

was held. This messenger brought them to a quick decision, and in a few minutes a flag of truce was sent out, surrendering unconditionally.

At ten o'clock, the deputation which had been appointed, consisting of Alvarado, Castro, and two ignorant Rancheros, marched in with their force, accompanied, it is said, by some American masters of vessels who were in port. Gutierrez and his followers laid down their arms and accepted the stipulations; which were a guarantee of life to himself and officers, and that those who chose might either remain in the country or be suffered to depart. The Mexican flag was now hauled down; when the courage of Alvarado and the deputation failed them, and they refused to hoist the flag of California, which had been prepared for the occasion, and was then ready to be displayed, without first holding a council. This was supposed to be done through the advice of Ramierez and Cosme Penné, who now found that the affair had reached the point they desired, and that it was necessary to prevent any further act in favour of the foreigners. The council was accordingly held, and Miguel Ramierez and Cosme Penné were both allowed to be present. The four articles of declarations formally made, and that have been above recited, were read over for the purpose of being considered and adopted; when these two stated it was not according to their understanding of the plan agreed upon: that it was not to declare the country altogether free and independent of Mexico, but only until the constitution of 1824 should be established. Upon this, the members of the deputation, who were perfectly ignorant of their duties or business, simply answered: "Well, very well; it is just what we wanted: some persons who have longer heads than any of us to put us in the right way and help us better out of the scrape we have got into." Don Cosme immediately took advantage of this, and gave the watchword, "Viva California libre, y muerte a la centralism!"—upon which the Mexican flag was again hoisted. This produced much dissatisfaction among the foreigners, and the fear of them prevented Ramierez and Cosme Penné from going farther. In the selection of officers, Alvarado was nominated as governor, by Castro; General Vallejo, as commandant-general; Castro, as lieutenant-colonel of the militia; and the inebriate Cosme Penné, as secretary of state.

This proved satisfactory to the foreigners, although it was not what they wished: but the act removing one-half the duties was still more so.

It was soon determined that the Mexicans ought to be removed at once out of the country, notwithstanding the stipulations of the surrender to the contrary. Accordingly, the British brig *Clementine* was chartered, in which Gutierrez and all his officers, with a large number