

Peninsula Diary Mayo Hayes O'Donnell

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Charles Tyler Botts

Beneath the frame and under the glass on the long tables in Colton Hall where the delegates to the First Constitutional Convention in California were supposed to have sat, there is one vacant space where there appears this caption: "Charles Tyler Botts – 1809-1884. A native of Virginia this 40 year old delegate from Monterey had a varied career. Educated as a lawyer he gave up law to try his ideas on scientific farming, championing crop rotation and the use of fertilizers and farm machinery. He published a newspaper called 'The Southern Planter' in Richmond, Virginia, before coming to Monterey in 1848 where he became a naval store keeper, then finally went back to the practice of law. He became judge at Sacramento and was an eloquent Southern gentleman of the old school."

During the debates at the Convention held in Colton Hall in Monterey in 1849, H.W. Halleck, the Secretary of State, had this to say: "I think that the friends favoring the removal of the capitol to San Jose ought to have a little consideration for Monterey. This place has been the capitol, ever since 1781 and to provide for the instant removal from the old capitol of the country by so summary a process as this, requires, at least, some consideration."

To this remark, Charles Tyler Botts added: "We have had a beautiful map introduced (on the San Jose offer) and a plan for a beautiful building was presented to us. But this is not exactly fair, this thing has been sprung upon the people of Monterey. Monterey is the most central point. It is accessible from the sea; it is accessible by land from north and south."

Walter Colton in his "Three Years in California" mentions Botts twice. On September 20, 1849, Colton wrote: "A servant of James McKinley Esq., led to my door this morning a beautiful saddle horse with a message from his master desiring me to accept the animal as a token of his regard. The gift was most opportune as I was on the eve of a trip to the mines. To guard against contingencies I purchased another, and to prevent their being stolen placed them both in the government corral, where a watch is posted night and day. My companions on the trip were to be Capt. Marcy, son of the late Secretary of War, Mr. Botts, naval storekeeper, and Mr. Wilkinson, son of our ex-minister

to Russia". In another paragraph written September 26, Colton reports that Botts had received intelligence which required his return to Monterey from San Jose, as they were on their way to the gold mines.

Rockwell Hunt, who received his degree from Johns Hopkins University on his thesis "The Genesis of California's First Constitution" wrote of Botts "a Virginian, a lawyer and good debater."

From another source we have found that Charles T. Botts was a member of a prominent family of Spottsylvania County, Virginia. He came to California in 1848 under the auspices of President Polk. He was then a man of 39.

In the months preceding the convention Botts was active in the group of Monterey citizens who joined with committees from other sections in California in the movement to establish self-government.

In 1850 he moved to San Francisco to practice law in the firm, of Botts, Emmet and Campbell. Subsequently, he returned to newspaper work for a time publishing a newspaper, The Standard, in Sacramento for two or three years.

After serving as district judge of Sacramento and Yolo Counties Judge Botts returned to law practice in San Francisco in the seventies, and made his home in Oakland. Only a short time before his death in 1884 at the age of 75, he was reputed to have received a fee of \$25,000 for winning one legal case.