

The absence of wives and sweet hearts in California was keenly regretted by the Pioneers for these were indispensably necessary to build up a ^{prosperous} State: Therefore, it was not very difficult, to make such provisions in our first constitution, as would give them the greatest protection and rights of separate estate, with liberal homestead, and exemption from forced sale of household and other property.

Texas had for a long time felt the want of female population, and four years before, had adopted in its constitution a provision giving to women the right of separate property, and as it seemed to fit our case in California we adopted this ^{Texas} provision in our constitution.

It was amusing to see with what unanimity hands went up whenever any proposition was introduced for the benefit of wives and daughters who should live in California.

These constitutional provisions in favor of our women, were promptly seconded, by the first Legislature of the new State, which passed the most liberal laws to make effective the constitution in this respect. It is among the most pleasing recollections of a waning life, that I gave my support both in the convention and the State Senate to these provisions for the safety and comfort of the wives and daughters of California.

Separate property & homestead

"Organising a State Government in 1849,"

Papers of 1849. Ladies and Gentlemen

The Organisation and successful establishment of a State Government for California was an event of such importance, that it challenged the attention and respectful approval of our own nation and people, as well as that of other nations and people of the Olden Sovereignty of Europe.

History has not yet recorded many of the swiftly passing details that were crowded into that single year, the important events, and their far reaching consequences that followed the drama enacted in California in 1849.

It is altogether unique in the world's history; it affords ample scope for all I can say to you tonight, of what I saw, and of the events of which I took a part in that memorable year.

Without further introduction or reference to the previous history of that great country, conquered by the Military forces of the United States and afterwards ceded by Mexico, to our Government, fronting more than eight hundred miles upon the Pacific Ocean, bounded on the north by

Oregon, South by Mexico, and extending East over ^{that} little known region of Mountain and valley, to the great ramp of the Rocky Mountains, and generally known as California

I speak of all this vast region as a whole, for it was determined at one time in the first constitutional Convention of this State, to include in the new State, all the Country ceded by Mexico to the Government of the United States, and to call all of it California

That would have been a ~~transverse~~ slice of Uncle Sam's domain; but I anticipate ⁱⁿ this matter, and will refer to it in its order hereafter.

Referring to the report of J. Butler King who was sent out by Mr Clayton Secretary of State under Genl. Filmore, to gather information as to the condition of the Country, its population and resources, he says, the whole population was estimated at about 25,000 up to the ^{time of the} gold discovery, and this number included ^{about} 15,000 converted Indians, which would leave beside the Mission Indians only about 10,000 of all other classes

Mr King says, during the year 1849, the immigration into California was 80,000 giving the State at the close of that year a population of about 105,000

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These figures are simply estimates and not very reliable, although I am of the opinion from my experience in ordering the first Election in Novr. throughout the great Sacramento District, and returning the vote that the above estimate is too low.

As you probably all know gold was discovered by James Marshall at Sutter's Saw mill in the present county of Colorado January 19 1848. but the authentic, and I might say, official intelligence of this discovery, was made public in the Eastern States on the 1st of December 1848, when the President's Message was delivered to Congress.

Among the documents accompanying this Message was found the report of Col. Mason, then in command of the military forces of the U.S. in California, who had visited the gold mines, where^{he} gave a full account of their extent and richness. He sent two hundred and thirty ounces of gold which he had purchased in different localities in the mines to corroborate the truth of his report.

The frenzy and rush to get to California ~~men~~, that followed this undoubted intelligence, all your Pioneers well know; and I have no doubt your descendants and friends have so often heard your story of your journey to the land of gold ~~and~~ and the high price paid ^{for} flour and bacon, that like my own progeny they have

~~to~~ said "Christmast" when they heard the beginning of "Father's California Story".

The first arrival from the eastern states after the news of the gold discovery, came by the "Steamer California" that entered the Bay of San Francisco February 28, 1849. I was one of the passengers on this first steamer from Panama to San Francisco.

The Bay looked desolate and the only shipping noticeable was the U.S. Squadron under command of Commodore Jones, anchored at Sausalito, while the little hamlet of San Francisco that fringed along the foot of the hills, with the great mud flat extending from Montgomery Street to Ship's Channel at low tide - did not then give promise of becoming much of a city.

Alcalde Leavenworth said I could have a hundred vara lot the east side of Market Street not far from the new city Hall for seventeen dollars and fifty cents, coin or gold dust at the rate of twelve dollars the ounce.

I declined the offer, after tramping over the sand dunes ^{half a day} and getting lost in the chaparral. About the 10th of March I reached Sutter's Fort, and two days after I got a Mustang and followed a freight-train of mules up to Mormon Island, where seventy to eighty men were washing gold in tin pans, and sweating in the broiling glare of the sun. From Mormon Island I went to Sutter's

saw Mill and saw James Marshall who showed me the identical ditch and place where he first discovered gold, and told me the story as we sat on the bank above the ditch. Marshall wanted to know who I was where I came from and what I had been doing. I told him my name and that I had been practicing law for five or six years at 27 Wall Street New York City. Marshall gave me some ^{useful suggestions} ~~truth~~ when he said I was not the kind of a built man to dig gold, and further advised me to go back home. I told him no: every body was coming from the east and I was going to stay at least one year. I did not dig gold not even enough to make a finger ring which most of the Pioneers were made of the first gold they dug in the mines. I bought one already made.

Relinquishing all my desire for practical gold digging, I engaged in some law practice before Alcalde Frank Bates at Sutter's Fort, buying & selling town lots in the new town of Sacramento City, Sutterville, Vernon, and other places, making money faster than I could hope to do, by actual gold digging.

The latter part of May I went to San Francisco, and found the fleet from all parts of the world had begun to arrive, with crowds of ^{excited} gold hunters.

Apprehensions began to be felt for the safety of life and property. The excitement seemed to verge upon insanity in the eager haste to reach the gold mines.

and every conceivable mode of conveyance both by land and river was eagerly seized upon to get as speedily as possible to the gold mines.

Genl Bennett Riley had ^{recently} arrived to supersede Col Mason as Military Commander and Ex officio Civil Governor of California. His office of Governor existed by fiction of international law, that ^{is to say} the Municipal laws of a conquered or ceded country, remained in force, until the laws of the new sovereignty ^{should} be extended over the new acquisition.

Genl Riley found his position without precedent; for Congress had taken no measures for the government of the country, either by a Territorial Government, or by an enabling act authorising the people to organise a State Govt.

Genl Riley, theoretically, was supposed to keep the peace, but he found most of the soldiers had deserted and gone to the gold mines, and as he expressed "if he put a soldier on picket duty, before his beat was out, he would desert and take his musket with him, and the service was lucky if he did not take a Govt mule to ride; in fact they had taken the Mules about as long as the good mules lasted" Genl Riley said "it is no use for him to ^{try to} govern the thousands and tens of thousands of excited people who were pouring into the country from every part of the world; the people must themselves organise a government of their own

for they ^{alone} can maintain it, ^{but} that he could not."

Learning that Congress had adjourned without making any provision for a civil Govt. in California Genl. Riley ^{on June 3, 1849} issued his proclamation to the people advising them to elect delegates from the ten districts, as they existed under Mexican rule, to be chosen August 1, ^{who were} ~~and~~ to assemble at Monterey September 1st and frame a state constitution, or a Territorial organization, to be submitted to the people for their ratification and then proposed to Congress for its approval.

At the election Augt. 1. I was elected one of the delegates from Sacramento District which embraced all the territory East of the Sacramento River, from its mouth on the South, to the Oregon line on the north, and now divided into 13, Counties of Siskiyou, Modoc, Shasta, Lassen, Tehama, Plumas Butte, Sierra, Sutter, Nevada, Eldorado, Sacramento and Amador.

Coming down from Sacramento to San Francisco on the way to Monterey we found a forest of masts and shipping spread out over the bay in front of the city, of twenty thousand men, for scarcely a female was to be seen, and all the wild excitement seemed to intensify as the numbers of new arrivals increased.

The Pacific Mail Steamer that left Sept. 1. kindly offered to take any delegates then in the city, to Monterey, as it would take days ^{for them} to go by land.

Arriving at Monterey we found the people thoroughly alive to the importance of the meeting of the convention at that place, and they had prepared "Cotton Hall" for its sittings. It was a two story stone building situated on the rising ground, and from the upper balcony commands a wide view of the town of Monterey, the bay and all the surrounding country North East and West as far as the eye can extend. The upper story is one large hall, and in this room the convention held its deliberations. "Cotton Hall" stands today about as it appeared in 1849, now 39 years ago, and is occupied most appropriately as public school building.

Accommodations at Monterey were very limited at that time, although the people were kind and hospitable. Very few had a spare room or beds for the accommodation of strangers.

I had six room mates, in a large room but each of us had a separate cot, and as all of us had our camping blankets, we could furnish our own beds. Considerable discussion was had in that room as well as in other rooms similarly situated over many constitutional provisions, and some questions were agreed upon and settled in these rooms which were adopted in the public sessions of the convention.

Hotel del Monte and Pacific Grove were luxuries not dreamed of, and I doubt not the delegates could they ^{or} formed in procession, ^{each} with their robe of blankets, and could ^{they} today wend their way into "del Monte" or "Pacific Grove" would excite scenes of amusement and merriment among the present guests of those luxurious and fashionable resorts.

The "Fonda de la Union" was the only public eating house in Monterey, and as private families could not supply the demand, many of the delegates and clerks of the first convention were compelled to resort to this place for daily food.

Bayard Taylor in his book entitled "Edonado" gives a graphic description of this solitary hostelry, and sums up its charges and menu, which I am compelled to corroborate from personal experience in these words: "The charges were usually one dollar and upwards a meal, for which the guests were furnished with, an olla of boiled beef, cucumbers and corn; an assado of beef and red peppers; a guisado of beef and potatoes; and two or three cups of indifferent coffee without milk.

Thomas Oliver Larkin a resident of Monterey and one of the delegates, entertained one fourth of the delegates each day in rotation at his ^{countiful} dinner table; over which Mr Larkin presided, and no doubt marvelled at the enormous appetite of his husband's guests, but no lady ever had more thanks and blessings than she received from these hungry delegates.

The good people ^{of Monterey} did the best they could to furnish not only accommodation but entertainment as well for the members of the convention, and the Secretaries and clerk, and as there was no printing press in Monterey a rather large Clerical force was indispen-
sably necessary.

The dark-eyed daughters of Monterey, with winsome ways, joined the younger members in the Spanish dance; These were among the few flitting lights and pleasing shadows of early Pioneer life in California.

September 1st /49 being Saturday and some of the delegates not yet arrived a temporary organisation took place and then adjourned to Monday the 3rd when nearly all the delegates were present ready to proceed to the business in hand.

The whole number of delegates who took part in the proceedings of the convention was forty eight, apportioned to the ten Districts as follows. San Diego. 2. Los Angeles. 5. Santa Barbara. 1. San Luis Obispo. 2. Monterey. 6. Santa Clara. 7. San Francisco. 8. Sonoma 3. San Joaquin. 6. Sacramento 8. I am the only survivor of the eight from Sacramento and with seven others the survivor of the entire delegation to the convention.

The nativity of the delegates is both varied and interesting when we consider the fact that each man brought his preference for the laws and institutions of the land of his birth, and a natural desire to have them adopted and enforced in the new State they were called upon to found; for all these preferences had to be harmonised and a foundation laid upon which each and all could stand, with safety and satisfaction.

I give their nativity as each delegate wrote it upon the roll of the convention as follows New York State 11. California 7. Maryland 5.

Ohio 3, Kentucky 3, Virginia 3, Massachusetts 2
 Pennsylvania, Connecticut Missouri, Maine
 New Jersey, Vermont Florida Rhode Island
 Tennessee, Switzerland, France, Scotland
 Ireland and Spain, 1. Each

Bayard Taylor in his "Eldorado," says "taken
 as a body, the delegates to the first Constitutional
 Convention of California, did honor to California
 and would not suffer by comparison with any
 first convention ever held in our republic"

It was understood among the delegates on
 the steamer going down from San Francisco to
 Monterey, that Dr Wm. M. Gwin had prepared and
 printed a constitution with open lines and
 blanks to be filled and altered by the convention
 and that he had declared his intention to be
 elected President of the convention, but any such
 pretension gave great offense to the older Pioneers
 and native Californians, and on assembling
 Sept 3rd for permanent organization, Jacob
 R. Snyder, one of the friends of Fremont, and
 who had done service under his command,
 as well as a friend if not a party to the bear
 flag, which was raised at Sonoma in 1846,
 rose in his place and looking at Dr Gwin
 said that he understood that he Dr Gwin who
 had arrived in California not longer ago
 than June last, hardly three months passed,
 had come down, a delegate from San Francisco

with a bundle of printed copies of a constitution, with open lines and blanks, to be filled by the convention, and that he was given to understand Dr Gwin proposed to be the President of the convention.

It is doubtful if any other man in the convention could have said as much without giving personal offense, but his six feet high, great broad shoulders ~~and~~ brawny arms and hands, and his open frank manner, bespoke the man inured to American frontier life.

This brought Dr Gwin to his feet, and in good taste, ^{he} disclaimed any intention to forestall the action of the convention, or desire to urge himself as its presiding officer, he was glad to give way to those longer in the country, to take the lead in the important work they had all met to accomplish, and this would be best done by good will towards each other.

Dr Gwin's reply was in such good taste, and manly in sentiment, that he at once gained the friendships of all the members.

Mr Snyder proposed Dr Robert Sciple to be permanent President of the convention, ^{it} was seconded by Dr Gwin, and thereupon elected by acclamation. It is true Dr Gwin had a bundle of a constitution printed with open lines and blanks, but they were not used and we heard no more of them.

Robert Semple was a native of Kentucky, 42 years old at the time he was President of the convention; he had been in California five years, delegate from Sonoma District, printer by trade, over six feet high, very thin and angular, walked erect, high forehead, and pleasing in expression and manners. He presided with dignity, and gave satisfaction by his impartial decisions. The first time I saw Abraham Lincoln at Washington when he was inaugurated President of the U. S. in March 1861. His personal appearance at once called to my mind, our Robert Semple the President of our first Constitutional Convention ^{at Monterey}. The likeness of Abraham Lincoln will give you a good idea of the personal appearance of Robert Semple.

W. G. Marcy, son of Ex Governor Marcy of New York was elected Secretary, Caleb Lyons 1st assistant J. G. Field 2^d assistant Secretary and several copying clerks. For the reason there was no printing press in Monterey, this large clerical force had to be employed.

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"ORGANIZING A STATE

GOVERNMENT IN 1849."

- BY -

ELISHA O. CROSBY.