

Peninsula Diary Mayo Hayes O'Donnell

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Solons Were Courageous

The Legislature members who worked for the State government in San Jose in 1849, were young men. When we recall that the lure of gold which brought the first rush of immigrants from the east had begun only the year before, we can understand that the men of the First Legislature were recent comers to the State.

In this respect they resembled the members of the Constitutional Convention which had met just three months before here in Monterey, a majority of whom had resided in California less than two years. Their outlook was optimistic. They had little training in lawmaking, but were imbued with courage and confidence. They afford a magnificent illustration of the capacity of the American people in self-government.

There were as yet no counties in California when this governing group met in San Jose. The Senate consisted of 16 members, and the Assembly of 36. Monterey had one delegate in the Senate and two in the Assembly. Sacramento and San Joaquin had the majority—four in the Senate and nine each in the Assembly.

From Monterey in the Senate was S.E. Woolworth, son of the author of "The Old Oaken Bucket", who had come to California from New York. Monterey's two delegate to the Assembly were T.R. Per Lee, and J.S. Gray.

That first Legislature had to "start from scratch" as Senator Herbert C. Jones expressed it in his recent talk before the members of the California Conference of State Historical Societies meeting in San Jose. They had to set up an entirely new State Government. They had to deal with the conflict between mining interest on one hand, and the agricultural and commercial interest on the other. They had to provide aid for immigrant roads. They had to defend the State's borders from Indian attacks.

To finance the State government was rather an embarrassing problem, Herbert Jones recalled. It went into operation in December 1849 without funds to pay even its ordinary expenses or to buy so much as a package of paper or a bottle of ink. It had no credit, and calls for bids for its bonds at first received no response. About the only revenue ever obtained from gold was

through the collection, in later years, of a license on miners, aimed primarily at the Chinese.

The subject of the permanent location of the State government location early occupied the attention of the First Legislature. The inferior accommodations which had been provided by the people of San Jose, as well as its then unsatisfactory geographical position, created a strong desire on the part of the members and great number of people of the State for a change.

The proposition of General Vallejo was the most acceptable, Mr. Jones reported. He proposed to lay out a city upon the Straits of Carquinez, to grant the State 156 acres of land, and to donate \$370,000 for the erection of public buildings. The Legislature and the Governor decided to submit all the propositions to the vote of the people. Vallejo won with 7,477 votes, San Jose got 1,292; and Monterey received 399, all the rest—(13 in number)—received votes much lower in number.

The capital was moved from place to place for the next few years—Vallejo, San Jose, Sacramento, Benica—until it was finally and definitely located in Sacramento in 1854.

The first Legislature adjourned on April 22, 1850, having been in session a little more than four months. It had passed 146 acts, which were signed by the Governor, and 19 joint resolutions. Much of its work has endured to this day. Most of the members of the Legislature were active in public life for 50 years.

Governor Burnett, in his "Memoirs" states:

"The first session of our Legislature was one of the best we have ever had. The members were honest, indefatigable workers. The long-continued rainy season and the want of facilities for dispatching business were great obstacles in their way. Besides they had to begin at the beginning and create an entirely new code of statute law, with but few authorities to consult. Under the circumstances, their labors were most creditable."