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THE OLD STATE HOUSE

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THE OLD STATE HOUSE

On the crest of a foaming wave of optimism, the city of Benicia was laid out in 1847. For a time it seemed that the hopes of its founders would be fulfilled and that Benicia would outstrip San Francisco to become the metropolis of Northern California. Located on a beautiful site on the Carquinez Straits at the head of ocean navigation, possessing a fine climate, and being in a position to command the trade of the interior rivers and valleys, the new town attracted a number of enterprising settlers.

Aspirations as a great center of population were temporarily crushed during the early days of the gold rush when practically all the inhabitants streamed away to the mines and when the inflowing fleets of the world dropped anchor and unloaded passengers and freight at the rival city by the Golden Gate. In 1849, however, Commodore Jones took his fleet up to the harbor at Benicia, and a military post and supply depot were established nearby. The hopes of the inhabitants of Benicia were then buoyed by the prospect of Benicia's becoming a great military and naval headquarters. Further encouragement was given during the next year when the Pacific Mail Steamship Company chose

Benicia as the site of its shops and depot, a choice which brought wharf improvements, additional capital and demands for labor and produce. In 1850 the population numbered about 1,000, and Benicia acquired new dignity by being incorporated as a city and being made the county seat for Solano County.¹

These new honors, however, did not bring complete satisfaction to Benicia's boosters. As early as 1849 they had campaigned to bring the State capital to the shores of the Carquinez Straits, and the fight was continued in subsequent years.² But the city fathers of Benicia were not prepared to back their appeals to the legislature with any such magnificent offers of lands and buildings as were advanced by the authorities of San Jose, Monterey, Vallejo, and other aspiring localities, some of which were only bright dreams on elaborate maps. Thus the hopes of Benicia were scarcely considered seriously by the legislature or by the people of the State until 1852, when the city was in a position to back its agitation with substantial material arguments. A correspondent writing

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1. H. H. Bancroft, History of California, V, 670-674; VI, 472-474.
 2. California Secretary of State, California blue book or state roster, 1907, 678-684.

to the San Francisco Alta California from Benicia in December of that year states: "A large, fine brick edifice has been erected here, intended for a City Hall, but it is rumored that strong efforts will be made to induce the legislature to hold its meetings within its walls."³

In its endeavors to entice the seat of government away from some other locality, Benicia was doing nothing unusual for that period in California's history. The first legislature, meeting at San Jose, failed to designate a permanent location for the capital, and the question was left to be settled by an election of the people. Naturally town bid against town in an undignified scramble to secure this prize which meant added population, business, and prestige for the lucky winner. M. G. Vallejo outdid all the others with his "munificent proposition" to lay out a new city on the Straits of Carquinez, to grant 156 acres of land to the State, and to pay the State within two years after the acceptance of his proposition 370,000 dollars to be used for the erection of public buildings. Tantalized by this dazzling offer, the people voted overwhelmingly in October, 1850, to locate the permanent seat of government at Vallejo, as the new

3. Alta California, December 15, 1852.

capital was called.

The second legislature continued to sit at San Jose, but the third met at Vallejo on January 5, 1852. The large wooden State House, constructed by M. G. Vallejo to accommodate the legislature, was unsatisfactorily furnished. Rooms, food and laundry facilities were most inadequate, and sources of entertainment were practically non-existent. It is not surprising, therefore, that before the end of the month the legislature moved bag and baggage to Sacramento. Vallejo had been made the legal capital, however, and the legislature, its enthusiasm for Sacramento somewhat dampened by the flood of March 7th, 1852, found itself opening the fourth session in the bleak white State House at Vallejo on January 3, 1853.

It was universally recognized that one of the first matters which would be considered by the new legislature was removal of the capital. The senators and assemblymen looked with disgust upon the cheerless little town of fifteen or twenty frame and zinc houses. The inhabitants had made little preparation for the reception of a large number of people who for one reason or another followed the perambulating capital about at each of its changes. Nearly every structure was a hotel, boarding house, or saloon, but still the legislators were not satisfied as to the "accom-

modations," and it was found necessary to fit out the basement of the State House as a spot where members could pass spare time at pleasant games of chance accompanied by plentiful liquid refreshments. The State officers were quartered in small frame buildings near the capital, surrounded by what an observer described as "oceans of mud that sticks to boots with the pertinacity of North Carolina tar."⁴

A still more potent factor in bringing about another choice of a capital city was the inability of M. G. Vallejo to carry out the terms of his agreement with the State. At the previous session of the legislature he had requested, due to "unforeseen embarrassments," that he be released from his bond, and in January, 1853, he renewed his appeals.⁵

The legislature had not been in session a week before the various contenders for the honor began making their bids. Very early in the squabble the mayor and the common council of Benicia came forward with an offer of "the gratuitous use of the City Hall at Benicia as a

4. Alta California, January 4, 1853.
 5. California Legislature, Senate, Journal of the senate, Senate of California, fourth session, appendix, document No. 15. (Hereinafter cited as Journal of the senate, fourth session); Alta California, January 5, 1853.

State House in case the legislature should deem it expedient to remove from Vallejo." They also agreed to provide suitable offices for the State officials and to pay the expenses of moving the archives and furniture.⁶ Some have even been unkind enough to state that one of Benicia's chief inducements was to promise to introduce the legislators to its "twenty or thirty marriageable young ladies."⁷

Evidently the rival offers created more perplexity among the legislators than the nightly serenades of coyotes and local mongrel dogs, for "by common consent" the removal question was permitted to lie over until February 4th, when the time allowed for Vallejo to fulfill his bonds expired. The impatient rivals could not wait for the deadline, however, and by the first of February the battle was under way. San Jose, Sacramento, and Benicia were the chief contenders, their champions urging the merits of their respective cities upon the legislature and trying to get their views incorporated into legislation. The real fight was between Benicia and Sacramento, but the latter city was rather discredited by the sad experiences of the legislators during the

6. Journal of the senate, fourth session, 34; Alta California, January 5, 1853.

7. G. H. Tinkham, California men and events, 118.

flood of the previous year, and in the end Benicia's offers were accepted.⁸

On the fourth of February a resolution to adjourn to meet at Benicia on the eleventh was adopted, and it was agreed that the comptroller, treasurer, secretary of state, and the sergeants-at-arms of the senate and the assembly should constitute a committee to superintend the removal of the archives and the furniture of the State, the removal to be made at the expense of the corporation of Benicia. On the same day an act was passed, "the preamble of which recited that by the law which located the Capital at Vallejo it was provided that if General Vallejo failed or refused to comply with the terms of the proposition, in whole or in part, the act should become void; and that General Vallejo had petitioned the legislature to be released from the performance of his bond given under that act, and had expressed his inability to comply with its conditions. It was therefore provided that the permanent seat of government should, on and after February 5, 1853, be established at Benicia, if Vallejo should fail or refuse to comply with the conditions of his bond, or should be released from it. The act also

8. Alta California, January 16, February 3; Journal of the senate, fourth session, 91-96.

provided that he should be released upon condition of his waiving all claims for relief or damages against the State, founded upon the location of the capital at or its removal from Vallejo." This release was executed by Vallejo on the fourteenth.⁹

The change in the location of the "floating capital," as it was popularly called, occasioned a good deal of comment in the press throughout the State. The Alta California, not without a very bad taste of sour grapes, remarked of the change to Benicia, "Thither that conveniently portable piece of public property, the State Archives, will next be trundled, and there the herd of politicians in the State be gathered together in the name of office - a pious conclave for which a better rodeo ground than Benicia could not have been selected." After expressing some doubts as to the legality of the move, the editor went on to say that, "For the present session...it is to be earnestly hoped that we shall hear no more...concerning the removal of the State Capital."¹⁰

No time was lost by the jubilant citizens of

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9. Alta California, February 5, 1853; California blue book or state roster, 1907, 635; Statutes of California, 1853, 24-25; Journal of the senate, fourth session, appendix, document No. 25.
10. Alta California, February 5, 1853.

Benicia in moving the archives and furniture, but the transfer was not accomplished without some excitement. The steam tug Firefly and two large scows were chartered for the purpose and the work begun. While the safe of the State treasury was being lowered into one of the scows at Vallejo, the supporting ropes parted under the strain and the State's hoard of gold crashed down into the bottom of the scow. The treasury at that time, however, was not overly full, and little damage was done. A down-river boat collided with one of the archive-laden scows as it lay tied up at a wharf. For a time it was feared that many valuable papers had been destroyed, but the harm done was found to be inconsiderable and only papers of "no importance" were saturated. By the ninth the archives had all been safely landed at Benicia, and Vallejo was left to stare gloomily at its desolate halls and deserted desks.¹¹

With the appearance of the legislators and State officials, a new wave of prosperity burst over Benicia. The streets bustled with activity, and the hotels filled rapidly. Determined not to make the mistakes which had made Vallejo irksome, the citizens of Benicia rapidly fitted out houses of entertainment, and a good wooden sidewalk

11. Alta California, February 10, 1853.

was then built from the business section to the State House, as the City Hall was proudly designated.

On the evening of the ninth a grand complimentary ball was held in the assembly hall of the State House in honor of the removal. A band from the nearby military barracks played to at least threescore guests until a late hour in the morning, and the next day a correspondent of the Alta felt called upon to say that the fete had been a truly "magnificent affair."¹²

The State House in which the senate and the assembly met on the eleventh was a handsome, two-story building of red brick, about forty by eighty feet. From the front of the structure with its stately Doric columns of brilliant white, a hallway led back past four large committee rooms to the newly-carpeted senate chamber, which occupied the rear section of the first floor. Above, the entire second story, except for two rooms in the front, was given over to the assembly hall. The committee rooms supplied a want which had been sensibly felt at Vallejo.¹³

The remainder of the fourth session was passed

12. Alta California, February 10, 11, 1853.

13. T. J. Gregory, History of Solano and Napa counties, 69; Alta California, February 10, 1853.

quietly enough at the new capital. On February 24th, Mayor David M. Fraser of Benicia, in accordance with a resolution of the city council and "for and in consideration of the sum of one dollar, and other good and valuable considerations" deeded to the governor and his successors for the use of the people of California, the City Hall and the lot upon which it stood. It was provided, however, that if the State should ever cease to hold sessions of the legislature in the building, the property should revert to the city of Benicia. On May 13th another act was passed which declared that "the city of Benicia, situated on the straits of Carquinez, shall be, and remain the permanent seat of government of the State of California in accordance with the constitution," and it was made unlawful for any court or judge to grant a writ of mandamus or other order directed against the State officers to compel them to remove the State archives or offices from Benicia to any other point in the State.

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The next day the fourth session was adjourned.

14. Journal of the senate, fourth session, 503, 534, 569, 612, Appendix, document No. 27; Statutes of California 1853, 316-317; S. Garfield and F. A. Snyder, Compiled laws of the State of California, ... 1850-1851, 1852, 1853, 930; Alta California, May 20, 1853; California blue book or state roster, 1907, 685.

When the fifth legislature met at Benicia on January 2, 1854, a movement to have the capital transferred to Sacramento had already been under way for several months. True to the sarcastic prediction of the Alta that the first business after organization would probably be an attempt to change the seat of government, the subject was broached almost immediately.¹⁵

In his annual message to the legislature on January 4th, Governor John Bigler said, "Although deeply impressed with the importance as well as the necessity of economy in every department of the State Government, I feel it incumbent upon me to direct your attention to the insecure condition of the public archives. The entire records, as well as the State Library, now numbering about four thousand volumes, are kept in fragile frame buildings, without fireproof vaults." After calling attention to the fact that the archives were invaluable and that other states provided safe and substantial repositories for their records, the governor made a demand for action by saying, "I trust, therefore, that you will, without delay, adopt such measures as you may deem necessary to render entirely secure

15. Alta California, January 3, 1854.

the public archives."¹⁶

Two days later the governor sent a special message to the legislature, transmitting a communication from the mayor and common council of Sacramento and from the court of Sacramento County, offering, if the capital should be removed to that locality, "to grant to the State government the free use of the courthouse and other suitable rooms, for the accommodation of the State officers, together with fireproof vaults for the security of the public moneys and records; to remove the members of the legislature and the State officers, and the government furniture and archives, free of charge, from Benicia; and to grant to the State, for a building lot for the capitol, the public square between I and J and Ninth and Tenth streets."¹⁷

The people of Benicia were well aware of the danger which threatened their city. On the day the governor transmitted the message from Sacramento he also forwarded an offer from the citizens of Benicia tendering the free use of the buildings then occupied for State purposes for as long a time as might be desired. About a week later,

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16. California blue book or state roster, 1907, 686;
Journal of the senate, fifth session, 32-33.
17. California blue book or state roster, 1907, 686;
Alta California, January 7, 1854.

they went further and proposed to donate as many lots as would be necessary for the erection of public buildings. Other and less obvious methods were also employed in attempts to retain the good will of the legislators. On the seventh of January the senate passed a resolution expressing its thanks to the residents of Benicia for "the appropriate New Year's gift to each member of an elegant copy of the Constitution of the United States."¹⁸

Unfortunately for Benicia, many of the legislators were not at all pleased with conditions as they found them in the city. No civic improvements of any consequence had been made since the year before; accommodations were "very inadequate," prices were high, and it seemed to be generally conceded, wrote a correspondent of the Alta, that, in regard to comfort, members would improve their situation by moving.¹⁹

A brief respite from the battle over the removal question was afforded by ceremonies attending the inauguration of John Bigler as governor for his second term. On the morning of January 7th, the proud ship Senator steamed

18. Journal of the senate, fifth session, 54, 56, 57; Alta California, January 14, 1854.

19. Alta California, January 12, 1854.

away from San Francisco, bound for Benicia and bearing a large crowd of spectators and the crack military organization, the San Francisco Blues. A few hours later the steamer discharged its human cargo at the capital, and the spectators arranged themselves to view the ceremonies. About noon a joint committee of both houses of the legislature proceeded from the State House down the main street to the St. Charles Hotel, where the San Francisco Blues were drawn up in line. A procession was then formed, and, with the Union Band in the lead, the committee, the Blues, and a large escort of citizens marched to the governor's residence. There Governor Bigler was waited upon by the committee, and he was then escorted by the entire procession to the State House.

Meanwhile the senate and assembly had met in convention and were awaiting the arrival of the governor in the assembly hall. When His Excellency walked down the passageway lined with the Blues and was announced by the sergeant-at-arms, the entire assemblage in the hall rose to its feet. The oath of office was administered by Judge Joseph Winston, of Solano County, and the governor made his inaugural address. Upon the conclusion of the speech, the governor was escorted
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back to his home and the ceremonies came to an end.

After the excitement of the inauguration died away, the proposed change in the seat of government was again hotly debated. Several resolutions were introduced to bring about an adjournment to Sacramento, but at first they all failed, much to the surprise of most observers and greatly to the chagrin of the citizens of Sacramento. Many complaints were voiced in the public press about certain members who voted against the "express instructions" of their constituents. Although it was said, humorously, that the pleadings of the young ladies at the seminary in Benicia had something to do with the way the votes were cast, the Alta probably had the true explanation of the matter when it charged that the people of Sacramento had been "traded off, sacrificed" for the sole purpose of winning over certain factions which were opposed to postponing²¹ the election of a United States senator from California.

Meanwhile other cities were attracted by the prospect of securing the seat of government. Mokelumne Hill, Nevada City, Stockton, and several more let it be known that they had certain advantages which the legislature would do well to consider. Benicia fought tooth and nail

21. Alta California, January 14, 22; February 7, 1854.

to retain the capital. It offered a recently erected brick building to the State for offices, but the legislature decided that the yet unfinished structure was unsuitable for the purpose, and it was recommended that the offer be re-
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 jected with due thanks.

Proponents of Benicia waxed eloquent in defending the city before the legislature. It was urged that, all reports to the contrary, any removal of the capital would be expensive, and furthermore, doubts were cast upon the legality of such a move. One aroused member went so far as to say that the law making Benicia the seat of government was "the redeeming measure of the last legislature" and he pleaded against once more setting the capital on wheels, declaring that "we should be stable for at least a year in order to save ourselves from deserved ridicule." Another stoutly said that, "he wished it to go before the people that it was the greater luxury that members would enjoy at Sacramento that was put forth as an inducement why they should remove there."

Besides, he added, "it was not to attend theatres or figure at balls that their constituents sent them to
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 the capital."

22. Alta California, January 19, 1854.

23. Ibid., February 7, 1854.

All pleas and oratory failed to sway the opinion of the legislators, however, and on February 9 a bill was introduced into the senate for locating the permanent seat of government at Sacramento. Nine days later the upper chamber passed the bill by a narrow margin. The friends of Benicia made a desperate last-minute stand in what the Alta describes as "Puerile endeavors that would be disgraceful to a tenth rate debating society" to prevent the title of the bill from being approved, but these efforts failed dismally. The assembly passed the bill on the twenty-fourth, and the next day the governor gave it his stamp of approval.²⁴

No time was lost in making the removal effective. On the very day the governor signed the bill, the legislature resolved to adjourn, to meet again the next week in Sacramento. A little after five o'clock on the afternoon of February 28, the steamer Wilson G. Hunt, bearing Governor Bigler, the State officers, the members of the legislature, and a committee of Sacramento citizens plowed its way around a bend in the Sacramento River and came into

24. Alta California, February 21, 22, 24, 25, 26, 1854; Journal of the senate, fifth session, 144, 178-179, 196; Statutes of California, 1854, 21.

sight of the new capital. At once there burst forth from the river bank a roar of artillery which was kept up until the boat reached the landing. From the levee the voices of more than five thousand spectators cried out a welcome, and a band blazed forth "Hail Columbia." With due ceremony and an escort of the Sutter Rifles the members of the State government were conducted to the Orleans Hotel, where the local authorities let it be officially known, by means of elaborate oratory, that Sacramento welcomed the opportunity²⁵ to be the seat of government of the State of California.

In Benicia gloom reigned supreme. It is said that the citizens were so exasperated over the removal that they would not permit the steamer which transported the archives to Sacramento to lie at the wharf without paying a fee of \$500. A vestige of administrative glory remained to the city in its capacity as the county seat, and the State House served as the County Court House until 1858, when the seat of government for Solano County was moved to the more centrally located Fairfield. The fine brick building then became the City Hall of Benicia and has served as²⁶ such to the present day.

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25. Alta California, February 26, March 3, 1854; California blue book or state roster, 1907, 636-637.
26. Alta California, March 1, 1854; Gregory, History of Solano and Napa counties, 70.

During the years since it ceased to be the meeting place of the State legislature, the halls of the old State House have been used for a variety of purposes. Episcopal services were held in the building twice each Sunday during parts of 1854 and 1855. For many years the structure housed the public school at Benicia, and its halls were long used for balls and entertainments of all sorts. Of late the public library, the museum, and the Red Cross have found shelter behind its stout brick walls. ²⁷

On January 5, 1924, the California Daughters of the American Revolution unveiled a bronze tablet on the City Hall commemorating the fact that Benicia was for a time the capital of California. ²⁸ The historic structure has also been marked by the Benicia Chamber of Commerce and the Benicia Post of the American Legion, and it stands today, still beautiful, as a reminder of the glories of the past.

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27. Historical atlas of Solano County, 11; E. Bandel, Frontier life in the army, 312; A. Dalton, A history of St. Paul's Parish, 2; Historical Benicia, 3-4.
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