

California Government between 1846 and 1851

By Rechts Ann Pedersen

As the result of the Mexican War, Mexico ceded California to the United States in 1846. A territorial government should have been established by the U.S. Congress, but it was not. Congress delayed establishing any civilian government while it struggled with the issues of slavery and the balance of slave and non-slave states. In the meantime, California was administered by a succession of seven American military governors.

As an expedient, the military governors retained the existing Mexican alacades system. Alacades, or local magistrates, acted as mayor, judge, and representative of the governor. The resulting form of government was highly unpopular. Many Californians felt that the military had no right to govern them in times of peace. Many citizens did not understand the alacades system or were ignorant of the Spanish-Mexican law that was its basis. Some areas set up their own governments with their own laws; with the influx of gold seekers, many new communities came into existence with no government or law at all. No central government existed to perform such functions as establish and enforce consistent laws, build roads and bridges, or empower jurisdictions to set up schools, hospitals or fire departments. California was in a state of near anarchy. Citizens met in San Jose in December, 1848, and early in 1849 in Sacramento, San Francisco, and Sonoma, to consider setting up a provisional territorial government.

In April of 1849, General Bennett Riley became California's seventh military governor. Two months later, he heard that Congress again had adjourned without setting up a government for California; he issued a proclamation calling for the election of delegates to a constitutional convention. On August 1, 1849, Californians elected 48 delegates.

The Constitutional Convention met in Colton Hall in Monterey during September and early October of 1849. The delegates drafted a constitution. They also established state boundaries, choose the site of the capital, designated the Great Seal, created three branches of government, and created electoral districts for the Assembly and State Senate.

On November 13, 1849, Californians ratified the proposed state constitution by a vote of 12,061 to 811. They also elected a governor (Peter Bernett), lieutenant governor, two representatives to Congress, sixteen state senators, and thirty-six assembly members. The Monterey District, of which Santa Cruz was a part, elected Selim E. Woodworth as state senator and T.R. Per Lee as assembly member.

Still not officially a state, California began to act like a state. The first legislature convened on December 15, 1849 in San Jose, which was the capital at that time. By the way, this legislature came to be called the "Legislature of 1,000 Drinks." It was so called because Senator Thomas Jefferson Green made several motions to adjourn and have 1,000 drinks at his expense. It was part of his strategy to be elected major general of the state militia.

As one of its acts of setting up government, the first legislature divided California into twenty-seven counties. The Santa Cruz area was one of these original counties. It was called Branciforte County for the first three months of its existence (February--April 1850). A bill in April, 1850, changed the name to Santa Cruz County.

California became a state, officially, on September 9, 1850. An election was held in October of 1850. California's second legislature (but the first as a state) convened in January of 1851.

Sources

- *Bancroft, Hubert Howe. History of the Pacific States: California. History Co., 1888.*
- *Beek, Joseph Allan. The California Legislature. California Senate, 1980.*
- *Driscoll, James D. California's Legislature, California Assembly, 1984.*
- *Hart, James D. A Companion to California, University of California Press, 1987.*
- *Lavender, David. California; a Bicentennial History. W.W. Norton, 1976.*

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