

THE GRANVILLE WHIG.

VOLUME I.

OXFORD, N. C., SATURDAY, APRIL 27, 1850.

NUMBER 2.

THE GRANVILLE WHIG. GEORGE WORTHAM,

EDITOR.

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CALIFORNIA.

Report of Hon. T. Butler King. Washington, March 22d, 1850.

Sir: In obedience to your instructions, dated the 3d of April last, I proceeded to California by way of the Isthmus of Panama, and arrived at San Francisco on the fourth day of June.

The steamer in which I took passage was the first conveyance that reached California with intelligence of the inauguration of President Taylor and the appointment of his cabinet, and that Congress had failed to aid the Executive in providing a government for the people of that Territory. The greatest anxiety was naturally felt and manifested to ascertain the cause of this neglect on the part of the Government of the United States, and what steps duty to themselves required them to take, in the painful and embarrassing position in which they were placed, for their protection and welfare.

A brief sketch of their condition will explain the cause of this anxiety.

The discovery of the gold mines had attracted a very large number of citizens of the United States to that Territory, who had never been accustomed to any other than American laws, administered by American courts. There they found their rights of property and person subject to the uncertain, and frequently most oppressive, operation of laws written in a language they did not understand, and founded on principles, in many respects, new to them. They complained that the alcaldes, or judges, most of whom had been appointed or elected before the immigration had commenced, were not lawyers by education or profession; and, being Americans, they were, of course, unacquainted with the laws of Mexico, or the principles of the civil law on which they are founded.

As our own laws, except for the collection of revenue, the transmission of the mails, and establishment of post offices, had not been extended over that Territory, the laws of Mexico, as they existed at the conclusion of the treaty of Guadalupe Hidalgo, regulating the relations of the inhabitants of California with each other, necessarily remained in force; yet, there was not a single volume containing those laws, as far as I know or believe, in the whole Territory, except, perhaps, in the Governor's office, at Monterey.

The magistrates, therefore, could not procure them, and the administration of justice was, necessarily, as unequal and fluctuating as the opinions of the judges were conflicting and variable.

There were no fee-bills to regulate costs, and, consequently, the most cruel exactions, in many instances, were practiced.

The greatest confusion prevailed respecting titles to property, and the decision of suits, involving the most important rights, and very large sums of money depended upon the dictum of the judges.

The sale of the territory by Mexico to the United States had necessarily cut off or dissolved the laws regulating the granting or procuring titles to land; and, as our own laws had not been extended over it, the people were compelled to receive such titles as were offered to them, without the means of ascertaining whether they were valid or not.

Litigation was so expensive and precarious, that injustice and oppression were frequently endured, rather than resort to so uncertain a remedy.

Towns and cities were springing into existence—many of them without charters or any legal right to organize municipal authorities, or to tax property or the citizens, for the establishment of a police, the erection of prisons, or providing any of those means for the protection of life and property which are so necessary in all civil communities, and especially among a people mostly strangers to each other.

Nearly one million and a half of dollars had been paid into the custom-houses, as duties on imported goods, before our revenue laws had been extended over the country; and the people complained bitterly that they were thus heavily taxed without being provided with a government for their protection, or laws which they could understand, or allowed the right to be represented in the councils of the nation.

*See American Insurance Company et al. vs. Canter, 1st Potosi's Supreme Courts Report, 512.

while anxiously waiting the action of congress, oppressed and embarrassed by this state of affairs, and feeling the pressing necessity of applying such remedies as were in their power and circumstances seemed to justify, they resolved to substitute laws of their own for the existing system, and to establish tribunals for their proper and faithful administration.

In obedience, therefore, to the extraordinary exigencies of their condition, the people of the city of San Francisco elected members to form a Legislature, and clothed them with full powers to pass laws.

The communities of Sonoma and of Sacramento city followed the example.

Thus were three legislative bodies organized; the two most distant being only one hundred and thirty miles apart.

Other movements of this kind were threatened, and doubtless would have followed in other sections of the Territory, had they not been arrested by the formation of State government.

While the people of California were looking to Congress for a Territorial government, it was quite evident that such an organization was daily becoming less suited to their condition, which was entirely different from that of any of the Territories out of which the new States of the Union had been formed.

These Territories had been at first slowly and sparsely peopled by a few hunters and farmers, who penetrated the wilderness, or traversed the prairies in search of game or a new home, and when thus gradually their population warranted it, a government was provided for them. They, however, had no foreign commerce, nor any thing beyond the ordinary pursuits of agriculture and the various branches of business which usually accompany it, to induce immigration within their borders. Several years were required to give them sufficient population and wealth to place them in a condition to require, or enable them to support, a State government.

Not so with California. The discovery of the vast metallic and mineral wealth in her mountains had already attracted to her, in the space of twelve months, more than one hundred thousand people; and extensive commerce had sprung up with China, the ports of Mexico on the Pacific, Chili, and Australia.

Hundreds of vessels from the Atlantic ports of the Union, freighted with our manufactures and agricultural products, and filled with our fellow-citizens, had arrived, or were on their passage round Cape Horn; so that in the month of June last there were more than three hundred sea-going vessels in the port of San Francisco.

California has a border on the Pacific of ten degrees of latitude, and several important harbors which have never been surveyed; nor is there a buoy, a beacon, a light-house, or a fortification, on the whole coast.

There are no docks for the repair of national or mercantile vessels nearer than New York, a distance of some twenty thousand miles round Cape Horn.

All these things, together with the proper regulations of the gold region, the quicksilver mines, the survey and disposition of the public lands, the adjustment of land titles, the establishment of a mint and of marine hospitals, required the immediate formation of a more perfect civil government than California then had, and the fostering care of Congress and the Executive.

California had, as it were by magic, become a State of great wealth and power. One short year had given her a commercial importance but little inferior to that of the most powerful of the old States. She had passed her minority at a single bound, and might justly be regarded as fully entitled to take her place as an equal among her sisters of the Union.

When, therefore, the reality became known to the people of that Territory that the Government had done nothing to relieve them from the evils and embarrassments under which they were suffering and seeing no probability of any change on the subject which divided Congress, they adopted, with most unexampled unanimity and promptitude, the only course which lay open before them—the immediate formation of a State Government.

They were induced to take this step not only for the reason that it promised the most speedy remedy for present difficulties, but because the great and rapidly growing interests of the Territory demanded it; and all reflecting men saw, at a glance, that it ought not to be any longer, and could not under any circumstances, be much longer postponed.

They not only considered themselves best qualified, but that they had the right to decide, as far as they were concerned, the embarrassing question which was shaking the Union to its centre, and had thus far deprived them of a regular organized civil government. They believed that, in forming a constitution, they had a right to establish or prohibit slavery, and that, in their action as a State, they would be sustained by the north and the south. They were not unmindful of the fact, that while northern statesmen had contended that Congress has power to prohibit slavery in the Territories, they had always admitted that the States of the Union had the right to establish it at pleasure.

On the other hand, southern statesmen had almost unanimously contended that Congress has not the constitutional power to prohibit slavery in the Territories, because they have not the power to establish it; but that the people, in forming a government for themselves, have the right to do either. If Congress can rightfully do one, they can certainly do the other.

This is the doctrine put forth by Mr. Calhoun, in his celebrated resolutions of 1847, introduced into the Senate of the United States.

In taking this step they proceeded with all the regularity which has ever characterized the American people in discharging the great and important duties of self-government.

As already stated, I arrived at San Francisco on the morning of the fourth of June.

The steamer in which I was a passenger did not stop at Monterey; I therefore did not see General Riley, nor had I any communication with him until about the middle of the month, when he came to San Francisco. A few days after my arrival, his proclamation calling a convention to form a State constitution, dated the third of June, was received.

The people acted in compliance with what they believed to be the views of Congress, and conformably to the recommendations of the proclamation; and proceeded, on the day appointed, to elect members to a convention for the purpose of framing a constitution, to be regularly submitted to the people for their ratification or rejection, and, if approved, to be presented to Congress, with a prayer for the admission of California, as a State, into the Union.

I desire here to make a brief and emphatic reply to the various unjust and most extraordinary accusations and insinuations which have been made respecting the movements of the people of California in forming their State government.

I had no secret instructions, verbal or written, from the President, or any one else, what to say to the people of California on the subject of slavery, nor was it ever hinted or insinuated to me that I was expected to attempt to influence their action in the slightest degree on the subject. That I never did, the people of California will bear me witness. In the Territory there was none of the machinery of party or of the press; and it is even more absurd to suppose that any secret influences, for or against slavery, could have been used there, than it would be to believe that they could be successfully employed in Maryland or Georgia.

I therefore declare all assertions and insinuations, that I was secretly instructed to, or that I did in any way, attempt to influence the people of California to exclude slavery from their Territory, to be without foundation.

The election of delegates to the convention proceeded regularly in pursuance of the proposed mode of holding it, and, as far as I am informed, no questions were asked whether a candidate was a Whig or a Democrat, or whether he was from the North or the South. The only object seemed to be, to find competent men who were willing to the sacrifice of time which a proper discharge of their duties would require.

As soon after my arrival at San Francisco as the arrangements of General Smith would permit, I proceeded with him to the interior of the country, for the purpose of examining the gold region, and other interesting and important portions of it. I did not return until the 16th of August. The elections had taken place when I was in the mountains. I was taken ill on the 20th of that month, and was confined to my bed and my room more than two months.

The convention met on the 1st of September. So it will be seen that I was not present where any election was held, nor had I any thing to do with selecting or bringing out candidates; and my illness is sufficient proof that I did not, and could not, had I been disposed, exercise any influence in the convention, which was sitting one hundred and thirty miles from where I was.

Some intimations or assertions, as I am informed, have been thrown out that the South was not fairly represented in the convention. I am told by two of the members of Congress elect from California, who were members of the convention, that of the thirty-seven delegates designated in General Riley's proclamation, sixteen were from slaveholding, ten from non-slaveholding States, and eleven who were citizens of California under the Mexican government, and that ten of those eleven came from districts below 36 degrees 30'. So that there were in the convention twenty-six of the thirty-seven members from the slaveholding States, and from places south of the Missouri compromise line.

It appears, on the journal of the convention, that the clause in the constitution excluding slavery passed unanimously.

I now proceed to give you the result of my inquiries, observations, and reflections, respecting the population, climate, soil, productions—the general character of grants of land from Mexico—the extent and condition of the public domain—the commercial resources and prospects—the mineral and metallic wealth of California.

POPULATION.

At the close of the war with Mexico, it was supposed that there were, including discharged volunteers, from ten to fifteen thousand Americans and Californians, exclusive of converted Indians, in the Territory. The immigration of American citizens in 1849, up to the 1st of January last, was estimated at eighty thousand—of foreigners twenty thousand.

The population of California may therefore be safely set down at 115,000 at the commencement of the present year.

It is quite impossible to form any thing like an accurate estimate of the number of Indians in the Territory. Since the commencement of the war, and especially since the discovery of gold in the mountains, their numbers at the missions and in the valleys near the coast have very much diminished. In fact, the whole race seems to be rapidly disappearing.

The remains of a vast number of villages in all the valleys of the Sierra Nevada, and among the foot-hills of that range of mountains, show that: at no distant day there must have been a numerous population where there is not now an Indian to be seen. There are a few still retained in the service of the old Californians, but these do not amount to more than a few thousand in the whole Territory. It is said there are large numbers of them in the mountains and valleys about the head-waters of the San Joaquin, along the western base of the Sierra, and in the northern part of the Territory, and that they are hostile. A number of Americans were

killed by them during the last summer in attempting to penetrate high up the river in search of gold; they also drove one or two parties from Trinity river. They have in several instances attacked parties coming from or returning to Oregon, in the section of country which the lamented Captain Warner was examining when he was killed.

It is quite impossible to form any estimate of the number of these mountain Indians. Some suppose there are as many as three hundred thousand in the Territory, but I should not be inclined to believe that there can be one third of that number. It is quite evident that they are hostile, and that they ought to be chastised for the murders already committed.

The small lands with whom I met, scattered through the lower portions of the foot-hills of the Sierra, and in the valleys between them and the coast, seemed to be almost the lowest grade of human beings. They live chiefly on acorns, roots, insects, and the kernel of the pine burr—occasionally they catch fish and game. They use the bow and arrow, but are said to be too lazy and inefficient to make successful hunters. They do not appear to have the slightest inclination to cultivate the soil, nor do they even attempt it—as far as I could obtain information—except when they are induced to enter the service of the white inhabitants. They have never pretended to hold any interest in the soil, nor have they been treated by the Spanish or American immigrants as possessing any.

The Mexican government never treated with them for the purchase of land, or the relinquishment of any claim to it whatever. They are lazy, idle to the last degree, and, although they are said to be willing to give their services to any one who will provide them with blankets, beef, and bread, it is with much difficulty they can be made to perform labor enough to reward their employers for these very limited means of comfort.

Formerly, at the missions, those who were brought up and instructed by the priests, made very good servants. Many of these now attached to families seem to be faithful and intelligent. But those who are at all in a wild and uncultivated state are most degraded objects of filth and idleness.

It is possible that Government might, by collecting them together, teach them, in some degree, the arts and habits of civilization, but, if we may judge of the future from the past, they will disappear from the face of the earth as the settlements of the whites extend over the country. A very considerable military force will be necessary, however, to protect the emigrants in the northern and southern portions of the territory.

CLIMATE.

I now come to consider the climate. The climate of California is so remarkable in its periodic changes, and for the long continuance of the wet and dry seasons, dividing, as they do, the year into about two equal parts, which have a most peculiar influence on the labor applied to agriculture and the products of the soil, and, in fact, connect themselves so inseparably with all the interests of the country, that I deem it proper briefly to mention the causes which produce these changes, and which, it will be seen, as this report proceeds, must exercise a controlling influence on the commercial prosperity and resources of the country.

It is a well established theory, that the currents of air under which the earth passes in its diurnal revolutions follow the line of the sun's greatest attraction. These currents of air are drawn towards this line from great distances on each side of it; and as the earth revolves from west to east, they blow from northeast and southeast, meeting, and of course causing a calm, on the line.

Thus, when the sun is directly, in common parlance, over the equator, in the month of March, these currents of air blow from some distance north of the tropic of Cancer, and south of the tropic of Capricorn, in an oblique direction towards this line of the sun's greatest attraction, and forming what are known as the northeast and southeast trade-winds.

As the earth, in its path round the sun, gradually brings the line of attraction north, in summer these currents of air are carried with it; so that about the middle of May the current from the northeast has extended as far as the 38th and 39th degree of north latitude, and by the twentieth of June, the period of the sun's greatest northern inclination, to the northern portions of California and the southern section of Oregon.

The northeast winds, in their progress across the continent, towards the Pacific ocean, pass over the snow-capped ridges of the Rocky mountains and the Sierra Nevada, and are of course deprived of all the moisture which can be extracted from them by the low temperature of those regions of eternal snow, and consequently no moisture can be precipitated from them, in the form of dew or rain, in a higher temperature than that to which they have been subjected. They therefore pass over the hills and plains of California, where the temperature is very high in summer, in a very dry state; and so far from being charged with moisture, they absorb, like a sponge, all that the atmosphere and surface of the earth can yield, until both become, apparently, perfectly dry.

This process commences, as I have said, when the line of the sun's greatest attraction comes north in summer, bringing with it these vast atmospheric movements, and, in their approach produce the dry season in California, which, governed by these laws, continues until some time after the sun passes the equator in September, when, about the middle of November, the climate being relieved from these northeast currents of air, the southwest winds set in from the ocean charged with moisture—the rains commence and continue to fall, not constantly, as some persons have represented, but with sufficient frequency to designate the period of their continuance, from about the middle of November until the middle of May, in the latitude of San Francisco, as the wet season.

It follows, as a matter of course, that the dry season commences first, and continues longest in the southern portions of the Territory, and that the climate of the northern part is influenced in a

much less degree, by the causes which I have mentioned, than any other section of the country. Consequently, we find that as low down as latitude 39 degrees rains are sufficiently frequent in summer to render irrigation quite unnecessary to the perfect maturity of any crop which is suited to the soil and climate.

There is an extensive ocean current of cold water, which comes from the northern regions of the Pacific, or, perhaps, from the Arctic, and flows along the coast of California. It comes charged with, and emits in its progress, air, which appears in the form of fog when it comes in contact with a higher temperature on the American coast, as the gulf stream of the Atlantic exhales vapor when it meets; in any part of its progress, a low temperature. This current has not been surveyed, and therefore, its source, temperature, velocity, width, and course, have not been accurately ascertained.

It is believed by Lieutenant Maury, on what he considers sufficient evidence—and no higher authority can be cited—that this current comes from the coast of China and Japan, flows northwardly to the peninsula of Kamtschatka, and, making a circuit to the eastward, strikes the American coast in about latitude 41 or 42 degrees. It passes thence southwardly, and finally loses itself in the tropics.

Below latitude thirty-nine, and west of the foot hills of the Sierra Nevada, the forest of California are limited to some scattering groves of oak in the valleys and along the borders of the streams, and of red wood on the ridges and in the gorges of the hills—sometimes extending into the plains. Some of the hills are covered with dwarf shrubs, which may be used as fuel. With these exceptions, the whole territory presents a surface without trees or shrubbery. It is covered, however, with various species of grass, and for many miles from the coast with wild oats, which, in the valleys, grow most luxuriantly. These grasses and oats mature and ripen early in the dry season, and soon cease to protect the soil from the scorching rays of the sun. As the summer advances, the moisture in the atmosphere and the earth, to a considerable depth, soon becomes exhausted; and the radiation of heat, from the extensive naked plains and hill-sides, is very great.

The cold, dry currents of air from the northeast, after passing the Rocky mountains and the Sierra Nevada, descend to the Pacific, and absorb the moisture of the atmosphere, to a great distance from the land. The cold air from the mountains, and that which accompanies the great ocean current from the northwest, thus become united, and vast banks of fog are generated, when driven by the wind, has a penetrating, or cutting, effect on the human skin, much more comfortable than would be felt in the humid atmosphere of the Atlantic, at a much lower temperature.

As the sun rises from day to day, week after week, and month after month, in unclouded brightness during the dry season, and pours down his unbroken rays on the dry, unprotected surface of the country, the heat becomes so much greater inland than it is on the ocean, that an under-current of cold air, bringing the fog with it, rushes over the coast range of hills, and through their numerous passes, towards the interior.

Every day, as the heat, inland, attains a sufficient temperature, the cold, dry wind from the ocean commences to blow. This is usually from eleven to one o'clock; and as the day advances the wind increases and continues to blow till late at night. When the vacuum is filled, or the equilibrium of the atmosphere restored, the wind ceases; a perfect calm prevails until about the same hour the following day, when the same process commences and progresses as before, and these phenomena are of daily occurrence, with few exceptions, throughout the dry season.

The cold winds and fogs render the climate at San Francisco, and all along the coast of California, except the extreme southern portion of it, probably more uncomfortable, than those not accustomed to it, in summer than in winter.

A few miles inland, where the heat of the sun modifies and softens the wind from the ocean, the climate is moderate and delightful. The heat in the middle of the day is not so great as to retard labor, or render exercise in the open air uncomfortable. The nights are cold and pleasant. This description of climate prevails in all the valleys along the coast range, and extends throughout the country, north and south, as far eastward as the valley of the Sacramento and San Joaquin. In this vast plain the sea-breeze loses its influence, and the degree of heat in the middle of the day, during the summer months, is much greater than is known on the Atlantic coast in the same latitudes. It is dry, however, and probably not more oppressive. On the foot-hills of the Sierra Nevada, and especially in the deep ravines of the streams, the thermometer frequently ranges from 110° to 115° in the shade, during three or four hours of the day, say from eleven until three o'clock. In the evening, as the sun declines, the radiation of the heat ceases. The cool, dry atmosphere from the mountains spreads over the whole country, and renders the nights cool and invigorating.

These variations in the climate of California account for the various and conflicting opinions and statements respecting it.

A stranger arriving at San Francisco in summer is annoyed by the cold winds and fogs, and pronounces the climate intolerable. A few months will modify if not banish his dislike, and he will not fail to appreciate the beneficial effects of a cool, bracing atmosphere. Those who approach California overland, through the passes of the mountains, find the heat of summer, in the middle of the day, greater than they have been accustomed to, and therefore may complain of it.

Those who take up their residence in the valleys which are situated between the great plain of the Sacramento and San Joaquin and the coast range of hills, find the climate, especially in the dry season, as healthful and pleasant as it is possible for any climate to be which possesses sufficient heat to mature the cereal grains and edible roots of the temperate zone.