

Peninsula Diary Mayo Hayes O'Donnell

September 27, 1951

Elections ... Forty-Niner Style

We have come across in Leon Rowland's "Annals of Santa Cruz" a story concerning the picking of California's first governor and senator. In 1849, after the Constitutional Convention held in Monterey, Santa Cruz County, San Benito County and Monterey County were all part of the District of Monterey, which had two polling places, San Juan Bautista and Monterey. Later, Santa Cruz County was formed and still later San Benito County was cut off from Monterey County. It was on November 13, 1849, that the first election under state-wide jurisdiction was held to help name a governor and legislature.

The adobe juzgado (Court of Justice) served as the polling place and voters rode many miles to cast their votes.

Peter H. Burnett of San Jose was elected as Governor against W.S. Sherwood. The district sent to the first state senate Selim E. Woodworth, a Monterey resident. Friends of Dr. John T. McLean of Santa Cruz cast 42 votes for him for the post, but the rest of the district gave him only two more, while Woodworth received a total of 252 of which 53 were from Santa Cruz.

Woodworth had, after resigning a commission as lieutenant in the Navy, crossed the plains to Oregon in 1846. When the Civil War broke out he returned to the Navy, becoming a commodore. He died in San Francisco in 1871, at the age of 55 years.

For assemblyman Monterey and San Benito favored W.E.P. Hartnell the Lancashire Englishman who had been in California three decades and had held many positions of trust with the Mexican government. It was the Santa Cruz vote which gave the post to Theron Per Lee, who had come to California in 1847 as a lieutenant in Stevenson's New York Volunteers and who returned to the East in the later 70s to practice law in New York.

Monterey and San Benito gave Hartnell 107 votes to 90 for Per Lee but Santa Cruz's 51 votes for the latter, with only one ballot cast there for Hartnell determined the election. There was another candidate, Benjamin Allen Case, Connecticut Yankee who had settled in Santa Cruz in 1848, who polled 45 votes there but only 10 in the rest of the district.

The votes of the election which had been by proclamation of General Bennett Riley, were canvassed at Monterey on Dec. 10 by a committee consisting of Henry W. Halleck, David Spence, Pacificus Ord, Mariano Mallarin and Y. Esquar.

Halleck, then a lieutenant, had been installed as Secretary of State before the official election, with headquarters in El Cuartel. The central section of the building, Sherman tells in his Memoirs, was available for the governor's headquarters, with adjoining offices for his staff. Sherman had already caused a flight of stairs to be built, leading to Governor Richard B. Mason's headquarters.

Pacificus Ord was a member of the Constitutional Convention. He was a brother of Lt. (later general) E.O.C. Ord, who had been one of Col. Mason's officers in California. He was a native of Maryland and had been a miniature painter in Washington, D.C., before becoming a lawyer. He was 34 years old when he was elected a delegate to the convention.

David Spence was a native of Scotland, who came to Monterey from Peru in 1825. He served as Alcalde under Governor Arguello and held other prominent positions under the Mexican regime. He married Adelaide Estrada in 1829.