seductive trap—leading to ruin and disgrace.

Having made sundry amendments to the bill, we respectfully, though *earnestly*, recommend its passage.

JOHN H. BOSTWICK, Chairman.
P. CANNEY,
S. A. McMEANS,
F. W. KITTREDGE.

[Document No. 51.]

IN THE ASSEMBLY.]

[SESSION OF 1853.]

R E P O R T

OF THE

COMMITTEE ON STATE HOSPITALS.

[GEORGE KERR, STATE PRINTER.]

R E P O R T

O F T H E

COMMITTEE ON STATE HOSPITALS.

MR. SPEAKER :

The Committee on State Hospitals, to whom was referred the reports of the Trustees and Physicians of the several State Hospitals, after having carefully examined them, beg leave to submit the following report :

That they find, from the first day of January, 1852, to the first of January, 1853, five thousand four hundred and eighty patients were admitted into the three State Hospitals located at San Francisco, Sacramento city and Stockton, at a cost of two hundred and thirty-seven thousand dollars, being an average of \$470 80 for each patient treated.

It also appears from the reports that a large portion of this amount has been absorbed in the payment of high salaries to officers and attendants, and in rents and contracts for buildings, thus in a measure defeating the object for which the appropriation was intended.

That a necessity existed for the establishment of Hospitals at the time the existing system was created, no one acquainted with the then condition of the country will deny. The Legislature acted wisely in making provisions for the indigent sick. The country then was newly organized ; no efficient county organizations then existed, and the support of the sick necessarily became a charge upon individual charity. Two or three points, then prominent in population and commercial importance, had to bear the burden of supporting the sick. But this condition of affairs no longer exists. Settlements of families have been made generally over the State. Cities have sprung up and counties organized. Instead of the points which were form-

erly compelled to support the sick of the State having it now to do, it falls as heavy on other points that are remotely situated, and that derive no benefit whatever from the Hospitals, while they equally contribute to the support of the system which was intended to benefit all portions of the State.

For five hundred miles south of San Francisco the country derives no benefit from the State Hospitals. Also a large portion of that class of our population who most need the benefits of a free Hospital are in a part of the State remote from either of the locations of the Hospitals. We allude to the mining population. Many of our large and populous mining districts are so situated that it renders it impossible for their sick to be transported to either of the present Hospital locations.

The class of patients mostly benefitted by Hospital treatment, are those affected with chronic diseases. Those affected with acute diseases cannot be transported to any great distance before the disease will have had its termination. Hence but a very small portion of this class of patients can derive advantage from our Hospitals. Only those who happen to fall sick in their immediate vicinity are benefitted.

Your committee believe that the whole system of the present organization and endowment of the Hospitals is wrong, and not calculated to answer the purposes for which it was intended. They believe that a system so unequal and partial in its operations should be abolished. For two years the State has tested the operation of this system; and experience has taught us that with each year additional requirements and demands for funds on the Treasury have been created, without producing a corresponding benefit to our citizens. Each citizen contributes equally to the support of the Hospitals, while but few actually receive benefits from them.

Your committee believe that a system of County Hospitals, Dispensaries, or Infirmaries, as the county authorities may deem best, can be devised and put into successful operation, by which the indigent sick of each county can be maintained within its own borders and at a trifling cost. It is believed that a system of this sort, conducted with ordinary economy, will relieve every case of sickness of each county that may require the application of their charity; while, at the same time, it will be a saving of at least one hundred and fifty thousand dollars per annum to the State: an item which this Legislature, in its combined wisdom, should not overlook, especially in the present embarrassed condition of its finances.

In conformity with these views, your committee have carefully drawn up a bill which if adopted, it is confidently believed, will relieve us of many of the evils and abuses of the present partial and objectionable system, and also afford ample protection to the indigent sick of every county in the State.

Your committee would respectfully represent, that a United States Marine Hospital is now being erected in the city of San Francisco, where all such patients as will be sent to that particular institution will be well provided for, which will relieve the city of a portion of the burden that she has heretofore sustained.

The cities of Stockton and San Francisco are in a prosperous condition; and with the aid from the State, as provided for in the accompanying bill, will be able to support their own, as well as provide for that part of the indigent sick who arrive from abroad. Sacramento city is less fortunate than

her neighbors. Having been recently destroyed by fire, and materially injured by floods, her citizens, many of them, reduced to poverty and want, she is but poorly calculated to accommodate and provide for her own sick, together with those who crowd her streets from the adjacent mines. But with the provisions of the accompanying bill, together with a donation by the State of the Hospital property in Sacramento city, to the county and city of Sacramento, it is believed, it will afford ample means for the support of her indigent sick.

Your committee beg leave to report the accompanying bill as a substitute for a bill to provide for the indigent sick, referred to the Committee on State Hospitals, and earnestly recommend its passage.

All of which is respectfully submitted.

J. P. McFARLAND.

[Document No. 52.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT
OF THE
SELECT COMMITTEE.

GEORGE FERR, STATE PRINTER.

REPORT
OF
SELECT COMMITTEE.

Mr. Speaker:

The committee to whom was referred a bill for an act entitled "An Act to improve Tule Lands, and to encourage the cultivation of Sugar, Rice and Cotton, having duly considered the same beg leave to make the following report:

In consideration of the valuable geographical information furnished the State by C. D. Gibbes, in surveying the different Channels and Sloughs of the San Joaquin and Moquelumne Rivers, embracing an area of some four or five hundred thousand acres, and also for the purpose of testing thoroughly the capability of our Tule or overflowed lands to produce rice and sugar, your committee are of the opinion that the tract of land described in said bill shall be given to the said C. D. Gibbes, provided it does not contain more than three sections. Your committee are averse to making large grants of land to individuals without very special reasons, but under the peculiar circumstances of the case under consideration, they are of opinion that a less amount than that above mentioned would poorly repay Mr. Gibbes for his services and expenses in reclaiming the land.

The agricultural experiment will be of infinite service to the State, as well as the individual members of it, and will be likely to open a new field of industry for that oriental class of denizens now cormorant in the mines, who will never be likely to receive the rights and privileges of citizens without some special legislation of Congress changing the naturalization laws.

Entertaining these views, with the amendments proposed limiting the amount of land, your committee recommend that the bill pass.

M. J. HALLEY, Chairman,
F. M. KITTREDGE,
SAM. BELL,
A. C. SMITH.

[Document No. 53.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

REPORT
OF THE
COMMITTEE ON WAYS AND MEANS,
TO WHOM WAS REFERRED
THE MESSAGE OF THE GOVERNOR
IN RELATION TO THE ACCRUING
INTEREST ON THE DEBT OF THE STATE.

[GEORGE KERR, STATE PRINTER.

R E P O R T .

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred the message of the Governor in relation to the accruing interest on the debt of the State, beg leave to report :

That they have had the same under consideration, and have ascertained that the facts therein set forth, are nearly correct. The whole amount of interest accruing annually, it is believed, will exceed one hundred and twenty-five thousand dollars. The amount already funded, and which will be funded, will fully justify this estimate in view of the fact, that the Comptroller has decided, and perhaps correctly, that all scrip issued under authority of law, in liquidation of contracts, made anterior to the thirty-first of December, 1852—are within the provisions of the Funding Act of 1852. Your committee believe, that it would be an abuse of public confidence, and an invasion of the rights of the people, to advise an imposition of taxes equal to the necessity of the case, without making every effort to render available the property of the State, where such can be accomplished legally, and without manifest wrong to a second party, to whom she is bound to extend every protection, consistent with law and equity. Past experience has demonstrated the potency of concentrated capital, and none are so stupid as to imagine, for a moment, that where such a power is exerted against the rights of individuals or communities, that justice to the oppressed can often be obtained, such would appear to be true, so far as this State is concerned, if her long and fruitless efforts to protect and secure her rights within her borders, are sufficient grounds for such an opinion; nevertheless, some means should be provided to enable the State to meet her liabilities promptly. Your committee believe the best way to do this, is to continue a system similar to the one heretofore adopted. The Act passed April 29th, 1851, section 10, provides; that “it shall be the duty of the Treasurer of this State to make certain arrangements for the payment of the interest, on the said

bonds, when the same falls due, at least sixty days before the time of payment, and in event that said interest fund is insufficient, the said Treasurer shall draw on the General Fund for such purpose, and in the event that those funds prove inadequate, the said Treasurer is authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest, and the protection of the faith of the State; the eleventh section of the same Act, requires the Treasurer to set apart certain moneys, therein named, as the State Sinking Fund," and among others, "The proceeds of the sales of all lands, now held, or that may be hereafter acquired by this State, in her own right, except those reserved by the Constitution for school purposes." This Act, however, refers only to the previously existing debt of the State, and the interest thereon, and cannot be applied to the debt and interest created since that time; and therefore a general law, by which all such emergencies will be met hereafter, is thought to be necessary. The question is now one of much greater importance than it was two years since. Then the interest was a mere trifle, compared to what it is now, but yet it was, even then, deemed of sufficient importance to pledge "the proceeds of the sales of all the lands" belonging to the State for its payment.

In view of the importance of the measure, and the bearing it may hereafter have on the finances of the State, your Committee have thought proper to vest the power heretofore given to the Treasurer alone, in a Board, to consist of five of the State officers, and giving them the further authority of reducing the rate of interest, from seven and thirty-six per cent. per annum, to five per cent. per annum, if it shall be found practicable to do so.

The three per cents., (bonds bearing interest at three per cent. per month,) should by all means be taken up, even if it should be found necessary to issue bonds at seven per cent. per annum, with which to redeem them. These bonds have too long remained a blot on our State. They should be cancelled as soon as practicable. It is believed that loans can be effected at five per cent. per annum, which if carried into effect, would afford a saving to the State, on the seven per cents alone, of over forty thousand dollars per annum, and in addition to this, would be the entire reduction of the three per cents.

To enable the Board of State officers to complete their arrangements, it becomes necessary that the law should comply with that provision of the Constitution relating to the indebtedness of the State, and hence the pledge of the "proceeds of the sales" of certain property for its payment, which is in exact accordance with the Act of the 24th April, 1851. In the Bill herewith submitted the authority given to the Board to make arrangements for calling in and paying the outstanding bonds of the State, was deemed necessary in view of the fact that a large amount will fall due in 1855, and if no good can be done, no injury to the State can result from their action.

S. A. McMEANS,
Chairman.

[Document No. 54.]

IN THE ASSEMBLY]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON CLAIMS.

[GEORGE KERR, STATE PRINTER.

R E P O R T

OF THE

COMMITTEE ON CLAIMS.

The Committee on Claims, to whom was referred the petition of P. A. Buinsmade and W. W. Shepperd, asking an allowance of \$4,300 53 for the publication of the laws, under the provisions of an Act passed May 1, 1851, have had the same under consideration, and ask leave to make the following report :

Your committee are informed from testimony, that the said petitioners were connected with others as editors and proprietors of a paper, published in San Francisco, called the "Evening Picayune;" that the said office of the Evening Picayune was destroyed by fire on the night of May 3d, 1851; that on the 19th of that month the petitioners started another paper called the "Morning Post," in which they commenced the publication of the laws according to the provisions of the statute above referred to.

Your committee find by examination of the statute, that the laws were required to be published in the Evening Picayune, and that on the 22d of May, 1851, a bond was filed in the Secretary of State's office, executed by W. A. Grover and Charles S. Biden, proprietors of the Evening Picayune, (who we are informed were also proprietors of the old Evening Picayune, which had been burned,) in which they bind themselves to publish and distribute the laws according to said statute.

Your committee have not been able to find any bond of the petitioners either on behalf of the old Picayune or for the Morning Post. We are informed that the proprietors of the new Evening Picayune did perform their work according to contract, and that a dispute arose as to whether the money should be paid to the Evening Picayune or the Morning Post, and that upon an agreed case being submitted to the Attorney General, he decided in favor of the Evening Picayune being properly entitled to the pay. The account of that paper was audited, therefore, by the Comptroller.

We believe the prayer of the petitioners should not be granted.

CRENSHAW.

[Document No. 55.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T
OF THE
SPECIAL COMMITTEE
APPOINTED TO VISIT AND EXAMINE
THE STATE MARINE HOSPITAL
AT SAN FRANCISCO.

[GEORGE KERR, STATE PRINTER.]

REPORT.

MR. SPEAKER:

Your Committee who were appointed to visit and examine the State Marine Hospital at San Francisco, beg leave to report that they have visited the institution, and made as careful an examination as the short time which they were enabled to devote to the subject, would permit. Their investigation fully satisfied them of the importance to the State, and to the interests of humanity, of preserving and making ample provisions for the maintenance of the institution. The number of patients at present in the Hospital is about three hundred. It is impossible to estimate the amount of suffering which is relieved by this noble and useful charity. If errors or defects exist in the law now regulating it, they should be carefully amended, and such improvements as experience has suggested, be carried out in a generous and liberal spirit. But we should pause long, and look carefully before we attempt to destroy an institution which within the past year has relieved the sufferings, alleviated the distresses and restored the health of nearly two thousand of our fellow beings, and which has afforded care and shelter to their dying moments to hundreds more whose diseases were incurable.

The necessity of making a suitable provision for the sick is apparent to all. No member of this Legislature would desire to abolish the present system without substituting something equally effective and equally economical.

The objection is made to the continuance of the State Marine Hospital at San Francisco, that though nominally a State institution, its benefits are almost entirely monopolized by the citizens of San Francisco, and that the revenue of this State is thus used to defray expenses properly chargeable to that city.

Your committee admit that the report of the Trustees of the Hospital seems to give color to this supposition; but an examination of the actual facts has fully satisfied the committee that, although by far the greater portion of the sick are admitted as city, they are in fact State patients.

In order to explain the discrepancy between the report and the fact, the committee would state that, in pursuance of the authority vested in them by law, the Trustees of the State Marine Hospital have from time

to time contracted with the city to provide for and take care of the city sick. By the contract now in force the city is required to pay at the rate of \$50,000 per annum. The city sick are admitted to the Hospital upon an order from one of the Aldermen countersigned by the Mayor.

It will be observed by reference to the law that the only persons who are declared to be entitled absolutely to admission as State patients, are the persons who have paid either commutation money or the emigrant tax. A discretion however is given to the Trustees, to admit such indigent persons (other than those included in the two classes above mentioned) as they may think proper. As very few persons pay commutation money, almost the only persons absolutely entitled to admission under the letter of the law are emigrant foreigners, and those on applying for relief are required to produce a receipt for the payment of their tax. But it cannot be supposed that the State intended to establish the institution merely for the benefit of foreigners to the exclusion of our own citizens.

The law intended only to give a preference to those from whom the greater portion of the funds for the support of the institution was derived.

It is therefore clear that American citizens arriving sick from foreign countries, or from another state, and also all persons not residents of the city of San Francisco, and who are in destitute circumstances and require hospital treatment, are proper subjects for admission to the benefits of this State charity, and that the only persons who are strictly city patients are the residents of the city of San Francisco. As, however, the Trustees had contracted to take charge of the city sick, the mode of admission was regarded by them as immaterial, if the person applying was entitled to be admitted, either as a city or State patient.

No regulation has therefore been made by them, as to the method of applying for admission as a State patient, in cases where the applicant has not paid Immigrant tax. Under those circumstances all persons other than the class last mentioned are admitted as city patients, whether residents of San Francisco or not. For those reasons it is impossible to form any estimate from the Report of the Trustees, as to the number of patients properly chargeable to the State.

But from enquiries made upon the spot, and conversations with the officers of the Institution, your Committee are satisfied that at the lowest calculation three-fourths of the patients in the Hospital, though nominally admitted as city, are in reality State patients.

With reference to the management of the Hospital, the Committee report, that in its departments there was every appearance of efficient supervision and perfect discipline. In this respect, and indeed in all the great features of the Institution, the Committee feel persuaded it will compare favorably with any similar establishment in the United States. The great end of a charity like this—the care and healing of the sick is completely achieved, and the Hospital should be regarded by the State, as it really is, one of the proudest monuments of the humanity and generosity of the citizens.

A. G. McCANDLESS,
CHARLES FAIRFAX,
H. G. PROCTOR.

[Document No. 56.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T
OF THE
C O M M I T T E E O N
PUBLIC EXPENDITURES.

[GEORGE KERR, STATE PRINTER

R E P O R T

OF THE

COMMITTEE ON

PUBLIC EXPENDITURES.

MR. SPEAKER :

The Committee to whom was referred the Senate bill compensating Dr. John B. Trask for his Report on the Geology of the Mineral Districts, and enabling him to prosecute still further examinations in the Coast Range and other districts, would respectfully beg leave to report—

That in the incomplete and discrepant state of our knowledge respecting the mineral distributions of the State in all their various branches, their great diversity and distribution and the absolute necessity of a more correct knowledge of the resources of our State not only in this branch of industrial employment, but also in agriculture ; the necessity of a survey of the character alluded to cannot but be fraught with the most beneficial results to the community at large.

The inattention of the General Government in respect to this subject in this State, notwithstanding the repeated calls that have been made upon it for this purpose, has left us in the same condition that existed at the time of its session, so far only as private means and men have entrusted themselves in those developements, both in an economical and scientific point of view.

The subject of a full report on the geology of our State would comprehend a mass of information of intrinsic value, that cannot fail to very materially enhance every branch of industry to which this State in its manifold capabilities may unfold.

The results of these surveys in the older States will fully demonstrate this fact, as has been proved from years of ample experience. The surveys that have been conducted under the patronage of the General Government within the Territory of the Northwest and West, has been the means of developing the sources from which the necessary re-agents may be obtained for the purposes of reclamation of much of the "mauvaise terre" (bad lands) of those sections, and their results are found in rendering marketable some two and a half millions acres of land which, prior to four years since, was entirely valueless.

It is a conceded fact that there are many thousand acres of barren lands within the limits of our State that might be made available under judicious management. The advantages to be derived from a study of their peculiarities is accessible only through the science of Geology, connecting with itself as it does so many of the collateral sciences that at the moment you observe its position relative to other formations, you at the same time are able often to demonstrate the means of its reclamation, whether local or chemical. It is often the case that barrenness is induced in lands from the want of some single constituent only, while this same ingredient will often be found in an adjoining neighborhood not far removed, and an acquaintance with the formations that compose such districts is the only method of rendering such lands valuable or marketable.

This same barren condition is often induced in sections, from the want of water alone; an examination of the formation on which such lands rest, will demonstrate the practicability of obtaining it by artificial means, and extensive portions of those lands within the limits of our State will be brought into requisition by these measures when it has been practically demonstrated.

Other lands that are supplied with water for purposes of agriculture are found to be incapable of producing grains, and will prove productive of nothing but the indigenous grasses of the country, the grasses of the Atlantic States not flourishing well even in those districts. This being the case, the importance of the investigation of causes producing such effects will be apparent, and it can be looked for only through the inductive principles which this science imposes. These effects will be often found produced from a surplus or want of some one of the ingredients in such soils; this being once ascertained, the difficulty is often obviated easily. Therefore but little attention has been given to the development of other of the mineral resources of our State than gold. In this particular too, little attention has been bestowed.

We have the best of evidence that other and important mineral sections do exist which, from their character and commercial importance, will at no distant day form an important part in the commercial transactions of the country. These resources should not pass unnoticed either in a political or economical point of view, for two reasons, if for no other.

The fact of their existence being known, their locations should be known also; and as our general law covers these districts, settlements

upon them for other than mining purposes would be obviated, and much of the troubles and litigation that have ensued from similar circumstances would be avoided. These remarks will apply equally well to many sections of the country that are known to contain gold, but are at the present moment regarded as agricultural lauds.

The manifold advantages of a thorough examination of the country cannot be too highly esteemed and our mineral resources too closely examined; in them exist the sources of our wealth, and their full development must, from the nature of attendant circumstances, greatly enhance every interest that is likely to spring up in our State, either in the arts, manufactures, mining or agriculture. Those great sources of national wealth will find additional support and a new impetus from the increase of population which will ultimately ensue when a proper understanding of our varied inducements are presented, and notwithstanding the glittering accounts from foreign lands that have now turned the great tide of emigration from our own and the Atlantic shore. Its reflux tide which must soon turn will find its status again on the shores of our own State.

The credit of our State abroad will, as a consequence, find a healthful reaction in the results that must follow under these auspices, and in place of her present Bonds being found below par in distant markets, she will do for herself what she has already for the Government at home, raised its scrip in its own and foreign markets to the depreciation of its own.

The committee therefore report the bill back without amendment, and recommend its passage

AUSTIN WING, Chairman.

[Document No. 57.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

R E P O R T

OF THE

COMMITTEE ON INDIAN AFFAIRS.

[GEORGE KERR, STATE PRINTER.

R E P O R T

OF THE

COMMITTEE ON INDIAN AFFAIRS.

Mr. Speaker:

The undersigned, from the Indian Affairs Committee, to whom was referred "An Act for the relief of James Birney," respectfully reports :

That he has given the matter a close examination, and finds that he must differ, reluctantly, with his adjuncts on the committee.

It too frequently happens that claims against the State, without possessing a single favorable point in law or in equity, are passed through the Legislature from motives of friendship to the claimant, or through a mistaken notion of giving individuals an extra advantage where the Government is a party. This principle is wrong, and its workings hitherto have bankrupted our treasury and seriously retarded our financial progress. We should stop its advancement—we should curtail every legitimate expenditure. The present bill partakes of this class of appropriations.

It is an extraordinary departure from the strict rules of the construction of right, and demand, what the facts will not warrant. If the principle is established, the long array of similar claimants will be startling to behold. Your Legislative Halls will be besieged with men of every character and clime, asking to be paid for hunting up indebtedness against the State, and if you pay this claim their absurd demands should receive the same deserts.

Was Major James Birney an officer of the Government, under the Con-

stitution or the laws, and what were his specific duties? A law passed March 17th, 1851, directing the Governor to call out troops to suppress Indian disturbances in certain counties, and among others, Mariposa.— Major Birney was appointed paymaster under this law, and ordered to pay off those who were engaged in it. Accordingly, on the 20th of July, 1851, he filed a bond *without a date*, for the faithful performance of his duties. His term of office was unlimited, and therefore he was liable to be ousted in a day, or a month or a year. He proceeded with his duties, paid off the Mariposa Volunteers, and settled with the Government. So far his duties ended; the law contemplated nothing more.

For these services the law directed him paid, and for these services he received ample compensation. An ambiguity, however, was discovered in the fourth section of Act of 17th March, 1851, and by some it was contended that Major Birney was *de facto* the Paymaster for the troops called out in El Dorado, Los Angeles, Monterey, &c. The ridiculousness of this position is so manifest on the face of the law, that it scarcely requires an elucidation. If this was intended, or the law really meant to make Major Birney the Paymaster of *all* the expeditions, why does the fifth section conflict with the fourth? It declares that "upon receipt of certain warrants, Major Birney shall proceed to Mariposa County and settle the War Claims," &c. Not one word is contained in it in reference to Utah, El Dorado, or Los Angeles. It directs him to proceed to pay the Volunteers in one county and none other, and surely if it had meant the others it would so state the fact. We must take the law as it stands, and not as gentlemen would hope to have it. For his services in Mariposa county he was paid—the law contemplated no other county, consequently not a single cent is due him. But again: Section nine of the same Act says, that the law's existence shall only be so long as the present Indian incursions prevail. The expeditions to Los Angeles, Utah, &c., were after the close of the Mariposa War, and the law itself was blotted out of existence by limitation.

And now for a moment let us look at Major Birney's charges: The first is under date of February 15th, for cash expended in *collecting* certain evidences of indebtedness, two thousand one hundred dollars, (\$2,100) and the second item is for returning said evidences \$1,200, total \$3,300. The third charge is for two hundred and twenty five days labor in performing these duties, at sixteen dollars per day, amounting to \$3,600.— By what law or under what authority this charge is made, your committee cannot conceive. Certainly not under the law under which he claims. That provides for a per centage, not for a salary. And next we find the charges of services of a clerk for 165 days, at \$16 per day. Does the law of 17th March even hint at, much less authorize, the appointment of a clerk? The word "clerk" is not mentioned in the law, and this expenditure is so wholly unauthorized, so extraordinary even in comparison with the other items in his bill, and its monstrous aggregate, that your committee are amazed and scarcely know how to answer its absurdity. But, in keeping with this is a charge for interest. Has the State ever allowed interest upon an unsettled account? Unquestionably we must answer no. We are grieved to think that gentlemen will advocate a bill so fraught with evil as this. The State is entitled to the same checks as individuals, and would a gentleman on the floor allow it in an individual

capacity? We opine not. The undersigned might go on at length and show the iniquity of this measure, but the above will suffice. He might go on and show that the amount Major Birney collected is but a few dollars more than the sum he claims. The debate will show this fact.

In conclusion, the undersigned recommends that the bill be negatived. All of which is submitted.

J. BRUSH.

[Document No. 58.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

MEMORIAL

UPON THE SUBJECT OF

CONSTRUCTING A RAILROAD

FROM THE

PACIFIC

TO THE

VALLEY OF THE MISSISSIPPI.

[GEORGE KERR, STATE PRINTER.]

MEMORIAL.

RAILROAD FROM THE PACIFIC TO THE VALLEY OF THE MISSISSIPPI.

Chas. Bond, Col. D. Turner, C. L. Heiser, L. Hermann, J. L. Folsom, F. Billings, B. C. Saunders, C. J. Brenham and Thos. C. Hambly, the committee appointed at a public meeting of the citizens of San Francisco and its vicinity, convened at the Exchange, for all nations, on Friday Evening, the 28th of November, 1851, to memorialize Congress upon the subject of constructing a Railway from the Pacific to the valley of the Mississippi, do now respectfully report the following memorial.

To the State of California, though the youngest of the confederacy, has it fallen, to give conception to an enterprize, the grandest, the most extended, and in all probability, the most useful of all public works which have at any period occupied the attention of any government—that of a railway from the Pacific coast to the valley of the Mississippi, an enterprise, the cost of which, although probably four times that of any known similar work, yet sinks into insignificance when contrasted with its extent and its benefits.

The history of California as a State, is eminently peculiar to herself—it has no parallel, either ancient or modern. Her origin, like that of the fabled goddess of wisdom, was without anticipation. *Never* in her minority, she has known nothing of territorial tutelage, and never has been embarrassed with the swaddling bands of territorial government, and full grown at birth, she took her stand in the *Union* with all the maturity of a long established organization.

Just as peculiar as her history, is her condition ; with a climate as varied as a meridian of longitude, she is exempt from disease ; with a soil as fruitful as that of the tropics, her agriculture has scarce commenced—a whole nation of actual laborers, she has yet no manufactures ; and with wealth that surpasses fiction, she has neither canals nor railways ; and yet, paradoxical as it may seem, without the aid of government expenditures, or the combined

power of moneyed corporations, she has already executed by private enterprise, works of "Internal Improvement," where the capital invested has been the thews and sinews of the stockholders; where direct benefits and productiveness far outstrip, in their results, any similar efforts of the States from which we spring, either on this continent, or in Europe.

Our tunnels amaze the scientific engineer, and he wonders whence the power came that built them. Our sunken shafts astonish the experienced miner of the old world, who never dreamed, that the arm of a freeman could possess such vigor. Our aqueducts and water-ways are, many of them, longer than most European canals, and though almost unknown to the world, seem to be commenced and completed with the rapidity of magic.

Recently, our whole domain was but one vast wild cattle-field; to-day it teems with population and the hum of industry, and the sound of labor is heard in all our valleys and on all our mountains.

Without being obliged, like other States, to manufacture, to produce, to exchange or barter, for the production of wealth, we lift it from the ground, and scatter broadcast, amongst the nations of the earth, a hundred millions of gold annually; and At as, like, single-handed, bear up commercial credit far above the shocks of commercial crises, and preserve the equilibrium of trade for a world. We repeat it, we have no parallel, either in our history or our condition. And these assertions, wild as they *may* seem, are stubborn facts, visible to all the earth, and not the offspring of vain and empty boastings.

The well known assertion of Bishop Berkeley, that "westward the course of Empire takes its way," is fulfilled in our destiny. The earliest annals of history testify to this migration as having occurred with the regularity of instinct. Asia impelled her living stream on Europe; Eastern Europe poured the melting mass along, until the mighty ocean hemmed it in, when Columbus drew his finger across the Atlantic, and followed by the living stream it reached *our* shores, and billow after billow has rolled on ever since, until the tide has burst over the confines of the Rocky Mountains, swept down the sides of the Sierra Nevada, and now, in the "fulness of time," the West, the "Far West," has ceased to exist!

That pent up flood of population now reacts upon the East, and like the glorious rays of the rising sun, as they burst the barriers of an intervening world, gild the mountain tops far away in the West, and thence rebound, and are given back in corruscations of light and life upon the valleys and the streams of the East: so that flow of empire, having reached its farthest bounds, it now returns its mighty volume to endow with new energies and new resources the vast field it has passed, and thus it becomes, like mercy,

"twice blessed,
It blesseth him that gives and him that takes"

It is from California that this great enterprise we contemplate must spring: it is from her untiring energies that this movement must obtain its impulse. California must give nerve and power to this bold proposition. To say that there lives not the man who is capable of estimating the great results that are to flow from the construction of a railway across this continent, from the Pacific coast to the Atlantic, is to assert what is obvious—to repeat what is

trite. We live at a period rife with mighty enterprises; at an age, when human energy is devoted, not to carnage, but to utilitarian instincts; when each nation is putting forth its nerves to their utmost tension in the race of improvement, because *now* "the race is not to the swift nor the battle to the strong." It is not *now* a contest of legs and arms, but one of brain, of intellect; when mind enters the arena with mind, and the stake is not cannon and colors and drums, but superiority in the useful arts of life. The Chinese Wall, fifteen hundred miles in length, has served for two thousand years no other purpose than as a monument of the cowardice of its projectors; its only use being a mere defence against the incursions of hostile tribes. The immense expenditure of wealth and labor in the Egyptian Pyramids, only gave a splendid mausoleum to the worthless carcass of some, perhaps, bloody despot; and the more worthy work of the Highway of the Incas on our South American continent, two thousand miles in length, and flagged with stone, covered with bitumen, was built for the benefit of an isolated and half civilized empire; whilst our enterprise will be the Highway of the World, and mark a stream on which will flow to *all nations* the blessings of mutual kindness and friendly relations,—a wide channel for Christian Light and Truth and Civilization,—on and by which the Arts and Sciences, and Republican Principles, will encircle a grateful world.

The common use of steam has renewed commerce, and communicated a new and accelerated vigor to all its currents. *Time, now*, more than *ever*, is money, and sailing ships "must keep the pace," or go out of use. So far, they have been successful in their efforts; and yet, it is easy to see that a few more improvements in steamers will place an immeasurable distance between them and sails; and whilst the latter may become antiquated, the former will open to us a new era in navigation.

Ocean steaming, authoritatively pronounced by the philosophers of the day *impracticable*, has proved eminently successful. A few well directed blows of the actual mechanic has exploded the imaginative ideas of the philosophizing theorist, and has proclaimed, as "settled law," that steam, or some other efficient substitute, must *shortly* drive the commerce of the world.

And whilst this agent is doing its work so well at sea, it is by no means idle on the land. The Locomotive has a thousand eyes watching its motions, a thousand minds bent on its improvement, and a thousand hands experimenting on its action and compelling its simplification. Already its rate has been increased from four miles per hour to over a hundred; and no eye can yet see at what point of speed it will be limited.

During the stormy winter of 1836-7, all the "Liners," the best packet ships between New York and Liverpool, were detained by contrary winds until "*eighteen mails*" were due; and a large amount of commercial disaster, which resulted in 1837 in a general break-up of American merchants in London, was solely occasioned by these "ruthless winds" which kept back their ships and their remittances; and when, in consequence of this, it was proposed in Europe to send a steam vessel across the Atlantic, the British Association for the Advancement of Science met, and gravely demonstrated, theoretically, that a steam voyage to New York was *impracticable!* It was shown that fourteen hundred tons of coal would be required for the Great Western, whilst her whole tonnage was but twelve hundred, and in

consequence, the voyage projected, was pronounced absurd! Nevertheless, she started, and when but *three days* out, passed a "Liner" under sail *seven days* out, and accomplished in fifteen days and twenty hours her whole voyage, consuming four hundred and fifty tons of coal only! That experiment was followed by others, still more successful, until ocean steaming has ceased to be an object of wonder, and the Atlantic is reduced to a mere ferry!

The passage around Cape Horn has long been the terror of navigators, and that by the Cape of Good Hope not less so, since the days of Vasco de Gama.

From the time when the dividing ridge on the Isthmus of Panama was first crossed down to the present, nation after nation has sought for a convenient and easy passage between the two oceans at that narrow Isthmus, the importance of which has been so ably and energetically set forth in the report of the Hon. T. Butler King, from the Committee on Naval Affairs to the House of Representatives at Washington. And now, when individual enterprise has almost accomplished that passage by rail-way, we yet find that *that* is by no means *all* that we want.

From the period when the bold buccaneers were the terror of both oceans, a water channel of communication has been sought for that would unite the Atlantic and Pacific, and recently in the rivalry of possession of one of the passages of this Isthmus our nation and its great ancestor have almost been embroiled by the question. Whilst at the same time public attention has been also attached to the great importance of the Tehuantepec route, and it has been sought to make it the subject of treaty stipulations, yet neither the Panama, the Nicaragua, nor the Tehuantepec routes, if all successful, will satisfy *us*, for whilst we wish well to each of these enterprises as we do to all that improves and facilitates communication everywhere, yet nothing will satisfy us but a way over our own soil, a road within our own jurisdiction, embosomed amongst our own people, safe from the reach of every foe, and grasping in one united bond the mystic arrows of the confederacy, and surrounding our glorious Union with a band of steel which shall hold it in place so long as governments shall be known on earth.

Fortunately for us in this grand and generous contest for improvement now inciting the world to rivalry amongst the foremost in the race are our own countrymen; and when apparently their energies seemed to be taxed to the utmost limit California steps into the arena, and declares that her demands far out measure any requirements ever yet made upon the public capabilities, and that her rewards to the enterprising shall far exceed the golden cups, the jewelled snuff-boxes, the ribbons and the rings of all the monarchs that have ever lived "since Nimrod ruled," and frankly and liberally, and nobly California throws open the field of contest to the whole world.

Numerous indeed are the motives which urge the immediate execution of this work upon our attention with irresistible force with statesmen. Its nationality presses it, forming as it will the great belt of communication from ocean to ocean, and its side connections will bind together our large unoccupied or sparsely settled territories, whilst at the same time it will command the trade of the wide Pacific, whether it be connected with the southern shores of this continent, the islands of the great ocean, or the commerce of the East Indies and of China, and the whaling business transferred to the ports of this State, the voyage reduced in time to one-eighth, and the dis-

tance to one-seventh of that now required, must place these fishing grounds in the hands of our enterprising countrymen.

The track of this road will pass through our vastly unsettled domain. It will subdue the forest, the prairie, and the desert, and offer them as homes to the oppressed of all nations, to whom with extended arms, we tender a resting place under our roof, free, where safety and peace will surround them, and the hand of sympathy and brotherhood sustain and protect them.

It will carry peace and civilization, and the useful arts amongst our savage tribes, whilst by it, at the same time, we shall enforce the world to make us their carriers; China and the East will, through us, stretch out their hands to Europe, and Europe by the same means, will return her blessings upon the Indies.

In war it will give strength and union, and California will be placed under the wide spread wings of the American Eagle, instead of being as now, at the "ends of the earth!" Now we are dependent upon the *peace of the world*, and the *permission* of New Grenada, for the safe transit of our mails and treasure; then, we shall be independent of the former and released from this obligation to the latter, which is an obligation derogatory to our dignity and independence as a nation.

Who does not know, that a declaration of war with Great Britain would not only instantly stop the transit of our millions of treasure by the Isthmus of Panama, but also at the same time, our entire mail communication with the Atlantic States.

The lurking privateers that would then lay in ambush in the English West Indies, would cut off all intercourse by merchantmen and unarmed steamers, whilst squadron after squadron of their multitudinous navy would swarm in the Pacific, or shelter themselves in the harbors of those Islands, and nothing but squadrons of equal or greater force, which it would require years to build and equip, could open a passage, and that at uncertain and doubtful periods.

If then, a delay of six weeks in all mail communication between Liverpool and New York, in 1837, by reason of opposing winds, could bankrupt our merchants, how much more easily is it made obvious to the dullest intellect, that a total cessation of our communications and special transit to the States, caused by a declaration of war, would produce a cessation of specie payments by almost every bank in the Union, and a far more disastrous bankruptcy of our merchants, than has ever yet occurred. Yet such is now our imminent position.

Unfortified too, as we are here, incapable of receiving aid across the mighty desert that intervenes between us and our home government, the British forces kept in their portion of the East Indies, are now, by our settlement on this coast, within dangerously close proximity to us, and might lay us under contribution and disarrange our connexions most vitally, without the necessity of looking toward home for a single man, or a single ship beyond their usual force. Whilst our navy must fight at every inch, and conquer in every battle, through eighteen thousand miles of sea, without a harbor for shelter, or a point to refit or seek for supplies.

It is true, these things are not likely to occur. But is it wise, for that reason, to shut our eyes to the possibility.

It is true, that at this moment, a better feeling exists between our government and that of Great Britain than ever existed before. It is true, prejudice is vanishing, that mutual respect is accruing, and that power is aggregating on our part, so that a conflict, when it does come—which may kind heaven avert—will shake the earth from centre to circumference.

It is true, and acknowledged to be true, that these two governments at present look on each other with kindly eyes, as helper to the oppressed; as the homes of the politically destitute; as the known enemies of tyranny, and the acknowledged champions of liberty and of truth. Yet, who can say that the jealousy of rivalry, or angry passions, or real interest, or imaginary insult, shall NEVER again cause these nations to rush together in horrid conflict. That this may *never* occur, is the sincere ejaculation of every true friend of either, but that it *shall not*, is more than we can foretell or dare aver.

If, then, California be designed to form an integral part of the Great North American Empire, and to occupy her proper position as such, in no way can that be effected so certainly and so efficiently, as by the construction of this important road.

It must be built too, not as an investment for moneyed profits, although it will yield them amply, but as a matter of duty by the government, just as we would construct a national defence or a ship of war, for its uses, its general benefits, the general safety, and the general prosperity. There is no State in the Union that is not deeply interested in it, both directly and indirectly. No county, town, or district which has not its representative residing in California.

Supposing then that Independence, in Missouri, is the terminus of the at present most western road in the Valley of the Mississippi, and that by following some of the numerous branches of the Platte, the Kansas, or the Arkansas, the Great Desert may be crossed through a series of fertile valleys, and the dividing ridge which separates the waters of the Pacific from those of the Gulf of Mexico, be struck and passed by some of its numerous defiles, the head waters of the Colorado will thus be reached, and no matter where the road may strike our valley, lying between the coast range and the Sierra Nevada, from San Diego up, let it be carried on until it reach the bay of San Francisco, connecting all our cities and towns on or near its route, and giving to California a well defined system of roads through two thirds of her extreme length, and yielding to our General Government a consolidating power, which it does not now possess.

We freely admit that we cannot assume the correctness of explanation, or the certainty of actual survey, nor do we attempt to indicate routes or forestall opinions; all results must be submitted to the intelligent direction that Congress will no doubt submit the execution of this enterprise to. All that we propose at present is, to urge upon our Government the importance of this work and its immediate construction.

Several modes of execution have been devised. Mr. Whitney has suggested that it be built upon a grant of sixty miles in width to a private corporation, through the whole territory it should traverse, for which it should pay ten cents per acre—to have no land until they built ten miles, and then to receive five miles, and so on for every succeeding ten miles,

so that, for the first eight hundred miles, they should receive only one-half of the land to be granted, and the balance retained as security. His point of commencement was high up in the north, but his course united at the South Pass with Col. Benton's proposed route.

The plan of the latter was to execute it by the Government, and to grant a strip of land from the frontier of Missouri to the Bay of San Francisco, one hundred miles in width. The income from the customs and sales of lands in California, Oregon, New Mexico and Utah, and loans to be made in anticipation of these resources, and hypothecating them for the purpose. His route to start from Independence, along the Kansas and the Upper Arkansas, the Huerfano rivers, and the Utah Pass, to the head of the Del Norte, through Roubideaux's Pass, across the valley of the Upper Colorado, through the Great Basin, crossing the Sierra Nevada near its middle, or turning it to the south and crossing the Rocky Mountains three or four degrees south of the South Pass.

The track followed by Emery and Gen. Kearny from Fort Leavenworth, was very circuitous, and yet, the distance by that route between that point and San Diego is but 1,900 miles; and when it is considered that they ran south full seven hundred miles, the inference is but natural, that as the city of San Francisco is nearly due west of Independence, that a much shorter route may be attained. However, to leave room for all contingencies, let us set down the distance at 2,000 miles, and affix as the probable cost \$40,000 per mile, which is an extreme estimate as compared with modern built roads in the older States, especially when we consider that there will be no land damages to pay, usually so heavy "an item of expenditure" there, and we thus bring the total, and fully ample for construction and machinery, to the sum of \$80,000,000; a sum which, though large, is but as a payment when contrasted with the accruing benefits of such an improvement.

It is true, that the proposition to expend so much for such a purpose will no doubt look shocking to many, who, if it were laid out in the conquering of some adjacent territory, or in a sanguinary war with some European Power, would pronounce it all right; so frequently are our judgments controlled by our habits of thought: and thus, whilst a hundred millions expended in war, is deemed a matter right and just, yet a proposition to lay out a single million in a dry dock, a mint, or a custom house, or in reducing the cost of postage, or for any of the useful arts of peace, most sensibly shocks our economical habits of thought, and jars upon our very sensitive nerves! We must, therefore, divest ourselves of these views! Ours is not a military Government—a despotism; where the people become the playthings of kings! Our Government is based upon the idea of procuring the greatest amount of good for the greatest number of persons. The benefit of the many is the object sought—the grand aim is the common weal!

The war of 1812 cost directly over a hundred millions. That with Mexico probably the same, and the Florida war some thirty millions, yet, how considerable the benefits, and how slight the gain, if true glory to the country, magnificent as the results were in the two first, when compared with the inestimable good this great enterprise will confer, not only now, but in ALL TIME TO COME.

Connect the harbor of San Francisco, then, with the Mississippi Valley,

to which point, with slight exceptions, is Government land, and you at once connect us with all the avenues of trade which spread as a network over the older States. We are thus joined to a road from St. Louis through Vandalia, Indianapolis, Bellefontaine, Mansfield, Pittsburg, Philadelphia, New York, and Boston, whilst divergent roads join us to the Lakes on the North, and at the same time other branches leading South, where the railways run into Kentucky, Tennessee, Alabama, Georgia, and the Carolinas, with Virginia and Maryland, all inducing other and further structures, so that there will be found no State in the Union which is not, or will not be hereafter connected through this improvement with us by the strong obligations of union and interest, political and personal.

The city of New York being the point whence our communications are mainly kept up, we will take that and the city of San Francisco as points of estimate. The distance between may be set down as three thousand miles in round numbers, of which our Government must construct two thousand; the remainder being already built by private enterprise, or in progress. Such a road, once finished, and run at the rate of thirty miles per hour, being the speed of all good roads now used, the journey from the Pacific to New York, would be accomplished in one hundred hours—just FOUR DAYS!

Whilst the route would be exempt from the dangers and delays of the seas, subject to no interruption by enemies, nor any obligations of forbearance by any momentarily friendly Power, and accomplished with regularity, with ease and with safety.

Now let us see how this will compare with the routes now in use or proposed.

The Panama route,	distance estimated at	6,000 miles,	30 days,	by steam.
Nicaragua route,	“	“	5,000 “	30 “
Tehuantepec route,	“	“	5,000 “	30 “
Railroad,	“	“	3,000 “	4 “

Showing a saving in distance over the present route of 3,000 miles, and a saving in time of twenty six days.

By this means we shall, as it were, carry the whole State of California over the Rocky Mountains and place it within four days of New York and Washington. And at the same time that this is being done, the distance between New York and Liverpool, now reduced to ten or twelve days, will be still farther decreased, so that San Francisco and Liverpool will be brought into closer proximity than New York and Liverpool were fifteen years ago.

That, however, is not all. At the same time that steam is producing these remarkable changes in the Atlantic, it will be no means so idle on the Pacific. Already our first of a line of steamers started by the enterprise and capital of San Francisco has made a first trip to the Sandwich Islands, two thousand miles west of us, and for so far “breaking the road” to China, and showing that however active enterprise may be on the other side of our continent, she will not sleep here, where energy dwells.

China, lying six thousand miles west of us, with an ocean between so eminently fitted for steamers, will be, when this route is occupied by

steamers of the same class as are now in the Liverpool trade, within twenty days of us. Then, too, it will be seen by a comparison of the various routes with our railway, that even the citizens of "the fast and furious" will find a superior and a cheaper route for their mercantile and travellers to their India possessions, than any they have yet possessed, or are likely to obtain. The time is at hand when the sons of liberty, so long ground down by the iron heel of despotism, will wake up upon the continent of Europe for a death struggle with tyranny; when England and America, hand clasped in hand and shoulder to shoulder, will give birth to a *right public opinion*, fanned into life by the ebullience of a Joshua and kept in surety existence by the vents and wishes of the whole human race; and in this struggle, the crowned heads of Europe, led on by the Russian and the Austrian, and by the imaginary republican monarch of France, will close for years to English travellers the overland route to India, whether it be by Marseilles or Trieste, or the isthmus of Suez. They will England find that her superiority on the ocean, backed by the friendship of sons by no means degenerate on this continent, will open to her a shorter, a cheaper and a better way to her Eastern dominions than she has ever possessed.

	MILES.	DAYS
The distance from London to Calcutta, by the Cape of Good Hope, is	15,000	and requires 150
With steam, say 70 days.		
From London to Calcutta, by Cape Horn,	21,500	" 215
With steam, say 90 days.		
From Liverpool to Calcutta, by Isthmus of Panama,	14,000	" 140
Steam, say 60 days.		
London to Calcutta, overland route, five transshipments,	6,000	" 58
Liverpool, New York, and Railway to San Francisco, two transshipments,	12,000	" 35
A difference of 23 days over her shortest route!		

Having on our route three thousand miles of uninterupted railway, two-thirds of which may be laid out straight as an arrow, where we have the whole domain for choice of track without the interference of a single land holder to influence it *toward* his mill, or *away* from his house, we shall be able, after some improvement of machinery and motive power, to attain a speed that no other road now known can hope to attain to; and thus we shall maintain a pre-eminence which an early execution of this work will undoubtedly secure to us for ages.

If indeed this enterprise yielded only a benefit to the State or the citizens of California alone, we might hesitate to urge its construction by the General Government. But when we all know that the whole Union is deeply and immediately interested, and when it is remembered that these benefits enure through peace and war, and for all future time, we are confirmed in our eagerness in pressing upon the immediate attention of Congress the commencement of this work.

When, also, it is considered that an empire must grow up here upon this Pacific coast with a rapidity unknown to history, when we know that its volume will sweep us along if we yield to its influence or overwhelm us if we resist, we feel constrained to say, *the time has come* for this movement.

No State has ever been developed so rapidly in all its features as California. No agriculture has ever rendered such returns for labor as here. No territory our country possesses has ever proved so rich an inheritance, nor have the harbors of any portion of our coast, or that of any other nation, at any time, or anywhere, ever exhibited a commerce at all to be compared with that of the city of San Francisco, so emphatically the city of the West.

In the *third* year of her infancy, San Francisco exhibits a population of 25,000 inhabitants, and a commerce *one-third larger* than that of the city of Baltimore, with 160,000 inhabitants, and over a hundred years from her founding; and but for the fires which have desolated her six times within two years, at a loss of perhaps thirty million of dollars, she would to-day have been one of the very first cities on this continent for wealth, population and importance.

In the construction of this work, to which we urge the immediate action of Congress, it is not for us to point out the sources from which the *means must* come; but knowing that the public faith is backed by ample resources, we leave it to the wisdom of that body to take such measures as shall give immediate impulse to the work.

Already has the Treasury of the United States been materially enriched by "the civil fund" of California. Already have there been indications made of an intention to reduce the public lands here to that system of sale which has been adopted elsewhere, and if these things *must* be, then let the funds arising therefrom be applied to this truly noble purpose, so that our citizens may at least derive some direct benefit from the result.

The amount of lands in this State is supposed to be about 100 millions of acres, and would doubtless yield, allowance being made for Spanish grants and worthless tracts, fifty millions of dollars to the Treasury; but we protest most solemnly against delaying this work until these funds can be realized, whilst the credit and the ability of the General Government is so ample for the purpose. Let immediate measures be taken *now* for the commencement, and give to it the energy, rapidity of construction which its importance demands.

Since the annexation of this territory to our Government it is estimated that 200,000 passengers have been carried to and fro, between San Francisco and New York or New Orleans, at an expense of not less than three hundred dollars each, making a total of sixty millions in a little over two years, and many millions of freight, consisting of thousands of tons of articles far better carried upon a railway than by sea or transshipments of part sea and part land.

Beside all which, the Government pays about half a million of dollars for mail transportation, and furnish a mail to us *once* in two weeks, whilst by a railway it can be carried at eleven cents and a half per mile, the average rate now paid by the Department for mails carried on railway, making \$345 a trip, or an annual *daily mail both ways* for \$503,000; a convenience which our extending commerce now requires, and will

cost at *present* rates by *present* means about seven and one half millions of dollars—more than enough to pay the interest of the whole cost of the work at eighty millions of dollars.

Our trade with China is growing with wonderful rapidity, and must soon by its importance demand a line of steamships, as it is likely to prove the most valuable foreign trade that is possessed by that immense empire, and already it seems to be gradually proving every day more and more profitable to both countries, so that with our present good standing with the Chinese Government, they will doubtless give it all the encouragement it will need for its early and successful development.

The trade of this State with Chili has already proved of immense value to both countries, and is doing more for the prosperity of that Republic than any she has ever possessed; whilst New Grenada has been almost re-created by the activity and energy which contact with our countrymen has produced. Added to all which, an immense trade with European countries is growing up, so that without enumerating others, there has been of French vessels alone, in about two years, arrivals and departures equaling 80,000 tons, which is but one-third *less* than the whole tonnage of the city of Baltimore *in all her trade* at this time. Now when it is remembered that all this is being done at an extreme point of the Union, full six thousand miles away from the central Government, upon almost its farthest coast, between which and home intervenes interminable deserts and savage tribes innumerable, what may we not expect when brought in contact with home, and conjoined directly with all the active avenues of trade, shall result from the creative power of this railway, if once constructed and in active use for a few years! Who that looks back upon the Atlantic States, at the invigorating influences which the small railways there have exercised upon the industry and prosperity of the country, can estimate the productive powers which must be brought into play by the construction of a road two thousand miles long, right through the very heart of the land, and gathering up in its grasp the energies of a continent, so that a man may count the pulsations of trade just as he would those of his own heart, and control its movements through the agency of the railway and the telegraph with as much certainty and at no greater loss of time than was required ten years ago to rule a cotton factory or a plantation.

How is Oregon to be settled and governed without such means? How is the Utah Territory, with its homogeneous population, to be managed without such aid? Better, far better for us, and for the world, would it be, if no such means of union and centralization be adopted, to cut these adjacent provinces loose, and permit us, in our own strength, to organize a Pacific Union of States, so that we may husband our own resources, rely upon our own means, and rear, according to our own wishes, in this Western World, an Empire that we know must exist here, possessing the same liberties and endowed with the same energies as the land from which we spring.

Therefore Resolved, That the time has arrived when the people of the State of California deem it their duty to press upon Congress the immediate construction of a Railway from the Pacific Coast to the Valley of the Mississippi, and that ample means should at once be provided, and a competent

corps of engineers employed, to obtain prompt surveys of all known or probable routes for such road.

Resolved, That as citizens of California, although we duly appreciate the friendly relations now existing between our Government and that of New Grenada, yet, we look with regret at the fact, that a hundred millions of treasure, and ALL our *correspondence with home*, is at the mercy of a Power far from being stable and secure, and liable to the caprice of the chieftain of to-morrow, whoever he may be, that the accident of political or military life may throw into power.

Resolved, That it is derogatory to our national name to be indebted to any other Government for the *privilege* of mail communication between different portions of the Union; a favor we ought not to be indebted for any longer than is necessary to effect a passage over our own soil.

Resolved, That His Excellency the Governor of this State be requested to forward copies of this memorial to the Governor of each of the States of this Union, with a request that it be laid before their respective Legislatures, with an earnest solicitation for their friendly aid and co-operation in forwarding this great national object.

[Document No. 59.]

IN THE ASSEMBLY.]

[SESSION OF 1853.

RECEIPTS INTO THE STATE TREASURY

FROM SALES OF

BEACH AND WATER LOT PROPERTY,

TO APRIL 22, 1853.

[GEORGE KERR, STATE PRINTER.

To Hon. ISAAC B. WALL,

Speaker of the House of Assembly,

SIR :

I have the honor to transmit to the Assembly the information called for by a resolution of that body relating to moneys received into the State Treasury under "Act of March 26th, 1851," providing for the disposition of certain property of the State of California.

RECEIPTS INTO THE STATE TREASURY FROM SALES OF
 BEACH AND WATER LOT PROPERTY, TO APRIL 22d,
 1853.

1852.		
January 24,	From John W. Geary, President of the Board of Funding Commissioners of the City of San Francisco,	\$1,000 00
1853.		
February 1,	From Commissioners of the Funded Debt of San Francisco,	10,000 00
March 26,	From Hiram Pierson,	1,312 50
April 7,	“ D. W. Connely,	212 50
“ 8,	“ Commissioners of Funded Debt of City of San Francisco,	7,000 00
	“ Commissioners of Funded Debt of City of San Francisco,	8,267 95
Total Receipts, - - -		<u>\$27,792 95</u>

The above receipts of cash I felt myself bound to pay into the Treasury, under the provisions of Section 7th, of “Act concerning the Office of Comptroller,” passed January 19th, 1850.

Very respectfully, your ob't servant,

WINSLOW S. PIERCE,
 Comptroller of State.