Rain in a Sheepfold:
War and Annexation,
1846-1848

Popular accounts have long ascribed to the Mexican War in California much greater importance and far more virtue than it deserves. Local historians who glorify John C. Frémont and the pathetic Bear Flag Rebellion have, however, chosen to ignore the findings of every serious student of the war era, from Josiah Royce and Hubert Howe Bancroft to Bernard De Voto. Put briefly, those scholars have found that the United States connived rather cynically to acquire California, provoked the native Californians into a dirty fight, and bungled a simple job of conquest.1

The Californios' own view of the conflict generally supports the more scholarly view, for to them the war seemed less a military disaster than a grave affront to their honor. Not the fighting, but the treaty that ended the war and the subsequent gold rush consummated the conquest, in their way of thinking. Moreover, the Californios took pride in their wartime resistance—and with good cause, since they won the only memorable battle of that war. They also found tentative satisfaction in the way the struggle ended and in the tone of the military occup-

1 This chapter leans heavily on Hubert Howe Bancroft, History of California (San Francisco, 1888); V, 1846 to 1848; George Tays, Revolutionary California: The Political History of California from 1820 to 1848 (rev. ed.; Ph.D. dissertation, University of California, Berkeley, 1934); Bernard De Voto, The Year of Decision, 1846 (2d ed.; Boston, 1961); and Otis A. Singletary, The Mexican War (Chicago, 1969).

At dawn on June 6, 1846, a party of American riflemen awakened General Mariano Vallejo at his home in Sonoma. They announced the establishment of a new "Yankee Republic" and put him under arrest. Precisely why he was their chief hostage even they were uncertain, since everybody knew Vallejo as the Americans' best friend; but if there was no Mexican army to seize, a general would have to do. Always affable toward strangers, Mariano Vallejo offered them a bottle of wine to drink while they were drafting their articles of capitulation; meanwhile, he retired to put on more respectable attire. When Don Mariano returned, the Americans took him, his brother Salvador, and his son-in-law Jacob Leese to Fort Sutter and turned them over to Frémont, who was in charge there. Thus began the Bear Flag Rebellion and the Mexican War, which toppled the old régime.

With elaborate boorishness Frémont's men kept the prisoners incommunicado for months, arrested their visitors, denied them even a walk in the open air, and stooped to stealing their personal effects. Behind bars, Salvador Vallejo harangued his brother for lavishing land and money on every passing gringo and extracted from him a belated promise to mend his ways. For the rest of their lives, neither man would forget the injustice done him. Later, when retelling these events to sympathetic strangers, Salvador would bristle as he recalled seeing the soldiers "lazily stretched upon the clay floor . . . holding in their hands greasy patches of cards in lieu of bibles." Occasionally one of them had ambled forward saying, "Let me see if my Greasers are safe." At this point in his narrative, Don Salvador would rise to trot out an old document verifying that his father was a bona fide don. Then he would curse the "mulatto" "Pike County blackguard" who dared use the word "greaser" in addressing two men of the "purest blood of Europe!" 2

Convinced that their mission was to "make FREEMEN" of Spaniards, the rebels proposed to "liberate" California from despots, mock-republicans, and "criminals" like Governor Pico and Commandante Castro, who had robbed the missions and "shamefully oppressed the laboring people." Neither had the local Americans escaped oppression, for, although they had been invited to settle in California with promises of land and republican government, they had not received either and now stood in danger of eviction. The rebels charged that Castro intended to transport them to the desert and sure death. And who, if not the government, had inspired the Indians to burn the settlers' wheat? Furthermore, the rebels feared that unless they acted swiftly a British fleet, doubtless already under sail, would seize California from under the nose of the United States.

By "the favor of heaven . . . and by the principle of self-preservation; by the love of truth; and by the hatred of tyranny," they would submit neither to the "Spaniards" nor to the British and would instead create an independent republic based on civil and religious liberty and dedicated to the encouragement of "industry, virtue and literature." 3

This bill of particulars mystified the Californians; aware of their own numerous shortcomings, they yet saw none that would serve as provocation for a Yankee rebellion. They already were civilized men, and well on their road to freedom; only their would-be liberators were crude and uncivilized. The Yankees knew that the Indian arsonists were acting on their own hook and that Castro was rounding up horses not to attack Americans but to fight Pio Pico, his own countryman. If the frontiersmen had suffered, it was mainly from neglect. Moreover, the Yankees were uninvited guests in the first place and had earned no valid claims on the government (except perhaps in rare cases such as that of Isaac Graham, who never did get the land promised him). Pio Pico's sale of mission property was none of the Yankees' affair. The government never drafted the Yankees into the army nor required them to pay taxes or join the Church. Moreover, if they disliked Mexican regulations, so did the Californians.

A feeling of betrayal underscored the Californians' hostility toward the osos (bears). In talks with Consul Larkin and in all their ruminations about how the end of the Mexican régime might come about, they had assumed that any fight would be against regulars—men worthy of themselves. Yet, as they watched the rebel columns come down from Sonoma they saw mainly "leperos," "griny adventurers," "exiles from civilization." The bear emblem itself symbolized bestiality, for even though it was a bear so badly drawn that it resembled a hog, the bear remained Nature's pirate, a thief who thrived on the cattle that sustained the very lifeblood of civilization. And if the grim looks of the Americans and the Jolly Roger they bore as a standard were not proof enough of barbarism, one could see it in the ragtag of the procession—there marched some of Micheltorena's leftover cholas. Facts such as these shattered the credibility of Larkin's initial promises of "liberation" from Mexican "tyranny." 4

The Californians explained the rebellion as plain, unadulterated rapine. They properly sensed the provocative rebel strategy, even if they failed to understand its motivation. With the breakdown of diplomacy and the beginning of war in Mexico, the time had come for the Yankees in California to "play the Texas game." 5 Unhappily for them, they lacked both the sure touch and the concrete grievances of the Texans; try as they might to conjure up another "Texas Republic," they failed. Without substantive grievances, and with their own government pursuing a policy of diplomacy, the rebels' success depended upon how far they could goad the Californians into action. If the Californians took the bait and retaliated against Vallejo's capture, they would validate the rebel cause and the United States government might respect the "republic" as a fait accompli. The flaw in this strategy was that it could degenerate into mere pillage, which Washington would spurn. And, indeed, when the Californians failed to respond actively, provocations increased. The dilemma of the Americans' position was voiced by Benjamin Ide, the rebel chieftain, in an exhortation to his men: "We must be conquerors . . . [or] we are robbers." 6 This the Californios sensed.

*William Brown Ide, "Proclamation to the People of California," [June, 1846], MS, HM 4116, Huntington Library (San Marino, Calif.).


5 Alfred Robinson, 1845, quoted in Tays, op. cit., p. 597.

The announcement of Don Mariano’s arrest did not have the anticipated effect; instead, it brought bitter smiles to many faces throughout California. After all, he who had consorted with devilish frontiersmen deserved all that he got. As other provocations ensued, however, the Californians grew alarmed. The rebels confiscated cattle and horses and looted homes as the communities north of the Carquinez Strait trembled under a reign of terror. At Rancho Nipomo, two leatherjackets enslaved a band of Indians, overworked and starved them, shot at the men for target practice, and raped the women. But the incident that evoked the most universal and lasting anger occurred that same June, along the shores of Suisun Bay. A patrol of rebels, led by their new leader, Frémont, was scouting the shoreline when it encountered three Californians landing in a rowboat: the aged ranchero José de los Reyes Berreyesa and his twin nephews, Francisco and Ramón de Haro. Although unarmed, the three Californios were mistaken for soldiers and shot peremptorily. Ramón was killed as soon as he reached the shore. Francisco then threw himself down upon his brother’s body. Next, a command rang out: “Kill the other son of a bitch!” It was obeyed immediately. The old man asked bitterly: “Is it possible that you kill these young men for no reason at all? It is better that you kill me who am old too!” An American rebel coolly obliged.7

This was the story pieced together from eyewitness accounts by one of the dead Berreyesa’s sons and another of his nephews, who shortly undertook an odyssey to recover the bodies. In Sonoma they accosted a man wearing the victim’s clothing, but could not get him to part with the booty. The rotting corpses had been buried by Indians. Since Californians always maintained that the Berreyesa party was on a private mission, they classed the annihilation as pure barbarism. News of the incident electrified the provincials as nothing had before. “It was a night of deep meditation,” writes Manuel J. Castro. “Until then, we Californios did not know whether we would have to struggle against savage hordes organized under the Bear Flag . . . or against civilized soldiers.”8

In most wars such incidents are easily forgotten and, indeed, Ameri-

cans marked it lightly—Frémont simply reported that some of Castro’s men were “killed on the beach”—but the Californians engraved it indelibly in their folk memory. Other participants later suggested revenge as a motive. Supposedly, the guerrilla soldier Bernardo García had previously captured two Bear Flaggers named Cowie and Fowler, tortured and murdered them, and mutilated their bodies—a tale some Californios considered pure fabrication. They told many versions of the Berreyesa shootings, not always consistent with the facts; in the leading one, they had Frémont himself giving the cold-blooded execution orders, simply to avoid taking prisoners. They did not like Frémont any better when the Haro twins’ father died a brooding death and an uncle of theirs, wracked by grief, followed old Haro to the grave. While the gringos canonized Frémont as a hero of the conquest, the lordly Berreyesas were dogged by one Yankee injustice after another until they were completely decimated.

Shocked by the osos and gravely disappointed by Frémont, the Californians felt pleasantly relieved early in July by an improvement in gringo policy. The arrival in Monterey of Commodore John Drake Sloat one month to the day after the rebellion altered the picture completely. As soon as Larkin rowed out and boarded the flagship and informed him of what had transpired to the north, Sloat began dispelling the darkling revolution as effectively as a breeze clears the summer fog in Monterey Harbor. “Old, sick and irresolute and a long way from Washington,” the Commodore nevertheless knew better than to sanction Frémont’s projected conquest of the south.9 Sloat’s “conquest” ran so smoothly that the sole casualty was a woman who, kneeling in church, suffered a bruised leg in the rush for the door at the announcement of his landing. He made the rounds of the town, posting a proclamation ending the republic and announcing California’s absorption into the Union. Whereas the rebels had granted no privileges to the Californians, Sloat professed “full confidence in the honor and integrity of the inhabitants” of the province. He promised all who elected the path of peace the same rights and privileges of all citizens of the United States, including the right to choose their own magistrates.

1 Antonio Berreyesa, “Relación...,” 1877, MS, Bancroft Library, pp. 8–11.
2 “Relación sobre acontecimientos de la Alta California,” 1876, MS, Bancroft Library, p. 194.
Hereafter, the American forces would purchase provisions at fair rates and with immediate compensation; the Church could rest secure in its possessions and customs; American goods would enter duty free and the value of California exports and real estate would soar. In all, Sloat concluded, "the country cannot but improve more rapidly than any other on the continent."  

This extinction of the Bear Flag Rebellion so intrigued the Californians hiding in the hills that all but the top officers returned to the capital; they even treated the fleet to a fiesta. "Though a quasi war exists," the naval chaplain, Walter Colton, wrote on July 28, "all the amenities and courtesies of life are preserved; your person, life and liberty, are as sacred at the hearth of the Californian as they would be at your own fireside. . . . He may fight you on the field, but in his family, you may dance with his daughters and he will wake the waltzing string" of his fiddle in your behalf.  

Thus, by the end of July, 1846, the Californians had tasted in rapid succession both the worst and the best of Manifest Destiny and now again were in for the worst. Sloat, for all his good wishes for the Californians, wanted no part of the Frémont-Larkin contest and felt relieved when Commodore Robert Field Stockton came to replace him a few weeks later. Even at best, Stockton was a gruff sea dog and no diplomat. (His quest for the Know-Nothing presidential nomination in 1856 may reveal something about his attitude toward Catholic "foreigners." He neglected to salute the ladies and wore his sidearms when he sat; thus, to a people steeped in social proprieties he seemed the "true pirate chief." Sloat issued a new proclamation rescinding the old one, in which he branded Castro a usurper who had sullied the name of an American (Frémont) and therefore deserved chastisement. The proclamation licensed the American forces to advance into the interior, instead of lingering on shipboard, and to shoot conspirators. This begat a counterproclamation, in which the Californios decreed death to any American who confiscated property. To prevent reprisals,  

Pico and usurper Castro left for Mexico, thus deflating Stockton's proclamation, but the invasion continued nevertheless.  

Although Stockton formally disbanded the "one-town, one-month republic," he cloaked its army in the respectable title "California Battalion of Volunteers," put Frémont in charge, and ordered it south to "pacify" the rest of the province. As perhaps both Frémont and he had intended, the new program provoked guerrilla warfare in parts of California which, by and large, had already surrendered. Wherever the naval squadron or the volunteer brigade landed, trouble erupted, with the important difference that the abajeanos fought back more successfully than their countrymen up north.  

In August of 1846, an American martinet, Captain Archibald Gillespie, provoked the trouble in Los Angeles which was to prolong the outcome of the war by several months. He put a curfew on the town, closed the stores, and outlawed even the most innocuous social gatherings. One resident American observed that Gillespie enjoyed "humiliating the most respectable men." Fearful of conspiracy, Gillespie searched several houses, confiscated arms, and did everything in his power to intimidate the occupants. In response, Servulo Varela, a young Mexican dabbler in rebellions, took a score of drinking companions to Gillespie's quarters and taunted him with drum rolls and shouts of "¡Viva Méjico!" In a panic, Gillespie fired his rifle into the darkness and sent the intruders scurrying into the hills, where they were joined by hundreds of others, including professional soldiers. They chose José María Flores, a former Mexican officer, to drive the occupation force from the town.  

Flores soon accomplished his mission. His guerrillas managed to find an old four-pounder which could take an explosive charge and have cobblestones and scraps of metal. That relic and lances made of laurel staves and barbel hoops made up their entire armory. The advantage of experienced leadership and of an aroused populace of 6,000 rooting for them made up for many shortcomings. Employing bluster and trickery, Flores and his men overwhelmed Gillespie's eighty dragoons and  

11 John Drake Sloat, "Proclamation to the Inhabitants of California," [July 6, 1846], MS, FAC 101, Huntington Library.
14 Colton, op. cit., p. 20; Alvarado, op. cit., p. 236 ff.
15 In southern California, however, some Californios, as for instance José Jesús Pico and Juan Bandini, did come to like Frémont.
forced the captain to sign surrender terms. On October 4 the guerrillas lined the streets and gloated while Gillespie’s dejected men marched out of town, toward San Pedro. Flores’ band next cleared out remaining pockets of Yankee resistance at Chino and Santa Barbara, and finally deployed southeast of Los Angeles to stand off the army coming from New Mexico and the marines from San Diego. The Angeleños thus delayed the inevitable for four months.

The guerrillas’ resistance culminated in action at the hamlet of San Pascual, the proudest moment of the war and one of the few skirmishes north of the Rio Grande worthy to be called a battle. The key to victory lay in a mistake by General Stephen W. Kearny and a show of courage by the Californios. On the best advice of scout Kit Carson, who thought all “Spaniards” cowardly, Kearny had left Santa Fe, New Mexico, with only 125 men. General Andrés Pico, brother of the exiled governor, was waiting for Kearny at San Pascual, where the road crossed the hilly approaches to San Diego. Pico’s men, though greatly outnumbered, had long lances and fresh horses. The battle, “a vicious melee of cavalry sabres and clubbed muskets against lances,” lasted but five minutes. In it eighteen Americans died and as many were wounded, including Kearny, who was lanced twice and put out of action for several weeks; the Californios suffered no losses. After San Pascual, the Yankees spoke less of “Mexican cowardice” and more of “Californian valor,” a reversal of folk history the Californios greatly appreciated.

The Californios felt gratified that they had succumbed neither to “Spanish cowardice” nor to blind fury, as the gringos had expected them to, but had fought well against great odds—a fleet of warships and marines, infantry and cavalry, and a powerful and cocky nation. In their worst days they would look back and remember having taught the Yankee not to class them as cowards, but as brave men and good soldiers.

27 Antonio F. Coronel, “Cosas de California ... particularmente ... en ... los años de 1846 y 1847 ...” 1877, MS, C-D 61, Bancroft Library, pp. 78, 80; White, “California Back to 1828,” quoted in Bancroft, Reference Notes, spring binder no. 9, MS, Bancroft Library.

28 Mariano Vallejo liked to quote Kit Carson as having once said that the strength of the Californios lay “in running away”; see “Recuerdos históricos ... 1798–1849,” 1875, MS, Bancroft Library, V, 172.

On January 13, 1847, Andrés Pico gleefully signed the Treaty of Cahuenga in which the unpredictable Frémont suddenly gave the Californians the equality he had earlier denied them. Pico and the other Californians were no better able at close range to follow Frémont’s tricky thoughts than the scholar who studies him at a distance. In their eyes, he was less than an unalloyed hero—an officer and a gentleman, and yet a leader of thieves; a man of bloodshed, but also a generous peacemaker. Rumor mills explained his recent pandering to the Californios as an attempt to claim the governorship with their backing. Whatever the truth of the matter, they were pleased to observe that he halted the fighting on a high note.

The first two phases of American annexation, rebellion and military conquest, have greatly appealed to the popular imagination. The final stage, military government, by comparison seems inconsequential—an irritating interruption in the inevitable progress from Spanish-American to Anglo-Saxon control. And yet, the Californios saw the occupation favorably; to them it represented the last stage of the old order, and its worst feature was that it ended too soon.

By January, 1847, war had irrevocably separated California from Mexico and liquidated the native California government. Only certain diehards disputed these results, such as the men who stole a gun from a United States warship standing off Santa Barbara and buried it in the beach for a future day of deliverance. Most Californios simply returned home, preferring the quietude of rancho life. Since Alvarado had declined to become either interim governor or secretary of state, the United States Army formed a government without him. Unfortunately, Californios who spurned such gestures lost the opportunity to speak for their people later on. Pio Pico’s return from Mexico started in a Los Angeles saloon a back-room conspiracy of Yankee-haters lasting all of one day. An army investigation made light of the episode, dismissing the former governor as “an amiable, kind hearted man who has ever been the tool of knives.” Pico, too, slipped back into the fold as a mere ranchero. As for the soldiers of the rank, Colton noted that
“they are very poor, having received no pay since our flag was raised. . . . They are entitled to our sympathy.”

The war had caused undeniable economic hardships. Cattle and horses had been killed, stolen, and scattered; crop fields had gone to weed; vineyards had been turned into forage by occupying Bear Flag troops. The resumption of ranching would have to await the return of vaqueros, shepherds, and domestics who had drifted away and of the reopening of the sea trade. The Indians, capitalizing on the white man’s preoccupations, had grown more daring in their forays and could be suppressed only by the concerted efforts of Yankees and Californios. Mariano Vallejo left jail with his spirits shaken and his health threatened, only to discover that the rebels had destroyed crops, buildings, fences, and stock worth well over $100,000 and inflicted on his brother Salvador half that amount of damage. In estimating his defeat, Mariano also wrote off as a total loss the $60,000 owed him by Mexico for his military service.

Some ricos had serious difficulties paying off prewar financial obligations. Alvarado laments that no sooner had he returned home than moneylenders Henry Mellus and Thomas Larkin arrived with an ultimatum. These “would-be friends” took Alvarado for a bankrupt debtor and demanded that, so as to liquify his assets and pay off his creditors, he convey his Rancho Mariposa to Captain Frémont. Alvarado had acquired Mariposa in the eleventh hour of the old régime, in the hope of holding on to it until its value rose; in the end, he had to sell it cheaply to Frémont. (Unknown to anybody just then, Mariposa had about $10 million in gold secreted in its bowels.)

These tangible material losses apart, the old ruling classes still preserved all that was dear in the way of religion, property, and social amenities; if they were politically alienated, socially they still reigned supreme. In most places daily life resumed where it had left off in antebellum days, and one hopeful note sounded for all who owned land—property values were rising steadily. One Monteroño boasted that the worth of his ranchos had increased by $40,000, through the mere change of flags. This promise of economic progress stilled a great many of the more strident critics of the new régime. Meanwhile, the aggrieved Mariano Vallejo had rallied enough composure to shave his whiskers according to the latest Yankee tonsorial fashion and go to San Francisco to march in the victory parade in Portsmouth Square.

Most comforting of all to the Californios, the new army was attempting to preserve the status quo instead of wrecking it. General Kearny, Colonel Richard B. Mason, and General Bennet Riley, who served successively as military governors from February, 1847, until April, 1849, treated the Californians with kid gloves and at the same time kept those Yankees who might have harmed them firmly in check. In fact, in their zeal to retain the status quo, these American army officers created a government that in some ways seemed more Mexican than the one they had inherited from the Mexican governors.

Kearny, in particular, endeared himself to the native Californians when he court-marshaled Frémont for claiming the title of military governor. This greatly amused the Californios, who remembered their own infernal bickering over the governorship a few years earlier. In the course of the legal contest, moreover, Kearny accused Frémont of “most cruelly and shamefully” abusing the native Californians who, had they not resisted the Bear Flaggers, “would have been unworthy the name of men.” The general also promised immediate cash payments for the “unauthorized” confiscations of the Bear Flaggers.

Here was the curious spectacle of the conquering commander himself assuming the role of apologist for the Californios—his vanquished foes.

In view of the fact that for decades the native Californians had heard of the gringo’s hatred of Catholicism, the army’s deference to Church interests surprised them pleasantly. The army commanders officially discouraged civil marriages, diligently rousted poachers from mission property, and kept their own men completely in check. Apart

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* Alvarado, op. cit., V, 250–251; Colton, op. cit., p. 52.
* Kearny to R. Jones, March 15, May 13, 1847, in *California and New Mexico*, pp. 284, 304.
from a curate who complained that the soldiers were flirting with the señoritas too near his church, no one had any serious dispute with the army over religious policy.\footnote{Kearny, himself a Catholic, hardly needed orders to respect the Church, but see his instructions from Washington, in \textit{ibid.}, p. 236 ff.; Curate to Prefect, in Clodomiro Soberanes, "Documentos para la historia de California," 1874, MS, Bancroft Library, p. 193.}

Governor Mason artfully ingratiated himself with the gentry. He invariably paid his respects to the leading citizens and enjoyed their hospitality while touring his command, a great honor for the Californios. He listened carefully to their claims for war damages and, whenever he employed their services (as, for example, in fighting Indians), he paid for them promptly. If he had to punish, as he did in the case of the Santa Barbarans who stole the naval gun, he did so without rancor.

Best of all, Mason kept the army out of civil affairs, except for its help in preserving the new form of government and in assisting the local magistrates in keeping the peace. In the old communities, he enforced the Mexican legal code and ruled either "through channels" or not at all. His only innovations, the jury trial and the election of town officials, actually supplemented rather than negated previous governmental usage. The alcalde remained the mainstay of local government, combining in his person such duties as in the United States would be shared by mayor, municipal judge, jury, lawyer, notary public, and marshal.

Captain Henry W. Halleck, the American army's secretary of state, the man who oversaw the daily functioning of the occupation government, knew some Spanish and soon learned how to cater to the gentry. In naming men to public office, Halleck first called upon the former holder of an office to see if he was willing to serve. If rebuffed, Secretary Halleck then encouraged other members of the old élite—both Anglo-American and Latin-American—to assume office. He seemed to want to balance the gringos and Californios on the government roster, as when he named both Sutter and Mariano Vallejo subagents for Indian affairs for the Sacramento frontier. Although he distributed the spoils of office to friends of the American cause whenever possible, both he and the other army officers understood local society well enough to know the limits of favoritism. In Santa Barbara, for example, they could have solicited support for a friend of the invading army to serve as alcalde, but, recognizing the pervasive importance of the Carrillos and the de la Guerras, installed them instead, despite their wartime hostility to the United States forces.

The roster of the military administration thus had a cosmopolitan character: of the 157 men installed in office from 1847 to 1849, 74 were born in the United States or Britain, 5 in continental Europe, and 48 in California and Mexico. They were a medley of Spanish-speaking rancheros, Yankee traders, Bear Flaggers from the Sacramento River valley, mustered-out army officers, pioneers of 1846 and 1847, and Europeans who had supported the Americans in the war. The Californios kept dropping out and being replaced by Yankees, who by 1849 were in the majority. The decrease in the number of "native sons" in government was partly offset, however, by the increase in the number of their gringo sons-in-law who entered the government each month.\footnote{Data on U.S. Army administration are from official correspondence scattered throughout \textit{California and New Mexico}. Other Spanish names among officers of that time are: Angel, Armiyo, Avila, Buelna, Castro, Charhaunes, de Haro, Esquer, Fernandez, Guirado, Guerrero, Lbrniz, Lugo, Lopez, Larios, Lenano, Morron, Noe, Noriega, Ocampo, Ortega, Oso, Ruiz, Sanchez, Salazar, Sepulveda, and Sufiol.} Although the military government was something less than a perfect copy of California's social complexion, it was composed largely of natural leaders acceptable to the native Californians and, in principle at least, dedicated to working out an accommodation with them. The army, in fact, was the last important Yankee institution that could boast any such distinction.

Army policy could have succeeded if the garrisons had been strong enough to impose discipline uniformly on both sides, if official cordiality had had time to filter down to the ranks, and if the gold rush had not come so swiftly on the heels of conquest. The policy of the military actually did succeed in certain places where the army garrison commanded respect, where the gentry accepted defeat gracefully, and, above all, where the right man filled the job of alcalde.

Monterey was fortunate in its alcalde, Walter Colton. The Congregationalist preacher and Romantico poet managed to get on well partly because he found positive virtues in the old legal practices. A courtroom operating without lawyers pleased him, for, with his
Testament handy, he needed no attorney to remind him of precedents. Californians displayed their confidence by going to him with the myriad petty affairs an alcalde supervised, from arbitrating money matters to chastising a fickle lover. He swiftly introduced the jury trial and new definitions for horse theft and other capital crimes, but he also diligently explained their meaning to the Spanish Americans and meted out lenient punishments for prisoners genuinely confused by the new system. He saw the befuddlement of the neophyte Indians, for example, who were seized for horse stealing. Believing that horses were so abundant as to be a species of public property, and knowing that exchanging horses without the other party’s permission was common practice in old California, the Indians could not comprehend the Yankee’s strict new notion of horse theft. Colton gave them not only light sentences but also a plug of tobacco and some clothing for their trouble.

Alcalde Colton also tried to elevate public morality by stamping out public gambling and drinking and “Sabbath breaking.” Although he drove the drinkers and gamblers into the woods, he found Sabbatarianism difficult to enforce among a people who enjoyed life without regard to the calendar. When he politely refused to officiate as alcalde on the Lord’s Day, the Californians graciously apologized for interfering with his “recreations... such is the moral obtuseness which perversion of the Sabbath induces.” Ultimately he gave up his campaign for the purification of Sunday as something “wholly unintelligible” in Monterey, yet he did so philosophically and without anger, for he liked the Californians and, in a patronizing manner, respected their culture.

In communities other than Monterey, where the army lacked authority, the old-timers refused to accept defeat, and the officeholders had none of Colton’s touch, military government was a practical failure.

San Jose, beyond effective reach of the army garrison at Monterey, lacked the basis of discipline. The old ruling clans, the Pachecos in particular, never really ceased fighting the gringos. Then, too, the flow of transient gold seekers dissipated the powers of local government and broke down all sense of order. By mid-July, 1848, Mexicans and Yan-kees heading for the Sierra brawled in town nightly. Drovers herded cattle directly through the main streets, butchering animals for sale as they went; the noise, the dust, and the stench were unbearable. And the Indians, seeing new opportunities to obtain stock, created additional havoc by their periodic forays on the ranchos.

Three gringos in succession—a long-time Yankee resident with a California wife, a respected Briton, and a Yankee immigrant of 1846—all tried their hand at the office of alcalde of San Jose with equally poor results. The first of the three, optimistically established in ayuntamiento (municipal government) and a jury, both comprised six Californians and six Americans. When he put Spanish Americans on trial, however, no matter what the charge, the “native element of the jury... failed to convict.” Disappointed, this Yankee resigned. His British successor first was plagued by Indian marauders and then by white cattle thieves masquerading as Indians, but he could not induce the local citizens to put aside their differences and hunt down the badmen. The Briton’s replacement, the Yankee immigrant, had to work with the obstreperous Dolores Pacheco, who had seen fit to come back as second alcalde of San Jose. The Yankee knew that Salvio Pacheco had committed a felony and that failure to punish him would turn the law into a sham, at the same time, Don Salvio was now protected by his kinsman, Don Dolores. Realizing that any American who punished a Pacheco was risking his own life, this Yankee alcalde also resigned, advising Governor Mason to install in the office an army officer and back him with thirty or forty dragoons if a disaster was to be avoided. (Since Mason barely had thirty dragoons left in the entire command, one can imagine how he regarded this request.)

The most telling problem of army administration was encountered by those few native-born officials who dared exercise authority against Americans. Americans saw the advantage of letting Californios control Californios, but they would give the native-born no license to govern.
Yankees. This difficulty was faced in the San Jose–Santa Clara district by prefects (i.e., marshals) Felix Buelna and Antonio Pico who, in September of 1849, tried to overcome a “deplorable state of order” by using their broad powers to keep the Norteamericanos in line. To this end they posted a decree curtailing the carrying of arms, the sale of liquor, public dances, and the herding and killing of cattle on town streets. But, when Pico arrested one drunken gringo for gross insult, the prisoner’s friends simply broke into the jail and released him. Pico never could recapture him.31

José Fernandez, Pacheco’s replacement as second alcalde of San Jose, saw another hazard of working with Yankees. He generously left to his associate all business involving gringos and governed Spanish Americans only, a division of power made necessary by his own ignorance of English and the first alcalde’s ignorance of Spanish. But, Don José complains, this arrangement allowed the first alcalde to manipulate the sale of pueblo lands and grow wealthy, while he, Fernandez, actually lost money while in office. “I lost my shirt,” he explains, wistfully adding that if he could return to those days he would test out a few Yankee tricks that he had since learned.32 The constant refrain of the Yankees and Californians, then, was that each was obstructing the other’s efforts to maintain true law and order. Meanwhile, such law and order as had begun to emerge, rapidly broke down.33

At one point in 1849, the entire army of occupation consisted of only the governor and his cook, the other men having gone permanently absent without leave. No longer able to repress fellow countrymen itching for civil government, the army sanctioned a constitutional convention. This move in the direction of democracy unfortunately released the Californios to the flood tide of gringo hostility. Nevertheless, Governor Riley saw to it that the convention met in the old capital, Montere-

33 Monterey went through a mob scene shortly after Colton departed; see California Star and Californian (Monterey), Dec. 9, 1848. In Los Angeles the old settlers rebelled by refusing to vote for installation of a second alcalde; see Mason to S. C. Foster, Aug. 28, 1848, in California and New Mexico, pp. 659–660; Henry Halleck to Foster, June 22, 1849, in ibid., p. 690.
1847. Also, considering the looseness of the provisions of the Treaty of Guadalupe Hidalgo, they had reason to feel anxious about their land titles and civil rights. The miners, moreover, promised to impose on the landed class a heavy tax.

The Californio delegates did, however, come into the chamber armed against trouble. For one thing, gringo delegates Abel Stearns, Hugo Reid, Stephen Foster, and William Hartnell shared many of their needs and aspirations. Those allies could understand the more intricate parliamentary maneuvers and could augment the Californios' voting strength on key issues. More important, if the Yankees hurled insults or grew surly, the Californios could threaten to bolt the chamber and give the convention a black eye in the federal Congress. This represented a considerable threat to a majority of delegates, who regarded congressional approval of the state constitution as the consummate goal of the proceedings. By reserving this trump card, the native Californios "did wield a sort of power in the democratic process . . . and by compromise secured some protection for themselves." 24

In matters of protocol and symbolism, the convention dealt gingerly with the Californios. At the installation of Robert Semple, the former Bear Flag officer, as chairman, Mariano Vallejo, who had been a prisoner of the Bear Flaggers, was asked to accompany Semple to the chair. (Delegate John Sutter took the other arm.) A Mexican priest, Padre Antonio Ramirez, alternated with a Protestant minister in delivering the daily invocation. When the problem of choosing a state seal arose, delegate Vallejo seriously proposed an emblem showing a vaquero lassoing a bear. The chamber rang with laughter at this unconscious jibe at the Bear Flaggers, but rejected the proposal by one vote. Plainly, the majority was unprepared to show quite that much deference to Californios.

In their own modest way, the Californios helped mold key sections of the Constitution of 1849, including provisions on voting qualifications, taxation, state boundaries, and publication of state laws. They participated in committee work and, on sixteen issues that touched home, they commented to the chamber at large (de la Guerra and Vallejo through an interpreter, because of their limited English). The Californios spoke to the point and without flourish, except for Carrillo, who occasionally displayed his famous sharp tongue, as when he excoriated the most prominent figure in the chamber, William Gwin of Tennessee, for calling him a "foreigner." The more temperate de la Guerra could handle open debate without invective.

Contrary to expectation, the Californios did not always act as a bloc: in thirty-five important roll calls, they broke ranks seventeen times. The chief exception occurred when a gringo proposed limiting the suffrage to white males only and the Californios, to a man, joined in opposition.25 De la Guerra arose to argue that many Californios were dark-skinned, and that to disfranchise them would be tantamount to denying them a part of their citizenship as granted by the Treaty of Guadalupe Hidalgo. But his most telling argument needed no words, since the convention could not logically allow mestizo Manuel Dominguez to sign the constitution and yet bar "half-breeds" from the franchise. After some grumbling by the hard-core chauvinists, the convention granted to the legislature the privilege of enfranchising certain Indians.

Other voting issues show disagreement among the Californio delegates. Carrillo was the only one among them to vote for admission of free Negroes into the province, probably on the advice that such a vote would speed territorial admission. On the question of statehood and boundaries, the southern delegates, irrespective of ethnic background, came instructed to vote for creation of a state in the north and a territory in the south. They hoped to control their own destinies in a thinly populated territory devoted mainly to pastoral pursuits, whose boundaries would exclude the vast concentrations of gringos to the north. The northern delegates, including Vallejo, on the other hand, had instructions to create a large state but no territory. The big-boundary faction argued that, ever since the 1819 treaty between the United States and Spain, California had included Nevada and most of Arizona and Utah. They also reasoned that the wider the boundaries, the longer the territorial status, and the cheaper the cost of government to the


25 Hargis, op. cit., p. 5.
propertied class. Finally, the Californians did win boundaries large enough to please them, although the victory proved a Pyrrhic one when the province became a state in record time.

Taxation vexed the Californios particularly, because most of the Yankees wanted to tax land heavily, but not gold or other forms of wealth. As a safeguard against tax excesses, the ranchers demanded local election of assessors. When opponents of this proposal intimated that the gentry would seize those offices and commit abuses, de la Guerra delivered a "fiery speech" defending the honor of his class. Local selection of assessors finally did pass. Other issues that arose were Carrillo's and de la Guerra's idea that the ranching counties should, in view of their small population yet large contribution to the treasury, be apportioned more seats in the legislature, but this suggestion was easily beaten down; so was Carrillo's proposal to make Santa Barbara the state capital. In a clear-cut victory, however, Don Pablo won unanimous adoption of a measure compelling the legislature to print all its laws in Spanish.

The Californios gave every indication of feeling reasonably satisfied with the Constitution of 1849, despite their several uphill fights. They never had to bolt the chamber, they voted with the majority in thirty-seven roll calls and dissented in only nine, and on the bright and cheery morning of October 12, they willingly signed their names to the document and joined in the "state-making" celebration. All of Monterey was turned into a fiesta as the cannons tolled a salute to the thirty-first state. "All [delegates] were in a happy and satisfied mood," according to Bayard Taylor who was there himself, "and none [more] so than the native members. Pedrorena declared that this was the most fortunate day in the history of California. Even Carillo [sic], in the beginning one of our most zealous opponents, displayed a genuine zeal for the Constitution, which he helped to frame under the laws of our Republic."

The constitution was the only major document of state the Californios ever helped to shape. Even as the guns boomed, however, the locus of power had already shifted away from their capital, Monterey. Northeastward, in the Sierra, in the hurly-burly of the mines, the

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gringos knew little and cared less about either the army's attempt to spare the Californios undue agony in their transformation, the convention's polite genuflections to the "Spaniards," or the efforts of the rancheros to retain influence in the new framework of government. The gringo newcomers, in fact, were beginning to impose on the Californians precisely the kind of absolute defeat the military had found so abhorrent and had tried so hard to forestall.