

LATER FROM CALIFORNIA.

The Herald and Tribune publish intelligence from California to the 10th Dec. last brought by Robert Atherton, Esq., merchant of San Francisco.

By this intelligence, we learn that the yield of gold dust from the soil of California, is as great as it has been heretofore represented to be.

There has not been so much sickness at the place as we were led to suppose, neither is the state of society there as bad as has been intimated.

About a dozen people have died, among whom are Mr. H. P. Richardson, of Boston, and Mr. T. C. Smith, of New York.

When Mr. Atherton left San Francisco, the United States store ship Lexington had not sailed, but was to do so in a day or two.

One of the greatest features of the news brought by this express, is the fact of the discovery of a gold mine in Oregon.

The whole value of gold which has been gathered in California, is estimated, by those acquainted with the matter, at three millions of dollars.

It is supposed that it would take one hundred diggers ten years to exhaust the gold in this region.

The precious metal exists there, however, in extraordinary abundance, as is proved by the fact that the captain of the French brig Perseverance, with one half of his crew, gathered ten thousand dollars worth in three weeks.

Great as the discoveries of gold are, they are equalled by those of quicksilver. That metal is found in various parts of California, and the quantity is as abundant as it is in the mines of Spain.

About two thousand emigrants had arrived in California from Oregon, the Sandwich Islands, and different parts of South America and Mexico.

There were about a dozen vessels, of various kinds, at San Francisco, when Mr. Atherton left.

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Captain Macey, it appears, has not been at the gold diggings as early as he was expected.

The American steamships on the Pacific have not yet got permission from the Mexican government to touch at Mazatlan or Acapulco for coal, in consequence of the tonnage duties.

Mr. Robinson, Mr. Gilbert, Mr. Roach, and Mr. Buffum, of New York, went to the placers in the latter, the last named in company with Mr. Huggins. They were officers of the New York regiment.

By this intelligence, we are informed by sufficient authority, laboring in the mines, tools, single handed, with common pick and spade, in the space of twenty days, nearly thirty pounds of gold from a piece of ground not measuring four feet square.

From a highly intelligent correspondent at Sonoma, we are informed that gold has been found in the vicinity of that place and Santa Rosa.

The Union of yesterday publishes, the correspondence between Capt. C. E. Carr and the authorities of Tampico, Capt. Carr, who is an assistant quartermaster of the United States army, was, on the withdrawal of our troops from Tampico, left there in charge of some private property, which could not be immediately embarked among which was a large quantity of coal—a depot of that article having been there established.

There has not been so much sickness at the place as we were led to suppose, neither is the state of society there as bad as has been intimated.

California Emigration.—It has already been announced that a great emigrating party from Arkansas to California, will set out about the 1st of April next.

Whereas, on the 3d day of January, A. D. 1843, a "joint resolution of thanks to Major General Taylor," was passed by the House of Representatives.

And whereas, said amendment, so adopted, is unjust charge against the President of the United States of disregarding the constitution, and of usurping powers not conferred by it.

Resolved, as a remedy therefore, That the said amendment, adopted as aforesaid in the words following: "in a true and correct manner, and in conformity with the provisions of the constitution."

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THE WEEKLY OBSERVER.

FRIDAY, FEBRUARY 24, 1843.

SATURDAY MORNING, FEBRUARY 24, 1843.

IMPORTANT RESOLUTION.

We are happy to see that the Hon. JAMES THOMPSON, member from this district, has again introduced a resolution to expunge from the Journals of the House, the gross libel upon the country and Gen. Taylor, the President elect, perpetrated by the whigs in looking on a joint resolution of thanks to that distinguished officer and his compatriots in arms in the recent war with Mexico.

It is not necessary to repeat the substance of the resolution, as it is contained in the "Weekly Observer" of the 14th inst. It is not necessary to repeat the substance of the resolution, as it is contained in the "Weekly Observer" of the 14th inst.

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MUCH ADO ABOUT NOTHING.

For the last two weeks all whigdom in Congress and from the National Intelligence down to every night-bird in the country, have been catching their breath over a great and astounding discovery.

The honor of this stupendous revelation belongs to Mr. Stephens, of Georgia, who, having sat upon the egg until it had become perfectly averted, broke the shell and scattered its perfume all over the country.

It is not often why whigs meekly with such good luck—hence all our whig contemporaries, the Gazette among them, have not failed to manufacture a reasonable quantity of "blunder and fury" on the strength of it, and launch their bolts at the Administration and the Democratic party.

This Mr. Stephens, who is a very small man physically, but a very giant intellectually, in his own estimation, found out, or pretended to find out, that the Mexican treaty, ratified by both governments—the Senate of the United States and the Congress of Mexico—was nullified afterwards by a mere protocol of the agents of the two powers!

Hence that there, is, after all, no valid treaty. That consequently neither California, nor New Mexico, nor the boundary of the Rio Grande, belong to the United States; and until there is more negotiating, all effective legislation about these territories is out of the question.

So these learned Thobens would argue this territory away as though it were a very little thing. What, in the name of common sense, is all this about? What is it for?

Will the whigs be never done with defending the Mexican side? Or is this an effort to get rid of those territories, and thus relieve Gen. Taylor's administration from the embarrassing questions arising from them?

The latter is the object of all this "virtuous indignation"—if that is the prime motive which has set Mr. Stephens a-prolocuting, it will be a most signal failure, and the large quantity of breath and ink which have been shed in the effort, will go for naught.

Free labor has laid its glorious grasp on those territories, and Stephens knows it—the Intelligencer knows it—the whole Taylor party South know it—and hence they are anxious to get rid of the territory. Another object of this movement, the Union says, is believed to be, to defeat the appropriation for the payment of the next instalment due Mexico.

We cannot believe that the whigs will attempt an outrage so enormous. What then can be the object of all this parading? What can it lead to, but pure mischief? Are Stephens and the whigs really serious in their belief that there is no treaty? Do they really believe that a mere protocol—a register or record of conversation between two subordinate governments—can annul a solemn treaty and their respective governments?

If they are such fools as this, they are not fit to talk of the subject—and if they do not believe it, what shall be said of the bitter, unrelenting, reckless partisanship that can thus feed the mouths of enemies with lies against their country in order to promote their party schemes.

But to the protocol itself. The American Senate, it will be recollected, did not ratify the treaty of Guadalupe as it was concluded, but with certain amendments; and in order that the character of these might be understood in Mexico, the secretary of state authorized the Messrs. Sevier and Clifford, as an argument for the adoption of the treaty, to make certain explanations of their character, and especially in relation to the rights secured to persons and property by American law.

All this, however, proved unnecessary as it regarded the Mexican congress, for this body had ratified the treaty, as amended, before Messrs. Sevier and Clifford got to Mexico. The president of Mexico, however, had not signed it. To remove certain scruples the ambassadors entered into these explanations, and recorded them in the form of a protocol. This protocol forms no part of the treaty, but only an argument in favor of its being ratified.

The first of these explanations relates to the 9th article. It relates to the rights of persons and property in the territories to be ceded; providing that individuals and associations shall be protected in their property, and incorporated into the Union. Instead of a long, verbose stipulation in the original treaty, the senate substituted the article on this point in the Louisiana treaty of 1803. The secretary says:—

"This article is substantially the same with the original 9th article; but it avoids unnecessary prolixity, and accords with the former safe precedents of this government in the treaties by which we acquired Louisiana from France, and Florida from Spain."

The second explanation related to the 10th article of the treaty. This was totally rejected by the American senate. A portion of it related to the grants of Texas lands, and did not receive a single vote, and the whole grants of lands by Mexico. The secretary says:—

"These Mexican grants, it is understood, cover nearly the whole southeast and a large portion of the interior of New Mexico, and the territory of California, and a great number of cultivated farms, the proprietors of which have acquired them honestly by purchase from the state of Texas. These proprietors are now dwelling in peace and security. To deprive them of their lands, and suffer the inhabitants of the ceded territories, if not the whole people, to be in a state of anarchy, would be a most oppressive and cruel measure. Fortunately this government possesses no power to adopt such a proceeding.

The same objections equally apply to such grants in New Mexico and California.

The present treaty provides amply and specifically in its 8th and 9th articles for the security of property of every kind, belonging to Mexicans, whether held under Mexican grants or otherwise, in the acquired territory. The property of foreigners, under our constitution and laws, will be equally secure without any treaty stipulations. The United States will have no effect in such grants as have forfeited their claims, but that of involving them in endless litigation, under the vain hope that a treaty might cure the defects in their titles against honest purchasers and owners of the soil."

The protocol says:— "The American government, by suppressing the tenth article of the treaty of Guadalupe, did not, in any way, intend to annul the grants of lands made by Mexico in the ceded territories. These grants, notwithstanding the suppression of this article of treaty, preserve the legal value which they may possess, and the grantees may cause their legitimate titles to be acknowledged before the American tribunals.

Conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories, are those which were legitimate titles under the Mexican law in California and New Mexico, up to the 13th of May, 1846, and in Texas up to the 21st of March, 1836."

Now, all that this article could possibly secure, was already secured by the ninth article as adopted by the senate, for this secured to every Mexican his property according to American law. If so, then there can be no clashing between the ratified treaty and the protocol here.

The third explanation relates to the payment of the \$12,000,000, and simply affirms that the United States did not derive Mexico of transferring this money at any time it might deem best.

The whole protocol, then, allowing it to be now of any consequence at all, is explanatory. It was intended to secure the complete ratification of the treaty, and put a stop to blundering. And in order to do this it was necessary to remove certain ideas which the Mexicans had imbibed, perhaps from the railings of whigs against the administration, or of John Bull against the country. The whig press and British press declared that the annexing of Texas was downright robbery; that its ground-work was a desire on the part of rapacious Yankees to usurp the rich lands of Texas and California. The aim of the secretary and of the commissioners was to assure the Mexicans that the civil and religious rights of individuals, the property of the churches, would be sacredly respected by the American constitution. Had the Mexicans required it, Messrs. Sevier and Clifford might have gone still further, and guaranteed that it was not the intention of the treaty to secure a right, on the part of the people of the United States, to steal a Mexican's purse or to cut his throat. And if such simple business as this was necessary to secure the great end of peace, all men but whig partisans would have justified them in doing it. And yet whatever there was derogatory in it had led down to the charge of the abusers of the democratic and the libellers of their nation.

Important Resolutions Passed Unanimously by the Ohio Legislature.

We are happy to lay before our readers the following resolutions, which have unanimously passed both branches of the Legislature of the State of Ohio, relative to the repeal of the charter of the Ohio and Erie Railroad. They are important as going to show the state of feeling in that State in regard to the proposed measure. They are important, because they bring the matter straight home to the Pittsburghers and the friends of the Central Railroad, and tell them in so many words that if they persist in this unjust course, the people of Ohio will retaliate! How will they retaliate? By stopping their favorite road at the Ohio line! This would be right—it would be just—and that Ohio will adhere to this unanimous pledge, we have every confidence! Let Pittsburgh, therefore beware! The challenge has been prepared for the lips of others, who may be compelled to taste herself.

Resolved by the General Assembly of the State of Ohio, That we recognize, as among the most important provisions of the federal constitution, those which prohibit all restrictions upon the freedom of commerce between the several states; and that any provisions which have the effect of such restrictions, in wealth, in happiness, and in all the elements of prosperity, which has rendered the United States without a parallel in the history of nations.

Resolved, That the liberal policy which has hitherto pervaded the legislation of the several states, with reference to internal improvements, designed to facilitate commercial intercourse between the several states, has borne ample testimony to the fidelity of those states to the spirit as well as the letter of our common constitution, and to the enlightened views of the respective state Legislatures.

Resolved, That this body, with regret, that the Legislature of the Commonwealth of Pennsylvania is at this time seriously contemplating a departure from that liberal policy, and is about to pass a law, which will have the effect of her sister states on this subject, by the repeal of the charter of the Ohio and Erie Railroad Company.

Resolved, That we cannot but regard this as an attempt to force an unnatural and unjust connection between the Commonwealth of Pennsylvania, and the Commonwealth of the Northern states, and to compel the same to seek the seaboard through the line of improvements constructed by the State of Pennsylvania, from which can flow nothing but disappointment to herself and injury to those states whose products she covets.

Resolved, That the State of Ohio hereby denounces a system of countervailing, retaliatory enactments in the legislation of any of the states of this Union; and while she most solemnly protests against a course of conduct on the part of her sister state that will render the adoption of measures to retort, necessary for her own protection, she deems it due to her own dignity, to the interest of her citizens and the welfare of her sister states to declare that, if it shall be found to be the settled determination of the Commonwealth of Pennsylvania, that the great line of railroad communication between the seaboard and the West, along the southern shores of the lakes shall be interrupted and broken by her refusal of the right of way, or the same through her territory bordering upon the shores of Lake Erie, that she will resort to measures of retaliation, because the imperative duty of this state, from the performance of which, at the proper time, she will by no means shrink.

The resolutions were amended in the House as follows: Resolved, That the Governor of this state be requested to forward a copy of the foregoing resolutions to the Governor of the State of Pennsylvania, with a request that the same may be laid before the Legislature of the state last aforesaid.

By way of indicating the state of public sentiment in this regard, we feel safe in saying that nine tenths of the citizens of Erie County are in favor of General Banking and Homestead Exemption Laws.—Gazette.

We did not notice the above when it first appeared in the Gazette, and we now allude to it only because we find it quoted by the Whig press in other portions of the State, as indicating public opinion in this county. So long as the Gazette assumes to speak for the whig party, we have nothing to say—but when it puts itself forward as a Sir Oracle for the Democracy, we beg leave to object. It is very probable that a large portion of the whig party of this county are in favor of a General Banking law, but as that entire party does not constitute nine tenths of our citizens, the intention is doubtless to represent the Democracy as favorable to such a measure also.

We are pleased to say however, that such is not the fact—the Democracy of Erie stand where they have ever stood, utterly opposed to the banking system. If this is not their sentiment we do not know them. In regard to the passage of a Homestead exemption law the Gazette's estimate of public sentiment, we presume, is very nearly correct. We would fain believe that there is not even one tenth opposed to the passage of so humane and just a measure—the enlightened and progressive spirit of the age, and calculated more than any other yet proposed, to equalize and secure the blessings of a competence to future generations.

DEPARTMENT OF THE INTERIOR.—A bill has passed the House of Representatives organizing a State Department for the Interior. It proposes to relieve the other departments of much labor. There is to be a Secretary, with a salary of six thousand dollars, and a Chief Clerk, of two thousand. It is to take from the State Department the census and the patent office; from the treasury, light houses, pensions, &c., from the War Department, invalid pensions, Indian affairs, &c., from the Navy, naval pensions; and from the Executive the control of the penitentiary, and the public buildings and grounds.

Impromptu on the election of Augustus Davis, democrat, over Johnson, whig, in the 23rd senate district of Pennsylvania, from the Philadelphia Ledger: Strange requisites for making laws

Perch'd the minds of some— And Johnson's left at home because He could not beat—A Drum.

IMPORTANT.—According to some of the papers Gen. Taylor is to be inaugurated in two years, a black one and one of white Marcellus.

JOHN VAN BUREN'S LAST.—JEFFERSON VAN BUREN met Mr. FILLMORE at the time of his last visit to Albany. "What are you going to do for me, Mr. FILLMORE, now that you are in office?" said the hopeful heir of honor "Do you for me?" said the Vice President elect, good humoredly; "we shall do nothing—we don't know you." "Gen. Taylor will certainly redeem his pledge to you," said John. "Pledge? what pledge?" "The one he gave us at Buena Vista, not to leave his wounded behind him."

IN contradicting the ridiculous story set afloat by the Commercial some time since that Horace Hawes, Esq., formerly of this city, had returned from California with twenty three barrels of Gold dust, our neighbor of the Crawford Democrat, commits almost as ridiculous a blunder, in representing that individual as Consul to the Sandwich Islands. Mr. Hawes received the appointment of Consul to Tahiti, one of the Society Islands, a post which the Secretary of State would not have accepted. He, however, never reached his point of destination, but stopped at the Sandwich Islands, and commenced the practice of law.

Our fair readers will bear in mind that we are not responsible for the following, and we only publish it to show our utter detestation of the scandalous insinuation it contains: "As charity covereth a multitude of sins, even so do long petitions, cover a multitude of shins; to say nothing of un-darned stockings."

OSTERS.—Speaking of Oysters, reminds us that Mr. Holmes, of the Reed House, keeps on hand a superior article, put up in cans and half-cans, and he sells very cheap that the admirers of this delicious shell-fish have no excuse for going without them. A specimen can, through some mysterious agency, found its way to our table the other day, and proved a truly delicious and acceptable present. It is said by some epicurean philosopher that a man is not sure of anything he sees, but testing, he denominated, as he naked truth. In this particular case then, we may be said to speak the "naked truth!"

PROPOSED NEW COINAGE.—The National Intelligencer publishes a communication from Edward Hickey, of Baltimore, in favor of the issue of seven cent silver coins, to obviate the use of copper cents. By the addition of seven cent pieces, all the other numbers may be formed. The suggestion is worthy the attention of Congress.

A specimen gold dollar has been coined at the United States mint, about the size of a fourpence; the words "United States of America, 1843" outside of a wreath, are on one side, and on the other is the representation of a cap, with the word "Liberty" on it, encircled with the sun's rays.

WITNESS THROUGHOUT.—It may be of interest to some to know that Tom Hyer, the celebrated pugilist, who came off victor in a recent contest with James Sullivan, is a good Whig, while his competitor is one of the Tammany Hall boys.

He alleges that he was forced to the fight by repeated taunts and insults from Sullivan, that he had not desired it, and will not, if he can help it, engage in one again. Assuming that he has spoken the truth, the result proves that "Thrice arm'd is he who has his quarrel just."—Erie Gazette.

Will the moral, church going, law abiding citizens of Erie county, believe that the above paragraph is from the Erie Gazette? If we could doubt our senses, we wouldn't believe it—but we cannot—it is even so! We have seen a great deal of political exultation, but never have we heard of aught of political joy indulged in over the result of a prize fight! "Whigery Triumphant!" exclaims this moral paper, whose editor has on more than one occasion, during the heat of a political canvass, presumed to chide us for our Editorial course. "Whigery Triumphant!" exultingly shouts this Editor who has shed rivers of "ecrocodile tears" over the barbarities of the Mexican war, and denounced the President as responsible for the loss of life, misery, immorality and crime, consequent upon that war. "Thrice arm'd is he who has his quarrel just," proudly signs this preacher of morals and religion, over the result of a prize fight between two bullies for ten thousand dollars a side! Reader, did you ever see a prize fight? We presume not—such things are not common in this section—let us therefore describe the modus operandi of this "whig victory," and if we borrow some of our definitions from a contemporary, it is only to render the picture more life-like and complete. The scene of action, then, is a lonely field by the Chesapeake. The spectators surround a ring, whose limits are described by a cord attached to numerous stakes. The actors are two men, half naked, who possess their brawny chests to the gaze of breathless heads, and glare fiercely into each others eyes before they begin their work. It is an interesting work. These men have been training for the scene for many months; for months they have been carefully educating their senses, for the day's glory. Here stands Sullivan, grim and scowling—the representative, (according to the Gazette) of the "fiendish locusts." There Hyer, a noble image of mere animal beauty, the champion of "all the jenny and decency" in the land. If Sullivan pounces Hyer he will cry "enough!" then Sullivan gets ten thousand dollars, and Sullivan's friends make at least twenty thousand dollars, and—"whigery" is