

Peninsula Diary Mayo Hayes O'Donnell

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Emphatic 'Yes' Or 'No'

"On Monday, July 6, 1886, several surviving members of the First Constitutional Convention in California revisited the old battered town of Monterey, where their last deliberation was had 37 years ago, and together with some friends repaired to Colton Hall, the building in which the Convention was held and which is still in good state of preservation, and there held ceremonies appropriate to the place and occasion. Honorable E.O. Crosby, standing on the spot occupied by him as a member of the Convention, delivered a few reminiscent remarks."

The above paragraph appeared, with the remarks referred to, in a souvenir edition of the history and the entire program of the joint anniversary celebration at Monterey, on the 110th anniversary of American Independence and the 40th anniversary of the taking possession of California and the raising of the American flag at Monterey by Commodore John Drake Sloat of the U.S. Navy, July 7, 1846. The celebration was held in Monterey Monday, July 5, 1886.

Crosby said in part "The organization of a government and the enforcement of equal law in California was a fight for survival of the fittest, with order and safety, or anarchy and bloodshed. It was no holiday task. We met here now nearly 37 years ago to make a constitution for the government and directing the enactment of a system of laws to control the passion of this great concourse, of a varied population gathered from every nation and clime, and to bring order out of chaos, give security to life and protection to property; and all this without the least authority from Congress, representing the nation that had so lately acquired this vast region from Mexico.

"Responsive to the call of that brave and patriotic hero, General Bennett Riley, 48 delegates from all parts of the country constituting this present State, met here in Colton Hall in this town of Monterey, and with brief prelude and shorter speeches set ourselves to work."

Then Crosby went on to relate to the assembled guests how the delegates voted not to form a territorial form of government with an emphatic "No," but when the question came to vote to form a State, the answer was just as emphatically expressed in "Yes!" He recalled that

when the question of borders came up for discussion, "we took in all the country we knew to be worth anything and all that we had any idea would ever prove to be of any value. Time has demonstrated that they guessed wisely and right. As the speaker said, "We took from the crest of the Sierras and left the rest to Nevada, Salt Lake and Mormons."

A review of the days of study upon the constitutions of other states, as the delegates selected these provisions to the necessities of a new state, the decision to give women equal estate and right of separate property with the man and husband, and an equal share to community property, with liberal homestead and exemption laws for her protection; and the final provision that the 500,000 acres of land given to all new states by the general government upon their admission, should be dedicated forever to educational purposes, were enthusiastically given by the Honorable E.O. Crosby.

Before closing his remarks the speaker thanked the people of Monterey for their reception of the delegates back in 1849. He recalled "How with willing hands and cheerful smiles they prepared the tortilla and toothsome tamales and dulces and frescos, to stay the hungry delegates, and how the fair daughters with winsome ways joined the younger members in the Spanish dance. It was not a melancholy body of men by any means, that first convention, but earnest workers who meant business first, and social happiness when their work was done."

The close of the convention is best described in Crosby's own words: "Well do I remember the last day of our sitting, when amid the cannon roar from the old fort on the hill we signed our names, and General Riley, with streaming eyes, declared it a happier day for him than when his soldiers cheered him on the heights of Contreras over their victory won."

Crosby was a New York lawyer when at the age of thirty years, he made a quick decision to start for California in December, 1848. It was from Vernon on the Sacramento River that he was elected a delegate to the Constitutional Convention. He was also chosen a member of the first State Senate. During the Civil War Crosby was appointed U.S. Minister to Guatemala by President Lincoln. He returned to California and died in Alameda County in 1895.