

THE SURRENDER OF MONTEREY BY GOVERNOR NICOLAS GUTIERREZ NOVEMBER 5, 1836

An Account from Unpublished Correspondence

By GEORGE TAYS

THE DEPARTURE of Governor Mariano Chico from Monterey on August 1, 1836, left Lieutenant Colonel Don Nicolas Gutierrez once again as acting governor and military commander, by virtue of his seniority in rank and Chico's designation.

The new Governor was left in a very difficult position, due to the ill feeling that Governor Chico had aroused against himself and his officers in California. Therefore, when Gutierrez returned to Monterey from southern California on September 6, he still found considerable resentment existing, and he soon learned that no matter what he tried to do, the politicians were not pleased and refused to co-operate with him. If he tried to carry out Chico's policies they were against him; and if he leaned over backwards trying to please them, the Californians accused him of being two-faced and of currying their favor. They also considered him a Spaniard still loyal to Spain, and a centralist tool of the Mexican Government. Thus it is not hard to see that some of the Californians were doing their best to pick a quarrel with him in order to get rid of him. In this connection Bancroft has the following to say:

The truth is, that Gutierrez, a Spaniard by birth though serving on the insurgent side during the revolution, was an inoffensive, easy-going, unpretentious, and not unpopular man. He was a faithful officer, of moderate ability, and of not very strict morals. He was neither dishonest, arrogant, nor arbitrary in his conduct. As a Mexican officer he was loyal to his national allegiance; he had no right according to the laws and his predecessor's instructions to turn over the civil command to the diputacion; and as a Spaniard he had to be somewhat more cautious respecting his conduct than if he had been born in Mexico. Gutierrez as remembered by the Californians was of medium height, rather stout, of light complexion, reddish hair, beard slightly sprinkled with gray, and with a cast in the right eye which caused him to be nicknamed *El Tuerto*. He came to Mexico as a boy, and his first service was as a drummer. . . . He had served with Figueroa, was his intimate friend, and came to California with him in January, 1833, as captain. . . .

Neither his character, acts, nor policy had much influence in exciting the opposition that resulted in his overthrow. Pretence for a quarrel with him was sought by certain persons, was of course not difficult to find, and would have been found had the difficulty been much greater.¹

Soon after Gutierrez returned to Monterey, Rafael Gomez expressed the fear that the Governor intended to carry on Chico's arbitrary measures that

had caused the latter's departure. Father Abella also complained that Gutierrez was interfering with mission affairs just to cause the friars annoyance.² Then the members of the Assembly called on the Governor, to request that he surrender the civil authority to their senior member. This Gutierrez refused to do, stating that he had no authority to do so.

On finding himself thus harassed, Gutierrez decided to do as little as possible along governmental lines, and in October he summoned Captain Pablo de la Portilla to Monterey so that he might turn over the command to him. Writing to Don José Antonio Estudillo on October 7, he said:

I have summoned Don Pablo de la Portilla to give up to him the civil and military commands, because I observe it is not pleasing to some persons that I should retain them. I do so gladly, since I have no other aspiration than to separate myself from public affairs and to live in peace and quiet.³

This opposition to Gutierrez was carried on by only a comparatively small number of people, but the leaders of these few included some of the most influential persons in Monterey and other parts of the territory. Among them were Juan Bautista Alvarado and José Castro, president and senior member respectively of the Territorial Assembly, lawyer Cosme Peña, counselor of the District Court, and Angel Ramirez, former friar and administrator of the custom house. The last two were Mexican officials and the chief instigators of the opposition to Gutierrez. Working with these Californians were several of the foreign merchants and settlers, such as Captain William S. Hinckley, J. B. R. Cooper, Isaac Graham, and others who were anxious to create a sentiment for independence in the territory, in the hope that they might make a second Texas out of California.

The causes for this unrest were, of course, more profound than just mere animosity for Chico or Gutierrez. The feeling had been growing for years that California was neglected and wronged by Mexico. The people, though theoretically enthusiastic republicans, became indignant after waiting in vain for the benefits which they hoped to gain from republicanism. The influence the missionaries exerted against Mexico had its effect on the Californians. The importation of convict soldiers from Mexico also intensified provincial prejudices. Furthermore, the Californians regarded themselves as superior in blood and morals to the people from the interior of Mexico. The sending of inferior Mexican officers, instead of promoting the veteran Californians, also created bitterness. Harsh Mexican revenue laws that hindered the commercial development of this territory, and the assignment of Mexican officials to manage the revenues, only added fuel to the flames of discontent. Foreigners, with special interests but sound arguments, did their best to prove to the natives that California had received nothing but neglect and ill-treatment from Mexico. Finally, there were numerous personal interests and ambitions fostered by prominent Californians that became deciding factors.

All these reasons, and perhaps many more, finally resulted in a strong

popular feeling, that by 1836 amounted to hatred for Mexicans from the interior. The Californians came to believe that rulers and laws made with no reference to the needs of the country were all that Mexico could furnish them. They had no definite desires for independence as yet, but they did believe that their interests would be better served if native sons were placed in positions of authority, and especially as governors. Contact with foreigners had given them some liberal ideas, and some of them became convinced that Mexican ways of doing things were not always the best. They wished to gain control of their country, and their success in deporting Governors Victoria and Chico had taught them that they had little to fear in the form of punishment from the Mexican Government. The change to centralism in Mexico was the last straw, and it made the Californians feel that they alone stood as the champions of a democracy which they wished to save. Therefore, their difficulties with Gutierrez served them only as an excuse and were of little importance in fact.

For weeks before the actual outbreak, Gutierrez had knowledge of the plotting that was being carried on by Alvarado, Castro, Peña, Ramirez, and others. In a subsequent report to Mexico, he said that he knew what was going on but was helpless to prevent it, because, like Governor Chico before him, he did not have the necessary physical force at his command to prevent it. Therefore, he had to stand by, helpless as a man chained in the path of stampeding cattle, waiting anxiously, knowing that the onslaught was coming, but unable to prevent it. Finally, when the plotters had perfected their plans, late in October, Alvarado and Ramirez picked a quarrel with Governor Gutierrez over certain customhouse guards. Castro was sent out into the country to recruit men, while Alvarado went to Sonoma to enlist the services of his young uncle, Don Mariano Guadalupe Vallejo. After considering the proposition, Vallejo, seeing little to gain, refused to take part, and Alvarado, much discouraged, began his return to Monterey. On the way back, he was joined by Castro at San José, and by the time they arrived at Salinas they had over one hundred men, including a number of foreigners, in their army. These they had recruited by making them believe that Vallejo was to be the commander-in-chief of the rebel army.

This small rebel force reached Monterey on the night of November 3, and soon deployed on points of vantage commanding the Presidio. The next day, Castro, acting as commander of the field forces, sent a demand to Gutierrez for the surrender of the post. The negotiations that followed are best told by the documents themselves, which are here presented.

Several days after the insurgents took possession of Monterey, Don Juan B. Alvarado wrote a confidential letter to his uncle, Don Mariano G. Vallejo, giving him an account of their activities since his visit to Sonoma. Part of this letter has been quoted by Bancroft, but it is given here in full in order to tell the rebel side of the story.

Monterey, November 7, 1836.

Don Mariano G. Vallejo.
My dear uncle and friend:

When I left you at Napa my patriotic sentiments and my personal situation encouraged me most fervidly to do some good for my country. I returned with the feeling of not having been able to obtain your company in attaining an object of public beneficence and I was greatly troubled. In the town of San José Guadalupe I met Castro, Buelna, and Noriega and we agreed to start an insurrection. We formed our plan and set out for Monterey with thirteen men. Very soon we perceived the enthusiasm of the people in defence of a just cause. Along the highways they aided us with arms and supplies. Finally we arrived at Monterey with an hundred and some men. This place was garrisoned by more than fifty men which were to be found within the post. On the night of our arrival we passed through the town with some stealth and took the castle and the eminence near the Linares house so that the post was commanded. With the aid of the people, of the merchants, and of the vessels (with the exception of that of Don Federico Becher) we armed ourselves sufficiently and we sent a flag of truce to Gutierrez with a demand that he surrender the post unconditionally. In it were to be found all the officers, including Portilla who had recently arrived and a multitude of convicts from the jail whom Gutierrez had armed.⁴

Having delayed his reply we fired a cannon-shot from the fort and the ball was so well aimed that we put it into the main entrance to the Commander's headquarters while the officers were conversing in the court. Such was their fright that it is said that they were not seen again for an hour. Then Gutierrez replied, but stated that he was opposed and would not surrender. Such was the anger of the Division that everybody dismounted, arms in hand, to attack him, for we had a company of twenty-five riflemen. When the movement was observed from the post, he sent a message to stop it and requesting that we should not attack. A few minutes later Gutierrez sent a communication offering to surrender on condition that we would give guaranties to the persons in his party, without preventing those who wished to follow him from so doing. We accepted the terms and entered Monterey in the most admirable order and condition. The infantry marched to the beat of Mr. Hinckley's music, and the cavalry with its trumpet. The officers retired from the post, except the one who remained in the place to deliver the stronghold.

We had named the expedition in this way, "Vanguard of the Division of Operations," giving assurances that you were bringing up the rear with the rest of the forces and that you were the commander of the army. It was necessary for us to employ this ruse because only with that hope would a multitude of people join us resolved to die. But we would say that you were being delayed because your troops were in campaign and that you had sent word to us that we were to attack Monterey.

Up to now the inhabitants are still to be found awaiting your arrival, and upon it rests whether we can attain with great honor an enterprise that is praised on all sides, even by Gutierrez himself and the officers, all of whom, with the exception of Valle and Zamorano, we have embarked today aboard the *Clementine* bound for Cape San Lucas, also Herrera, Don Luis Castellero, a few soldiers and some of the worst convicts. The attached act and the proclamation will show you what is the object of the insurrection of which we have stated that you are the principal insurgent although your signature is not in evidence.

On your coming depends the happiness of the country and you should not excuse yourself on account of any sacrifice that matters. Everybody awaits you as the man who must bring about his country's good. There are no forces in the Territory to resist us; on the contrary they are waiting to join us. This very day Buelna and Villa set out

for Santa Barbara to receive the oath to the new government of California. The federalists win in Mexico and we shall remain, if fate be propitious, erected into a free and sovereign state.

The officers and Gutierrez, ashamed of having committed wrongs, and on seeing liberty shine with honor, wept bitterly over their fate. Señor Gutierrez confessing that he had committed faults, sent a letter before he went aboard, giving satisfaction and saying that he regretted very much to leave a country where he had intended to live forever together with the Californians.

It is wonderful, Uncle, with what order our expedition has been conducted, since the moment in which we came in sight of Monterey.

The families requested that on arriving to receive the post we should enter through the town where the streets had been ordered swept.

Everybody has joined us in the expedition and cries "Vivas," shouting "California is free!"

I wish that you were an eyewitness so that you would rejoice to see our good fortune happy and free.

Salute Ortega for me. Castro says that you should not be an ingrate, that he cannot tell you more than that you consider this letter as coming from him.

The lack of time and affairs do not allow me to write at length.

Consider me yours, and regards to the family.

JUAN BAUTISTA ALVARADO ⁵

The actual negotiations and capitulations were not quite so simple as Alvarado makes them appear, and gave rise to considerable correspondence between Castro and Gutierrez that covered a period of several days.⁶

By the first of November, Governor Gutierrez had heard rumors and received several warnings that the rebel forces were assembling in the neighborhood of the capital. Therefore, the next day, November 2, he wrote a note to the port captain, Don Juan Malarin, requesting the latter's cooperation and that of the captains of the Mexican vessels anchored in the port, saying:

Commandancy General of Alta California:

No. 8

The public peace of this port being menaced, and the government being pledged to conserve it, I expect you to warn the captains of the national vessels that are anchored in the Bay, that whenever they see that the post is attacked by the enemies of the public order, they will aid it with whatever armed forces they have available, in order to leave the honor of the national arms well established.

God and Liberty. Monterey, November 2, 1836.

NICOLAS GUTIERREZ ⁷

Captain of the Port,
Don Juan Malarin.

To this appeal the captains concerned made no written reply; presumably their silence gave consent, and Governor Gutierrez was expecting their aid, when, on the night of November 3, the rebels entered the town and proceeded to establish themselves in advantageous positions during the hours of darkness. Early in the morning of November 4, José Castro sent the Governor a copy of the rebel plan, or declaration of policy. It read:

Vanguard of the Division of Operations:

No. 3

For the sake of the public welfare, and with the object of avoiding all bloodshed between the division under my command and the garrison of the post which you are defending; I hope that being convinced of its justice, and for the love of the country in which we live, you will see fit to surrender the post under your command, because all the Territory of Alta California so demands it with just cause, constraining yourself to observe the Basis of the Plan which I copy to the letter.

1. The Territory of Alta California is an integral part of the Mexican Republic.
2. The same Territory shall be governed by natives of their country.
3. No Mexican ruler shall be permitted.
4. The Most Excellent Assembly shall issue special laws while the present civil war in Mexico continues.
5. With that understanding, you must separate both commands, surrendering them to the Most Excellent Assembly, which is the one that at present finds itself convened in my Division, the same one that has declared itself for the preceding laws with the support of the towns which up to date have sworn to uphold them.

God and Liberty. Monterey, November 4, 1836.

JOSÉ CASTRO⁸

Upon receiving Castro's demand for surrender, Gutierrez called upon Captain Juan Antonio Muñoz, of the artillery corps, who was the post commander, for a report on the strength of his command. Captain Muñoz gave the Governor the following table of the numerical strength of each service branch:

POST HEADQUARTERS

No. 2

Statement of the forces at the said post; with a statement concerning its armament.

	Captains	Lieutenants	Ensigns	Sergeants	Drummers Buglers	Corporals	Soldiers	Totals	Rifles	Carbines	Leather Straps
Artillery.....	1			1	2	2	12	17	15	1	16
Infantry.....			1		6	2	11	19	14		14
Cavalry.....	1	1	2	1	2	2	14	19		15	15
Total Force.....	2	1	3	2	10	6	37	55	29	16	45

NOTE:

The six recruits of the San Francisco Company, which are to be found attached to the Monterey Company, are not included in the column of total force, because they have no arms and also because they are incapable of rendering any service.

Monterey, November 4, 1836.

JUAN ANTONIO MUÑOZ⁹

Approved
GUTIERREZ

This table shows at a glance that Gutierrez had only thirty-seven soldiers of all branches of the service, with scarcely enough arms to go around, and that there were no convicts, as Alvarado had claimed in his letter.

While Captain Muñoz was preparing the report, Governor Gutierrez called his six officers together at his headquarters, to prepare an answer to Castro's demand for surrender. During the time that the conference was in progress, Castro's men became impatient at waiting and became unruly. Finding a cannon-ball in the old castillo, or fort, they fitted it to one of the old guns and fired at the Presidio. This was the ball that landed at the entrance to Gutierrez' headquarters. When Castro was finally able to control his men once more, he immediately sent this note to Gutierrez:

Vanguard of the Division of Operations.

No. 4

The Division which I have under my command, wishes to know your answer forthwith, because in case of a contrary reply, it is determined to fight.

The cannon shot that has just been fired, has been against my orders.

God and Liberty. November 4, 1836.

JOSÉ CASTRO¹⁰

Gutierrez and his officers continued to deliberate all morning and part of the afternoon. About midafternoon, Castro again sent the Governor a note, demanding that he should speed up his decision and reply:

Vanguard of the Division of Operations.

No. 5

It being impossible for me to control the Division under my command, because it is resolved to die or to conquer this same afternoon; with that understanding, you will please reply within an hour, because if it is to the contrary we shall open fire.

God and Liberty. Monterey, November 4, 1836.

JOSÉ CASTRO¹¹

To satisfy Castro to some extent, Gutierrez then sent a note in reply to the two preceding ones:

Commandancy General of Alta California.

No. 6

Since the communication which you have addressed to me is of considerable importance, I have not wished to answer it by myself, but by a decision of a council of war. This has taken place and the reply is being composed. Should this not be sufficient, and if you find it impossible to control your followers, you may open fire when you wish, with the satisfaction that you will find someone to resist you.

God and Liberty. Monterey, November 4, 1836.

NICOLAS GUTIERREZ¹²

When Gutierrez received Castro's demand for the surrender of the Presidio, he immediately called a council of war, composed of his officers, to consider a reply. After several hours of deliberation, during which they were interrupted by the cannon-shot from the rebel forces at the fort and Castro's two notes, they finally finished their discussion and began to frame a reply. In this long and detailed answer, Gutierrez pointed out to Castro the absurd and contradictory nature of his plan and arguments declaring California a free and sovereign state:

Commandancy General of Alta California.

No. 7

Having received on this day your communication in which you ask me to surrender the Post under my command, because the Territory of Alta California so demands it with just cause, and in which you enclose the plan of insurrection which you have adopted in company with those who follow you; I have convened a Council of War, to meet with some employees, and other persons in the confidence of the Government because of their knowledge and evident loyalty. The aforesaid communication from you and the four propositions of your plan, have been read at this assembly. And in the discussion, it has been borne in mind that you and your followers make use of the right of petition in an illegal manner; because you present yourselves before us in a mob, with arms in hand and with a threatening air, which appearances give your actions the character of a true insurrection, condemned not only by our laws and those of all cultured peoples, but by even the principles of sound reason, because it is a direct infraction of the law, the germ of unfortunate calamities, and such an imprudent step that it is unbelievable that it would be taken by persons that claim to be animated by the good of their country, the future destiny of which they compromise beyond measure. And thus I must inform you that neither the Council nor I believe that the Territory has any interests whatever in upholding such an unheard of aberration of ideas.

In regard to the articles of the plan, in accord with the aforementioned Council I say to you that we agree, in that the Territory of Alta California is an integral part of the Mexican Republic.

With respect to the second article, in which you and yours, without authority or commission whatever, declare that only the sons of California shall obtain the public offices of the same; the Council remarks with me, that this article is in contradiction with the first; that it is illegal because it is not based on any law and it is opposed to the general welfare of the Republic and the spirit of its legislation both ancient as well as modern, and the eternal principles of universal justice, and is contrary to the fundamental pact of Society; because the natives of California are not excluded in the rest of the Republic in the choice for public offices in the other Departments, it is most unjust to exclude the Mexicans from them in this territory, because in all society the privileges and rights of the citizens are reciprocal, and constitute what is in truth the equality before the fundamental Constitutional law which you attack without stating it in that article.

With respect to article 3, the points that I have just made upon no. 2 are applicable, but furthermore the Council adds with me: that this article tends toward an absolute independence, because not only does it usurp the legislative powers of the National Congress in which California has its voting Deputy, but it disavows the Supreme Authority of the National Government, denying the admission of the magistrates whom, making use of its supreme powers, it might send to the Territory, and consequently that means denying it the obedience which we all owe it; that means the incurring of perjury and of treason and the sowing of ills of great proportions in the future.

And in regard to what you and your followers say in the 4th article, that the Most Excellent Assembly will pass laws for the country using its sovereign power; since it is inferred in the same act in which you give it the legislative authority; in accord with the Council I say to you, that it is another rude blow that is dealt to the Sovereign Congress, to the Supreme Government and to the legislation that rules us, in which you become liable inadvertently without reckoning the pernicious principle which you embrace. The same thing is true in supposing that the Most Excellent Assembly exists legally convened outside the period of its regular sessions and without being convoked by the competent Authority. And it is very strange that without previous petition,

either verbal or written, nor the least courteous and polite complaint to the civil government which I legally exercise, the Deputies should be present in the ranks of the heedless, pretending to uphold by force of arms principles contrary to their obligations and to their oaths, disturbing the public peace and making themselves responsible before God and the law for the blood that may be shed, and to the transgressions that your most mistaken as well as unfortunate conduct may produce against the public welfare which is entrusted to you.

In view of these considerations you will understand that, in accord with the Council, I am not in the mood to divide the commands nor deliver them to the Most Excellent Assembly, even though it were legally convened, because, as a faithful observer of the laws which I have sworn to uphold, and whose execution has been entrusted to me as ad interim Civil Magistrate and Commandant General, I am unable to deliver the military command to a non-military body, but only to the commander designated by Regulations, nor separate the civil from the military because it is especially prohibited to me by the laws of June 23, 1813, and the recent and final one of January 21, 1835. And here the Council points out along with me the inconsistency into which you fall, because, being convinced by the force of these reasons at the beginning of the present year, you legally and with pleasure, so you stated, ceded the civil command to the same person whom you now forcefully wish to deprive of it. I said then, and I repeat it now, that I discharge this office with reluctance, and that I would resign it this very day, and I would place it in conformity to regulations and the law, in the hands of Captain Pablo de la Portilla, whom I have summoned since September with this object in view, if your presence and that of your hostile article, the military point of honor, the dignity and decorum of the Supreme Government and the integrity of the Mexican Republic did not strongly prevent me from doing so.

Another inconsistency into which the Deputies who follow you fall is that, having a recent petition before the Sovereign Congress so that this Most Excellent Assembly may be granted some of the legislative powers in agreement with the welfare of the country, you and yours should want to take them before they are conceded to you, diminishing your reputation among the sensible people by such an action as that to which your heedlessness gives rise.

Finally, having heard the Council and having consulted the Illustrious Ayuntamiento and the patriotic votes of my resolute soldiers, we have resolved to shed even the last drop of blood and lose life itself, not in defence of my person, nor to uphold a command which I do not relish, and which I shall resign whenever circumstances may befriend me, but rather to uphold my obligations, to comply with the laws, and to conserve the National decorum unharmed and spotless, and without impairment whatever to the integrity of the Republic.

If you wish to avoid the shedding of blood, if you are true and enlightened friends of your country, and obedient subjects of the law, and enemies of anarchy, and of the disorders which it brings with it, I, in agreement with the Council and the Illustrious Ayuntamiento of this Port, invite you in the name of the Fatherland, of the law and of Justice, and with the genuine cordiality of a man who sympathizes and desires to remedy the aberrations of the ideas of his fellow-citizens, invite you as I say, so that the Deputies may present themselves at a spot that the Illustrious Ayuntamiento shall designate, and which shall be outside this post, to hold a friendly conference with an equal number of persons appointed by this Government, and with the attendance of the Alcaldes and the Illustrious Ayuntamiento of this Port as mediators, you being pleased to name the hour and place in which in accord with this Ayuntamiento the stated conference may be held. In the meantime I shall pledge myself not to attack them and to allow them full liberty to confer, and to lay before me, through the

medium of the aforesaid Ayuntamiento, the propositions upon which they have agreed, the which I shall gladly approve, if in saving bloodshed I may also save the National decorum and integrity and the original obligations of my offices. I must warn you, however, that in the meantime, while I am deciding the matters relative to the object that I have indicated, you will cause the company under your command to observe all the formalities of a battle-field: at the same time assembling your force at a central location or a meeting place, and also keeping good order and discipline: a thing that shall be strictly observed by the troops under my command.

Finally I send you this answer by a committee from the Illustrious Ayuntamiento and minus the formalities of war, to show even by this act my friendship, and adherence to peace.

God and Liberty. Monterey, November 4, 1836.

NICOLAS GUTIERREZ¹³

Señor Don José Castro.

By this answer, sent in the middle of the afternoon on November 4, Governor Gutierrez left Castro absolutely bereft of arguments with which to counter. Point by point, the logic of the Governor's contentions was absolutely irrefutable. Nor did Castro attempt to make any reply.

Thus did the rest of the afternoon pass away. Darkness fell, and the beleaguered forces in the Presidio made preparations to withstand another night of siege. As the evening progressed, however, Governor Gutierrez began to hear rumors that some of his troops were deserting their posts and going over to the enemy, or else falling asleep from exhaustion. Thereupon, at nine o'clock that night he called a meeting of his staff in a council of war, and asked each individual commander of the different arms of the service for a report on his men and the spot they were defending:

At the Port of Monterey, at nine o'clock on the night of November 4, 1836.

Assembled at the residence of the Commandant General and ad interim Civil Governor, Lieutenant Colonel Don Nicolas Gutierrez: Said gentleman, the Captains Don Pablo de la Portilla, and Don Juan Antonio Muñoz; he of the same rank, the retired Don Andrés Castellero; Sub-Lieutenant Don Patricio Estrada, Lieutenant Don Bernardo Navarrete; the Ensigns Don José María Ramirez, and Don Ygnacio del Valle; Surgeon Don Manuel de Alba; Bleeder Don Manuel Crespo; the District Judge, Lawyer Don Luis del Castillo Negrete; the scribes of the Civil Secretariate, Don Manuel Gonzalez and Don Mariano Bonilla; the teacher of the Normal School, Don Mariano Romero; and the undersigned Secretary of the Commandancy General, Captain Don Agustin V. Zamorano; the Commandant General said: that the object of the meeting was for the purpose of hearing the reports of the Troop Commanders, concerning the point which each defended. At which Captain Muñoz, Post Commander, took the floor and reported that this same night, according to reliable news which he had received, a large number of foreigners, especially Anglo-Americans, in company with the crews of the bark *Don Quixote*, the frigates *Caroline*, and *Europa*, and the English schooner *Clementine*, were to lower two pieces of artillery from the Fort, and were to place them at the houses of Pacheco and Ábrego, in order to demolish the Presidio where we were, which building for the most part is on the point of going to ruin, and has many unprotected spots for lack of walls.

Next to report was the Cavalry Commander, Lieutenant Navarrete, who stated that at sunset and during the night eighteen soldiers of his company had deserted; and

Captain Muñoz again informed us that he had just received word that the nine convicts who had served their time, and who had voluntarily lent their services as auxiliary troops, and an artillery drummer had deserted with their arms from the point which they covered; and Sub-Lieutenant Estrada also reported that an infantryman had deserted.

Following this, the Commandant General pointed out that although he considered that the existing force was sufficient to take the two groups of adversaries by surprise, he understood from the observations that had previously been made to him, that it might not be surprising that when we returned to our posts we would find ourselves attacked from the rear, due to the negligible force that must now remain in the post that we are defending. Captain Muñoz said that the artillerymen under his command had pointed out to him that they were aware that the garrison could not resist the attack, and that they were inclined to favor the evacuation of the post, provided that the Commanders and officers and they themselves should be offered guaranties against any harm to their persons and properties, and that in that event they would go to wherever their General might lead them; and he added that the infantry had retired from its post saying that they were worn out with fatigue; that they considered themselves lost and without a single hope of aid, for which reason they stacked their arms, but nevertheless Captain Muñoz was able to persuade them to cover the post that they have been holding, while the negotiations are being completed.

After having discussed this, and having seen the feeble means of defence upon which we counted and the superiority of the rebels in all arms, it was decided to seek for a compromise in order to conserve the military discipline and the public order by proposing to said rebels that the post should be evacuated, so that they might occupy it peacefully if they would guarantee the lives and property of the officers and troops and National employees; the General promising not to entitle himself Commandant General and Civil Governor in the future, if the leader of the insurgents promises to give orders to his followers so that those who capitulate may be respected, so that they may not be insulted; all of which was carried out, and an official note was forwarded to said leader Don José Castro. He then answered by a verbal message that he agreed to everything, providing that the troops should surrender their arms, and that on the following morning, he would reply in writing. Many comments were made concerning this surrender of arms, and it was finally decided that there was no alternative but to accede to this condition, considering that the post numbered only thirty-five men, worn out with fatigue, minus their pay, and discouraged, and in a spot of very poor and scattered defense, dominated by the fire of the enemy artillery, at the same time that the insurgents were occupying an advantageous site, counting on the aid of almost all the population and a force estimated at two hundred men, the major part of them foreigners, particularly Anglo-Americans, for which reason a verbal message was sent to that chief that we acceded to his demand, the troops going out under arms up to the Artillery Barracks where they would leave them so that the rebels might recover them, to which they agreed. With this the act was concluded, all those present agreeing, and that a certified copy should be given to each one of those present by the undersigned Secretary and initialed by the General, for their own safeguard, with which the act was closed; and it was set down on common paper because there was none of the sealed kind.

NICOLAS GUTIERREZ
 JOSÉ MARÍA RAMIREZ
 MANUEL DE ALBA
 MANUEL MARÍA GONZALEZ
 YGNACIO DEL VALLE
 MANUEL CRESPO

PABLO DE LA PORTILLA
 JUAN ANTONIO MUÑOZ
 LIC'Ó. LUIS CASTILLO NEGRETE
 MARIANO ROMERO

AGUSTIN V. ZAMORANO, Secretary
 Approved, GUTIERREZ¹⁴

Immediately after the Council had granted its approval for a capitulation, Governor Gutierrez wrote Castro as follows:

Commandancy General of Alta California

No. 10

If you as the chief of the insurgents will guarantee the personal safety and the properties of my officers, troops, and myself, and those of the national officials, I shall at once agree to evacuate this post as soon as that guarantee is given, and to retire along with those who voluntarily wish to follow me, promising not to attack any one and not to entitle myself Commandant General and Civil Governor of Alta California.

This is all I can do for the sake of peace and without compromising the national decorum, concerning which I await your reply if it is in the affirmative, in order to allow you to occupy this post, hoping that you will dictate strict measures so that none of my men shall be insulted and that we may be respected with the dignity proper to free men.

God and Liberty. Monterey, November 4, 1836.

NICOLAS GUTIERREZ¹⁵

Don José Castro.

It must have been sometime after 11 P.M. on November 4, when Castro received the offer of capitulation from Gutierrez. He sent a verbal acceptance and promised to send a written reply in the morning. Early on the 5th, he sent the following:

Headquarters of the Vanguard of the Division of Operations.

No. 11

I have just received an official note from you which has been delivered to me by Ensign Don Joaquin del Valle, by which you agree to evacuate the post under your command, leaving it at my disposal; requesting in it guaranties that will safeguard the persons and properties of those who have been in your company or who may wish to follow you, except for the surrender of arms that should be made by the troops under your command.

You may be satisfied that I accept the conditions which you propose to me with the understanding that you will assure me that in the present affair you will take no further part, either active or passive, and on this basis; on the morrow at eight o'clock I shall enter this post with the Division which I command.

God and Liberty. Monterey, November 5, 1836.

JOSÉ CASTRO¹⁶

Don Nicolas Gutierrez.

Promptly at 8 A.M. on November 5, Governor Gutierrez, his officers, and the few men who had not deserted marched out of the Presidio under arms as far as the artillery barracks, where they stacked arms and dispersed. Two junior officers were left in the Presidio to deliver the post to the insurgents. The rebels at the same time marched in from the Fort, and other points, led by Castro and the band from Captain William S. Hinckley's ship *Don Quixote*. They lined up in company front while the Government troops stacked their arms; then they marched into the Presidio. Mexican rule in California had ended temporarily. Following the capitulation, Governor Gutierrez and his officers went to their homes to await further developments.

Nor had they long to wait, because the next day Gutierrez received the following note from Castro:

Headquarters of the Vanguard of the Division of Operations.

No. 12

In order to protect your person I see myself forced to tell you that you must get ready to leave this Territory aboard the English brig *Clementine*, in which you must embark this very day.

God and Liberty. Monterey, November 6, 1836.

JOSÉ CASTRO¹⁷

Don Nicolas Gutierrez.

The Governor evidently got in touch with his followers, who wanted to be sure where they were going before following him. Therefore, Gutierrez made the following enquiry from Castro:

No. 13

Since among the conditions which I proposed to you, concerning the evacuation of the post which was then under my command, one of them was that those who wished to follow me because they did not wish to stay in the Territory, should not be prevented from so doing; and they being in some doubt as to whether my destination is to be the Republic of Mexico or some other place, I beg you, that you will please make me some statement upon that point, and I shall then be able to send you the list of the individuals who either alone or with their families may wish to share the fate that has been determined for me.

God and Liberty. Monterey, November 6, 1836.

NICOLAS GUTIERREZ¹⁸

Don José Castro.

Later on the same day, Castro replied as follows to the preceding note:

Headquarters of the Vanguard of the Division of Operations.

No. 14

To your official note of this date in which you ask me to outline the route to be followed by the brig *Clementine*, I reply that it is bound for the Port of La Paz or Guaymas, which are the places to which, in chartering it, the Government of the Territory pledged to send it. In virtue of this, I expect that you shall see fit to send me the number of persons who will follow you according to what you have indicated in your official note.

God and Liberty. Monterey, November 6, 1836.

JOSÉ CASTRO¹⁹

Lieutenant Colonel Don Nicolas Gutierrez.

As soon as Gutierrez found out where he was going, in order to protect himself from any charges that might be made later concerning his conduct of affairs, he requested the Quartermaster and Paymaster of his Government, Don José María Herrera, to give him a statement concerning the financial state of the Territory. Herrera's report was made late that same day:

José María Herrera, Assistant Quartermaster of Alta California

No. 1

I certify that at the return of Lieutenant Colonel Don Nicolas Gutierrez to this Post on September seventh of the present year, having once again assumed the Commandancy General and the Civil Government due to the absence of Colonel Don Mariano

Chico, the Sub-treasury under my charge found itself exhausted of funds with which to defray the needs of the garrison, because there was only a limited residue of assets, which by order of the same Señor Chico, following the custom to which necessity had driven us, had been taken from the frigate *Caroline*, by a warrant issued by the Maritime Customs in favor of this Sub-Treasury in part payment for the duties that it produced. This fragment was almost useless for the purpose to which it was to be applied in those circumstances, because the major part of the entire collection by said customs during the previous June had been practically all distributed, as much in money as in goods, with the exception of nineteen hundred and fifteen pesos which were asked for in the first kind by Señor Chico, and which were delivered to him so that he might forward them to the division of troops that was to be found on an expedition to the southern part of the Territory; and for which sum the aforesaid Chief remained responsible, because he has entered no record of its use up to the present time, regarding the object to which it was allotted.

Likewise, Señor Chico was given a draft to the value of six thousand pesos, drawn out in his favor against the Sub-treasury of Guaymas, in virtue of the Supreme order which the General Treasury sent to the General Treasury of Sonora, and the latter to the Sub-treasury under my charge; ordering precisely that that amount should be placed at the disposal of the Commandant General, to be distributed among the troops of the same Territory. And the Sub-treasury having been unable to find a person among the merchants of the said Territory who wanted to lend the six thousand pesos, receiving a draft in exchange, because this country was lacking in commercial connections with the Port of Guaymas, nor having any other method for collecting such a sum; Señor Chico on leaving this territory demanded from the Sub-treasury, in virtue of the order that with such an object had been sent by the Supreme Government to this Commandancy General, that he be given the draft drawn in his favor, as has been stated, in order to negotiate its exchange in Mazatlan whither he was bound, offering to do everything possible, in case that he accomplished his object, to return the aforesaid amount to this Territory; of all of which the General Treasury of Sonora was given the corresponding notice, and since up to the present we are ignorant of the results, the said Chief is likewise responsible for that amount.

It is also a matter of record that since the date of the arrival of Señor Gutierrez to this port, up to that on which his rule ceased, there have been no other revenues in the Sub-treasury than four hundred and fourteen pesos in cash, and one hundred and forty-six in goods which were paid by Don Federico Becher, supercargo and owner of the bark *Leonor*, as part payment on account on the customs duties, according to an order that Señor Gutierrez sent him to that effect; and this having taken place in the last days in which the insurgents marched on this port, only the silver was distributed, the goods falling into the hands of the former, because there was no opportunity for distributing them, since the same day on which the Sub-treasury received them was the one on which the rebels appeared in hostile array before the Presidio, where the small garrison was cornered. It is likewise on record, that the same necessities forced Señor Gutierrez to request from the Missions of Santa Clara and San José a loan of grain for the maintenance of the troops, on which commission I personally had to go at the end of last September; but the vessel that was carrying the said grain having been delayed until the beginning of the present month, it arrived at the time that the insurgents had possessed themselves of the Presidio, and the garrison had capitulated, consequently that aid also fell into their hands.

And by request of said official, I give this in Monterey on November sixth, of eighteen hundred and thirty-six. On ordinary paper because there is none of the official kind.

Governor Guitierrez, having armed himself with Herrera's report against the charges made by the rebels that he had raided the treasury, proceeded to reply to Castro's note of November 6, on the morning of the 7th :

No. 15

Trusting in your good faith inspired in me by your communication of today, answering mine of the same date, concerning the fate that I must suffer, and that of those who voluntarily may wish to follow my fortune; and since among them Don Bernardo Navarrete is also included, and he having told me that you have denied him the permission to leave the Territory, I hope that you will see fit to tell me whatever there is to know on this particular question; surely in such a case you will inform me who may go with me and those who must stay, according to your disposition.

It may seem that I am too exacting on this point, but I wish that you would do me the favor of believing that in all this I wish to guard against my great responsibility before the Supreme Government, as well as that of the officers and employees who may wish to follow me.

God and Liberty. Monterey, November 7, 1836.

NICOLAS GUTIERREZ²¹

Don José Castro.

To the preceding note, Castro replied :

Headquarters of the Vanguard of the Division of Operations.

No. 16

The garrison which I command, through the medium of its leaders, has requested me to prevent the departure of Don Bernardo Navarrete because he is a person of public worth and very commendable virtues. I am equally concerned with you in this same matter, therefore do me the favor of leaving me this person in the country, until he shall be able to follow you on some other more favorable opportunity.

God and Liberty. Monterey, November 7, 1836.

JOSÉ CASTRO²²

Don Nicolas Gutierrez.

Since there was nothing he could do about it, Governor Gutierrez acquiesced to the detention of Lieutenant Navarrete. Then Castro, in order to relieve him of any responsibility in the matter, sent him the following note :

Headquarters of the Vanguard of the Division of Operations.

No. 17

In order that you may be able to guard against your responsibility, according to what you state in your official note of this date with respect to the departure of Lieutenant Don Bernardo Navarrete, I state that this officer shall not leave the Territory, due to the authority that has detained him.

God and Liberty. Monterey, November 7, 1836.

JOSÉ CASTRO²³

Don Nicolas Gutierrez.

No further correspondence passed between Castro and Gutierrez, and the next two days were devoted by the persons to be deported to preparations for their departure. On November 10, the people were sent aboard, and the vessel was ready to sail. Shortly before it sailed, Castro and Alvarado had a conference with the master, Captain William James Handley, at which

they gave him secret written instructions to land his passengers on the lonely beach at Cape San Lucas.

When the *Clementine* arrived at the Cape, Captain Handley ordered the exiles ashore. Governor Gutierrez remonstrated with him, stating that Castro had given him assurance that they would be taken to Mazatlan. Handley then produced his secret instructions and gave Gutierrez a copy. Then in spite of all their pleas, giving them only scant provisions, he set them on the desert beach to starve or shift for themselves as best they might. Castro's orders were as follows:

No. 18

I, William James Handley, Captain of the English brigantine schooner *Clementine*, Certify: that the order which I received in Monterey, to land the Civil Governor and Commandant General Don Nicolas Gutierrez and those who accompany him, from Don José Castro and Don Juan Bautista Alvarado, is literally as follows:

"The Free and Sovereign State of Alta California."

"This Government having chartered the brig *Clementine* commanded by you, from Mr. William Hinckley, agent for said vessel, you will see fit to sail as soon after four o'clock in the afternoon of this day as possible, and you will proceed with all despatch to the Cape of San Lucas, where, when you arrive you will land the passengers, and all their belongings; who are at present aboard of it by order of this Government. And after you have done this, you will start your return for this port, to give this Government a report of having faithfully complied with this order to which we have you pledged.

Monterey, November tenth, eighteen hundred and thirty-six.

JUAN BAUTISTA ALVARADO
JOSÉ CASTRO

To Mr. William Handley, Master of the brig *Clementine*.

This copy is faithfully and legally made from the original which remains in my hands, on ordinary paper because there is none of the sealed kind aboard which is suitable. And in order that it may be useful for the contingencies that may arise, at the request of the said Don Nicolas Gutierrez, I give the present aboard the aforesaid schooner *Clementine* at Cape San Lucas on November twenty-third, eighteen hundred and thirty-six.

WILLIAM JAMES HANDLEY

It is a copy of the original,
San José del Cabo, Baja California.
November 30, 1836.

BERNARDO NAVARRETE, ad interim Secretary²⁴

From the signature of Lieutenant Navarrete at the bottom of the previous document, it must be inferred that either Castro changed his mind, or else the people who had demanded that he should be retained in California did not want him after all. At any rate, it is evident that he was sent aboard the *Clementine* with the other exiles and cast ashore at Cape San Lucas.

The day after Gutierrez capitulated, the revolutionary leaders issued a proclamation to the people of California, congratulating them on their new

freedom. Gutierrez was able to secure a copy of it and attached it to his report, along with the other documents, as number 19:

No. 19

The Most Excellent Deputation of Alta California to its inhabitants:

Californians: Heaven favors you: you are doubtless its chosen portion, and therefore it is leading you with propitious hand to happiness. Until now you have been the sad victims of servile factions, whose chief, content with a passing triumph, taxed to the utmost your long-suffering patience. As obedient sons of the mother country, and faithful defenders of your dear liberties, you swore solemnly before God and men to be free, and to die rather than be slaves. In this spirit, you adopted forever, as a social compact to direct you, the federal Constitution of the year twenty-four, your government was organized at the cost of immense sacrifices, which unnatural sons trampled upon, ignoring them in order to found upon your ruins their own fortune and criminal advancement; and when it seemed that you were already the sure patrimony of the aristocratic tyrant, you boldly waved the banner of the free: "Federation or Death is the destiny of the Californian." Thus have you shouted, and a cry so sweet will be indelibly engraved upon your hearts, in whom [*sic*] the sacred fire of love for the country is seen to burn incessantly. You have tasted the sweet nectar of liberty: the bitter cup of oppression may not be tendered you with impunity. California is free, and will sever her relations with Mexico until she ceases to be oppressed by the present dominant faction called the central government. To accomplish so interesting, so grand an object, it remains only that we, the inhabitants of this soil, united, form a single wish, a single opinion. Let us be united, Californians, and we shall be invincible, if we use all the resources on which we may count. Thus we are free and federalists!

Monterey, November 6, 1836.

JOSÉ CASTRO
ANTONIO BUELNA

JUAN B. ALVARADO
JOSÉ ANTONIO NORIEGA²⁵

The preceding proclamation, viewed in its proper perspective, is, of course, an absurd statement, because in trying to describe their enemies, Castro and Alvarado succeeded only in giving a picture of themselves. Gutierrez brought this out in his report from Cape San Lucas.

The following day the same group of leaders issued their plan, or declaration of independence, which they had expected to keep secret until Gutierrez and his party had sailed. However, a friend on shore managed to secure a copy, and smuggled it aboard to Gutierrez, who then attached it to his report along with the other documents, as number 20:

No. 20

In the Port of Monterey of Alta California, on the seventh day of the month of November of eighteen hundred and thirty-six, assembled in extraordinary session, the members of the Most Excellent Deputation, Citizens José Castro, Juan B. Alvarado, Antonio Buelna, and José Antonio Noriega, with the object of taking measures for safety, considering the critical circumstances of the Territory, were informed by the Secretary, of the plan of a pronouncement, made in this Territory on the third of the present month, by a multitude of citizens discontented with the form of the Central Government, adopted in the Republic: That, having taken the post by means of a capitulation made by the Commandant General, officers and troops that garrisoned it, they placed themselves at the orders of the Most Excellent Deputation, requesting that it see fit to edit said plan, discarding or adding that which it believed just and in

conformity with the interests of the country; in virtue of which Citizen Alvarado took the floor and said that he was persuaded that the form in which the plan presented was conceived was due to the anxieties of the campaign, because it had been made quite clear publicly what the opinion of the rebels was, that they were resisting only the oppressions of the rulers sent to the Territory, after the basic laws of the new system of the Central Government had been sworn to, due to which the ruin of the Territory was to be expected if extraordinary and instant measures were not taken, he was of the opinion that the plan should be drawn up in the following terms.

1st. Alta California is declared independent from Mexico until such time as the Federal system that was adopted in the year 1824 shall be reestablished.

2d. The same California is erected into a free and sovereign State, establishing a Congress which may pass all the particular laws of the country, and the other Supreme powers that are necessary; the present Most Excellent Deputation declaring itself a Constituent Congress.

3d. The religion shall be the Apostolic Roman Catholic, without admitting the public worship of any other, but the Government shall not molest any one for his private religious opinions.

4th. A constitution shall regulate all the branches of the administration "provisionally," in conformity, in all ways possible, with the aforementioned Constitution.

5th. During the time that what is contained in the preceding articles is being carried to completion, Señor Don Mariano Guadalupe Vallejo shall be called to the office of Commandant General.

6th. The corresponding communications shall be sent to the municipalities of the Territory by the President of the Most Excellent Deputation.

Señor Castro stated: that in effect it was evident to him and that it was public and well known that the rebels only aspired to free themselves from the injuries that may be inflicted to the public cause and to their private interests, by the rulers sent to the Territory by a Government that was not unanimously accepted by the United States of Mexico, and that for the same reason he was of the opinion that they should be for the proposition of Citizen Alvarado, adding, that if said proposition met with the approval of the Most Excellent Deputation, it might be opportune to make known to the rebels the editing done by this Most Excellent Body, so as to take suitable measures if they should not be for it.

Señor Alvarado's proposition was taken under consideration, and approved by an unanimous vote, and Señor Castro's amendment was likewise accepted.

And those who direct the insurgents being present, they expressed themselves as being satisfied, and in the name of their subordinates who had placed their confidence in them, in all that had been explained to them, and which in reality was their opinion; they then concluded the business. After which, the session that was attended by the said members stood adjourned.

JOSÉ CASTRO
ANTONIO BUELNA

JUAN B. ALVARADO
JOSÉ ANTONIO NORIEGA 26

The statements in this plan also did not conform with the truth, some of them being most absurd. This was later pointed out by Governor Gutierrez in his report from Cape San Lucas. There were a number of other proclamations, issued by Castro and Vallejo a few days after Gutierrez sailed, which had to do with the government of the new state. However, since Gutierrez did not see them and therefore did not comment upon them, they will not be included here.

Time hung heavy on the hands of the exiles, so, taking advantage of that fact, Governor Gutierrez utilized it in writing a number of reports to the Central Government. The first of these was in the form of a list of the people who made up his party. It follows:

No. 1

Statement concerning the officers, troops and civil employees who have been deported from the Territory of Alta California in company with the Commandant General and ad interim Civil Governor, Lieutenant Colonel Don Nicolas Gutierrez, by reason of the insurrection against the Supreme Government which took place on the 3d of the present month.

Artillery

Principal Commander, Captain Don Juan Muñoz and his family	
Corporal - - - - -	Pedro Guerrero
Artilleryman - - - - -	Bernardo Curiel
Artilleryman - - - - -	José María Ramirez
Artilleryman - - - - -	Narciso Sanchez

Regular Hidalgo Battalion

Sub-Lieutenant - - - - -	Don Patricio Estrada
Bugler - - - - -	Antonio del Valle
Drummer - - - - -	Antonio Rodriguez
Drummer - - - - -	José Evodio
Corporal - - - - -	Santiago Gomez
Soldier - - - - -	Jesus Tendiso
Soldier - - - - -	Manuel Zamora
Soldier - - - - -	Reyes Garcia
Soldier - - - - -	José María Aguilár
Soldier - - - - -	Jesus Riestra

Presidial Company of Monterey

Lieutenant - - - - -	Don Patricio Estrada
Bugler - - - - -	Marcelo Navarro

Mazatlan Squadron

Dragoon - - - - -	José Navarro
Retired Captain - - - - -	Don Andrés Castellero

Civilians

Sub-Treasurer Don José María Herrera and family
 Official in charge of the secretaryship of the Civil Governorship,
 Don Manuel María Gonzalez and family
 The Director of the Normal School, Don José Mariano Romero
 Eight civilians

NOTE:

His Honor the District Judge, Lawyer Don Luis del Castillo Negrete and his family, were embarked in the National schooner *Leonidas*, for the same reason as those in the preceding list.

Cape San Lucas, Baja California, November 28, 1836.

O. K.
 GUTIERREZ

BERNARDO NAVARRETE²⁷
 ad interim Secretary

On the same day, Colonel Gutierrez wrote a second report to the Central Government, inclosing a number of letters that had passed between him and Commodore Edmund B. Kennedy, United States Navy, only a few days before the revolution broke out. He said:

Excellent Sir:

No. 2

Under separate cover I notified Your Excellency of the arrival at the Bay of Monterey of the Commodore of the Asiatic Squadron of the United States of the North, Mr. Kennedy, and now I have the honor of forwarding the correspondence that passed between this government and the aforementioned Commander, so that in case you see fit, you may bring it to the notice of His Excellency the President, being pleased to accept my respectful consideration and particular regard.

God and Liberty. Cape of San Lucas, in Baja California, November 28, 1836.

NICOLAS GUTIERREZ²⁸

His Excellency the Minister
of War and Marine, Mexico.

Along with the report and list of persons in his party, Gutierrez sent the Minister of War this note:

No. 3

I enclose for Your Excellency, so that you may please bring it to the attention of His Excellency the President of the Republic, a report on the officers, troops, and employees who, ever faithful to the Supreme Government, did not wish to take part in the revolution that broke out in Alta California on the 3d of the present month, and for which reason they were expelled from the Territory in my company.

God and Liberty, Cape of San Lucas in Baja California, November 28, 1836.

NICOLAS GUTIERREZ²⁹

His Excellency the Minister
of War and Marine, Mexico.

Two days later, after having spent a full week on the beach at Cape San Lucas, during which they suffered much from lack of water and provisions, Gutierrez finally managed to move his numerous followers to the Mission of San José del Cabo, some miles inland from the roadstead. There they stayed for weeks, while waiting in vain for some vessel to arrive that might carry them to the mainland, or for a means of transportation to transfer themselves to the port of La Paz, one hundred miles to the north on the Gulf Coast. While at Mission San José del Cabo, Gutierrez wrote to the Minister of War, telling of his plight:

Excellent Sir:

No. 4

On this date I addressed the Sub-Treasurer of this Baja California in order to negotiate for the transportation of the officers, troops, employees and their families that are living here, a list of whom I have sent Your Excellency under separate cover, and I hope that you will have the kindness to approve the expenses of conducting them to Mazatlan where I shall receive superior orders, begging that you be pleased to issue your instructions so that the General Treasury of Sinaloa, which is located at Rosario, shall issue our pay with promptness, in order to provide for the consequent want that

has been caused by the unreasonable expulsion which we have suffered at the hands of the insurgents of Alta California.

God and Liberty. Mission of San José del Cabo, at Cape San Lucas, November 30, 1836.

NICOLAS GUTIERREZ³⁰

His Excellency the Secretary
of the Office of War and Marine, Mexico.

On November 30, Gutierrez also finished his general report, addressed to the Minister of War, a long document that must have taken him days to write. In it he told his side of the story of the November Revolution.³¹ He then continued to wait at the Mission for the opportunity to get a ship to convey him and his party to the mainland. While they were still there, on December 6, 1836, Lieutenant Don Bernardo Navarrete wrote to a friend in Sinaloa as follows:

Commandancy General
of Sinaloa. No. 126.
San José del Cabo.

December 6, 1836.

Señor Don Juan Nepomuseno Lopez Portilla.
My very dear friend and sir:

A revolution which broke out in Upper California against the Supreme Government, in order to set that Territory free from Mexico, and in which the foreigners from North America took a large part, forced Lieutenant Colonel Don Nicolas Gutierrez, who was acting in the capacity of Commandant General and ad interim Civil Governor, to capitulate because he had no troops with which to resist those of the insurgents. Furthermore, we had against us the fact that the force commanded by the General, being native to that country and there having been much seduction among them, went over at once to the side of the insurgents, and only about thirty soldiers remained with us, while we were faced by an enemy of about 200 men, in possession of the most advantageous locations in Monterey. There were five American vessels in that port at the time, and Mr. William Hinckley, who was in accord with the rebels, had two of his own ships and provided the revolutionists with many arms, munitions, men and cannons so that they might fight us. During those days the Commodore of the United States, Mr. Edmund B. Kennedy, arrived in that port in a frigate of war which carried 200 men. He informed himself thoroughly concerning the revolution that was being plotted. He made public announcement that he had eight warships in these waters with which to protect the commerce of his country. For this reason the Americans took a big part in the revolution, and it is believed that this may have some connection with affairs in Texas.

Three days after the capitulation, during which they failed in all their promises to us, without any provisions whatever, they made us embark on the *Clementine* with an order to the Captain that he was to cast us ashore at Cape San Lucas, and so it happened that we were disembarked there on November 23 last, and here you have us experiencing a thousand hardships and without any resources.

Those who were exiled were Señor Gutierrez, Captain Muñoz of the Artillery, myself and other officers; the District Judge, Don Luis del Castillo Negrete, and the Assistant Quartermaster, Don José María Herrera, about a dozen soldiers who decided to follow us, and various other persons more.

Señor Gutierrez thinks of crossing over to Mazatlan as soon as he obtains a vessel, there to await the decision of the Supreme Government.

Your affectionate friend wishes you the best of health.

BERNARDO NAVARRETE³²

Two days after Navarrete wrote to his friend, on December 8, 1836, Governor Gutierrez wrote to the Government in Mexico requesting it to approve the expenses of transporting himself and his followers from San José del Cabo to Mazatlan. At the same time Gutierrez addressed an official note to the Quartermaster General of the Department of Sinaloa, asking him to provide the means to carry out their departure. All these despatches were sent overland to La Paz and from there across the Gulf of California to the mainland. The Quartermaster General seems to have busied himself at once with the task of aiding Governor Gutierrez, because several weeks later the National brig schooner *Correo Mercado* arrived at Cape San Lucas to pick up the exiles.

When the vessel arrived, it was found that it was too small to take all the members of the party in one trip. Also, due to adverse circumstances, the vessel could not make a second trip to get those who might have to stay. The question now came up as to who should go to Mazatlan and who should remain at San José del Cabo. After due deliberation, Gutierrez decided to stay, keeping nineteen officers and men with him while all the women and children and all the soldiers and employees were sent to Mazatlan. Governor Gutierrez once again wrote official notes to the Quartermaster General and the Commandant General of the Department, requesting those officials to send a National warship to Cape San Lucas to pick up the residue of his party. He argued that by so doing it would save the public treasury a considerable expense, as it would facilitate the transportation and would reduce the cost.

By this time, however, the Department officials were not so eager to help him, so Gutierrez waited and waited for a reply. Week after week stretched out into month after month, and still no answer. It was now April, and nothing had been heard either from Mexico or Department headquarters. Just as Gutierrez was beginning to get quite tired of waiting, along came the small National schooner *Angeles*, Captain Don Salvador Aguiar, master, and stopped at Cape San Lucas. Gutierrez at once entered into negotiations with him to charter the vessel to take him to Mazatlan. This was quickly effected, and Gutierrez guaranteed the Captain three hundred and seventy pesos, payable by the Treasury at Mazatlan, for the rent of his ship. Thus it was that on April 4, 1837, Gutierrez and his party of nineteen departed from San José del Cabo after some five long, weary months of hardships in that barren spot, and by April 6, were safely landed at Mazatlan. From there the Governor once more addressed the Minister of War, on April 11, 1837:

Commandancy General
of Alta California
Excellent Sir

No. 20

MARGINAL NOTE
EXTRACT

It is reported that the National schooner *Angeles* was chartered for transporting purposes for 370 pesos, and he requests that this expense be approved and that the General Treasury of Sinaloa be ordered to aid the troops and employees with their pay. May, 3/37.

ANTECEDENTS

May 17/37.

That it be paid when the circumstances of the revenue may allow it.

In an official note of December 8, of last year, I said to Your Excellency: that you be pleased to approve the expenses that were economically laid out for transporting me and those who follow me to the Port of Mazatlan; and to that end I sent an official note to the Quartermaster General of this Department so that he might raise the means for that purpose. Said gentleman sent the National brig schooner *Correo Mercado*, and it not being possible for said vessel to make a second voyage so as to finish transporting those of us who remained in San José del Cabo, to the number of twenty persons, I again sent an official note to the same office and to the Commandant General of the Department to the end that one of the National warships that are to be found stationed in this Port be ordered sent, thus effecting a saving to the public treasury, and in this way making our transportation more easy and less costly. But since five months passed by without an answer being received, I contracted to charter the National schooner *Angeles* from its Captain, Don Salvador Aguiar, in the very moderate sum of three hundred and seventy pesos, which ship anchored with us in this port on the 6th of the current month.

Likewise, on that date I begged Your Excellency to be pleased to send your orders to this General Treasury to the end that the troops and employees should be paid their salaries, which they have not received for a long time, and now I again make the same request from Your Excellency; because the circumstances of a wicked ejection and the notorious poverty of the country which we have just traversed, puts the soldier to the hardest test.

Your Excellency will please bring all this to the superior attention of His Excellency the ad interim President so that he may see fit to order that the stated expenditure for transportation be passed on to the account of the General Treasury of this Department, and that the same office may be ordered to aid those who follow me with their pay, as I have stated, receiving at the same time the protestations of my respect and high consideration.

God and Liberty. Port of Mazatlan, April 11, 1837.

NICOLAS GUTIERREZ³³

His Excellency the Minister
of War and Marine, Mexico.

The Minister of War promptly took up the matter with the President, and by May 17 was able to reply to Gutierrez as follows:

His Excellency the President orders that the amount of the rental for the schooner *Angeles* in which you were transported to Mazatlan be paid when the circumstances of the treasury may permit.

By his order I notify you in reply to your official note referring to it, of the 11th of the past month.

Mexico, May 17, 1837.

[RUBRIC]³⁴

Lieutenant Colonel
Don Nicolas Gutierrez.

This reply was not very encouraging, to say the least, either to Gutierrez or to Captain Aguiar, whose vessel had been rented. It meant that the former and his soldiers would not get their pay very soon, and that the latter might as well forget that he had ever rented his vessel to the Government. At that time, the treasury of the Department of Sinaloa was in a very depleted condition, as was also the National treasury. At that very moment, the National Government was also trying to raise the sum of 60,000 pesos with which to defray the expenses of a large expedition which it was planning to send to California to reestablish law and order. All its efforts proved futile, since it could not get the money, even though it tried to borrow it from the Pious Fund.³⁵ In March, the National Congress had passed a decree authorizing the borrowing of the above amount. The various branches of the Government took up the matter, as is evident from the following acknowledgment from the Minister of Foreign Relations to the Minister of the Treasury:

Excellent Sir:

I have received the sovereign decree which Your Excellency has seen fit to forward to me in your official note of the 1st of the current month, relative to the proposition that the Government contract a loan for 60,000 pesos for the expedition to California.

Mexico, April 12, 1837.

[RUBRIC]³⁶

His Excellency the Minister of the Treasury.

The Texan revolution of the previous year had caused the Government to use all its spare cash and to strain its credit to the limit, consequently a minor item such as the rent for a small ship and the salaries of a few exiled soldiers were of very little concern to it. That being the case, Colonel Gutierrez waited and waited at Mazatlan for several months, then somehow he set out for Mexico City, where he arrived late in 1837, and there he is lost forever from the history of California.

NOTES

1. H. H. Bancroft, *History of California*, III, 448-49.
2. *Ibid.*, 446.
3. Gov. N. Gutierrez to J. A. Estudillo, Monterey, Oct. 7, 1836, in Estudillo, "Datos de California," MS, 57-58, Bancroft Library.
4. Alvarado probably overestimated the number of convicts, because there were few, if any, in jail in Monterey at the time, and Gutierrez had no arms with which to arm them, as will be seen by his report to the Mexican Government.

5. J. B. Alvarado to M. G. Vallejo, Monterey, Nov. 7, 1836, in Vallejo, "Documentos para la historia de California," MS, III, 262.
6. The correspondence is here arranged in chronological order, rather than in the numerical order in which Gutierrez arranged it.
7. Gov. N. Gutierrez to J. Malarin, Monterey, Nov. 2, 1836, MS, 52-8-7-1, No. 8, Archivo General de Guerra y de Marina, Mexico.
8. J. Castro to Gov. Gutierrez, Monterey, Nov. 4, 1836, MS, 52-8-7-1, No. 3, Arch. Gen. de G. y M., Mex. Copy certified by Bernardo Navarrete, ad interim Secretary, San José del Cabo, Nov. 30, 1836.
9. J. A. Muñoz to Gov. Gutierrez, Monterey, Nov. 4, 1836, MS, 52-8-7-1, No. 2, Arch. Gen. de G. y M., Mex.
10. J. Castro to Gov. Gutierrez, Monterey, Nov. 4, 1836, MS, 52-8-7-1, No. 4, Arch. Gen. de G. y M., Mex.
11. J. Castro to Gov. Gutierrez, Monterey, Nov. 4, 1836, MS, 52-8-7-1, No. 5, Arch. Gen. de G. y M., Mex.
12. Gov. N. Gutierrez to J. Castro, Monterey, Nov. 4, 1836, MS, 52-8-7-1, No. 6, Arch. Gen. de G. y M., Mex. Copy certified by Navarrete, San José del Cabo, Nov. 30, 1836.
13. Gov. N. Gutierrez to J. Castro, Monterey, Nov. 4, 1836, MS, 52-8-7-1, No. 7, Arch. Gen. de G. y M., Mex. Copy certified by Navarrete, San José del Cabo, Nov. 30, 1836.
14. Minutes of Council of War, Monterey, Nov. 4, 1836, MS, 52-8-7-1, No. 9, Arch. Gen. de G. y M., Mex. Copy certified by A. V. Zamorano and José María Ramirez, Angeles, Nov. 30, 1836.
15. Gov. N. Gutierrez to J. Castro, Monterey, Nov. 4, 1836, MS, 52-8-7-1, No. 10, Arch. Gen. de G. y M., Mex.
16. J. Castro to Gov. Gutierrez, Monterey, Nov. 5, 1836, MS, 52-8-7-1, No. 11, Arch. Gen. de G. y M., Mex.
17. J. Castro to Gov. Gutierrez, Monterey, Nov. 6, 1836, MS, 52-8-7-1, No. 12, Arch. Gen. de G. y M., Mex.
18. Gov. N. Gutierrez to J. Castro, Monterey, Nov. 6, 1836, MS, 52-8-7-1, No. 13, Arch. Gen. de G. y M., Mex.
19. J. Castro to Gov. Gutierrez, Monterey, Nov. 6, 1836, MS, 52-8-7-1, No. 14, Arch. Gen. de G. y M., Mex.
20. J. M. Herrera to Gov. Gutierrez, Monterey, Nov. 6, 1836, MS, 52-8-7-1, No. 1, Arch. Gen. de G. y M., Mex.
21. Gov. N. Gutierrez to J. Castro, Monterey, Nov. 7, 1836, MS, 52-8-7-1, No. 15, Arch. Gen. de G. y M., Mex.
22. J. Castro to Gov. Gutierrez, Monterey, Nov. 7, 1836, MS, 52-8-7-1, No. 16, Arch. Gen. de G. y M., Mex.
23. J. Castro to Gov. Gutierrez, Monterey, Nov. 7, 1836, MS, 52-8-7-1, No. 17, Arch. Gen. de G. y M., Mex. Copy certified by Navarrete, San José del Cabo, Nov. 30, 1836.
24. Capt. W. J. Handley to Gov. Gutierrez, Cape San Lucas, Nov. 23, 1836, MS, 52-8-7-1, No. 18, Arch. Gen. de G. y M., Mex.
25. Castro, Proclamation to Californians, Monterey, Nov. 6, 1836, imprint No. 19, 52-8-7-1, Arch. Gen. de G. y M., Mex.; translated in Bancroft, *History of California*, III, 469-70; also in Z. Engelhardt, *Missions and Missionaries*, IV, 56.

26. Revolutionary Plan for Independence of California, Monterey, Nov. 7, 1836, imprint No. 20, 52-8-7-1, Arch. Gen. de G. y M., Mex.
27. Gov. N. Gutierrez to Minister of War, Cape San Lucas, Nov. 28, 1836, MS, 52-8-7-1, No. 1, Arch. Gen. de G. y M., Mex.
28. Gov. N. Gutierrez to Minister of War, Cape San Lucas, Nov. 28, 1836, MS, 52-8-7-1, No. 2, Arch. Gen. de G. y M., Mex. The full correspondence mentioned by Gutierrez was published in this *Quarterly*, XII, 2, June, 1933, 133-46.
29. Gov. N. Gutierrez to Minister of War, Cape San Lucas, Nov. 28, 1836, MS, 52-8-7-1, No. 3, Arch. Gen. de G. y M., Mex.
30. Gov. N. Gutierrez to Minister of War, Mission San José del Cabo, Nov. 30, 1836, MS, 52-8-7-1, No. 4, Arch. Gen. de G. y M., Mex.
31. Gutierrez' report (MS, 52-8-7-1, No. 1, Arch. Gen. de G. y M., Mex.), dated at San José del Cabo, November 30, 1836, repeats in detail all that has gone before and much that has been implied in the various documents reproduced in the text. Since it would occupy about fifteen pages of printed matter, it is not included here, but it is hoped that at a later date space will be available in which to print it in full.
32. B. Navarrete to J. N. Lopez Portilla, San José del Cabo, Dec. 6, 1836, MS, 52-8-7-1, Arch. Gen. de G. y M., Mex.
33. Gov. N. Gutierrez to Minister of War, Mazatlan, Apr. 11, 1837, MS, 52-8-7-1, No. 20, Arch. Gen. de G. y M., Mex.
34. Minister of War to Gov. Gutierrez, Mexico, May 17, 1837, MS, 52-8-7-1, Arch. Gen. de G. y M., Mex.
35. G. Tays, "Captain Andrés Castellero, Diplomat," in this *Quarterly*, XIV, 3, Sept., 1935, 230-68. This article gives an account of the efforts of the Government in trying to raise the loan, and its failure.
36. Minister of Foreign Relations to Minister of Treasury, Mexico, Apr. 12, 1837, MS, 52-6-9-2, Arch. Gen. de G. y M., Mex.