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[ARTICLE]

EARLY POLITICAL HISTORY

Pioneers Who Helped to Frame
the First Constitution of
California.

STIRRING SCENES AT MONTEREY

General Vallejo and the Bear Flag.
The Slavery Question Nearly
Broke Up the Convention.

The deaths of Pio Pico, Peter H. Burnett and Elisha O. Crosby within the past few months remove three prominent actors in the very early political history of California. Pico was the last Governor under Mexican rule and died at Los Angeles September 11, 1894. Burnett was the first Governor under American civil rule and died at San Francisco, May 17, 1895. Crosby, who died on August 20, was a member of the first constitutional convention, held at Monterey in 1849, and also of the first Legislature, held at San Jose in 1849-50.

Few of the present generation are familiar with the particular history in which these men figured. It is a history of events of great moment and of tragical incidents. In result there came into the American Union a new State that never

passed the term of territorial probation. It was a State *de facto* in December, 1849, but not a State *de jure* till September 9, 1850. Its great seal is emblematical of its origin, for the foreground figure represents the goddess Minerva, having sprung full grown from the brain of Jupiter. She was introduced as a fitting type of the political birth of the State. Of Pico and his troublous administration it is unnecessary here to speak. He struggled against a hardier and superior race, and gave way before the American arms. Following the occupation of the country by the United States in 1846, though that had been the settled policy of the authorities at Washington, there had been no definite provision made for its government, and it remained under American military rule—a rule not at all suitable to the new conditions or satisfactory to the people. The primary efforts that were made to establish a civil government were checked by the military authorities, while Congress delayed action because of the controversy over the question of slavery. It was not until June 3, 1849, that General Riley, the military Governor, called a constitutional convention and set in motion the machinery that led to the organization of a civil government. This convention met in Colton Hall, in Monterey, September 1, 1849, and these were the men of whom it was composed:

Joseph Aram, then aged 39, a native of Oneida County, N. Y.; a farmer, and then a resident of California for three years. He is the father of State Senator Eugene Aram of Woodland, and now lives in San Jose.

Charles T. Botts, then aged 40, a native

Charles T. Botts, then aged 40, a native of Virginia; then a resident here sixteen months, and a lawyer. He was a brother of John Minor Botts, and was afterward District Judge at Sacramento and State Printer. Died at San Francisco October 4, 1884.

Elam Brown, then aged 52, a native of

Elam Brown, then aged 52, a native of Herkimer County, N. Y.; then a resident three years, and a farmer. He was afterward a member of the First and Second Assemblies, and died in August, 1889, as we are informed.

Jose Antonio Carrillo, then aged 53 and a native of California. Died at Santa Barbara April 25, 1862.

Jose A. Covarrubias, another native, was then aged 40. He afterward served nine terms in the Assembly and died at Santa Barbara April 1, 1871.

Elisha O. Crosby, already spoken of, was then aged 34, a native of Tompkins County, N. Y., had resided here seven months and was a lawyer.

Pablo de la Guerra, a native of California, was then aged 36. He afterward served nine terms in the State Senate, was ex-officio Lieutenant-Governor in 1861, when John G. Downey acted as Governor after the resignation of Milton S. Latham, and for six years was District Judge at Santa Barbara. He died there February 5, 1874.

Lewis Dent, then aged 26, was born in Missouri; had resided here three years and was a lawyer. He was a brother-in-law of General Grant, and died at Washington March 22, 1874.

Kimball H. Dimmick, then aged 34, and a native of Chenango County, N. Y. He was a lawyer and came out with Stevenson's regiment. Died at Los Angeles September 11, 1861.

Manuel Dominguez, a native, then aged 46, and a banker.

Alfred J. Ellis, then aged 33, a native of Oneida County, N. Y.; had resided here two years and a half, and a merchant. He was afterward an Assemblyman, and Ellis street, in this city, was named after him. Died in San Francisco July 27, 1883.

Stephen C. Foster, then aged 28, a native of Maine; a resident for three years and a farmer. He was afterward Senator from Los Angeles three terms.

Edward Gilbert, then aged 27, a native of Dutchess County, N. Y., and a printer. He came out with the Stevenson regiment and was a proprietor and editor of the

Alta. At the first State election in 1849 he was elected to Congress. His death occurred in a duel with James W. Denver, then Secretary of State, at Oak Grove, near Sacramento, on August 2, 1852.

William M. Gwin, then aged 44, a native of Tennessee, a resident for four months and a "farmer." The career of Dr. Gwin is too well known to need more than the passing mention that he was elected one of the United States Senators by the first Legislature. Died at New York September 3, 1885.

Henry Wager Halleck, then aged 32, a native of Oneida County, New York, a resident three years, and a United States engineer. He was then the military Secretary of State and afterward commanded the United States army during a part of the time in the rebellion. Died at Louisville, Ky., January 9, 1872.

Julian Hanks, then aged 39, a native of Connecticut, a resident for ten years and a farmer.

L. W. Hastings, then aged 30, a native of Ohio, a resident for six years and a lawyer. Died in Arizona.

Henry Hill, then aged 33, a native of Virginia, a resident for one year and five months and in the United States army.

Joseph Hobson, then aged 39, a native of Baltimore, a resident for five months, and a merchant.

John McH. Hollingsworth, then aged 25, a native of Baltimore, a resident for three years, and a lieutenant of volunteers. Died at Washington, April 5, 1889.

Jacob D. Hoppe, then aged 35, a native of Maryland, a resident for three years, and a merchant. He was the first Postmaster at San Jose, and died at San Francisco, April 17, 1853, from injuries received from the explosion of the boiler of the steamer Jenny Lind.

John M. Jones, then aged 25, a native of Kentucky, a resident for about four months, and a lawyer. Died at San Jose, December 14, 1851.

Thomas O. Larkin, then aged 47, a native of South Carolina, a resident for sixteen years and a trader. He was the first and

years, and a trader. He was the first and last American Consul to California. Died at San Francisco, October 27, 1858.

Benjamin S. Lippincott, then aged 34, a native of New York, a resident three years and a half, and a trader. He afterward served in both branches of the Legislature, and died in New Jersey, November 22, 1870.

Francis J. Lippitt, then aged 37, a native of Rhode Island, a resident two years and seven months, and a lawyer. He is said to be in Washington.

M. M. McCarver, then aged 42, a native

of Kentucky, a resident one year, and a farmer. Died in Oregon.

John McDougal, then aged 32, a native of Ohio, resident for seven months, and a merchant. He was elected Lieutenant-Governor at the first State election, and became Governor on the resignation of Burnett. Died in San Francisco March 30, 1866.

Benjamin F. Moore, then aged 29, a native of Florida, a resident for one year, and a "gentleman of elegant leisure," as given in the roll of members. He was a member of the first and second Assemblies, and came into some notoriety through a personal encounter with David C. Broderick. Died in Tuolumne County.

Myron Norton, then aged 27, a native of Vermont, a resident one year, and a lawyer.

Pacificus Ord, then aged 34, a native of Maryland, a resident for eight months, and a lawyer. He was a brother of General E. O. C. Ord.

Miguel de Pedrorena, then aged 41, a native of Spain, a resident for twelve years, and a merchant.

Antonio M. Pico, then aged 40, a native of Monterey, and a farmer. He was a Lincoln elector in 1860. Died at San Jose May 23, 1869.

Rodman M. Price, then aged 30, a native of Orange County, N. Y., a resident for four years, and in the United States navy. He was afterward Governor of New Jersey, and died in that State June 7, 1894.

Hugo Reid, then aged 38, a native of

James Reid, then aged 38, a native of Scotland, a resident for sixteen years, and a farmer. Died at Los Angeles December 12, 1852.

Jacinto Rodriguez, then aged 36, a native of Monterey and a farmer. Died at Monterey December 14, 1878.

Pedro Sansevaine, then aged 31, a native of France, a resident for eleven years and a negotiant. Living at San Jose.

Robert Sample, then aged 42, a native of Kentucky, a resident for five years and a printer. He was a member of the Bear flag party and a proprietor and editor of The Californian, the first newspaper published in the State, in 1846. Thrown from a horse near Colusa, and killed, October 25, 1854.

William E. Shannon, then aged 27, a native of Ireland, a resident for three years, and a lawyer. Died of cholera at Sacramento, November 3, 1850.

Winfield S. Sherwood, then aged 32, a native of New York, a resident for four months and a lawyer. He was elected a District Judge by the first Legislature, and was a Presidential Elector in 1852. Died in Sierra County June 25, 1870.

Jacob R. Snyder, then aged 34, a native of Pennsylvania, a resident for four years and a surveyor. He afterward served two terms in the State Senate and was Superintendent of the Mint. Died at Sonoma April 29, 1878.

Abel Stearns, then aged 51, a native of Massachusetts, a resident for twenty years and a merchant. Died at San Francisco August 23, 1871.

William M. Steuart (not the Senator from Nevada), then aged 49, a native of Maryland, a resident one year and a lawyer.

John A. Sutter, then aged 47, a native of Switzerland, a resident for ten years and a farmer. Died at Washington June 18, 1880.

Henry A. Tefft, then aged 26, a native of New York, a resident for four months and a lawyer. He was elected a District Judge by the first Legislature, and was drowned by the upsetting of a boat at San Luis Obispo February 6, 1852.

Mariano G. Vallejo, then aged 42, a na-

...tive of Monterey and a military man. He was the Mexican commander at Sonoma when it was captured by the "bear flag" party. Died at Sonoma January 18, 1890.

Thomas L. Vermeule, then aged 35, a native of New Jersey, a resident for three years, and a lawyer. He afterward served in the Legislature, and died at Stockton May 7, 1856.

J. P. Walker, then aged 52, a native of Virginia, a resident thirteen months, and a farmer.

Dr. O. M. Wozencroft, then aged 34, a native of Ohio, a resident four months, and a physician. Died at New York, November 22, 1887.

The secretary of the convention was William G. Marcy, a son of Hon. William L. Marcy, and he resides in the town of Alameda. The chaplain was Rev. Samuel H. Willey, now a resident of San Francisco. The reporter was J. Ross Browne, the traveler and author. He died in Oakland, December 8, 1875.

The constitution framed by this convention continued to be the foundation law till 1862, when it was amended in some important particulars; and in 1879 the entire instrument was supplanted by the new constitution. While time had wrought changes that would have justified quite radical variations in the original instrument, there are very many who at this time believe the old was superior to the new organic law, and that better results would have come to the State had needed amendments only been made.

It will be conceded that the work of the

It will be conceded that the work of the 1849 convention was marvelously finished, considering the embarrassments under which the members of the convention labored, both with regard to the elements they represented and the limited access they had to books that would have been needed to aid them. Among the delegates were very few old men, yet there was much wisdom. There were many who imperfectly understood the language: in fact, some made their communications

with the aid of an interpreter. Few of the Americans had been in the country long enough to properly appreciate its resources, its probable future or its wants. Then there was the vexatious slavery question, though singularly it was not pressed in the beginning by the members from the South with anything like the pertinacity that would have been expected.

The country had been but recently subjugated and among the members were representatives of both sides in what had been a bitter controversy. General Vallejo, though always a friend to the American Government, never forgave the Bear Flag party who had subjected him to the humiliation of imprisonment. He did not like the idea of the figure of the grizzly bear being carried in the great seal of the new State and moved "that the bear be taken out of the design; or, if it do remain, that it be represented as made fast by a lasso in the hands of a vaquero"—a fling at the party that had painted the figure of the bear on its flag of independence three years before, when he capitulated the fortress of Sonoma to them. His motion was lost—16 to 21.

The work of the convention was nearly wrecked on the question of what should be the boundaries of the new State. It involved a tardy introduction of the slavery question. The pro-slavery members wanted the eastern boundary extended to take in the Mormon settlements at Salt Lake, with the hope that there would be a State division and the erection of a slave State in the southern part. On the other hand the anti-slavery members desired that the boundary should not extend further east than the Sierra Nevada. The more eastward boundary was adopted on October 9, 1849, by a vote of twenty-nine to twenty-two, and "upon the announcement of the vote several members rose to their feet under much excitement and great confusion," wrote Mr. Browne, the reporter. This is the record of the proceedings that followed:

Mr. McGowan. I now move to adjourn.

Mr. McCarver—I now move we adjourn sine die. We have done enough of mischief.

Mr. Hoppe—I give notice that I will file a protest against this vote. Rest assured that the 39,000 emigrants coming across the Sierra Nevada will never save this constitution if you include the Mormons.

Mr. Snyder—Your constitution is gone! Your constitution is gone!

Cries of "order!" "order!" from all parts of the house, and "the constitution is lost!" "I will sign it under a protest!"

Mr. McCarver—I insist upon my motion to adjourn sine die! This convention has done harm enough!

Mr. Vermeule—I hope the motion will prevail in order to give a safety valve operation to this excitement.

Mr. Shannon—I appeal to my colleague to withdraw his motion.

Mr. Snyder—I shall vote against the house adjourning before the business before us is completed. I ask you one question: Have you completed the business that the people of California sent you here to perform? If you have not, can you go

back to your constituents and say you have discharged your duty?

Mr. McCarver—I withdraw the motion to adjourn sine die.

The next day, however, a compromise boundary was agreed on, and thus was settled the most vexed and exciting question before the convention. On October 13 the constitution was completed and signed. Scarcely had the first man touched his pen to the paper when the loud booming of cannon resounded through the hall. At the same moment the flags of the different headquarters, and on board the shipping in the port, were slowly unfurled and run up. As the firing of the National salute of thirty-one guns proceeded at the fort, and the signing of the constitution went on at the hall, the captain of an English bark, then in port, paid a most beautiful and befitting compliment to the occasion and the country, by hoisting at his main the American flag above those of every other nation making at the mo-

every other nation, making, at the moment that the thirty-first gun was fired, a line of colors from the main truck to the vessel's deck. And when, at last, that thirty-first gun came—the first gun for California!—three as hearty and as patriotic cheers as ever broke from human lips were given by the convention for the new State.

WINFIELD J. DAVIS.

sacramento, Cal., September, 1895.

At the siege of Jerusalem by Titus the captive Jews were crucified by the Romans in such numbers that, as Josephus says, there was no longer wood of which to make the crosses nor space for them to stand.