

San José: California's First State Capital

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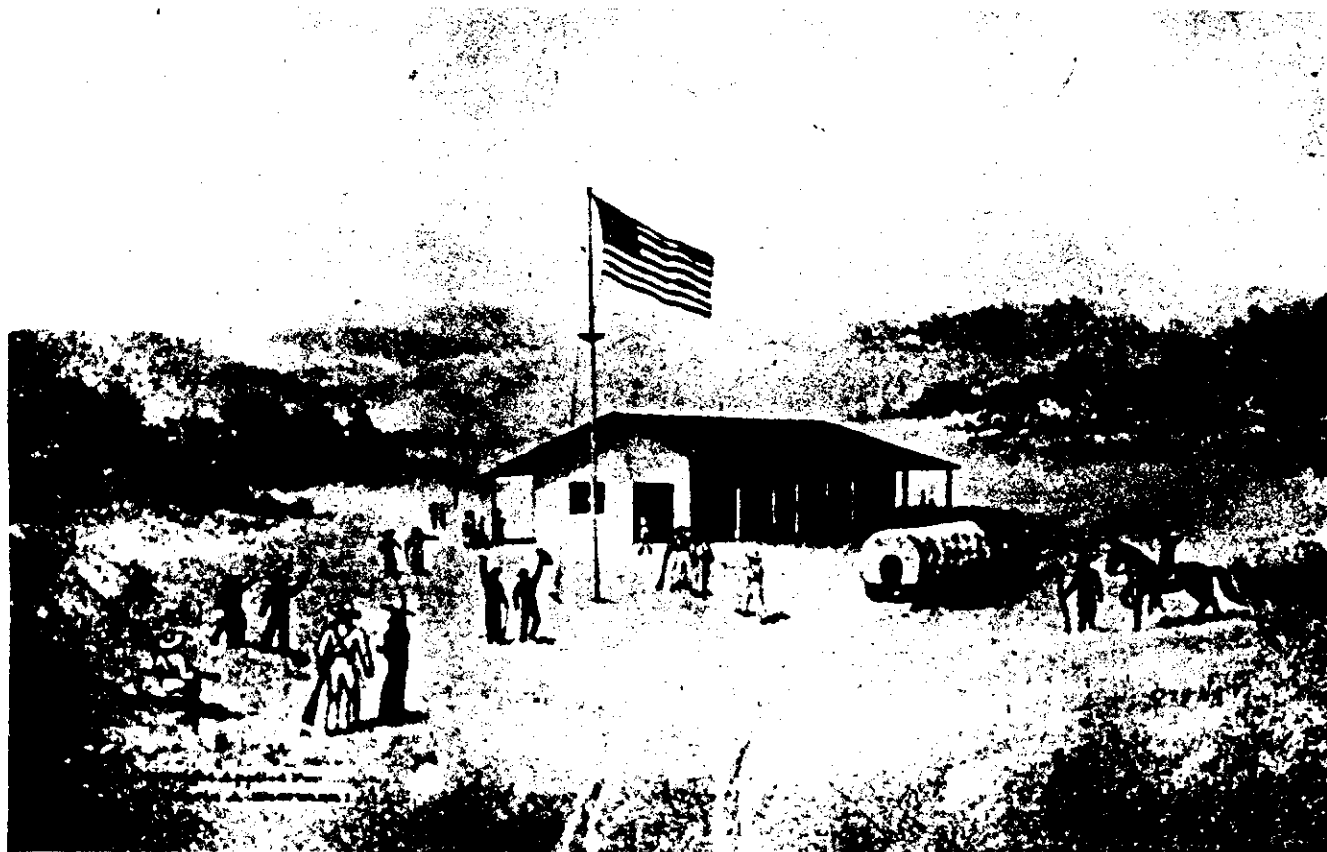
1994 Historical Essay Contest

Table of Contents

<u>Chapter</u>	<u>Page</u>
I. Introduction	1
II. The Capital Issue	3
III. Preparation for the New Government	8
IV. The First Legislature Convenes	10
V. "The Legislature of a Thousand Drinks"	13
VI. The Removal	17
VII. Reaction	21
VIII. The Ensuing Years	24
IX. Conclusion	26
Appendix A: Map of the State Capitol Site	28
Appendix B: Chronology of Events	29
Bibliography	30
Picture Credits	32

I. Introduction

At the heart of California's Santa Clara Valley lies the city of San José. Since it was founded by the Spaniards in 1777, the city has grown from a tiny pueblo into a bustling metropolis. Looking at the city today, it is difficult to believe that just 150 years ago, San José was just a small frontier town. Outside events, however, would dramatically change San José in only a few years.



The Pueblo of San José in 1846

Shortly after the United States acquired California from Mexico in 1848, James Marshall discovered gold in the American River in the Sierra foothills. Literally overnight, thousands of gold seekers flocked to the territory.

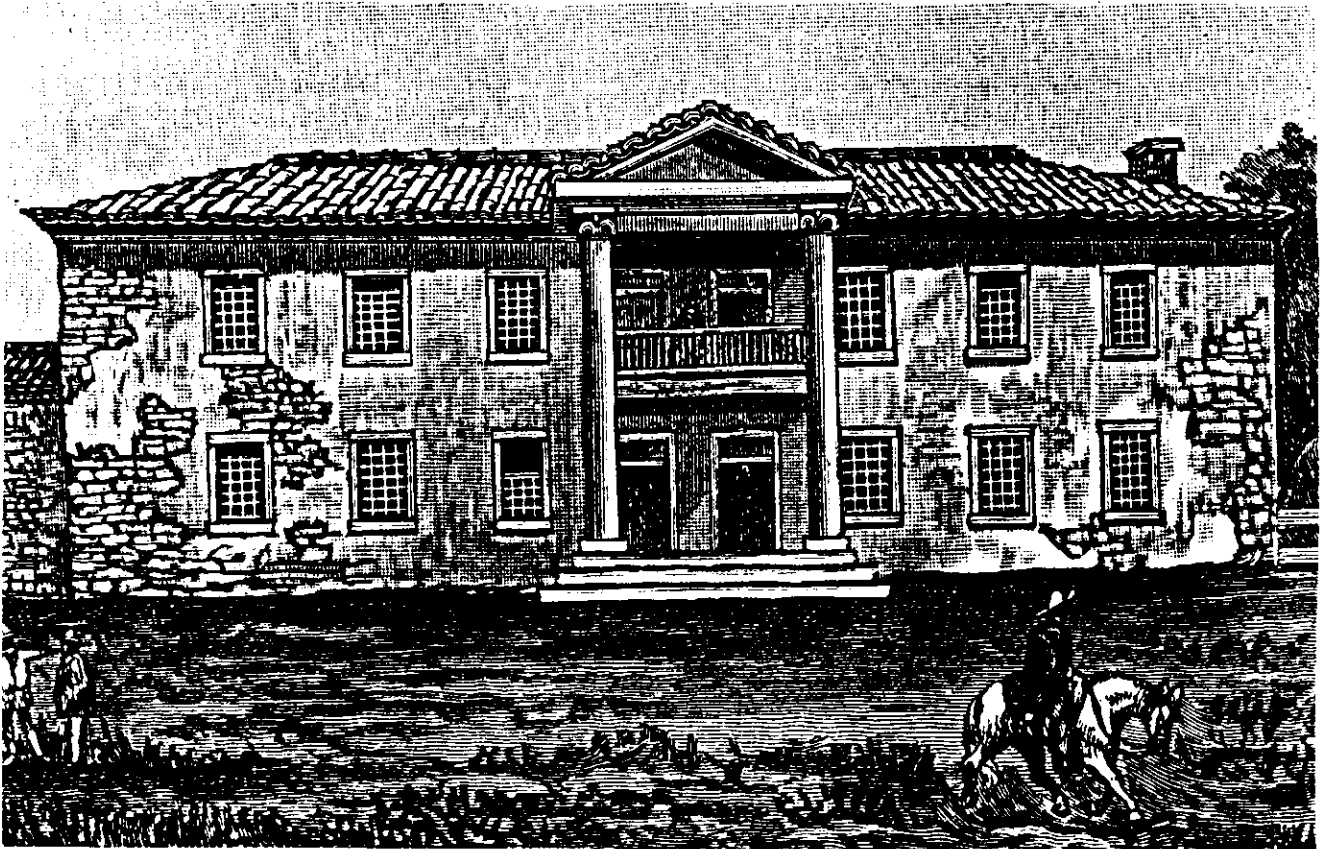
The influx of population sparked the push for California's statehood. The 1849 Constitutional Convention in Monterey, a preliminary step in the formation of the state, established some basic guidelines for state government. As a result of the decisions made there, San José emerged as the capital of the territory and later of the new Golden State. San José: California's First State Capital recounts the city's struggles to become and to remain the seat of California's government. Unfortunately for many San José residents, their city lost its fame after a few short years to envious rivals. Numerous protests and legal challenges attempted to bring the capital back to San José. Nevertheless, the capital moved from city to city until 1854, when it settled in Sacramento, its present location.

Why did San José lose the capital? While the legislators received praise for their accomplishments, they also were characterized as heavy drinkers who lacked formality. *Perhaps the most significant reason, however, lies in the fact that San José failed to impress the First Legislature as a permanent seat of government.* Broken promises and the unusually wet winter of 1849-1850 forced the legislators to meet in less than ideal conditions.

Although San José lost the state capital in 1851, many of the decisions made in this little village laid the foundations for twentieth century California. The story of San José as the first state capital for a few brief years represents a unique experience in the state's history.

II. The Capital Issue

The Constitutional Convention in 1849 served as a preliminary step in the transformation of California from a territory to a state. The convention's forty-eight delegates came from many areas, including seven representatives from the Pueblo of San José: Joseph Aram, Kimble Dimick, Jacob D. Hoppe, Antonio M. Pico, Elam Brown, Julian Hanks and Pedro Sansevain.¹



Monterey's Colton Hall: The Site of the 1849 Constitutional Convention.

The delegates convened in Monterey's Colton Hall on September 1, 1849. Although they established many basic components of the state's constitution, the most controversial

¹ H. S. Foote (Editor), Pen Pictures from the Garden of the World (Chicago, 1888), p. 71.

issue became the question of where to locate California's state capital. While the delegates eventually chose San José for the first year, they never determined the capital's permanent location. Hubert Howe Bancroft later called the Convention's indecisiveness its "one great error." Furthermore, he commented that the seat of government "hawked about for years in a manner disgraceful to the state."² Indeed, the representatives of California had an enormous amount of pride for their own cities. Their refusal to accept another city as the capital led to major conflicts during the first few years of the Golden State.

Under Spanish and Mexican control, Monterey had served as the capital of the region. Many of the delegates wanted to the capital to move elsewhere for Monterey symbolized "foreign" domination. This attitude clearly reflected their belief in manifest destiny. Americans felt that God had given them the right to "Americanize" the continent. San José supporter L. W. Hastings stated, "The people of Monterey have had it here quite long enough, unless, indeed we are to be governed altogether by a time honored tradition."³

A draft of the Constitution dealt with the capital issue. Article XI, Miscellaneous Provisions, stated:

"The first session of the Legislature under this

Constitution shall be held in the Pueblo de San José,

² Hubert Howe Bancroft, Bancroft's Works: History of California, Volume VI: 1848-59 (San Francisco, 1888), pp. 321-325.

³ June Oxford, The Capital that Couldn't Stay Put (San José, 1983), p. 30.

which shall be the permanent seat of Government until removed by law: Provided, however, that two thirds of all the members elected to each House of the Legislature shall concur in the passage of such a law."⁴

This provision came up for a vote on September 26, 1849. Not everyone, however, showed enthusiasm for San José. Henry W. Halleck, a representative from Monterey, opened the debate urging the delegation to reconsider his city.

Although most of the delegation wanted a new site, Halleck argued that Monterey had traditionally held the capital. While San José lacked easy transportation access, Monterey's location on a bay facilitated travel by maritime vessels. Charles Botts of Monterey remarked, "No man will travel on horseback when he can get on board a steamer."⁵ Finally, Halleck suggested that Colton Hall, where the delegates were meeting, could house the Legislature. San José would have to construct new facilities at a significantly higher cost.

San José residents Kimball H. Dimmick and Jacob D. Hoppe promoted their city. They stated that, unlike Monterey, San José had a central inland location. Therefore, it could more easily be defended against foreign invaders. The merit of this argument is questionable for the city lacked an adequate transportation network for defense. Hoppe and Dimmick also believed that San José could construct a nearby port on the San

⁴ Article XI (Miscellaneous Provisions), Section 1 of the California Constitution, as cited by Evelyn D. and Edward V. Salitore, California Almanac (Lakewood, CA, 1969), pp. 92-93.

⁵ Clyde Arbuckle, Clyde Arbuckle's History of San José (San José, 1986), p. 76.

Francisco Bay in nearby Alviso.⁶ They maintained that this port could facilitate sea transportation to the new capital. Again their point had a flaw. Even if ships could reach Alviso, goods and people would still have to travel some eight miles inland to reach San José.

The promoters of San José hoped to match Dimmick's offer of Monterey's Colton Hall as the site for the legislature. Its citizens had already donated thirty-two acres for the capitol grounds.⁷ Hoppe promised a new building for the legislature by December 15, 1849, only a few months away. Pedro Sainsevain had already begun construction of a two story building, originally intended for a hotel, which could fit both Senate and the House. Historian Frederic Hall said of the offer, "It required some boldness on the part of the representatives of San José, to make the promise to have a proper building in order."⁸ In reality, neither the building nor the facilities needed to lodge the legislators neared completion. Apparently San José wanted the capital so desperately that it had made promises that it could not keep.

It seemed, however, that the delegates were willing to give San José a chance. Halleck, the Monterey delegate, offered to compromise.⁹ Because of its existing facilities, he proposed that the capital remain in Monterey for the first legislative session. Afterwards, it could be moved to San José. Halleck's motives for

⁶ Arbuckle, p. 76.

⁷ Oxford, p. 31.

⁸ Frederic Hall, The History of San José and its Surroundings (San Francisco, 1871), p. 203.

⁹ Oxford, p. 31.

compromise are understandable. He must have realized that the likelihood of the capital leaving was great. Most of the delegation wanted a change of venue and the option of San José had already been drafted into Article XI. Like anyone proud of his home town, Halleck wanted Monterey to have the honor of serving as California's First State Capital, even if it had to be relocated later.

Although San José and Monterey were the prime candidates, other cities vied for the capital. Santa Barbara, San Luis Obispo, Benicia, San Francisco and Stockton all made offers. San Francisco, a rapidly growing city to the north, recieved some serious consideration. However, many delegates feared it might become too dominant.¹⁰ Following the precedents set by Eastern states, they preferred a smaller town.

The delegates voted 23 to 15 to reject Halleck's proposal for keeping Monterey the capital for a year. Instead, they approved Article XI by a vote of 24 to 15.¹¹ With the finished draft completed, the delegates submitted the Constitution to California voters. Voting 12,064 to 811, they approved their new Constitution on November 13, 1849.¹² Thus, San José legally became the state capital. In a month, it would host California's First Legislature.

¹⁰ Stephen M. Payne, Santa Clara County: Harvest of Change (Northridge, CA, 1987), p. 129

¹¹ Arbuckle, p. 77. Someone abstained during the first vote.

¹² Eugene Sawyer, History of Santa Clara County (Los Angeles, 1922), p. 61.

III. Preparation for the New Government

San José had won the capital. However, its promoters soon discovered that they had made a rash promise, considering that the capitol building had not yet been completed. At that time, San Jose consisted of a few adobe houses with tents scattered over a half of a square mile.¹³ After California voters approved the new Constitution, San José had just over a month to prepare for the legislators' arrival on December 15, 1849.

Bayard Taylor, a traveler, described the city upon learning it had won the capital. "The town seemed to have doubled in size. The dusty streets were thronged with people... Hotels were springing up in all quarters."¹⁴

Pedro Sainsevain¹⁵ and Zepheryn Rochon were working on a building which they had originally intended for a hotel, located in the center of San José, near the present-day intersection of Market and San Fernando Streets.¹⁶ This building, measuring forty by sixty feet, became earmarked for the capital because of its size. A staircase led to the one-room upper story. The lower level had four rooms, the largest of which was the Senate Chamber.¹⁷

The San José Town Council, or Ayuntamiento, offered Sainsevain and Rochon's building to the Legislature for a

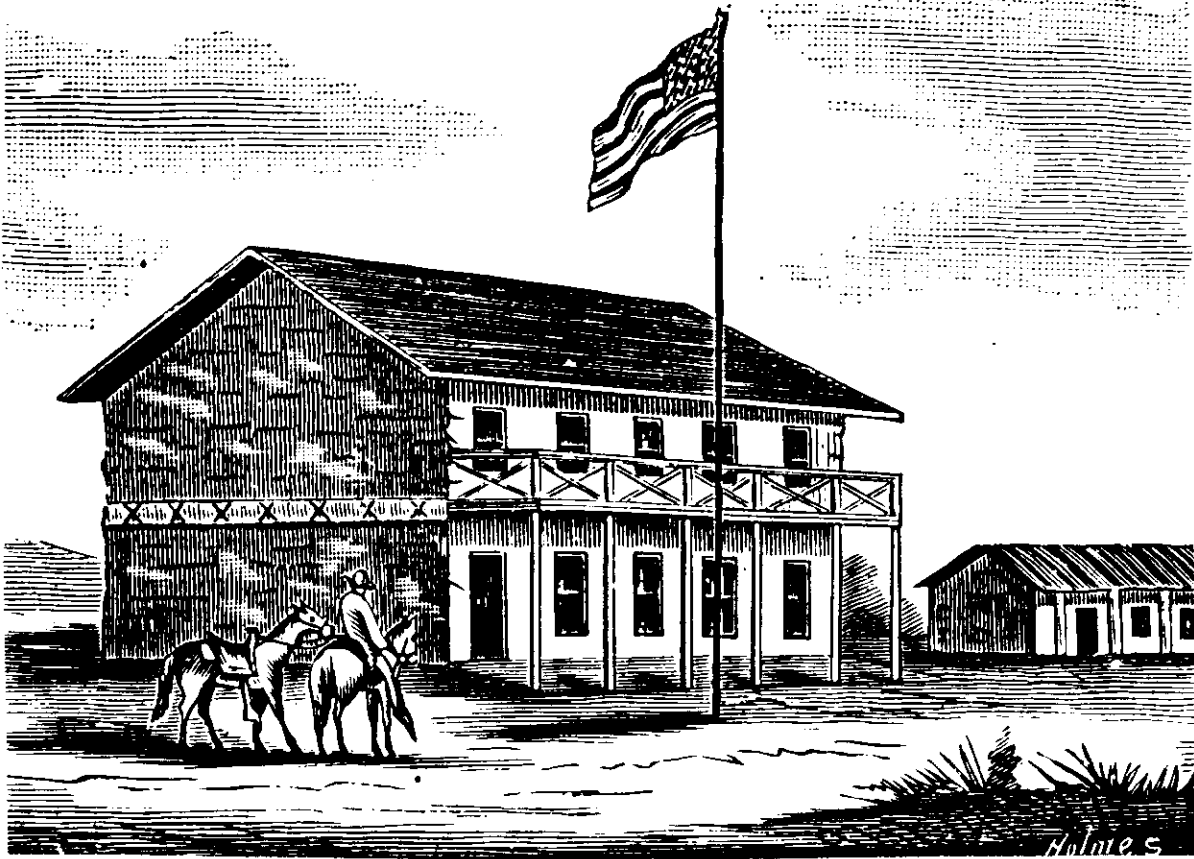
¹³ *San Jose Pioneer*. May 15, 1893, p. 2. (microfilm)

¹⁴ Arbuckle, p. 78.

¹⁵ A San José delegate at the Constitutional Convention

¹⁶ Mildred Hoover et al., Historic Spots in California (Stanford, CA, 1966), pp. 450-51.

¹⁷ Frederic Hall, The History of San José and Surroundings (San Francisco, 1871), p. 207.



San José's State Capitol Building in 1850

monthly rent of four thousand dollars per month.¹⁸ It had made a terrible mistake. The high cost of the building could only discourage the First Legislature from staying in San José. Other cities were certainly willing to provide facilities for the new government for less than forty-eight thousand dollars per year.

Fortunately for San José, its citizens came to the rescue. Nineteen of them offered to buy the building for thirty-four thousand dollars. They promised to pay eight percent interest per month until the debt was paid.¹⁹ San José had been fortunate that some of its rich residents had come forward to buy the building, or it could have lost the capital in 1849.

¹⁸ Hall, p. 204.

¹⁹ T. P. Munro-Fraser, History of Santa Clara County, California (San Francisco, 1871), p. 152.

IV. The First Legislature Convenes

San José as California's first capital had an inauspicious start. On Saturday, December 15, 1849, the first day the Legislature was supposed to convene, just six Senators made it to the city.²⁰ Four days later, George Tingley of Sacramento submitted a bill to move the state capital from San José back to Monterey.²¹ Fortunately for San José, the bill was read once and then laid aside for future consideration.

Although the representatives took no action, this bill foreshadowed trouble for the new capital. Why did Tingley want to abandon San José so soon? Somehow, San José had upset the legislators. Several factors, including several torrential downpours, high costs of living, inaccessibility, and inadequate facilities contributed to the dissatisfaction.

First, San José's wet weather hampered the efforts of the legislators to reach the city. During the winter of 1849-1850, an unusually heavy amount of rain fell on the city. According to estimates²², thirty-six inches of rain fell that year, creating swollen rivers and making roads impassable. Alta California, an early state newspaper, declared that news from San José is "like(ly) to be interrupted for some time to come or at least to be very irregular."²³ These poor conditions no doubt dissuaded many legislators from staying. Although the

²⁰ Alta California. December 19, 1849, p. 2. (microfilm)

²¹ Alta California. December 24, 1849, p. 2. (microfilm)

²² The actual amount of rainfall was never determined.

²³ Alta California. December 24, 1849, p. 2. (microfilm)

rain was beyond the little town's control, the new representatives, especially those who arrived late, must have been furious. Most probably believed that these deluges were a normal part of a San José winter. Their reluctance to stay in the city does not come as a surprise.

"Grandma" Bascom, a well-known San José pioneer, came to the city on December 10, 1849. She describes her arrival in her diary: "From Alviso we came to San José by the Pioneer stage, through fearful mud and pouring rain, paying an 'ounce' for each fare."²⁴ Besides the weather, Grandma Bascom's descriptions emphasize another of the city's major drawbacks: its exorbitant costs of living. The Ayuntamiento's previous attempt to rent the capitol building for further illustrates these high prices.

In addition, San José's merchants took full advantage of the laws of supply and demand. The influx of legislators increased the demand for a limited number of goods. As a result, the price of consumer items skyrocketed. For example, butter cost \$1.00 a pound, eggs \$3.00 a dozen, and milk \$1.00 a quart.²⁵ The city's only hotel also profited from the increased business, charging five dollars per night in gold coin.²⁶

Finally, despite the promises of San José's representatives at the Constitutional Convention, the capitol building still had not been finished. As a result, the Senators had to perform their duties temporarily in Issac Branham's house.²⁷ Even

²⁴ M.H. Field, "Grandma Bascom's Story of San José in '49," Overland Monthly, (May, 1887), pp. 543-551.

²⁵ Foote, p. 73.

²⁶ Oxford, p. 35.

²⁷ Sawyer, p. 62.

worse, the legislators had to beg city residents for lodging. Grandma Bascom noted that some were so desperate that they would put up with anything if only they could stay with her.²⁸

San José had done little to convince the legislators to keep the state capital in the city. Far from welcoming them, the town could not control its merchants, who tried to profit from the newcomers. San José failed to deliver an adequate capitol building and facilities for the new government. Concerning Tingley's removal bill on December 19, 1849, the Alta California proclaimed: "We should not be surprised at its adoption as we hear the bitterest complaints of the lack of accommodation provided and the exorbitant rates demanded."²⁹ Given the circumstances, many legislators naturally wanted to leave as soon as possible.

²⁸ Field, "Grandma Bascom's Story of San José in '49", pp. 543-551.

²⁹ *Alta California*. December 24, 1849, p. 2. (microfilm)

V. "The Legislature of a Thousand Drinks"

San José served as California's State Capital from 1849 to 1851. The actions and decisions of the legislators during this period have won both approval and criticism. Historians have praised the representatives for their contributions to state government. On the other hand, critics have chastised them for their informality and drinking habits, labelling them "The Legislature of a Thousand Drinks." Upon closer examination, the actions of the legislators support, to a certain extent, the validity of both interpretations.

By December 17, 1849, most of California's sixteen Senators and thirty-six Assemblymen had arrived in the capital.³⁰ They immediately began the formation of the state government and new laws. Just two days later, on the 19th, George B. Tingley introduced a bill to move the capital back to Monterey. December 20th marked Governor Peter Burnett's inauguration. Afterward, the representatives elected the state's first United States Senators. On the first ballot, they selected John C. Frémont with 29 votes. William M. Gwin barely won a majority on the third ballot, with 22 votes.³¹

While the Legislature remained in San José, the representatives established many new laws and codes. For instance, a law incorporated cities like San José, San Francisco and Los Angeles. New laws were passed guiding the judicial system. They decided to adapt the American system of Common

³⁰ *Alta California*, December 19, 1849, p. 2. (microfilm)

³¹ *Alta California*, December 24, 1849, p. 2. (microfilm)

law, stressing trial by jury and the writ of Habeas Corpus.³² Thus, American ideals and values became the major influence on the state's new laws. Four-fifths of their laws still remained intact fifty years later.³³

Admission into the Union became a primary concern in the state capital. The proposal stirred up controversy in the eastern part of the country because it would upset the delicate balance of free and slave states. Since the delegates at the Constitutional Convention earlier pledged to keep California forever free, the South opposed another free state for they feared losing control to the North.

The Compromise of 1850 settled the controversy. In exchange for California's statehood and the banning of the slave trade in the nation's capital, the deal gave the South a fugitive slave law and other concessions. On September 7, 1850, Congress granted California admission to the United States.

On the surface, it appears that representatives in San José had a more lenient attitude toward blacks. In reality, their legislation reflected open discrimination and racism. One law forbade blacks or mulattos from testifying against a white person in court.³⁴ With Governor Burnett's support, the Assembly passed a bill to prevent the immigration of free blacks to the state. Although the representatives themselves were newcomers, they felt no obligation to share the state with non-

³² Zoeth Skinner Eldredge, History of California, Vol. 3 (New York, 1859) p. 472.

³³ Arbuckle, p. 80.

³⁴ Oxford, p. 38.

whites. Despite their contributions to the establishment of California and its state government, the Legislature at San José was filled with bigotry and racism.

The San José government also became known as "The Legislature of a Thousand Drinks." Senator Thomas Green of Sacramento deserves credit for this nickname. He kept a barrel of whiskey in the state capitol and suggested, "Let's have a thousand drinks!" during each recess and adjournment. H.C. Melbourne wrote, "they (the legislators) always came to us, for we owned the best ... saloon."³⁵ As the name implies, the "Legislature of a Thousand Drinks" also lacked formality. An Englishman, William Kelley, described the scene: "There was no order of debate or system of discussion, but a turbulent dining colloquy ... like so many overgrown school boys."³⁶

While many of the legislators acted in "uncivilized" ways and held discriminatory attitudes, their behavior was typical of frontier men of the 1850's. Nevertheless, they established a strong state government. Governor Peter Burnett stressed their success in creating an entirely new code of statute law.³⁷ Perhaps the following statement by historian Theodore Hittel best evaluates the San José government: "Whatever truth there (was) in the (Legislature of a Thousand Drinks,...no legislature...did more work, or better work."³⁸

³⁵ Arbuckle, p. 80.

³⁶ Payne, pp. 132-133.

³⁷ Arbuckle, p. 80.

³⁸ Arbuckle, p. 80.



Peter H. Burnett, California's first governor.

VI. The Removal

Before the end of 1851, San José had lost the capital to Vallejo. The indecisiveness of the delegates at the Monterey Convention in 1849 over the capital controversy led to new struggles in the "Legislature of a Thousand Drinks." The legislators seemed willing to accept new sites such as Vallejo for the government since San José did not satisfy their expectations.

Less than a month had elapsed since George Tingley, a legislator from Sacramento, proposed a bill to remove the capital from the city. By January, 1850, the legislature revived the capital issue. This time, General Mariano Guadalupe Vallejo announced to the Senate another plan to move the capital.

Vallejo intended to construct a new city, named after himself, at the junction of the Carquinez Straits and San Pablo Bay. His proposal stated: "That from and after the close of the present session of the Legislature, the city of Vallejo, ... shall be the permanent Seat of Government for the State of California ... Provided, That ... M.G. Vallejo shall provide, for the space of three years, a State House and other offices of State, equal or better than those now occupied, without expense to the State; And, (if he) shall fail or refuse to comply ... then this act (will) be void."³⁹

³⁹ *Alta California*, March 30, 1854, p. 2. (microfilm)

This bill clearly indicates the desire for better facilities. Furthermore, Vallejo probably gave himself the longer, three year time limitation to avoid repeating of San José's blunders building the capitol.

Vallejo offered the legislators other incentives. The general pledged twenty acres for a Capitol Building for free, along with 136 acres for other government buildings including a state library, a university schools, hospitals, and botanical gardens. In addition, he promised to give the state \$370,000 for construction and other arrangements.⁴⁰

Vallejo, in promoting his site, asked, "While the whole world is coveting our...great Bay of San Francisco, that people ... are so unmindful of its value as not to honor her magnificent shores with a capital?"⁴¹ Vallejo tried to disguise his intentions through his rhetoric. Like Hoppe and Dimmick from San José, he wanted to promote his own city by making it sound magnificent. Vallejo knew about the Legislature's unhappiness in San José and seized a golden opportunity to move.

San José promoters, however, were not about to give up. James Reed set aside four blocks of land and 160 lots for the state capitol building. Charles White offered a one and a half square mile plot for public buildings and grounds. John Townsend was willing to donate 200 acres to place the state buildings except the Penitentiary.⁴² In a sense, these offers represented a final attempt to hold on to the capital. San José

⁴⁰ Munro-Fraser, p. 155.

⁴¹ Oxford, p. 40.

⁴² Hall, p. 244.

had had an opportunity to prove itself, but the city failed to leave a good impression.

In a repeat of the convention two years earlier, the legislators debated the advantages of both sites. One report by Charles Whiting compared Vallejo's easy maritime access with San José's isolation during the rainy season. San José's abnormal weather during the first year became a drawback. Ironically, George Tingley, who originally opposed San José, became its main advocate. In particular, he characterized Vallejo as "a speculative project to enrich individuals" requiring large expenditures.⁴³

Californians had an opportunity to vote on the capital issue. Their options were not limited to San José and Vallejo. Cities such as Monterey, San Diego, San Francisco, Gilroy, Sacramento, Benicia, Nevada City, Downieville, Eureka and Yuba City all received votes.⁴⁴ This multitude of cities indicates that many Californians still wanted the state capital in their own cities and therefore did not pay much attention to the debate between Vallejo and San José. In the final count, Vallejo received a majority vote of 7,477. San José received just 1,292 votes.⁴⁵

In the final blow to the first state capital, the State Assembly, by a vote of 26 to 8, and the Senate, by a vote of 11 to 2, approved the people's choice.⁴⁶ On February 4, 1851, John

⁴³ Oxford, p. 44.

⁴⁴ Eldredge, p. 472.

⁴⁵ Arbuckle, p. 82.

⁴⁶ Eldredge, p. 472.

McDougal, the new Governor, signed the bill into law and the city lost the capital in May. The dismal vote for San José clearly expressed the dissatisfaction of Californians and their representatives with the first state capital.

VII. Reaction

The people of San José were furious. The Act of Removal had "a disastrous effect upon the city." Now, the tremendous growth that had occurred after winning the capital would be undone. For revenge, the city threatened to close the capitol building. Merchants demanded that the legislators pay for goods and services in gold.⁴⁷

Nevertheless, the Third Session of the Legislature opened in Vallejo on January 3, 1852. Ironically, the legislators found that conditions were not much better than in San José. In fact, like its predecessor, the capitol building had not been completed and they were forced to sit on kegs or benches. Due to these "villainous conditions,"⁴⁸ the legislature again considered alternate locations. A year later, on May 18, 1853, Benicia won the state capital. Then it moved to Sacramento on February 25, 1854.⁴⁹ Both measures authorizing a new site passed with less than a two-thirds majority vote. Thus, the period following California's statehood was marked by the unrelenting efforts of several cities to gain the capital.

Although Sacramento had won, the people of San José still did not give up hope. In fact, they took their case to the State Supreme Court in 1854. San Joséans based their claims, ironically, upon the 1851 Act of Removal, which had legally transferred the capital to Vallejo. A portion of the act

⁴⁷ *Alta California*. February 7, 1851, p. 2. (microfilm)

⁴⁸ *Alta California*. January 8, 1852, p. 2. (microfilm)

⁴⁹ *San José Semi-Weekly Tribune*. October 27, 1854, p. 2. (microfilm)

stated, "if he (Vallejo) shall fail or refuse to comply with the terms of the proposition, then the act (will) be void."⁵⁰

The people of San José maintained that Vallejo had failed to fulfill his end of the bargain and therefore the capital should return to their city. This reasoning revealed the hypocrisy of San José's promoters. They had charged Vallejo with "stealing" the state capital even though they had broken their own promises, yet now they demanded that he return the capital when he could not deliver on his offer.

San José's citizens reasoned that if, under the conditions of the 1851 Act of Removal, Vallejo had not been the state's capital, then all the decisions made at that city would be void. Therefore, the state would have to nullify the law moving the capital to Benicia and the subsequent law transferring it to Sacramento.⁵¹ Besides, the law establishing the capital in Benicia had won with less than a two-thirds majority. According to the California Constitution, the capital would remain in San José until "two thirds of all the members...shall concur in the passage" of a removal act.⁵² Thus, San José's proponents concluded that the capital belonged to them.

On March 27, 1854, the Supreme Court ordered the state's archives to be removed to San José.⁵³ Two of the three justices, Alexander Wells and Solomon Heydenfelt, supported San José, while Justice Hugh Murray, opposed it. Many San José

⁵⁰ *Alta California*. March 29, 1854, p. 2. (microfilm)

⁵¹ *Alta California*. January 17, 1852, p. 2. (microfilm)

⁵² Article XI (Miscellaneous Provisions), Section 1 of the California Constitution, see Chapter II.

⁵³ Munro-Fraser, p. 157.

proponents felt that they had a chance to regain the capital with the majority on their side, claiming their city was the "proper and legal place for the legislature to assemble at."⁵⁴ Unfortunately, Justice Wells died unexpectedly on October 31, 1854. Governor Bigler, who had previously refused to leave Sacramento, replaced him with a Sacramento supporter, Charles C. Bryan.⁵⁵ With the votes reversed, the State Supreme Court voted on December 28, 1854, to keep the capital in Sacramento.

San José seemed to have a sound legal basis for their claims. However, it could have easily kept the capital in 1851 had it pleased the newcomers, rather than alienated them. The attempt to regain the "stolen" capital in 1854 appeared weak at best, for the legislators had already decided not to return to San José.

⁵⁴ *San José Semi-Weekly Tribune*. October 24, 1854, p. 2.
(microfilm)

⁵⁵ *San José Semi-Weekly Tribune*. October 27, 1854, p. 2.
(microfilm)

VIII. The Ensuing Years

Symbolic of San José's decline after losing the state capital, the capitol building burned down on April 29, 1853.⁵⁶ The source of the blaze has never been determined. Despite this setback, San José never gave up hope in the return of the state capital for half a century. In 1867, the city constructed a majestic courthouse, thinking it would one day become the state capitol building.⁵⁷ A year later, the people of San José called the capital's movement to Sacramento a "folly" and described their rival as a "sink hole."⁵⁸

In 1893, the future looked very bright. The Senate and Assembly approved an amendment which would have given the city the capital as long as it provided the state one million dollars and ten acres for buildings.⁵⁹ Unfortunately for San José, the State Supreme Court rejected the amendment.

In the twentieth century, the people of San José lost interest in regaining the capital. Not only had the capitol building burned down, but other structures from the 1850's succumbed to San José's growth. Realizing that the city had lost the capital for good, some attempted to commemorate the capital era. For instance, in 1964, Councilwoman Virginia Shafer wanted to build a replica of the capitol building on its original site. Instead, the city wished to remember the state

⁵⁶ *San José Pioneer*. March 15, 1893, p. 2. (microfilm)

⁵⁷ Arbuckle, p. 85.

⁵⁸ *San Jose Mercury-News*. February, 1868, as cited by *San Jose Mercury-News*. March 3, 1968, p. 2F.

⁵⁹ *San José Pioneer*. May 15, 1893, p. 3. (microfilm)

IX. Conclusion

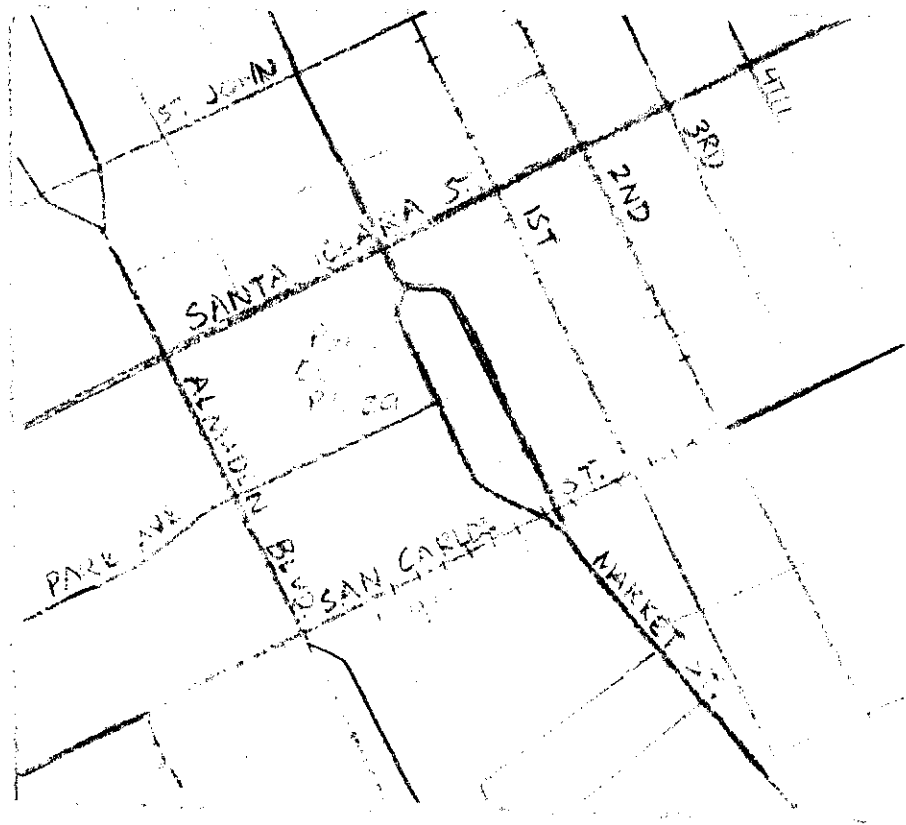
In recent years, the city of San José, through its revitalization and redevelopment projects, has proclaimed itself "the capital of Silicon Valley." Ironically, San José blossomed from a tiny, unknown pueblo into the capital of the Golden State for a few brief years. Sadly, the citizens of nineteenth century San José failed to realize just how lucky they were and therefore, allowed the capital to flee before their eyes.

Surely, they could have done much more to please the legislators. The promoters of San José at the Monterey Convention were willing to do anything, including lying, to win the capital. They made promises they could not possibly have kept, such as an adequate capitol building. It was not surprising that the legislators became furious. They had supported San José, only to face disappointment once they arrived. To make matters worse, many people in San José viewed the legislators solely as potential profits. Instead of acting graciously, they charged the newcomers outrageously high prices. These conditions made staying in San José impractical.

The people of San José had tarnished the image of their city as a place where the state government could do business. Their haughty actions convinced many people that they really did not want the capital. Finally, their legal claims and lawsuits in an attempt to regain the seat of government must have seemed foolish in light of all they had done to drive it away.

Although some may point to external conditions, such as the wet winter of 1849-1850 as the primary causes of the government's departure, the people of San José deserve the most blame. Unfortunately, their excessive enthusiasm and selfishness cost them California's state capital. Hopefully, however, this experience has taught the citizens of San José a valuable lesson.

Appendix A: Map of the State Capitol Site



State Capitol Building Site

Appendix B: Chronology of Events (1848 to 1854)

<u>Date</u>	<u>Event</u>
Jan. 24, 1848	James Marshall discovers gold in California.
Sept. 1, 1849	The California Constitutional Convention opens in Monterey.
Sept. 26, 1849	San José is chosen as the site for the capital.
Nov. 13, 1849	Californians approve the Constitution.
Dec. 15, 1849	The First Legislature convenes in San José.
Dec. 19, 1849	George Tingley proposes a bill to remove the capital from San José.
Dec. 20, 1849	Peter Burnett becomes the governor. John C. Frémont and William Gwin are selected as United States senators.
Sept. 7, 1849	California gains admission to the United States.
Jan. 6, 1851	The Second Session of the Legislature opens in San José.
Feb. 1, 1851	The Legislature approves a bill moving the capital to Vallejo.
May 1, 1851	San José loses the state capital.
May 18, 1853	Vallejo loses the state capital to Benicia.
Feb. 25, 1854	Benicia loses the state capital to Sacramento.

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