

Peninsula Diary Mayo Hayes O'Donnell

August 15, 1952

First Governor of California

In the last two issues of the Peninsula Diary we have been acquainting our readers with the early life and experiences of Peter H. Burnett, the first governor of the State of California after it was admitted to the Union. Today we will relate the circumstances before and after his election to the high office in 1849.

According to Burnett's manuscript, now in the archives of the Bancroft Library at the University of California: "About the 13th day of September I left San Jose for Monterey, to assist in holding a term of the Superior Tribunal. Four persons had been nominated by the people at the election held August 1st, who were subsequently appointed and commissioned by Governor Riley. These were Jose M. Covarubias, Pacificus Ord, Lewis Dent, and Peter H. Burnett. The last named was chosen Chief Justice by the other judges. The business before the court was very small. No appeals had been taken; they were not common in those days."

Burnett goes on to say that he remained in Monterey until the last of September. The proceedings of the Convention which had assembled on the first of that month had progressed favorably, so far as to leave no reasonable doubt as to the final result. Burnett accordingly announced himself as a candidate for governor. He returned to San Jose and from there began his "canvass."

Burnett began his campaign in San Francisco, where he had visited only six weeks previously; to his surprise he found that only a small percentage of the local people were familiar to him, so great had been the increase in the local population since the announcement of the discovery of gold. Burnett reports that he said to himself: "This is rather a poor prospect for governor."

The candidate for first governor traveled to Sacramento, Mormon Island, Coloma, Placerville, and Mud Springs and back to San Jose. This evidently comprised his tour for the entire campaign. He spoke in San Francisco before an "immense assemblage in Portsmouth Square," on a platform about six feet high and large enough to hold about one hundred persons; the structure gave way and fell to the ground. Burnett reports that the small portion on which he stood

remained intact, so he paused but a moment and then went on with his speech, remarking, "That others might fall, I would be sure to stand."

Burnett remained in San Francisco until the day of the general election, at which the State Constitution was ratified and the principal state officers, senators, members of the assembly and congressmen were elected. The vote for governor was as follows: Peter H. Burnett, 6716; W. Scott Sherwood, 3,188; John A. Sutter, 2,201; J. W. Geary, 1,475; William M. Steuart, 619.

Both houses of the legislature assembled on Saturday, December 15, 1849, as required by the Constitution. The governor-elect was inaugurated at one o'clock p.m., on Thursday, December 20th, and took the following oath:

"I Peter H. Burnett, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, according to the best of my ability." After taking the oath Burnett delivered a lengthy address in which he discussed the state's brief history, made known his plans and thanked the voters for his election.

The admission of California into the Union settled all questions as to the legality of the State government but did not remove the difficulties incident to the State's peculiar condition, according to Burnett's notes and contents of his second annual message to the senate and assembly.

On the 9th day of January 1851, Burnett sent to both houses his resignation as governor of the State. He gave his reason for retiring from the important position as "circumstances entirely unexpected and unforeseen: and that he wished to return to his private affairs. He became a prominent citizen of San Jose, where, his descendants still reside.