

Peninsula Diary Mayo Hayes O'Donnell

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102 Years Ago

One hundred and two years ago tomorrow, September 1, 1849, Thomas Oliver Larkin, Jose Antonio Carrillo, Stephen G. Foster, Jacinto Rodrigues, John A. Sutter, Robert Semple, M.G. Vallejo, Joel E. Walker, W.E.P. Hartnell and many others climbed the stairs to the second floor of Colton Hall in Monterey to attend the convention called to write a constitution for California.

On that important day there was not a quorum, so it was not until Sept. 3 that the full number of delegates met. The next day Robert Semple of the district of Sonoma was elected president and Captain William G. Marcy of the New York Volunteer Regiment, secretary, Rev. Samuel H. Willey, better known as one of the principal founders of the University of California, and Padre Ramirez served on alternate days as chaplain of the gathering. J. Ross Browne kept the official transcript, which is now the chief source of information on the assembly. W.E.P. Hartnell was the interpreter.

The convention consisted of 48 delegates. The Constitution as adopted patterned mainly after those of New York and Iowa. It fixed the boundaries of the state and outlawed slavery. It was signed by all delegates Oct. 13, 1849.

The following year Sept. 9, 1850, President Millard Fillmore signed a bill adopted by the United States Senate on Aug. 13 by a vote of 34 to 18, and by the House of Representatives on Sept. 7, by a vote of 150 to 56, admitting California to the Union as a state.

Congress appropriated \$90,000 on September 20 for the construction of California's first six lighthouses at Alcatraz Island, the entrance to San Francisco Bay, on the Farallones, at Monterey, Point Concepcion, and San Diego. The sites were located by engineers of the Coast Survey Department.

The adoption of a system of pay for the officers and members of the convention occasioned much discussion, according to Bayard Taylor's version in his "Eldorado." The California members and a few of the Americans patriotically demanded that the convention should work for nothing, the glory being sufficient. The majority overruled this and it was finally decided that the members should receive \$16 per day, the president, \$25; the secretary and interpreter, \$28; the clerks, \$23

and \$18; the chaplain, \$16; the sergeant-at-arms, \$22 and the doorkeeper, \$12. The expenses of the convention were paid out of the "Civil Fund," and accumulation of the duties received at the ports.

The funds were principally paid in silver, and at the close of their labors it was amusing, wrote Taylor, to see the members carrying their pay down the streets tied up in handkerchiefs or slung in bags over their shoulders. The little Irish boy who acted as page was nearly pressed down by the weight of his wages.

Another amusing incident in the proceedings Taylor thought worthy of notation. A section was before the convention declaring that every citizen arrested for a criminal offense should be tried by a jury of his peers. A member, unfamiliar with such technical terms, moved to strike out the word "peers." I don't like the word 'peers,' said he. It ain't Republican; I'd like to know what we want with peers in this country – we're not a monarchy, and we've got no house of parliament. I vote for no such law."

One of the most intelligent and influential of the Californians, according to Bayard Taylor, was General Mariano Guadalupe Vallejo, whom he had had the pleasure of meeting several times during his stay in Monterey for the convention. As military commandant during the governorship of Alvarado he exercised almost supreme sway over the country.

Vallejo was described as a man of 45, tall and of a commanding presence. His head was large, forehead high and ample and eyes dark, with a grave dignified expression. He was better acquainted with the institutions and laws than any other native Californian according to historians.

General Castro, leader of California troops in Upper and Lower California, was a man of medium height but stoutly and strongly made. He had a very handsome face, his eyes were large and dark, and "his mouth was shaded by moustaches with the gloss and color of a raven's wing, meeting on each side with his whiskers." When seen in a restaurant in Monterey during the sessions of the convention, he wore a sombrero, jacket and calzoneras of the country.

Captain Sutter was still the hale, blue-eyed German – short and stout of stature, with broad forehead, head bald to the crown, and altogether a ruddy good-humored expression of countenance. He was a man of good intellect, excellent commonsense, and amiable

qualities of heart. A little more activity and enterprise might have made him the first man in California in point of wealth and influence, wrote Bayard Taylor

Such was the caliber and personal appearances of several of the native Californians and others who helped to write the State's Constitution 102 years ago.