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THE
The
Beginnings of San Francisco

from the

Expedition of Anza, 1774

to the

City Charter of April 15, 1850

With Biographical and Other Notes



By

ZOETH SKINNER ELDREDGE



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CHAPTER XIII.

THE COMING OF THE ARGONAUTS
1849-1850

YEARS before the discovery of gold on the American river gold placers had been worked in California with varying degrees of success. But little attention was paid to this industry and it was not considered of much importance by either the Californians or the foreigners residing in their midst. The priests discouraged mining, the rancheros were indifferent to it, and neither class wished to see the country filled with a mining population. On March 2, 1844, the deputy for California to the Mexican congress, Don Manuel Castaños,* reported to his government the discovery of gold in the vicinity of Los Angeles the previous year. These mines had produced from about the middle of the year to December 1843 two thousand ounces, the most of which had been sent to the United States. He said the placers extended a distance of nearly thirty leagues (seventy-eight miles). William H. Thomes, writing from San Pedro where the ship *Admittance* was taking cargo June 30, 1843, says: "Here we also received ten iron flasks of gold dust, although where the latter came from no one knew, but it was reported that the merchants of the Pueblo los Angeles traded for it with the Indians and the latter would not reveal the source whence it came."† When Alfred Robinson went to the United States

* Castaños: *Coleccion de Documentos*.

† Thomes: *On Land and Sea*, p. 253.

in 1843, he carried to the mint in Philadelphia a package of gold dust from Abel Stearns of Los Angeles, the assay of which showed it to be .906 fine.

The placers from which this gold came were on the San Francisco rancho, near the mission of San Fernando. The rancho had formerly belonged to the mission, but at this time was in possession of the Del Valle family. The discovery was made in March 1842 and in the following May, Ignacio Del Valle was appointed *encargo de justicias* to preserve order in the mining district. William H. Davis says that from eighty to one hundred thousand dollars of gold was taken from these places in two years. Colonel Mason in his report of August 17, 1848, on the gold fields of California says: "The gold placer near the mission of San Fernando has long been known but has been but little wrought for want of water."

But the event that was to set the world ablaze and create an empire on the shores of the Pacific was the discovery by James W. Marshall of gold on the American river January 24, 1848. It may seem strange that in a community where the somewhat extensive placers of the San Fernando valley received so little attention a discovery of gold placers in the Sacramento valley should have created such intense excitement. It may be that the reason for this was that the discovery on the American river was so quickly followed by reports of the great extent of the gold region and the astonishing richness of the placers. The gold deposits were on or near

the surface, no capital was required to work them, and a laboring man with nothing but his pick, shovel, and pan could obtain from one to two or more ounces per day, with the possibility, always, of acquiring a fortune in a few weeks.

In the foothills of the sierras about forty-five miles northeast of the Embarcadero of the Sacramento, on the south fork of the American river, Captain Sutter was building a sawmill in the fall and winter of 1847, and employed James W. Marshall to superintend the work. In digging a tail race for the mill, Marshall was in the habit of turning the water into the ditch at night to wash out the dirt loosened by the workmen during the day. On the morning of January 24, 1848, Marshall saw and picked up in the mill race a glittering piece of gold weighing about half an ounce. The men picked up other particles and, satisfied of the importance of the find, Marshall went to Sutter with it. Sutter was anxious to complete his mill and also a grist mill he was erecting on the American river, and he and Marshall agreed to keep the discovery quiet. The attempt was useless; the men soon quit work and went to digging gold. Sutter, who was sub-Indian agent for the Sacramento valley, obtained from the Indians of the Yalesumi tribe a lease of twelve square miles on the American fork and sent it to Governor Mason for confirmation. This Mason refused, saying that the United States did not recognize the right of Indians to sell or lease to private individuals land on

which they resided.* The news of the discovery spread like magic. Remarkable success attended the labors of the first explorers and in a few weeks hundreds were engaged in the placers. By August 1st it was estimated that four thousand men were working in the gold district, of whom more than one-half were Indians, and that from thirty to fifty thousand dollars worth of gold was daily obtained. Colonel Mason reports that no thefts or robberies had been committed in the gold region, and it was a matter of surprise to him that so peaceful and quiet a state of things should continue to exist.

The discovery changed the whole character of California. Its people, before engaged in agriculture and in cattle raising, had gone to the mines or were on their way thither. Laborers left their workbenches and tradesmen their shops; sailors deserted their ships as fast as they arrived on the coast. Mason reports that seventy-six soldiers had deserted from the posts of Sonoma, San Francisco, and Monterey, and for a few days he feared that garrisons would desert in a body. As a laborer, a soldier could earn in one day at the mines double a soldier's pay and allowances for a month; while a carpenter or mechanic would not listen to an offer of less than fifteen or twenty dollars a day. "Could any combination of affairs try a man's fidelity more than this?" writes the governor, "I really think some extraordinary mark of favor should be given to those

* *Ex. Doc. 17*, p. 490.

soldiers who remain faithful to their flag throughout this tempting crisis." In July 1848 Colonel Mason made a tour of the mining region. "Many private letters have gone to the United States," he says, "giving accounts of the vast quantity of gold recently discovered, and it may be a matter of surprise why I have made no report on this subject at an earlier date. The reason is that I could not bring myself to believe the reports that I heard of the wealth of the gold district until I visited it myself. I have no hesitation now in saying that there is more gold in the country drained by the Sacramento and San Joaquin rivers than will pay the cost of the present war with Mexico a hundred times over."* In November he writes: "Gold continues to be found in increased quantities and over an increased extent of country. I stated to you in my letter, No. 37, that there was more gold in the country drained by the Sacramento and San Joaquin rivers than would pay all the cost of the war with Mexico one hundred times over; if I had said five hundred times over, I should have been nearer the mark. Any reports that may reach you of the vast quantities of gold in California can scarcely be too exaggerated for belief."†

San Francisco was not inclined to accept the reports of gold discoveries. Bancroft says a few men slipped out of town to investigate for themselves, keeping their movements quiet as if fearing ridicule.

* *Mason to Jones, Adj. Gen. U. S. A., Aug. 17, 1848. Ex. Doc. 17, p. 528.*

† *Mason to Jones, November 24, 1848. Ex. Doc. 17, p. 648.*

Presently several well-laden diggers arrived bringing bottles, tin cans, and buckskin bags filled with the precious metal. "Sam Brannan, holding in one hand a bottle of gold dust and swinging his hat with the other, passed along the street shouting: 'Gold! Gold! Gold from the American river.'"^{*} The excitement was prodigious and in a few days the exodus had begun. By boat, by mule and horse, or on foot they went, all eager to reach the mines, fearful that the gold would be gone before they could get there and receive their share. Business houses closed their doors. There was no service in the little church on the plaza and a padlock was on the door of the alcalde's office. The ships in the harbor were deserted alike by masters and sailors. Soldiers deserted their posts and fled, taking their arms, horses, blankets, etc., with them; others were sent after them to force them back to duty and all, pursuers and pursued, went to the mines together. General Sherman, then lieutenant of 3d artillery, tells how he organized a force of seven officers to pursue and bring back twenty-eight men of the 2d Infantry who had deserted in a body taking their arms and accoutrements. They captured and brought in twenty-seven of them.[†]

On the 25th of July, 1848, Governor Mason issued a proclamation[‡] which recited the fact that many citizens had gone to the gold mines without making

^{*} Bigler: *Diary of a Mormon in California*, MS. 79.

[†] Sherman: *Memoirs*, i, pp. 71-72.

[‡] *Ex. Doc.* 17, p. 580.

proper provision for the families they had left behind; that many soldiers, tempted by the flattering prospects of sudden wealth had deserted their colors to go to the same region, regardless of their oaths and obligations to the government, thus endangering the safety of the garrison; and he declared that unless families were guarded and provided for by their natural protectors, and unless citizens lent their aid to prevent desertions, the military force in California would concentrate in the gold region, take military possession of the mining district, and exclude therefrom all unlicensed persons. All citizens employing or harboring deserters would be arrested, tried by military commissions, and punished according to the articles of war.

Let us see what military force the governor had at command to enforce his decrees. Twelve days after issuing the foregoing proclamation the governor received notice of the ratification of the treaty of peace between the United States and Mexico and he at once ordered the New York volunteers—Stevenson's regiment—mustered out, their term of service ending with the war. The Mormon battalion had been previously mustered out on expiration of their term of service. This left the commander but two companies of regular troops, viz: F company, 3d artillery, numbering sixty-two officers and men, and C company, 1st dragoons, eighty-three, a total in California of one hundred and forty-five soldiers, with the ranks being depleted daily by desertions,

and not a warship on the coast of the province. The governor, without the machinery of civil government, with no civil officers save the few *alcaldes* he had appointed, and unsustained by adequate military force, was compelled to exercise control and maintain order in a country extending over six hundred miles in length by two hundred in width, over a community composed of about equal numbers of Californians and foreigners, the latter largely made up of runaway sailors and men accustomed to a lawless life, jealous of each other and of the Californians, all wrought up to an intensity of excitement by the gold discoveries, and now increased by a thousand soldiers discharged without pay.* It was a case requiring skill, judgment, and determination. All the complex responsibilities of a civil administration thrust upon a military commander, without council or legislative support, were to be met and the honor of the United States government maintained. The trial of criminals, the establishment of port duties, the registration of vessels, the making of custom house regulations, the examination of ship's papers, the collection of duties, the appointment of collectors, *alcaldes*, judges, etc., the prevention of smuggling, represent a few of the responsibilities of the governor. On August 14, 1848, Major Hardie wrote the governor from San Francisco that the deficiency of force to support the civil organization at that place

* *Mason to Adj. Gen. Ex. Doc. 17, p. 338.* Mason says he should have a full regiment of infantry, a battalion of dragoons, and one of artillery.

was likely to be productive of the most serious consequences. That the lower classes of the community were of the most lawless kind, and when their ranks were swelled by disbanded volunteers, freed from the restraints of discipline, there would be no security for life or property. Captain Folsom, assistant quartermaster, wrote the same day that acts of disgraceful violence were of almost daily occurrence on board the shipping in the harbor and the officials had no power to preserve order; that his "office is left with a large amount of money and gold dust in it, and the volunteers are discharged without pay." "We collect port charges, etc.," he writes, "from both foreign and American vessels, and in return we are under the most imperative obligation to protect trade."* It is not to be wondered at that Mason, as colonel of 1st dragoons, applied to the War Department November 24, 1848, to be ordered home, having been absent from the United States for two years.

In addition to the outrages committed by lawless men, the disbanding of the Mormon battalion and the Stevenson regiment, together with the absence at the mines of a large portion of the citizens, left the country defenceless against inroads of hostile Indians.

In the attempt to stay the desertion of his men Colonel Mason granted furloughs permitting them to go to the gold fields for periods of two or three months. These soldiers met with varying degrees

* *Ex. Doc.* 17, pp. 612-613.

of success. One of them, private John K. Haggerty, of F company, 3d artillery, came back from the mines with sixty pounds of gold (\$15,000).

Throughout the Americas and Europe the most astonishing reports were received from the gold fields of California. General Smith writing from Panama January 7, 1849, says that none of the accounts received were exaggerated; that there had been brought to Valparaiso and Lima before the end of 1848, gold valued at \$1,800,000; that the British consul at Panama had forwarded 15,000 ozs. (\$240,000) across the isthmus, and that the commander of the Pandora, Royal Navy, informed him that the truth was beyond the accounts he had heard. General Smith was also informed that hundreds of people from the west coast of South America were embarking for the gold fields. In a subsequent letter he says that he has learned from many sources that there was a great emigration of people of all nations to California and that many are going off with large quantities of gold. He says that on his arrival there he shall consider every one, not a citizen of the United States, who enters on public land and digs for gold, as a trespasser and shall so treat him.

On the 12th of April 1848, the Pacific Mail was incorporated with a capital of five hundred thousand dollars, and contracts were entered into for the building of three steamers; the California, 1050 tons, the Oregon, 1099 tons, and the Panama, 1087 tons, the California was completed first and sailed from

New York October 6, 1848, under command of Cleveland Forbes. She carried no passengers for California.*

Meanwhile the reports from California of the extent of the gold fields, and the marvelous quantities of the metal obtained by men unskilled in mining and without capital were received in the eastern states and in Europe. In November 1848 came Lieutenant Loeser of the 3d artillery, with despatches from the military governor of California, confirming the most extravagant reports from the gold fields, and bringing tangible evidence in the shape of a box filled with gold dust. The gold was placed on exhibition at the war office and the president embodied Mason's report in his message to congress December 5th.† The entire community went wild with excitement. Mason's report with the president's indorsement was published in the principal newspapers throughout the world. The "gold fever" was on and from all parts of the world companies were fitting out for California. From Sonora in Mexico, thousands of men came overland, while from the coasts of Chili and Peru as many more came by sea. Thousands started from the Atlantic ports of the United States for Panama, for Vera Cruz, and for Nicaragua. The steamer Falcon from

* The Pacific Mail was incorporated for the purpose of carrying the mails between Panama and the Columbia river. The enormous business consequent on the discovery of gold in California caused the original design to be abandoned.

† The gold was later deposited at the mint at Philadelphia and found to be .894 fine, value: a few cents over \$18.00 per oz.

New Orleans landed at Chagres the first adventurers for California, several hundred in number, all determined to board the steamer California at Panama, if possible. The route across the isthmus was a fearful one; by canoe up the Chagres river to Cruces, the head of navigation, thence on mule, if one was to be had, or on foot to Panama. There was an insufficient number of boats to carry the adventurers up the river—a journey of several days—and consequently a vexatious wait at Chagres had to be endured. From Cruces to Panama the baggage had to be carried on the backs of men. The excessive rains, the trouble, vexation, and exposure caused a vast amount of sickness and few escaped the “Chagres fever.” To augment their troubles the cholera made its appearance followed by a number of deaths. This caused a stampede when all baggage and property of every description was abandoned and left on the route while the panic-stricken emigrants fled to Panama. Their belongings were afterwards brought in by natives who were satisfied with a reasonable compensation for their faithful services. The Falcon brought to Chagres Major-general Persifer F. Smith appointed to command the Third (Pacific) Division. Captain Elliott and Major Fitzgerald of his staff were taken with cholera, and Elliott died and was buried in the church yard at Cruces.* Arriving at

* The death rate from cholera was so great at Cruces that the later parties, panic stricken, left the river at Gongora and made their way to the coast as best they could.

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Panama there was a long wait for the steamer, while the numbers of emigrants increased daily and the inhabitants of the city became alarmed at the prospect of pestilence and famine. Provisions rose to famine prices and there was much distress and suffering among the emigrants. At length the long looked for steamer was sighted and anchored in the harbor January 17th. All was excitement and many hurried off to the ship thinking to secure passage, but they were not permitted to board and were obliged to return. The ship had accommodation for seventy-five, cabin and steerage, and fifteen hundred clamored for passage. She had stopped at Callao and had taken on fifty passengers for San Francisco, although it was understood that none were to be accepted until Panama was reached. It was decided that the New York passengers holding through tickets should be first provided for; afterwards those from South America, and finally as many as possible from among the first applicants for passage at the office in Panama.* On the 1st of February the California sailed for San Francisco with three hundred and fifty passengers.† The ship was so crowded it was difficult to move about, either on deck or in the cabin.

It was on the 28th of February that this modern Argo steamed past the rugged cliffs of the Golden

* Robinson: *Life in California*, p. 236.

† *Smith to Adj. Gen. Executive Doc. 17*, p. 710. The number of emigrants on the California has been variously stated from 350 to 500. Robinson says 400.

Gate into the warm sunshine of a California spring, past the green slopes of Marin and the purple heights of Tamalpais, past the islands of the bay and the Alta Loma, and cast anchor before a most disreputable collection of adobe houses, wooden shacks, and tents—the outpost of this new Colchis—with its background of wind swept dunes, bleak and desolate. The weary Argonauts were joyfully welcomed. The ships in the harbor donned their gayest bunting; the guns of the Pacific squadron boomed while the yards of the war ships were manned with blue jackets. The rains of winter had driven the miners to cover and the town was full. Gold dust was plenty and the gambling houses ran day and night. The people were rough and uncouth but they gave the new comers a hearty welcome and celebrated with ardor the establishment of steam communication with the world.

There was nothing lofty in the motive that brought this band of adventurers to these shores and nothing particularly remarkable about the men who composed it. They were strong, courageous, undaunted. They came to make a fortune and return; they remained to create an empire. It was the part the Argonauts played in founding and building a great commonwealth on the Pacific coast that gives significance to their coming. Among this first band were De Witt Clinton Thompson, who commanded a California regiment in the war of the Rebellion, John Bigelow, first mayor of Sacra-

mento, Rev. O. C. Wheeler, who erected the first Baptist church, Rev. S. W. Willey, founder of the State University, Pacificus Ord, judge and member of constitutional convention, Wm. Van Voorhies, first secretary of State, Rodman M. Price, member of constitutional convention, later governor of New Jersey, William Pratt, surveyor general of California, Eugene L. Sullivan, collector of the port, Lloyd Brooke, one of the founders of Portland, Oregon, Alexander Austin, Asa Porter, Samuel F. Blaisdell, Henry F. Williams, Richard W. Heath, Robert B. Ord, William P. Walters, Edwin L. Morgan, Malachi Fallon, B. F. Butterfield, A. M. Van Nostrand, Charles M. Radcliff, Samuel Woodbury, Isaac B. Pine, and Oscar J. Backus. Alfred Robinson, who had been appointed agent of the Pacific Mail, also returned on the California, and Major General Persifer F. Smith and staff were on board. Hardly had the ship come to anchor when her crew deserted, only one engineer remaining faithful to his obligations.

When the California sailed away from Panama she left behind a multitude of emigrants, all disappointed, some filled with rage, some with despair. A few sailing vessels were chartered to carry the adventurers to California and it is said that a few tried in log canoes to follow the coast only to perish or be driven back after futile struggles with winds and currents.* The Oregon, second steamer of the

* Bancroft: *Hist. Cal.*, p. 135.

Pacific Mail, arrived at Panama about the middle of March. The crowd had doubled. The Oregon took on about five hundred, and reached San Francisco April 1st. Profiting by the experience of the California, the captain took the precaution to anchor his ship under the guns of a man-of-war, and placed the most rebellious of his crew under arrest. With barely enough coal to carry him to San Blas he sailed April 12th, carrying back the first mail, treasure, and passengers. On the 1st of May, the California having obtained a crew sailed for Panama. The Panama, third steamer of the Pacific Mail, arrived at San Francisco June 4th, sixteen days from Panama. The Oregon brought John H. Redington, Dr. McMullan, John McComb, Stephen Franklin, Ferdinand Vassault, George K. Fitch, A. J. McCabe, S. H. Brodie, John M. Birdsell, Joseph Tobin, and many others well known in California, while on board the Panama were Wm. M. Gwin, first United States senator from California, John B. Weller, boundary commissioner, D. D. Porter,* Major W. H. Emory,† of the boundary survey. Lieut. Colonel Joseph Hooker,‡ Major McKinstry, T. Butler King, agent of the United States to California, Hall McAllister, Lieut. George H. Derby ("John Phoenix"), John V. Plume, P. A. Morse, Lafayette Maynard, H. B.

* Afterwards admiral.

† Emory first came with Kearny in 1846.

‡ Later Major General (Fighting Joe). He came to California as Asst. Adj. General to General Smith, Pacific Division.

Livingston, Alfred De Witt, Andrew G. Gray,* surveyor of the boundary commission.

Ships now began to arrive from all parts of the world, crowded with treasure seekers, and by the middle of November upwards of six hundred vessels had entered the harbor and the larger part of these were left swinging at their anchors while their crews rushed to the gold mines. Colonel Mason advises the adjutant general of the arrival of a ship at Monterey loaded with ordinance stores and says that it will cost more to unload the ship than the total freight from New York to Monterey.

The sufferings of the emigrants who came by sea, great as they were, were as nothing compared with those who came by land. Not since the crusades of the Middle Ages, has there been anything approaching the overland emigration in magnitude, peril, and endurance. It is estimated that during the year 1849, forty-two thousand emigrants came overland to California, of whom nine thousand were from Mexico. Eight thousand Americans came by the Santa Fé route and twenty-five thousand by the South pass and the Humboldt river.† The horrors of the Camino del Diablo have been portrayed in a previous chapter. Bayard Taylor writes: "The emigrants we took on board at San Diego were objects

* Gray made the survey and laid out the "New Town" at San Diego, which was called "Gray Town" by the people of "Old Town."

† The figures are Mr. Bancroft's. He had, perhaps, the best opportunities for estimating the numbers.

of general interest. The stories of adventures by the way sounded more marvellous than anything I had heard or read since my boyish acquaintance with Robinson Crusoe, Captain Cook, and John Ledyard. * * * The emigrants by the Gila route gave a terrible account of the crossing of the great desert lying west of the Colorado. They describe this region as scorching and sterile—a country of burning salt plains and shifting hills of sand, whose only signs of human visitation are the bones of animals and men scattered along the trails that cross it. The corpses of several emigrants, out of companies who passed before them, lay half buried in sand, and the hot air was made stifling by the effluvia that rose from the dry carcasses of hundreds of mules. There, if a man faltered, he was gone; no one could stop to lend him a hand without a likelihood of sharing his fate.”*

The rendezvous for overland emigrants was usually Independence (Mo.) for both the Oregon and Santa Fé trails. Throughout the eastern states the winter of 1848–49 was one of preparation. Emigration parties were formed in almost every town, each member contributing a fixed amount for outfit. These were as elaborate as the taste of the members suggested or their means permitted. Provisions for the journey and for one or two years in California, with every known implement for digging and washing gold, arms, ammunition, large sup-

* Taylor: *El Dorado*, p. 47.

plies of clothing, blankets, etc., and in some cases, goods for barter or sale, characterized the equipment of the emigration of 1849. Vehicles of every conceivable kind and quality were seen, from the ponderous "prairie schooner" drawn by three yoke of oxen, to the light spring wagon; riding horses and pack mules; together with relays of animals for heavy hauls. Arriving at the rendezvous the small parties were joined in a large party together with such individuals and families as came in singly, a captain was selected and the caravan set out on its two thousand mile journey. The northern route was by the so-called Oregon trail, up the north fork of the Platte to the Sweetwater, up the Sweetwater, through the South pass, to the Green river, down the Bear to Soda springs, to Fort Hall on the Snake, to the Humboldt, down the Humboldt to the sink, across the desert to the Truckee river, over the Sierra Nevada to the head waters of the Bear river, thence down the river to the Sacramento and to Sutter's fort. From the sink of the Humboldt, three routes offered themselves: northerly to the Pitt river pass; west, across the desert to the Truckee, and southerly to Carson valley, where was grass and water, and thence over the sierra to the south fork of the American river. It is estimated that by the end of April 1849, twenty thousand emigrants were in camp on the Missouri waiting for the grass on the plains to be high enough to feed. Many companies had started earlier and by the middle of May the trail from

the Missouri river to Fort Laramie presented a continuous line of wagons and pack trains. Through the valley of the Platte the cholera broke out, claiming many victims and spreading terror through the ranks of the emigrants. This began to disappear as they approached the Rocky mountains. At last, after some days of travel through a rugged and broken country where high bluffs force them from the river to make long detours, Fort Laramie is reached and the first stage of the journey is completed. For the next three hundred miles the country is a desert, with little grass and less water, through the forbidding Black hills, up the Sweetwater, across the continental divide by the South pass, at an elevation of seven thousand and eighty-five feet; thence through a somewhat better country, the Green river valley, to Bear river, which here flows northward, making a horseshoe around the mountains. Down the Bear they travel for a distance of about ninety miles to Soda springs. Here the Bear turns southward and the emigrants proceed westerly to the Portneuf river down which they travel to Fort Hall, on the Snake river. The route is now down the Snake to Raft river, thence over the hills to Goose creek and up Goose creek to the head waters of the Mary, or Humboldt, as the river now began to be called. This was the regular route. There were a number of short cuts which saved the travelers from one to two hundred miles of distance, but cost them weeks of extra time to get through;

short cuts which were all right for pack-trains, but all wrong for wagons. On reaching the Humboldt the traveler has two-thirds of the whole distance behind him and is on the last stage of his journey. And what a journey it has been, and how changed he is from the one who set out so blithely from Independence three months ago. How bright the anticipations then! how cosy the snug family retreat within the great canvas-covered "prairie schooner!" how jolly the conversation and the stories around the camp fire! the song and music after the day's toil was over. The long weary journey, the dreadful monotony of the endless plains, the barren desert, the bleak and almost impassable mountains, the heat and dust, the scorching sun and the drenching rains, the sickness and suffering, and the deaths that have thinned his party, have long since dulled his spirits and left in place of the joyous buoyancy of the start, a sullen, dogged determination to push forward. The faint-hearted abandoned him at the Platte, at Laramie, and at Salt Lake; the weak died; and before him now was the greatest trial of the journey, the greatest test of strength. Many were yet to fail, to die of starvation, of cholera, of scurvy, and some, who had passed through so much of hardship and suffering, were to die by their own hands as they approached the fatal desert and saw in the distance the lofty barrier of the Sierra Nevada.*

* Delano: *Life on the Plains*, p. 238. Five drowned themselves in one day in the Humboldt river.

Almost before the trains had reached the Platte the emigrants realized that they had overloaded their wagons and already began to throw away useless freight and baggage. As the difficulties of the journey increased and animals gave out, wagons, provisions, and property of all kinds were abandoned. Large quantities of bacon were tried out and the fat used for axle grease. During the latter part of the emigration of 1849, the difficulties were greatly increased. Feed became very scarce; the water of the Humboldt had a bad effect on the horses and they died in great numbers; the Indians, ever on the alert became more aggressive, stealing the stock and leaving many families from four to six hundred miles from the settlements without teams or means of conveyance. The remaining animals are now giving out. Everything that can be dispensed with is thrown away that the loads may be lightened for the weakened oxen. The destruction of property is immense and the road is lined with abandoned wagons, sheet iron stoves, shovels, picks, pans, clothing, and other articles—even guns.* From halfway down the Humboldt to the sink the carcasses of animals were so thick that had they been lain along the road, one could walk over them without putting foot to ground.

At last the sink of the Humboldt is reached and before the emigrant lies the most dreaded desert of

* It is said that \$50,000 worth of guns were thrown away in 1849, being first broken to prevent their use by Indians.

all. Here are long stretches of alkali with drifts of ashy earth in which the cattle sink to their bellies and go moaning along their way, midst a cloud of dust and beneath a broiling sun. The road is covered with putrifying carcasses and the effluvia arising from them poisons the air. Even feeble women must walk and the animals relieved of every possible burden. To add to the general distress the cholera again broke out and carried the emigrants off by hundreds. The march now resembles the rout of an army. All organization is at an end and each one pushes on with what strength he has. Wagons come to a stop and are abandoned, while the animals are detached and driven forward. No one now thinks of gold. It has become a struggle for life.

In an effort to avoid the desert a large part of the emigration of 1849 was diverted to the northern route through Lassen's pass. They left the Humboldt at the big bend, sixty-five miles above the sink, and took a northwesterly course. They were told they would find grass in ten miles, grass and water in twelve, and at Rabbit springs, thirty-five miles distant, abundance of both, and from there on they would have no further trouble. It was false information and it lured thousands to their ruin. There was little water or grass; the deserts to be crossed were much greater in extent than those of the Humboldt; the emigrants traveled some three hundred miles out of their way and those late in the season found themselves in a rugged mountain region, in three feet

of snow, and two hundred and fifty miles from the nearest settlement. The Pitt river Indians were hostile and active, and many lives were lost. Major Rucker, commanding the relief expedition, reported that between seven and nine thousand emigrants with from one thousand to twelve hundred wagons had taken this route.

Many took the lower or Carson river route. Crossing from the sink of the Humboldt to the sink of the Carson, a distance of fifteen miles, they followed up the Carson river some eighty miles to Eagle valley, where there was abundant grass, then southerly through Carson valley and over the sierra to the south fork of the American.

In the latter part of July, the advance trains of the emigration began to arrive in the Sacramento valley and soon a steady stream poured in. Gaunt, hollow-eyed men and women leading or carrying children told tales of horror. Behind these, in the great basin, were thousands battling with famine and pestilence. Notwithstanding the absorbing character of their occupation, the rough miners did not hesitate to go to the relief of the sufferers or to contribute generously of their gold. General Smith ordered all available troops to the Sacramento valley and Major Rucker of the First dragoons was put in charge of the relief operations, while one hundred thousand dollars was appropriated for supplies. Parties were sent in all directions with hard bread, pork, flour, rice, and barley, beef cattle and work

oxen, and riding mules. A relief station was established at the Truckee lower crossing (Wadsworth), at the Hot springs in the Carson valley (Genoa), and on the upper Feather river. From the relief stations men were sent out on the desert as far as the sink of the Humboldt, and the sufferers brought in. They met whole families, men, women, and children on foot, without food. Women, whose husbands had died of cholera, with their little children, without water or food; men scarcely able to walk, who said that for two hundred miles back they had eaten nothing but dead mules; one old man with his wife and daughter, on foot, had nothing but a few blankets which they carried on their backs. The number of sufferers was so great the relief corps could furnish barely enough food to enable them to reach the nearest station. It is said that in the emigration of this year five thousand died on the plains from cholera alone.

In 1849 the rains began much earlier than usual and the fall was heavy. In the mountains the snow was of prodigious depth. The northern relief station on the Feather river sent out men on all the trails with food and riding mules, to meet the emigrants coming through by the Lassen route. The amount of suffering was dreadful. Many of the emigrants had been two or three days without food when the government trains reached them. There were three feet of snow on the ground through which many were making their way on foot. Three men made

desperate efforts to get through. For some days they had been on an allowance of one meal per day. When still seventy miles distant from the nearest settlement they took stock and found they had bread for two days only. Pushing on through the snow they came in a few miles to a wagon containing two women and two or three children who had eaten nothing for two days. With a generosity which was rare under the circumstances, they gave all they had to these helpless ones and went on without. They got through. The relief corps met women wading through the deep snow carrying their children, and strong men who had fallen through utter exhaustion. The officer in charge of the camp writes: "A more pitiable sight I never beheld as they were brought into camp; there were cripples from scurvy and other diseases, women prostrated by weakness, and children who could not move a limb, and men mounted on mules who had to be lifted off the animals, so entirely disabled had they become from the effects of the scurvy."* On December 20th, Major Rucker reported that he had brought in all who had crossed the mountains and had closed the relief camps.

In 1850, the suffering was even more severe than in 1849. Throughout the States the reports of the overloaded wagons had been received and many went to the opposite extreme. By the time Fort Laramie was reached provisions had begun to give

* *Report of Maj. Rucker: Senate Doc. 52, pp. 96-151.* See also Delano: *Life on the Plains*, pp. 178-235.

out, but the emigrants went forward recklessly, trusting to chance to get through. The Mormons at Salt Lake were able to afford some relief but they were short of provisions themselves. The supplies of many of the trains held out until the Humboldt river was reached when their stores became exhausted. Emigrants arriving at Sacramento in July, 1850, reported the desperate condition of those in the desert; that Mary's river (Humboldt) was six or seven feet higher than it was ever known to be before, and that the bottoms, where the only feed grew, were almost entirely under water. One traveler hired some Indians for fifteen dollars to swim the river and float some grass across to him, thus saving the lives of his oxen. Another said that what little grass they procured on the way down the Humboldt they had to swim for, sometimes cutting it and sometimes being compelled to pull it while standing in the water up to their waists. "I have seen hundreds, more than one hundred and fifty miles on the other side of the Sink of Mary's River," writes W. Crum to the Sacramento Transcript, "that were out of provisions, or had but a few pounds to sustain a miserable and wretched existence, with animals that could never reach the Desert,* by reason of the scarcity of forage. * * * From this circumstance alone it may be possible that three-fourths of the animals now on the plains must perish from hunger,

* The desert referred to in these reports and communications, always means that between the sink of the Humboldt and the Truckee river.

and the emigrant, with his scanty fare, must foot until life itself becomes a burden. Those who started late will fare still worse; as the season becomes warmer, feed less, and provisions shorter. I saw one man with two small boys 120 miles beyond the Sink, who had left his wagon and lost all his animals but one, and all the provisions he had was three or four pounds of rice; another, with his wife and children, I overtook seventy miles beyond the Sink, with four horses that were just able to move with the empty wagon, the wife walking ahead in the burning sand and scorching sun, to relieve the poor laden animals that were destined never to see the Sink." J. M. Sheppards, who arrived about August 1st, reported that only about one wagon out of five would get through. His company started with twelve wagons of which two would get in; many that start with three or four horses get in with one; many emigrants on arriving in Carson valley sell their finest horses for ten or fifteen pounds of flour. After arriving at the Truckee river or the Carson valley, the emigrants still had the difficult passage of the Sierra Nevada to make and most of them were destitute of animals or food and many of both.

Tales of distress were brought by each arrival. The cholera had again broken out and its ravages were appalling. Nine-tenths of those in the desert were on foot and starving. "Mothers may be seen wading through deep dust or heavy sand of the desert, or climbing mountain steeps, leading the poor chil-

dren by the hand; or the once strong man, pale, emaciated by hunger and fatigue, carrying upon his back his feeble infant, crying for water and nourishment, and appeasing a ravenous appetite from the carcass of a dead horse or mule; and when they sunk exhausted on the ground at night overcome with weariness and want of food, it was with the certainty that the morning sun would only be the prelude to another day of suffering and torture.”*

The miners contributed liberally to succor the unfortunate emigrants. From lack of organization and direction much of the effort was wasted and supplies were slow in reaching the desert. Captain William Waldo left Johnson's ranch August 27th with a drove of beef cattle, after waiting three days for the trains promised from Marysville and Yuba City. Seventeen hundred pounds of flour were deposited on the western side of the sierra, the committee being unable to get it across for lack of mules. At the Truckee lower crossing beef was deposited with the relief committee and Waldo left with them ten good horses and mules to help the sick and destitute to cross the desert. He entered the desert September 7th and pushed on as far as the Great meadows of the Humboldt, about the locality of the present town of Palisade. About midway of the desert he came upon two men who had laid themselves down to die. They had been living on the putrified flesh of the dead animals on the road which

* Delano: *Life on the Plains*, p. 237.

had made them sick and for three days had eaten nothing. He relieved their needs and they reached the station. Two other men had died of starvation. From Boiling springs to the Great meadows he met few who had any provisions at all. One-fourth of the entire number on the road were reduced to the necessity of subsisting on the putrified flesh of dead animals. This had produced the most fatal consequences and disease and death were mowing them down by hundreds. "The cholera has carried off eight in one small train in three hours, and seven others are attacked and, it is thought, will die ere three hours more have elapsed." From the sink westward the havoc was fearful. "Sir," he writes, "by the time this reaches you I presume that you will need no evidence from me to satisfy you of the alarming and wretched condition of these people. It appears that the judgment of God has pursued them from the time they set out up to the present. First cholera—then starvation—next war, starvation, and cholera. The day has now passed when anyone will have the hardihood to say that there is no suffering amongst the Overland Emigrants; at least no one who is within 200 miles of this place will make such a declaration. * * * When I tell them (the emigrants) that they are 400 miles from Sacramento, they are astonished and horrified; many disbelieve me. They were induced to believe when at Salt Lake, that they were then within 450 miles of Sacramento City." Indians have stolen a great

number of the emigrants' stock, he says, and scarcely a day passes when there is not a skirmish with them. Many women are on the road with families of children, who have lost their husbands by cholera, and who will never cross the mountains without aid. There are yet twenty thousand back of the desert, and fifteen thousand of this number are now destitute of all kinds of provisions, yet the period of the greatest suffering has not arrived. It will be impossible for ten thousand of this number to reach the mountains before the commencement of winter. All remember the fate of the Donner party.³³ On September 15th Waldo is back on the Truckee river sending in frantic appeals for supplies. He is issuing, he says, from five to eight thousand pounds of beef per day, and flour only to the sick. The station is surrounded by sick, unable to proceed on their journey. The flour deposited at Bear valley by the Marysville train has not arrived. The relief raised by the Feather river towns has failed for want of system. If the people of California wish to extend efficient relief to the emigrants, their supplies must be placed under the control of one agent. The emigrants must have bread; thousands must die unless they can be supplied with bread. The cholera is killing them off from this point to the head of the Humboldt. Ten thousand pounds of flour should be immediately forwarded to the Truckee station and another station established near the summit with the same amount, and such other articles as

are necessary for the sick. If the money cannot be raised for this, he offers to turn over to the committee, or to any other body of men, real estate in Sacramento which has cost him ten thousand dollars, if they will advance at once eight or ten thousand dollars, forwarded in flour and other necessary articles for the sick, to the summit and to the Truckee station. This, in connection with the beef, horses, mules, and the dead stock that can be jerked before it putrifies, will save ten thousand human beings from starvation. He says that if he were to describe the cases of extreme suffering that he has seen in the last fifteen days the account would occupy a quire of paper. He was to leave on the morning of the 16th for the head of the Humboldt to induce all that are yet from four to six hundred miles back to return to Salt Lake. Ten persons died of cholera, the day before, while trying to cross the desert.*

By September traders were flocking to the desert with supplies, selling flour at one dollar and seventy-five cents to two dollars and fifty cents per pound. They also carried water and grass into the desert and gathered up the animals they found abandoned. They sold water at half a dollar a pint.† Many of the emigrants had no money and were obliged to

* Captain Waldo's report is printed in the *Sacramento Transcript* of September 23, 1850.

† Letters and reports in *Sacramento Transcript* Sept. 3, Aug. 5, 1850; *Alta California* July 31, Sept. 13, and Oct. 6, 1850.

part with their property. In starting out many put nearly all they had into outfit; others thinking they were going to a land of gold did not bring much money with them. It was a great mistake. Money was required for ferrage across streams, for supplies, and for various purposes, and the want of it caused loss and hardship.³⁴

At length the emigrants reached the end of their journey, but their troubles were not over; they were attacked with fevers and bloody flux, and many perished miserably after having endured all but death in crossing the plains; they reached the Sacramento valley sick and weary, with the horror of the scenes through which they had passed still upon them. For a time they were distressed and unsettled. Their numbers were so great that the relief extended by the miners, large as it was, could not reach them all, and many suffered and died for want of proper care and the nourishment which their condition required. Many were happy at first to get employment to pay their board, and even those accustomed to the luxuries of life were glad to get any servile employment suited to their strength and ability. Gradually the dark gloom that over-shadowed them was dispelled by the kind treatment and aid they received on all sides, the memory of their suffering faded, and with returning health hope revived and ambition again awoke.

Most of the states of the Union were peopled by a steady influx of settlers from other communities.

California was suddenly changed from a quiet pastoral community, to a mining camp. A great population was poured into it from all quarters of the globe, all actuated by the most intense and absorbing of motives, the quest of gold. Some to mine for it, some to supply the gold miner with the means of existence, and some to prey upon him. Some saw fortunes in trade and in the building of cities; others sought to reap the great profits resulting from the cultivation of the fertile soil. The farming class found a large amount of the best lands in private ownership under the Spanish grants. They were not disposed to submit quietly to this condition of affairs and in many cases "preëmpted" what they chose to consider unoccupied land, ignoring the obligations of the treaty of Guadalupe Hidalgo which guaranteed to the Californians the enjoyment of their liberty and property. Both Colonel Mason the governor, and General Riley his successor, endeavored to protect the owners of property, but the failure of Congress to provide a civil government for the territory, together with an insufficient force to compel obedience to their mandates, made the matter a difficult one. As James Bryce says, a great population had gathered before there was any regular government to keep it in order.* The great mass of the population was American, and the inhabitants formed for their own government and preservation local laws regarding the punishment of crime—un-

* Bryce: *The American Commonwealth*, ii, 385.

written, but none the less understood—the size, manner of locating and recording mining claims, and they visited summary punishment on those who violated the code. All things else were left to individual taste and discretion. The alcalde of Monterey, Walter Colton, a chaplain in the navy, sold the land on which was situated the old Spanish fort (Castillo de San Carlos). This transaction brought from Colonel Mason a letter asking what law or decree conferred on an alcalde the right to sell the title of a Mexican fort or battery. In reply the alcalde writes: “No Mexican law or decree, as I can find, designates any particular spot as sites for forts or batteries. Each military chief put up a post where he chose, or demolished those put up by his predecessor. He asked no leave to build, and none to abandon. When guns were mounted no alcalde ventured with his right to sell, but eagerly extended that right over an abandoned position.

“The only rule which appears to have governed the military and civil authorities in these matters seems to have been that of Rob Roy—

—————‘The simple plan,
That they shall take who have the power,
And they shall keep who can.’”

This flippant reply well illustrates the American ignorance of and contempt for the Spanish law and Spanish methods. Colton was an educated man, a graduate of Harvard College and of Andover Theo-

logical Seminary, and should have known better. A rebuke was administered him by Henry W. Halleck, captain of engineers and secretary of state. In a formal report to the governor Halleck says: "Monterey is the next point on the coast deemed of sufficient importance at the present time for permanent works. The old battery (San Carlos) was built soon after the establishment of the mission of the same name (1770) and though much dilapidated was maintained up to about the time the Americans took possession of the country. Another battery in the rear of and auxiliary to this was begun by the Mexicans previous to July 7, 1846, and afterwards enlarged by the Americans, and occupied by them, without intermission, to the present time. Copies of the several claims to the land on which these batteries are situated, or which lie so immediately in the vicinity as to be necessary for the public service, if the batteries themselves are retained, are given in appendix No. 27, papers 1, 2, 3, 4, and 5, and the accompanying letters of the alcalde, dated March 23, June 14, and August 10, 1848. It appears from these papers that titles Nos. 1, 2, 3, and 4, were given while Monterey was in possession of the American troops, and by an alcalde who was an officer in the United States navy; that Nos. 1 and 2 were given while the troops were occupying and holding the ground so deeded away and after both

seller and buyers had been informed that the land would be required for government purposes.*

“Unfortunately for the plea set up by the alcalde, the laws relating to the granting of lands in California are, as has already been shown, very minute and perfect, resting upon no such doubtful authority as that of Rob Roy, but upon positive and definite decrees of the Mexican Congress, and the subordinate but no less distinct enactments of the territorial legislature—laws which seem to have been perfectly understood and pretty generally obeyed here previous to the irregular proceedings springing out of the mania for land speculations following the conquest of the country by the Americans. * * * Nor is the alcalde more accurate in his opinion, that the Mexican government has never designated any particular spot or site for forts or batteries. If he had examined the subject with care, he would have found that the ground which he sold has been occupied by works of military defence from about the year 1772 to the present moment; that when, in 1775, it was proposed by the authorities here to remove these works to a point on the bay further north, the viceroy positively forbid the removal; that there are in the government archives numerous orders, both from the viceroys of New Spain and the ministers of the Mexican republic, for the repair

* The buyers were Commodore Shubrick and Lieutenant-commander Bailey of the United States navy, and they were both notified by Halleck himself that the land would be required by the government. In these days of investigations the whole thing looks a little queer.

of these identical works, for the mounting of guns in them, etc.; that these are the very works that were captured by the insurgents under Alvarado and Graham in 1836, by the naval forces under Commodore Jones in 1842, and, though greatly dilapidated, constituted the only defences for the harbor and town of Monterey on the 7th of July, 1846.”*

In the winter of 1846-47, a party of immigrants from the United States applied to the priests in charge of the missions of San José and Santa Clara for shelter. This was readily granted them and in the spring they proceeded to plant the mission fields and make themselves at home. So much at home did they become that they finally put the priests out and excluded them from the premises altogether. The priests complained to Col. Mason and he ordered Captain Henry M. Naglee, of the New York volunteers, to proceed with his command to Pueblo de San José and assist the alcalde in ejecting the intruders. If the alcalde did not act promptly and efficiently in the matter, then the officer must proceed to execute the order himself. He instructed him to use mild and persuasive means to induce the intruders to vacate the premises before resorting to force. “Say to those people they have no right whatever to dispossess the priest and occupy those missions contrary to his consent, any more than they have to dispossess the rancheros and occupy their ranches;

* *Report of Halleck to Mason, Mar. 1, 1849, on Land Titles in California Ex. Doc. 17, pp. 119-182.*

that they must respect the rights of others before they can claim any respect for their own; that we are bound to protect, and will protect, the priests in the quiet possession of the mission at Santa Clara and San José, and not suffer their premises to be wrested from them even by the Californians, much less by a people who have just come into the country, who have not a shadow of claim to the premises, and who, in the first place, were permitted from motives of charity to occupy them temporarily to shield them from the last winter's rains."*

The immigrants did dispossess the rancheros and occupy their ranchos, in a great many instances. In Santa Clara county the "Squatters' League" organized an armed force, resisted the execution of the sheriff's writ, held public meetings and barbecues—which the sheriff's men attended—and indulged in many speeches regarding their rights as American citizens, while their women kind presented flags to the riflemen and extolled the defenders of their homes. In the *contra costa* armed men took possession of the San Antonio rancho (Oakland), mounted a cannon, and announced that they would defend their rights (to the Peraltas' property) to the death. They even put Don Domingo Peralta in jail, kept him there six months, and made him pay a heavy fine, for attempting to drive them off his rancho.

* *Mason to Naglee, July 10, 1847. Ex. Doc. 17, p. 341.*

The better class of immigrants did not approve the squatter method and strongly condemned all such proceedings; but a portion of the early immigration was from the western frontier states and of the class that considered a dead Indian the only good Indian, and to whom a Spaniard, no matter what his condition or degree of culture and refinement, was a "greaser" and entitled to no respect or consideration when their several claims were in conflict. They were in full sympathy with and consistent believers in the good old rule of Rob Roy, and did not hesitate to take when they had the power and hold when they could. In 1848, thousands of Indians were engaged in washing gold in the placers,* some on their own account, others employed by Americans, who turned their labor to good profit. The men of the later emigration, and in particular those who came from Oregon, abused the Indians shamefully and began a war of extermination upon them, shooting them down on the slightest pretext and driving them from their claims which they took for themselves.† They also undertook to drive all foreigners from the gold mines under color of a proclamation from General Smith informing all foreign adventurers coming to California to search for gold, that trespassing on the public lands was punishable by fine and imprisonment, and that the laws relating thereto would be

* *Mason's report. Ex. Doc. 17, p. 532.*

† Johnson: *Sights in the Gold Region*, p. 152.

strictly enforced.* In this movement the Americans were joined by English, Irish, and German emigrants, and it was especially directed against the Sonorans, Chilians, and Peruvians.† They even included Californians among the “foreigners.” They attempted to drive Don Andrés Pico from a claim he was working on the Mokelumne river, but the hero of San Pascual was not to be frightened as easily as the timid Sonorans and he maintained his rights as an American citizen.‡

With the immigration there came, as was to be expected, a plentiful supply of the scum and riff-raff of the world; escaped convicts and ticket-of-leave men from Botany bay, desperadoes, fugitives from justice, ne'er-do-wells, and gamblers from all parts of the globe, drawn to California by the promise of easy money which the rapid accumulation of gold by the people seemed to hold out. Armed bands of desperadoes rode through the country committing the most atrocious crimes until the citizens, unable to endure longer the reign of disorder, rose and hunted the criminals like wild beasts and drove them from the country. Mason, in an official communication to the war office, reports a number of murders and the hanging of several men by the citizens, and says: “You are perfectly aware that no competent civil courts exist in this country, and that strictly speaking

* *Ex. Doc. 17*, pp. 719-720.

† *Bennet Riley to Adj. Gen. Aug. 30, 1849. Ex. Doc. 17*, pp. 785-792.

‡ Taylor: *El Dorado*, p. 87.

there is no legal power to execute the sentence of death; but the necessity of protecting their lives and property against the many lawless men at large in this country, compels the good citizens to take the law into their own hands. I shall not disapprove of the course that has been taken in this instance, and shall only endeavor to restrain the people so far as to insure to every man charged with a capital crime an open and fair trial by a jury of his countrymen.”*

It is evident from the military dispatches that the deserters from the army contributed to the general disorder and committed many outrages against life and property. These deserters were protected by the great mass of the citizens of the mining region who thought it a shame that the soldiers should be obliged to serve for what was really a nominal sum while all those around them were reaping an extraordinary reward for their labor. Riley recommended the restoration of the war penalty for desertion, and in a letter to the general commanding the division said: “Information from the south * * * shows that, with very few exceptions, the dragoons of the squadron of the 1st regiment deserted upon being ordered to San Luis Rey. Many had previously deserted from Los Angeles, carrying with them their horses, arms and equipments; and it is believed that the desertions at that place will be greatly increased when the order

* *Mason to Adj. Gen. Ex. Doc. 17, p. 653.*

breaking up the companies of the 2d dragoons is received; so that I fear I shall not be able to organize from *four* companies of dragoons *one* required for the escort of the commissioners.* It is known that these deserters had committed many outrages upon the property, and, it is feared, upon the persons of the inhabitants they encountered in the route to the mines. * * * The disposition I have proposed (that of establishing a four company post in the mining region and allowing the men limited furloughs) will be an experiment, but one that should be tried, if only for the sake of preventing a repetition of the outrages unoffending people have suffered from those they have been led to suppose would protect them from Indian depredations and domestic violence.”†

The Indians of the Tulares, who, joined by many of the neophytes of the missions, had for some years been a source of great annoyance to the rancheros by stealing their cattle and horses, now renewed their depredations, emboldened by the withdrawal of the troops from the south. The situation was further complicated by robberies committed by Sonorans, driven from the northern mines, on their way out of the country. The troops under command of General Riley were the 2d infantry; companies A and E, 1st dragoons; companies D and E, 2d

* The boundary commissioners. The escort was under command of Lieutenant Cave J. Coutts. Later, in August, Riley reports that more than one half of the escort had deserted.

† Riley to Sherman, *Asst. Adj. Gen. April 16, 1849. Ex. Doc. 17, p. 899.*

dragoons; and companies F and M, 3d artillery; in all six hundred and fifty men, the number being constantly reduced by desertion.* With this force he had to garrison the forts at San Francisco, Monterey, and San Diego, furnish an escort for the boundary commission, guard the government stores, send expeditions against marauding Indians, succor starving emigrants, establish relief stations at Warner's pass and in the Sacramento, and police the territory.

More than two years had elapsed since the conquest. Congress had met and adjourned without providing California with a government. The authorities at Washington recognized the military government established in California, under the laws of war, as a government *de facto*, to continue until the congress should provide another. The people of California, with that executive instinct of self-government and self-preservation which first challenged the wonder of the civilized world and afterwards won its approbation, determined they would have a responsible and representative government. In full sympathy with this sentiment, Governor Riley issued, on June 3, 1849, a proclamation calling for the election of delegates to a convention to be held in Monterey on the first of September, for the purpose of forming a state constitution. The territory was divided into ten districts, with thirty-seven delegates, and the election set for August 1st.

* *Ex. Doc.* 17, pp. 899, 938.

The number of delegates was later increased to forty-eight, owing to the rapid growth in population of some of the districts. The convention was composed of men in the full vigor of life, was fairly representative, contained several men of talent, and a good proportion of men of education and refinement. There were five men of European birth, six Californians, twelve natives of New York, five of Maryland, three each from Virginia, Kentucky, and Ohio, two from Massachusetts, and one each from Tennessee, Florida, Missouri, Maine, Vermont, Rhode Island, Connecticut, Pennsylvania, and New Jersey. All the men of European birth and nine or ten of the Americans were citizens of California before the conquest. Among the Californians were the distinguished Mariano Guadalupe Vallejo, the courtly Pablo de la Guerra, the polished Jacinto Rodriguez, and the dignified and handsome José Antonio Carrillo. Among the Americans who later became more or less famous, were Henry W. Halleck, later general-in-chief of the United States army; W. M. Gwin, U. S. Senator; John McDougal, governor and U. S. Senator; Rodman M. Price, member of congress for and governor of New Jersey; Thomas O. Larkin, consul and special agent of the United States; Edward Gilbert, member of congress and editor of the *Alta California*; Pacificus Ord, Francis J. Lippitt, Stephen C. Foster, Robert Semple and others whose names are well known. The convention completed its labors October 12, 1849,

and the same day Governor Riley issued his proclamation announcing the formation of a constitution and calling for a vote on November 13th for its ratification by the people, and for the election at the same time of a legislature and state officials. The members presented to Governor Riley their bill for services, charging sixteen dollars per day, and sixteen dollars for each twenty miles traveled. This the governor paid from the civil fund.* The members now gave themselves up to congratulations on the success of the convention, and assessing themselves twenty-five dollars apiece for expenses cleared the hall for a grand ball given to the citizens of Monterey. The ball, held October 13th was a great success. General Riley was there in full uniform and wearing the yellow sash he won at Contreras; Majors Canby, Hill, and Smith, Captains Burton and Kane, and the other officers stationed at Monterey, accompanying him. Don Pablo de la Guerra acted as floor manager, and gallantly discharged the duties of his office. Conspicuous among the Californians were General Vallejo, Manuel Dominguez, and Jacinto Rodriguez, while Captain John A. Sutter, late of Switzerland, and Don Miguel de Pedrorena, formerly of Spain, took an active part in the festivities.

* The "Civil fund" was the money collected for duties by the military and civil governors of California during the period between the conquest and the inauguration of the state government.

On December 12th Governor Riley issued a proclamation declaring the constitution ratified November 13th as the ordained and established constitution of the State of California. The legislature met December 15th and on December 20th Riley resigned his powers as governor into the hands of Peter H. Burnett,* the new executive. A great population, coming together from the four winds of heaven with but one idea, to enrich themselves as quickly as possible and then depart, had, recognizing the necessities of the situation, founded a commonwealth.³⁵

Many who tried their luck at the mines returned to San Francisco. Even their great success in obtaining gold could not compensate them for all their privations, the exposure, the sickness, the hard labor, and harder fare which fell to their lot. And the shrewd trader saw that, rich as were the gold placers, a richer field for acquiring wealth lay before him in the town itself. The great prices and great rise in various kinds of goods, provisions, and other necessaries of life, opened the brightest prospects to those who preferred trade to gold hunting. The immigration from the nearest territory was but a mite to that which would flow from abroad when the wild reports of abundant gold

* Peter H. Burnett, the first governor of the State of California, was born in Tennessee in 1807, came to Oregon in 1843, and thence to California in 1848. In 1857, he was elected judge of the supreme court; in 1863 with Sam Brannan and J. W. Winans, he organized the Pacific Bank of which he was the first president, retiring in 1880.

should reach and be accredited throughout the eastern states, in Europe, and among the nations of Asia.

It was inevitable that in a community composed almost entirely of men* and living far from the steadying influences of the eastern states there should develop a spirit of recklessness and an indulgence in exciting pastimes that led to disorder. Every man did as seemed good in his own eyes until the lawless element aroused in the people the instinct of self-preservation, and a form of order was established. The Argonauts were like boys let loose from school. Overflowing with vigor and abounding in high spirits, their exuberance found vent in the ghastly names with which they afflicted the map of California.†

The struggle for wealth was redeemed by a whole-souled liberality and no tale of woe failed of a generous response from the miners. The life, hard as it was, was not without its compensations and comforts. Old distinctions of caste were abolished and the professional man dug for gold with his own hands or worked for wages by the side of the com-

* The census of 1850 placed the female population of the mining counties below two per cent.

† Jayhawk, Pinchemtight, Fleatown, Whisky Flat, Shirrtail Cañon, Dogtown, Plugtown, Hangtown, Frogtown, Gouge Eye, Red Dog, Jim Crow, You Bet, Yankee Jims, Lousey Level, are examples of what Bret Harte calls "unhallowed christenings." With advancing refinement some of these names were discarded for more euphonious ones; some died the death of abandoned mining camps, and some still ornament the map.

mon laborer. The angularities of the ungainly and illiterate in time wore off in the contact with educated men, and to many a farmer boy, raised within the narrow confines of a New England village, the experience of a few years in the mines was an education, while fitness to grasp opportunity brought independence.

CHAPTER XIV.

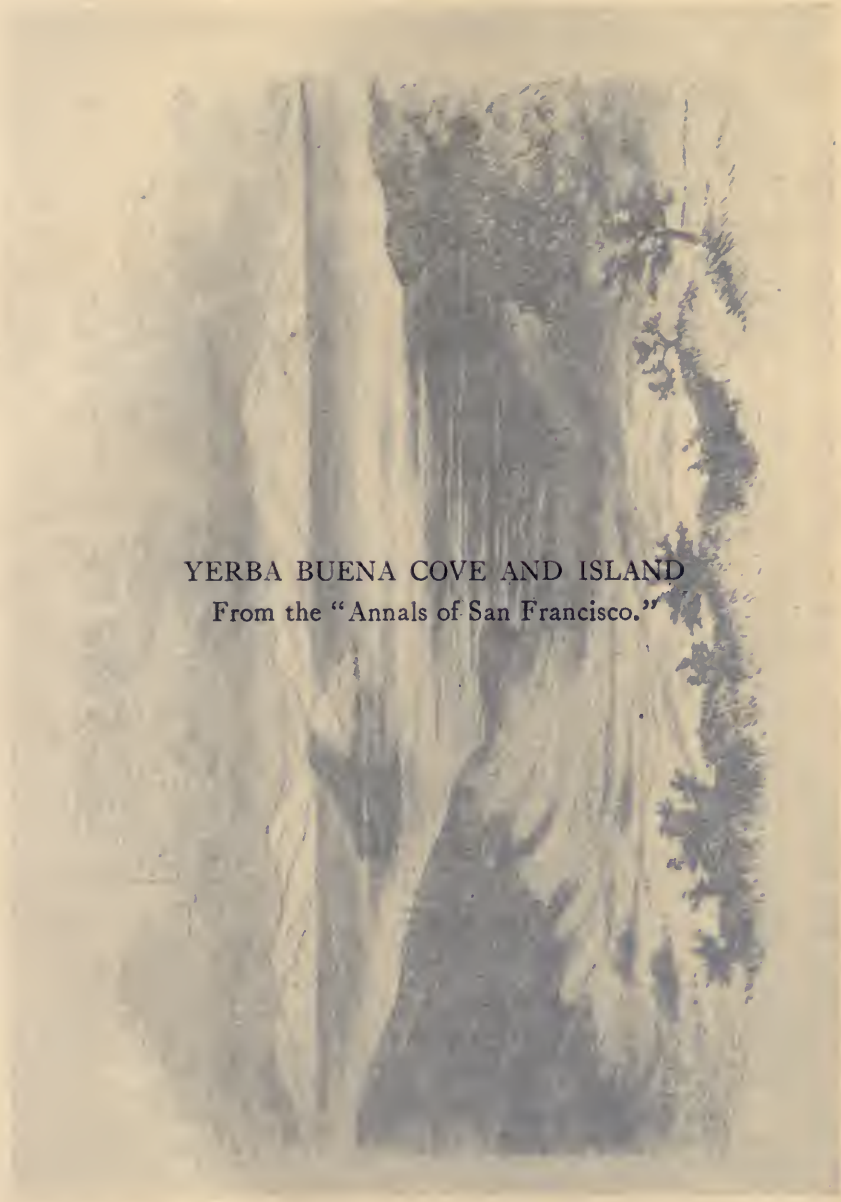
EL PARAJE DE YERBA BUENA.

1792-1839

AMIDST the hills near the financial center of the present city of San Francisco, there was a little space free from brushwood, called El Paraje de Yerba Buena (the Place of Mint). It fronted on a little cove of about half a mile indentation with five-sixths of a mile space between the outer points. The only practical landing for small boats at low tide was at the northerly point where the shoulder of a high hill (Loma Alta) came down abruptly to the water. The cove was protected on the south by another range of hills from one hundred to one hundred and fifty feet in height, running out into the bay and forming the southerly point of the cove at a height of thirty or forty feet. The inside of the cove was shallow and the ebb tide uncovered a quarter of a mile of mud flats. Beyond that the water deepened to five or six fathoms and continued from six to twenty-two fathoms to a little island fronting the cove about a mile distant, also called Yerba Buena. The northerly point was called Punta del Embarcadero, later known as Clark's Point, and the southerly, Punta del Rincon, and still called Rincon Point. The bottom was mud and sand and was excellent holding ground, and at high tide boats could land at the beach. Beginning at the water's edge about where Sacramento street reached the shore and running thence beyond Washington street on the north a steep bank rose from the beach to a height

of ten feet at Clay street diminishing in both directions until it disappeared; the flat below was about one hundred feet wide at Clay street where the bank touched the line of Montgomery street. This *cantil* shows on Richardson's map.

On the night of November 14, 1792, Captain George Vancouver in command of H. B. M. sloop-of-war Discovery sailed into the port of San Francisco. As he passed the Punta del Cantil Blanco (Fort Point) he was saluted by two guns, to which he replied. As night closed in a fire was lighted on the beach before the presidio and other guns were fired; but as he did not understand their meaning he continued up the port under easy sail, taking soundings. He proceeded along the southern coast in constant expectation of seeing the lights of the town, off which he proposed to anchor. As these did not appear, he found himself at eight o'clock in a snug cove with six fathoms of water and a clear bottom, and he dropped his anchor to await the return of day. In the morning he discovered his anchorage to be in a most excellent small bay, three quarters of a mile from the nearest shore. The cattle and sheep grazing on the surrounding hills awakened in the sea-farers the most pleasing recollections, but they could perceive neither habitations nor inhabitants. Shortly after sunrise a party of horsemen were seen coming over the hills down to the beach and on sending a boat to the shore Vancouver was favored with the good company



YERBA BUENA COVE AND ISLAND
From the "Annals of San Francisco."

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of a priest of the order of Franciscans and a sergeant in the Spanish army for breakfast. The priest expressed his pleasure at the arrival of the English captain and assured him he would confer special obligations upon them by commanding any refreshment or service he or his mission could bestow. The sergeant informed Vancouver that in the absence of the commandant, he was directed to render him every accommodation the settlement could afford. Attending his visitors ashore after breakfast Vancouver was presented with a fat ox, a sheep, and some vegetables. With permission of the sergeant Vancouver erected a tent for the accommodation of his men engaged in procuring wood and water; this being, I presume, the first structure of any kind erected on the site of modern San Francisco. The English officers amused themselves with shooting quail and in the afternoon the boat brought off Father Antonio Dantí, principal of the San Francisco mission, and Don Hermenegildo Sal, ensign in the Spanish army and comandante of the post. Sal suggested that Vancouver move his ship to the presidio anchorage as being more convenient and accessible. This was done on the following day and the Englishmen were entertained with the greatest courtesy and hospitality. Vancouver's descriptions of the country, the bay, the presidio, and the garrison are most interesting. His entertainment included a trip to Santa Clara on horseback and so pleased and appreciative was he at the courtesy shown him

that although treated with such cold and distant formality on the occasion of his second visit in 1793 that he left California in disgust, he named the point below San Luis Obispo Point Sal in honor of his San Francisco host.*

In a letter to the governor advising him of the Englishman's visit, Sal says that Vancouver entered in the night and passed down the bay and anchored about a league below the presidio in a place they called Yerba Buena.† That is the first reference we have to the name of the little cove where forty-three years later Richardson's tent marked the beginning of the modern city. Vancouver's map, which is here reproduced, shows the anchorage in Yerba Buena cove, in other words, off the foot of Market street. In this cove of Yerba Buena the *Predpriatie* a Russian frigate, under command of Otto von Kotzebue, dropped her anchor October

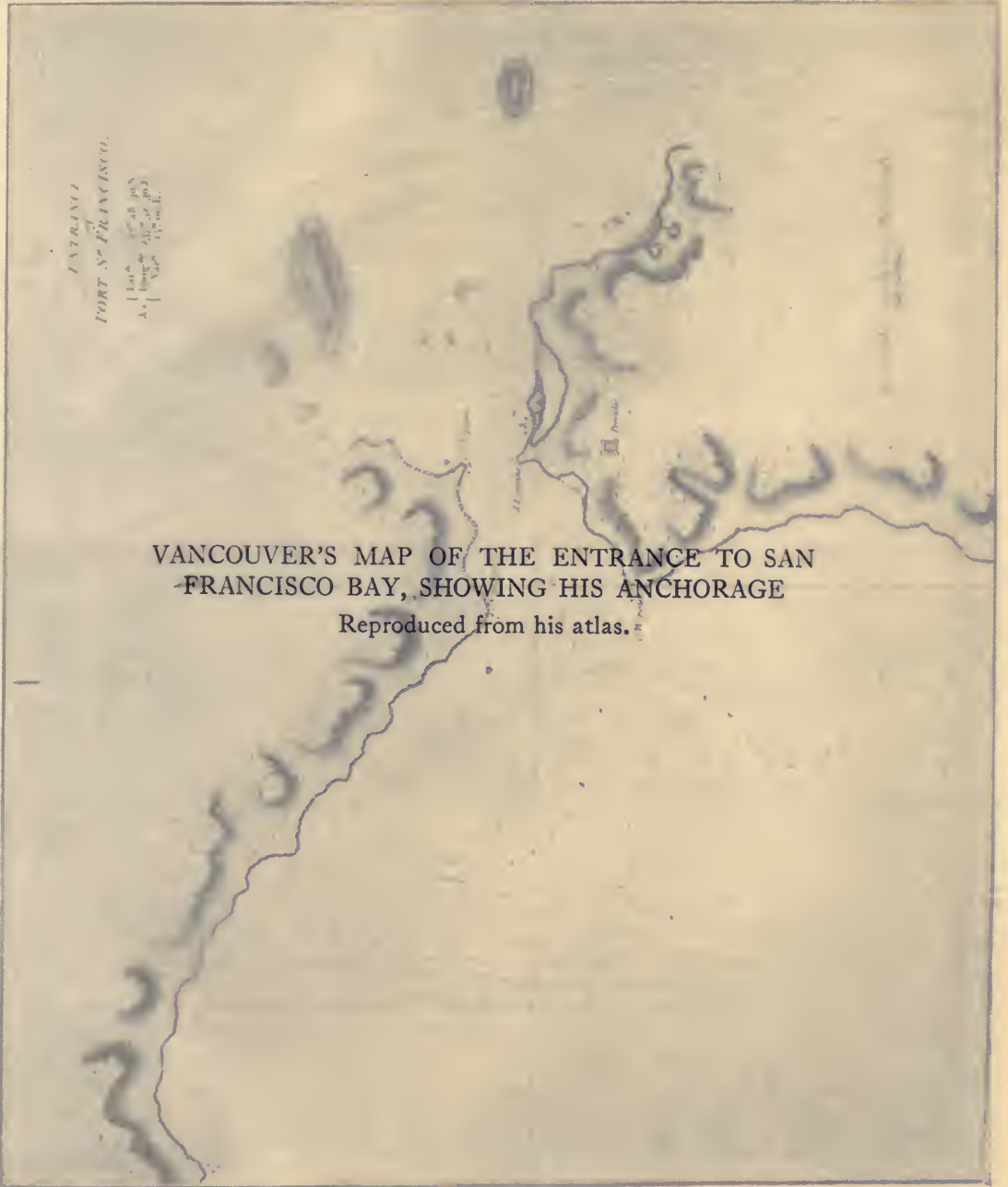
* Sal was sharply reprimanded by the governor (Arrillaga) for permitting Vancouver to see the poverty and defenceless state of the California establishments, and particularly for allowing him to visit the Santa Clara mission.

† Bancroft says, (*Hist. Cal.* i, 702): "It (the battery on Point San José) was known as the Battery at Yerba Buena designed to command the shore stretching westward to Fort Point and that stretching eastward to what was called later North Point, together with that body of water between that shore and Alcatraz island, already so called, known as the anchorage of Yerba Buena, though it does not appear that any other vessel except that of Vancouver ever anchored there. Thus it will be seen that the name Yerba Buena, while it may have been given in a general way to the whole eastern part of the peninsula from Black Point to Rincon Point, was applied in these early times to the North Beach region and not, as is commonly supposed and as was the case after 1830, to the cove south of Telegraph hill." "Vancouver's anchorage was about midway between Black Point and North Point. *Vancouver's Voyage Atlas.*" Compare Vancouver's map with that of Lieutenant Warner on page 724.

ENTRANCE
PORT S^W FRANCISCO.

Lat^d 37° 48' 00" N
Long^d 122° 27' 00" W
Scale 1" = 1 M.

VANCOUVER'S MAP OF THE ENTRANCE TO SAN
FRANCISCO BAY, SHOWING HIS ANCHORAGE
Reproduced from his atlas.



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ENTRANCE
OF
PORT ST. FRANCISCO.

Lat^d 37° 41' 30" N.
Long^d 122° 30' 30" W.
Var^y 1 1/2° W. E.





8, 1824, "in the little bay surrounded by a romantic landscape where Vancouver formerly lay." In 1825 Captain Benjamin Morrell in the American schooner *Tartar* anchored in Yerba Buena cove, and November 6, 1826, Captain Frederick William Beechey, R. N., in *H. M. S. Blossom* entered the port and dropped his anchor "in the spot where Vancouver had moored his ship thirty-three years before." Auguste Duhaut-Cilly in the French ship *Le Héros* anchored here January 27, 1827. In fact so well was this anchorage becoming known that on November 14, 1827, Governor Echeandía gave orders for the erection of a guard house on the beach to be occupied by a corporal and three soldiers. If this was done, all trace of it had disappeared before December 4, 1835, when Richard Henry Dana in the ship *Alert* anchored in Yerba Buena cove. Around him was a solitude. The only other vessel in the cove was a Russian brig which had come down from Sitka to winter and take back a cargo of grain and tallow. On rising ground above the beach an enterprising Yankee, he says, years in advance of his time, had put up a shanty of rough boards where he carried on a very small retail trade between the hide ships and the Indians. This enterprising "Yankee" was William A. Richardson, an Englishman, and the structure was simply a canvas tent stretched on pine posts. This stood on what was later Dupont street, on the block bounded by Dupont, Stockton, Clay and Washington streets.

On the site of this tent Richardson built in 1837 the adobe "Casa Grande" which up to 1848 was one of the largest and most pretentious buildings in town. This was the "Casa Fundadora" of the Limantour diseño. The house which escaped the fires that repeatedly destroyed San Francisco was taken down in 1852, and its site was afterward occupied by the Adelphi Theatre.

In February 1834 the comandante of San Francisco, Ensign M. G. Vallejo, wrote to Governor Figueroa complaining that the Villa de Branciforte which, until 1828, had reported the *padrones* (census lists) to the *comandancia* of San Francisco, now refused to do so and he asked to be informed what were the limits of his domain. After some correspondence the governor advised the comandante that his jurisdiction comprised all the territory north of the Las Pulgas rancho and of a line parallel with the boundaries of the ranchos of Castro and Peralta; that is, all the northern frontier and down to San Mateo on the peninsula and Alvarado and Niles on the contra costa. All the functions of local government—executive, judicial, and economical—were exercised by the comandante. On the 4th of November Governor Figueroa addressed a letter to Vallejo stating that the territorial diputacion had on the previous day ordered the formation of a civil government for the partido of San Francisco by the election of an ayuntamiento consisting of one alcalde, two regidores, and a sindico-produrador,

saying, "I also notify you that the ayuntamiento, when installed, will exercise the political functions with which you have been charged; and the alcalde, the judicial functions which the laws, for want of a *juez de letrado* confer on him; you remaining restricted to the military command alone; and receiving, in anticipation, the thanks due for the prudence and exactness with which you have carried on the political government of that demarcation." On the same day he addressed Vallejo another letter as follows:

"Political Government of Alta California.

General Comandancia of Alta California.

"This government, satisfied of the zeal and activity which characterize you, as well as the patriotism which animate you, sees in your note of the 24th of October ultimo, a new proof of your desire for progress, and of your untiring efforts for the enlightenment of your country and of your fellow citizens.

"In consideration of this, it takes pleasure in making known to you that, with the consent of the Most Excellent Territorial Diputacion, it has adopted entire the plan you have presented in your note referred to, with respect to the pueblo of San Francisco, declaring its boundary to be the same which you describe in said note; that is, commencing from the little cove (caleta) to the east of the fort, following the line drawn by you to the beach, leaving to the north the casamata and fortress; thence following the shore line of said beach to Point Lobos on its southern part; thence following a right line to the summit of El Divisadero, continuing said line towards the east to La Punta del Rincon including the Canutales and El Gentil; said line will terminate in the Bay of the Mission of Dolores.

"This government, as a proof of the confidence with which your services inspire it, has directed that you should have the honor of installing the first ayuntamiento in that pueblo of San Francisco, for which you have already done so much.

"In consequence, you will proceed in the time and manner prescribed by law, in the election of the municipal authorities, in order that they may be installed the first day of January of the coming year, 1835, designating for town houses the buildings which you deem most fit.

God and Liberty,
José Figueroa.

"Monterey, November 4, 1834.
Don Mariano G. Vallejo,
Comandante Militar of San Francisco.
A true copy
Zamorano."

The above described line, commonly called the Vallejo line, was adopted by the United States board of land commissioners as the southern boundary of the pueblo of San Francisco, and may be indicated by a line drawn from Steamboat Point on the south side of Rincon Point (Fourth and Berry streets) to the Divisadero (Lone Mountain); thence to the south side of Point Lobos. The validity of this document was hotly contested by the attorneys for the United States in the Pueblo Lands case, but its authenticity was sworn to by Vallejo and accepted by the land commission.

The official returns show that an election was held at the presidio in the comandante's house on the 7th day of December 1834, at which eleven electors were chosen; and that these electors met on the following Sunday and chose the members of the ayuntamiento of the new pueblo who were to enter upon the duties of their respective offices on the first of January 1835. This was the first election

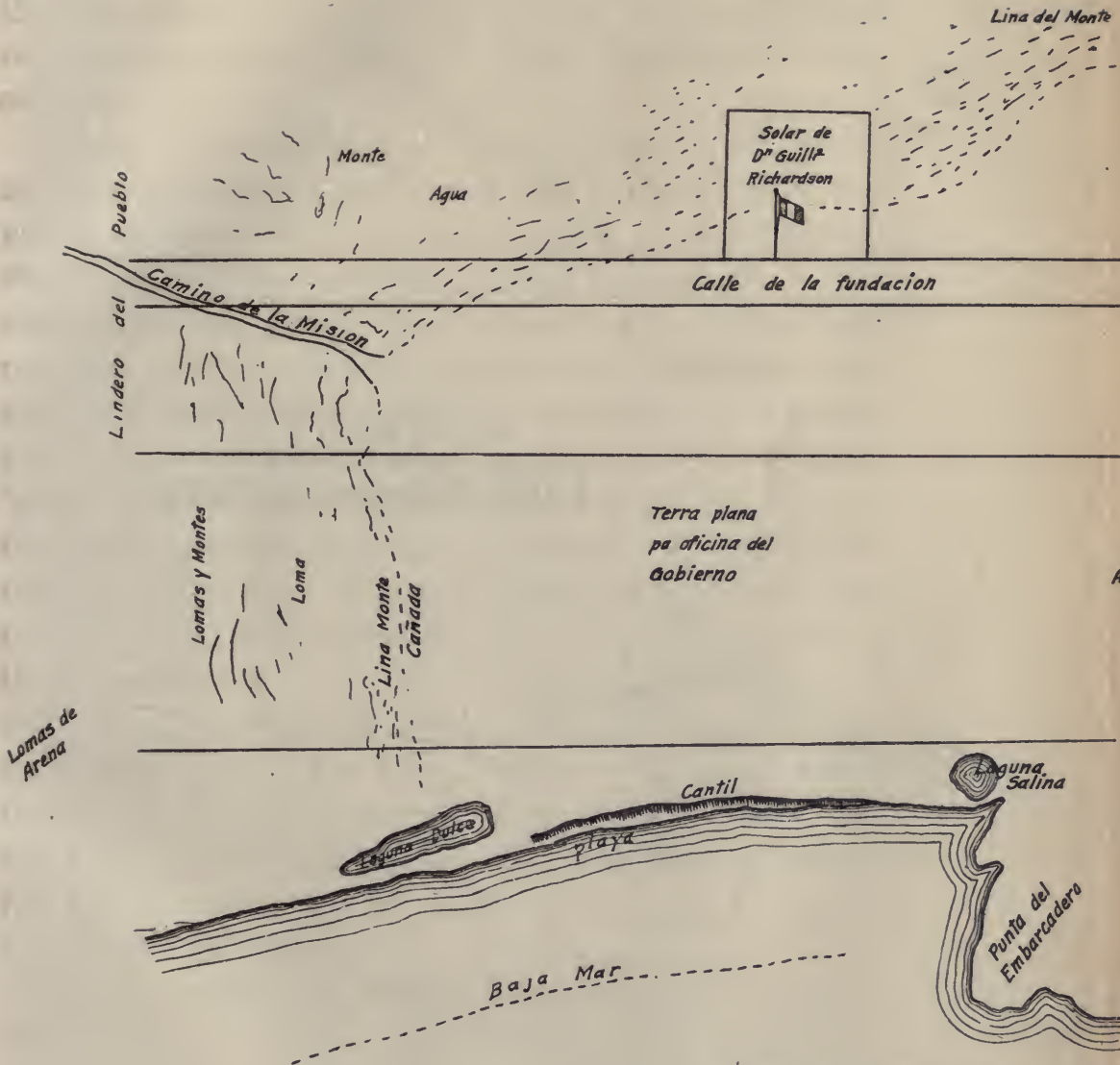
in San Francisco, and the highest number of votes cast on December 7th was twenty-seven. Francisco de Haro was elected alcalde and Francisco Sanchez, secretary. Francisco de Haro had come in 1819 as sub-lieutenant of the San Blas infantry at the time of the Bouchard attack. He took part in various military expeditions and in 1822-3, was secretary of the newly created territorial diputacion. On May 12, 1837, he bought from José Antonio Galindo the Rancho Laguna de la Merced (San Francisco and San Mateo counties) for a consideration of one hundred cows and twenty-five dollars in goods. His wife was Josefa, daughter of José Sanchez, and his twin sons, Francisco and Ramon, were grantees in 1844, of the Potrero de San Francisco, later known as the Potrero Nuevo. These two young men, with their uncle, José Reyes Berreyesa, were among the first victims in California of the American conquest, being slain by Frémont's men at San Rafael in June 1846. The death of his sons was a terrible blow to De Haro. He would brood over their murder for days at a time and he never recovered from it. He died November 28, 1849. Francisco Sanchez was a grandson of a soldier of Anza's company of founders and his father came with the expedition. He served in the presidial company and was appointed captain of the militia company organized in 1837 for the defense of San Francisco.

He was captain of the port in 1845, and acting comandante of San Francisco at the time of its occupation by Montgomery.

The growing importance of San Francisco bay and the increasing number of ships coming for hides and tallow determined Governor Figueroa to establish in Yerba Buena cove a commercial town or trading post. The cove was two and a half miles from the presidio and about the same distance from the mission. It was small and well protected and had the best anchorage in the bay. Under the instructions and guidance of the priests and after plans drawn by them, the Indians at the missions around the bay built schooners or launches in which the missions sent down their produce to the vessels in Yerba Buena cove and brought back the goods received in exchange. Captain William A. Richardson, who may be considered the first inhabitant of Yerba Buena, obtained two schooners from the missions of Santa Clara and Dolores which he manned with Indian crews and employed in collecting and bringing to the ships produce from the missions and farms around the bay. He charged as freight twelve cents a hide and one dollar a bag for tallow. The tallow was melted and run into hide bags of five hundred pounds each. For grain the freight was twenty cents a fanega.

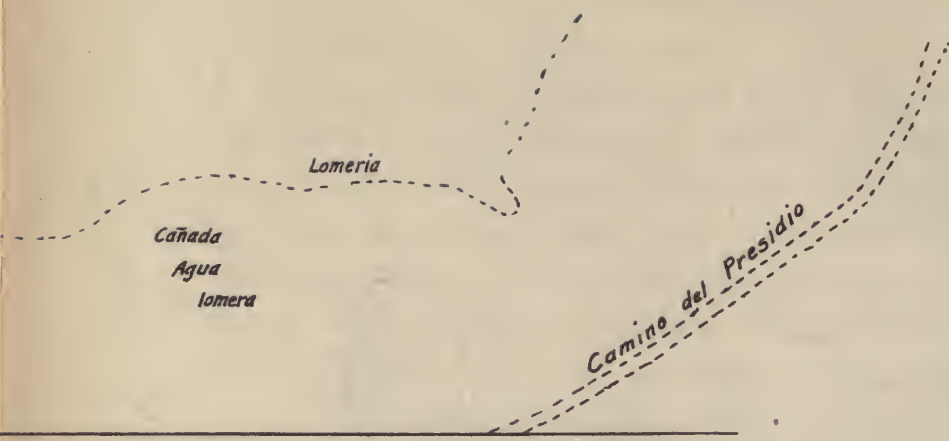
When Figueroa decided to establish a town in the Paraje de Yerba Buena he withdrew from settlement the land running two hundred varas back from the

Linero del Pueblo pla la playa del N.O.



RICHARDSON'S PLAN OF Y
Facsimile of an exhibit in the Limantour Ca

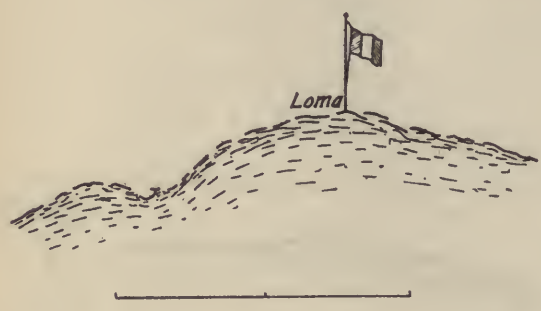
Loma Alta



Puerto Suelo

*Nota de límites del pueblo
de la Yerba Buena*

- Al S.O. doscientos varas del Solar de G. Richardson*
- Al N.O. por la playa*
- Al N.E. dho playa usasando doscientos varas por línea*
- Al S.E. Cuado ciento vara del Solar de Richardson*



water front. He also instructed Richardson to draw a plan for the town; this was done and the plan accepted. I reproduce the draft. He made but one street, the "Calle de la Fundacion," upon which he projected the "Solar de Dⁿ. Guill^o. Richardson." On September 29, 1835, Figueroa died, leaving a reputation for honesty and ability in the discharge of his duties.

About the middle of 1835 José Joaquin Estudillo applied to the governor for a grant of two hundred varas of land in the place called Yerba Buena. As the application was for a larger amount than that designated for house lots (*solares*) the matter was referred to the territorial diputacion which decided that the ayuntamiento of San Francisco had power to grant lots of one hundred varas in the place called Yerba Buena, at a distance of two hundred varas from the beach. I find no record of Estudillo's receiving this lot. The first grant on record is that to William A. Richardson, June 2, 1836, and is signed by Estudillo, he having been elected alcalde January 1st. Richardson claimed that he had been granted the lot in 1835. He had probably been permitted to occupy it provisionally in that year, as it was in 1835 that he had put up the structure described by Dana. In 1837 he built the "Casa Grande" on the site of the tent.

In the winter of 1835-6 Jacob Primer Leese, a native of Ohio, then residing in Los Angeles, was advised by some shipowners, trading on the coast,

to establish a store and commission house in San Francisco. He consulted his friends Nathan Spear and William S. Hinckley of Monterey, and induced them to join in a partnership for establishing a business in that place. Through the favor of Governor Chico he obtained the grant of a one hundred vara lot on what was later the block bounded by Dupont, Stockton, Sacramento, and Clay streets and there built the first house in Yerba Buena. It was completed in time for a celebration of the fourth of July 1836, and the American flag was on that day hoisted for the first time in San Francisco. The celebration was a great event. Leese invited the officers of the frontier garrison, the people of the mission, the officers of the ships in the harbor, and the rancheros of the whole country side. They came from Sausalito, from Cañada del Hambre, from San Antonio, from San Pedro, Las Pulgas, and from far and near. Lieutenant Martinez and his handsome daughters, Susana, Francisca, Rafaela, and Dolores were there; Richardson and his wife—another daughter of Martinez—with their daughter, Mariana; Victor Castro and wife—another daughter of Martinez; José Joaquin Estudillo and wife and daughter Concepcion; Francisco Guerrero and his beautiful wife, Josefa, a daughter of Francisco de Haro; De Haro and his daughters Rosalia and Natividad—all the beauty, wealth, and fashion of northern California graced the festivities, and the



SAN FRANCISCO IN 1837

From a lithograph of the original drawing by
JOHN J. VIOGET, certified by JACOB P. LEESE.

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The Bay in 1837, from the Point of View of the Bay.

Printed by J. M. Smith, No. 101, N. 1st St.

TERBA BELLA (NOW SAN FRANCISCO) IN THE SPRING OF 1837.

*Painted by J. M. Smith
who built the first house*

Published by the
author, at the
No. 101, N. 1st St.

feasting, dancing, and other forms of entertainment including a picnic at Rincon Point, were kept up for three days.

Leese's house was used for a store and dwelling, but he found it inconvenient to do business so far from the water. Both Richardson's and Leese's lots, which were adjoining, fronted on Richardson's "Calle de la Fundacion," a road running from northeast to southwest and leading from Yerba Buena to the presidio. Later this portion of the road was swung into its present position as Dupont street, by Jasper O'Farrell. In 1837, or 1838, Leese obtained permission to erect a building on a hundred vara lot near the beach. Here he built a large wooden store and dwelling on what became the westerly line of Montgomery street, between Sacramento and Clay, where he lived and conducted his business until 1841, when he sold the building and the four lots* to the Hudson's Bay company.³⁶

Near the beginning of 1838 Nathan Spear, a native of Boston who came in 1823 via Honolulu, bought of Captain Steele, master of the American bark Kent, a ship's house twelve by eighteen feet, and placed it near the beach on what is now the northwest corner of Clay and Montgomery streets. Spear was permitted to occupy this lot by Governor Alvarado, who was a personal friend. He would not be naturalized and could not, therefore, be granted land. A little later Spear built a wooden

* A one hundred vara lot makes four fifty vara lots.

store building just north of "Kent Hall," as the ship's house was called, and here he lived and conducted his business until 1846, when he sold out his business and his half of the lot to William H. Davis. In 1838 John Perry, an American merchant, came from Realejo, Nicaragua, and associated himself with Spear in business; Perry became naturalized and Alvarado granted to him the fifty vara lot which Spear occupied and he deeded it to Spear. William S. Hinckley, Spear's partner, owned the north half of the lot.

On the 18th of January 1839 Governor Alvarado addressed an official communication to the alcalde of San Francisco, in which he stated that inasmuch as many individuals had asked for solares for building houses in the lands of Yerba Buena which had previously been withdrawn from settlement, and as he was desirous of advancing the commerce in that recent congregation of settlers, he therefore had decreed that grants for house lots could be made of any part of said prohibited lands.



JACOB P. LEESE

Born in St. Clairsville, Ohio, August 19, 1809; died in San Francisco, February, 1892; came to California in 1833; built the first dwelling in Yerba Buena (San Francisco) in 1836 and established the first business house.

ROSALIA LEESE

The first child born in Yerba Buena (San Francisco), born April 15, 1838.



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CHAPTER XV.

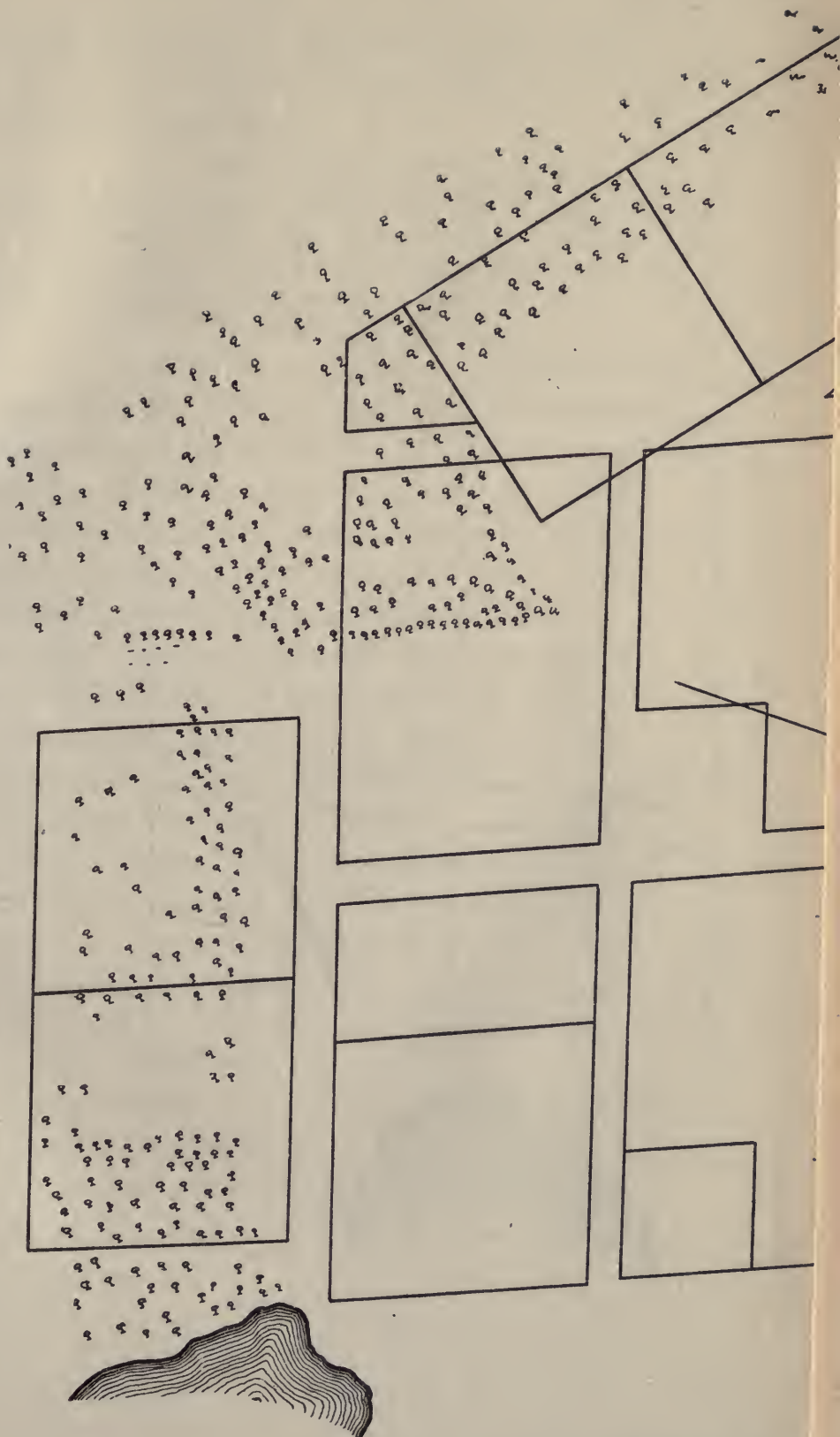
THE VILLAGE OF YERBA BUENA
1839-1846

IN the year 1835 the bay of San Francisco was a vast solitude through whose bordering groves ranged the red deer, the elk, and the antelope, while bears, and panthers, and other ferocious beasts frequented the hills and often descended upon the scattered farm yards. The five mission establishments in its vicinity did not contain above two hundred white inhabitants while the few ranchos were of great extent and widely separated. Boats manned by Indians came down the creeks from the missions with their loads of hides and tallow for the ships anchored in Yerba Buena cove. The growth of the little settlement was slow and in 1844 it contained only about a dozen houses and not over fifty permanent inhabitants.

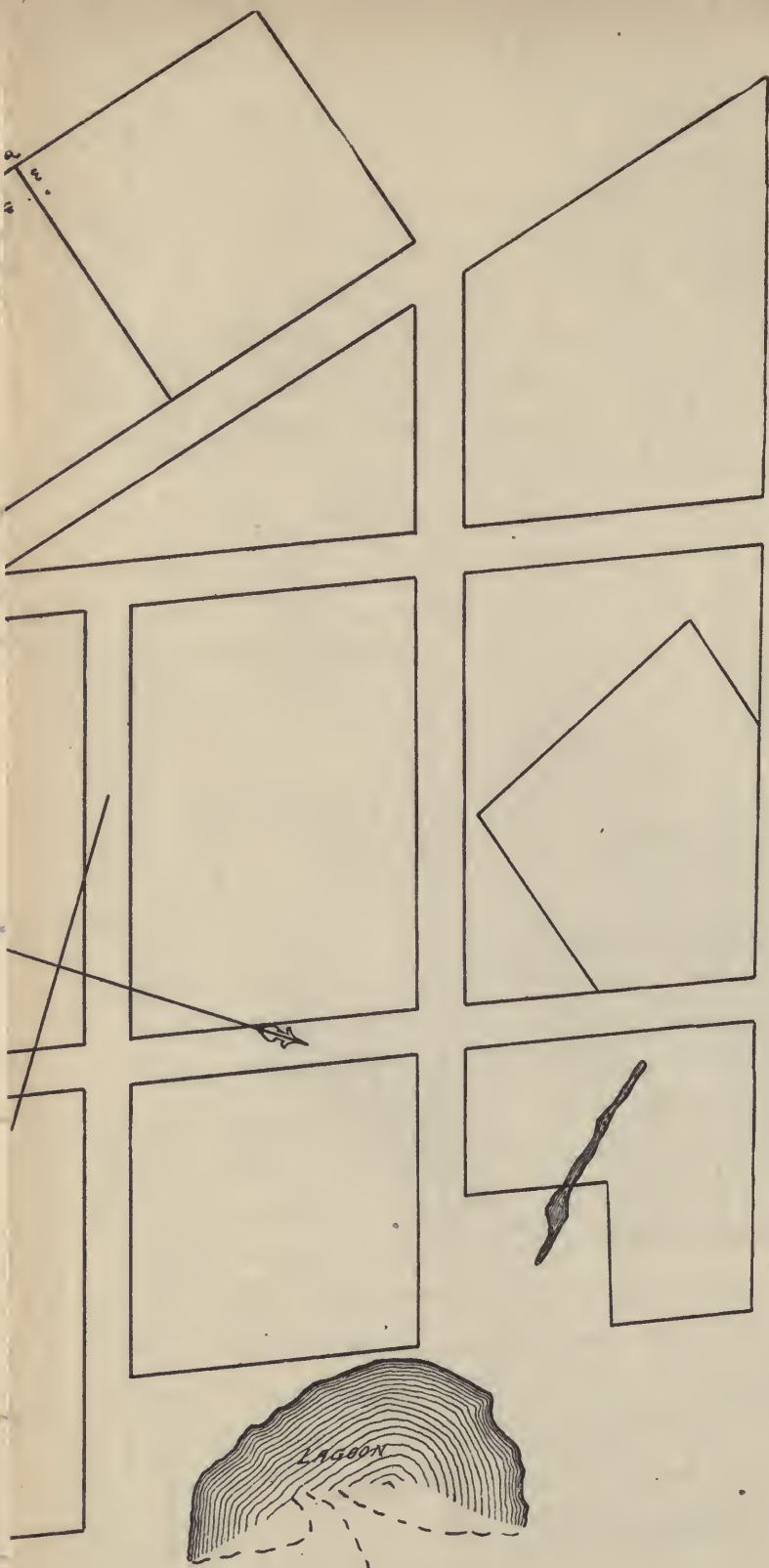
In 1839 Governor Alvarado ordered a survey of Yerba Buena, and the alcalde, Francisco de Haro, employed Jean Jacques Vioget, a Swiss sailor and surveyor, to do the work which was completed in the fall of that year. Vioget's survey laid out the blocks between Pacific, California, Montgomery, and Dupont streets, and shows Dupont street intersected at Clay by the Calle de la Fundacion, which branched off to the northwest towards the "Puerto suelo." Montgomery street is interrupted at Clay street by a lagoon that made in from the beach and occupied portions of the two Montgomery street blocks between Clay and Pacific streets. On the south, Montgomery street was again inter-

rupted by a fresh water pond (Laguna Dulce) at the foot of Sacramento street which was supplied by a stream that ran down Sacramento street from above Powell. No names were given to the streets and the cross streets were two and a half degrees from a right angle. Down to 1846 lots were granted by Vioget's map, which I reproduce, and lots previously granted were made to conform to it. No street improvements were attempted, the line of streets being merely indicated by building and fences. In 1845 Captain Hinckley prevailed upon the prefect at Monterey to have Vioget's survey extended to Mason street on the west, Green street on the north, and Sutter street on the south. Early in 1846, according to Brown,* the map of this survey—which he calls the first map of surveyed lands—hung in Bob Ridley's billiard saloon, at that time the headquarters for all strangers in town, and the names of those who had lots granted were written on the map. The map became soiled and torn and Captain Hinckley volunteered to make a new one, which was done with Brown's assistance, and the original map was put away for safe keeping. The maps were left in the barroom until after the raising of the American flag when they were demanded of Brown, who was Ridley's barkeeper, by Lieutenant Bartlett, by order of Captain Montgomery. This map, I presume the original, hung in a frame, in the San Francisco recorder's office and was destroyed in

* Brown: *Early Days of San Francisco*, Chap. ii.



VIOGET'S SURVEY OF YEB
Facsimile of an exhibit in the Limantour C.



the great fire of April 1906. A photographic copy of it is in the State Library at Sacramento. It bears the following certificate:

“San Francisco, Feb. 22, 1847.

“I hereby certify that this plan of the Town of San Francisco is the plan by which titles have been given by the Alcaldes from the first location of the town, and the numbers and names of lots and streets correspond with records transferred by me.

Washn. A. Bartlett,
Chief Magistrate.”

On this map Powell, Mason, and Green streets have no names, Stockton street is the first street west of Kearny, Pacific street is named Bartlett street, Sacramento street is Howard, Sansome street is Sloat, Battery street is Battery Place, and Bush and Sutter streets follow California to the south.

In March 1847 Jasper O'Farrell was employed to make a careful survey of the town and extend its limits. His survey covered some eight hundred acres and included the beach and water lots recently granted to the town by General Kearny. His map included the district bounded by Post, Leavenworth, and Francisco streets, and the water front; and south of Market street it showed four full blocks fronting on Fourth and eleven full blocks fronting on Second street. The streets in Vioget's survey were too narrow, but they could not be widened without a heavy expense which nobody wished to incur. It was considered indispensable, however, that the acute and obtuse angles of Vioget's lots should be corrected, and to do this a change of two and a

half degrees was necessary in the direction of some of the streets. This transferred the situation of all the lots and was subsequently called "O'Farrell's swing" of the city. For years, on account of the swing, buildings were to be seen at various places projecting a little beyond the general line of the street.

The line of Market street was made to correspond with the road to the mission and the lots south of that line were made four times as large as those to the northward because smaller lots there were not considered desirable.*

In 1849 W. M. Eddy, city surveyor, extended the survey to Larkin and Eighth streets. Montgomery, Dupont, Clay, and Washington streets were named by Lieutenant Bartlett, and probably Kearny and Stockton also. Some time before July 18, 1847, Sloat street had become Sansome street, as appears in a communication from Major Hardie of that date†. O'Farrell's map gives the names of the streets as we now have them.

In 1835 Captain Richardson's Indians had a temescal on the flat at the foot of Sacramento street where, after heating themselves in the sweat house, they plunged into the waters of the Laguna Dulce. At the foot of Clay street a spring of good water flowed from under the bank and supplied the ships. Here in 1838-9 Juan Fuller had a washhouse. In March

* Hittell: *History of the City of San Francisco*, pp. 114-16.

† Dwinelle: *Col. Hist. S. F. addenda*, p. 258.

100	100	100	100	100	100
200	200	200	200	200	200
300	300	300	300	300	300

DU PONT

100	100	100	100	100	100
200	200	200	200	200	200
300	300	300	300	300	300

W. L. P. R. STREET

BUSH STREET

CALIFORNIA STREET

HOWARD STREET

STOCKTON STREET

KEARN

THE ARCHIVE WILL BE

1838 Francisco Cáceres, an ex-sergeant of dragoons, obtained a one hundred vara lot in the block bounded by Dupont, Kearny, Jackson, and Pacific streets and built an adobe house on what is now the southeast corner of Dupont and Pacific, where he lived with his family a number of years. In 1838, A. B. Thompson built a hide house at Buckalew's Point at the head of a little cove, near the northeast corner of Sansome and Pacific streets. Thompson was a Santa Barbara trader and ship owner who came in 1825. He was a native of Maine and he married a daughter of Carlos Carrillo.

In 1837 John Casimiro Fuller, commonly called Juan Fuller, an English sailor who came in 1823, obtained a hundred vara lot on Kearny, between California and Sacramento streets. In 1839 he put up three small wooden dwellings on his lot, in one of which he lived. He was a butcher and cook and was well known to all early traders. Brown says that Fuller was one of a small party who attended, at Leidesdorff's house, the reading of the declaration of independence by Captain Montgomery, July 4th, 1846.* Fuller's wife was Concepcion Ávila and he has a number of descendants living in San Francisco.

In 1839 John Calvert Davis was granted a hundred vara lot on Kearny between Washington and Jackson streets, and built a house on Washington street near the southeast corner of this lot, and

* Brown: *Early Days*, Chap. ii.

back of it a carpenter and blacksmith shop. He was an English ship-carpenter and blacksmith.

Near the southwest corner of Montgomery and Pacific streets, Victor Prudon built an adobe house in 1839. He came in 1834 with the Híjar and Padrés colony as a teacher; he was a Frenchman, well educated, of agreeable manners and attractive personal appearance. He became secretary to Governor Alvarado and captain of militia; later he was secretary to Comandante-general Vallejo with rank in the regular army as captain and brevet lieutenant-colonel. He was taken prisoner, with his chief, by the Bears at Sonoma.*

In 1839 William Sturgis Hinckley obtained by grant from Alcalde Guerrero the two middle fifty vara lots in the block bounded by Montgomery, Kearny, Clay, and Washington streets. He also appears to have owned a half interest with Spear in the fifty vara lot on the corner of Montgomery and Clay streets in the same block. This corner lot was divided, Hinckley taking the north half, on which he built in 1840 an adobe house next to Spear's store on Montgomery street, where he lived with his family until his death. Hinckley was a native of Massachusetts and nephew of William Sturgis of the mercantile firm of Bryant and Sturgis so prominent in the California trade. He came to California first in 1830 as master of the bark Volun-

* The members of the Bear Flag party were called by the Californians Los Osos—The Bears.

teer; was engaged in the Honolulu trade for several years, and was master or supercargo of several vessels in turn. He assisted Alvarado in his affair with Guterrez in 1836, landing two small cannon from the *Don Quixote*. He was accused of smuggling and was in more or less trouble with the revenue authorities. In 1844 he was alcalde and built a little bridge across the neck of the laguna at Jackson street, thus enabling the citizens to pass to Clark's Point without going around the laguna. This was the first street improvement work in Yerba Buena. In 1845-6 Hinckley was captain of the port. He died in June 1846, at the age of thirty-nine. His wife was Doña Susana one of Lieutenant Martinez' handsome daughters. She was his second wife and after Hinckley's death she married William M. Smith. Alcalde Bartlett occupied the Hinckley house as both office and residence. The house stood on what is now the southwest corner of Montgomery and Merchant streets and was removed in 1850 to make way for the Naglee building.

On January 15, 1840, Captain J. B. R. Cooper received a grant of a hundred vara lot on the east side of Dupont, between Washington and Jackson streets, where, on the Jackson street lot just below Dupont, his cousin, John Cooper, alias "Jack the sailor," built a shanty and kept a groggery.

Leese received the grant of his Montgomery street lot in January 1840, and the remaining third of the block—two fifty varas—fronting on Kearny

street between Sacramento and Clay streets—was in the same month granted to Captain John J. Vioget. At the eastern end of the Clay street lot Vioget put up a wooden building in which he lived and kept a bar and billiard saloon. He rented this in 1844 to Robert T. Ridley who ran the business until February 1846, when he employed John H. Brown as bartender. Ridley, an English sailor, was in 1840-1 in the employ of Sutter, first having charge of his launch, going then, for a time, to Fort Ross. Later he was clerk for Spear and for the Hudson's Bay company under Rae. He was a pronounced cockney, a fine looking fellow, a tremendous drinker, and very popular with all classes. He became naturalized and married a daughter of Juana Briones. He succeeded Hinckley as captain of the port and after the Bear Flag affair was arrested by the Bears as a "prisoner of war," and sent to Sutter's fort. He was released with the other prisoners and was candidate for the office of alcalde against Washington A. Bartlett in the election held September 15, 1846. In 1845 Ridley built a house on the southwest corner of Montgomery and California streets, where the Clunie building now stands. The house was twenty varas back from each street and did not front on the line of Montgomery street as it now runs, but stood diagonally, like the *casa grande* of Richardson. It was a low one-story bungalow of adobe with a long piazza fronting the bay. In 1846 he sold the house to Leidesdorff

who lived there until his death in May 1848, and it was then occupied by W. D. M. Howard, his executor, and later by Captain Folsom who purchased the estate from Leidesdorff's heirs. Folsom had his residence and quartermaster's office there. Leidesdorff was a lover of nature and his garden on the place was considered a triumph. In 1845 Ridley was granted Callayomi rancho at Sonoma which he exchanged with Jacob Leese for Visitacion rancho at San Francisco. In 1850 he was, with C. V. Stuart, keeping the Mansion house, a part of the mission buildings, and died there, November 11, 1851, aged 32.

To return to the Vioget house. After Ridley's arrest Brown conceived the idea of turning the place into a sort of hotel, there being no accommodations in town for strangers. He therefore hired Tom Smith, an English sailor, as cook and steward, and took in such visitors as came. After the arrival of the Brooklyn Brown found help in plenty and engaged a widow, Mrs. Mercy Narrimore, as housekeeper, Lucy Nutting as waitress, and Sarah Kittleman, as cook, all from the Mormon colony, and opened out as a hotel in regular style. Two carpenters of the same immigration made the tables, benches, and bedsteads; the beds were made of Sandwich island moss; blankets of heavy flannel with a seam in the center, and quilts of calico. The house had been called Vioget house, but at the request of some of the warrant officers of the Ports-

mouth who offered to make him a sign-board, Brown changed the name to the Portsmouth house. This was the first hotel in San Francisco. Sarah Kittleman married Dr. Elbert P. Jones, who gave his name to Jones street, and who succeeded Brown in the Portsmouth house, taking both hotel and cook off his hands. Jones was a Kentuckian, came in 1846, was active in town affairs and the first editor of the *Star*, predecessor of the *Alta California*.

On January 1, 1841, there arrived in Monterey the Hudson's Bay company's bark *Columbia* having on board Sir James Douglas, agent of the company, with a party of thirty-six men, and carrying a cargo of goods for sale. The relations between the company and the Californians had been friendly but not close. The object of Douglas' visit was to obtain from the California authorities greater privileges for his fur-hunting operations in the interior and permission to establish a trading post on the coast. His party was composed in part of hunters, and the others were to conduct to the Columbia river a herd of live-stock which he hoped to purchase.

Douglas was courteously received by Alvarado and hospitably entertained at the capital, and with a dozen of his men was sent overland to San Francisco, enjoying along the way the generous hospitality of the rancheros. He found the authorities ready to grant him the concessions desired and returned to Fort Vancouver to submit to the company plans for a trading establishment at Yerba

Buena. These were approved and Chief Factor John McLoughlin despatched his son-in-law, William Glen Rae, to take charge of the post with full power to select or purchase a site for the proposed store. Rae arrived in California in August and bought from Leese his hundred vara lot and building on Montgomery street, for which he paid four thousand six hundred dollars, half in money and half in goods.

The Russian property at Ross* had been offered to the Hudson's Bay company for thirty thousand dollars, but Douglas could not find that the company had any title to the land and was not disposed to buy the personal property at such a figure. It was afterwards bought by John A. Sutter.

Rae opened the Yerba Buena store with a ten thousand dollar stock of goods and on December 30th, Sir George Simpson, governor of the company, arrived and with him Chief Factor McLoughlin who brought his daughter Eloise, wife of Rae. Simpson visited Vallejo at Sonoma and was hospitably entertained at Monterey and at Santa Barbara. He gives the result of his observations in California in his narrative, from which I have quoted some extracts.† Mrs. Rae describes the company's house as about thirty by eighty feet with a big hall in the middle, on one side of which was the

* The Russian company had endeavored to extend their holdings to the Sacramento river on the east, and southward to the Bay of San Francisco. Failing to obtain the consent of Mexico, they decided to abandon their establishment in California.

† The matter relating to California is in Vol. I, pp. 267-411.

store and on the other the dwelling, with a dining room and sitting room in front and in back, four bed rooms, and a kitchen back of all. Davis says that Rae and Spear were the chief entertainers, there being no hotels.* Rae was a Scotchman of fine presence, a *bon-vivant* and hard drinker, but subject to periods of great depression. He disliked Americans and, it is said, boasted when in his cups that "it had cost the company seventy-five thousand pounds to drive the Yankee traders from the Columbia and that they would drive them from California if it cost a million." The large capital of the Hudson's Bay company gave them an advantage over the traders in Yerba Buena but the business did not prosper under Rae's management. In the revolt against Micheltorena Rae espoused the cause of the rebels and furnished them with fifteen thousand dollars' worth of stores and munitions of war. A treaty of peace was signed in December 1844, and Rae anticipated that the governor would punish the company for his unjustifiable interference. He pondered deeply over his position and the censure he felt would be laid upon him, and his depression was aggravated by the excessive use of intoxicating liquors. About eight o'clock on the morning of January 19, 1845, William Sinclair, Rae's clerk, and Mrs. John Fuller heard loud cries from Rae's room. They ran in and found Rae standing in the presence of his wife, his coat off and a pistol in his hand.

* Davis: *Sixty Years in Cal.*, p. 116.

Sinclair seized the pistol before it could be discharged, and hastened to call Hinckley. A shot rang out, and Rae fell to the floor dead. He had had another pistol. His wife fainted. Davis says that Rae was unfaithful to his wife and this becoming known, Rae, who was a very sensitive man, shot himself.* Robert Birney, Rae's chief clerk, denied that family troubles had anything to do with the suicide, which, according to Larkin, was the result of Rae's unfortunate participation in the revolution. James Alexander Forbes, British vice-consul at Monterey, took charge of the company's affairs and in March 1846, Dugald McTavish came down from the Columbia and closed up the business. This ended the Hudson's Bay company's operations in California which were, from the beginning, limited. The stories told by a recent writer of brigades of two hundred men disguised as Spaniards and led by La Framboise and McKay to the very doors of Monterey, and of a thousand-acre farm on the site of modern San Francisco are pure invention.

McTavish sold the property on Montgomery street to Mellus and Howard for five thousand dollars. In the winter of 1849-50 the building was converted into the United States hotel and was destroyed in the fire of June 14, 1850. On August 26, 1854, some workmen engaged in digging for a sewer on Commercial street west of Montgomery came upon a coffin through whose oval glass were

* Davis: *Sixty Years in Cal.*, p. 120.

seen the well preserved features of a dead man. A crowd gathered, and after some time Charles R. Bond, secretary for W. D. M. Howard, pushed his way through the people about the trench and recognized the body of William Glen Rae. The place of burial had been formerly the garden of his house.* The body was re-interred in Yerba Buena cemetery—now the city hall lot.

In 1836 Juana Briones, wife of Apolonario Miranda, built an adobe house on the westerly side of Telegraph hill, where now Powell and Filbert streets cross, in what is known as the North Beach. For years it was the only house between Yerba Buena and the presidio. Here she had a small farm and supplied milk, eggs, etc., to the ships. She was noted for her generous kindness to sick and deserting sailors. Thomes, writing of his visit to Yerba Buena in 1843 says: "We pushed on, and after a short walk stood on the top (of Telegraph hill) * * * In the rear of the town were vast mounds of sand, ever changing, while at the foot of the hill, on the Golden Gate side, was a large adobe house, and outbuildings, the residence and rancho of Señora Abarono, a rich widow, where I afterwards used to go for milk every morning, unless off on boating duty. The lady and I struck up quite a friendship. She always welcomed me with a polite good-morning, and a drink of fresh milk. * * * If the men had had

* Commercial street, which was Long Wharf, had been extended to Kearny street through the block between Sacramento and Clay.

some of the energy of that buxom, dark-faced lady, California would have been a prosperous state, even before it was annexed to this country, and we would have had to fight harder than we did to get possession.”* In 1838 Apolonario Miranda obtained one hundred varas of land near the presidio, known as the Ojo de Figueroa—the Well of Figueroa—where he had previously built a house. This well, which is still flowing, is near the middle of Lyon street, between Vallejo and Green. The water has been used until quite recently.

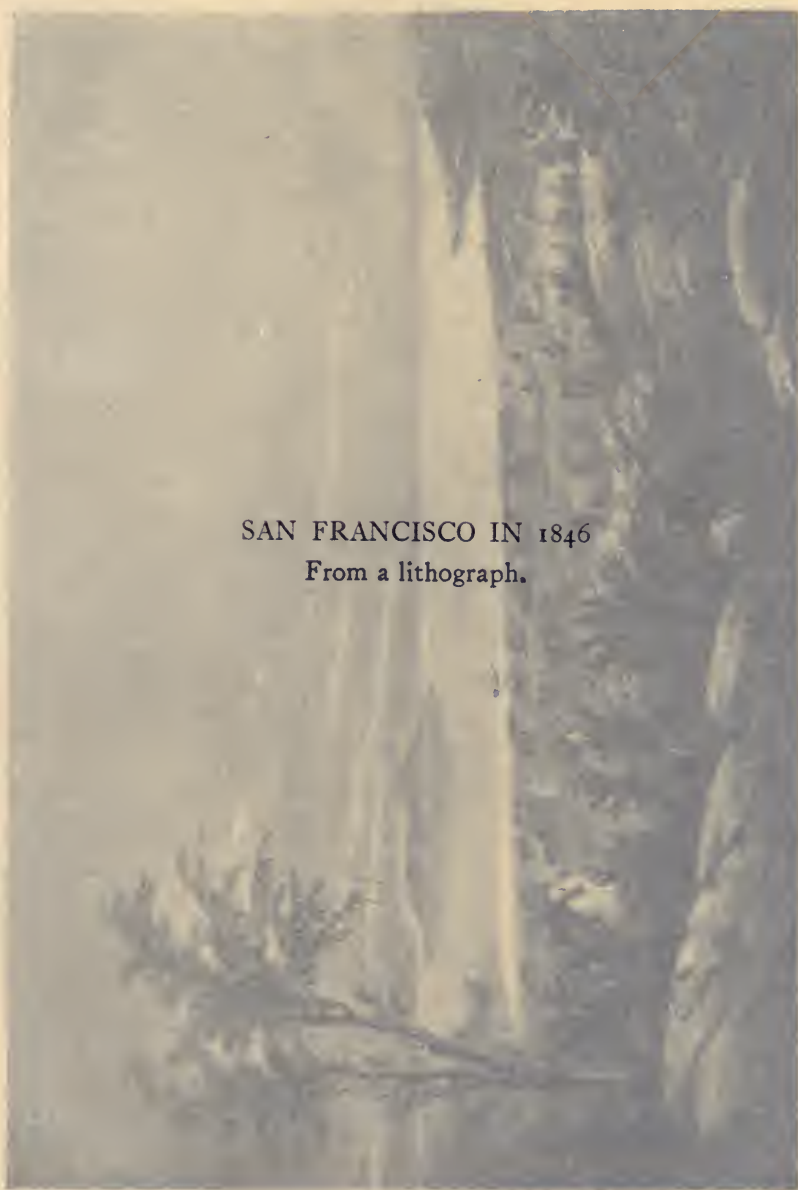
In 1842 Peter Sherreback, a native of Denmark, obtained a fifty vara lot on the southeast corner of Washington and Kearny streets and in 1843 built a wooden house on the lot. This gave way to the El Dorado gambling house destroyed by fire in 1849 and again in 1850. In 1850, Sherreback built on the rear of this lot, a house of entertainment known as “Our House” where refreshments, liquid and solid, could be obtained. There was neither bar nor counter, but on a table in the middle of the room was placed wine and spirits, and those who desired helped themselves.

* Thomes: *On Land and Sea*, 187-8. Telegraph hill and the Golden Gate had not received those names in 1843, nor was “Señora Abarono” a widow then. The foreigners, apparently, could not understand the Spanish custom of calling a married woman by her maiden name. A baptismal entry, for instance, would be (time, place, and name): “hija legitima de Apolonario Miranda y de su legitima esposa Juana Briones.” If she wrote her name in full it would read, Juana Briones de Miranda. Of course she was always called “Juana Briones.” Brown says (*Early Days*): “Mr. Baroma and family resided at North Beach, near Washerwomen’s Bay.”

In 1837 Francisco Sanchez received a hundred vara lot next to Richardson's—the fourth grant made in Yerba Buena, which in 1844 he sold to Captain John Paty who built a house on it. Paty was a prominent ship-master on the coast in the Hawaiian trade and was senior captain or commodore in the Hawaiian navy. He was associated with H. D. Fitch, Abel Stearns, and James McKinley in various enterprises, and in 1843-5 Paty and McKinley had a store in Yerba Buena, occupying the casa grande of Richardson which McKinley bought in 1842. James McKinley was also a well-known trader. Bancroft says he was a Scotch sailor boy who had been left at San Francisco or Santa Barbara in 1824 by a whaler. He lived in Los Angeles and later in Monterey where he married Carmen, daughter of José Amesti and Prudenciana Vallejo, and niece, therefore, of General Vallejo. Josiah Belden, who came with the Bartleson party in 1841, was clerk for Paty and McKinley. Belden became very wealthy through fortunate investments in San Francisco real estate.

One of the most enterprising and public spirited citizens of Yerba Buena was William Alexander Leidesdorff. He was a native of the Danish West Indies, and came to California in 1841 as master of the American schooner Julia Ann sailing between California and Honolulu. In 1843 he obtained from Alcalde Sanchez the fifty vara lot on the southwest corner of Kearny and Clay streets and

SAN FRANCISCO IN 1846
From a lithograph.



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the fifty vara back of it in Clay street. In 1844 or '45 he erected a warehouse on the beach at the foot of California street at what was afterwards the corner of California and Leidesdorff streets, on a lot which was granted to him by Alcalde Noé April 22, 1846. The building was later used as a United States quartermaster's warehouse. In 1846 Leidesdorff built a large adobe house on his lot on the southwest corner of Clay and Kearny streets. This he occupied first as a store and dwelling, but later leased it to J. H. Brown, who opened it as Brown's hotel November 1, 1846. It was later called the City hotel. In 1848-9 it was the headquarters of the gamblers and in 1849 was leased for sixteen thousand dollars, and sublet for stores and rooms at a great profit. It was the stopping place for officers of the army and navy during 1846-8, and it was there, according to Brown, that the declaration of independence was read by Captain Montgomery, July 4, 1846, five days before the American occupation. It was destroyed by the fire of May 4, 1851.

In 1844 Leidesdorff was naturalized and was granted the Rio de los Americanos rancho, eight leagues (35,500 acres) on the left bank of the American river. The town of Folsom is on this grant. In 1845 Larkin appointed Leidesdorff vice-consul of the United States. He took an active part in all the affairs of the town, was captain of the port, treasurer, etc., and an enthusiastic advocate of the

American cause, going so far as to support the Bear Flag movement, and, it is said, advising the arrest of Hinckley and Ridley with whom he had quarreled. Leidesdorff owned the first steamer that ever sailed on the bay of San Francisco—a little craft thirty-seven feet long by nine feet breadth of beam, drawing eighteen inches of water. She was built at Sitka by an American, as a pleasure boat for the Russian officers, and bought by Leidesdorff and brought to San Francisco on the Russian bark *Naslednik* in October 1847, and on the 28th of November she started for Sacramento carrying ten or a dozen souls, including the owner and several passengers, and made the passage in six days and seven hours. She was called the *Sitka*.*

Leidesdorff died suddenly of brain fever on the 18th of May 1848, at the age of thirty-eight, leaving a large and valuable estate. Colonel Mason, governor of California, advised Consul Larkin to take charge of the estate, being under the impression that Leidesdorff was an American citizen. On finding however that he was a naturalized citizen of Mexico, Mason directed John Townsend, alcalde of San Francisco, to place the estate in charge of safe, competent men under bond of double its value. Townsend appointed W. D. M. Howard

* *McKinstry Papers*, MS. Bancroft Collection. The author says: "She was so very crank that the weight of one man on her guard would put her on her beam ends, and when the order was given to trim ship we would pass Mrs. Gregson's baby over to starboard or larboard."

administrator. Leidesdorff was buried at the Mission Dolores with imposing ceremonies befitting his prominence and social virtues. His estate was heavily encumbered, owing some forty thousand dollars, and it was thought doubtful if enough could be realized from it to pay the debts, but the discovery of gold settled that and the estate became immensely valuable. Captain Joseph L. Folsom went to St. Croix, Danish West Indies, and bought from the heirs—the mother and sisters of Leidesdorff—the estate in California for seventy-five thousand dollars and later paid fifteen or twenty thousand more, the property being then worth several hundred thousand dollars.

In 1844 the governor authorized the building of a custom house at San Francisco, the cost not to exceed eight hundred dollars. While Monterey was the only port of entry, San Francisco had a receiver of customs and a few thousand dollars were annually paid there. The receiver in 1844 had his office in Richardson's *casa grande* which was then occupied by William H. Davis as agent for Paty and McKinley. Work on the custom house was begun in the summer of 1844, and the building completed in September 1845. The work was done mostly by Indians and some of the material was obtained from the presidio. It was built of adobe, with tile roof, one story and an attic, fifty-six and a half feet long by twenty-two feet wide, with a veranda six feet wide running across the front and both ends, and

it contained four rooms. It cost about twenty-eight hundred dollars and it stood on the northwest corner of the plaza (Portsmouth square) with its front to the plaza and its north end on Washington street. This was the "old adobe" and "old" custom house so frequently mentioned by writers of early times. On the American occupation it was used as a barrack. In front stood the flag pole on which Montgomery raised the American flag. Later the building was used by the alcalde and revenue officers and as law offices. In July 1850, Palmer, Cook & Co. had their banking office in the south end and adjoining the bank were the law offices of H. H. Haight. Edward Bosqui who was a clerk in the bank and slept on the office counter, was awakened one night by a noise outside the building. He looked out of the window and witnessed the pleasing spectacle of a man being hanged from one of the beams of the veranda, a few feet from his window. It was the vigilance committee hanging Jenkins.

Bosqui tells of climbing up to the attic, which proved to be a long, narrow, dimly lighted room, filled with a varied assortment of flint lock muskets, pikes, lances, battle-flags, ammunition, cartridge-boxes, tents, and other war-like stores. The building and all of its contents were destroyed by fire in 1851.*

In 1839 or '40 Spear built a two story frame building for a mill on the north side of Clay street

* Bosqui: *Memoirs*, pp. 45-58.



CUSTOM HOUSE, SAN FRANCISCO
From "Annals of San Francisco."

Custom House on the Plaza.

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* Bosqui: *Memoirs*, pp. 45-58.



Custom House on the Plaza.

between Montgomery and Kearny. It stood fifteen feet back from Clay street, was run by mule power, and was the first grist mill in California. Daniel Sill was the builder and miller. Thomes in 1843 speaks of an old adobe mill about a cable's length from Clark's Point, run by mule power, which ground out some sweet and nutritious but very dark flour.* It was not an adobe building and was more than a cable's length from Clark's Point, but Thomes was writing from recollection many years after.

In 1844 Benito Diaz built an adobe house on the east side of Montgomery street, between Jackson and Pacific, near the lagoon. In 1847 Diaz sold this to Alfred J. Ellis who opened a boarding house and groggery. Beside the house was a well twenty-three feet deep. When a peculiar taste to the whisky caused Ellis to suspect the water, he cleaned out the well and found a drowned Russian sailor. Brown says that most of the citizens had been to Ellis' saloon and had drunk the water and with some of them it went very hard. Captain John Paty lay in bed for two days from the effect of it, and Robert A. Parker and many others were made very sick.†

John Finch, known as "John Tinker," an English blacksmith and tinker, built in 1844-5 a saloon and bowling alley on the northwest corner of Kearny and Washington streets where afterwards stood

* Thomes: *On Land and Sea*, p. 186. The building was sold in 1848 to Cross, Hobson & Co., who used it for store, dwelling, and office building.

† Brown: *Early Days*, Chap. iv.

Wright & Co.'s Miners' Bank and later the Bella Union theater. John Finch was present at the raising of the American flag July 9, 1846.

William Davis Merry Howard, one of the principal citizens of San Francisco, was a native of Boston and came to California in 1839 as cabin-boy on the ship California. He worked for a while as clerk for Abel Stearns in Los Angeles and was for several years supercargo of various Boston vessels in the California trade. In 1845 he formed a partnership with Henry Mellus and bought the Hudson's Bay property on Montgomery street. Mellus came on the brig Pilgrim with Richard H. Dana, and left the vessel to become clerk for Alfred Robinson, the company's agent; he was supercargo of several of the Boston vessels, including the Admittance, the ship that brought Thomes in 1843. The firm of Mellus and Howard became very wealthy. Mellus married a daughter of James Johnson of Los Angeles, whose wife was a Guirado, and in 1850 withdrew from the firm. His name was originally given to Natoma street but the citizens were angered by charges made by him against Howard and changed the name of the street to Natoma.

In 1848 Mellus and Howard built on the southwest corner of Clay and Montgomery streets the first brick building in San Francisco, and transferred their business to this store. They were also the principal promoters of the Central Wharf project, now Commercial street, and gave to the company the right

of way—thirty-five feet—across the block owned by them and bounded by Clay, Sacramento, Sansome, and Battery streets. Howard was a large, fine-looking man, deservedly popular with all classes, and taking an active interest in everything pertaining to the welfare of the town. His name was first given to Sacramento street and later, in 1848-9, to Howard street. His first wife, who died in 1849, was an adopted daughter of Captain Eliab Grimes of Honolulu and San Francisco. His second was Agnes, daughter of Dr. J. Henry Poett. He died in 1856, at the age of thirty-seven, leaving one son by his second wife.*

In 1845-6 Stephen Smith of Bodega obtained a fifty vara lot on the southeast corner of Dupont and Washington streets where he built a wooden house. In 1846 he leased it to Sam Brannan who lived and published the *Star* there. Smith was a native of Maryland and came to California first from Peru in 1841. He obtained permission of Governor Alvarado to set up a steam saw-mill with a promise of land suitable for his operations. He brought the mill machinery from Baltimore in 1843, and with it also three pianos, the first steam mill and the first pianos in California. In 1844 he was naturalized and received from Micheltoarena a grant of eight leagues of land at Bodega and there he set up his mill.

* Howard Presbyterian Church was named for him. He gave the land on which the church was built, and was very liberal in contributions of money.

By the operation of a law increasing the number of inhabitants necessary for a municipal government, San Francisco lost its ayuntamiento in 1838. From that time until September, 1847, the town was ruled by an alcalde, who was a judge of first instance, and tried all minor cases. Noé, the last alcalde under Mexican rule, lived on the northeast corner of Dupont and Clay streets. José de Jesus Noé came with the Híjar and Padrés colony in 1834 and settled in San Francisco. In December 1845, Noé received from Pio Pico a grant of the San Miguel rancho, one league, in what is now the geographical center of the City and County of San Francisco. A tract of one thousand and fifty acres of the rancho is yet undivided and belongs to the estate of the late Adolph Sutro. Francisco Guerrero y Palomares, was another of the Híjar and Padrés colonists who settled in San Francisco. He was receptor and administrator of customs, alcalde, and was sub-prefect of the San Francisco partido, at the time of the conquest, and again under American rule, in 1849. He was a man of high standing and well regarded by Americans as well as Californians. He married Josefa, daughter of Francisco de Haro, and both he and De Haro lived at the Mission Dolores. Guerrero was murdered in San Francisco in 1851. He bought from Galindo in 1837 the Rancho Laguna de la Merced in San Francisco, and in 1844 was granted Corral de Tierra rancho at Half Moon bay.

According to Davis the inhabitants of Yerba Buena in July 1846, numbered about one hundred and fifty. I have accounted for some of the more important ones and the rest, consisting mainly of small traders, saloon keepers, and mechanics, I see no reason for enumerating here. Davis mentions Henry Teschmacher and R. S. Sherman as residing in Yerba Buena at that time, but I think they were later in settling there.

* Authorities: *Bancroft, Hist. of Cal.* ii-vi. *Davis' Sixty Years.* *Hittell, Hist. S. F.* *Bosqui, Memoirs.* *Thomes, On Land and Sea.* *Soule, Gihon and Nisbet, Annals of San Francisco.* *San Francisco Chronicle*, Sept. 26, 1909. *Alta Cal.*, Feb. 17, 1867. *Brown, Early Days.* *Dwinelle, Colonial Hist.* *Simpson, Narrative.* *Cong. Doc. Senate No. 17.*

CHAPTER XVI.
THE CONQUEST

IT was believed that Mexico, torn with internal dissensions, would not be able to maintain much longer its feeble hold on the rich province of California, and it was known that a change of nationality would not be unwelcome to the higher classes of citizens, both native born and naturalized. The Americans were rapidly colonizing the country and made little effort to conceal their intention of acquiring possession. It was also understood that the English in California were making strong efforts to induce their government to interfere with the evident plan of the Americans to appropriate the country by the filibustering method. The actions of the Bear Flag party at Sonoma and elsewhere confirmed the belief of the English residents and the course of events was closely watched. In Yerba Buena interest was quickened by the arrival, shortly after the affair at Sonoma, of the United States sloop-of-war Portsmouth, twenty-four guns, which came in quietly and dropped her anchor in front of the town. Rumors were current of an expected conflict between the Portsmouth and an English man-of-war, for which, it was said, Forbes, the English consul, had sent to Mazatlan. On board the Portsmouth strict vigilance was maintained and the men were refused shore leave. Brown says that one morning early in July, they were startled by the report of a large gun and in a few minutes heard the long roll beat on board the Portsmouth and the

ship was cleared for action, the guns run out and every man was at his post. The people came out of their houses expecting to see an engagement as an English war ship sailed into port and came to anchor abreast of the Portsmouth. She proved to be an English frigate on surveying service.

On the 8th of July, Captain John B. Montgomery of the Portsmouth received orders from Commodore Sloat to take possession of Yerba Buena and the northern frontier. Sloat advised Montgomery of his action at Monterey and enclosed him copies of his proclamation, in English and Spanish, instructing him to hoist the flag in Yerba Buena within reach of his guns and post the proclamation in both languages.

About eight o'clock on the morning of July 9th, Montgomery landed with seventy men at the foot of Clay street, marched to the music of fife and drum up Clay to Kearny, thence to the plaza, where he hoisted the American flag on the pole in front of the custom house. There was no Mexican flag on the pole to haul down, for the *receptor de la aduana* (receiver of customs), Don Rafael Pinto, had departed to join Castro and had taken the flag and placed it with his official papers in a trunk which he left with Leidesdorff for safe keeping. Montgomery's force consisted of a company of marines under Lieutenant Henry B. Watson and a few sailors under Lieutenant John S. Misroon. There was not a Mexican official in town from whom

to demand a surrender. Sub-prefect Guerrero had retired to his rancho; the acting commander of San Francisco, Francisco Sanchez, had sent all his available militiamen to Castro, and, having no force to oppose the American commander, avoided the mortification of a surrender by retiring to his rancho; Port-captain Ridley was a prisoner in the hands of the Bears, and Receptor Pinto was with Castro.

The Portsmouth saluted the flag with twenty-one guns and the salute was followed by three hearty cheers on shore and on board. Captain Montgomery made a short address to the people assembled and then Sloat's proclamation was read in English and Spanish and copies in both languages were posted on the flagstaff. Lieutenant Watson was appointed military commander and with his marines took possession of the custom house. In his address, Montgomery invited citizens willing to join a local militia to meet at Leidesdorff's house and form a military company, choosing their own officers. He said that in case of attack all necessary force would be landed from the Portsmouth. The meeting was held and a company organized with W. D. M. Howard as captain, William M. Smith, first lieutenant, John Rose, second lieutenant, and about twenty privates. Lieutenant Misroon, with Purser James H. Watmough of the Portsmouth, Leidesdorff, and several volunteers made a tour of the presidio and fort. At the fort they found three

brass cannon and seven of iron, spiked by Frémont. Two days later, in company with Leidesdorff and a party of marines, Misroon visited the mission and removed therefrom a lot of public documents. San Francisco thus became an American town without the firing of a gun and with the apparent satisfaction of most of its citizens.

On the 9th, before landing, Montgomery sent Lieutenant Joseph Warren Revere in the ship's boat to Sonoma to take possession and raise the flag. Revere arrived at Sonoma before noon, and summoning the troops of the garrison (Bears) and the inhabitants of the place to the plaza, he read to them Sloat's proclamation and then hauling down the Bear flag he raised the stars and stripes in its place, much to the satisfaction of the Californians. Revere sent an express to the commander at Sutter's fort with a United States flag to be raised and a copy of the proclamation to be read; also one to Stephen Smith at Bodega. The flags were hoisted at both places with the proper ceremonies. At Yerba Buena all was quiet. At Montgomery's invitation Captain Sanchez came in on the twelfth and pointed out where two guns were buried, and a few days Sub-prefect Guerrero came from his rancho at Montgomery's request and gave up the papers of his department. Lieutenant Misroon landed a party of blue jackets from the Portsmouth and constructed a battery at Punta del Embarcadero (Clark's Point). The work was begun about July

17th. High on the steep bluff facing the bay Misroon excavated a terrace whereon he mounted a battery of five guns.* This was called "the battery" and gave the name to Battery street, whose lines intersect it at Broadway. It was later called Fort Montgomery. The battery was in existence as late as the fall of 1849. On the 31st of July the ship Brooklyn arrived from New York, with about two hundred Mormons in charge of Elder Samuel Brannan. They had sailed from New York February 4th and June 20th were at Honolulu where they met Commodore Stockton about to sail for Monterey. Surmising that California would soon be occupied by the United States and not knowing what they might find there, Brannan bought in Honolulu one hundred and fifty stands of arms and drilled the men of his company on the way over. He had announced to Brigham Young before sailing that he would select the most suitable site on the bay of San Francisco for the location of a commercial city, but finding the United States in possession the project was abandoned.

The landing of the Mormons more than doubled the population of Yerba Buena. They camped for a time on the beach and the vacant lots, then some went to the Marin forests to work as lumbermen, some were housed in the old mission buildings and others in Richardson's casa grande on Dupont

* Two brass pieces from the old Spanish fort; two from Sonoma, and one brass twelve pounder dug up at the presidio where it had been buried.

street. They were honest and industrious people, and all sought work wherever they could find it.

The peace and quiet of the town was undisturbed by anything more serious than the arrest of a few of the Portsmouth's men for disorderly conduct and one or two causeless alarms. Brown says that Lieutenant Watson was in the habit of coming to him at the Portsmouth house at a very late hour each night after he had gone to bed, to have his flask filled with whisky. Watson would come to Brown's window and give two raps on the shutter. When Brown answered, Watson would say, "The Spaniards are in the brush." At that Brown would get up and fill his bottle and Watson would go on duty. One night after Brown had gone to bed, Watson came as usual, and gave the signal, but Brown failed to awaken, when Watson, who had been drinking, fired his pistol and sang out at the top of his voice, "The Spaniards are in the brush." Instantly the guard at the barracks gave the alarm, the long roll was beaten and the men turned out under arms. The Portsmouth signaled to know if she should land a party, and the Mormons assembling with arms and ammunition ready for service, remained at the Portsmouth house for about three hours. Some shots were fired at what were supposed to be "Spaniards in the brush," but which were found to be only scrub oaks swaying in the breeze. In the morning Watson put Brown under bonds of secrecy, and the town resumed its tranquillity;

but that they might be prepared in case the Spaniards really should attack, Lieutenant Misroon landed with a small party of sailors and constructed a log blockhouse at or near the northwest corner of Dupont and Sacramento streets on which was mounted a large Spanish gun from the presidio. After peace was declared this house was used as a jail by the alcalde.*

Another alarm was caused by a City hotel coffee pot which exploded with a loud report. The long roll was beaten, the marines turned out and the citizens of the militia formed in line at the barracks. There was nothing more serious than a badly scalded cook.

On August 26 Montgomery appointed Lieutenant Washington A. Bartlett alcalde, and ordered an election on the 15th of September following, when Bartlett was elected alcalde, his opponent being Robert T. Ridley. This first election under American rule was held in a back room of Leidesdorff's store—afterwards the City hotel. Brown claims that he made the ballot box from a box holding bottles of lemon syrup which Ridley had bought of Stephen Smith of Bodega. The inspectors were William H. Davis, Frank Ward, Francisco Guerrero, and Francisco de Haro. Ninety-six votes were cast; of these Bartlett received sixty-six, Ridley twenty-nine, and Spear one. John Rose was elected treasurer and Peter Sherreback, collector.

* Brown: *Early Days*, Chap. ii. *Alta California*, Oct. 26, 1852. The oldest inhabitant (1911) has no knowledge of this blockhouse.

On July 23d Sloat turned over the command in California to Commodore Robert F. Stockton, and on the twenty-eighth sailed for home on the *Levant*. In the last days of September the frigates *Savannah* and *Congress* arrived from Monterey, the latter flying the pennant of Commodore Stockton, and on October 5th, the citizens tendered the commodore a public reception, which was accepted by him with much pleasure. Guerrero, Sanchez, Vasquez, and all the rancheros in the vicinity sent, for the procession, the choicest horses from their *caponeras*,* numbering a hundred or more. The people came in from all the surrounding country, and as the commodore landed from his barge at the foot of Clay street he was met by Montgomery, Bartlett, and Frank Ward, while the orator of the day, Colonel W. H. Russell, made the distinguished guest a flowery speech of welcome and presented him to the people. Then the procession, led by the chief marshal, Frank Ward, with a military escort under Lieutenant Jacob Zeilin, U. S. N., marched from Sacramento and Montgomery streets to Washington, to Kearny, to Clay, to Dupont, to Washington, and down Washington to Montgomery street where a platform had been erected. Here the people gathered while Stockton made them an address and gave them an account of the conquest of Southern California.³⁷ At the conclusion of the address,

* A *caponera* is a band of horses kept up by the ranchero for his private use. It consists of twenty-five of his best animals under the lead of a bell mare.

the commodore with an escort of citizens made a tour on horseback to the presidio and mission and returned to a collation at Leidesdorff's residence.* The ceremonies concluded with a ball in the evening. Davis says that Stockton was a good horseman, was fine looking, of dark complexion, with a frank and off-hand manner, active and energetic, and he impressed them as a strong man of decided ability. One of the first acts of Stockton on assuming command, was to order the release of General Vallejo and the other prisoners of the Bears confined at Sutter's fort. Why they were not released on the day the American flag was raised on the fort no one seems to know.

Throughout the disturbances incident to the state of war then existing, most of the rancheros of the better class remained quietly on their farms and submitted to the requisitions of Frémont and the other officers of the California battalion for horses, cattle, and other property for the use of the army, which they were obliged to exchange for Frémont's

* Lancey in the *Cruise of the Dale*, 131-2, says that the procession consisted of Captain J. B. Montgomery and suite, Lieutenant Bartlett, magistrate of the district, the orator of the day, foreign consuls, Captain John Paty, senior captain Hawaiian navy, Lieut.-commander Rudacoff, Russian navy, Lieut.-commander Bonnett, French navy, General Vallejo and others, who had held office under the late government; the captains of the ships, and a long line of citizens. He says that Stockton, in response to a toast at the collation, made an eloquent address an hour long in which he alluded to the revolt in the south and said that if one hair of the heads of the brave men he had left to garrison San Diego, Los Angeles, or Santa Barbara should be harmed, "he would wade knee deep in his own blood to avenge it." "As Commodore Stockton was small of stature," says Lancey, "this was considered as a very great sacrificial offer."

receipts. With these requisitions, which were perhaps regular, came other and more exasperating demands from irresponsible Americans who carried on the work of plunder under the pretense of military necessity. This at last became unendurable and the Californians determined to make an effort to protect their property.* On the 8th of December Alcalde Bartlett with five men started down the peninsula to obtain some cattle. Francisco Sanchez at the rancho of San Pablo, who had suffered severely from such demands and had lost not only his own horses but those of Mellus and Howard under his care, assembled a small party and captured Bartlett and his men and carried them prisoners to the hills. Other rancheros joined him until he had about one hundred men under his command. After some delay Commander Hull of the United States sloop-of-war Warren, who had succeeded Montgomery in command at San Francisco, sent one hundred men, under command of Captain Ward Marston of the marines, to put down this rebellion. The force consisted of marines and seamen from the ships and mounted volunteers from San José and from Yerba Buena. The rival forces met on the plains of Santa Clara on the 2d of January 1847. After a sharp engagement of several hours during

* Walter Colton says: "The principal sufferers are men who have remained quietly on their farms and whom we are bound in honor as well as sound policy to protect. To permit such men to be plundered under the filched authority of our flag, is a national reproach." *Three Years in California*, p. 155.

which two Americans were slightly wounded and the Californians were unhurt, Sanchez withdrew his men into the hills and sent in a flag of truce stating his grievances and offering to submit if the United States would guarantee protection of property.* An armistice was agreed upon until the commandant at San Francisco could be heard from. Two days later a reply was received from the commander stating that the surrender must be unconditional but giving unofficial assurances that property should no longer be seized without the proper formalities and receipts.† The terms were accepted; San Francisco's alcalde was returned to his anxious friends and the Californians returned to their ranchos. This was the famous campaign and battle of Santa Clara about which so much absurd stuff has been written.

About the first of December 1846 the Warren's launch was sent up the Sacramento river with twelve men, including two sons of Captain Montgomery: William H., acting master of the Warren and John E., his father's secretary, with Midshipman Daniel C. Hugenin. She carried, it is supposed, money to pay the garrison at Sutter's fort. They

* Col. Mason reports to Adjutant-general June 18, 1847, that very many claimants had their property taken and no receipt or certificate given for it. *Ex. Doc. 17, Ho. of Rep. 31st Cong. 1st Ses.*

† Bancroft: *Hist. Cal.*, v, pp. 378-383;
Colton: *Three Years in Cal.* p. 152-3;
Hall: *Hist. San José*, 157 et seq.;
Davis: *Sixty Years in California.*

never arrived at Sutter's and after several weeks Robert Ridley was sent in another launch up the Sacramento and San Joaquin, but found no trace of boat or crew. Ridley's opinion was that the boat was lost in a gale shortly after setting out, though there were those who thought that the officers had been murdered by the crew.*

On the 30th of January 1847, a notice appeared in the California Star signed by Washington A. Bartlett, ordering the name of San Francisco to be used on all public documents or records appertaining to the town. The order stated that the name of Yerba Buena was but local, originating from the name of the cove on which the town was built, and "therefore, to prevent confusion and mistakes in public documents, and that the town may have the advantage of the name given on the public maps, it is hereby ordered that the name of San Francisco shall be hereafter used in all official communications and public documents or records appertaining to the town."

On the 22d of February 1847, Lieutenant Bartlett was ordered to his ship by the commanding officer of the squadron, and Edwin Bryant was appointed alcalde by General Kearny. Bryant was a native of Massachusetts who came overland in 1846 and served in the California battalion as lieutenant of company H. It was during his administration that the tide land grant was made by General Kearny to

* Bancroft: *Hist. Cal.*, v. p. 384.

the town of San Francisco and the survey of Jasper O'Farrell was extended to include the beach and water property. Bryant resigned May 28th and returned to the East with General Kearny, leaving the valley of the Sacramento June 19th and reaching Fort Leavenworth August 22d, making the journey in sixty-four days. He published his book, *What I Saw in California*, in 1849; the same year he came across the plains to California and for several years was a citizen of San Francisco. He died in Louisville, Ky., in 1869 at the age of sixty-four.

George Hyde, who succeeded Edwin Bryant, was appointed by Kearny first alcalde May 28th. He was a native of Pennsylvania and came on the United States frigate Congress in 1846 as secretary to Commodore Stockton. He served as second alcalde under Lieutenant Bartlett while that officer was a prisoner in the Montara hills, and was first alcalde from June 1847 to April 1848. Hyde had many controversies with the citizens and charges were preferred against him by Ward, Brannan, and Ross; these charges Colonel Mason instructed the counsel to investigate. Hyde seems to have had the faculty of creating violent opposition, but was, I think, fully vindicated from all charges of official misconduct. In June 1848-9 Hyde lived on Clay street near Dupont, occupying the house afterwards known as the "Sazerac." Later he lived on Broadway whence he removed to a grassy lot of considerable size quite out of town, near the junction of Post,

Market, and Montgomery streets, where he built a large square house surrounded by a garden and lawn. The Mechanics' Library building now occupies a portion of this lot and the rest of it still belongs to the Hyde estate.

Early in March 1847 the ship Thomas H. Perkins arrived from New York bringing Colonel Stevenson and the first detachment of his regiment, the Seventh New York volunteers, who were enlisted for the war and were to be disbanded in California to become settlers. Jonathan Drake Stevenson was born in the city of New York January 1, 1800. He was private secretary to Governor Thompkins of New York and colonel of a New York militia regiment. In January 1846 he was a member of the New York legislature and in June of that year President Polk offered him the command of a volunteer regiment for service in California, if he could raise one. Stevenson accepted the commission and opened the rolls in New York, July 7th; by the end of July the lists were filled and on August 1st the regiment was mustered into service at Governor's island. On September 26th the expedition sailed on three transports, the Thomas H. Perkins, the Loo Choo, and the Susan Drew, under convoy of the United States man-of-war Preble. The regiment was mustered in as the Seventh but afterwards changed to the First New York volunteers. Several officers of the regular army were assigned to the regiment while the rank and file were mostly young men and the

rough element was largely represented. Though their record in California was not altogether enviable, and some of their number ended their careers on the gallows, the muster roll of the regiment contains the names of a large number of men of standing who attained positions of wealth and influence. I can give here but few of the best known names. Colonel Stevenson was a familiar figure in San Francisco where he lived much respected until his death, February 14th, 1894, at the venerable age of ninety-four. The lieutenant-colonel, Henry S. Burton, and the major, James A. Hardie, both regular army officers, became general officers in the war of secession. Joseph L. Folsom, captain and assistant quartermaster, also a regular army officer, is frequently mentioned in this story. He died at Mission San José in 1855, a very wealthy man. Henry M. Naglee, captain of company D, was a graduate of West Point and a lieutenant of the regular army. He saw some active service in Lower California where he received the severe censure of his commander for causing two prisoners to be shot. For this Colonel Mason ordered Naglee's arrest and reported the matter to the adjutant-general to be laid before the president for his action, but the end of the war and the mustering out of the regiment prevented further prosecution of the matter. Captain Naglee established the first bank in San Francisco January 9, 1849, under the firm name of Naglee and Sinton. His partner was Richard H. Sinton who

came on the line-of-battle ship Ohio in 1848, with Commodore Jones, as acting paymaster. The "Exchange and Deposit Office" of Naglee and Sinton was in the Parker house on Kearny street, fronting the plaza, now the site of the Hall of Justice. Sinton soon withdrew and after the destruction of the Parker house by fire, the business was continued on the corner of Montgomery and Merchant streets, under the name of H. M. Naglee & Company, until closed by a run on the 7th of September 1850. Naglee served in the war of secession as lieutenant-colonel of the regular army and was made a brigadier-general of volunteers. He returned to California, became a man of great wealth, settled in San José, and was a well-known viticulturist and manufacturer of brandy. He died March 5, 1885. Francis J. Lippitt, captain of company F, was prominent in city affairs, speaker of the "Legislative Assembly" of San Francisco, member of constitutional convention, colonel of First California infantry in the war of secession. John B. Frisbie, captain of company H, became a railroad director, bank president, etc. Edward Gilbert, lieutenant of company H, first editor of the *Alta California*, member of constitutional convention, first member of congress for California, was killed by General J. W. Denver in a duel in 1852. William E. Shannon, captain of company I, was a member of the constitutional convention and author of the section of the bill of rights that forbade slavery in California. Shan-

non was born in Ireland and came to the United States at the age of seven, his father settling in Steuben county, New York. He studied law but joined the regiment for California in 1846. He was for a while a trader at Coloma and later a lawyer at Sacramento, where he died of cholera in 1850. Nelson Taylor, captain of company E, was a member of the first legislature, became a prominent citizen of Stockton, went to New York in 1856, served in the war of secession where he became a brigadier-general, and in 1865 was member of congress. Edwards C. Williams, first lieutenant of the company, was a prominent lumber manufacturer in San Francisco and for many years president of the Mendocino Lumber Company. He is one of the few survivors of the regiment, and, rich in that which should accompany old age, lives honored and respected in his Oakland home. There, in January 1911, he gave me many interesting details of the officers and men of this regiment that was mustered out of service more than sixty-three years ago. Thomas L. Vermeule, second lieutenant of company E, was a member of the constitutional convention, a well-known lawyer and politician. Edward H. Harrison, quartermaster's clerk, was afterwards a prominent merchant of San Francisco, of the firm of De Witt and Harrison. Thaddeus M. Leavenworth, chaplain of the regiment, was second alcalde of San Francisco under Hyde and Townsend, and first alcalde, 1848-9. James L. C. Wadsworth was sutler's clerk, and a

well-known resident of San Francisco. Sherman O. Houghton was sergeant of company A, a prominent lawyer, mayor of San José, and member of congress, 1871-5. He is living in Los Angeles.* He married Mary M. Donner, and after her death, Eliza P. Donner, her cousin, both survivors of the Donner party. The Russ family, well known in San Francisco, came, twelve in number, on the Loo Choo, the father and three sons having enlisted as privates in the regiment in consequence of losing by burglary the entire stock of their jewelery store in New York. Of them more later.

The Perkins carried the colonel, the surgeon, the quartermaster, and companies B, F, and G; the Loo Choo, companies A, C, and K, Major Hardie, Assistant-surgeon Parker, and Chaplain Leavenworth; while the Susan Drew had companies D, E, I, and H, with Lieutenant-colonel Burton, Commissary Marcy, and Assistant-surgeon Murray.

The Perkins came in on March 5th, the Susan Drew on the nineteenth, and the Loo Choo on the twenty-fifth, while some men who had been left behind in New York came on the ship Brutus, April 18th.

The war in California was over and the regiment was assigned to garrison duty. Companies H and K were stationed at the presidio under Major Hardie;

*The survivors of the Stevenson regiment living in California in January 1911 are: Edwards C. Williams, Oakland; Sherman O. Houghton, Los Angeles; Thomas E. Ketcham, Stockton; Joseph Sims, Franklin; and Charles F. Smith, Soldier's Home.

A, B, and F, were sent to Santa Barbara under Lieutenant-colonel Burton; E and G to Los Angeles under Colonel Stevenson as commandant of the post and of the southern military district; company I to Monterey and later to San Diego; company C was stationed at Sonoma, and company D after a detail in pursuit of Indian horse thieves was sent to La Paz, Lower California, where also were sent companies A and B, with Lieutenant-colonel Burton in command. These three companies, A, B, and D, were the only ones that saw any active service. On the ratification of the treaty of peace, the regiment, enlisted for the war, was mustered out of service in August, September, and October, 1848. There were many complaints of insubordination and disorder while in the service and it was stated that the company officers had little control over the men. Colonel Mason reports the serious mutiny, at La Paz, of the men of company A, affecting the entire command, and necessitating the sending of the Independence from Mazatlan to restore order. He also complains of the bad conduct of certain soldiers of the three companies since their return from Lower California to be mustered out, and states that they had committed gross acts of pillage upon public and private property. Several murders were credited to the discharged soldiers of the regiment, and there is little doubt that they formed a considerable portion of the organized band of desperadoes known as Hounds or Regulators.

On the 15th of July 1847, Governor Mason ordered Alcalde Hyde to call an election for a town council of six members, but the letter was not sent until August 13th, and in the meanwhile Hyde had appointed a council on July 28th. The election was held September 13th, and William Glover, W. D. M. Howard, W. A. Leidesdorff, E. P. Jones, Robert A. Parker, and William S. Clark were elected to hold their office until the end of 1848. The council was authorized to make all municipal laws and regulations and to appoint the necessary town officers and determine their pay. This was the first legislative body of the town since losing its ayuntamiento in 1838.*

On the 7th of August 1848, Colonel Mason issued a proclamation announcing the ratification of a treaty of peace between the United States and the republic of Mexico by which California was ceded to the United States.

One result of the conquest I can only look upon with regret. Some of the American officers seemed to regard the change of flag as necessitating a change or translation of Spanish names. To have a formal official dispatch transform the Ciudad de los Angeles into the City of the Angels is as absurd as it would be to address Don Pablo de la Guerra as Mr. Paul of the War. The practice of translating the Spanish names makes the dispatches of that date most con-

* *Ex. Doc. 17, 31st Cong. 1st Ses.* pp. 310-358, 537-8, 649-653. Bancroft: *History of Cal.* v, pp. 502-517.

fusing. Though the St. John, St. Joseph, Hawk's Peak, Bird Island, of the conquerors have vanished, and San Juan, San José, Picacho del Gavilan, and Alcatraz are returned to their own, the Rio de los Americanos has become the American river, Rio de los Plumas, the Feather river, Isla de los Angeles, Angel island, and Isla de los Yeguas, Mare island. The work of transformation, begun by the officers of the army and navy, was carried on by uncouth mountaineer trappers and hunters and rude borderers of Missouri, to whom everything Spanish was poison; so, many a Spanish name, significant and musical was supplanted by an outlandish, harsh, or common-place designation.

CHAPTER XVII.

SAN FRANCISCO

1847-1850

THE serenity of the little town on the bay of San Francisco was undisturbed either by wars or by rumors of wars. The American occupation was taken as a matter of course and was apparently accepted with equanimity by Californians as well as by Americans and other foreigners. Nothing more serious occurred during the conquest than the capture of Alcalde Bartlett and the subsequent battle of Santa Clara, from which the twelve mounted volunteers of Yerba Buena, under Captain William M. (Jim Crow) Smith, returned with all their members intact, to receive, in company with the other corps of the army, the commendation and thanks of the commanding officer (Mervine) for their efficiency in compelling the surrender of the "unrivaled cavalry of California"; to which the gallant captain replied: "Our watchword is inscribed upon our banner, and we trust you will find us, as it represents, and as we ever wish to be, *semper paratus*."*

Early in February 1847 information reached San Francisco concerning the terrible plight of the Donner party in the Sierra Nevada, and steps were at once taken for their relief. A meeting of citizens was called at Brown's hotel and General Vallejo, Captain Mervine, Leidesdorff, Howard, Brannan, and others exerted themselves and raised some fifteen hundred dollars. Passed-midshipman Selim Woodworth vol-

* *Californian*, Feb. 6. 1847.

unteered to lead a party to the rescue of the survivors and under his command the party did good service in bringing out the sufferers.³⁸

The 4th of July 1847, was celebrated in San Francisco with appropriate ceremonies. The frigate Congress fired at midday a national salute and the big Spanish gun of the blockhouse took up the refrain and proclaimed the nation's birthday. At one o'clock a large collection of ladies and gentlemen at Brown's hotel listened to the reading of the Declaration of Independence by Mr. J. Thompson, and to an oration by Robert Semple. In the afternoon Elbert P. Jones gave an excellent dinner at the Portsmouth house to a number of gentlemen including the naval officers in the harbor and the officers of the volunteers. Toasts were drunk, speeches made, and songs sung. The next evening a grand ball was given at Brown's hotel, "where California's dark-eyed daughters mingled in the dance with the fair-haired belles of our own native land."

In September the people of San Francisco gave a ball in honor of Governor Mason and his aid, Lieutenant William Tecumseh Sherman, Third artillery. Mason, declining private accommodations, put up at Brown's hotel.

The population of the town had increased over one hundred per cent. during the twelve months following the American occupation, and the opinion was expressed that San Francisco was destined to be the New York of the Pacific. The *California Star*

estimated the population in June 1847, at four hundred and fifty-nine exclusive of the New York volunteers, and the number of buildings was one hundred and fifty-seven, half of which had been erected during the past four months. Before the gold excitement had begun to depopulate the town, in May and June 1848, the number of inhabitants had increased to about eight hundred and fifty, and that of buildings to two hundred.

Under the rule of Mexico lots were granted in Yerba Buena to settlers without other cost than a tax of twelve and a half dollars for a fifty vara and twenty-five dollars for a hundred vara lot. Only one lot was granted to a person and he was required to fence it in and build upon it. With the American occupation the alcaldes granted lots according to the practice of the late government. W. S. Clark, of Clark's Point, who arrived late in 1846, found that the rule prevented him from obtaining more than one lot. According to his own statement he employed a number of persons to apply for lots in their own names and then deed them to him. In this way he obtained possession of a large number. The alcalde, Bartlett, found this out and meeting Clark took him to task for his doings and asked him what he meant by such conduct. Clark informed him that he had spent six months in crossing the plains, that his outfit had cost him a good deal of money, that he had spent six months more in establishing himself in San Francisco, and that he intended

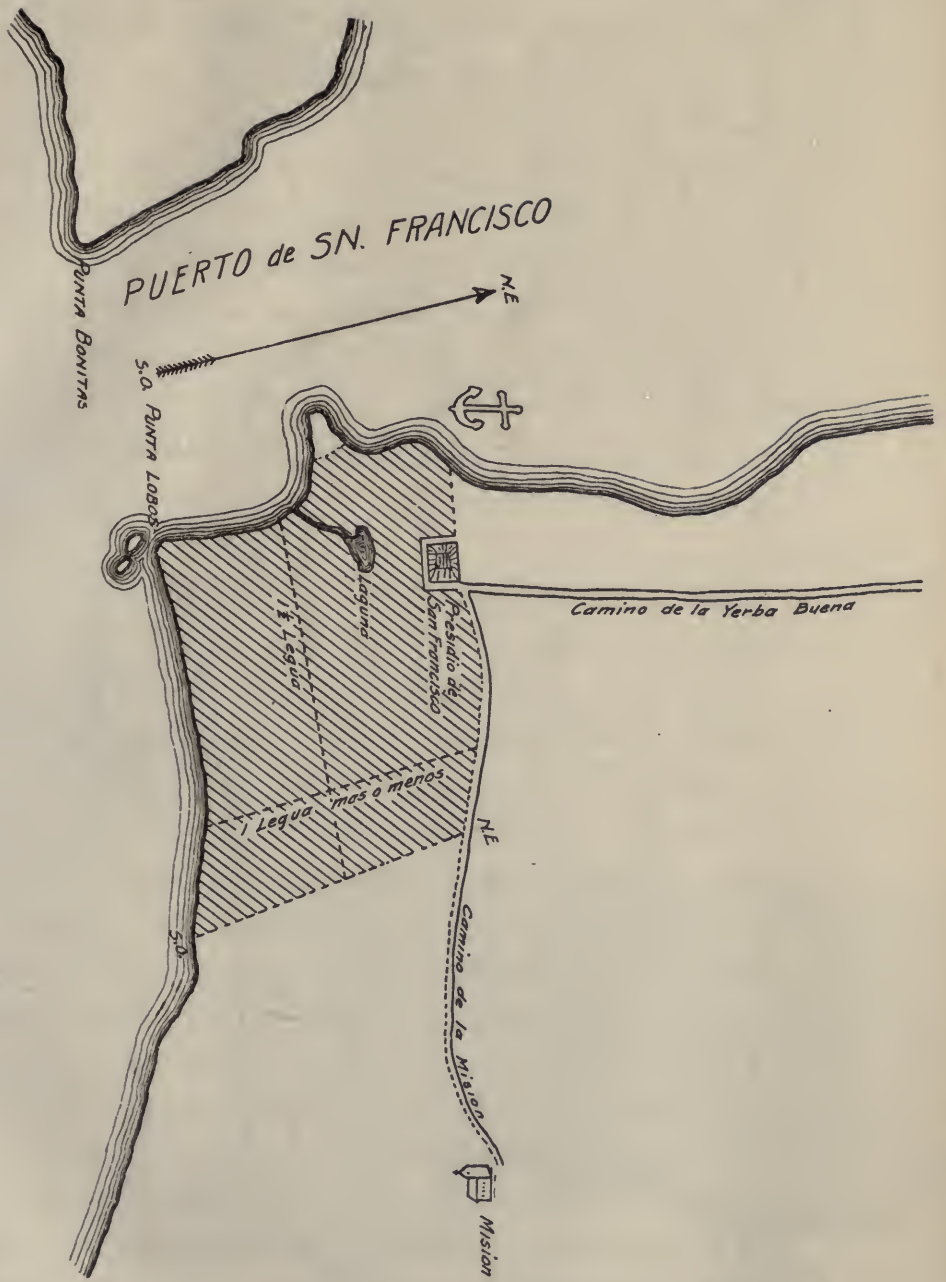
to be paid for all the time he had spent and the expense to which he had been put. This declaration of rights settled the alcalde—according to Clark's story. Clark sold twelve of the lots so obtained for five thousand dollars apiece. On September 27, 1847, the council decided that lots should not be forfeited for failure to build and fence, and in October the alcalde's act in granting more than one lot to one person was approved. Some time thereafter thirty-six lots were granted to W. S. Clark and William C. Parker. So well did this enterprising American (Clark) use his opportunity that, in 1886, he was thought to be worth several million dollars. The case of Clark is but an example; he was one of many. A spirit of lawless speculation in lands developed almost immediately upon the raising of the American flag in California, and was the origin of all the confusion over titles to lands in San Francisco. The wise precautions of Spain and Mexico were set aside. The theory that but one lot could be granted to one person, and that if he failed to take actual possession of it and improve it, it would be taken from him and given to another, did not suit the American speculator. All the lots granted within the limits of the present city prior to July 7, 1846, were less than one hundred and twelve. During November and December 1846, the American alcalde granted thirty-four; in 1847, five hundred and forty-two; in 1848, three hundred and ninety-two, and in 1849, nine hundred and forty-nine.

After the election of the ayuntamiento, the slow process of granting lots by petition was dispensed with, and they were put up at auction and knocked down to the highest bidder. In this manner, by the 5th of January 1850, three thousand one hundred and fifty-three fifty vara lots, equal to twelve hundred acres of land, exclusive of streets, in and around the heart of the city had been disposed of.* Alcalde and council laid aside conscience as a useless encumbrance, and plunged headlong into jobbing and speculation.

But the great opportunity of the land sharks came with the sale, under execution, of the greater part of the city's property. Under a regime of speculation and heedless extravagance a municipal debt of about one million dollars was incurred, and was rapidly growing under an interest charge of thirty-six per cent. and a depreciated scrip which caused creditors to endeavor to avoid loss by adding two or three hundred per cent. to their bills. An attempt was made to fund the debt at ten per cent. but some of the holders of scrip, under the influence of land speculators, refused to surrender it, and brought suit against the city. Among these creditors was Doctor Peter Smith, the owner of a private hospital, who had in 1850 contracted with the city for the care of destitute sick, at four dollars a head per day. Smith procured judgments against the city for \$64,431.00 and began to levy upon its property.

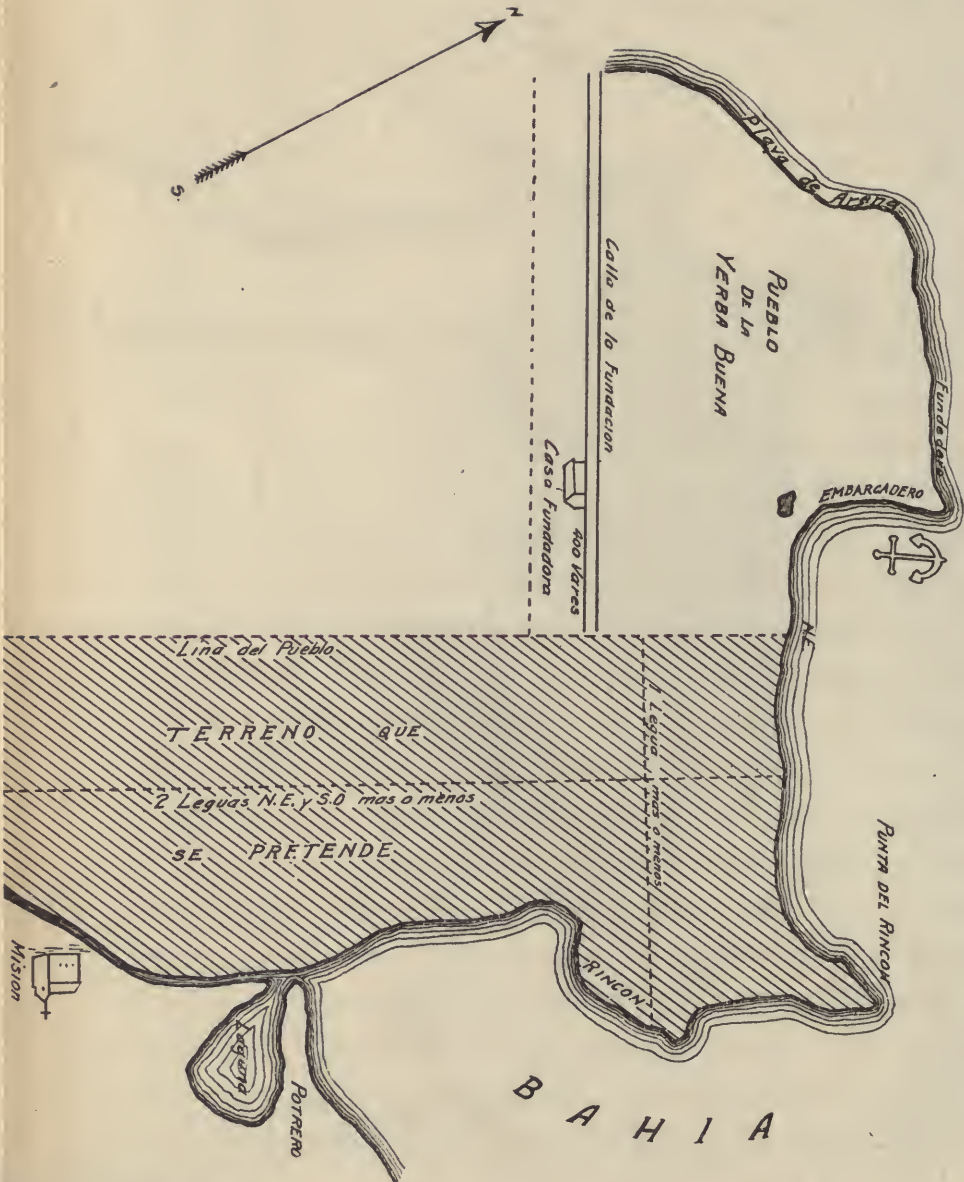
* Argument of William H. Shaw in case of *Hart vs. Burnett*, pp. 28, 29.

The commissioners of the funded debt denounced the levy as illegal and warned the people against buying the city's property under these judgments. Other holders of scrip obtained judgments for their claims, and some two millions of property, including wharves, water lots, upland lots, the old city hall, etc., were purchased by speculators at a nominal figure. One parcel of four hundred and eighty fifty vara lots was sold, under a judgment obtained by Jesse D. Carr, for the sum of *fifty dollars*—less than ten and a half cents a lot. The people were inclined to treat the matter of the sales as a joke but their amusement was turned into dismay when sales were confirmed and the debt commissioners were enjoined from disposing of the property. A meeting of citizens was hastily called and the amount of the judgments was subscribed and tendered to the purchasers of the property; but it was refused on the ground that the tenderers were not entitled to the right of redemption. Before the city council could be induced to act the time of redemption had passed. Charges of connivance were made against the officials, but the city lost its property. A few men had seized almost the entire domain, made themselves very rich, created a landed aristocracy, and reduced all others to the necessity of paying immense prices for building lots or still more enormous ones in the shape of rents. In 1860 the supreme court held, that in the case of upland property, a sheriff's deed passed no title; that the com-



DISEÑO OF THE LIMANTOUR
 From an exhibit in the Limantour C...

ISLA DE
ALCATRASES



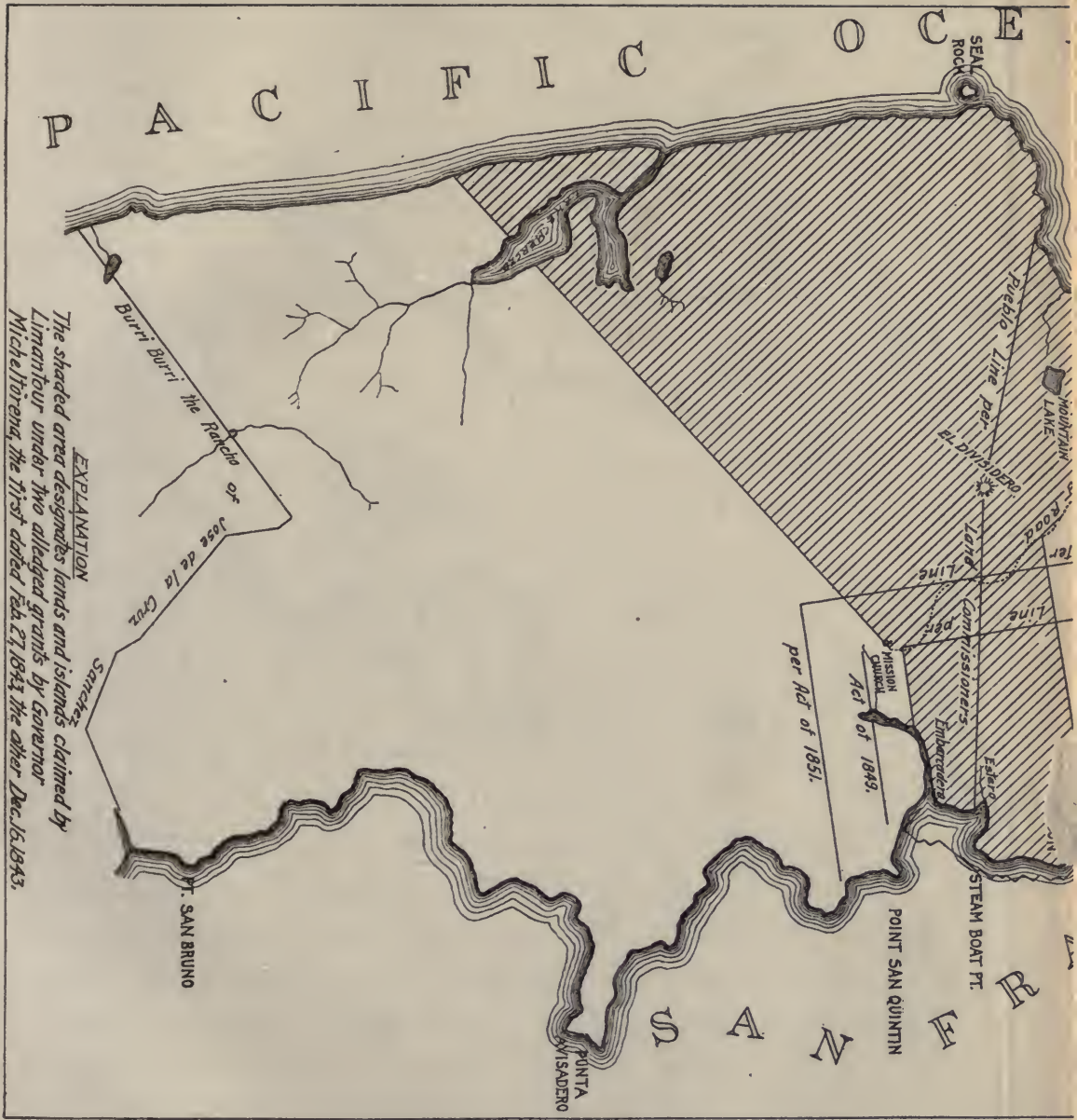
MANTOUR CLAIM

Case, United States District Court.

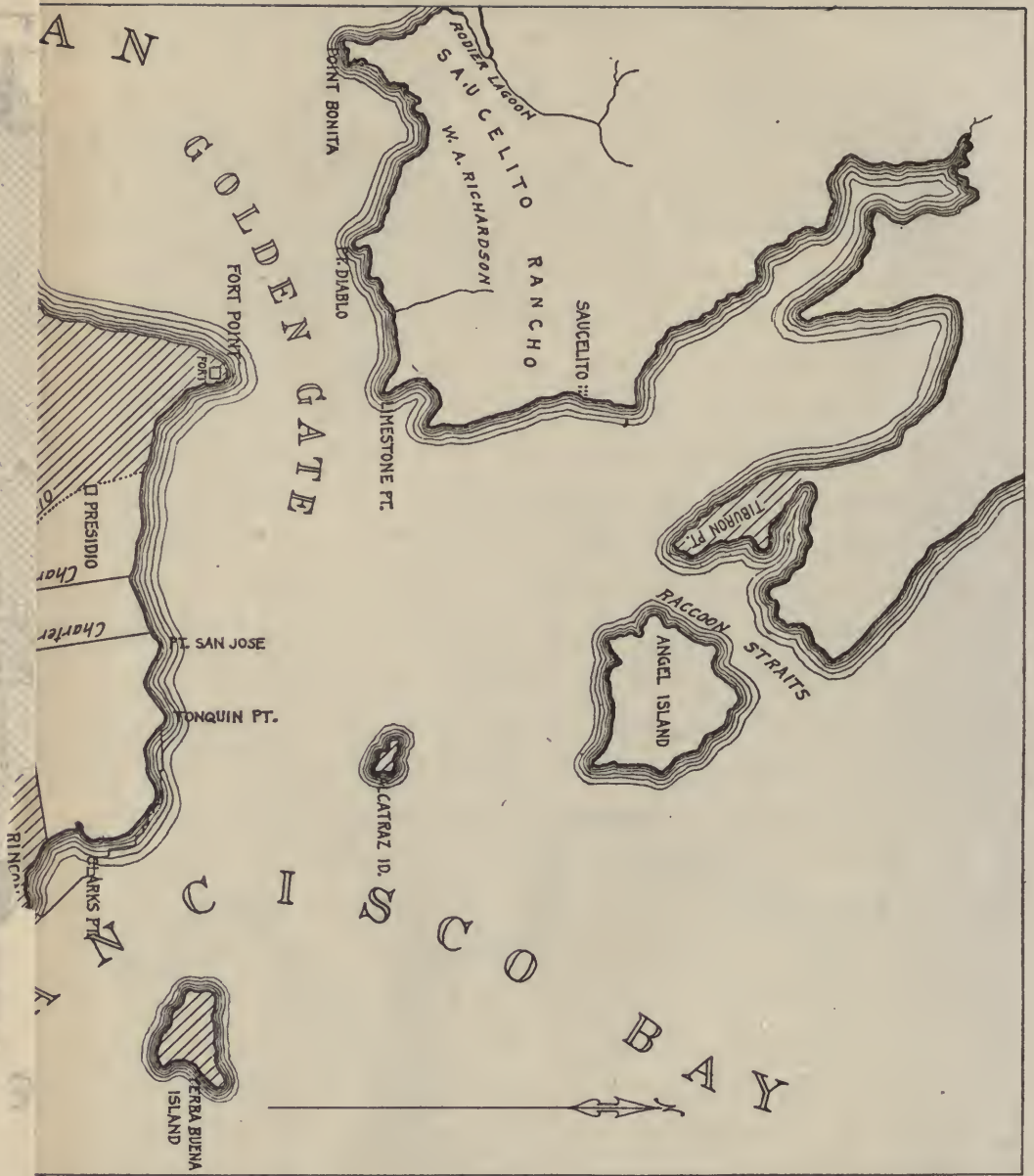
mon lands of the pueblo were held in trust for the future citizens and that they were not subject to sale under execution. But for many years the cloud hung over the city titles, depressing prices and rendering real estate unsalable. In addition to the uncertainty of land values and the unsettling of titles caused by the Peter Smith sales, claims were brought forward in 1853 which threatened confiscation of all lands south of California and west of Stockton streets. These subjects extend beyond the limits set to this work and I will touch but briefly upon them.

On the 5th of February 1853, José Yves Limantour, whom we have met in connection with the supplies furnished Micheltorena's cholos, presented to the land commission a most extraordinary claim to some six hundred thousand acres of land in California, the islands of the Farallones, Alcatraz, and Yerba Buena, the peninsula of Tiburon, and to four square leagues of land in San Francisco. These astonishing grants were signed by Governor Micheltorena and dated in 1843. Limantour claimed that the grants were made him in return for aid furnished to the government. The land commission rejected the six hundred thousand acre grants but confirmed those to the San Francisco leagues and to the islands. Consternation seized the citizens. The grants took in all the area between California street and the Mission creek, and between the old road leading from the presidio to the mission and the

Pacific ocean—practically everything south of California and west of Divisadero streets. The reason Limantour gave for the delay of ten years in asserting his claim was that he had been engaged elsewhere in important matters and only now had the necessary time to look after his interests in California. Notwithstanding the fact that many able lawyers pronounced the claim fraudulent or illegal, and the opinion of Henry W. Halleck, an authority on Spanish titles, that the government of California could not grant to a single person nearly all the pueblo lands without the knowledge or consent of the municipal authorities, the panic stricken citizens began buying Limantour's titles to their property. The United States government appealed the case and appropriated two hundred thousand dollars to defend its rights to the presidio lands, the custom house, the mint, and other property. The citizens had paid to Limantour some three hundred thousand dollars when the United States district court pronounced the alleged grants forgeries, and much of the testimony introduced to sustain them perjury. The discovery of the fraudulent character of the documents was largely due to Professor George Davidson of the United States coast survey, who was called as an expert for the government. The court, in rendering its decision, pronounced the case without parallel in the judicial history of the country, and said: "It is with no slight satisfaction that the proofs of fraud are as conclusive and irresistible as the attempted fraud



SAN FRANCISCO; SHOWING THE LANDS AND ISLANDS CLAIMED BY LIMANTOUR UNDER TWO ALLEGED GRANTS BY GOVERNOR MICHELTORENA. From an exhibit in the United States Court at San Francisco, California.



THE LIMANTOUR CLAIM
States District Court.

itself has been flagrant and audacious." Limantour was arrested and released on thirty thousand dollars bail. He deposited the money with his bondsmen and fled the country.

José Prudencio Santillan, Indian parish priest of San Francisco, claimed a grant of three leagues of land in San Francisco supposed to have been made by Governor Pico, February 10, 1846. Santillan sold the claim to James R. Bolton who transferred it to a Philadelphia association. The claim was allowed by the land commission, was appealed to the district court, and so busy were the government and lot owners in fighting Limantour that the case was hastened through the district court almost unchallenged. Having defeated the Limantour grant the people awoke to the danger from the Santillan, or Bolton grant, as it was called and petitioned the supreme court to send the case back for new trial. The supreme court examined the claim and rejected it without referring it to the lower court. This claim covered much of the property previously granted (?) to Limantour and extended from the so-called Vallejo line to the northern boundaries of the ranchos Laguna de la Merced and Buri Buri.*

San Francisco began to improve immediately after the American occupation and its future greatness as the metropolis of the Pacific was clearly foreseen. The people recognized the necessity for

* Hoffman: *Land Cases* i, pp. 392-3. Bancroft: *Hist. of Cal.* vii, pp. 243-4.

wharves to deep water and for filling in and building upon the mud flats lying before the town. A public meeting was held on the plaza February 15, 1847, and a petition to the governor was signed asking for a grant to the town of the tide lands of Yerba Buena cove. In response to this action General Kearny, on March 10th, granted and released to the town all the right, title, and interest of the United States and of the territory of California, to the beach and water lots between Fort Montgomery (Clark's Point) and the Rincon, excepting such lots as should be selected for government use; the lots so given were to be sold at public auction for the benefit of the town. The alcalde, Edwin Bryant, employed Jasper O'Farrell to make a survey of the lots and announced a sale for June 29th. The sale was postponed to July 20th—23d, when two hundred and forty-eight lots, forty-five by one hundred and thirty-seven and a half feet, were sold. Some of the lots on the beach sold as high as six hundred dollars apiece, while those under water sold from fifty to four hundred dollars. I believe it was considered that General Kearny had no authority to make such a grant, but in 1851 the state ceded the beach and water lots to the city for a period of ninety-nine years and confirmed previous sales.

At the foot of Clay street a little pier had been built at which small boats could land at high tide, but the principal landing place was at the Punta del Embarcadero, or Clark's Point—now the corner of Broadway and Battery street. Here was deep

water and boats could come alongside the rocks. William S. Clark built in 1847 a small wharf at the point, at which ships could lie. The first vessel to dock here was the brig Belfast in October 1848, the first ship, it is said, to discharge cargo in San Francisco without lighters. Clark says he built a wharf and warehouse on piles, making a pile driver of twelve hundred pounds of pig iron obtained from a whaler at Sausalito, and raising it by a windlass. Clark, a native of Maryland, came with the Harlan party in 1846, and was one of the Yerba Buena volunteers in the Santa Clara campaign. Clark's Point was named for him. General Sherman referred to Clark as a Mormon who refused to pay tithes to Sam Brannan, but Clark says Sherman was mistaken; he was not and never had been a Mormon.

In October 1847, the council authorized the extension of the little Clay street wharf five hundred and forty-seven feet into the bay, also the construction of a pier at the foot of Broadway, one hundred and fifty feet in length. Eleven thousand dollars was appropriated for the Clay street pier and four thousand for that of Broadway. Work on these was continued into January 1848, when funds gave out and the work was stopped. No other work was done on the water front in 1848, beyond a beginning at the filling of the lagoon at Jackson street. In the spring of 1849 a joint stock company was formed, with a capital of one hundred and twenty thousand dollars, which began in May the construction of a

wharf extending from the bank in the middle of the block between Sacramento and Clay streets, where Leidesdorff street now is, eight hundred feet into the bay. The principal stockholders were Mellus and Howard, Cross, Hobson and Company, James C. Ward, Joseph L. Folsom, De Witt and Harrison, and Sam Brannan. Mellus and Howard gave the wharf right of way across the block between Sansome and Battery streets; the alcalde, with the consent of the ayuntamiento, gave the right of way across the next block east; Colonel Stevenson and W. C. Parker, the right of way across the next block, and the city, the right across the block following, to Drumm street—to which the wharf was extended by October 1850. Here was sufficient depth of water to allow the Pacific Mail steamers to lie alongside. The wharf was two thousand feet long, thirty-five feet wide, and cost one hundred and eighty-one thousand dollars. At the shore end (Leidesdorff street), was the office of the Pacific Mail Steamship company, a wooden building of two stories. This was destroyed by the fire of June 1850, which also seriously damaged the wharf, and the steamship office was then moved to the corner of Sacramento and Leidesdorff streets. Central, or Long wharf, as it was called, became the favorite promenade. Buildings perched on piles sprang up quickly on either side, and commission houses, groceries,

saloons, mock auctions, cheap-John shops, and peddlers did a thriving business. Central wharf is now Commercial street.

The immediate success of Central wharf started similar enterprises upon every street along the front from California street to Broadway, and by October 1850, California street was extended into the cove by a wharf four hundred feet long by thirty-two feet wide; Sacramento street (Howison's Pier) was extended eleven hundred feet by forty feet; Clay street, starting from the bank at Montgomery street, ran a pier forty feet wide alongside of Sherman and Ruckle's store, nine hundred feet into the water, leaving in its rear imbedded in the mud on the north-west corner of Sansome and Clay streets, the ship *Niantic*, and in the next block the ship *General Harrison*. The pier that formed the extension of Washington street ran two hundred and seventy-five feet into the water; that of Pacific street, two hundred and fifty feet, and that of Broadway, the same. North of Broadway was Cunningham's wharf between Vallejo and Green streets. Buckalew's wharf was a continuation of Green street; Law's wharf was between Green and Union streets, and Cowel's wharf, between Union and Filbert streets. Most of these wharves were private enterprises and yielded large returns to the projectors. A few belonged to the municipality, which soon absorbed the rest as they were converted into streets.*

* Soule: *Annals*, p. 292.

Where Leidesdorff's warehouse stood, on the beach at California street, there was a small wharf for landing at high tide. From this point northward to Clay street, a narrow levee, piled and capped, marked the boundary of the tide waters along the beach, and formed the westerly line of Leidesdorff street. From the corner of California and Leidesdorff streets, the beach took a turn to the southeast corner of California and Sansome streets; and where the building of the Mutual Life Insurance Company now stands, there stood in 1849 the store of Dewey and Heiser. This building rested upon piles, the tide flowed and ebbed under the store, and at high water lighters received and discharged cargoes from the rear of this and all the other stores on Sansome street between California and Jackson. Diagonally across from Dewey and Heiser's store, Captain Folsom in 1850 built on piles the Jones house, afterwards called the Tehama house, on the northwest corner of California and Sansome streets, a rendezvous of army officers and a favorite hotel of wealthy rancheros. This well-known hotel stood until 1864, when it was removed to make way for the building of the Bank of California. It was taken to the corner of Montgomery street and Broadway where it stood until destroyed by the fire of April 1906. At the Broadway wharf were the offices of the harbor master, of the river and bar pilots, and of the Sacramento steamer. On this wharf was also the Steinberger butcher shop. Baron Steinberger conceived the

idea of making a large fortune by purchasing cattle from the rancheros and selling beef to the people of San Francisco. Sherman says that Steinberger brought letters to General Persifer F. Smith and Commodore Jones. He was a splendid looking fellow and carried things with a high hand. He bought cattle from Don Timoteo Murphy at Mission San Rafael, sold the beef from twenty-five to fifty cents a pound, and paid Murphy nothing.*

Before the extension of Central wharf (Commercial street) to deep water, a little wharf at the foot of Sacramento street assumed prominence as a reception place for merchandise. A narrow strip, just wide enough for a handcar tramway with room on each side for one person to walk, was extended on the south side of Sacramento street. When it came to the easterly line of Sansome street a little pier was extended northward, just large enough to accommodate the store of Dall and Austin. After a while a narrow row of piles was driven northward from this pier to Commercial street and on to Clay, and then extended to Washington, to Jackson, and to Pacific where it joined terra firma at the east side of Sansome street. Upon these piles was laid a narrow plank walk about four feet wide, without rail or protection of any kind, and along this narrow way pedestrians passed and repassed. This was the beginning of Sansome street.†

* *Memoirs* i, pp. 68-9.

† Barry and Patten: *Men and Memories of San Francisco*.

As the piers grew seaward the lines of crossing streets were marked by piles extended north and south on which were erected buildings for stores and offices. Many people lived in these buildings, and it is estimated that in 1850 one thousand persons were living over the water, in buildings resting on piles, or in the hulks of vessels.

On the summit of Loma Alta a station was erected whereon the American flag was raised to announce the approach of a Panama steamer. Later a semaphore announced the character of the approaching steamer; hence the name, Telegraph hill.

From April 1, 1849, to the end of the year, more than seven hundred vessels entered the harbor.* To meet the demand for freight and ship money, cargoes were sold at auction and the market was glutted with goods of all kinds. This condition, together with the scant storage room, falling prices, and the extraordinary cost of labor, was such that in some instances it did not pay to unload cargoes. Many vessels were beached and converted into storage ships, shops, and lodging houses. Here we have the spectacle of a gallant ship, metamorphosed into a form and likeness that is neither of land nor sea, but partakes of both, rounding out her career of

* Notwithstanding the great numbers of ships arriving at San Francisco during 1849 and the few years following, there was no light at the entrance of the harbor until 1854 when a light was erected on Alcatraz island, and in 1855 Point Bonita, the southeast Farallon and Fort Point each had a light. There were no tugs and but few experienced pilots.

usefulness by a service equally important if less dignified. The growing wharves push by her resting place, crossing piers hem her in, and buildings grow up between her and deep water; her retreat cut off, she gazes helplessly through her cabin windows upon the busy traffic of surrounding streets.

At the northwest corner of Clay and Sansome streets was anchored the well-known ship *Niantic*. Soon after the sailing of the *California* from Panama with the first of the Argonauts, the *Niantic* arrived at that port and brought up to San Francisco about two hundred and fifty of the immigrants at one hundred and fifty dollars a head. On the northwest corner of Clay and Battery streets was the *General Harrison*. The *Apollo* was on the northwest corner of Sacramento and Battery streets, and the *Georgan*, between Washington and Jackson, west of Battery street. These ships were all burned in the fire of May 3, 1851. On the site of the *Niantic* was built the *Niantic* hotel, which gave way in 1872 to the *Niantic* block. William Kelly writes: "On enquiring where my friend Mr. S—— was located, I was told I could be landed at a stair-foot leading right to it; and was not a little surprised when we pulled alongside a huge dismantled hulk, surrounded with a strong and spacious stage, connected with the street by a substantial wharf, to find the counting house on the deck of the *Niantic*, a fine vessel of one thousand tons, no longer a bouyant ship, sur-

mounted by lofty spars, and 'streamers waving in the wind,' but a tenement anchored in the mud, covered with a shingle roof, sub-divided into stores and offices and painted over with signs and showboards of the various occupants. To this 'base use' was my friend obliged to convert her rather than let her rot at anchor, there being no possibility then of getting a crew to send her to sea. Her hull was divided into large warehouses, entered by spacious doorways on the sides, and her bulwarks were raised about eight feet, affording a range of excellent offices on the deck, at the level of which a wide balcony was carried round, surmounted by a verandah, approached by a broad handsome stairway. Both stores and offices found tenants at higher rents than tenements of similar dimensions on shore would command, and returned a larger and steadier income, as my friend told me, than the ship would earn if afloat."*

Some ships were sent up the Sacramento and San Joaquin rivers; some were sold for port dues and broken up for building material; others rotted and sank at their moorings, and it was years before the channel was cleared of the hulks.

Before the inrush of gold seekers the principal business house in San Francisco was that of Mellus and Howard, already noted. Into this firm was admitted in 1849 Talbot H. Green, whose arrival in 1841 with the first overland immigrant party we

* Kelly: *A Stroll through the Diggings of California.*

have seen. Green was a good business man, prominent in all public affairs, and member of the ayuntamiento of 1849-50. In 1851 he was recognized and denounced as Paul Geddes of Pennsylvania, a defaulting bank clerk, who had left a wife and children in the east. Green, protesting his innocence, started for the east with the avowed purpose of clearing his reputation, being escorted to the steamer by a large company of prominent citizens. The charge proved true, and Green passed from the life of California. It was reported later that he had joined his first wife and family. He had married, in California, the widow of Allan Montgomery who came with her husband in the Stevens party of 1844.* Green street was named for him.

Another mercantile house, prior to the gold discoveries, was Ward and Smith. Their store was on the east side of Montgomery street, north of Clay. Frank Ward, the head of this firm, came on the ship Brooklyn in 1846. He was a very popular man and a prominent citizen. His partner was William M. Smith, whom we have seen as commander of the Yerba Buena company at the battle of Santa Clara. Smith came in 1845. He was an amusing fellow who had been a circus rider, and was known as "Jim Crow" Smith. In August 1848, Smith married Susana Martinez, widow of Captain Hinckley. Next to Ward and Smith was the store of Sherman and Ruckel, on the northeast corner of Clay and

* Bancroft: *Hist. of Cal.* iii, p. 765.

Montgomery. In 1847 Sherman bought the southern half of the corner fifty vara lot, and erected a wooden store building. It was built on the flat below the bank and had a bridge from the front door to Montgomery street. On the northwest corner of Montgomery and Washington streets, Charles L. Ross had his "New York Store." On April 1, 1849, the steamship Oregon arrived, bringing Colonel John W. Geary, the newly appointed postmaster, and a mail of five thousand letters. Geary was the first postmaster, and his mail was the second opened in San Francisco. Previous to the American occupation *correos* (messengers) were employed by the government to carry letters and during and after the conquest letters brought by ships were left at the stores or shipping houses on the water front. C. L. Ross who had been appointed temporary postmaster and had distributed the mail brought by the California, took the postmaster into his store and gave him floor space, eight by ten feet, on which Geary drew chalk lines and in the squares distributed the letters. Then knocking a pane of glass out of the window, he opened the general delivery. Ross was a native of New Jersey who came in 1847, and was a prominent man in San Francisco for a number of years.

Robert A. Parker, a native of Boston, came in 1847 as supercargo on the ship Mt. Vernon, and opened a store in the casa grande of Richardson's on Dupont street. Later he kept the City hotel, and in 1849 built and kept the famous Parker house



NEW YORK STORE, CORNER OF MONTGOMERY
AND WASHINGTON STREETS

Note the "Cantil."

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on Kearny street facing the plaza. In 1846 William H. Davis bought out the business of his uncle, Nathan Spear, and did a large business in the store built by Spear next to "Kent Hall." The store of DeWitt and Harrison was, in 1848, on the northwest corner of Sansome and Pacific streets. This house was later DeWitt, Kittle and company, then Kittle and company, and was continued in business until very recently.

On the arrival of the Loo Choo in March 1847, J. C. Christian Russ and his sons obtained from the ship some second-hand lumber and built, out in the suburbs, a shanty for the shelter of the family. Here they lived for several years, building additions from time to time as their needs grew. This house was, until after the breaking out of the gold fever, the southern limit of settlement, and was separated from the town by a sand-hill. It was on the southwest corner of Pine and Montgomery streets. Russ and his sons ascertained that town lots were to be had for the asking, and being men of thrifty habits they managed to secure quite a large number. In their shanty they had a store for the manufacture and sale of jewelry, and after the discovery of gold, added assaying and refining to their work. They built the American hotel on the west side of Montgomery street between Pine and Bush streets. They owned the two fifty vara lots on Montgomery street and the middle fifty vara on Bush street in this block. When the great immigration came they

built thirty-five or forty little shanties on their property which they rented to good advantage. These were removed later to build the Russ house, so well known to Californians, which property still remains in possession of the family. In 1850 the head of the family went far into the wilderness and built on Harrison and Sixth streets, on a little dry knoll in the middle of a swamp, a residence where he lived for a number of years and which became, in 1856, the famous Russ Gardens. A narrow causeway was built from Folsom street to the gardens, and woe to the unlucky rider who deviated from the narrow road; both horse and rider were likely to be engulfed.

Of the hotels of San Francisco, the City hotel on Clay and Kearny streets has been already described; the Parker house, built by Robert A. Parker and John H. Brown on Kearny street, facing the plaza, was destroyed by fire three times and as many times rebuilt. It was then incorporated with other property, in the Jenny Lind Theatre building. This was, in turn, destroyed by fire twice, and finally replaced by a handsome stone structure, which, proving unsuccessful as a theatre, was sold to the city for a city hall at the price of two hundred thousand dollars—a deal that was put through by the jobbers of 1852. This building, known to San Franciscans of the present day as the “Old City Hall,” to which was added the four story “El Dorado” on the north as a hall of record, stood until taken down in 1895

to make way for the Hall of Justice, destroyed by the fire of 1906, and now in process of reconstruction.

The St. Francis hotel, a four story building, stood on the southwest corner of Clay and Dupont streets, on the lot whereon Jacob P. Leese erected the first house in Yerba Buena. The sleeping apartments in the St. Francis were the best in California, and the charge for room and board—one hundred and fifty dollars a month—was unusually cheap. No gambling was permitted. On the south side of Clay street, above the City hotel, and facing the plaza, was the Ward house, a good hotel, kept by Colonel J. J. Bryant, whose contest for the shrievalty against Colonel Jack Hays, the Texas ranger, in April 1850, was long remembered. Bryant entertained liberally at the Ward house; wine flowed and drinks were free; but when the famous Texas ranger rode into the plaza on his curveting, prancing black steed, his dash and horsemanship carried the day, and the hotel man was defeated. The Graham house, a four story wooden edifice lined on two sides by continuous balconies, was imported bodily from Baltimore and set up on the northwest corner of Kearny and Pacific streets. It was bought by the council, April 1, 1850, for a city hall, for the sum of one hundred and fifty thousand dollars. The building succumbed to the fire of June 1851. These were the principal hotels up to the time the Jones, or Tehama house of Captain Folsom, and the Union of Selover and company, were built. The latter was of brick, four and a half

stories high, and cost, with furniture, two hundred and fifty thousand dollars. It was on the east side of Kearny street between Clay and Washington streets, with a frontage of twenty-nine feet, and was burned in 1851. The Oriental hotel, spoken of by Richard H. Dana, in his "Twenty-four Years After," was begun in 1850. It stood on the corner of Bush and Battery, and was an elegantly appointed house. A large number of cheaper hotels and innumerable lodging houses and restaurants provided accommodation to those who could pay for it, while out-of-door stands sold hot coffee, pies, and hard-boiled eggs on the streets. On the southwest corner of Bush and Sansome streets was a large, high sand-hill, on the top of which, in a hollow, hidden from sight of passers on the beach, was a colony of thieves, burglars, escaped convicts, and desperadoes of every nationality. In this retreat they had their tents and shanties, whence they issued forth by night in search of prey.* The Rasette house was afterwards built on the site of this sand-hill and still later it was occupied by the Cosmopolitan hotel. It is now a business block.

The first newspaper published in California appeared in Monterey, August 15, 1846, edited by Walter Colton and Robert Semple and called *The Californian*. A portion of its contents was printed in Spanish. The printing apparatus was an old press and type belonging to the Mexican government at

* Barry and Patten: *Men and Memories of San Francisco*.

Monterey, which had not been in use for several years, so that the type had to be scoured, and rules and leads made from tin plate. The paper was the Spanish foolscap used for official correspondence. It appeared every Saturday until May 1847, when it was transferred to San Francisco and was later merged in the *California Star*.

Sam Brannan, Mormon chief and elder, a printer by trade, had published for several years in New York a church organ called *The Prophet*.³⁹ He brought with him on the Brooklyn the press and outfit of this paper, and on January 9, 1847, published in San Francisco the first number of the weekly *California Star* with Elbert P. Jones as temporary editor, succeeded later by Edward C. Kemble. It was a sheet of eight and a half by twelve inches of print. The paper was temporarily suspended during the gold excitement in the summer of 1848, but from November the publication was regular. It had been slightly enlarged in January 1848, and when publication was resumed in November of that year, Kemble bought out *The Californian* and consolidated it with his own paper under the name of the *California Star and Californian*. In January 1849, the name was changed to the *Alta California*, with Edward Gilbert as editor, and Kemble, proprietor. The *Alta California* became a great daily and was published continuously until June 2, 1891, when it was suspended. Kemble came with Brannan on the Brooklyn, though he was not a Mormon.

He took an active part in the politics of the town and was connected with the paper until he went east in 1855.

Soon after the American occupation educational matters began to engage the attention of the people. The *California Star* of January 16, 1847, urged the importance of establishing a school for the children of the rapidly growing town and offered to contribute a lot and fifty dollars in money towards the erection of a school house. In April 1847, J. D. Marston opened a private school in a shanty on the west side of Dupont street between Broadway and Pacific. This was the first school in San Francisco and was attended by some twenty or thirty children. It lasted but a few months. At a meeting of the council, September 24th, W. A. Leidesdorff, William Glover, and W. S. Clark were appointed a committee to attend to the building of a school house. The building was erected on the western side of the plaza, and on April 3, 1848, the school was opened under Thomas Douglas, a graduate of Yale college, with Dr. Victor J. Fourgeaud, C. L. Ross, Dr. John Townsend, John Serrine, and William Heath Davis as trustees. The school prospered until the gold excitement carried teacher and trustees to the mines. From the date of its completion in December 1847, the school house served the purpose of town hall, court house, people's court for trial of culprits by the first vigilance committee, school, church, and finally, jail. Owing to the range and variety of its

uses, the building was dignified by the name of Public Institute. In April 1849, school was resumed under the management of the Rev. Albert Williams, a Presbyterian clergyman who arrived on the Oregon April 1st, and who, on May 20th, organized the First Presbyterian church with six members, and held services in a tent on the west side of Dupont street between Pacific street and Broadway.*

From the second Sunday after their arrival at San Francisco, the Mormons held religious services in Captain Richardson's casa grande on Dupont street, where Sam Brannan exhorted the saints to remain faithful in this land of gentiles, but some twenty of them "went astray after strange gods," as did their eminent leader a few years later. On the 8th of May 1847, a public meeting was held under the auspices of the Rev. Thaddeus M. Leavenworth (Episcopalian) who had come as chaplain of the Stevenson regiment, and a committee was appointed to gather subscriptions for the building or lease of a house of public worship. The committee never reported. On May 16th, 1847, Rev. James H. Wilbur of the Oregon Methodist mission, passenger on the ship *Whiton*, stopped on his way to Oregon and organized a Sunday school which was to meet every Sunday forenoon at the alcalde's office. J. H. Merrill was appointed superintendent. This Sunday school met the fate of the secular school—closed by a stampede to the mines. On Sunday July 25, 1847,

* Taylor: *California Life Illustrated*, p. 66.

Chaplain Chester Newell, of the United States frigate Independence, preached in the new building on the northwest corner of Washington and Montgomery streets, the store built for Gelston & Company, and occupied later by C. L. Ross. This is the first record of divine service, but it is likely that other services were held by chaplains of ships in the harbor. The first sermon preached after the mines were opened, of which we have any notice, was on September 3, 1848, in the public institute, by the Rev. Elihu Anthony, a native of New York, of the overland immigration of 1847, a Methodist preacher. For several weeks following Mr. Anthony's advent, Captain L. H. Thomas, of the English brig Laura Ann, read the English service at the public institute, and Mrs. C. V. Gillespie revived the Sunday school. In this building a meeting of citizens was held November 1, 1848, to organize a Christian society. Edward H. Harrison presided; C. E. Wetmore, C. L. Ross, C. V. Gillespie, Joseph Bowden, and Edward H. Harrison were chosen trustees, and the Rev. Timothy Dwight Hunt, a native of Rochester, N. Y., who had lately arrived from Honolulu, was appointed chaplain for one year at a salary of twenty-five hundred dollars. This was the only organized institution for Protestant worship in the city until the spring of 1849, when the first coming ships brought, with the seekers of the Golden Fleece, several missionary preachers. In

August 1849, the following Protestant organizations were holding services in the city:

1. The Chaplaincy, Rev. T. D. Hunt, Public Institute.
2. First Presbyterian, Rev. Albert Williams, in a large tent on Dupont street, near Pacific.
3. First Baptist, Rev. O. C. Wheeler, church on Washington street, near Stockton.
4. Protestant Episcopal, Rev. Flavil S. Mines, in house of J. H. Merrill.

On the 8th of October, a Methodist Episcopal church, shipped from Oregon and set up on a Powell street lot, was dedicated by the missionary minister, Rev. William Taylor, assisted by the Rev. Mr. Hunt, Rev. Albert Williams, and Rev. O. C. Wheeler.

The burial ground in 1846-47 was the fifty vara lot on the southeast corner of Vallejo and Sansome streets. There were no burials there after 1847, the place of burial being established in the North Beach region near Washington square; and in February 1850, the Yerba Buena cemetery—the present city hall lot—was opened for burials, and to it the bodies were removed from North Beach.

On the 1st of April 1848, the *California Star* express carried a mail from San Francisco to Independence, Missouri, in sixty days. Fifty cents postage was charged on letters. A special edition of the newspaper was prepared for eastern distribution and sent by this express. It consisted of

six pages, and contained an article by Dr. Victor J. Fourgeaud on *The Prospects of California*. This was a most able presentation of facts concerning the climate, soil, resources, minerals, lumbering, and fishing facilities of California, and the writer predicted that with its agricultural, commercial, and manufacturing prospects, California would become one of the happiest portions of the globe. Doctor Fourgeaud's article attracted much attention, and he continued to publish, from time to time, articles on California and did much to correct false impressions gained from the writings of careless observers and disappointed, prejudiced adventurers.*

The great and sudden immigration following the discovery of gold completely changed the aspect of the town. The necessity for shelter for the forty odd thousand of people who landed in 1849 was such that everything that would, in a measure, afford protection from the winds and rains was utilized. The range was from a dry goods box to a tent, or a hastily constructed shanty lined with bunks.

* Many writers of 1849 denounced the country as unfit for agriculture and said that it must forever depend upon the eastern states, Oregon, Chili, Australia, and the Hawaiian islands for its breadstuffs. As for the climate it was highly unhealthy.

Doctor Victor Jean Fourgeaud was born in Charleston, South Carolina, April 8, 1817, and died in San Francisco, January 2, 1875. He was a graduate of the University of France and of the Charleston Medical college. He came overland to California accompanied by his wife and son, and arrived in San Francisco October 20, 1847. While practicing medicine in San Francisco and the bay counties Doctor Fourgeaud studied the agricultural possibilities and the commercial prospects of California. He was actively interested in the affairs of the city, and he made the first assay of the gold found by Marshall at Sutter's mill.

The space from California street to the line of Market street was a region of high sand-hills covered with a scattering growth of brush and scrub oak; but following the curving shore of the cove to the south, one came to a little valley protected on the west by the sand-hills of Market street. Here, sheltered from the harsh winds, tents had been set up and the place named Happy valley. This was between First, Second, Market, and Mission streets. It was supplied with a good spring of water and contained, in the winter of 1849-50, about one thousand tents. To the south as far as Howard street, was Pleasant valley. The beach afforded good walking into town and served for a pleasant stroll on Sunday afternoons. Around the plaza were grouped houses of the better sort, the tents dotting the hills in the rear and spreading around the base of Telegraph hill to the north. This region, abounding in public houses of the lowest order, frequented by convicts and ticket-of-leave men from Australia, bore the significant title of Sidney Town. West of this section, and reaching from Kearny to Stockton streets, between Broadway and Green street, was Little Chili, where the Chilenos and Peruanos were gathered. Westerly between Powell and Mason streets, Washington street and Broadway, was Spring valley, while Saint Ann's valley, not yet occupied, was between Geary, Eddy, Jones, and Stockton streets.

Water for domestic use was obtained from wells, and for drinking, an extra good quality was brought from Sausalito in tanks and sold by the gallon from carts in the street.

There was but little attempt at permanent construction in San Francisco in 1849. Few of the people contemplated a permanent residence, and for the short time they intended to remain in California, were satisfied with almost any kind of shelter. Houses were built of the flimsiest construction, and most of them, when finished at all inside, were lined with cotton cloth in lieu of plaster. They had soon good reason to repent of hasty and careless building. Early on December 24, 1849, a fire broke out in Dennison's exchange, a rickety gambling house on Kearny street opposite the plaza, and in a few minutes the flames spread through the block. Some fifty houses were burned and the loss was about one million dollars. The adjoining blocks were saved by pulling down buildings and by covering houses with blankets saturated with water. Among the fire fighters was David Colbert Broderick, a New York fireman, of whom California was to hear more. The buildings were quickly replaced and by the end of January 1850, no vestige of the fire remained. This was the first of the great fires from which San Francisco was to suffer, and the only one that comes within the scope of this work. Within a year and a half, San Francisco was devastated six times by fire, and twenty-four million dollars

worth of property was destroyed. Each time the destroyed portion of the city was rebuilt with better buildings, until the business section presented a substantial appearance. The walls of many buildings that remained standing after the great earthquake and fire of 1906 attest the fidelity of the construction of 1851. The havoc made by the first great fire of December 1849, aroused the people to the necessity for protection, but the fire department was not formally organized until June 1850, when the Empire Engine Company, No. 1 was formed, with David C. Broderick as foreman. The Empire was immediately followed by Protection No. 2, and Eureka No. 3. The Eureka was changed to the Howard, in honor of W. D. M. Howard, who presented the company with an engine. Five other companies were organized before the close of the year, together with hook and ladder and hose companies.

Owing to the cost of lumber and of labor, many houses were made in Boston and elsewhere and shipped to San Francisco in sections. Bayard Taylor speaks of seventy-five houses imported from Canton and put up by Chinese carpenters. In Happy valley, W. D. M. Howard put up a number of cottages that he had made in Boston, in one of which he lived.

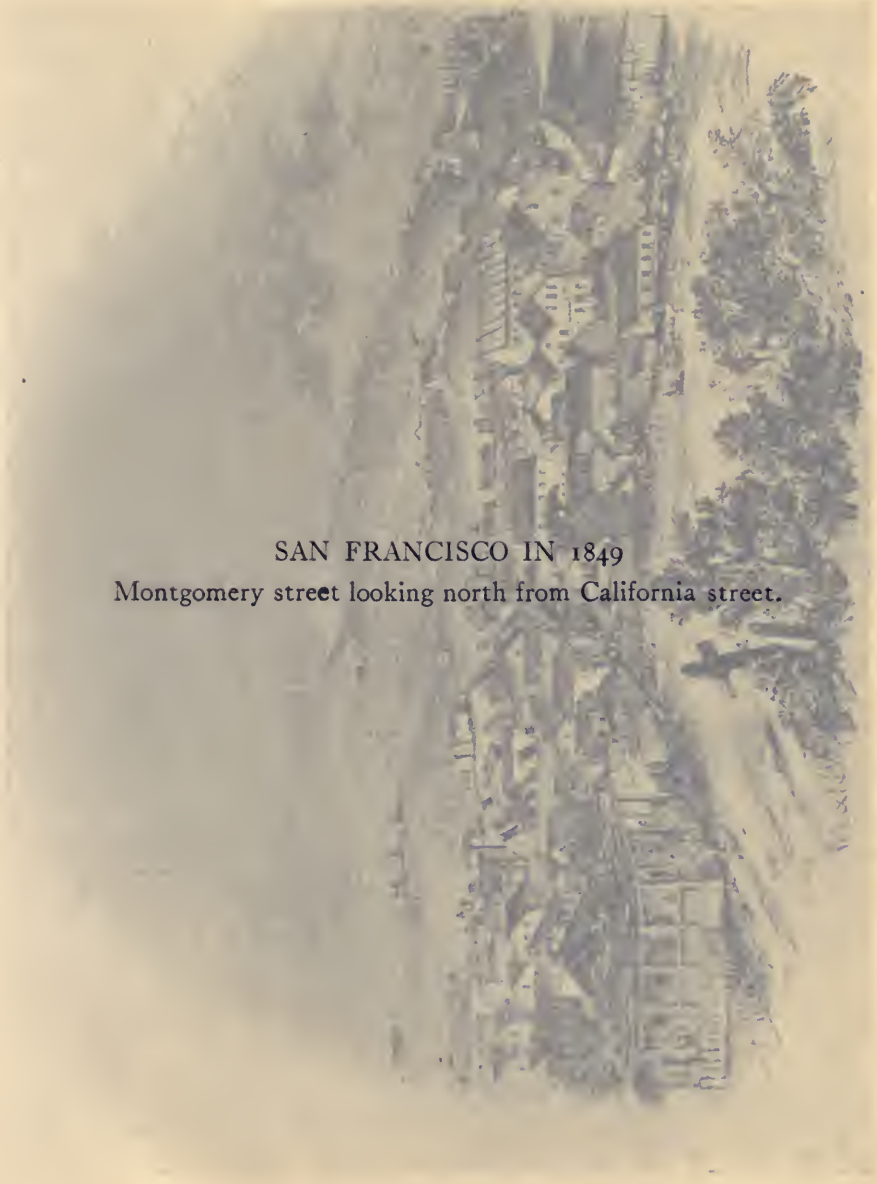
Though houses sprang up by hundreds over night, they could not begin to hold the thousands who came in 1849. The miner returning in the winter could scarcely recognize his surroundings. He left a town

of tents and shanties containing five or six thousand inhabitants. He found a city of houses extending along the shore from Clark's Point to the Rincon, reaching out a long arm through the "puertezuela" towards the Golden Gate, and stretching to the topmost heights back of the town; while lofty hotels with verandas and balconies furnished luxurious quarters, and presented bills of fare set out with the choicest of dainties. True, the streets left something to be desired—particularly after the rains came—and the city was infested with the plague of rats. These pests swarmed everywhere—into bed-chambers, ovens, kneading troughs, and one could hardly walk the street at night without being brought into contact with them.* They could be seen swimming in the bay, visiting ship after ship. There were black rats, brown rats, gray rats, of monstrous size, fierce, voracious, and destructive.

The rainy season of 1849-50 was long and severe. The early coming of the rains brought distress to the belated immigrants in the sierra, and to the people of San Francisco exceeding discomfort. With the shedding torrents from the clouds the streets, uneven and irregular, became, by the continual passage of men and of horses and drays, so cut up as to be almost or quite impassable. So deep was the mud that horse and wagon were sometimes literally swallowed up in it, while the owner narrowly

* A well house bore the sign "Shut the door and keep out the rats—the nasty things."

SAN FRANCISCO IN 1849
Montgomery street looking north from California street.



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escaped a similar fate. Upham says: "It was no uncommon occurrence to see at the same time a mule stalled in the mud of the street with only his head above the mud, and an unfortunate pedestrian, who had slipped off the plank side walk, being fished out by a companion."* It is said that even human bodies have been found engulfed in the mire of Montgomery street. The authorities caused a number of loads of brush wood and limbs of trees to be thrown into the streets. General Sherman says: "I have seen mules stumble in the streets and drown in the liquid mud. Montgomery street had been filled up with brush and clay, and I always dreaded to ride on horseback along it because the mud was so deep that a horse's legs would become entangled in the brush below and the rider was likely to be thrown and drowned in the mud."† Nobody troubled to remove rubbish, but inmates of tents and houses would put a few planks or boxes of tobacco or other goods along the worst parts of the roads to enable them to reach their own dwellings. The inflow of shipments was such that many cargoes contained goods in excess of the demand, and entire

* Upham (S. C.): *Notes of a Voyage to California*, p. 268.

Caleb T. Fay in his *Statement of Historical Facts*, p. 3, says "I have seen a mule in the rainy season go out of sight in the mud, at the corner of Montgomery and Clay streets, with the exception of his head."

† Sherman: *Memoirs*, p. 67. Some good Samaritan gave warning to the unwary by erecting a sign on the corner of Clay and Kearny streets, bearing the legend:

"This street is impassable
Not even jackassable."

lines of sidewalk were constructed of expensive merchandise whose storage would cost more than its actual or prospective value, while tons of wire sieves, iron, rolls of sheet lead, cement, and barrels of beef were sunk in the mud. Tobacco in boxes was found to be excellent foundation material for small buildings. The narrowness of the pathways made progress dangerous. Lanterns were indispensable at night, and even in daylight not unfrequently a pedestrian would lose his balance and find himself floundering in the mud. These were the conditions under which the mixed population of San Francisco conducted business in the winter of 1849-50. Before the following winter, which was exceedingly dry, the streets in the central parts of town were graded and planked, and Montgomery, Kearny, and Dupont streets, were sewered from Broadway to Sacramento street. The plaza, or Portsmouth square, as it was now called, around which were the principal gambling houses, was for many years neglected. Neither tree, shrub, nor grass adorned it, but it contained a rude platform for public speaking, a tall flag staff, and a cow pen enclosed by rough board .

Bad as were the physical conditions in 1849, the social conditions were even worse. The town was full of gamblers, thieves, and cut-throats from every quarter of the globe. Society there was none. Every man was a law to himself and by midsummer disorder reigned. An organization, formed from the

riffraff of the disbanded regiment of New York volunteers, joined by Australian convicts and the scum of the town, paraded the streets with drum and fife and streaming banners, spreading terror and dismay among the people. They called themselves Hounds or Regulators, and under pretense of watching over public security, intruded themselves in every direction and committed all sorts of outrageous acts. Relying on strength of numbers and arms they levied forced contributions upon the merchants for the support of their organization. Their meeting place was a tent, on what is now the corner of Kearny and Commercial streets, which they called "Tammany Hall." The culmination of their reign was reached when, on the night of July 15, 1849, they made an attack in force upon the Chileno quarter at the foot of Telegraph hill, robbing, beating, and seriously wounding the inhabitants and destroying their tents and houses. The people of the town, now seriously alarmed, assembled on the plaza and under the leadership of Brannan, Ward, Bluxome, and others, organized for defence and public order. Four companies of volunteers of one hundred men each were formed, under command of McAllister, Ellis, Bluxome, and Lippitt, with Captain Spofford as chief marshal. Two hundred and thirty men were enrolled as special police. Tammany Hall was invaded and the nest broken up. The regulators scattered in all directions. Nineteen men were arrested, including the

leader, Sam Roberts, an ex-member of company E, New York volunteers. A grand jury was formed, the prisoners were regularly indicted and were put on trial at the public institute. William M. Gwin and James C. Ward were appointed to "assist" the alcalde.* Hall McAllister and Horace Hawes volunteered to appear for the people, while P. Barry and Myron Norton were appointed to act for the accused. Nine were convicted, and though there was some talk of hanging them it was finally determined to ship them out of the country, and they were sent to Washington on one of the war ships.

Hall McAllister, who was active in the work, was a native of Savannah, Georgia, born February 9, 1826; was a graduate of Yale college and a lawyer of high standing. He came on the Panama, June 4, 1849, bringing letters of introduction to Charles V. Gillespie. Governor Riley appointed McAllister second lieutenant of the California Guards, September 8, 1849, and on the 25th of the same month appointed him attorney for the district of San Francisco at a salary of two thousand dollars per annum. His father, Mathew Hall McAllister, was the first judge of the United States Circuit court at San Francisco. Hall McAllister's name, given to McAllister street, attests the regard in which the people held this distinguished jurist. His statue in bronze stands in front of the city hall, on McAllister street.

* Thaddeus M. Leavenworth. He was openly charged with being in sympathy with the regulators and of using them to further his political aspirations.

For more than two years the Americans had been in possession of San Francisco; the gold mines had been discovered, the pueblo had grown to a city of ten or fifteen thousand inhabitants, and yet it had no municipal government but that of the alcaldes. No modern city had a greater need of a strong and efficient local government, based directly upon public opinion, responsible to it, and controlled by it. A meeting of citizens was held on the plaza, February 12, 1849, for the purpose of organizing such a form of government. The people had previous notice of the meeting, it was largely attended, and by some of the most prominent of the citizens. Resolutions were adopted calling for the election of a "Legislative Assembly" consisting of fifteen members, whose power, duty, and office was to make such laws as they in their wisdom might deem essential to promote the happiness of the people. The resolutions provided for the election of three justices of the peace to administer the law and hear and adjudicate all civil and criminal issues in the district, according to the common law of the United States.

On February 21st the election was held; three justices and fifteen members of the district legislature were elected, and the assembly was organized March 5th, with Francis J. Lippitt, speaker, and J. Howard Ackerman, clerk. The assembly held its sessions in the public institute and on March 10th reported to General Persifer F. Smith, commanding the Pacific division, its proceedings, asking his recog-

dition of their body and concurrence and aid in the execution of its laws. General Smith declined to recognize the legislative assembly and pointed out to the petitioners that the "legislative assembly" was a body wholly unknown to the law. He suggested to them that the best government, unless well-founded and secure in a validity that could carry it safely through judicial scrutiny, was only weaving a thread of endless trouble and litigation for its people. He also assured them that so far as the alleged misconduct of officers of the existing government was concerned, any charge preferred would be thoroughly examined and that there was, in the government, not only the disposition, but the law and power to remove and punish any officer proved to be guilty. This referred to charges made against Alcalde Leavenworth of maladministration and of favoring land speculators in the granting of city lands.

The pacific letter of the general was not well received, and the assembly proceeded to abolish the office of alcalde and ordered Mr. Leavenworth to turn over to the sheriff the books and records of his office. Leavenworth appealed to General Smith and was assured by that officer that he was still alcalde and chief magistrate of the district of San Francisco, notwithstanding any law, enactment, or resolution of the district legislature to the contrary, and advised him to retain possession of his office, his books, and his papers. He also advised him that

the commander of the department, Colonel Mason, was civil governor of California and would apply whatever correction the case demanded.

On April 13, 1849, Brigadier-general Bennet Riley succeeded Mason as military commander and civil governor. One of Riley's first acts was to send the steam transport Edith to Mazatlan to ascertain what action congress had taken in regard to a government for California, and on her return with the information that congress had adjourned without providing a government for California, he issued a proclamation, dated June 3, 1849, for the election of the necessary executive and judicial officers under the existing (Mexican) laws and at the same time ordered the election of delegates to a general convention to meet at Monterey, September 1st, to form a state constitution or plan for territorial government to submit to congress.

In the meantime charges against Alcalde Leavenworth were laid before the governor, who, on May 6th suspended him from office and appointed a commission consisting of Talbot H. Green, James C. Ward, and Henry A. Harrison to investigate. I have seen no report of this commission, but on June 1st, Governor Riley restored the alcalde to his office and four days later Leavenworth resigned. On May 31st the sheriff appointed by the legislative assembly, accompanied by a body of armed men, violently entered the alcalde's office and forcibly removed from the alcalde's custody the public records. The

report of this act and of certain ill-advised talk of "independence" having reached the governor, he issued a proclamation, dated June 4th, denouncing the so-called legislative assembly as an unlawful body which had usurped the powers of congress, and called upon all good citizens to assist in restoring the records to their lawful keeper, the alcalde, and warned all persons against giving them countenance either by paying them taxes or by supporting or abetting their officers.

Riley was thoroughly acquainted with conditions in San Francisco and was also aware that the men constituting the legislative assembly were among the best in California. Having administered his rebuke, he proceeded on the following day, in a most courteous letter addressed to these same persons and others, to point out their remedy under the law by the election of an ayuntamiento. He appointed nine of them judges of election, and assured them of his entire sympathy with their efforts for the security of property and the rights of citizens. After some talk and denunciation of military interference, the good sense of the leaders prevailed and without formal action the "Legislative Assembly of the District of San Francisco" passed into history.

In accordance with the proclamation of the governor the civil organization of the territory was completed by the election, on August 1st, of judges of superior court, prefects, alcaldes, justices of the peace, and town councils (ayuntamientos). The

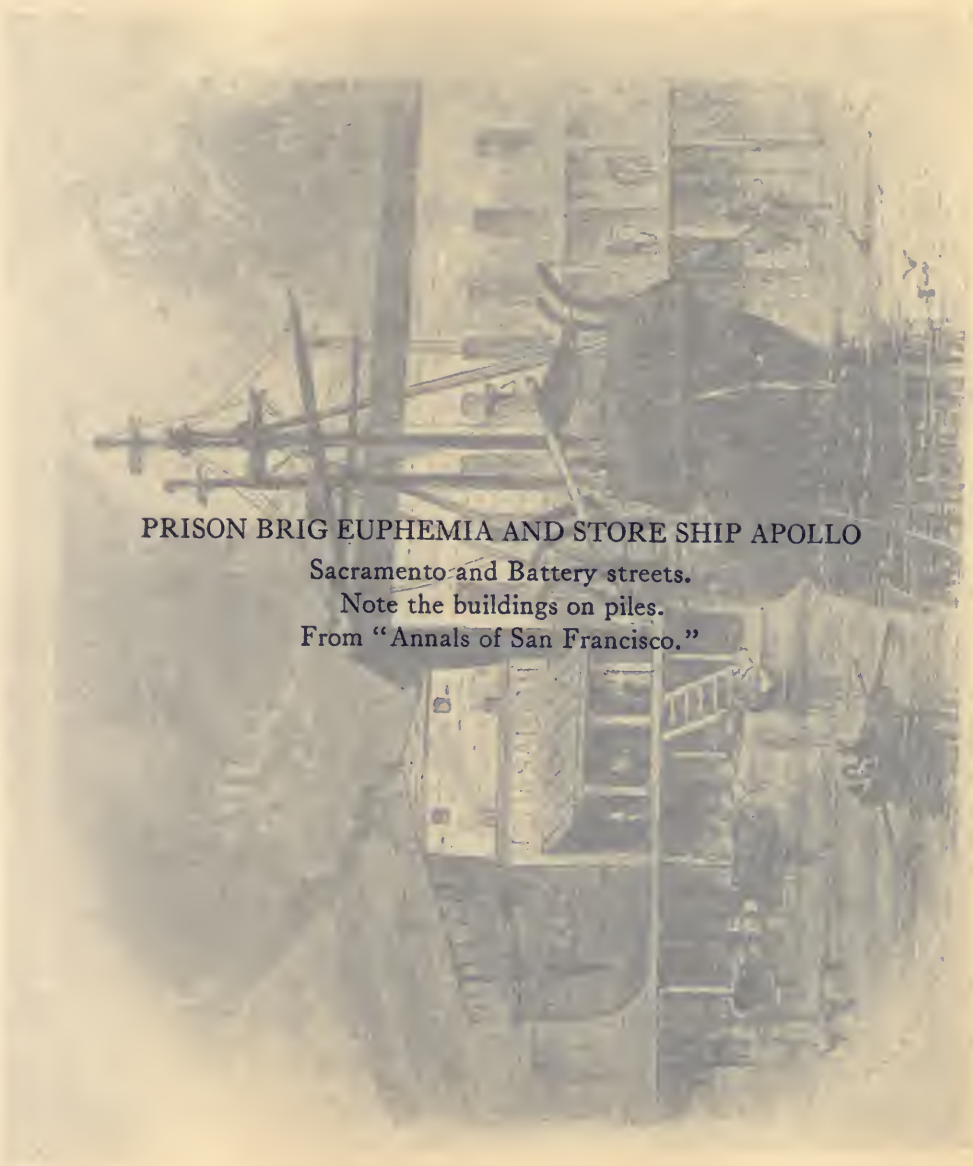
higher offices were, under the law, to be filled by executive appointment; but the governor announced that he would appoint to those offices the persons receiving the plurality of votes in their respective districts. The people of San Francisco elected Horace Hawes, prefect; Joseph R. Curtis and Francisco Guerrero, sub-prefects; John W. Geary, first alcalde; Frank Turk, second alcalde; twelve councilmen (ayuntamiento), with Frank Turk and Henry L. Dodge, secretaries.

The prefect, Horace Hawes, was a native of New York and first visited California in 1847, on his way to Tahiti where he had been appointed United States consul. He returned to California in 1849, and spent the rest of his life in San Francisco. He was a lawyer of great ability, a man of honor, but eccentric to a degree and exceedingly unpopular. He became involved in a controversy with the ayuntamiento, and accused certain members of profiting by their knowledge of contemplated improvements. The ayuntamiento retaliated by preferring counter-charges and by inducing the governor (Burnett) to suspend the prefect. From my knowledge of the men involved I have little doubt that the prefect was in the right. Hawes was a member of the assembly for two terms and of the state senate in 1863-64. He earned the gratitude of the people of San Francisco by his services in connection with the consolidation act, of which he was the author, which put a check upon the plunderers of the city. He died in

1871, at the age of fifty-eight, leaving a large estate, the bulk of which was to be devoted to the establishment of a university; but his heirs, who had been comfortably provided for, contested the will and succeeded in breaking it on the ground of the testator's insanity.

John W. Geary was born in Pennsylvania and served during the Mexican war with the Second Pennsylvania volunteers, rising to the rank of colonel. He came on the first voyage of the Oregon April 1, 1849, bringing a commission as postmaster. He served as postmaster a short time, and hearing that Jacob B. Moore had been appointed to succeed him, he turned the office over to W. P. Bryan, temporary postmaster. Geary was the first mayor of San Francisco under the charter. In 1852 he returned to Pennsylvania, served with distinction in the war of secession, and became governor of his native state. Geary street was named for him.

The ayuntamiento organized a complete municipal service with surveyor, tax collector, treasurer, and other officers. Malachi Fallon was appointed chief of police and given a force of thirty men—later increased to fifty. To facilitate the course of justice, the governor appointed William B. Almond judge of first instance, with civil jurisdiction; criminal cases remaining with the first alcalde. Almond was a man of coarse manners and had a habit of adjourning court to go out for a drink. He had been a peanut peddler and knew little about law. In hearing his



PRISON BRIG EUPHEMIA AND STORE SHIP APOLLO

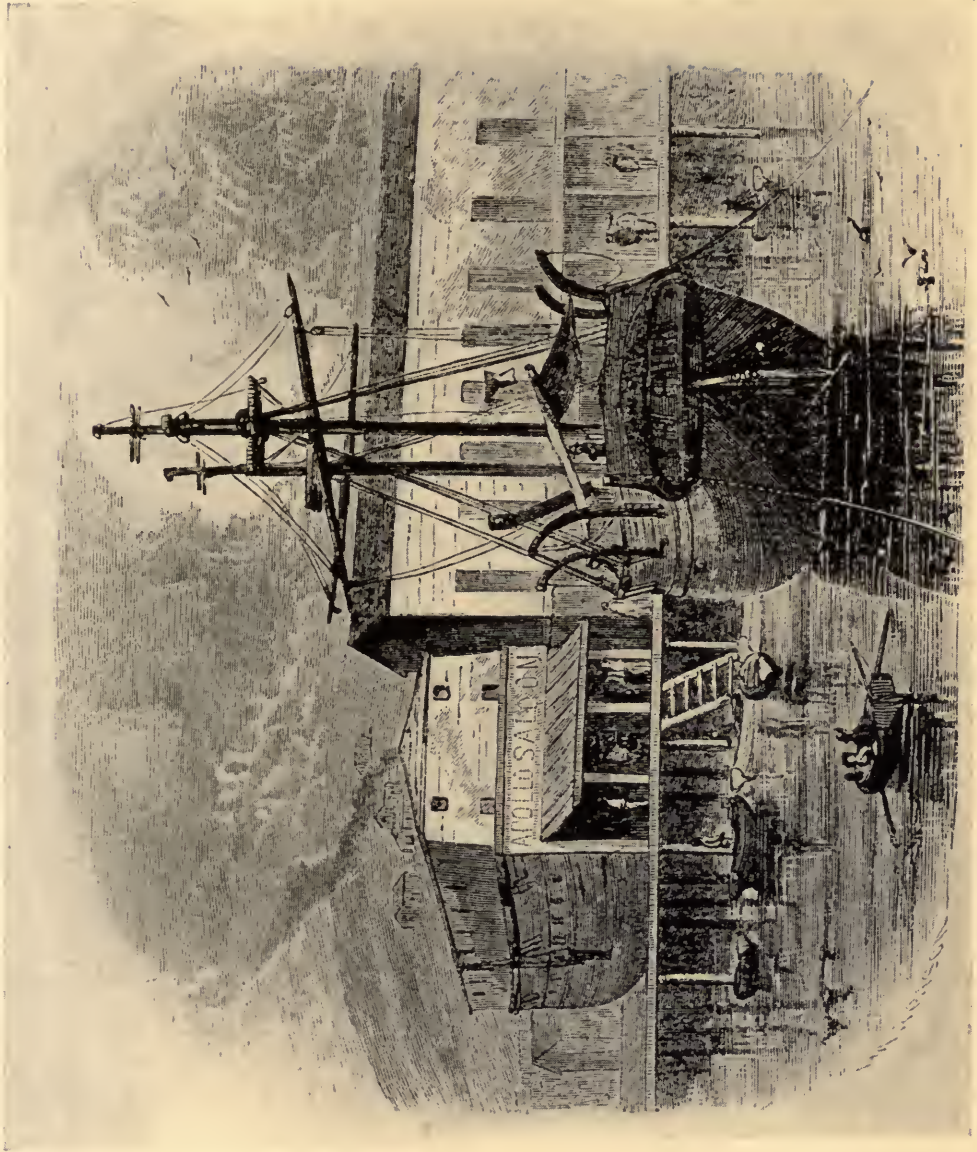
Sacramento and Battery streets.

Note the buildings on piles.

From "Annals of San Francisco."

PRISON BRIG EUPHEMIA AND STORE SHIP APOLLO

Sacramento and Battery streets.
Note the buildings on piles.
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cases he would sometimes listen to one or two witnesses on one side, and then cut short the attorneys of the other side, saying he wanted to hear no more.

The town was but poorly provided with jail facilities, and the ayuntamiento used the first money coming into its hands in the purchase of a prison ship. They bought the brig Euphemia on October 8, 1849, and anchored her off the Sacramento street wharf, corner of Battery street. The brig was soon overcrowded, and the prisoners were put to work on the streets under charge of a chain-gang overseer. As soon as the council was organized they applied to the governor for a loan from the civil fund. Governor Riley informed them that while he had no authority to loan any of the public funds in his possession, he would direct the treasurer to pay over to the municipality ten thousand dollars to purchase or erect a district jail and court house, provided that an equal amount was raised and appropriated by the city for that purpose. The council had plans for a city hall, hospitals, wharves, and other public improvements, and to meet these costs arranged a sale of water lots, now coming into eager demand. The sale was held in January 1850, and yielded six hundred and thirty-five thousand dollars. Three hundred thousand of this was at once appropriated for the extension of the California and Market street wharves, and in place of building a city hospital the council entered into the contract with Doctor Peter Smith which resulted so disastrously for the city.

Notwithstanding the large amount of coin brought into the country by immigrants and the millions of gold dust used as currency, the specie basis was very small in comparison with the volume of business transacted. In August 1848, Colonel Mason reported to the commissary general that, owing to the scarcity of specie, drafts on the subsistence department could not be negotiated except at a ruinous discount. The merchants of San Francisco asked to be allowed to pay custom dues in gold dust, and were informed by Governor Mason that his instructions gave him no discretion, but required him to collect duties "exclusively in gold and silver coin" before the goods could leave the custody of the collector. He was willing, however, to permit the goods to go at once into the market and to wait three and six months for the duties, provided, that gold dust be deposited as security at a rate low enough to insure its redemption at the expiration of the period. Like all other commodities in California the price of gold was subject to violent fluctuations. Its value was not well understood, and so great was the quantity produced it was feared its value would greatly decrease.* It sold at the mines during 1848-49, at four to nine dollars an ounce. The gold Colonel Mason sent to the war department with his report of August 17, 1848, he paid ten dollars an ounce

* Horace Greeley estimated that a thousand millions would be added to the world's supply within four years.

Brown: *Early Days*, Chap. iv.

for, and it was worth at the mint eighteen dollars. The price of gold dust was, however, largely governed by the needs of the owner and the supply of coin. Brown says that at first the gamblers would not play for it and the miners would come to him at the bar of the City hotel for money to play. He bought their dust at six to eight dollars, according to his supply of coin. The Indians, who mined much of the gold, would sell it weight for weight for any article they wished to buy. They have been known to sell an ounce of gold for fifty cents in silver coin, or for a drink of whiskey. Sixteen dollars an ounce ultimately became the ruling price at which the gold dust was taken in trade and in a transaction of any size a handful more or less did not count with the easy-going miner.

The profits of the merchants were enormous, particularly at the mining camps. At the close of 1848 the most extravagant prices prevailed at the mines. Sales of flour are reported at eight hundred dollars a barrel; pork, four hundred; a pair of boots, a blanket, a gallon of whisky, and hundreds of other things, one hundred dollars each; eggs, three dollars each; drugs, one dollar a drop; pills, one dollar each; doctor's visits, fifty to one hundred dollars; all paid in gold dust at eight to ten dollars an ounce. Some dealers kept special price lists and special scales and weights for trading with the Indians, considering it quite legitimate to rob them. I do not think such practices were at all general,

but there is no doubt that they were altogether too prevalent, and it was no uncommon thing for a trader to make a fortune in a single season.

The forced and ruinous sales of cargoes in the fall of 1849, with the enormous cost of lighterage and storage caused a rapid fall in prices.* The heavy rains at the beginning of winter closed interior traffic and increased the stagnation. Beef and pork which had ranged from twenty to sixty dollars a barrel fell to ten dollars; flour fell from sixty to ten dollars; coffee from seventy-five cents a pound to nine; molasses from four dollars a gallon to sixty-five cents, and other importations in like ratio.

The losses of 1849 checked importations for a time and prices grew steadier under reduced supplies. Wages continued high. A common laborer received a dollar an hour, or ten dollars a day; while the pay of a carpenter was sixteen dollars a day. The cost of living was frightful. A little house of four rooms rented for four hundred dollars a month. For offices, a cellar big enough to hold a desk and a few chairs rented for two hundred and fifty dollars a month. Stores rented from one to six thousand dollars a month, while the gamblers paid ten thousand dollars a month rent for a lower floor in the Parker house, and for other rooms in that hotel they paid from thirty-five hundred to six thousand dollars a month. Everything was on a cash basis and all rents

* Storage: Three dollars a month per barrel; drayage, three to four dollars a load. *Doc. 17, pp. 31-2.*

were paid in advance. Rooms at the hotels could be had from twenty-five to two hundred and fifty dollars a week. A bunk in an enclosed porch of an adobe house cost twenty-one dollars a week. The price of board was thirty-five dollars a week. There were several cheap Chinese restaurants where meals could be had for one dollar, while at the higher class restaurants a dinner *a la carte* cost anywhere from three to ten or more dollars. Food was abundant; the ranchos supplied unlimited quantities of good beef, while all kinds of game and fish could be had for the taking. Milk, butter, fruit, and vegetables were more difficult to obtain. Milk cost one dollar a quart, butter from one dollar and a half to two dollars and a half a pound, according to its rank, and vegetables about what the dealer chose to ask. Bayard Taylor speaks of choice grizzly bear steaks at the restaurant, very solid, sweet, and nutritious, of a flavor preferable to that of the best pork.

With the general exodus to the mines in the summer of 1848, real estate in the town became almost worthless, and many of the faint hearted saw the finish of San Francisco and the rise of the rival city of Benicia on the straits of Carquines; but the beginning of the winter rains sent the inhabitants back to town, and the place was filled to overflowing. Building was resumed with feverish intensity, and lots that could hardly be given away in the summer, found ready purchasers at greatly advanced prices, and some on favored corners sold as high as ten

thousand dollars. In the spring of 1849, real estate speculation again lagged with the departure of the miners, but with their return in the fall, laden with the gold of the placers, speculation went mad and prices advanced to unprecedented figures. The firm of Finley, Johnson & Company sold for three hundred thousand dollars real estate that had cost them the year before, twenty-three thousand. A lot on the plaza, bought in the spring for six thousand dollars, sold for forty-five thousand. Encouraged by the demand for lots, Dr. John Townsend and Cornelius de Boom laid out a suburban town in the Potrero Nuevo, on the beautiful sloping banks of Mission bay,* but owing to its distance from town it was long before there was a demand for lots. Many of the people who had to have houses and could not pay from three to six hundred dollars a thousand for lumber, went to the redwood forest of San Antonio, got out the lumber, and built for themselves. This was the case with Brother Taylor of the Methodist conference. Landing in San Francisco in September 1849, after a long trip around Cape Horn, he could find no shelter for his wife, weak from a recent confinement and the weary

* In 1847, Dr. John Townsend built his residence and physician's office on his fifty vara lot on the south side of California street between Montgomery and Sansome, where the Merchant's Exchange now stands. John Cornelius de Boom, a native of Antwerp, came in 1849, from South America, with a cargo of goods, landing February 18th. He bought from Townsend his California street lot and became owner of a large amount of San Francisco property. He established the house of De Boom, Grisar & Co. of Valparaiso and San Francisco.

voyage, and for his children. From four to five hundred dollars a month was asked for the smallest house that would hold them. The small class he got together had no money and could not help him. He said he would take his axe and wedge, go to the redwoods, get out the lumber, and build him a house. The members of his flock tried to dissuade him, but he saw no other way. He would go, he said, to the redwoods, and would leave the outcome with the Lord. The fact that the aforesaid redwoods, belonged to the Peraltas seems to have troubled nobody. Brother Taylor did go to the redwoods, accompanied by a good brother who volunteered to help him, and after some weeks of arduous and unaccustomed labor, succeeded in getting his lumber and building his house on a lot another good brother helped him to buy.

General Smith, commanding the Pacific division, established a military post at Benicia, garrisoned by two companies of infantry, and made it the general depot for military supplies. He did not approve of San Francisco, and transferred all the military stores thence to Benicia. He reported to the adjutant-general that the harbor at Yerba Buena was a very inconvenient one—the sea too rough three days out of seven to load or unload vessels; and that the town of San Francisco was situated at the extremity of a long point cut off from the interior by an arm of the bay more than thirty miles long, having no good water and few supplies of food; with

the only road by which it could be reached intersected by streams that rendered it at that time (in March) nearly impassable. The town of San Francisco, he says, "is no way fitted for military or commercial purposes; there is no harbor, a bad landing place, bad water, no supplies of provisions, an inclement climate, and is cut off from the rest of the country, except by a long circuit around the southern extremity of the bay." He hopes that in fixing the port of entry, capital, or other public places, the law will leave to the president the selection; "otherwise, private interest, already involved in speculation here, will, by misrepresentation, lead to a very bad choice." Early in April he made an exploring trip around the northern branch of the bay, selecting a site on Carquines straits for a military depot where, on an inclined plane, the town of Benicia was laid out; "a very favorable site for a town larger than is likely to exist anywhere here for a century to come." His own headquarters, he writes in June, he is about to remove to Sonoma, whence his dispatch of August 26th is dated.

As if to convict General Smith of prejudgment, San Francisco continued to grow vigorously, and its increasing prosperity was apparent not only in its business houses, hotels, etc., but also in the appearance of the people. The slouched hat gave way to the black beaver; the flannel shirt, to white linen; and dress and frock coats were taken from trunks and sea chests. The sombrero, a very convenient and becoming head-piece, was much affected by the

younger men. The men of the earlier immigration long clung to the California costume: blue jacket or roundabout, black trousers, and soft hat. In summer the dress was white. The men of the interregnum—of the conquest—adopted the California dress and continued it well into 1850; but the fashion among the argonauts finally prevailed. The gamblers affected the Mexican style of dress, in part, with white shirt, diamond studs; sombrero, with perhaps a feather or squirrel's tail under the band, top-boots, and scarlet sash around the waist. Washing was very expensive, the usual charge being eight dollars a dozen. Linen was sent to Honolulu and even to Canton to be laundered. The favorite spot for laundry work was a little pond in the Western addition, separated from the waters of the bay by a low range of sand dunes, called by the Spaniards, Laguna Pequeña, and by the Americans, Washerwomen's lagoon. The site of this pond includes the blocks between Franklin, Octavia, Filbert, and Lombard streets, but it has long been filled up and built upon. In 1849 it was a place for excursions and picnics. Here the washermen and gardeners established themselves and plied their respective occupations. The land adjoining the pond was a rich, black loam and well repaid cultivation. The washerwomen, of whom there were a few, principally Mexicans and Indians, ranged themselves on one side and the washermen on the other. The men went into the business on a large scale, having their tents

for ironing, their large kettles for boiling the clothes and their fluted washboards along the edge of the water. When one of these great, burly, long-bearded fellows got a shirt on the board the suds flew—and the buttons also. Nearer town, in the North Beach section, where two springs fed a little brook, on the corner of Mason and Francisco streets, Honest Harry Meiggs, later alderman, absconder, and railroad builder, erected a saw mill and had his lumber yard. His wharf was afterwards extended into the bay.

The road to the presidio led from Dupont street, through the “puertezuela,” the little pass between the hills at Pacific and Jones streets, and past the Laguna Pequeña. This was also an excursion for those who wished to get away for a moment from the strenuous life of the sordid town. Past the long adobe barracks and cottages of the presidio the rider takes his way to the old Spanish fort upon the cliff that overhangs the foamy beach. The gray crumbling walls and mouldering ramparts that once echoed to the tread of “the swart commander in his leathern jerkin”; the decaying gun carriage with wheel half buried in the weeds and grass; the weather-worn embrasures that once framed the face of seaward-gazing sentry, now but the basking-place where seabirds rest and blink in the sunlight, all charm to rest, to forgetfulness of the present in the dream of the past.

“——the dying glow of Spanish glory
The sunset dream and last!”

From Dupont street (Calle de la Fundacion) another road led southward to the mission. This wound in and around the sand-hills reaching the line of Mission street, thence to the Mission Dolores. Another road or path to the mission was along Kearny, up Bush street to the hill, down Stockton street, where on the corner of Sutter, the rider (of 1851) came suddenly upon a most beautiful dwelling with porch, veranda, door-yard, and flowers, lying in the warm sunlight "like a sweet bit of our old home spirited across the continent by fairy's wand." This house was made in Boston for Judge Burritt and shipped to San Francisco. It occupied the fifty vara lot on the northwest corner of Sutter and Stockton streets.* Dr. A. J. Bowie lived here many years. It was afterwards added to and used as a beer garden, where light opera was given in the evening, and was known as the Vienna Gardens.

Down Stockton street the rider passed, skirting the high sand-hill that filled Union square, through Saint Ann's valley to Yerba Buena cemetery, to the Hayes residence, where amid trees and flowers Colonel Thomas Hayes kept open house for his friends and dispensed generous hospitality. His residence occupied the block between Van Ness, Franklin, Grove, and Hayes streets, and that of his friend and neighbor, James Van Ness, the block between Van Ness, Franklin, Hayes, and Fell—the present public library lot. From here it was little

* Barry and Patten: *Men and Memories of San Francisco*.

over a mile to the mission. In the winter of 1850-51, a plank road was built from California south on Kearny to Third, thence to Mission street, and to the Mission Dolores. This road was owned by a stock company, cost ninety-six thousand dollars and paid in dividends nearly eight per cent. a month on the investment. The charge was twenty-five cents for a *caballero*, seventy-five cents for a wagon and two horses, and one dollar for a four-horse team. The toll house was first on Kearny street, then on Third at the intersection of Stevenson, then at Fourth and Mission, and finally, further out. At Sixth street the road came to a marsh which was crossed by a bridge reaching from Sixth to Eighth streets. Just before coming to the bridge a road led to the cemetery and to the residence of C. V. Gillespie, nearly opposite the cemetery gate. In the block between Eleventh and Twelfth streets, on the north-westerly side of the road was the Grizzly road-side inn, where a chained bear was kept for the entertainment of callers. A little further on a brook crossed the road where some years later Robert B. Woodward established that most delightful place for the children of San Francisco, Woodward's Gardens. Woodward began his ministrations to the public on Pike street now Waverly Place, a short street running from Washington to Sacramento streets a little above Dupont, where he kept a coffee house. Later he made a fortune in the famous What Cheer house. At the mission was the Mansion

house, where Bob Ridley and Charles V. Stuart entertained all comers. Here, in their adobe houses, lived the Guerrero, De Haro, Valencia, Bernal, Alviso, Sanchez, Galindo, and other well-known families whose names are perpetuated in our streets and hills.

In 1849 San Francisco was a city of men. Every man was his own housekeeper, doing, in many instances, his own cooking, washing, and mending. The men considered that they would be in California so short a time that it was not worth while to bring the families; besides, there was no place for them. This resulted in the dissolution of old conventionalities and the casting of society into new forms. Men were like children escaped from school. The new environment did not encourage moderation. A great increase of activity came upon the people, accompanied by a reckless and daring spirit. Men noted for prudence and caution took sudden leave of those qualities, and plunged into speculation so daring that newly arrived persons predicted a speedy and ruinous crash of the whole business fabric of San Francisco. The latent strength hitherto confined by lack of opportunity and conventional rules was brought into action, and leadership fell to those most fitted. Practical equality ruled among the members of the community and no honest occupation, however menial in its character, affected a man's standing. Sailors, cooks, or day laborers, frequently became heads of profitable establishments,

while doctors, lawyers, and other professional men, worked for wages, even as waiters and shoeblacks. Said Broderick: "I represent a state, sir, where labor is honorable; where the judge has left his bench the lawyer and doctor their offices, and the clergyman his pulpit, for the purpose of delving in the earth; where no station is so high and no position so great that its occupant is not proud to boast that he has labored with his own hands. There is no state in the union, no place on earth, where labor is so honored and so well rewarded; no time and place since the Almighty doomed the sons of Adam to toil, where the curse, if it be a curse, rests so lightly as now on the people of California."*

The exuberance of the Americans manifested itself in dangerous excesses, chief among which were drinking and gambling. The practice of drinking was widely prevalent, and perhaps no city in the world contained more drinking houses in proportion to population than San Francisco. Various explanations have been given for this wide-spread indulgence, such as lack of homes and higher recreations, influence of climate, and so on. I think the practice was largely due to the excitement and strain which men were under, combined with freedom from restraint, lavishness, and an exaggerated spirit of good-fellowship. They were not, as a rule, solitary drinkers. Gambling grew and flourished, in spite of a

* Speech of David C. Broderick in the United States Senate on the admission of Kansas.

strong and universal public sentiment against it. It was a part of the wildness in the blood—the craving for fresh excitement. The most reckless players were the richly-laden miners, and from them the professional gamblers reaped a harvest. In many instances the gamblers themselves were men who had led orderly and respectable lives at home. On arriving at San Francisco in September 1849, Brother Taylor asked a person who came on board the ship if there were any ministers of the gospel in San Francisco. “Yes,” he said, “we have one preacher, but preaching won’t pay here, so he quit preaching and went to gambling.” The reply Mr. Taylor received well illustrates the reckless manner in which statements were made; statements as false and misleading as they were reckless. There were at that time, as we have seen, four places in the city where the gospel was regularly preached by ordained ministers. The wickedness of San Francisco has been well advertised and is, to this day, a favorite theme for discussion by those who can see only the surface of things and who accept, without investigation, the statements of those who prate of a “pleasure loving people” and of the “Paris of America.”

The other diversions offered the people were about on a par with the drinking saloon and gaming table; but with the growth of home influence men began to long for better things. They began to be interested in the development of the great resources of the

country. Men sent for their families, and young men began to look for wives. As soon as they made up their minds to settle permanently in the country, their conduct underwent a great change for the better. They were interested in the establishment of schools and churches, a better observation of the Sabbath, and whatever they thought would improve social conditions. In spite of dissipating and disorganizing influences, the main stock of society was strong, vigorous, and progressive; and with the same energy with which they had plunged into earlier excesses, the Americans now set about the establishment of order, guided by an enlightened experience and the instinct of right. In a community which contained contributions from all the nationalities of Europe, Asia, America, and the islands of the sea, the men of the United States dominated by numbers, by right of conquest, by energy, shrewdness, and adaptability. From the worst elements of anarchy was evolved social order. With a freshly-awakened pride of country, which made every citizen jealously and disinterestedly anxious that California should acquit herself honorably in the eyes of the nation at large, the prejudices of sect and party were disclaimed, and all united in the serious work of forming the commonwealth.

The city has had her full share of trials and tribulations. Abused and degraded by pretended friends, betrayed into the hands of plunderers by her guardians, her people have twice risen and taken back into

their hands the delegated powers of government; then when their work was done they have returned to their usual vocations, peaceful citizens and obedient subjects of the law.

On the 15th of April 1850, the legislature granted a city charter to San Francisco, assigning as boundaries: On the south, a line parallel to Clay street, two miles south from Portsmouth square; on the west, a line parallel to Kearny street, one and a half miles from the square; on the north and east, the county limits. The government was vested in a mayor and common council; and with the election of the new city officials, on May 1, 1850, the ayuntamiento passed out forever.

NOTES

NOTE 33

THE DONNER PARTY

In the spring of 1846 some two thousand emigrants were gathered at Independence, Missouri, waiting for the grass of the plains to attain sufficient growth for feed for their cattle before commencing the long journey to the Pacific coast. Some of these were bound for Oregon and the rest for California. Among the latter a large company under command of Lilburn W. Boggs, ex-governor of Missouri, started about the beginning of May. The party was found to be too large for convenience in handling and three days after the start it was cut in two, Boggs taking charge of the advance, the second division being placed under command of Judge Moran of Missouri. Each of these two large companies was subsequently divided into smaller ones having various commanders who were changed from time to time as the emigrants proceeded on their journey, while the families changed from one company to another and new combinations were constantly being formed.

In one of these companies, commanded by William H. Russell of Kentucky, was the party known as the Donner, or the Reed and Donner party. It consisted of the brothers George and Jacob Donner, and their families, James F. Reed and family, Baylis Williams and his half sister, Eliza Williams, John Denton, Milton Elliott, James Smith, Walter Herron, and Noah James, all from Springfield, Illinois, William H. Eddy and family, from Bellefield, Illinois, Patrick Breen and family and Patrick Dolan, from Keokuk, Iowa, Mrs. Murphy, widow, and children, from Tennessee, her sons in-law, William H. Pike and William M. Foster, with their families, William Mc-

Cutchen and family, from Jackson county, Missouri, Lewis Keseburg and family, Mr. and Mrs. Wolfinger, Joseph Rhinehart, Augustus Spitzer, and Charles Burger, natives of Germany, Samuel Shoemaker, of Springfield, Ohio, Charles T. Stanton, of Chicago, Luke Halloran, of St. Joseph, Missouri, Mr. Hardcoop, a Belgian, Antonio and Juan Bautista, Spaniards, from New Mexico. West of Fort Bridger the party was joined by Franklin W. Graves and family, his son-in-law, Jay Fosdick and wife, and John Snyder, all from Marshall county, Illinois, eighty-eight souls, all told.

It was a well equipped party, and George Donner, a man of some wealth, was carrying a stock of merchandise for sale in California. He had several milch cows and the family was plentifully supplied with milk and butter. For a time all was well and the company thoroughly enjoyed the novelty of their situation. The weather was delightful, and the country between the Blue and Platte rivers, a beautiful rolling prairie, was covered with grass and wild flowers. Game abounded and the men would ride twenty miles from the train on their hunting excursions. The Indians were friendly and the cattle grazed quietly around the camp unmolested. Several musical instruments and many excellent voices were in the party and all was good-fellowship and joyous anticipation. The first death occurred just before the crossing of the Big Blue river. Mrs. Sarah Keyes, the aged mother of Mrs. James F. Reed, had been in feeble health and was unable to endure the fatigues of such a journey, but having no one to leave her with they had been obliged to bring her. She was buried on the bank of the Big Blue, and the emigrants moved on. The route was the usual one: up the north fork of the Platte, up the Sweetwater, through the South pass, down the Big Sandy and the valley of Green river. At Fort

Bridger, then a new trading post on Black's fork of Green river, a consultation was held regarding the next stage of the journey. Bridger and Vasquez, the owners of the fort, were old trappers of the American Fur company. They had been in the region many years and had established this fort which they expected to make a great trading post, and they hoped to induce the government to make it the principal military post of the intermountain region. They had also traced out a road from Fort Laramie to Fort Bridger which they claimed was easier, had more grass and water, and was much shorter than the road through the Black hills and South pass. It followed up the Laramie river, came through Bridger pass and down Bitter creek to the Green. This route, surveyed by Captain Stansbury, U. S. topographical engineers, in 1850, was that followed later by the Union Pacific railroad from the Laramie to the Green river. At Fort Bridger the emigrants met a man whose advice, taken by them, was to cause their ruin. Lansford W. Hastings had commanded a party of emigrants across the plains to Oregon in 1842. The excessive rains of that country through the winter had produced dissatisfaction in the party and they determined to seek the sunnier skies of California. This they did the following year and reached Sutter's fort about the middle of July 1843. Bidwell says that Hastings came with a half-formed purpose of exciting a revolution, of wresting California from Mexico, and of establishing an independent republic with himself as president.* The foreigners in the country were however too few for a successful revolt and Hastings devoted himself to the work of promoting emigration to California. He returned to the United States and published an emigrants' guide

* Bidwell: *California in 1841-8* MS. Bancroft Collection.

to Oregon and California, wherein he gives a most glowing account of California, whose people were "scarcely a visible grade in the scale of intelligence above the barbarous tribes by whom they are surrounded," but who, nevertheless, treated foreigners with kindness and freely granted them lands.* He also, it is said, supplemented his publication by lectures. In 1845 he brought a small party through to California and then turned himself to diverting the Oregon emigration to California. It was on this business that he now presented himself to our party of emigrants at Fort Bridger. Many of them knew who he was and some had seen his book. The most of the people were bound for Oregon, but Donner, Harlan, Boggs, and some other parties were going to California. Hastings assembled the emigrants and told them of a new route he had discovered around the south end of Salt Lake and striking the Humboldt river one hundred and fifty miles above the sink. He told them that they would, by taking this route, save two hundred miles of travel over the old road by Fort Hall. Bridger and Vasquez added their testimony in favor of the new route and all three, for their own interests, exaggerated its advantages and underrated its difficulties. The deliberations lasted three or four days and the historian of the Donner party states that but for the earnest advice and solicitation of Bridger and Vasquez the entire party would have continued by the accustomed route. After mature deliberation, the emigrants divided; the greater portion, going by Fort Hall, reached California in safety. The Donner party, which had a few days before elected George Donner captain, decided to take the Hastings' cut-off, as did the Harlan party, whose chief was George Harlan. These two parties left Fort Bridger on July

* Hastings: *Emigrants' Guide*, pages 64-133.

28th, and for several days traveled in company. The route was fairly good and they had little difficulty until they reached Weber cañon, where the road seemed impassable for the wagons. They halted and held a council. Harlan and some of his party maintained that the road could be made passable and that they could get through. Reed and Donner refused to go on and with their party turned back. The Harlan party spent six days in building a road through the cañon and on the seventh passed over it and reached Salt Lake. They crossed the desert, losing by death one of their members, and after a hard struggle and a loss of many cattle, reached the Humboldt near the vicinity of the present Palisade, where they ascertained that the Boggs' party, which had gone by Fort Hall, was seventy-five miles ahead of them. Pushing on with all possible speed they crossed the mountains and reached Johnson's rancho, the first habitation west of the sierra, on the twenty-fourth of October. They were the last party to cross the mountains.

After leaving Harlan the Donner party traveled back for two days and then struck across the Wasatch range to the south and followed down the cañon of a small stream towards Salt Lake. Some three weeks were spent in making roads and mending wagons, only to find the mouth of the cañon so narrow and so filled with huge rocks as to be impassable. With great exertion they succeeded in getting out of the cañon and reached Salt Lake about September 1st—some thirty-four days from Fort Bridger, a journey they were told would be made in six. It appears that Edwin Bryant, afterwards alcalde of San Francisco, had passed through the Hastings' cut-off ahead of the Harlan party. Bryant was traveling with a small party with pack-mules, and was guided by James M. Hudspeth, an associate of Hastings. He left

letters for emigrants in the rear warning those with wagons not to take the cut-off but keep to the old trail by Fort Hall;* letters that were not delivered.

Encamped at the southern end of the lake, death claimed on September 3d, another member of the Donner party. Luke Halloran was a consumptive, without friends or kinsman, who had joined the train hoping to find health in the change of climate. He succumbed to the hardships of the journey and was buried in a bed of salt at the foot of the lake. From September 9th to the 15th the party were crossing the Salt Lake desert, which Bridger and Vasquez had assured them was but fifty miles across, but which they found to be seventy-five. Reed's oxen, driven by thirst, disappeared in the desert leaving him helpless with three wagons and a family of six, the rest of the party having passed on. With his youngest child in his arms and followed by the others, Reed walked twenty miles to the camp on the head waters of a stream flowing into the Humboldt. Several days were passed here while an unsuccessful search was made for the lost cattle. Reed's only remaining cattle were one ox and one cow. Graves and Breen each loaned him an ox, and by yoking his cow and ox, together he had two yokes which he hitched to one wagon, and loading on that all he could, he abandoned the other two and cached such of his property as could not be carried.

Before leaving the desert camp a careful account of provisions was taken, and deeming the amount insufficient Stanton and McCutchen volunteered to go forward to California and bring back a supply. Their services were accepted and they started, each with a horse, about September 20th. All were put on short rations and

* Bryant: *What I Saw in California*, p. 144.

resuming the march they reached the emigrant road on the Humboldt river about the end of September, long after the last parties had passed. They now began to realize their danger. A storm came on and in the morning the mountain tops were covered with snow. It was a dreadful reminder of the lateness of the season and of the horrors they feared must await them. The company now fairly demoralized, pushed on as rapidly as possible, each family looking out for itself. All organization seems to have come to an end. The Indians, ever hostile, hovered about the train and stole the cattle at every opportunity. The poor animals were in a pitiable condition. The grass was scanty and of a poor quality, and the water was bad, causing much loss among them. At every slight ascent the teams would have to double up and it required five or six yokes of oxen to move one wagon. The days of feasting and merry-making, of song and story around the evening camp fire, had long departed; they could not survive the deadly monotony of the journey. The people became irritable and quarrelsome under the never ceasing toil, the constant sense of danger, the scanty food, and the difficulties of their position. The differences that had existed among them from the beginning were greatly increased and they regarded each other with feelings of suspicion and dislike, that only needed opportunity to break forth in acts of hostility. At Gravelly Ford, on October 5th, in a quarrel between Snyder and Reed, the latter was savagely beaten by Snyder. Mrs. Reed rushed between the furious men and received a blow on the head from the butt end of Snyder's heavy whip stock. In an instant Reed's hunting knife was out and Snyder fell, mortally wounded, and died in fifteen minutes. Consternation siezed the emigrants. Camp was immediately pitched and after burying the dead man a council was held to

determine the fate of the slayer. All the animosity of the company now centered on Reed. It was first proposed to hang him, and one man fastened up his wagon pole for that purpose; but it was finally decided to banish him to the wilderness, alone, with neither food nor arms. Reed accepted the verdict and mounting his horse rode out into the desert. His little daughter Virginia followed him after dark, and carried him his rifle, some ammunition and food. George and Jacob Donner with their wagons and families were two days in advance of the main train. Walter Herron was with them, and when Reed came up, Herron determined to accompany him to California. The two set out together and of Herron we hear nothing further.

On the 12th of October the train reached the sink of the Humboldt, and the cattle, closely guarded, were turned out to graze. At daybreak the guard came into camp to breakfast, leaving the cattle unguarded, and during their absence twenty-one head were stolen by the Indians. This left the company in a bad plight. Several families had neither oxen nor horses left. All who could must walk. Men, women, and children were forced to travel on foot and, in many cases, carry heavy burdens to lighten the loads for the oxen. Eddy and his wife each carried a child and such personal effects as they were able. No one was allowed to ride but the little children, the sick, and the utterly exhausted. Seven of the women had nursing babies and all were on the smallest allowance of food that would sustain life. In this condition the company began the desert lying between the sink of the Humboldt and the lower crossing of the Truckee river. The Belgian, Hardcoop, an old and feeble man, fell; he could walk no further, and the train passed on, leaving him to his fate. I suppose the old man had no money to purchase the place of a bale of

goods on one of the wagons. On October 14th the German, Wolfinger, failed to come into camp. He had been walking in the rear with Keseberg. His wife induced three young men to go back in the morning and look for him. Keseberg had said that Wolfinger was but a short distance behind him and would soon be along. The searchers failed to find him, but about five miles back came upon his wagon, and near it, the oxen, still chained together. There were no signs of Indians. The men hitched the oxen to the wagon and drove them in. It was thought that Keseberg murdered Wolfinger for his money, but no inquiry was made concerning the missing man and the wife supposed the Indians had killed him. McGlashan says that Joseph Rhinehart, when dying of starvation in George Donner's tent, confessed that he had something to do with the murder of Wolfinger.

On the nineteenth of October, at the lower crossing of the Truckee (site of Wadsworth) the starving emigrants met Stanton with relief. Captain Sutter, without compensation or security, had sent them seven mules, five of them loaded with flour and beef. McCutchen had been ill and unable to return and Sutter had sent two Indian vaqueros, Luis and Salvador, to assist Stanton with the train and guide the emigrants over the mountains. The relief was timely and had the party pushed resolutely forward there is little doubt that they could have crossed the mountains; but with a lack of decision that had characterized them from the start, they concluded to rest three or four days at the Truckee meadows (Reno). The delay was fatal. On the twenty-third, alarmed by the threatening appearance of the weather, they hastily resumed their journey. It was too late. At Prosser creek they found six inches of snow and at the summit the snow was from two to five feet deep. With an efficient leader and a definite plan of action, the party might

yet have succeeded in crossing the range. But there was no leader, all was confusion and the panic stricken emigrants, each for himself, made frantic efforts to break through the snow barrier that imprisoned them. Some families reached Truckee lake, as it was then called, on October 28th; some on the 29th; some on the 31st, and others never got beyond Prosser creek. Several wagons passed up the old emigrant road on the south side of the lake almost to the summit and were there abandoned. Some took the north side of the lake and passed far up towards the top of the pass, only to be left imbedded in the snow. For two weeks the emigrants wasted their strength in desultory efforts to escape, and then realizing the hopelessness of such attempts, determined upon an organized effort. Never before, from the formation of the Donner party, had they ever agreed upon any important proposition. The terrible situation they were in caused them to forget for a time their petty differences and united them in one cause. They decided to kill all the animals, preserve the meat, and on foot cross the summit. That night a heavy snow fell and for a week the storm continued with slight intermissions. Ten feet or more of snow fell at the lake, and, for a time, all their energies were required for the preservation of life. The mules and oxen, their main reliance for food, blinded and bewildered by the storm, strayed away and most of them perished, being buried in the snow where only a few were ever found. Those remaining were slaughtered and the meat preserved in the snow. The emigrants now realized that the winter must be spent in the mountains and made such preparations as they could for shelter. One cabin, built by an earlier party, was still standing and others were hastily constructed. These were built below the foot of the lake on what is now Donner creek. Seven miles to the eastward, on Alder creek, a branch

of Prosser creek, the two Donner families with several of the unmarried men were encamped in tents and brush wood huts over which were stretched rubber coats, quilts, etc. Truckee lake and river are famous for the beautiful trout with which they abound, but after two or three unsuccessful attempts to catch them the effort was abandoned and soon the lake was covered over with thick ice. The entire party seemed dazed by the calamity which had overtaken them.

Before leaving the Truckee meadows death had taken another of the party. While engaged in loading a revolver, William Foster accidentally shot and killed William Pike. This reduced the original company to seventy-nine persons. In the party must now be counted Luis and Salvador, the Indians sent by Sutter, making eighty-one souls in the camps: namely, twenty-four men, fifteen women, and forty-three children. Some of the children may have been grown but as the chroniclers do not give the ages, it is impossible to tell. Of the company, the women were the bravest, the most resourceful, and most successfully endured the struggle with cold and hunger, as will be seen later. The unmarried men, fifteen in number, most of whom were young and vigorous, gave way to despair, and after the first attempts to escape made no further effort. The only exceptions were Stanton, Denton, and Dolan, whose feeble exertions were soon ended. Of the fifteen only two survived.

In all the company there was but one gun. It belonged to Foster, and with it, Eddy shot a bear and two or three ducks. After that no more game was seen.

On December 16th a party known as the "forlorn hope" started on improvised snowshoes in an attempt to cross the mountains. There was a possibility of their getting through and their going would leave fewer hungry mouths in camp. The party consisted of Eddy, Graves,

Stanton, Dolan, Fosdick and wife, Foster and wife, Lemuel Murphy (age 13), Mrs. Pike, Mary Graves, Mrs. McCutchen, Antonio, Luis, and Salvador: nine men, five women, and a boy.

Taking rations for six days they started and on the second day crossed the summit. On December 22d they had consumed the last morsel of food. This day Stanton gave out. He had been snow-blind for two days and was too weak to keep up. It was he who had brought the relief from Sutter's fort and had remained and cast his lot with the party, when he might have escaped, having no ties of kindred among them. They left him sitting by the camp fire. It was I suppose the only thing they could do. They could not help him and their own case was desperate. On Christmas they reached the "camp of death" where a snow storm confined them for a week. Dolan, Graves, Antonio, and Lemuel Murphy died and were eaten by their starving companions. By the thirty-first, this food was gone and on New Year's day they ate their moccasins and the strings of their snowshoes. The two Indians, Luis and Salvador, had refused to eat of the dead bodies, and kept themselves apart from the rest of the company, enduring the pangs of hunger with Indian stoicism; but seeing ominous glances cast in their direction they fled during the night of December 31st. The party again pressed on. Fosdick died on the fourth of January and was eaten. His wife would not touch the food, but on this day, Eddy, who had Foster's gun, shot a deer. This lasted until January 6th. There was no food on the seventh and on the eighth Foster took the trail left by the bare and bleeding feet of the Indians, overtook them, shot both, and again the party, now reduced to two men and five women, was supplied with food. On the eleventh they passed out of the snow and came upon an Indian ranchería.

Amazed to see such tattered, disheveled, skeleton creatures emerge from the sierra, the Indians ran off in fright, but soon returned to furnish such relief as they could and supplied them with acorn bread, all the food they had. After a brief rest the march was resumed and accompanied by the Indians the refugees traveled for seven days, being compelled to rest frequently. At last they could go no further and here, in the full view of the beautiful valley of the Sacramento, laid themselves down to die. The Indians, however, took Eddy, and partly leading, partly carrying him, brought him to Johnson's rancho. Four men started at once with provisions and guided by the Indians, found Eddy's companions fifteen miles back and brought them in the next day. It was January 17th; they had been thirty-two days coming from Donner lake, and of the fifteen that started, eight had perished.

At Johnson's rancho there were only three or four families of poor immigrants, but a volunteer set off at once for Sutter's fort, forty miles below, for aid for the snow-bound people in the mountains. Captain Sutter and John Sinclair, alcalde of the district and manager of Rancho Del Paso, offered to furnish provisions, and men volunteered to carry them over the mountains. There was considerable delay in organizing the relief and securing saddle and pack animals, the country having been pretty well cleared of men and animals by the formation and equipment of the California battalion; but on February 5th, the first relief, a well appointed party of fifteen, under command of Reasin P. Tucker, started for the rescue of the beleaguered immigrants. The ground was very wet and their progress was slow, while heavy rains on the sixth and seventh kept them three days in camp. On the tenth they reached Mule springs on the Bear river, opposite the site of the present Dutch Flat, having traveled the last four miles in snow, which,

at the camp, was between three and four feet deep. The animals could go no further and sending them back under charge of William H. Eddy, who was one of the volunteers, ten men, carrying from twenty-five to fifty pounds of provisions, pushed forward on foot leaving two men to guard the provisions left. On the twelfth they halted to make snowshoes but could not use them and went on without. The next day they reached Bear valley which was covered with ten feet of snow. They examined a cache made by Reed and McCutchen and found that the provisions had been destroyed by bears. Here it rained or snowed all night. The next morning, February 15th, three of the men refused to go further and started for home. This left but seven of the original thirteen and it looked discouraging. They held a consultation and determined to go forward. Captain Tucker guaranteed to each man who persevered to the end, five dollars per day from the time they entered the snow. That day they made fifteen miles and the next day five miles through a heavy snow storm, and camped in snow fifteen feet deep. Five miles were made the following day, eight the day after, and they camped in Summit valley. The next day, February 19th, they crossed the summit, with thirty feet of snow on the pass, and reached the camp at the foot of the lake on the evening of that day.

We have seen the safe arrival of the Harlan party at Johnson's rancho, October 24th. The day following, in the midst of a heavy rain storm, a man was seen riding slowly towards the camp. It was James F. Reed, who after great suffering, having been reduced to the verge of starvation, had reached California. The fate of his companion, Herron, does not appear. After a rest, Reed went to Sutter's fort where he met Bryant, Lippincott, Grayson, and others of the Russell party. Here

steps were being taken to raise a company for the California battalion, and immigrants were being enlisted as they came in. Reed was made a lieutenant and leave given him to return to the mountains for his family whom he expected to meet at Bear valley, forty miles west of the summit. Sutter furnished Reed with horses and provisions and gave him an order on Theodore Cordua of the Honcut rancho (near the present Marysville) for more horses. At Sutter's fort Reed was joined by McCutchen, who had recovered his health, and together they set out from Johnson's rancho for the mountain camps with thirty horses, one mule, and two Indian vaqueros. At Bear valley they found a man named Jotham Curtis who with his wife had come over the mountains and both were in a starving condition. Reed relieved their necessities and leaving provisions to last until his return, continued on his way. The snow was two feet deep in the upper part of the valley. That night their Indians deserted them and the next day the deepening snow rendered further travel with horses impossible. After an ineffectual attempt to proceed on foot they returned to Curtis' camp in Bear valley. Securing their flour in the wagon of Curtis (the cache looked for by Captain Tucker) they returned to Sutter's fort, taking Curtis and his wife with them. Sutter considered the number of cattle the emigrants were supposed to have and stated that if they killed the cattle and preserved the meat in the snow there need be no fear of starvation before relief could reach them. He told Reed that there were no able-bodied men in that region, all having enlisted under Frémont, and advised him to go to Yerba Buena and lay the case before the naval commander. Proceeding by way of San José Reed found the lower peninsula in possession of the Californians under Sanchez, and joining the volunteers took part in the

famous battle of Santa Clara as first lieutenant of the San José company. On the happy conclusion of the Santa Clara campaign Reed was relieved of further military duty, having served a month and a half, and after receiving the commendation of his commander for gallant conduct on the plains of Santa Clara, continued his journey to Yerba Buena, where he arrived in the latter part of January; a somewhat leisurely proceeding, considering the starving families. At Yerba Buena a mass meeting was called and steps were being taken for the relief of the party when the news was received of the arrival at Johnson's rancho of the survivors of the forlorn hope. It was now realized that immediate action was necessary if any emigrants were to be saved. A relief party was organized under command of Selim Woodworth, and leaving them to follow by boat up the Sacramento, Reed and McCutchen, with Brittan Greenwood, a half breed mountaineer and guide, hurried on by way of Sonoma to Sacramento, thence to Johnson's rancho. Johnson drove up his cattle and said, "Take what you want." They killed five head and with the aid of Johnson and his Indians, had the meat fire-dried and ready for packing. Other Indians were making flour by hand mills and by morning had two hundred pounds ready. The war had taken so many men that it was difficult to find any willing to brave the dangers of the Sierra Nevada, and well might they fear it, as we shall see. At Johnson's Reed learned of the party commanded by Captain Tucker which had passed in seventeen days before. Reed packed his provisions and with seven volunteers—making with himself, Greenwood, and McCutchen, ten in all—started from Johnson's, February 22d, carrying seven hundred pounds of flour and the dried beef of five head of cattle. This was the "second relief."

It is now time to look after the emigrants in the mountains. The snow-fall continued, alternating with rain and hard frosts until the cabins were buried and steps had to be cut in the snow to reach the surface, now some twenty feet above the ground. Wood there was in abundance but it was difficult for these weak hands to cut down a tree, and sometimes when it fell it would be so buried in snow that they could not get at it, and many days they had no fire. By the sixth of January their only food was the hides of such animals as they had slaughtered.* They also gathered up the bones that had been cast away and boiled or burnt them until they crumbled, then ate them. Mrs. Murphy's little children used to cut pieces from a rug in the cabin, toast them crisp on the coals and eat them. Mrs. Reed and her children had been without other food than hides since Christmas. At Alder creek the families were even worse off since they had only brush huts and tents. George Donner had met with an accident which disabled him, and of which, aggravated by want of nourishment, he finally died. Jacob Donner, a man in feeble health, never rallied from the shock of finding himself imprisoned in the mountains. He gave up in despair and died early in December. Williams died at the lake December 15th, and Shoemaker, Rhinehart, and Smith at Alder creek before the twenty-first. Patrick Breen's diary written from day to day, from November 20th to March

* The green hides were cut into strips and laid upon the coals or held in the flames until the hair was completely singed off. Each side of the piece of hide was then scraped with a knife until comparatively clean, and was placed in a kettle and boiled until soft and pulpy. There was no salt and only a little pepper for seasoning. When cold, the boiled hides and the water in which they were cooked, became jellied and resembled glue. The stomachs of the little children and of some of the grown people revolted at this loathsome food.

ist, is the principal source of information. He frequently comments on the scarcity of wood as well as food. "Hard work to get wood"; "Don't have enough fire to cook our hides"; "No wood," are some of his many entries. Burger, young Keseburg, John L. Murphy, Eddy's wife and child, McCutchen's child, Spitzer, and Elliott, all died between December 30th and February 9th. Without fire, without food, without protection from the dampness occasioned by the melting snows, the men, women, and children were huddled together, the living and the dead, in the gloom of their buried cabins, while above them raged the tempest with a sound that was dreadful in their ears. From time to time small parties made feeble efforts to cross the mountains but these ceased after January 4th, and the unfortunates waited with lessening numbers and growing despair for the relief that seemed far away. Day after day they looked for help to come and day after day they became more hopeless. For nearly four months they had been held prisoners in the snow and it was more than two months since the forlorn hope made its desperate effort to break through the barrier and bring succor to the people. All food was gone! Even the repulsive hide was no longer to be had and the last resort must be to the bodies of the dead. On the evening of the 19th of February, the silence was broken by a shout from the direction of the lake. In an instant weakness and infirmity were forgotten and up from the depths, climbing the icy stairways leading to the surface, came the poor, starving wretches. It was Captain Tucker and his men, the seven heroes of the first relief. Coming down from the summit to find a wide expanse of snow covering forest and lake and a stillness that was like the silence of the grave, they sent up a loud shout to see if happily any could answer. The cry was answered, and around the relief

party came the weak and trembling forms of little children, of delicate women, and of what had once been strong men. The pitiful sight was too much for the men of the relief and they sat down in the snow and wept. Half a miles below the lake was the cabin of the Graves and Reed families. Captain Tucker, who had crossed the plains in company with the Graves family, before the latter took the Hastings' cut-off with the Donners hastened down the creek to see them. He saw smoke issuing from a hole in the snow, and, as before, he shouted, and up to the surface came Mrs. Graves and Mrs. Reed and the little children. Mrs. Graves' first question was for her husband and daughters. Did all reach the valley? The stout heart of Tucker failed him. How could he tell this starving woman of the fate of her husband and her son-in-law! He assured her that all were well. The same answer was given to the rest. Had the truth been told, the survivors of the camps would not have had the courage to attempt the journey. Food was given to the sufferers carefully and in small quantities, and the provisions were guarded lest the famished people should obtain more than was good for them. The members of the relief party camped in the snow, unable to endure the sights within the cabins, and in the morning three of them visited the Donner tents on Alder creek, seven miles below.

The relief party determined to return on the twenty-second and would take such as were able to travel. To those who remained, they said other relief parties would soon come. The question was, who should go? George Donner had become helpless and his wife would not leave him, though urged to go. From the Donner camp came the two oldest daughters of George Donner: Elitha and Leana; George Donner, Jr., son of Jacob, and William Hook his step-son; Mrs. Wolfinger, and

Noah James. Mrs. Jacob Donner's two little boys were not big enough to walk and the mother preferred to wait for a larger party to come for them. From the upper camp came Mrs. Reed, her daughter Virginia, and son, James F., Jr. Her two other children, Martha (8 years), and Thomas (3 years), started with the company but they had proceeded only two miles when Glover, of the relief party, told Mrs. Reed that they showed such signs of weakness it was not safe to allow them to go on and that he would take them back. The poor mother was frantic at having to send her little ones back to that dreadful camp, and Mr. Glover promised to return as soon as he arrived at Bear valley and bring Martha and Thomas over the mountains. To this the mother was obliged to consent. Two Murphy children, William G. and Mary M.; Naomi L. Pike; three Graves children, William C., Eleanor, and Lovina; Mrs. Keseburg and her baby girl, Ada; Edward and Simon Breen, children; Eliza Williams, and John Denton, twenty-one, all told, made up the number brought out by the first relief. The seven men constituting this party were: Reasin P. Tucker, captain, Aquila Glover, Riley S. Moultry, John Rhoads, David Rhoads, Edward Coffeemire, and Joseph Sells. When Mrs. Pike, whose husband had been accidentally killed at Truckee meadows, joined the forlorn hope, she left her two year old Naomi, and her infant Catherine, with her mother, Mrs. Murphy. Starvation had dried her milk and she could no longer nurse the babe. The grandmother succeeded in keeping the infant alive until the arrival of the relief party by administering to it a little gruel made from coarse flour—a small quantity of which Mrs. Murphy had saved—mixed with snow water. On February 20th the baby died, and little Naomi was carried to her mother by John Rhoads, who bore her through the snow slung

over his back in a blanket. Another of the men of the relief carried Mrs. Keseberg's baby, but the little one could not survive. She died on the evening of the first day out and was buried in the snow. The second day the company reached Summit valley. When camp was pitched John Denton was missed. John Rhoads went back and found him asleep on the snow, and with much exertion aroused and brought him into camp. He said it was impossible for him to travel another day, and on the morrow he gave out before proceeding very far. His companions built a fire for him and giving him such food as they could, left him. When Captain Tucker's party were going to Donner lake, they had left a portion of their provisions in Summit valley, tied up in a tree. They had found it difficult to carry all they had started with, and besides, thought it well to have something provided for their return should the famished emigrants eat all they carried in, which proved to be the case. The scanty allowances were all eaten, and when the party reached the cache they were horrified to find that wild animals, by gnawing the ropes by which the provisions had been suspended, had obtained and consumed all. Starvation now stared them in the face and they pushed on as rapidly as possible. On the twenty-seventh they were met by the second relief under James F. Reed, and being thus succored they reached Johnson's March 2d. In his diary Reed says: "Left camp (head of Bear valley) on a fine, hard snow and proceeded about four miles when we met the poor, unfortunate, starved people. As I met them scattered along the snow-trail, I distributed some bread that I had baked last night. I gave in small quantities to each. Here I met my wife and two of my little children. Two of my children are still in the mountains. I cannot describe the death-like look all these people had. 'Bread'! Bread'! 'Bread'! 'Bread'!

was the begging cry of every child and grown person. I gave all I dared to them and set out for the scene of desolation at the lake." At Bear valley another cache had been made and this was found unmolested. The utmost caution was taken to prevent the famished people from eating too much. One boy, William Hook, got at the provisions and ate until his hunger was satisfied and in the morning was found to be dying. Finding him past relief they left two of their company with him and continued on their way. Had it not been for the relief afforded by Reed many of the party must have perished.

Realizing the terrible situation of the emigrants Reed hurried on as fast as possible. On February 28th, he made fourteen miles through very soft snow, and on camping sent three of his men ahead who kept on through the night and camped for a short rest within two miles of the cabins, which they reached early in the morning. They found all alive and after feeding them went on to the Donner camp, where they arrived by noon. During the day Reed and the rest of the party came up.

On March 3d Reed started his return taking Mr. and Mrs. Breen and five children, which cleaned up the Breen family—two having gone with the first relief; his own two children, Isaac and Mary M., who had been living with the Breens; two children of Jacob Donner; Solomon Hook, Mrs. Jacob Donner's child by a former husband; and Mrs. Graves and her four remaining children, seventeen in all. The relief party consisted of James F. Reed, Charles Cady, Charles Stone, Nicholas Clark, Joseph Gendreau, Mathew Dofar, John Turner, Hiram Miller, William McCutchen, and Brittan Greenwood. Many of the younger children had to be carried and all were so weak and emaciated that it was evident the journey would be a slow and painful one, and should a storm

arise before they got over the mountains, the situation of the party would be extremely grave.

It was decided that Clark, Cady, and Stone should remain at the mountain camps to attend to the helpless sufferers, procure wood for them, and perform such other service as they might need, until the third relief, which, it was thought, would be sent at once, should arrive to bring in all that remained. The second day after the departure of the second relief, while Clark was absent following the tracks of a bear he had wounded, Stone and Cady concluded that it would be madness to remain in the mountains and be caught in the storm they saw coming. They deserted their post, therefore, and endeavored to overtake Reed and his party. Clark, returning from an unsuccessful hunt late at night, found them gone. When Mrs. George Donner found that the men were going to leave, she persuaded them to take her three little girls, Frances, Georgia, and Eliza, with them over the mountains. She had previously offered five hundred dollars to any one who would take them safely over, and that, or perhaps more, was what induced the two men to undertake the charge. They took the children as far as Keseberg's cabin at the lake, and there left them.

When Clark awoke on the morning after his hunt, he found a fierce storm raging and the tent of Jacob Donner, where he was, literally buried in fresh snow. The storm lasted about a week. The snow was so deep that it was impossible to procure wood and during these terrible days and nights there was no fire in either of the tents. The food gave out the first day and the dreadful cold was rendered more intense by the pangs of hunger, while the wind blew like a hurricane, hurling great pines crashing to the ground about them. In the tent with Clark were Mrs. Jacob Donner, her son Lewis, and the

Spanish boy, Juan Bautista. George Donner and his wife were in their tent and with them Jacob Donner's youngest son, Samuel.

When the storm cleared away Clark found himself starving like the rest. He had become one of the Donner party. As the storm was ending Lewis Donner died and was buried in the snow. Then Clark succeeded in killing a bear cub and the camp again had food. It had come too late for Mrs. Jacob Donner and her little Samuel. They died and were buried in the snow.

Clark now determined to leave the mountains, and dividing the bear meat with Mrs. George Donner, he started on his journey, accompanied by Juan Bautista.

The little band conducted by Reed had reached the lower end of Summit valley on the evening of the second day out, when the storm burst upon them with fury. All day the men of the relief had urged the party forward with the greatest possible speed, that they might get as near the settlements as they could before the storm caught them. Their provisions were exhausted and Reed sent Gendreau, Dofar, and Turner forward to a cache a few miles below Summit valley. They found the cache destroyed by wild animals and were pushing on for the next one, a few miles beyond, when they were caught by the storm and could neither proceed nor return.

In a bleak and desolate spot in the Summit valley Reed's party was forced to halt. The cold sleet-like snow beat upon them, and a fierce, penetrating wind seemed to freeze the marrow in their bones. With much difficulty they succeeded in building a fire, and the hungry, freezing immigrants crowded around it while Reed planted pine boughs in the snow and banked up the snow both within and without, forming, with the boughs, a wall to protect the party from the cruel wind. Warmed by the fire the

others slept while Reed labored far into the night, perfecting his breastwork and keeping up the fire. At length the fire died down and the cold awakened Mrs. Breen. In an instant she aroused the camp. All were nearly frozen. The fire was renewed and Reed, who had been missed, was found lying unconscious upon the snow. He had fallen exhausted, and, overcome by the fatal drowsiness which proceeds death from freezing, would soon have passed beyond earthly help. They carried him to the fire and after two hours of vigorous rubbing he showed signs of returning consciousness. It was daybreak before he was fully restored.

For several days the storm continued in all its violence and it required the utmost exertions of McCutchen and Miller to keep alive the fire. The other men, disheartened by this calamity, gave up in despair. Mrs. Graves died from exhaustion the first night in camp, and her death was followed by that of her little son, Franklin, and of the boy, Isaac Donner. The men of the second relief realized that unless they could get help all in the camp would starve. They could not carry all the children through the deep snow, but they determined to set out for the settlements and send back help. They accordingly started, taking with them Solomon Hook and Martha Reed, who could walk, while Hiram Miller carried little Thomas Reed in his arms.

The relief party which had started from Yerba Buena under command of Selim Woodworth reached Bear valley where they were encamped in the deep snow, when the advance of the second relief, Gendreau, Dofar, and Turner reached that point. These men had found food in the second cache, but instead of returning with it to the party they had undertaken to save, they satisfied their own hunger and pushed on for the settlements leaving the remnant of the provisions where it could be

seen by Reed and his men. In Bear valley they came upon Woodworth's camp and two men, John Stark and Howard Oakley, started for the Reed camp and met Reed and his men coming out. They had been three days on the way from "starved camp" to Woodworth's, and were in a sad plight, with frozen feet and exhausted bodies. Cady and Stone, from Donner lake, overtook Reed on the second day from starved camp and accompanied the party to Woodworth's.

Meanwhile in the desolate camp in Summit valley eleven unfortunates awaited the coming of a rescuing party. There was no food save a few seeds tied in bits of cloth, a lump of loaf sugar, saved for the babies, and a few teaspoons of tea. Patrick Breen, a feeble man, now worn to a skeleton, and his wife, Margaret, were the only adults; the rest were children, two being nursing infants—Mrs. Graves' Elizabeth, and Mrs. Breen's Isabella. Mrs. Breen waited upon all and attended to all. She fed the babies on snow water and sugar and when she found a child sunken and speechless she broke with her teeth a morsel of the sugar and put it between his lips. She watched by night as well as by day and all received her care. She gathered wood and kept up the fire, without which they could not live. The fire had melted the snow to a considerable depth and at length it was so far beneath them that they felt but little of its warmth. Mrs. Breen sent her son John down into the snow pit and he reported the fire on the bare earth, thirty feet below the surface of the snow. By great exertion she got all her helpless company down into the pit where they would be well sheltered and she constructed a kind of ladder from a tree top which enabled her to ascend and descend. Above, on the snow, lay the bodies of the dead, and to them Patrick Breen resorted for food. His wife would not touch it and declared she would die

and see her children die rather than have her life or theirs preserved by such means. She never did eat of the bodies herself, and if the father gave to the children, it was without her consent or knowledge. Eight days had passed since Reed and his men left. It seemed as if the very limit of human endurance had been reached. On the morning of the ninth day Mrs. Breen ascended to the surface for her daily supply of wood and to look, as she crawled from tree to tree, for the help that did not come. She felt that if succor did not arrive that day, it would come too late. She descended to the helpless ones and together they repeated the Litany. Then after a rest she again climbed out of the pit to resume her watch for the coming of relief. She was so faint and weak from starvation and from the effort of ascending that her brain whirled and it required all her power to control her own wavering life; but she thought of the miserable ones in the pit who had only her to depend on and she grew steadier. She thought she heard sound of voices, but could see nothing for her eyes were dimmed by the sudden excitement. It must be a delusion of her overtaxed brain. Then the sounds came again, and she heard the words, "There is Mrs. Breen alive yet anyhow." The relief had come.

When Reed and his party had been brought into Woodworth's camp in Bear valley and had been told of the fourteen unfortunates left behind without food, the third relief was at once organized. So dreadful was the condition of the members of the first and second relief parties, that men hesitated to expose themselves to the danger of such frightful suffering. At Yerba Buena, Foster and Eddy, survivors of the forlorn hope, had endeavored to form a relief party, but were unable to obtain volunteers. They set out, therefore, on the trail of Woodworth's party and arrived at his camp the day

Reed's advance party came in. When Reed's story was told, Foster and Eddy, joined by Hiram Miller, proposed to start at once, and with William Thompson, John Stark, Howard Oakley, and Charles Stone, set out from Woodworth's camp. It was arranged that Stark, Oakley and Stone were to bring in the sufferers at starved camp while Foster, Eddy, Thompson, and Miller were to press forward to the relief of those at Donner lake. Of the eleven at starved camp only two could walk: Mrs. Breen and her son John. A storm appeared to be gathering, and the supply of provisions brought by the three men was limited. The lonely situation, the sights in the camp, and the threatening aspect of the weather, filled the minds of Oakley and Stone with terror. It was proposed to take the three Graves children and Mary Donner, all that the three men could carry, to Woodworth's camp, and abandon the Breens, for the mother would not leave her helpless ones and John was in a semi-lifeless condition. To this programme Stark would not agree. He had come, he said, on a mission of mercy; he would not half do the work; the other two could go if they would; he refused to abandon the helpless. They went, and Stark was left to work out his plan of salvation as best he could. Just how he managed with the seven left to him, the narrator (McGlashan) does not say. Five of the number had to be carried, and the provisions besides. He was a powerful man, weighing two hundred and twenty pounds, of a determined will and undaunted courage. He would carry one or two a distance ahead, put them down, and return for the others. In this way he succeeded in getting them all to Woodworth's, where the others of the third relief had arrived.

Eddy and his companions reached the lake about the middle of March. They found Nicholas Clark and Juan Bautista at the head of the lake, where they waited until

the return of the relief party. At the lake were Mrs. Murphy, her son Simon, the three little Donner girls: Frances, Georgia, and Eliza, and Lewis Keseberg. At Alder creek were George Donner and his wife, Tamsen. The injury George Donner had received resulted in erysipelas, and it was evident that he had but a few hours to live. Mrs. Donner had come up from Alder creek to see her little girls and assure herself that they were still safe, and was with them in Mrs. Murphy's cabin when the relief party arrived. They urged her to accompany them and her children over the mountains, and argued that there could only be a few hours of life left to George Donner. She knew this and asked them to remain until she could return to Alder creek and see if he were yet alive. This they refused, as the gathering storm-clouds over the summit warned them to be away, lest they be caught in the storm and all perish. Mrs. Donner refused to leave her husband; she returned to close his eyes and to her own certain death. Eddy and Foster found their children, little James Eddy and baby George Foster, dead, and on the day following their arrival at the lake, started on their return; Eddy carrying Georgia Donner; Thompson, Francis Donner; Miller, Eliza Donner; and Foster, Simon Murphy. Mrs. Murphy had cared for the children and was now sick and entirely helpless. She could not walk. They left her with such provisions as they could, brought her wood, and made her as comfortable as possible, promising to return with assistance and carry her over the mountains.

The departure of the third relief left at the lake Mrs. Murphy and Keseberg, who had injured his foot and could not walk, and at Alder creek Mr. and Mrs. George Donner. I have no account of the return march of the

third relief. They took up Clark and Juan Bautista and all reached Woodworth's camp and ultimately Johnson's rancho and Sutter's fort.*

On April 13th the fourth relief party started from Johnson's rancho under command of William O. Fallon, a mountaineer trapper and guide. With him were William M. Foster, John Rhoads, R. P. Tucker, J. Foster, Sebastian Keyser, and Edward Coffeemire. Alcalde Sinclair of Sutter's fort had, by an offer of half of any property that might be saved, induced these men to attempt the rescue of the four left in the mountain camps by the third relief. George Donner was a man of some wealth, and in addition to the valuable stock of goods he was bringing to California, was supposed to have with him twelve or fourteen thousand dollars in coin. It was the hope of recovering this wealth that actuated most of the men of the fourth relief. Foster went with them hoping to save Mrs. Murphy, his wife's mother. They reached the lake April 17th, and found that of the four left by the third relief, Mrs. Murphy and Mr. and Mrs. Donner had died, and Keseberg alone was living. Paying no attention to Keseberg the "rescuers" began a search for the money, breaking open trunks and scattering their contents. Failing to find any money they came to Keseberg's cabin and demanded of him George Donner's money. Keseberg asked them to give him something to eat but they threatened to kill him if he did not instantly give up the money. At this he gave them some five hundred dollars which he said Mrs. Donner had given him to take to her children, and this was all they could find. They accused Keseberg

* It appears that on the arrival of the third relief at Woodworth's the entire expedition returned to Johnson's, abandoning the four persons still remaining in the mountains. I have seen no explanation of this action.

of being a murderer and robber and so treated him. They were rough and unkind towards him, left him to his fate, and busied themselves in getting Donner's goods over the mountains; each man, according to Keseberg, carried two bales of silks or other goods, taking one a certain distance and then going back and bringing up the other. Keseberg with his wounded foot could not keep up with them, but dragged himself along and managed to reach their camp each night. Arriving at Sutter's fort Keseberg was accused by some members of the relief party of the murder of Mrs. Donner. In Fallon's diary he is also accused of the murder of Wolfinger, of having killed and eaten George Foster, and of having been responsible for the abandonment of Hardcoop. The most revolting statements are made by Fallon concerning what he saw at the camp—statements that have been repeated by others but which are most absurd and impossible. McGlashan who wrote his story from interviews with and statements from the survivors, including Keseberg, discredits the accusations as do other writers. The stories, however, found ready belief and people shunned Keseberg and children fled from him with aversion. At the suggestion of Sutter Keseberg brought suit against Fallon, Coffeemire, and others, for slander, and the jury gave him a verdict of one dollar damages. He became a marked man and misfortune pursued him wherever he went. As a sample of the ridiculous stuff published about him, I quote an extract from *Sights in the Gold Region*, by Theodore T. Johnson (1849).

“Within a half a mile of our encampment (on the Sacramento river) we saw the house of old Keysburg, the cannibal, who reveled in the awful feast on human flesh and blood during the sufferings of a party of emigrants near the pass of the Sierra Nevada, in the winter of 1847. * * * It is said that the taste

which Keysburg then acquired had not left him and that he often declares with evident gusto, 'I would like to eat a piece of you'; and several have sworn to shoot him if he ventures on such fond declarations to them. We therefore looked at the den of this wild beast in human form with a good deal of disgusted curiosity, and kept our bowie knives handy for a slice of him, if necessary."

This ends the story of the Donner party whose tragic fate was known and feared by belated parties of the overland emigration of 1849 and later years. I have followed mainly the narrative of C. F. McGlashan in his *History of the Donner Party*, and have tried to connect his somewhat loose and disjointed story, omitting as much of the dreadful details as possible, and all laudation of the various actors in the tragedy. That there was great heroism and self-sacrifice displayed by certain members of the Donner and of the relief parties, will be seen by any one who reads the story; but it is, at best, a pitiful story of weakness and incompetence; nor can I see, as McGlashan can, anything brave, generous, or heroic in William Foster's trailing and potting for food the Indians, Luis and Salvador, who had come to serve them.

The destruction of the party may be ascribed, after the preliminary error in taking the wrong route, to internal discord, jealousy, and hatred among them, and to the lack of organization and leadership. That any of the party were saved seems quite remarkable when their condition is realized and the deliberation with which the work of relief was conducted is considered. The abandonment of the four left in the mountains must be strongly condemned. Granting that the saving of Mrs. Murphy and George Donner was impossible and of Keseberg immaterial, the life of Tamsen Donner was worth all the exertion that could have been made, even at the peril of the lives of the rescuers.

We have seen that of the eighty-eight persons who started with or became joined to the Donner party, six died before entering the sierra, and three—Reed, Herron, and McCutchen—were in California, leaving of the party seventy-nine, and of this number must be added the Indians, Luis and Salvador, making eighty-one in the mountain camps. Of this number, forty-five were saved, including two of the nursing infants, and thirty-six perished. Only five of the fifteen women died, and four of the five died for those dependent on them. Tamsen Donner gave up her life that she might comfort her husband's last hours. Mrs. Jacob Donner remained and died with her little children. Both women were able to travel. Mrs. Graves sent her husband and eldest daughter, a grown woman, with the forlorn hope; she sent the next three children with the first relief party, and waited, with the four little ones remaining for the second relief. Her life was sacrificed for these children, three of whom were saved. Mrs. Murphy's life was given for the children—her little Simon and her grandchildren, Naomi and Catherine Pike, and George Foster. The third relief found her unable to walk. Mrs. Eddy died before the coming of the first relief.

The altitude of the Great Basin averages about forty two or forty-three hundred feet. From Truckee meadows, an altitude of forty-five hundred feet, the trail enters the sierra and following up the cañon of the Truckee river reaches Prosser creek, thirty miles above, at an elevation of fifty-six hundred feet. Thence to Donner lake, seven miles, elevation six thousand feet. From the camp on Donner creek to the head of the lake is four miles. A mile from the upper end of the lake the trail comes to the foot of precipitous cliffs and the greatest difficulty of the ascent. It is a mile and a half to the summit of the pass and the rise is twelve hundred feet. Crossing the

summit, altitude seven thousand two hundred feet, Summit valley is reached in a mile and a half, altitude sixty-seven hundred and fifty feet. From Summit valley to Bear valley is about twenty-five miles, elevation forty-five hundred feet; thence to Mule springs (Dutch Flat) fifteen miles, elevation thirty-five hundred feet. Twelve or fifteen miles below this point the forlorn hope emerged from the snow of the sierra.

In June 1847 General Kearny, with whom was William O. Fallon and Edwin Bryant, passed the camps on his way to the Missouri, buried such remains as he could find and burned the cabins. The work of burial was completed by returning Mormons of the battalion in September of the same year.

As this work goes to press the book of Mrs. Houghton is received: (*Expedition of the Donner Party*, by Eliza P. Donner Houghton). Mrs. Houghton states that Oakley and Stone of the third relief did not desert the helpless ones at Starved Camp, but assisted in bringing them out; a statement which is probably correct. Otherwise her story does not conflict with the foregoing in any material detail.

NOTE 34

THE OVERLAND ROUTE

The emigration to California by the southern or Santa Fé route passed up the Arkansas river to Bent's fort, thence southwesterly to Santa Fé; thus far over the Santa Fé trail, a road well traveled. Leaving Santa Fé they passed down the Rio Grande, crossed over to the headwaters of the Gila, down the Gila to its junction with the Colorado, across the Colorado desert and over the San Jacinto mountains by Warner's rancho or the Vallecito pass, to San Diego. A few, for fear of the Apaches, came over the Camino del Diablo, but so fearful was the suffering by that route that it was soon abandoned.

The great mass of the emigrants went by the central route. Leaving Independence on the Missouri river the train passed out on to the open prairie. In the beginning large companies under a single commander were the rule, but experience soon taught the emigrants that with small companies they could travel more easily, make better time, and obtain better grass and water facilities. The emigrants set out on their long journey with enthusiasm and were most cordial and friendly in their relations with one another. The exhilaration produced by the pure air, the vastness and grandeur of the prairies bounded only by the blue horizon, the succession of green undulations and flowery slopes, was scarcely controllable and all were happy in the joyous anticipations of the future. There was little thought of hardship; the families were well equipped and provided with every comfort for the journey and nearly every family had a cow or two to furnish fresh milk and cream. The camp was usually made early in the afternoon where grass and water was

plenty; the wagons were drawn up in a circle forming a corral wherein such horses and cattle as were likely to stray were confined. Outside of the corral the tents were pitched with their doors outward; in front of these the camp fires were lighted and the culinary operations performed. After the evening meal was concluded the time was passed in friendly calls, in singing, dancing, etc., and all retired early to rest. In the morning after an early breakfast the "catching-up" or yoking of the cattle and attaching them to the wagons proceeded with great bustle, noise, and confusion and by nine o'clock the train began to move. The ceremony of organizing the company, of choosing officers, of adopting regulations for government of the party during the journey to California was one of importance and was usually performed at one of the early camps after leaving Independence. The electioneering for the position of captain of the company was, at times, very strenuous, and the claims of ambitious candidates were urged with vehemence by their respective friends.

The harmony prevailing at the start was usually of short duration. Nothing tries out the disposition of men like the close companionship and petty inconveniences and annoyances of a long journey. The companies were, as a rule, made up of people who were meeting for the first time and were not, therefore, bound together by those ties of friendship that endure small irritants and infirmities of temper. Many of the men soon manifested petulance, incivility, and a want of a spirit of accommodation. This resulted in much wrangling, and angry altercations arose from trifling matters, sometimes terminating in violence and blood. Disruptions, forming of new combinations only to be broken up in turn, followed with increasing frequency as the journey proceeded and its weary length became a tale of hardship and

W
GREEN



THE GREEN MOUNTAINS



suffering. The position of a captain or leader was not always an agreeable one. The by-laws and regulations adopted for the government of the company were not easily enforced and the court of arbitrators appointed to decide disputes between parties and punish offenders against the peace and order of the company had little authority. The person condemned was certain to appeal to the assembly of the whole, and he was nearly certain of acquittal on any charge under that of robbery or murder. In all emigration parties there were men of desperate and depraved character who were perpetually endeavoring to produce discord, disorganization, and collision. In crossing the Missouri Line, about twelve miles west of Independence, the emigrants passed beyond the incorporated territories of the United States into the wilderness, peopled only by savages, with no law but that of might; hence the necessity for organization in the interests of law and order.

On leaving Independence the emigrants took the Santa Fé trail for about fifty miles and then crossed the Wakarusa creek and traveled in a northwesterly direction to the Kansas river which they crossed by flatboat ferry three or four miles east of the present Topeka; thence west-northwest they crossed the Big Blue river near the present town of Randolph, Kansas; thence northwest they struck the Little Blue river at about Hebron, Nebraska; thence traveling up the valley of the Little Blue they reached the Platte eight miles below the head of Grand island. They now followed up the south bank of the river, sometimes on the river bottom, treeless and dreary, their fuel "buffalo chips" (bois de vache), drinking the warm and unpleasant water of the Platte, and pestered by immense swarms of ravenous mosquitoes. A journey of one hundred and ten miles brings the pilgrims to the forks of the Platte and they

follow up the south fork for a distance of about sixty miles and then strike across in a north-northwest direction and pass down Ash Hollow to the North Platte, a distance of twenty-two miles. The trail now ascends the north fork, sometimes in the river bottom, and then making a circuit to avoid the bluffs which wall in the river and interrupt the travel. The face of the country now presents characteristics which unmistakably proclaim it to be uninhabitable by civilized man. The light sand, driven by the bleak winds across the parched plains, fills the atmosphere and colors the vegetation with a gray coating of dust. The monotony of the scenery is inexpressibly dreary and the emigrant, scorched by the sun by day and chilled by freezing blasts by night, labors on, his enthusiasm gone and his anticipations dulled by the weary toil and stern privations of the journey. His cattle are driven off by wolves, mounted Indians stampede his horses, and he is yet in the first stage of his journey. Up the north fork runs the trail to Fort Laramie. At this point it leaves the river and passing through the Black hills (Laramie mountains) joins the river again at the ferry, near the present town of Casper, Wyoming. Here the emigrants say good-bye to the Platte and a journey of sixty miles of arid plains and bleak cliffs brings them to Independence Rock and the Sweetwater river. One hundred and fourteen miles up the Sweetwater and they reach the South pass and the backbone of the continent. Crossing the pass, the trail descends by a gentle declivity for two miles to Pacific spring, the waters of which flow into the Colorado river and the gulf of California.

From Pacific spring the route lies west by north for twenty-eight miles over an arid plain covered with sage brush, to the Little Sandy, an affluent of the Green river; thence westerly twelve miles to the Big Sandy river.

Here is one of the numerous "cut-offs"—a saving of distance at the expense of life and property. For forty-five or fifty miles the trail of Greenwood's Cut-off, as it is called, is across a desert without water to the Green river. The main trail continues down the Green about forty miles then leaving the river it ascends the bluffs and continuing in a southwesterly direction it reaches Black's Fork in a distance of fifteen miles. Forty miles up Black's Fork is Fort Bridger. From Fort Bridger the regular trail takes a northwest course to Ham's Fork, up Ham's Fork, across the divide, down the Muddy river to Bear river, which here runs northward, down the Bear to Soda springs or Beer springs, as it is sometimes called, thence across to Portneuf river down which the trail follows to Fort Hall, on Snake river. Down the Snake the emigrants travel for about fifty miles to Raft river where the Oregon and California emigrants part company. The California trail proceeded up Raft river a distance of about seventy-five miles, thence over the mountains to Goose creek, to its head waters, and thence over the desert in a southwest direction to the head waters of the Humboldt.

The "Hastings' Cut-off," the taking of which proved so disastrous to the Donner party, was a trail passing to the south of Great Salt Lake. Leaving Fort Bridger and traveling in a west-northwest direction the trail passed over the rugged Unitah mountains to Bear river, thence over the Wasatch mountains to the Salt Lake valley passing "Ogden's Hole" and emerging from the mountains about where the city of Ogden now is, thence around the foot of the lake, across Tooele and Scull valleys and striking the Salt Lake desert after passing Cedar mountains; thence in a northwesterly direction about sixty-five miles, thence turning southwest for about fifteen miles, then westerly across the Gosiute and

Peoquop ranges, thence southwest and south, past Eagle, or Snow Water lake, Franklin, and Ruby lakes to a low pass of the Humboldt range on the fortieth parallel, thence westerly across the mountains thirty miles to Eureka creek, or South Humboldt river as it was then called, thence north to the Humboldt river at Palisade where it joined the main emigrant trail. From here the trail followed the Humboldt river to its sink. Sixty-five miles above the sink, near the present Mill City, Nevada, the northern or Lassen route branched off from the main trail. From seven to nine thousand persons of the emigration of 1849 were persuaded to take this trail, being informed that it was much easier, had more grass and water, etc., only to discover, to their horror, that this was the most dreadful road of all, and so many perished of this emigration that the trail was given the name of the "death route." Leaving the Humboldt at the Lassen Meadows the trail ran in a general northwest direction, passing in turn Antelope spring, Rabbit Hole spring, Black Rock desert, Stove Pipe spring (off the road), Mud spring, High Rock cañon, Willow spring, and Massacre lake; then passing between Upper and Middle Alkali lakes, it turned north to Lassen pass and over the pass to Goose lake. The emigrant had traveled over one hundred and sixty miles from the Humboldt only to find himself over two hundred miles of rough mountain travel from the nearest settlement. Down the shore of Goose lake, to Pitt river ran the trail, down Pitt river to Horse creek, thence southerly to Deer creek and Peter Lassen's rancho of Bosquejo.

From the sink of the Humboldt the emigrants had a choice of two routes. The central was across the desert to the Truckee river at Wadsworth, up the Truckee to Donner lake, over the Donner pass to the south fork of the Yuba, down the Yuba to Bear valley, down Bear river

to Johnson's rancho, where the trail crossed the Bear. This was known as the Truckee and Bear valley route.

The second route, known as the Carson or Mormon route, ran south from the Humboldt sink, to the Carson river, up the Carson to Genoa—then called Mormon station—thence southerly a distance of seventeen miles to West Carson cañon through which it ascended the Sierra Nevada through Hope valley to Carson pass, over this pass at an elevation of nine thousand feet, thence by Twin lakes, Silver lake, Tragedy springs, Cold Springs ranch, Sly Park, Pleasant valley, and Smith's Flat, to Placerville.

A party of forty-five men from the Mormon battalion, and one woman, wife of one of the soldiers, started in July 1848 from Pleasant valley to cross the sierra and make their way to Salt Lake. They had two small brass pieces, bought of Sutter, and every man had a musket. They had seventeen wagons, one hundred and fifty horses and about the same number of cattle. They had sent men in advance to make a road over which their wagons could pass, and three of their men, David Browett, Ezra H. Allen, and Henderson Cox, were surprised and killed by Indians at a place called by them Tragedy springs, which name it still bears. The road they laid out became the Carson or Mormon route for the emigration of 1849 and subsequent years. They gave Hope valley its name because when they reached the valley they began to feel hopeful of getting through.

NOTE 35

THE MILITARY GOVERNORS
OF CALIFORNIA

Mexican rule in California terminated when Commodore Sloat, on July 7, 1847, landed his forces at Monterey, raised the American flag, and proclaimed California United States territory. On December 20, 1849, General Riley turned over to the newly elected state government the administration of affairs, although California was not admitted to the rights and privileges of a state of the union until September 9, 1850. During the interregnum between the last Mexican governor and the first representative American governor, the territory was ruled by military chiefs who used the right, under the law of nations, to establish a civil government within the conquered territory to secure the conquest and to protect the persons and property of the people. On the ratification of the treaty of peace, the military government, as such, came to an end, but until congress provided a government for the territory, the rule of the military chiefs, being a government *de facto*, was continued. Thus to the cares and responsibilities of a military commander were added all the details of civil government for which he was fitted neither by training nor experience. Among the many vexing questions to be solved were those relating to land titles and to the customs dues. The customs dues were fixed by Stockton at fifteen per cent. ad valorem, with fifty cents tonnage charge on foreign ships. In October 1847 the governor received a war tariff from Washington to apply to all Mexican ports in possession of the United States officers. It imposed extraordinary specific duties as war contributions, and was

intended to force the Mexican government by loss of revenue and by popular complaint to sue for peace. Both Mason and Shubrick, the naval commander, recognized the injustice and impolicy of applying such a measure to California and decided not to enforce it. Mason explained his position and defended the liberty he had taken in substituting a modified tariff for that ordered, by referring to the instructions of June 3, 1846, to General Kearny, to the effect that duties should be reduced "to such a rate as may be barely sufficient to maintain the necessary civil officers without yielding any revenue to the government," and he said that promises and assurances, based on those instructions, had been given to the people of California as a solemn pledge on the part of the government. Mason issued his modified tariff making an ad valorem rate of twenty per cent. and reduced the tonnage rate on foreign bottoms to fifteen cents. The money thus collected was known as the "civil fund" and was only used to defray the expenses of civil government. Some loans were made to the military officers from this fund but they were loans only, to be returned on receipt of the treasury drafts. The great increase of trade following the gold discoveries caused this fund to reach a considerable amount and there was some controversy over the disposition of it. Just how much was collected I do not know, but between August 6, 1848, and November 12, 1849, there had been collected \$1,365,000; and by the end of military rule there was in the hands of the governor nearly a million dollars.

The rule of Commodore Sloat was brief. On July 29th he transferred the command to Commodore Stockton and sailed on the *Levant* for home. Stockton was concerned mainly with the conquest and on January 19, 1847, he turned over the civil authority to Frémont whose commission as governor he signed on the sixteenth,

though General Kearny was in California and Stockton was aware of Kearny's instructions to assume command and form a civil government in that territory. As to Frémont's administration, I have given an account of that officer in a separate note. This then brings us down to

GENERAL KEARNY

Stephen Watts Kearny was born at Newark, New Jersey, in 1794; died at St. Louis, Missouri, October 31, 1848. He was a student at Columbia college, New York, in 1812, and would have graduated in the summer of that year. When it became apparent that war must ensue between the United States and Great Britain he applied for a commission in the army and was appointed from New York first lieutenant in the Thirteenth infantry, John E. Wool, captain. His commission was dated March 12, 1812. He was in the engagement at Queens-town Heights, October 13, 1812, and was commended by his colonel for gallantry in battle. He was made a captain April 1, 1813; major of Third infantry May 1, 1829; lieutenant-colonel of first dragoons March 4, 1833; colonel July 4, 1836; brigadier-general June 30, 1846; brevet major April 1, 1820, for ten years' faithful service in one grade, and major-general for gallant and meritorious conduct in New Mexico and California to date from the battle of San Pascual, December 6, 1846.

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BRIGADIER-GENERAL STEPHEN W. KEARNY

S. W. Kearny

though General Kearny was in California and Stockton was aware of Kearny's instructions to assume command and form a civil government in that territory. As to Frémont's administration, I have given an account of that subject in a separate note. This then brings us down to

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L. W. Kearny

In anticipation of a war with Mexico Colonel Kearny, then in command at Fort Leavenworth, was in the spring of 1846 selected to command an expedition to be sent against the northern Mexican provinces, more particularly New Mexico and California. Kearny's instructions, dated June 3, 1846, directed him to occupy Santa Fé, and after providing a sufficient garrison from his command, with the force remaining to press forward to the conquest of Upper California whose early possession was deemed to be of the greatest importance; and he was instructed to conduct himself in such a manner as would best conciliate the inhabitants and render them friendly to the United States.

The troops of the expedition rendezvousing at Fort Leavenworth consisted of six squadrons of First dragoons under Major E. V. Sumner, two batteries of light artillery under Major Meriwether Lewis Clark, two companies of infantry under Captain W. Z. Angney, the Laclede Rangers under Captain Thomas B. Hudson, and the First regiment Missouri mounted volunteers under Colonel Alexander W. Doniphan—in all sixteen hundred and fifty-eight men and sixteen pieces of ordnance—twelve six-pounders and four twelve-pound howitzers. In addition was a corps of field and topographical engineers consisting of Lieutenant William H. Emory, Lieutenant William H. Warner, Lieutenant J. W. Abert, and Lieutenant G. W. Peck. The force was styled the "Army of the West" and began its march June 26, 1846, in detached columns, and on July 29th crossed into Mexican territory and concentrated in admirable order and precision at a camp nine miles below Bent's fort. After a brief rest at Bent's fort the march to Santa Fé was resumed and on August 18th Kearny entered the capital of New Mexico, the enemy retiring before his advance. The flag was raised on the plaza and saluted with thirteen

guns by Major Clark's batteries. A few days before, at Las Vegas, an express from Fort Leavenworth reached the army bringing Kearny's commission as brigadier-general. On the nineteenth Kearny assembled the citizens and addressed them saying that the United States had taken possession of New Mexico and that he would establish a civil government for the department, assuring them of protection for person, property, and religion. In addition to the Doniphan regiment another regiment of Missouri volunteers had been raised and was marching to Santa Fé under command of Colonel Sterling Price. They were to form a part of Kearny's force and march to California, should they be needed. Kearny was also authorized to raise a battalion among the Mormons who were assembling on the Missouri river preparatory to a migration across the plains. Kearny sent Captain Allen of the First dragoons from Fort Leavenworth to enlist from among the Mormons who wished to go to California, five companies of one hundred men each, each company to elect its own officers, the battalion to be commanded by Allen with the rank of lieutenant-colonel. The battalion so formed was assembled at Fort Leavenworth where Lieutenant-colonel Allen fell sick and the troops marched to Santa Fé under command of Lieutenant Andrew J. Smith of the First dragoons. They reached Santa Fé on the ninth and twelfth of October where they were received by Colonel Doniphan with a discharge of artillery, much to their delight.

On September 25th General Kearny began the march from Santa Fé to California with three hundred dragoons and two mountain howitzers, leaving orders for the Mormon battalion to follow him. Colonel Doniphan was to await the arrival of the regiment under Colonel Price and then march his regiment into Chihuahua and

report to Brigadier-general Wool, leaving Santa Fé in charge of Price. The artillery was divided, a part to accompany Doniphan and the rest to remain in Santa Fé. Proceeding down the Rio Grande Kearny met, on October 6th a few miles below Socorro, an express from California with dispatches for Washington from Commodore Stockton. This was Kit Carson with a party of fifteen men, including six Delaware Indians. Carson informed Kearny that the conquest of California had been completed and the territory was in the quiet possession of the Americans. In consequence of this information Kearny sent back to Santa Fé two hundred of his three hundred dragoons. He retained companies C and K, one hundred dragoons, under Captain Benjamin D. Moore, Lieutenant Thomas C. Hammond, and Lieutenant John W. Davidson, the latter in charge of the two howitzers. His staff consisted of Captain Henry S. Turner, acting assistant adjutant-general; Captain Abraham R. Johnston, aide-de-camp; Major Thomas Swords, quartermaster; Lieutenants William H. Emory and William H. Warner of the topographical engineers, with a dozen assistants and servants; and Assistant-surgeon John S. Griffin. Antoine Robidoux was the guide and Kearny insisted that Carson, being more familiar with the route, turn back and guide them to California. Carson was unwilling to do so saying he had pledged himself to deliver his dispatches in person, and he also desired to see his family. Kearny, however assumed the responsibility for the dispatches, and Carson consented to return. The entire force of officers and men numbered one hundred and twenty-three. The command was mounted on mules, it being thought that they would stand the hardships of the journey better than horses. After two days' march Carson told the commander that at their rate of travel it would take four

months to reach California. The wagons were therefore abandoned in favor of pack-mules and on October 15th the command left the Rio Grande and turning westward reached on October 20th the head waters of the Gila, a beautiful mountain stream thirty feet wide. The march down the Gila was without particular incident; the Apaches were friendly, professing love for the Americans and hatred for all Mexicans. The Pimas and Cocomaricopas of the river pueblos received the expedition hospitably, bringing to the camp corn, beans, honey, and watermelons. At the junction of the Gila and Colorado a small party of Mexicans convoying a band of five hundred wild horses was encountered. These men gave contradictory accounts of a rising of the Californians, and from the contents of a dispatch bag, whose bearer was also captured, the commander learned that a revolt had placed that part of the territory through which he must pass in the hands of the Californians and that the Americans had been expelled from Los Angeles, Santa Barbara, and other places.

The Colorado was crossed ten miles below the junction on November 25th, and the twenty-sixth, twenty-seventh, and twenty-eighth were spent in traversing the desert. Crossing the cordillera by the Carriso creek route, a much easier road than that taken by Anza, the command, after much suffering and the loss of many animals, reached on December 2d Warner's rancho—Agua Caliente. Here was food in plenty and Lieutenant Emory notes the fact that seven of his men ate at a single meal a fat, full grown sheep. On the fourth the march was resumed, the route being southerly down the valley thirteen and a half miles to Santa Isabel, the rancho of Edward Stokes, whom Kearny had met on his arrival at Warner's, and who volunteered to carry a letter to Commodore Stockton announcing his approach. This letter was delivered to

Stockton December 3d, and he dispatched Captain Archibald H. Gillespie with a force of thirty-nine men to Kearny's assistance. The march of December 5th was to the Santa María rancho and on the way he was met by the reinforcements under Gillespie. The dragoons had marched all day through a cold rain and it was late at night when camp was made. Here they learned that the enemy was in force a few miles below and Lieutenant Hammond was sent to reconnoitre. He reported that he was discovered and it was determined to attack the enemy and force a passage. At two o'clock on the morning of the sixth the call to horse was sounded and nine miles were covered before daybreak. As day dawned they approached the Indian village of San Pascual and came upon the enemy already in the saddle and awaiting them. Captain Johnston was in command of the advance guard of twelve dragoons, mounted on the best horses. Riding close behind was General Kearny with Lieutenants Emory and Warner of the engineers and four or five of their men; next came Captain Moore and Lieutenant Hammond with about fifty dragoons mounted, with but few exceptions, on the tired mules they had ridden from Santa Fé. These were followed by Captains Gillespie and Gibson with about twenty volunteers; Lieutenant Davidson came next with the two mountain howitzers drawn by mules with a few dragoons to manage the guns; and finally, the rest of the force between fifty and sixty men, under Major Swords, brought up the rear and protected the baggage. At the word of command Captain Johnston made a furious charge upon the enemy and was quickly supported by the dragoons under Captain Moore. The Californians stood the shock of the charge and a hand to hand conflict ensued. Captain Johnston fell, shot through the head, and after a brief struggle the Californians clapped spurs to their

horses and fled the field. Captain Moore rallied his men to the pursuit and all dashed after the flying foe. The Californians retreated about half a mile to an open plain then suddenly wheeled and rushed upon the Americans, charging with their lances. The Americans stood their ground, but at a fearful loss. The conflict lasted about five minutes and then the Californians again fled. This time there was no pursuit, nor did the Californians return. The Americans remained in possession of the field and of their dead and wounded. Captain Johnston and Captain Moore were killed outright while Lieutenant Hammond, badly wounded, lived several hours. Two sergeants, two corporals, and ten privates of the dragoons, one private of the volunteers, and one man of the topographical department were killed—in all nineteen. The wounded included the general, Lieutenant Warner, Captains Gillespie and Gibson of the volunteers, Antoine Robidoux the guide, one sergeant, one bugleman, and nine privates of the dragoons—sixteen, most of whom had received from two to ten wounds each. Only one death and one wound were caused by firearms. All the other dead and wounded were lanced. Captain Moore fell early in the second encounter with a lance through his body and Hammond received the wounds that caused his death while trying to save Moore. Both Moore and Hammond were lanced by Dolores Higuera, called “the *Huero*” (fair-haired), a tall powerful man who resembled a German. Higuera then bore down on Gillespie, unhorsed him, wounded him severely, and would have killed him but dropped his lance in order to secure Gillespie’s silver mounted saddle.*

* It is said that the *Huero* later offered to return Gillespie his saddle and bridle, but the latter refused to accept the property, saying that it had saved his life. Philip Crossthwaite, who was in the fight, a volunteer under Gillespie says that Captain Moore was lanced by Leandro Osuña.

The fight at San Pascual was the most famous and deadly of the war in California. The force encountered by Kearny was a body of about eighty Californians under Andrés Pico* who had entered the hills to cut off the retreat of Gillespie who, it was thought, was out on a raid for cattle and horses—Kearny's approach being unknown. The Indians had reported on the fifth the advance of a large force, but little attention was paid to them. It was a cold rainy night and between eleven and twelve o'clock the barking of a dog aroused the sentry. A party sent out to reconnoitre found a blanket marked "U. S." and the trail of the enemy's scouts. The horses were brought in and preparations for defence made and at daybreak the advance guard of the Americans bore down at full speed upon them. The slight loss among the volunteers is due to the fact that but few of them got into the fight. The two howitzers were brought up but did not get into action, though the mules attached to one of them took fright and dashed after the enemy who took the gun and killed the man in charge of it. The Americans fought with desperate courage against heavy odds. Their animals were either wild, unbroken horses, or mules worn out with the long journey from which the men themselves were not yet rested; they had had little or no sleep the preceding night, their clothing was soaked by the drizzling rain and they were numb with the intense cold. Kearny had about

* Accounts of the number of Pico's force differ. John Forster (*Pioneer Data*, p. 37-40) says: "Pico had seventy-two men. Captain Johnston (*Journal*, Dec. 4) says: "We heard of a party of Californians—eighty men—encamped at a distance from this;" (Santa Isabel). Emory (*Ex. Doc.* 41, p. 112) says: "The navy took a prisoner at this house (Alvarado's). He stated that Pico's force consisted of one hundred and sixty-men." This is the number given by Kearny in his report, he being satisfied with the prisoner's statement.

one hundred and sixty men, all told, but not one half of them were engaged; while the Californians, superbly mounted and the finest horsemen in the world, were fresh and were fighting in their own country, and with a weapon most deadly in their hands, the lance. The Californians had eleven wounded, none killed.

In consequence of Kearny's wound Captain Turner assumed command. Messengers were sent to San Diego for wheeled conveyances to carry the wounded and Emory was sent back with a force to bring up Major Swords and the rear guard which was about a mile behind; the surgeon was busy dressing the wounded, while the rest of the men were engaged in making ambulances for their transportation. Their provisions were gone, their horses were dead, their mules were on their last legs; and the men, having lost one third of their number, were ragged, worn down by fatigue, and emaciated. When night closed in the dead were buried under a willow tree to the east of the camp with no other accompaniment than the howling of myriads of wolves. Their position was defensible but the ground was so covered with rocks and cacti that it was difficult to find a smooth place to rest, even for the wounded. The night was cold and damp and sleep was impossible. The Californians hovered near and Pico reported to Captain Flores, commander of the forces, that none of the Americans could get away and that he would attack them when the rest of his division—eighty men under Captain Cota—should come up. On the seventh Kearny resumed command and the troops were moved down the valley to San Bernardo, having a slight skirmish with the enemy during the march. The suffering of the wounded was very great and it was apparent to the general that to advance, encumbered as he was, would almost certainly result in the loss of his wounded and of the baggage. He



SAN PASCUAL
The Charge of the Caballeros.

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therefore remained in camp defending himself from the assaults of the enemy. On the night of the eighth, Kit Carson and Lieutenant E. F. Beale of the navy, a volunteer of Gillespie's force, offered to make their way through the enemy's lines to San Diego, twenty-nine miles distant, and make known to Stockton Kearny's condition. This was done and Stockton sent Lieutenant Gray of the Congress with two hundred marines and sailors, and food and clothing for Kearny's naked and hungry men. The reinforcements reached Kearny's camp before dawn on the eleventh. The march was then resumed and they reached San Diego on the afternoon of the twelfth, unmolested by Pico, who had withdrawn on the arrival of Gray with the reinforcements.

Sergeant Cox and Private Kennedy of the dragoons died from their wounds, one on the march and the other in San Diego. The bodies buried under the tree on the battlefield were subsequently removed to San Diego with the exception of Captain Johnston, whose remains, sent to his father, were buried at Piqua, Ohio, while those of Moore and Hammond, who were brothers-in-law and strongly attached to each other, lie side by side, at Point Loma.

General Kearny found Commodore Stockton actively engaged in organizing his forces for an expedition against the enemy who were in possession of Los Angeles and Santa Barbara. Stockton's force consisted of about four hundred and forty sailors and marines, ninety volunteers of the California battalion under Captain Gillespie, including twenty-five Californians and Indians, six pieces of artillery, and a wagon train of one four-wheel carriage and ten ox carts, under charge of Lieutenant George Minor of the Savannah. In addition to this force Frémont was approaching Los Angeles from the north with four hundred mounted men and six pieces of artillery.

Kearny was in a delicate position. He had reached San Diego with but a remnant of his command, his best officers had been killed, and he and many of his men were wounded. He was indebted to the commodore for rescue from a dangerous situation and he found that officer organizing a vigorous campaign against the revolted Californians. Stockton offered Kearny the chief command but the general's courtesy prompted him to decline, saying that the force was Stockton's and that he would accompany him as his aide-de-camp. Kearny however showed Stockton his orders and, according to his testimony before Frémont's court-martial, announced that as soon as his command was increased he would take charge in California as instructed.

The army marched out of San Diego December 29th with the force given above, to which had been added fifty-five dragoons under command of Captain Turner: Lieutenant Davidson assisting. General Kearny acted as commander of the troops, Commodore Stockton accompanying as governor and commander-in-chief. The entire force, including sappers and miners, numbered six hundred and seven.

At the crossing of the San Gabriel river, January 8th, their passage was disputed by about five hundred Californians under José María Flores, with José Antonio Carrillo second in command, and Andrés Pico, *comandante de escuadron*. The Californians had two nine-pounders which they placed in position to command the ford but their powder was home-made and had barely force enough to expel the projectiles from the guns without doing very much damage to the Americans. The engagement lasted two hours when the Californians were driven back. The American loss was two men killed and eight wounded—one of whom died the following day. The loss of the Californians was about the same.

On the ninth the march was resumed and the enemy was again encountered about four miles below Los Angeles, the action resulting in one Californian being killed and several wounded while Stockton had five men wounded. This ended the war in California. The passage of the Rio San Gabriel and the battle of La Mesa, as the action below Los Angeles is called, have been somewhat overdrawn. There is no question that both sides displayed courage, but the Californians fought in a half hearted way. They were only half armed, they had no powder but the poor stuff they made themselves, and they had no hope of success. Most of them went home after the fight, leaving Pico only about one hundred men. Stockton entered Los Angeles on the morning of the tenth. Flores transferred the command to Pico on the eleventh and returned to Mexico. On the thirteenth the peace of Cahuenga was signed by Frémont and Pico.

It appears that Kearny was aware that Stockton intended to ignore his authority and on the fourteenth he wrote to the war department that upon the arrival of the troops which were en route by land and sea he would, according to the instructions, have the management of affairs in California. On the sixteenth he ordered Stockton to show his authority from the government or to take no further action in relation to a civil organization. Stockton declined to recognize Kearny's authority and on the same day delivered to Frémont his commission as governor and suspended Kearny from the command conferred on him at San Diego. Kearny also ordered Frémont to make no changes in the organization of the California battalion, sending him a copy of his instructions from the secretary of war of June 18, 1846, pointing out the sentence: "These troops and such as may be organized in California will be under your command." This order was delivered to Frémont in

the evening of the sixteenth. Frémont after a consultation with Stockton, during which each exhibited to the other the order he had received from Kearny, replied to the general declining to obey his order on the ground that he had received his commission from Stockton and that on his arrival at Los Angeles he had found the commodore still recognized as commander, and with great deference, etc., he felt constrained to say that until the two commanders adjusted the difference of rank between themselves he would "have to report and receive orders as heretofore from the commodore."

Finding his authority ignored and having no troops to enforce obedience, Kearny announced to Stockton his intention to withdraw his dragoons and report the state of affairs to the war department at Washington, leaving with the commodore the responsibility of doing that for which he had no authority, and preventing him from carrying out his instructions. He retired to San Diego and on the 21st of January sailed on the Cyane for Monterey. The troops en route were the Mormon battalion, an artillery company sent by sea, and the First regiment New York volunteers, also by sea. The Mormon battalion, three hundred and fourteen strong, reached San Diego January 29th.

Company F. Third United States artillery reached Monterey January 28, 1847, on the transport Lexington, six months and fourteen days from New York. The company was commanded by Captain Christopher Q. Tompkins; the first lieutenants were Edward O. C. Ord and William T. Sherman; second lieutenants Lucien Loeser and Colville J. Minor. Doctor James L. Ord was contract surgeon, and Lieutenant Henry W. Halleck of the engineers accompanied the detachment. Three of these men became general officers and two of them, Halleck and Sherman, commanded the armies of the United

States. The rank and file numbered one hundred and thirteen men. The first detachment of the New York regiment arrived March 6th and the rest of the regiment came during the month.

Kearny arrived at Monterey February 8th where he found Commodore William Branford Shubrick who had arrived in the man-of-war Independence to succeed Commodore Stockton. Shubrick recognized Kearny as the senior officer of the army in California, and the two officers agreed to await more explicit instructions from Washington before taking action. Kearny started for San Francisco on the Cyane, February 11th, and there found Colonel Richard B. Mason of the First dragoons and Lieutenant Henry B. Watson of the navy, who had arrived from Washington February 12th, bringing instructions dated November 3d and 5th, for both general and commodore, to the effect that the senior officer of the land forces was to be civil governor. Kearny returned to Monterey accompanied by Mason and Watson and after consultation with Commodore Shubrick a joint circular was issued in which was announced the orders of the president regarding the position and authority of the commander-in-chief of the naval forces and that of the commanding military officer. On the same day, March 1, 1847, Kearny issued a proclamation assuming charge of the civil government of California and naming Monterey as the capital. Also on the same day the general issued "Orders No. 2" requiring Frémont to muster the volunteers into United States service and put Captain Cooke in command. He sent this by Captain Turner and at the same time he wrote to Frémont ordering him to report at Monterey and bring with him all archives, public documents, and papers in his control, appertaining to the government of California. Turner reached Los Angeles March 11th and delivered his orders and the

joint circular to Frémont. All volunteers declining to enter the service were to be discharged. Frémont submitted the order to the California battalion and they declined to be mustered in. William H. Russell "secretary of state" wrote to Captain Cooke, March 16th that the "governor" considered it unsafe to discharge the battalion "at this time when rumor is rife with threatened insurrection," and would decline to do so. On the twenty-second Frémont started for Monterey to see Kearny, reaching the capital at nightfall of the twenty-fifth. He made a call of ceremony that evening and had an interview with the general the next morning. He started on his return on the afternoon of the twenty-sixth and reached the pueblo on the twenty-ninth. It is said in regard to the interview, that Frémont objected to the presence of Colonel Mason and was offensive in his remarks when he was informed by the general that Mason was properly in the room. The result of the interview was Frémont's promise to obey orders. To insure this Kearny sent Mason south on an inspection tour, giving him full authority in both civil and military matters. From Mason's report of April 26th it appears that Frémont had authorized the collector at San Pedro to receive "government payment" in payment of customs dues and that the masters or supercargoes of certain ships were buying this paper at thirty per cent. discount and using it to pay duties. The "government payment," he explained, consisted of certificates or due bills given by the paymaster and quartermaster of the California battalion. The order to the collector was dated March 21st and signed "J. C. Frémont, Governor of California, by Wm. H. Russell, Secretary of State." Mason also enclosed an original order from Lieutenant-colonel Frémont of the 15th of March, to Captain Richard Owens of the California battalion, directing him not to obey the order

of any officer that did not emanate from him (Frémont) nor to turn over the public arms, etc., to any corps without his special order.

From various reports of the interview between Mason and Frémont we learn that it was anything but an harmonious one. Stephen C. Foster, who was present, says that Mason sent an orderly to Frémont with a request to report to headquarters. The man returned with the statement that Frémont's sentry would not admit him. Mason sent him back with the same order; the man returned with the same report. The third time Mason sent the orderly, when Frémont came. Mason was very angry and addressed Frémont in harsh terms, saying he had been waiting all the morning to arrange for Frémont to turn over the government artillery and other property. Frémont's reply was insolent in tone and Mason threatened to put him in irons. Frémont returned to his quarters and sent Major Reading with a demand for an apology. This being refused, a challenge followed and was accepted, but Kearny intervened and the meeting did not take place.

General Kearny proceeded to organize a civil government by appointing alcaldes, collectors, Indian agents, etc., and endeavored to settle the vexing questions relating to civil affairs as best he could. On March 22d he announced to the various claimants to the property of the missions of San José, Santa Clara, Santa Cruz, and San Juan, that until a proper tribunal was established to decide upon the claims, the missions and the property belonging to them would remain in possession of the priests, as they were when the United States flag was first raised in the territory, and the alcaldes of the various jurisdictions were instructed to enforce this order. Kearny's last military order was to send Lieutenant-colonel Burton of the New York volunteers to Lower California with

two companies of the regiment to take and hold possession of the country for the United States. On May 13th the general notified the adjutant-general that he was closing his affairs in California and would leave for St. Louis via the South pass, and that the conduct of Lieutenant-colonel Frémont was such that he would be compelled, on arriving in Missouri, to arrest him and send him under charges to Washington.

On the 31st of May, 1847, General Kearny turned over to Colonel Mason the command, civil and military, and started for the Missouri. Accompanying him were Edwin Bryant, Major Swords, Captains Cooke and Turner, Doctor Sanderson of the Mormon battalion, Lieutenant Radford of the navy, Willard P. Hall, William O. Fallon as guide, a Mormon escort of thirteen men and a few men of the topographical service, a number of servants, and Lieutenant-colonel Frémont with William N. Loker of the California battalion and nineteen men of his original party. At Sutter's fort several days were consumed in preparation for the journey, and on June 22d Kearny was at the Donner camp burying such remains of the unfortunates as he could find. He passed Fort Hall in the middle of July and reached Fort Leavenworth August 22d. Here he ordered Frémont to consider himself under arrest and report to the adjutant-general at Washington. Frémont was charged with mutiny, disobedience of the lawful commands of his superior officer, and conduct to the prejudice of good order and military discipline. The court-martial was convened November 2, 1847, and the trial lasted two weeks. Frémont was defended by Thomas H. Benton and William Carey Jones, and after three days of deliberation was found guilty on all of the specifications and sentenced to dismissal from the service. Seven members of the court signed a recommendation of clemency on account of

previous services. President Polk approved the verdict, except on the charge of mutiny, but remitted the penalty and ordered Frémont to report for duty. In its findings the court stated: "The attempt to assail the leading witness for the prosecution (General Kearny) has involved points not in issue, and to which the prosecution has brought no evidence. In the judgment of the court his honor and character are unimpeached."

Frémont declined to accept the president's clemency and sent in his resignation, which was accepted March 14th.

General Kearny was nominated in July 1848, for brevet major-general for gallant conduct at San Pascual and for meritorious services in New Mexico and California. Thomas H. Benton spoke for thirteen days against the confirmation and then announced that he had but begun his theme—the conspiracy against Frémont.

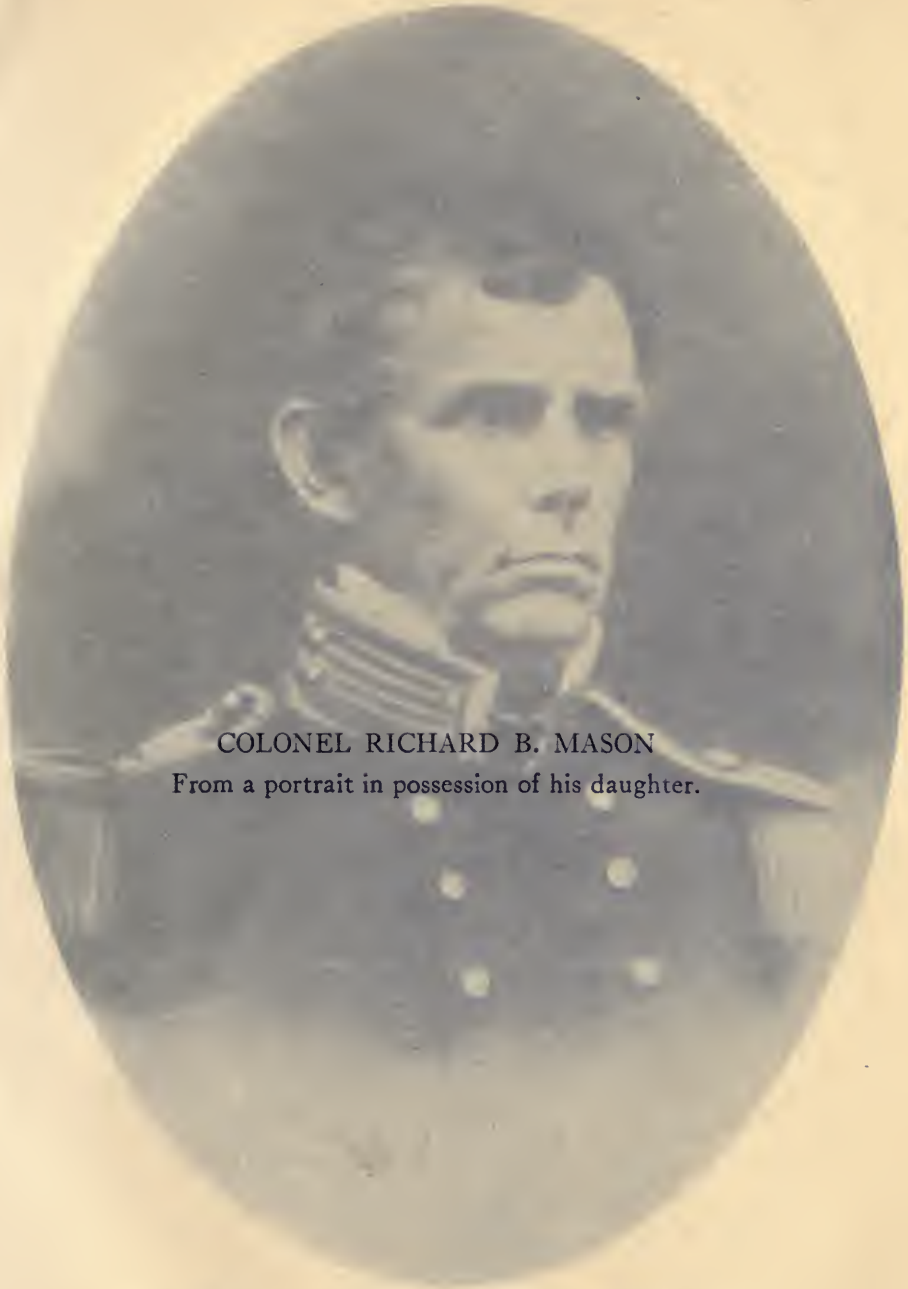
In person Kearny was five feet, ten or eleven inches in height, of fine figure and soldierly bearing; features regular; eyes blue; and in ordinary social intercourse the expression of his countenance was mild and pleasing and his manners and conversation unaffected, urbane, and conciliatory, without any sign of vanity or egotism. A strict disciplinarian, he brooked no delinquency and was stern and uncompromising towards those who failed or were neglectful of duty. Upright, brave, and energetic, he was true to himself and to the interests and honor of his country.

COLONEL MASON

Richard Barnes Mason, son of George Mason of Lexington, Fairfax county, Virginia, was born on the family estate in Fairfax county in 1797. He came of a family distinguished in the annals of his state and his grandfather, George Mason, was the author of the

Virginia bill of rights and the friend of Washington and Jefferson. On the 2d of September 1817, Mason was appointed second lieutenant of the Eighth infantry. He was made first lieutenant September 25, 1817, and Captain July 31, 1819. On the formation of the First dragoons in 1833, Mason was commissioned major March 4th. He was made lieutenant-colonel July 4, 1836, and colonel June 30, 1846, on Kearny's promotion. On July 31, 1829, he was made brevet major for ten years' faithful service in one grade and on May 30, 1848, brevet brigadier-general for meritorious service in California.

In 1824 Mason accompanied the expedition of General Atkinson to the Yellowstone, served through the Black Hawk war in 1832, and his whole service was spent on the northern and western frontiers. In November 1846 Colonel Mason was ordered to California to relieve General Kearny and he sailed for Chagres on November 10th reaching San Francisco February 12, 1849. The war in California was over and on May 31st he received from General Kearny the command, both civil and military. One of Mason's earliest appointments was that of Lieutenant Henry W. Halleck of the engineers, as secretary of state: a most fortunate selection. Halleck was not only the great soldier he afterwards proved himself to be, but was a wise and able lawyer, well educated, with a mind of high intellectual development. Perhaps the most troublesome question the government of California had to deal with was that relating to land titles. Halleck, at Colonel Mason's request, made a careful study of the subject and his report of March 1, 1849, on the laws and regulations governing the granting and holding of lands is an exhaustive review of the matter. Halleck resigned in 1854 and was a member of the law firm of Halleck, Peachy, and Billings, taking part in many great land suits and acquiring a large fortune.



COLONEL RICHARD B. MASON
From a portrait in possession of his daughter.

Yours most truly
R. B. Mason

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Yours most truly
R. S. Mason

He reëntered the army in 1861, became major-general, and was commander-in-chief, 1862 to 1864. He died at Louisville, Kentucky, in 1872, at the age of fifty-six. Halleck was considered a cold blooded, unpopular man by those persons who only wanted a share of the property belonging to some one else, but his fame does not rest upon them.

The great event during Colonel Mason's administration was the discovery of gold at Sutter's mill on the American river, and it was Mason's report of August 17, 1848, incorporated in the president's message at the opening of congress in December, that caused the great excitement. Leaving Monterey on June 17th accompanied by Lieutenant W. T. Sherman, Mason reached San Francisco on the twentieth and found that all, or nearly all the male population had gone to the mines. Crossing with their horses to Sausalito they proceeded by way of Bodega and Sonoma to Sutter's fort where they arrived July 2d. Along the whole route mills were idle, fields of wheat were open to cattle, houses vacant, and farms were going to waste. At Sutter's all was life and business. Launches were discharging their cargoes and carts were hauling goods to the fort where were already established several stores and a hotel. Mechanics were getting ten dollars a day and merchants were paying a hundred dollars a month per room. Proceeding to Mormon island Mason found some two hundred men working in the intensely hot sun, washing for gold, some with tin pans, some with Indian baskets, but the greater part with a rude machine on rockers called a cradle. Four men, thus employed, averaged a hundred dollars a day. The gold was in fine bright scales and he secured a sample. From these diggings he went to the mill, about twenty-five miles above, or fifty miles from Sutter's fort. Under guidance of Marshall, Mason visited the various diggings in that

vicinity, obtained samples of coarse gold and nuggets and listened to the tale of the discovery at first hand. Returning to Sutter's fort he was preparing to visit the placers on the Feather, Bear, and Yuba rivers when dispatches recalled him to Monterey where he arrived July 17th. On his return trip he visited the quicksilver mines at New Almaden. Before leaving Sutter's fort he satisfied himself that gold existed in the beds of the Feather, Yuba, and Bear rivers, and in many of the smaller streams that lie between the Bear and the American Fork, and that it had been found in the Cosumnes. He not only heard the marvellous tales but was shown great quantities of clean washed gold. The most moderate estimate he could obtain from men acquainted with the subject was, that upwards of four thousand men were working in the gold district, of whom more than half were Indians, and that from thirty to fifty thousand dollars worth of gold, if not more, was daily obtained. He reported that the entire gold district was government land; and he thinks the government should receive rents or fees for the privilege of procuring the gold; but considering the large extent of country, the character of the people engaged, and the small scattered force at his command, he resolved not to interfere, but to permit all to work freely. He was surprised to learn that crime of any kind was very infrequent and that no thefts or robberies had been committed in the gold district, though all lived in tents, in brush houses, or in the open air; and men had frequently about their persons thousands of dollars' worth of gold; and he marveled that such peace and quiet should continue. He says that the discovery of gold has entirely changed the character of Upper California. Farmers, mechanics, laborers, and tradesmen have left everything and have gone to the mines. Sailors desert their ships as fast as they arrive, and soldiers their garrisons.

The events of Mason's administration have been fairly epitomized in the various chapters of the historical narrative preceding. He was the one man power, everything had to be put up to him and from his decision there was no appeal. Walter Colton tells of two murderers convicted in his court and sentenced to be hanged. At the execution the knots slipped and down they came. The priest who confessed them was in the crowd that witnessed the execution and he at once declared that the penalty was paid and the criminals absolved. Hastening to the governor he demanded his mandate to that effect. Colonel Mason gravely informed the priest that the prisoners had been sentenced by the court to be hanged by the neck until they were dead, and that when this sentence had been executed the knot slipping business might perhaps be considered.

Mason was relieved at his own request by Bennet Riley on April 13, 1849, and sailed for the east in May. He was placed in command at Jefferson Barracks where he died July 25, 1850.

Colonel Mason was a large fine looking man with the bearing of a soldier and the breeding of a gentleman. General Sherman testifies: "He possessed a strong native intelligence and far more knowledge of the principles of civil government and law than he got credit for." Mason was not popular with a certain class of Americans. He stood in their way; but as General Sherman says, "he was the very embodiment of the principle of fidelity to the interests of the general government," and he might have added, to the people of California also.

GENERAL RILEY

Bennet Riley was born in St. Mary's county, Maryland, about the year 1790. He entered the service as ensign of Forsyth's regiment of rifles January 19, 1813, and

joined the army at Sacketts Harbor in the spring of that year. He served throughout the war with credit and was favorably mentioned on several occasions by his commanding officers. He was already distinguished for heroic courage, coolness in battle, and great natural sagacity.

At the conclusion of peace Riley served with his regiment on the Mississippi frontier. In 1821 the rifles were disbanded and Riley was transferred to the infantry. He had been made third lieutenant March 12, 1813; second lieutenant April 15, 1814; first lieutenant March 31, 1817, and captain August 6, 1818. While stationed on the frontier he was frequently called on to engage the Indians, and in 1823 distinguished himself to such a degree, in a battle with the Anickorees, that he received the brevet of major. In 1829 he was ordered to guard the caravan to Santa Fé with directions to await on the Mexican line the return of the traders. During their absence he defeated the Indians in two pitched battles; and subsequently convoyed the merchants safely to St. Louis. For his conduct in this expedition the legislature of Missouri voted him a sword.

Riley served through the Black Hawk war and took part in the final struggle, the battle of Bad-axe. On September 26, 1837, he was made a major and ordered to Fort Gibson. On December 1, 1839, he was made a lieutenant-colonel and ordered to Florida where he served until 1842 and distinguished himself by his energy, promptitude, and courage, receiving the brevet of colonel for gallantry in the action of Chokachatta; being made colonel January 31, 1850.

In July 1846 Riley was ordered to Mexico. For gallant and meritorious conduct at the pass of Cerro Gordo, April 17-18, 1846, he was brevetted brigadier-general. On August 7th the army moved on the City of Mexico



BRIGADIER-GENERAL BENNET RILEY.

From a painting in the office of the commandant at Fort
Riley, Kansas.

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and Colonel Riley was assigned to command of the Second brigade of the Second division. Arriving in front of Contreras on the afternoon of August 19th he proved the coolness and discipline of his brigade. Charged by the enemy's lancers in overwhelming numbers, he remained unmoved. He formed his brigade into a square and received the enemy with a rolling volley, repulsing them in disorder. Three times they reformed and charged; but the third time after delivering his volley, Riley ordered his men to follow with the bayonet, on which the Mexicans fled in confusion and did not renew the attempt. For his skill and daring on this occasion Riley received the commendations of the commander-in-chief in his official report. On the succeeding morning an attack was planned on the entrenched camp of the enemy and its execution was entrusted to Riley. After a laconic harangue to his men,* he led them into a ravine by which the heights above the entrenchments were reached and then with a wild yell the Americans rushed down upon the enemy. In consternation they broke and fled with scarcely any show of resistance and in a few minutes the action was over. The commander-in-chief, General Scott, said in his report: "The opportunity afforded to Colonel Riley by his position was seized by that gallant veteran with all the skill and energy for which he is distinguished. The charge of this noble brigade down the slope, in full view of friend and foe, unchecked even for a moment, until he had planted all his colors upon their furthest works, was a spectacle that animated the army to the boldest deeds." For his gallant conduct in this battle Riley was brevetted major-general, dating from August 20, 1846.

* S. C. Foster says: "In the morning of the battle Riley said to his men: 'Boys, we must all do our duty to-day. Ben Riley gets hell or the orange scarf before night.'" *Angeles From '47 to '49.*

At Churubusco, on this same day, Riley engaged in the assault of the hacienda and for his behavior in this action was again commended by Scott as well as by the commanding officer of his division, Twiggs.

Bennet Riley was another of the strong individualities that ruled California during the interregnum; a man of courage and of strong convictions, he could not be moved from the line of duty as he saw it. He was intelligent and was direct and soldier-like in all his dealings. His period was that of the great immigration of 1849, and his qualities were put to the severest test by the inrush of peoples from every quarter of the globe, riotous, and freed from the restraints that had hitherto held them in check. Riley was ever ready to help when help was needed and he was as ready with the strong arm when the help of that arm was required to protect the weak. That his courage was not alone that of the battlefield the following letter (in part) to the assistant adjutant-general of the Pacific Division will show. It appears that the commanding general of the division (Persifer F. Smith) had made an order on August 12, 1849, that the moneys of the "civil fund" be turned over to military authorities and that disbursing officers of the army be permitted to draw on that deposit for all expenses allowed by law. The civil fund at that time amounted to some six hundred thousand dollars, was in possession of Major Robert Allen, treasurer of California, and was disbursed only on the order of the governor.

"Executive Department of California.

"Monterey, August 30, 1849.

"Colonel:

"I have the honor to acknowledge the receipt of your letter of the 12th instant communicating the views of General Smith respecting my acts and duties as governor of California.

* * * "On assuming command in this country as civil governor, I was directed to receive from Governor Mason all his instructions and communications, and take them for my guidance in the administration of civil affairs. Upon an examination of these instructions, and a full consultation with Governor Mason, I determined to continue the collection of the revenue till the general government should assume that power and to add the proceeds to the 'civil fund'—using that fund for the necessary expenses of the civil government.

* * * "This 'civil fund' was commenced in the early part of 1847, and has been formed and used in the manner pointed out in the early instructions to the governor of this territory. The money has been collected and disbursed by the 'governor of California,' and by those appointed by him in virtue of his office. He is, therefore, the person responsible for this money, both to the government and the parties from whom it was collected; and it can be expended only on his order. Not a cent of this money has been collected under the authority of any department of the army; nor can any such department, or any officer of the army, simply in virtue of his military commission, have any control, direct or indirect, over it.

* * * "No collectors in California now hold, or have ever held, any appointments, commissions, or authority from any military department; nor have they ever received any orders or instructions from such sources. All their powers have been derived from the governor of California and they have been subject to his orders only. * * * And I am both surprised and mortified to learn that, at this late hour, an attempt is to be made to remove this money from my control, and to place it at the disposition of officers who have had no responsibility in its collection, and who of right can exercise no authority over it. * * * If, however, it now be the general's wish to assume a military control of the collection of duties on imports into California, I will immediately discharge the collectors appointed by the governors of California, and surrender the entire direction of the matter to such military department or military officers as he may direct. But for the money which *has already been collected* by the civil officers under my authority, I alone am responsible; and until further instructions from Washington, I shall continue to hold it, subject to my orders only, and to expend, as heretofore, such portions of it as may be required

for the support of the existing civil government. No military officer or military department will be allowed to exercise any control over it.

* * * "I beg leave to remark, in conclusion, that while I shall always be most happy to receive the advice and suggestions of the commanding general of the division respecting my duties as civil governor of California, I must nevertheless be permitted to decide upon the measures of my own government; for as no military officer can be held accountable for my civil acts, so no such officer can exercise any control whatever over those acts.

"Very respectfully, your obedient servant

"B. RILEY,

"Brevet Brig. Gen. U. S. Army
and Governor of California.

"Brevet Lieutenant Colonel J. HOOKER,

"Assistant Adj. General, Pacific Division."

The concluding sentence was called out by some remarks concerning his course with Indian affairs and the public lands. General Smith made several mistakes in California and one of them was when he attempted to interfere with the civil government of B. Riley.

Riley notified the war department of this demand for the civil fund and forwarded copies of the correspondence, together with a full history of the fund. He expressed his opinion that the civil fund belonged to the people of California and recommended that such portions of the moneys so collected as should be left after defraying the expenses of the existing civil government, be given to California as a school fund, to be exclusively devoted to purposes of education. In his letter of October 1, 1849, he stated that the convention called by him to frame a constitution had nearly completed its labors and that it had determined by unanimous vote that the new government organized under this constitution should go into operation as soon as convenient after its ratification

by the people, without waiting for the approval of congress and the admission of California into the Union. He said that while doubting the legality of such a course, he should consider it his duty to comply with the wishes of the people and surrender his civil powers into the hands of the new executive, unless he received special orders from Washington to the contrary. The secretary of war wrote him, November 28th, that as the arrangement contemplated by him might already have been made any instructions from the department contrary to his views on the subject might militate against the peace and quiet of the community and be productive of evil; that the first consideration was the due observance of law and order, and this, it was hoped and believed, would be attained under the new order of things. The civil fund remaining in his hands he was directed to place in the safe keeping of the proper officers of the treasury department, to be held subject to the final disposition of congress.

Riley was not a little criticised by the Americans for his strict adherence to what he considered his duty. They could not see it as he did and there was much loud talk about "military interference." This bluster affected him not at all. It was all a matter of course. Later, when they realized what he was doing for them, the tide began to turn. On October 13th the constitution adopted by the convention called by General Riley was signed by the members. As they met for the last time they were called to order by William M. Steuart of San Francisco, the president, Dr. Semple, being sick. Steuart called John A. Sutter to the chair and taking the floor read the address to the people. As the last name was signed to the document the flag was run up the staff in front of the government building while the guns on the redout boomed thirty-one times. Three times three

cheers were given for the new star added to the constellation, and then the convention proceeded in a body to the governor, headed by Captain Sutter, who, in an address to his excellency, conveyed to him the thanks of the convention for the great and important services he had rendered to their common country and especially to the people of California; and the members of the convention he said, entertained the confident belief that when the governor returned from his official duties in California he would receive from the whole people of the United States that verdict so grateful to the heart of the patriot, "Well done, thou good and faithful servant."

The bluff soldier was somewhat taken aback by this unexpected mark of respect. The tears in his eyes and the plain sincerity of his voice and manner went to the heart of every one present. "Gentlemen" said he, "I never made a speech in my life. I am a soldier—but I can feel; and I do feel deeply the honor you have this day conferred upon me. Gentlemen, this is a prouder day to me than that on which my soldiers cheered me on the field of Contreras. I thank you from my heart. I am satisfied now that the people have done right in selecting delegates to frame a constitution. They have chosen a body of men upon whom our country may look with pride; you have framed a constitution worthy of California, and I have no fear for California while her people choose their representatives so wisely. Gentlemen, I congratulate you upon the successful conclusion of your arduous labors, and I wish you all happiness and prosperity. Whatever success my administration has attained is mainly owing to the efficient aid rendered by Captain Henry W. Halleck, the secretary of state. To him should be the the applause. He has never failed me."

In accord with his letter of October 1, 1849, to the war department, General Riley turned over to the

constitutional governor, Peter F. Burnett, the civil power, and confined himself to his duties as commander of the Tenth military department.

In person Riley was tall and rather slim. His iron grey whiskers were trimmed up to his eyes, while a scar upon his countenance added to his military aspect. His soldiers adored him and felt competent for anything if "old Riley," as they called him, was with them. He died June 6, 1853.*

Fortunate it was for California that at so critical a period in her history she was ruled by such men as Kearny, Mason, and Riley. High-minded, intelligent, able, they stood like a stone wall against which the waves of anarchy, greed, and covetousness dashed in vain. They held the reins of government with firm hands, and in honesty, courage, and knightly character they represent the best traditions of the American army. California has not appreciated these men. Deceived by a loud clamor she has wandered away after strange gods and has bowed down in worship of unworthy and fustian heroes.†

* 31st Cong. 1st. Ses. Ex. Doc. 17 Ho. of Rep.; Sen. Doc. 52; Bayard Taylor: *El Dorado*; Heitman's *Register*; C. J. Peterson: *Military Heroes of the War with Mexico*; S. C. Foster: *Angeles '47 to '49*, MS.

† The late James Lick left in his will the sum of one hundred thousand dollars for a monument to be erected to the Pioneers of California. This monument was unveiled Thanksgiving Day, November 29, 1894. It is a group of bronze statuary in Marshall square, on Market street, San Francisco. It records the names of thirteen navigators, explorers, commanders, etc., but one looks in vain for the names of Anza, Kearny, Mason, or Riley.

NOTE 36

LEESE

Jacob Primer Leese was born in Ohio in 1809 and engaged in the Santa Fé trade in 1830. He first came to California from New Mexico in 1833 and did not remain but returned in July 1834, and settled in Los Angeles. He realized that a large and profitable business could be done in collecting hides and tallow for the American ships and in supplying the Californians with the goods brought by them. In looking over the field he decided that the bay of San Francisco offered the greatest facilities for a commercial city and in 1836 he formed a partnership with William S. Hinckley and Nathan Spear and, obtaining a hundred vara lot in Yerba Buena cove, built the first solid structure there, finished it before July 4, 1836, and celebrated Independence Day by giving a feast, dance, etc., to the people of the mission, presidio, and vicinity. The lot was on what was later the west side of Dupont street, from Sacramento to Clay, and the house stood on the southwest corner of Dupont and Clay streets—now the heart of Chinatown. This was the second grant made in Yerba Buena, the first being to William A. Richardson six days earlier. It was difficult for Leese to conduct his business so far from the water front and he obtained two fifty vara lots on Montgomery street, extending from Sacramento to Clay streets, and built a larger building, part wood and part adobe, which served him for store and dwelling. In 1838 the partnership with Hinckley and Spear was dissolved and Leese continued the business alone until 1841, when he sold out to the Hudson's Bay company and transferred his business and residence to Sonoma.

He was thrown into prison by Frémont during the Bear Flag revolt without apparent reason save that he was married to a sister of General Vallejo. Leese was naturalized in 1836 and was granted other lots in Yerba Buena in 1840. In 1841 he was granted the Cañada de Guadalupe y Rodeo Viejo y Visitacion, on the San Francisco peninsula, comprising eight thousand eight hundred and eighty acres in San Francisco and San Mateo counties, and also Huichica rancho of two square leagues, at Sonoma. The Visitacion rancho Leese exchanged for Ridley's Calloyomi rancho of three leagues, at Sonoma. In 1837 Leese married María Rosalia, daughter of Ignacio Vallejo and sister of General Mariano Guadalupe Vallejo. Of this marriage there was born April 15, 1838, Rosalia Leese, the first child born in Yerba Buena. She died in 1851.

Dana, in the last edition of his book containing his revisitation of San Francisco in 1859, says: "In one of the parlors of the hotel, I saw a man of about sixty years of age, with his feet bandaged and resting on a chair, whom somebody addressed by the name of Lies (Leese). Lies! thought I, that must be the man who came across the country to Monterey while we lay there in the Pilgrim in 1835, and made a passage in the Alert, when he used to shoot with his rifle bottles hung from the top-gallant studding-sail-boom ends. He married the beautiful Doña Rosalia Vallejo, sister of Don Guadalupe. There were the old high features and sandy hair. I put my chair beside him and began conversation, as one may do in California. Yes, he was Mr. Lies: and when I gave him my name he professed at once to remember me and spoke of my book."

A son of Leese, Jacob R. Leese, born in Monterey April 15, 1839, married to a daughter of José Joaquín Estrada, is living in San Francisco.

NOTE 37

STOCKTON AND THE CONQUEST
OF CALIFORNIA

PROCLAMATION ISSUED JULY 23d, 1846*

“Californians: The Mexican government and their military leaders have, without cause, for a year passed been threatening the United States with hostilities.

“They have recently, in pursuance of these threats, commenced hostilities by attacking, with 7,000 men, a small detachment of 2,000 United States troops, by whom they were signally defeated.

“General Castro, the commander-in-chief of the military forces of California, has violated every principle of international law and national hospitality, by hunting and pursuing with several hundred soldiers, and with wicked intent, Captain Frémont of the United States army who came here to refresh his men, about forty in number, after a perilous journey across the mountains, on a scientific survey.

“For these repeated hostilities and outrages, military possession was ordered to be taken of Monterey and San Francisco until redress could be obtained from the government of Mexico.

“No let or hindrance was given or intended to be given to the civil authorities of the territory, or to the exercise of its accustomed functions. The officers were invited to remain, and promised protection in the performance of their duties as magistrates. They refused to do so, and departed, leaving the people in a state of anarchy and confusion.

“On assuming the command, of the forces of the United States on the coast of California both by land and sea, I find myself in possession of the ports of Monterey and San Francisco, with daily reports from the interior of scenes of rapine, blood, and murder. Three inoffensive American residents of the country have, within a few days been murdered in the most

* *Stockton's Life*, 116-18.

brutal manner; and there are no California officers who will arrest and bring the murderers to justice, although it is well known who they are and where they are.

"I must therefore, and will as soon as I can, adopt such measures as may seem best calculated to bring these criminals to justice, and to bestow peace and good order on the country.

"In the first place, however, I am constrained by every principal of national honor, as well as a due regard for the safety and best interests of the people of California, to put an end at once and by force to the lawless depredations daily committed by General Castro's men upon the persons and property of peaceful and unoffending inhabitants.

"I cannot, therefore, confine my operations to the quiet and undisturbed possession of the defenceless ports of Monterey and San Francisco, whilst the people elsewhere are suffering from lawless violence; but will immediately march against those boasting and abusive chiefs who have not only violated every principle of national hospitality and good faith towards Captain Frémont and his surveying party, but who, unless driven out, will, with the aid of hostile Indians, keep this beautiful country in a constant state of revolution and blood, as well as against all others who may be found in arms, aiding or abetting General Castro.

"The present general of the forces of California is a usurper; has been guilty of great offenses; has impoverished and drained the country of almost its last dollar; and has deserted his post now when most needed.

"He has deluded and deceived the inhabitants of California, and they wish his expulsion from the country. He came into power by rebellion and force, and by force he must be expelled. Mexico appears to have been compelled from time to time to abandon California to the mercies of any wicked man who could muster one hundred men in arms. The distances from the capital are so great that she cannot, even in times of great distress, send timely aid to the inhabitants; and the lawless depredations upon their persons and property go invariably unpunished. She cannot or will not punish or control the chieftains who, one after the other, have defied her power, and kept California in a constant scene of revolt and misery.

"The inhabitants are tired and disgusted with this constant succession of military usurpers, and this insecurity of life and property. They invoke my protection. Therefore upon

them I will not make war. I require, however, all officers, civil and military, and all other persons to remain quiet at their respective homes and stations, and to obey the orders they may receive from me or by my authority; and if they do no injury or violence to my authority none will be done to them.

"But notice is hereby given, that if any of the inhabitants of the country either abandon their dwellings, or do any injury to the arms of the United States, or to any person within this territory, they will be treated as enemies, and suffer accordingly.

"No person whatever is to be troubled in consequence of any part he may heretofore have taken in the politics of the country, or for having been a subject of General Castro. And all persons who may have belonged to the government of Mexico, but who from this day acknowledge the authority of the existing laws, are to be treated in the same manner as other citizens of the United States, provided they are obedient to the law and to the orders they shall receive from me or by my authority.

"The commander-in-chief does not desire to possess himself of one foot of California for any other reason than as the only means to save from destruction the lives and property of the foreign residents, and citizens of the territory who have invoked his protection.

"As soon, therefore, as the officers of the civil law return to their proper duties, under a regularly organized government, and give security for life, liberty, and property alike to all, the forces under my command will be withdrawn, and the people left to manage their own affairs in their own way.

"R. F. STOCKTON,

"Commander-in-chief."

According to this warlike lord the military possession of Monterey and San Francisco was ordered because of the hunting and pursuing by General Castro with several hundred soldiers, and with wicked intent, of a peaceable young engineer who, in the prosecution of a scientific survey, had come into California to refresh his men after a perilous journey across the mountains, and these possessions were to be retained until redress could be obtained from the government of Mexico. Com-

modore Sloat who had been furnished with a copy of the proclamation as he was about to sail, notified the secretary of the treasury that the proclamation did not contain his reasons for taking possession of or his views or intentions towards California, and consequently it did not meet his approbation. The whole proclamation with its recital of daily reports of scenes of rapine, blood, and murder; of the lawless depredations daily committed by General Castro's men upon peaceful and unoffending inhabitants; with its denunciation of the usurper, General Castro, who, unless driven out, would, with the aid of hostile Indians, keep the country in a state of revolution and blood; with its tales of revolt and misery, is absurd, false in its premises, bombastic in its utterances, offensive, and undignified.

Stockton reported that the position he was about to occupy was an important and critical one calling for prompt and decisive action, in the face of difficulties almost insuperable. According to Stockton the sanguinary feeling of resentment everywhere breathed against foreigners, threatened them with total extermination. That the local legislature was in session and that Governor Pio Pico had assembled a force of about seven hundred or one thousand men, supplied with seven pieces of artillery, and was breathing vengeance against the perpetrators of the insult and injury which they supposed had been inflicted. The situation had assumed a critical and alarming appearance. Every citizen and friend of the United States was in imminent jeopardy. Numerous emigrants from the United States, marching in small, detached parties, encumbered with their wives and children and baggage, unprepared for attack, were exposed to certain destruction. The public lands were being disposed of and the necessity of prompt action became an imperative duty.

The energetic commodore lost no time in proceeding against his powerful and exasperated foe. Sending Frémont with his battalion to San Diego, he sailed for San Pedro, landed three hundred and fifty men and marched against the combined armies of Pico and Castro at Los Angeles, now reduced, as Castro says, to less than one hundred men. Completing a bloodless conquest he announced the end of the war and returned to the north. The account of the revolt with its accompanying bloodshed has been told in the notes on Kearny and Frémont.

Relieved in January 1847 by Commodore Shubrick, Stockton went east by the overland route in July. In 1849 he resigned his commission and in 1851-2 represented New Jersey in the United States Senate. He was a brave man, resolute and energetic, but his vanity and eagerness for applause led him, at times, far astray. In his thirst for glory he magnified the difficulties of his position in California and in ignoring the pacific policy of Sloat and Larkin, and espousing the cause of Frémont and Gillespie and supporting their filibustering plans, he pursued a course towards the authorities and people of California, which, combined with the acts of the volunteers, caused the only serious resistance in California to the American occupation. As General Kearny said, in referring to this matter, "Had they (the Californians) not resisted they would have been unworthy the name of men."*

* 31st Cong. 1st. Ses. House Ex. Doc. 1. Stockton's report, 34-5.

NOTE 38

WOODWORTH

Selim E. Woodworth was a son of the poet, Samuel Woodworth, author of "The Old Oaken Bucket." He was bōrn in the city of New York November 15, 1815. In 1834 he sailed from New York with Captain Benjamin Morrell, whose visit to California in 1825 has been noted, on a three years' cruise to the South Pacific. The ship was lost on the coast of Madagascar and all on board perished except Selim and one sailor. Selim was protected by a native woman and after some time got away on a whaler, reaching home after having been given up for dead. In 1838 he was appointed midshipman in the navy and April 1, 1846, he obtained leave of absence and took the Oregon trail for the settlements on the Columbia river. From Oregon he came to San Francisco in the winter of 1846-7, and after his service on the Donner relief he was ordered to the sloop-of-war Warren and later to the command of the transport Anita. In 1849 he was elected to the state senate from Monterey and resigned his commission in the navy. On the breaking out of the war of secession he offered his services to the government and served throughout the war, reaching the rank of commodore. He resigned in 1867 and returned to San Francisco where he died in 1871. Selim Woodworth built the first house in San Francisco on a water lot. It was on the north side of Clay street at the water's edge, on the spot later occupied by the Clay street market; here Selim and his brother Fred lived and carried on a commission business. All through his life in California Selim Woodworth was foremost in acts of charity, and in protection of life and property. He

was small in stature but had the courage of a lion. He was president of the vigilance committee of 1851, and in 1854 had a shooting box on Red Rock, a tiny islet midway between San Francisco and San Pablo bays. Selim and his brother Fred owned the lot on the corner of Market and Second streets and during the squatter troubles were obliged to camp on the ground, which was a sand-hill, and defend their property with shot guns. This lot formed a part of the site covered by the Grand hotel.

Selim Woodworth's son, Selim II, graduated at Annapolis and served in the navy. He married his cousin, a daughter of James S. Wethered, and died a few years ago on a Kosmos steamer en route to South America. A widow and three children survive him, one being Selim III.

NOTE 39

SAM BRANNAN

Samuel Brannan, Mormon elder and chief of the ship Brooklyn colony, was born in Saco, Maine, March 2, 1819. In 1833 he removed to Ohio, where he learned the trade of printer, and for five years from 1837 visited most of the states of the Union as a journeyman printer. In 1842 he joined the Mormons, and for several years published the *New York Messenger* and later the *Prophet*, organs of the Mormon church. Of the Mormon scheme to colonize California Brannan was an integral part and had charge of the New York end of it. In pursuance of the plan Brannan chartered the ship Brooklyn, three hundred and seventy tons, and sailed from New York February 4, 1846, for San Francisco, with two hundred and thirty-eight men, women, and children, the first installment of the Mormon colony. He brought his printing press, types, and a stock of paper; flour mill machinery, plows and other agricultural implements, and a great variety of articles such as would be useful in a new country. At Honolulu where the ship arrived in July, Brannan purchased one hundred and fifty stands of arms to provide for the probable chances of war between the United States and Mexico. On the 31st of July 1846, the Brooklyn arrived at San Francisco and the passengers immediately landed and squatted among the sand-hills of the beach. They were anxious to work and were ready to accept any that was offered; glad to make themselves useful—the women as well as the men—and a party of twenty was sent into the San Joaquin valley to prepare for the great body of the saints that were coming overland.

On January 7, 1847, Brannan brought out the first number of the *California Star*, edited by Dr. E. P. Jones, the second newspaper published in California, the first being the *Californian*, published by Walter Colton and Dr. Robert Semple, in Monterey.

Sam Brannan preached on Sundays and during the week engaged in all sorts of business and political activities, and was from the first, a leading man in San Francisco. As a preacher he was fluent, terse, and vigorous, and he conducted the first Protestant service held in San Francisco August 16, 1846, in Richardson's casa grande on Dupont street.

In the spring of 1847, Brannan went east to meet Brigham Young and the main body of the Mormon migration. He met them in the Green river valley and came on with them to Salt Lake. He was much displeased with their decision to remain and found a city in the Salt Lake valley and he returned to California.

In 1847 Brannan established a store at Sutter's fort, or New Helvetia, and furnished on Sutter's account the supplies for Marshall, Weimer, and Bennett, the men who were putting up the mill for Sutter on the South fork, and after the discovery of gold he put up a store at the mill which he named Coloma after the Indians who lived there, and also one at Mormon island which he named Natoma, after the name of the tribe there. A large number of Mormons were engaged in mining on the American river and Brannan insisted on their paying over to him, as head of the Mormon church in California, the ten per cent. claimed by the church. W. S. Clark of Clark's Point, San Francisco, a Mormon elder, said to Governor Mason, "Governor, what business has Sam Brannan to collect tithes of us?" The governor replied: "Brannan has a perfect right to collect the

tax if you Mormons are fools enough to pay it." "Then," said Clark, "I, for one, won't pay it any longer."*

Through his mining operations at Mormon island, the enormous profits of his stores at Sacramento, Natoma, and Coloma, and the increase in value of his real estate in San Francisco, Brannan became the richest man in California. There was scarcely an enterprise of moment in which he did not figure and he was as famous for his charity and open-handed liberality as for his enterprise. He was straightforward in his dealing and had the respect and confidence of the business community. Mingling in California with men of affairs, of education and refinement, he abandoned his Mormon religion. In ridding San Francisco of the thieves, gamblers, and desperadoes that infested it none was more active, outspoken, and fearless than Brannan, and he lashed the malefactors and their official supporters with a vigor of vituperation that has rarely been equaled.

In company with Peter F. Burnett and Joseph W. Winans he established in 1863 the first chartered commercial bank in California, the Pacific Accumulation and Loan Society, the name being afterwards changed to Pacific Bank. His later years were marred by the habit of drink to which he gave himself up and which greatly affected his excellent business faculty. Unlucky speculations made inroads upon his fortune and his vast wealth melted away. He was divorced from his wife whom he had married in 1844 and who came with him on the Brooklyn. About 1880 he obtained a grant of land in Sonora, in return for help rendered the Mexican government during the French invasion, and thither he removed and embarked on a large colonization scheme; but his old time energy was gone. He died in Escondido, Mexico, May 5, 1889.

* Sherman: *Memoirs*, 53. Clark denied he ever was a Mormon.

NOTE 40

THE CLAIM OF CAPTAIN PHELPS

The bill of Captain Phelps for this service is as follows:

“The United States

“To WM. D. PHELPS, Dr.

“For services of himself, crew and boats of the barque Moscow, of Boston, of which he was part owner and in command, and being agent for all other owners, and for the risk and hazard incident to such service, in transporting Captain J. C. Frémont and a detachment of men under his command to a fort on the opposite side of the bay and entrance to the port of San Francisco in Upper California in July, 1846, and aiding him in capturing and dismantling the said fort, and spiking the guns thereof, consisting of three brass and seven iron cannon, of heavy calibre, and part of which were afterwards taken on board the United States ship Portsmouth, by order of Captain J. B. Montgomery, U. S. Navy.

“\$10,000

“WILLIAM D. PHELPS.”

Sworn to by the claimant.

To this bill Captain Frémont gives the following approval:

“I certify that Captain William D. Phelps did transport a party of men under my command to the fort near the Presidio, at the entrance to the bay at San Francisco, under the circumstances narrated in the above deposition; that he aided in dismantling the fort, and that I have always considered his services on that occasion to have been very valuable to the United States.

“JOHN C. FRÉMONT.

“Washington City, August 5, 1853.”

In 1852 Congress passed a bill directing the secretary of war to appoint a board of three commissioners to

settle the California claims, and in addition to Frémont's certificate, as above, the board examined Major Gillespie who expressed the following opinion of the service rendered and the value thereof:

"I hereby certify that in July 1846, Captain W. D. Phelps did transport a party of men under the command of John C. Frémont from Sausalito across the bay of San Francisco (seven miles) to the fort at Yerba Buena, commanding the entrance to the harbor, for the purpose of spiking the guns of the fort, which was in a very dismantled condition and could not have been occupied without having been almost entirely rebuilt. There was no enemy present, and the sole object Captain Frémont had in view was to prevent the Californians from using the guns at any future time. There was no risk or personal danger incurred, and the service would be well paid for at fifty dollars.

"ARCHI. W. GILLESPIE,

"Bvt. Major U. S. M. Corps.

"Washington, September 19, 1853."

This estimate was corroborated by other testimony and the board unanimously voted to allow fifty dollars for the service, and that sum was accordingly paid.



APPENDIX

APPENDIX A

THE PRESIDIO OF SAN FRANCISCO

On the 17th of September 1776, Lieutenant José Joaquin Moraga founded the presidio of San Francisco, as related in chapter VI, and on the 9th of the following month, the mission of San Francisco de Asis, the religious services being conducted by Fray Palou assisted by Frays Cambon, Nocedal, and Peña. The mission was located on the *ojo de agua* Arroyo de los Dolores, the site selected by Colonel Anza near the Laguna de Manantial afterwards known as the Laguna de los Dolores, hence the name which the mission came to be called—Mission Dolores. The report of the store-keeper (*guarda almazén*) on December 31, 1776, shows a force of thirty-eight men, including officers, eight settlers (*pobladores*), thirteen sailors and servants, two priests (Palou and Cambon), and one store-keeper, Hermenegildo Sal: total sixty-two men at the presidio and mission. The servants included mechanics, vaqueros, etc., and four sailors landed from the San Carlos to assist on the buildings and in digging ditches to bring water from the stream. During the winter the adobe walls of the presidio were begun, and in January 1777, Moraga founded the mission of Santa Clara. In November of the same year he founded the pueblo of San José Guadalupe, taking the settlers from the soldiers and pobladores of San Francisco. In April 1777, the presidio was honored by a visit from the governor, Felipe de Neve, and in October the good padre presidente, Fray Junípero Serra, made his first visit to San Francisco, arriving in time to say mass in the mission church on October 4th, the day of Saint Francis. On the 10th he was taken to the presidio and for the first

time looked upon the blue waters of the Golden Gate. Standing upon the summit of the Cantil Blanco he exclaimed: "Thanks be to God, now has Saint Francis, with the holy cross of the procession of the missions, arrived at the end of the continent of California; for," he added with pious pleasantry, "to get any further it will be necessary to take to the water."

The first child born in the new establishment was to the wife of the soldier, Ignacio Soto. The babe was hastily baptised, *ab instantem mortem*, and named Francisco José de los Dolores Soto. The first burial was on December 21, 1776, being that of María de la Luz Muñoz, wife of the soldier José Manuel Valencia. The first marriage was that of Mariano Antonio Cordero, a soldier of the Monterey company, with Juana Francisca Pinto, daughter of the soldier Pablo Pinto, married, November 28, 1776. The mission church was a temporary affair made of wood with a thatched roof. The foundation of the permanent church was laid with appropriate ceremonies in 1782. It was built of adobe and the roof was covered with tiles; it was commodious and handsomely decorated, and held five or six hundred persons. It still stands (1911) as originally built except that the adobe walls are protected with a wooden covering.

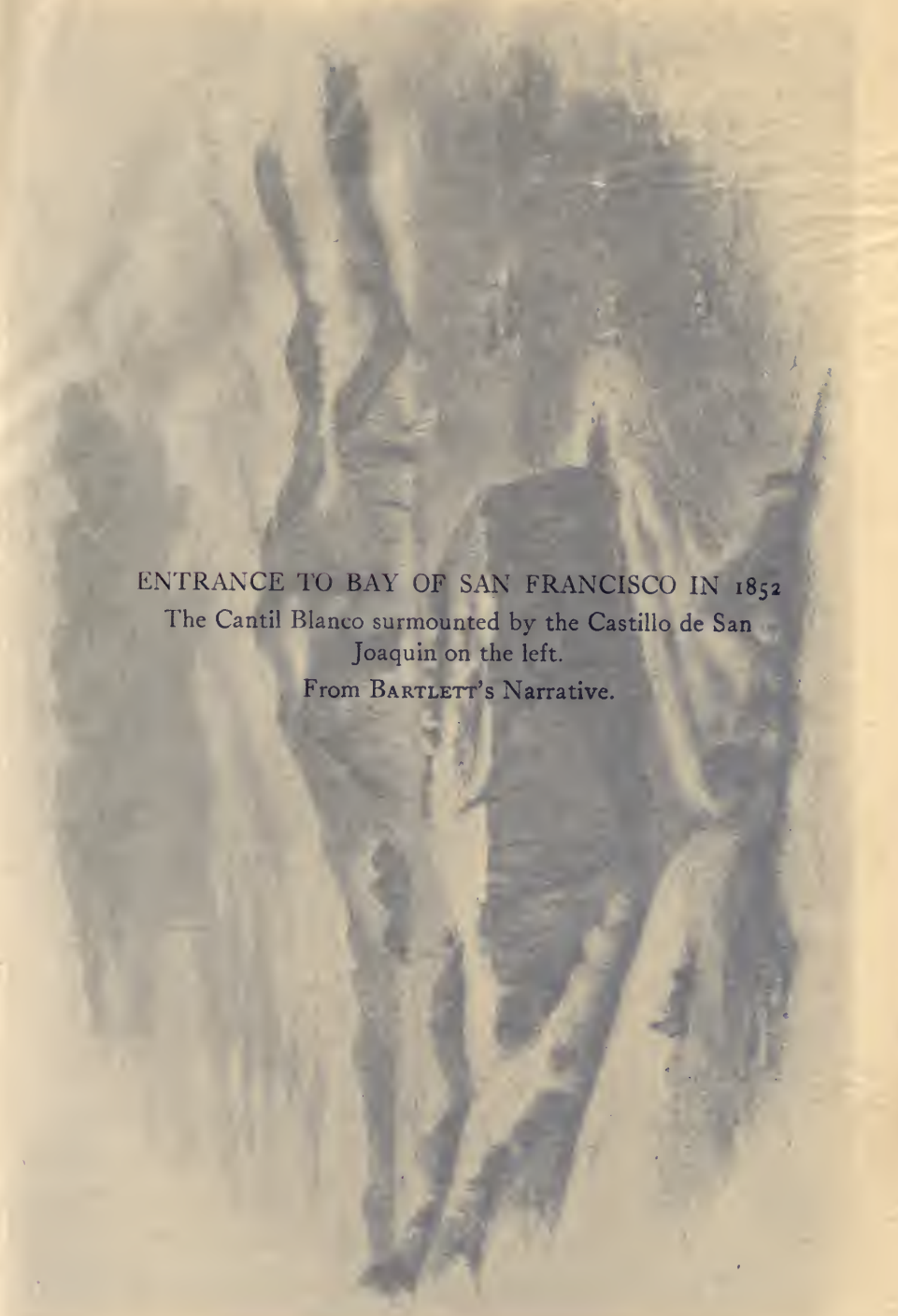
On July 13, 1785, Moraga died and Lieutenant Diego Gonzales, who came with Rivera in 1781, was appointed temporary comandante. Gonzales remained about a year and a half when he was sent to the Sonoma frontier under arrest for irregular conduct. The presidio was in charge of Ensign Sal as acting comandante until the arrival of Lieutenant José Darío Argüello June 12, 1787. Argüello remained in command until March 1, 1806, with occasional tours of duty elsewhere during which Sal took his place as acting comandante. In December

1790, the presidio had one lieutenant, one ensign, one sergeant, four corporals, twenty-eight privates, three retired soldiers—*invalidos*, one prisoner, and three servants; a total, with their families and the missionary priest, of one hundred and forty-four souls. This is the first census of San Francisco. It includes the mission guards of Dolores and Santa Clara, but does not, of course, include the Indian neophytes of the mission. In 1791 Argüello was sent to Monterey to relieve Lieutenant Ortega, leaving Sal as acting comandante at San Francisco. It was during this period that Vancouver arrived and was entertained by Sal.

Hermenegildo Sal was a native of Villa de Valdemora, Spain, born in 1746, and probably came to California with Rivera in 1773. He was corporal in the Monterey company and witnessed Rivera's signature to the first land grant in California, November 27, 1775. He was made sergeant March 19, 1782; ensign, May 29, 1782; lieutenant, April 27, 1795, and comandante of Monterey from September of that year until his death, December 8, 1800. Sal was an excellent officer, a strict disciplinarian, the best accountant and the clearest headed business man in California. During the greater part of his service he acted as *habilitado*—the accounting officer of the company. His accounts are in good order and are beautifully written. Vancouver was greatly pleased by Sal's hospitality and he speaks in the highest terms of the comandante and his wife, of the decorous behavior of their two daughters and son, and of the attention that had evidently been paid to their education. Sal's wife was Josefa Amézquita. His daughter, Rafaela, married Don Luis Antonio Argüello. Josefa married Sergeant Roca. Two sons entered the military company of San Francisco and both died early.

The walls of the presidio, begun by Moraga in the winter of 1776-77, were, at the time of Vancouver's visit, 1792, completed on three sides, but on the fourth, or easterly side, a compromise was effected by a palisade supplemented by bushes planted to cover its appearance. The adobe walls were fourteen feet high and five feet thick. About the beginning of the century the fourth, or east wall was completed to correspond with the others. In 1812 an earthquake threw down a large part of the eastern and southern walls and nearly all of the northern wall. It also ruined the church and a number of buildings within the enclosure.

The fort was built in 1794, on the site selected by Anza eighteen years before. The Punta del Cantil Blanco was a bold jutting promontory of hard serpentine rock about one hundred feet above high water. The fort was a formidable affair of adobe, horseshoe in shape, and pierced with fourteen embrasures lined with brick. It was about one hundred and twenty-five feet long by one hundred and five feet wide. The parapet was ten feet thick and in the middle of the fort was a barrack for the artillerymen. Eleven brass nine-pounders were sent from San Blas but I believe only eight of them were ever mounted. The fort stood on the extreme point of the rock, which, on the west, was sheer to the water. Vancouver, writing in San Francisco in October 1793, speaks of seeing on the beach eleven dismounted cannon, nine-pounders, with a large quantity of shot of two different sizes, and on the top of the cliff several Spaniards who, with a numerous body of Indians, were employed in erecting what appeared to him to be a barbette battery. The fort was finished in December 1794, and cost sixty-four hundred dollars. It was later rebuilt with brick. It was named Castillo de San Joaquin and was variously called by that name, the "Castillo," and "Fort Blanco." It was garrisoned



ENTRANCE TO BAY OF SAN FRANCISCO IN 1852

The Cantil Blanco surmounted by the Castillo de San
Joaquin on the left.

From BARTLETT's Narrative.

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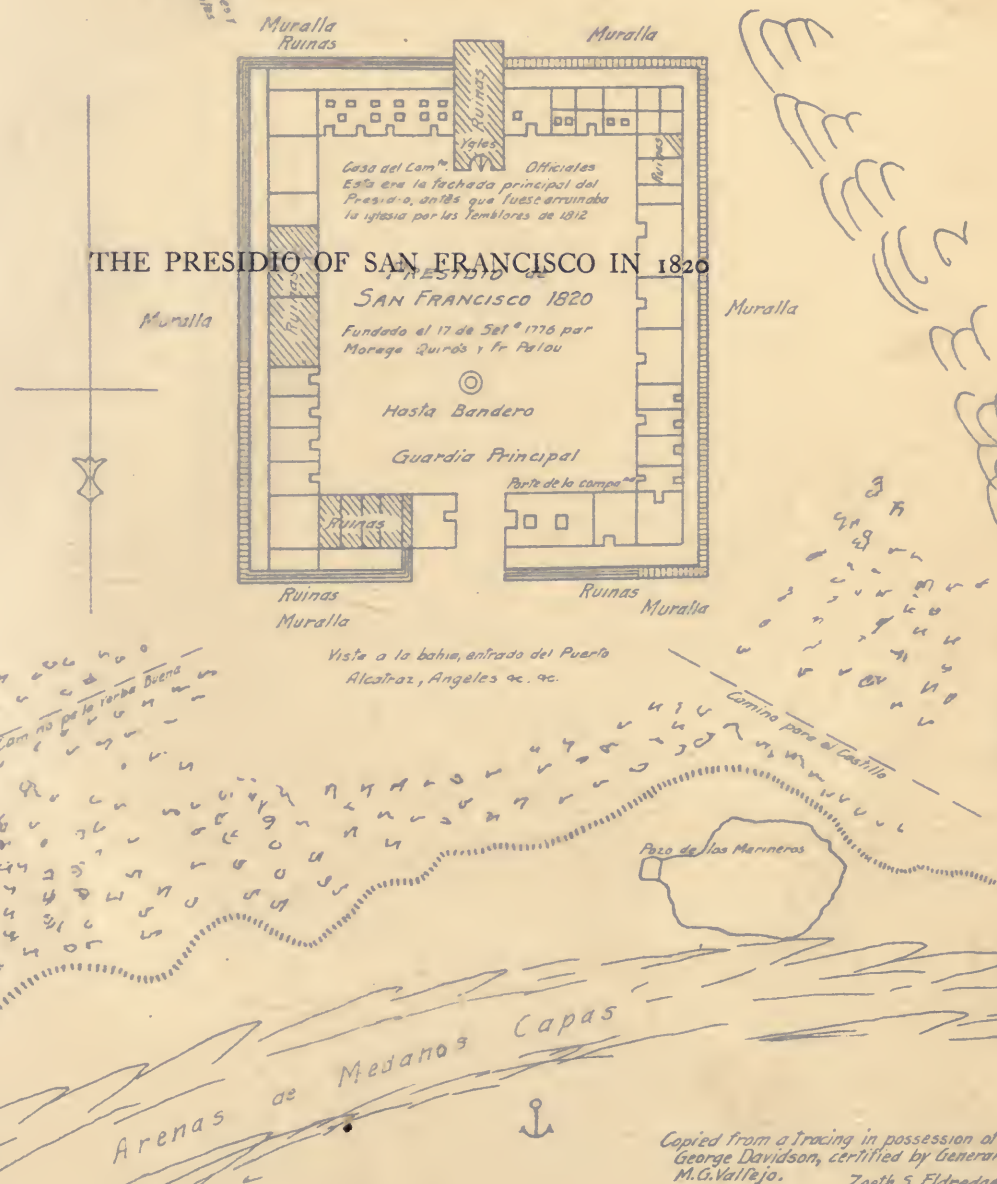
by a corporal and six artillerymen. At Point San José (Black Point) there was erected in 1797 a battery of five eight-pounders for the protection of the inner harbor. In 1796 the force at the presidio was increased by a number of Catalan volunteers, part of a company of seventy-two men sent from San Blas at the request of Governor Borica.

In 1795 Sal was made a lieutenant and sent to Monterey, leaving Ensign José Perez Fernandez in charge as acting comandante until the return of Lieutenant Argüello in March 1796. Argüello remained in command until 1806, when he was sent to Santa Barbara and his son, Don Luis Antonio, reigned as comandante of San Francisco until his death, March 27, 1830. Don Luis was made a captain in 1818, and in 1822 was elected provisional governor of California by the *diputacion*, defeating by a small majority, José de la Guerra who was his senior in rank. Argüello served until the arrival of Governor Echeandía in October 1825, when he returned to his command at San Francisco. The last two years of his life he was only nominal commander, being relieved from active duty by Governor Echeandía. During Don Luis' absence at Monterey as acting governor and after his suspension in 1828, Lieutenant Ignacio Martinez acted as comandante. Martinez served until 1831 when he was retired with forty-one years service to his credit and was succeeded in the command of San Francisco by Ensign Mariano Guadalupe Vallejo, then twenty-three years old. The force belonging to the San Francisco presidio had been from fifty-five to sixty men, guarding the missions of Dolores, San Rafael, San Francisco Solano, San José, Santa Clara, the pueblo of San José Guadalupe, and part of the time, the Villa de Branciforte and the mission of Santa Cruz. In 1830 the company had been reduced to about thirty men. Vallejo was elected member of

the *diputacion* and during his absence Alférez José Antonio Sanchez acted as comandante, and after 1833, Alférez Dámaso Rodriguez. In 1835 Vallejo was made comandante of the northern frontier and removed his company to Sonoma, leaving Alférez Juan Prado Mesa in charge of San Francisco with a half dozen artillerymen. Later the regular troops were all withdrawn and the fort and presidio suffered to fall into decay: one old artilleryman, Corporal Joaquin Peña, being left as custodian of the government property. Peña's report of January 7, 1837, shows eight iron guns—three of them useless—eight brass guns—one useless—nine hundred and ninety-four balls, four muskets, one pistol, one machete, and a few musket balls and other trifles. Vallejo protested against the government's neglect and asked to have the fort repaired and a presidial company sent to garrison San Francisco but the most he could obtain was permission to repair the fortifications at his own expense. In January 1837, a company of *milicia civica* was enrolled in San Francisco, with Francisco Sanchez as captain, two lieutenants, two ensigns, and eighty-one men, among whom were William Smith and William Grey, presumably Americans, and William A. Richardson, Englishman. It does not appear that this company ever garrisoned the presidio or were assembled as a military body at San Francisco. In 1840 Vallejo, failing to receive any troops from Mexico, sent from his Sonoma force—still called the San Francisco company—Alférez Mesa with a sergeant and twelve privates to garrison San Francisco. Mesa* and his men appear to have been in garrison in 1841, in 1842, and perhaps, in 1843. After this there seem to have been no regular troops at the presidio. The walls were down and the fort was crumbling to ruins.

* Juan Prado Mesa was grandson of Corporal José Valerio Mesa of Anza's company. He received a wound from an arrow in a fight with Indians from which he died in 1846.

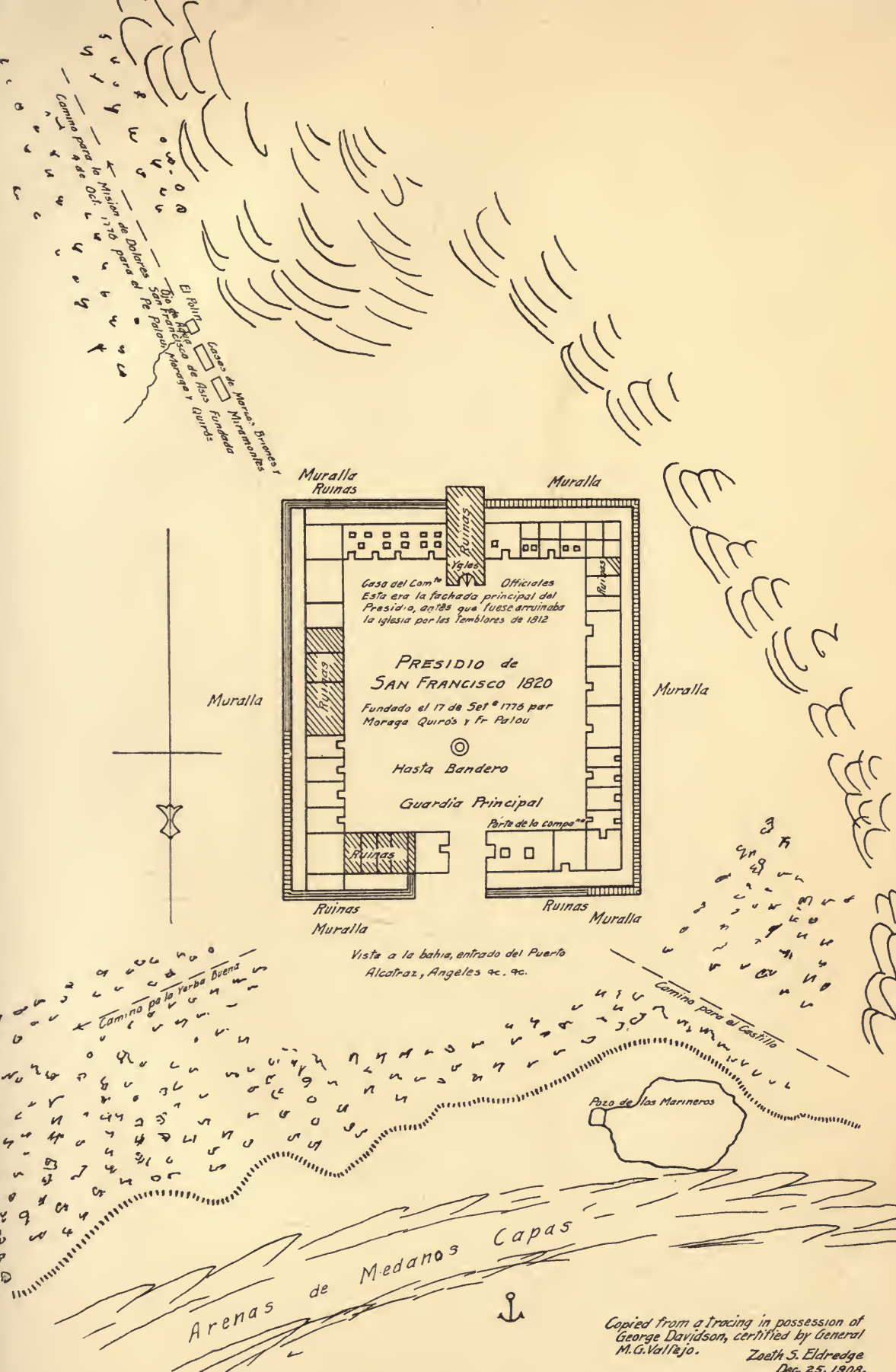
THE PRESIDIO OF SAN FRANCISCO IN 1820



Copied from a tracing in possession of George Davidson, certified by General M.G. Vallejo. Zoeth S. Eldredge Dec. 25, 1908.

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On July 1, 1846, Frémont with twelve of his men crossed over from Sausalito in the launch of the *Moscow* and spiked the guns of the Castillo de San Joaquin and then returned whence they came. Brown asserts it was a bold deed.* Frémont says that as they ascended the hill several horsemen were seen hastily retiring, while Brown says that there was not a Spaniard nearer than the Mission Dolores (four and a half miles).⁴⁰

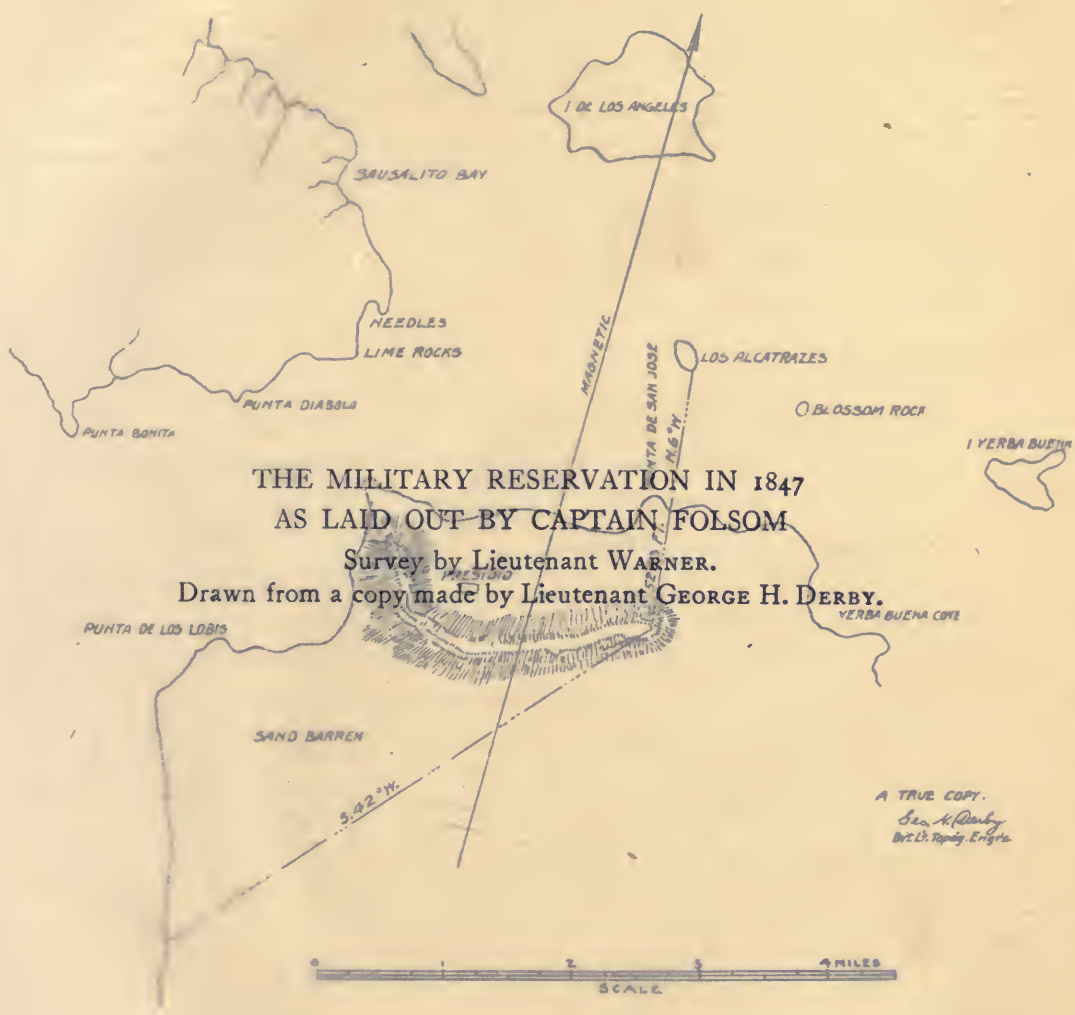
After raising the American flag in San Francisco Captain Montgomery remained in command until about December 1, 1846, when he was succeeded by Commander Joseph B. Hull of the *Warren*, Lieutenant Watson of the marines retaining the command of the troops on shore, succeeded later by Ward Marston, captain of marines on the flagship *Savannah*. Marston was commander of the force that marched against Sanchez in the Santa Clara campaign of January 1847. He was succeeded by Robert Tansill, lieutenant of marines on the man-of-war *Dale*. In March 1847, came the Stevenson regiment and companies H and K were sent to garrison the presidio under command of Major James A. Hardie. After the volunteers were mustered out in August 1848, Hardie resumed his position in the regular army—lieutenant of Third artillery—and remained as commandant of the presidio with a small force of the First dragoons. By order of Colonel Mason Captain Joseph L. Folsom, assistant quartermaster, laid off a reserve for military purposes embracing the presidio and Point San José (Black Point). This reserve, as described by Captain Folsom in his report of June 23, 1848, was bounded by “a line drawn north sixty degrees west and tangent to the eastern extremity of Alcatraz island to the summit of a

* *Early Days*. Chapter ii. The extracting of the spikes caused Lieutenant Misroon an infinite amount of trouble. Captain Phelps filed a claim against the United States government for ten thousand dollars for conveying Frémont across the bay from Sausalito.

high ridge of hills running sensibly parallel to the bay. The line extends five thousand two hundred and fifty-three feet from the bay of San Francisco to the summit of the hills, and thence south forty-two degrees west to the Pacific ocean. From this point on the coast the boundary runs along the beach to the old fort at the entrance of the harbor, and thence, still following the beach, to the point of departure.”* The boundaries of this reserve may be sufficiently indicated for general purposes by a line drawn from the foot of Jones street to the summit of the Clay street hill at Clay and Jones streets, thence southwesterly to the ocean which is reached at Lawton, or L street, a most royal demesne of about ten thousand acres. Captain Folsom, in the concluding paragraph of his report says: “Should it ultimately be found that the reserve is unnecessarily large, it can be relinquished in part when no longer wanted.” A map of this reserve, as surveyed by Lieutenant William H. Warner, United States topographical engineers, is given herewith.

Previous to the laying out of this reserve, Mr. Thomas O. Larkin of Monterey, notified Colonel Mason, governor of the territory, on June 16, 1847, that he was, by purchase from Don Benito Diaz, owner of two leagues of land near San Francisco running from Laguna de Loma Alta (Washerwomen’s Lagoon) to Punta de los Lobos, embracing the old presidio and castillo, for many years abandoned, deeded and granted on the 25th of June 1846, to said Diaz by Pio Pico, governor of California, and on the 19th of September same year, sold and conveyed by Diaz to Larkin for a valuable consideration. Larkin further notified Governor Mason that, in going over the land the previous May, he found that some troops of the United States government were in possession of

* *Rudolph Herman Company vs. City and County of San Francisco. Agreed Statement of Facts.* 13-14.



THE MILITARY RESERVATION IN 1847
 AS LAID OUT BY CAPTAIN FOLSOM
 Survey by Lieutenant WARNER.
 Drawn from a copy made by Lieutenant GEORGE H. DERBY.

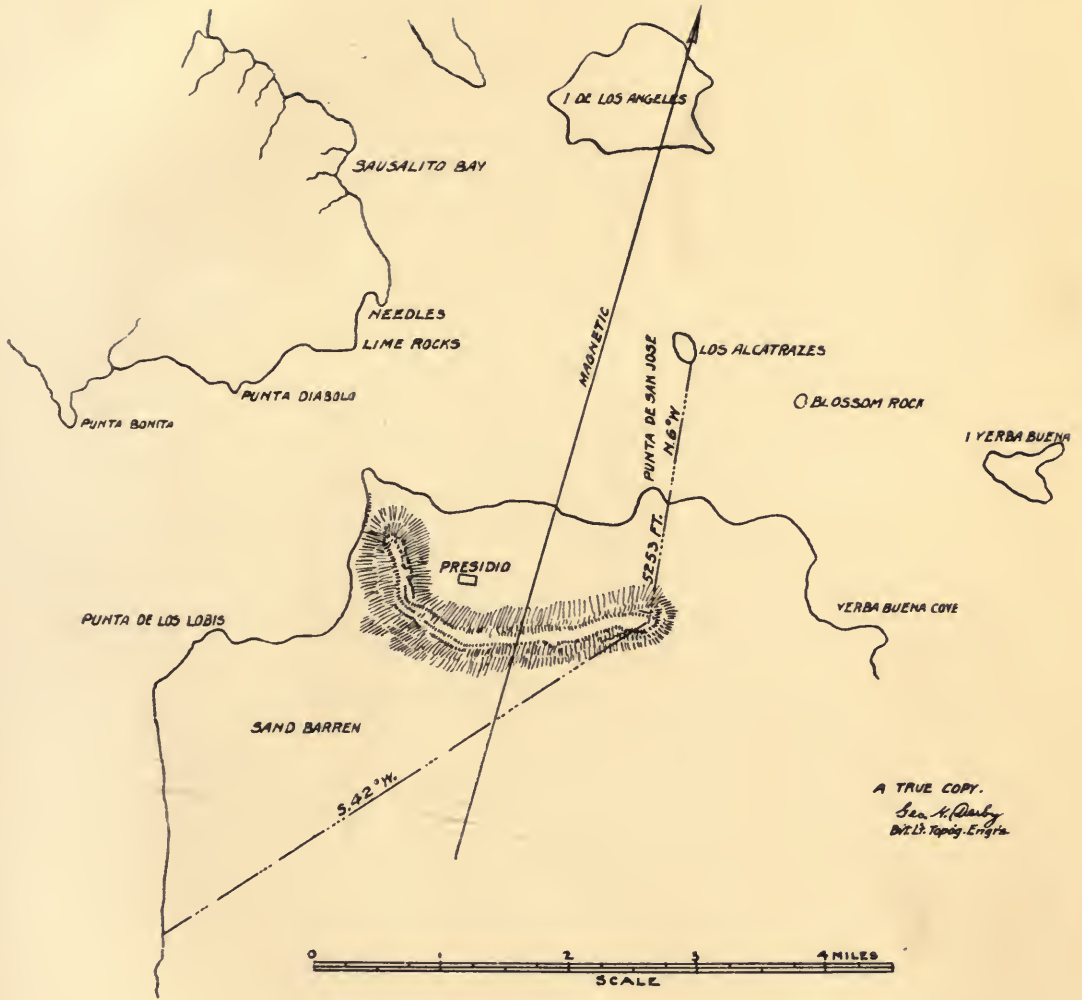
A TRUE COPY.
 Geo. H. Derby
 Dr. B. Tappan, Engrs.



high ridge of hills running sensibly parallel to the bay. The line extends five thousand two hundred and fifty-three feet from the bay of San Francisco to the summit of the hills, and thence south forty-two degrees west to the Pacific ocean. From this point on the coast the boundary runs along the beach to the old fort at the entrance of the harbor, and thence, still following the beach, to the point of departure."* The boundaries of this reserve may be sufficiently indicated for general purposes by a line drawn from the foot of Jones street to the summit of the Clay street hill at Clay and Jones streets, thence southwesterly to the ocean which is reached at Lawton, or L street, a most royal demesne of about ten thousand acres. Captain Folsom, in the concluding paragraph of his report says: "Should it ultimately be found that the reserve is unnecessarily large, it can be relinquished in part when no longer wanted." A map of this reserve, as surveyed by Lieutenant William H. Warner, United States topographical engineers, is given herewith.

Previous to the laying out of this reserve, Mr. Thomas O. Larkin of Monterey, notified Colonel Mason, governor of the territory, on June 16, 1847, that he was, by purchase from Don Benito Diaz, owner of two leagues of land near San Francisco running from Laguna de Loma Alta (Washerwomen's Lagoon) to Punta de los Lobos, embracing the old presidio and rancho, for many years abandoned, deeded and granted on the 25th of June 1846, to said Diaz by Pio Pico, governor of California, and on the 19th of September same year, sold and conveyed by Diaz to Larkin for a valuable consideration. Larkin further notified Governor Mason that, in going over the land the previous May, he found that some troops of the United States government were in possession of

* *Rudolph Herman Company vs. City and County of San Francisco. Award Statement of Facts. 13-14.*



the presidio; that they were living there; that they had torn down some of the buildings to repair others, and in some cases were putting new roofs on the houses. Larkin protested against his property's being used without his consent, or without compensation, and against damages sustained now or hereafter.

In proof of his claim Larkin offered the following documents:

Grant of two leagues of land known as the Punta de los Lobos, comprising all that property on the San Francisco peninsula lying north of a line drawn from the Laguna de Loma Alta to the Punta de los Lobos, signed by Pio Pico in the city of Los Angeles, June 25, 1846.

Deed from Benito Diaz and his wife, Luisa Soto, for above grant to Thomas O. Larkin, in consideration of one thousand dollars in silver coin, signed in Monterey before Walter Colton, alcalde, September 19, 1846.

Certificate of claim of Thomas O. Larkin to the aforesaid grant, signed by Washington Bartlett, alcalde of San Francisco, October 6, 1846.

These documents bore the following endorsement:

"The United States troops are in possession of the presidio and old fort at the entrance of the bay of San Francisco, which are claimed by Mr. Thomas O. Larkin as his property.

"Without making any decision for or against the soundness of Mr. Larkin's title as exhibited by this paper, the possession held by the United States will not operate to the prejudice of any just claim to said property held by Mr. Larkin.

"Monterey, September 3, 1847.

"R. B. Mason,

"Colonel 1st Dragoons, Governor of California."

On June 6, 1847, Captain Folsom in a report to Major Thomas Swords, quartermaster, expressed his opinion against the validity of Larkin's title for the following reasons:

That the fort and presidio were on the land claimed; that they had been occupied by troops up to within four or five years and that one or more old Mexican soldiers continued to reside there; that he was assured by General Vallejo and Colonel Prudon that it was contrary to the organic laws of Mexico to sell or convey away any lands which might be wanted for "forts, barracks, field-works, and public purposes for defence"; that the title was not approved by the departmental assembly, as required by law; that the alcalde of the district had not certified that the grant could be made without prejudice to the public interest, as required by law; that Pio Pico, the governor, was not in Los Angeles on June 25, 1846, when the alleged grant was signed; but had left Los Angeles June 17th or 18th and did not return until July 15th, being at Santa Barbara on June 25th.

Henry W. Halleck, brevet captain of engineers and secretary of state, in an exhaustive report to Governor Mason on the laws governing the granting or selling of lands in California, dated March 1, 1849, rejected the claim of Larkin as against the law, practice, and precedent of the Mexican government.*

On the 28th of November 1848, the president of the United States appointed a joint commission of navy and engineer officers for an examination of the coast of the United States lying on the Pacific ocean. Among the duties of the commission was the selection of points of defence.

Now enters upon the scene Mr. Dexter R. Wright, who produces a deed from Thomas O. Larkin and wife to the Rancho Punta de los Lobos, dated September 29, 1846. Why Larkin should claim on June 16, 1847, to be owner of the land deeded to Wright eight months before, does not appear.

* *Doc. No. 17. 131-182.*

On the 28th of December 1849, General Riley, commanding the Tenth military district, advised the war department that the reserve made by Captain Folsom was greater than was required for military purposes; that the owners of the Rancho de los Lobos were willing to give the land occupied by the presidio and fort and the adjoining ground to the United States for purposes of fortification, and he thought it would be advisable to relinquish all the land that might be found unnecessary for military purposes, the designation to be made by the joint commission of navy and engineer officers.

On the 31st of March 1850, the joint commission recommended the reservation of the following tract of land on the San Francisco peninsula for military purposes.

“From a point eight hundred yards south of Point José (Point San José) to the southern boundary of the presidio along that southern boundary to its western extremity, and thence in a straight line to the Pacific, passing by the southern extremity of a pond that has its outlet in the channel between Fort Point and Point Lobos.”

The land thus described was reserved by President Fillmore, November 6, 1850.

On the 5th of April 1850, Mr. Dexter R. Wright entered into a bond in the sum of fifty thousand dollars for the faithful performance of his agreement to convey to the United States the presidio and fort tract and reservation and Point San José, in consideration of the relinquishment by the United States of all “control, occupation, and military possession” of the remainder of the Rancho de los Lobos; a very clever scheme to secure government recognition of his title. In the bond the presidio reservation is described as follows:

Beginning at a point on the crest of a high hill, southeast of the presidio and marked by a stake which was established in the presence of Captain E. D. Keyes, Cap-

tain H. W. Halleck and D. A. Merrifield, Esq., on the 3d day of April, 1850; thence running in a northerly direction parallel to Larkin street, in the town of San Francisco, to low water mark on the southern shore to the entrance to the bay of San Francisco; then running along the low water line of said bay and of the sea to the mouth of the outlet of the pond between Battery Point and Point Lobos and southwest of the said presidio; thence along the middle of said outlet and pond to the extremity of said pond; thence in a northeasterly direction to the point of beginning.

This was the presidio reservation secured to the government by Lieutenant-colonel Juan Bautista de Anza when, on March 28, 1776, he erected a cross on the Cantil Blanco and directed the fort to be built on the point and the presidio under the shelter of the hill; his act creating, under the laws of Spain, a military reservation of three thousand varas—fifteen hundred and sixty-two and a half acres. The boundary lines of the Spanish presidio are those of the presidio reservation to-day with the exception of eighty feet cut off from the eastern frontage by an act of congress on May 9, 1876, and given to the city of San Francisco for a street.

In November 1849, Captain E. D. Keyes, Third artillery, had succeeded Major Hardie in command of the presidio and on April 27, 1850, under orders from General Riley, he withdrew the military forces under his command to the reserve as described and bounded in Wright's bond, with the exception of those stationed at Point San José.

On April 28, 1850, General Riley transmitted to the Adjutant-general a copy of Wright's bond, concurring with the opinion of the joint commission that the arrangement with Wright secured to the United States all the land

that would ever be required for military purposes on the south side of the entrance to the bay of San Francisco, and recommended approval by the secretary of war.

On June 19, 1850, the following endorsement was made on General Riley's letter by G. W. Crawford, secretary of war:

“The agreement is disapproved. The acceptance of a quit claim to a parcel of land now, as I think, rightfully in the possession of the United States, might afterwards prejudice the right of the government to the remainder of the freehold embraced in the Diaz grant.

G. W. C.”

The Diaz grant was finally rejected by the land commission, and thus was ended a most impudent attempt to grab several thousand acres of San Francisco's choicest residence district. I do not know how far Larkin was concerned in the fraud, but he made a claim for the property and fought for its possession. He was, in any event, unfortunate in his association with Benito Diaz. Another grant, for which Larkin was claimant before the land commission, was the orchard lands of the Santa Clara mission, sold to Castañada, Arenas, and Diaz. The claim was rejected on the ground that the deed was fraudulently antedated.

The stake Captain Keyes placed on the crest of the hill to mark the southeastern corner of the presidio reservation was replaced in May 1850, by a cannon set in the ground and from this cannon Captain Keyes ran a line northerly to the bay, parallel to the line of Larkin street, and put up a fence on that line. The bearing of this fence was found to be north, seven degrees and thirty minutes west. The area of the reservation as described in the Wright bond and enclosed by Captain Keyes, was determined by Lieutenant George M. Wheeler, United States engineers, to be fifteen hundred and forty-two 60-100 acres.

On October 27, 1851, the joint commission of navy and engineer officers modified their recommendation of March 31, 1850, and in accord with their report, President Fillmore on December 31, 1851, modified his order of November 6, 1850, to embrace in the reservation, only:

1st. The promontory of Point José (Point San José) within boundaries not less than eight hundred yards from its northern extremity.

2nd. The presidio tract and Fort Point, embracing all the land north of a line running in a westerly direction from the southeastern corner of the presidio tract, to the southern extremity of a pond lying between Fort Point and Point Lobos, and passing through the middle of said pond and its outlet to the channel of entrance from the ocean.*

The act of congress of May 9, 1876, giving to the city of San Francisco eighty feet of the eastern frontage of the presidio reservation for a street, determined the fence of Captain Keyes to be the eastern line of the presidio, and the fence was set back eighty feet in accord therewith. It has now been replaced by a stone wall. In making his survey Keyes did not conform to the line parallel with Larkin street but ran easterly of said line thereby making a considerable reduction in the size of the city blocks abutting on Lyon street. The cannon planted by Captain Keyes was on what is now the northeast corner of Pacific avenue and Lyon street.

In 1849 some repairs were made to the presidio to render it habitable and four thirty-two pounders and two eight-inch howitzers were mounted on the old fort. In May 1851, General Persifer F. Smith was succeeded in command of the Third division by Brevet Brigadier General Ethan A. Hitchcock, who removed the division headquarters

* *Rudolph Herman Company vs. The City and County of San Francisco. Agreed Statement of Facts.* 5-165.

to Benicia. In 1853 Lieutenant-Colonel Mason was engineer in charge of the work at Fort Point; Mason died and was succeeded by Major J. G. Barnard. The old fort was taken down and some of the material used in the new construction. The site was cut down to the water's edge and a new fort, Winfield Scott, succeeded the Castillo de San Joaquin. In 1857 Brevet Brigadier General Newman S. Clark, who succeeded Major General John E. Wool in command of the division of the Pacific, returned the division headquarters to San Francisco where it has since remained. The command in California has been held by some eminent soldiers; among them, Albert Sidney Johnston, Edwin V. Sumner, George Wright, Irwin McDowell (1864-65 and again 1876-82), Henry W. Halleck, George H. Thomas, George M. Schofield (1870-76 and again 1882-83), O. O. Howard, and Nelson A. Miles.

The ancient presidio is no longer protected by its fourteen foot adobe wall, but its quadrangle is the parade ground of the post, and is lined on two sides by the chapel, officers' club, guard house, offices, and officers' dwellings.

APPENDIX B

THE STREETS OF SAN FRANCISCO

In the Vioget survey of 1839 the streets were, as has been stated, very narrow. Vioget ran no east line for Montgomery street and consequently that street, being completed later, was the widest in the village and was made sixty-two and a half feet wide. Kearny street was made forty-five feet, five inches wide, and Dupont street, forty-four feet, this irregularity being probably due to want of knowledge in regard to the lines and when buildings were erected the street lines were made, in a degree, to conform. Kearny street was afterwards widened to seventy-five feet between Market street and Broadway, and Dupont to seventy-four feet from Market street to Bush. Vioget laid out five streets running east and west, viz: Pacific, Jackson, Washington, Clay, and Sacramento. These streets were forty-nine feet, one and a half inches wide. The Vioget survey was extended some time before the American occupation to include Stockton and Powell streets on the west, Broadway and Vallejo on the north, and California, Pine, and Bush on the south. Stockton and Powell were made sixty-six feet nine inches wide, Broadway, eighty-two and a half feet, California, eighty-five feet, and the others sixty-eight feet, nine inches, which became the regulation width for the main streets of the Fifty vara and the Western addition surveys; the exceptions being, in addition to California street and Broadway, Van Ness avenue one hundred and twenty-five feet, and Divisadero street, eighty-two and a half feet wide. The five westerly streets of the Vioget survey extend with their narrow width to Larkin street, the limit of the Fifty vara survey, and

from Larkin street they were widened to sixty-eight feet, nine inches, by taking from the lots on either side. Market street is one hundred and twenty feet wide, and the main streets of the Hundred vara survey are eighty-two and a half feet wide. In the Mission the main streets are eighty-two and a half feet, except Dolorès, which is one hundred and twenty; Tenth, Eleventh, Twelfth, Thirteenth, and Sixteenth streets, which are eighty feet wide and the streets from Fourteenth to Twenty-sixth inclusive (excepting Sixteenth street) which are sixty-four feet wide.

I cannot undertake to give the origin of all of the street names in San Francisco, but can give an account of most of the better known ones. Many of the names of course, require no explanation, as for instance, the trees, Cherry, Chestnut, Pine, etc.; natural objects, as Bay, North Point, and others; the presidents of the United States and statesmen of national reputation, as Fillmore, Buchanan, Clay, etc.; the names of states and of counties, and the numbered streets and avenues. In giving an account of the naming of the streets, I shall again pass beyond the time limit of this history and bring my account down to date. Prior to 1909, San Francisco enjoyed the distinction of having three sets of numbered streets and two sets of streets designated by letters of the alphabet. Two sets of the numbered streets were called "avenues" and one had the suffix "south"; one set of lettered streets had the same treatment. To remedy this condition, which was becoming intolerable, the mayor of the city appointed, in 1909, a commission to look into the matter of street names and recommend such changes as might be considered necessary. The commission in its report suggested many changes, most of which were adopted. The commission endeavored to avail itself of the wealth of material existing in the history of the city and state, and give to the streets names not only of historical sig-

nificance but to add to their attractiveness the liquid beauty of the Spanish nomenclature of the colonial period. In this the commission was only partially successful, owing to a general opposition on the part of small tradesmen to having the names of their streets changed, claiming that they had established their business under the existing names and having, they said, an "asset" in the name of the street on which they were.

I will give the streets in order, first, in the Fifty vara survey, then the Western addition, the Hundred vara survey, and the Mission.

The Fifty vara survey is that part of the city lying between Market and Larkin streets and the bay. The street on the water front, which, when completed, will run from the presidio line to the San Mateo county boundary, was named by the commission of 1909, The Embarcadero (the Landing). That portion of it within the completed sea wall had been named East street North, and East street South, according to its extension to the north or south of Market street. On the Embarcadero the numbers indicate the location of buildings—odd numbers to the north, and even numbers to the south of Market street. Next west of the Embarcadero is:

DRUMM street was named for Lieutenant Drum who was adjutant of the department during the civil war; afterwards adjutant-general of the army.

DAVIS street was named for William Heath Davis at the instance of William D. M. Howard.

BATTERY street was so named because of the battery erected by Lieutenant Misroon on Clark's Point.

SANSOME street was originally named Sloat street in honor of the commodore and it so appears on the alcalde

map of 1847; but between February 22d and July 18th of that year the name was changed to Sansome.

LEIDESDORFF street was named for William A. Leidesdorff.

MONTGOMERY street was named for Commander John B. Montgomery of the Portsmouth. The name of Montgomery avenue was changed to

COLUMBUS avenue, in honor of Christopher Columbus, by the commission of 1909, in order to avoid the confusion resulting from two streets bearing the same name.

KEARNY street was named for Stephen Watts Kearny, military governor of California, March 1, 1847, to May 31, 1847.

DUPONT street was named for Captain Samuel F. Du Pont, who commanded the flagship Congress and afterwards the sloop-of-war Cyane. This street was the original "Calle de la Fundacion" of Richardson and ran from about the line of California street north-northwest. It was later swung into line with the other streets by Jasper O'Farrell. The street acquired an unsavory reputation by becoming the residence of an undesirable class of citizens. When these disreputable residents were removed some years ago, the name of the street was changed to

GRANT avenue, by which it is now known.

STOCKTON street was named for Commodore Robert F. Stockton, military governor of California, August 22, 1846 to January 19, 1847.

POWELL street is supposed to have been named in honor of Doctor W. J. Powell, surgeon United States sloop-of-war Warren, conquest of California.

MASON street was named for Richard B. Mason, colonel First dragoons and military governor of California, May 31, 1847, to April 13, 1849.

TAYLOR street was named for Zachary Taylor, the hero of Buena Vista and twelfth president of the United States.

JONES street was named for Doctor Elbert P. Jones, first editor of the *California Star* and member of the council of 1847.

LEAVENWORTH street after the Rev. Thaddeus M. Leavenworth, chaplain First New York regiment; alcalde of San Francisco.

HYDE street after George Hyde, secretary of Commodore Stockton on the Congress; alcalde of San Francisco.

LARKIN street was named for Thomas O. Larkin, United States consul at Monterey and secret agent of the government before the conquest.

GREEN street was named for Talbot H. Green who came with the Bartleson party in 1841 and was a prominent citizen of San Francisco. An account of him appears in chapter xvii.

VALLEJO street was named for Mariano Guadalupe Vallejo.

HALLECK street was named for Captain Henry Wagner Halleck.

PACIFIC, CLAY, SACRAMENTO, CALIFORNIA and PINE streets require no explanation, except that Pacific street was originally named for Alcalde Washington A. Bartlett and the original name of Sacramento street was Howard street, named for William D. M. Howard. Why these names were changed does not appear.

BUSH street was named, it is said, for Doctor J. P. Bush, an early resident.

SUTTER street was named for John A. Sutter.

POST street was named for Gabriel B. Post who came in 1847; member of the ayuntamiento of 1849.

GEARY street was named for John W. Geary, first alcalde, 1849-50, and first mayor under the charter.

O'FARRELL street was named for Jasper O'Farrell.

ELLIS street was named for Alfred J. Ellis who came in 1847; member of the ayuntamiento of 1849, and of the constitutional convention.

EDDY street was named for William M. Eddy the surveyor. He completed the survey of the city under the charter of 1850.

TURK street was named for Frank Turk, clerk of the ayuntamiento and second alcalde.

GOLDEN GATE avenue was originally named Tyler street for John Tyler, tenth president of the United States, but after the opening of Golden Gate park the street was asphalted, made the driveway to the park, and the name changed.

McALLISTER street was named for Hall McAllister the eminent jurist.

This completes the origin of the streets' names, so far as any explanation may be necessary, of the Fifty vara survey. The description of the streets of the Hundred vara survey would perhaps be next in order as these two surveys comprised the extent of the city as defined by the charter of 1850; but for convenience I will continue the streets north of Market street, comprising the Western addition and the adjoining Outside Lands survey.

HAYES street was named for Colonel Thomas Hayes, county clerk from 1853 to 1856. He had a large tract of land in what was known as Hayes' valley which the Van Ness ordinance confirmed to him. He was one of Terry's seconds in his duel with Broderick.

PAGE street was named for Robert C. Page, clerk to the board of assistant aldermen, 1851 to 1856.

HAIGHT street for Fletcher M. Haight, a prominent lawyer of San Francisco and later United States district judge for the Southern district of California.

WALLER street for R. H. Waller, city recorder in 1851, also in 1854.

ANZA street (Outside Lands survey) was named by the commission of 1909 in honor of the father of San Francisco, Lieutenant-colonel Juan Bautista de Anza.

BALBOA street, in honor of the discoverer of the Pacific ocean, Vasco Nuñez de Balboa.

CABRILLO street, in honor of Juan Rodriguez Cabrillo the navigator.

LINCOLN way, in honor of Abraham Lincoln.

IRVING street, for Washington Irving.

JUDAH street, for Theodore D. Judah.

KIRKHAM street, for General Ralph W. Kirkham.

LAWTON street, for General Henry W. Lawton.

MORAGA street, for Lieutenant José Joaquin Moraga, founder of the presidio and mission of San Francisco.

NORIEGA street, for José de la Guerra y Noriega.

ORTEGA street, for José Francisco de Ortega, discoverer of the Bay of San Francisco.

PACHECO street, for Juan Salvio Pacheco, soldier of Anza's company and one of the founders of San Francisco.

QUINTARA street, for Spanish family.

RIVERA street, for Captain Fernando Rivera y Moncada, comandante of California.

SANTIAGO street, Spanish battle cry.

TARAVAL street, Indian guide, Anza expedition.

ULLOA street, for Francisco de Ulloa, the navigator.

VICENTE street, Spanish name.

WAWONA street, Indian name.

YORBA street, for Antonio Yorba, sergeant of Catalan volunteers, with Portolá expedition, 1769; sergeant of San Francisco company, 1777.

These names were given by the commission of 1909, not only for the historical value some of them possess, but to preserve the order of the alphabet, the streets having been lettered.

POLK street was named for James K. Polk, eleventh president of the United States.

VAN NESS avenue, for James Van Ness, mayor of San Francisco 1856, and author of the Van Ness ordinance which confirmed title to the actual possessors on January 1, 1855, of property west of Larkin street. Mr. Van Ness' residence was Western addition block 73, bounded by Van Ness avenue, Franklin, Hayes, and Fell streets.

FRANKLIN street may have been named for Selim Franklin, a pioneer merchant.

GOUGH street was named for Charles H. (Charley) Gough. In 1850 he sold milk for J. W. Harlan, at four dollars a gallon, carrying it on horseback in two two and a half gallon cans, one swung on each side of the saddle

pommel. In 1855 he was a member of the board of aldermen and was appointed on a committee to lay out the streets in the Western addition.

LAGUNA street was named for Washerwomen's lagoon.

OCTAVIA, BUCHANAN, WEBSTER, PIERCE, and SCOTT require no explanation.

STEINER street was probably named for some friend of Alderman Gough.

DIVISADERO street was named for its position: the summit of a high hill. The name comes from the verb *divisar*—to descry at a distance. *Divisadero*: a point from which one can look far. The Spanish name for Lone mountain was *El Divisadero*.

BRODERICK street, for David Colbert Broderick.

BAKER street, for Colonel E. D. Baker.

LYON street, for Nathaniel Lyon, captain of C Troop, 1st dragoons. In 1849 he punished the Indians of Clear Lake for murder and then marched to the Oregon border to punish the Pitt river Indians for the murder of Lieutenant Warner and recover his body, which was found near Goose lake. Lyon, then a general officer, was killed at the battle of Wilson's creek, Missouri, August 10, 1861.

ARGÜELLO boulevard was named by the commission of 1909 for José Darío Argüello, comandante of San Francisco, 1785-1806; governor, *ad interim*, 1814-15.

LA PLAYA (The Beach) was the name given by the commission to the street next to the ocean beach and running parallel with it.

The Hundred vara survey is that part of the city which is south of Market street and east of Ninth (formerly Johnston) street. South of Ninth street and extending

to Thirtieth is the Mission Dolores, or the Mission, as it is usually called. The Mission extends from Harrison street on the east to the hills of the San Miguel rancho (Twin Peaks) on the west. East of Harrison street is the Potrero Nuevo, extending from Division street on the north to Islais creek on the south. South of Islais creek is the Potrero Viejo, commonly called South San Francisco. This extends to the San Mateo county line. To the west of the Potrero Viejo, or South San Francisco, are a number of small subdivisions, bearing various names, each having its own survey.

The street next to the Embarcadero in the Hundred vara survey is

STEUART street, named for William M. Steuart who came as secretary to Commodore Jones on the line-of-battle ship Ohio in 1848. He was a member of the ayuntamiento in 1849-50 and chairman of the judiciary committee. In the records of the ayuntamiento to December 1, 1849, his name is spelled Stewart. From that date it is Steuart. He was one of the delegates from San Francisco to the constitutional convention and was, at times, acting chairman. He was a candidate for governor in the election of November 1849.

SPEAR street was named for Nathan Spear who was one of the earliest merchants of San Francisco (see chapter xiv) and was upright and honorable in all his dealings. He died in San Francisco in 1849, at the age of 47.

BEALE street was named for Lieutenant Edward F. Beale, United States navy. Beale took an active part in the conquest of California serving as lieutenant with the California battalion; later he was surveyor-general of the state and at one time United States minister to Austria.

FREMONT street was named for Colonel John C. Frémont.

MARKET street is the dividing line between the Fifty and Hundred vara surveys, the Western addition, and the Mission Dolores. It runs diagonally, from northeast to southwest and cuts the city in two. The streets of the Hundred vara survey, run parallel with, and at right angles to it. The name was probably suggested by Market street, Philadelphia.

MISSION street was the first street opened in the southern portion of the city and followed the road to the mission.

STEVENSON street, between Market and Mission, was named for Jonathan Drake Stevenson, colonel of the First New York volunteers. The blocks in the Hundred vara survey were so large that it was found necessary to run what were called sub-division streets through them. Many of these have names of no significance, such as Annie, Jessie, Clementina, etc.

NATOMA street, a sub-division street, was originally named Mellus street for Henry Mellus, Howard's partner; but after the quarrel between the partners it was changed to Natoma. The name is that of an Indian tribe on the American river.

HOWARD street was named for W. D. M. Howard.

FOLSOM street was named for Captain Joseph L. Folsom.

HARRISON street was named for Edward H. Harrison, quartermaster's clerk of First New York volunteers, collector of the port, member of the ayuntamiento, and member of the firm of DeWitt and Harrison.

BRYANT street was named for Edwin Bryant who succeeded Lieutenant Bartlett as alcalde of San Francisco.

Bryant served in the California battalion as first lieutenant of company H.

BRANNAN street was named for Elder Samuel Brannan.

BLUXOME street was named for Isaac Bluxome, Jr., a prominent business man.

TOWNSEND street was named for Doctor John Townsend, a native of Virginia who came overland with the Stevens party in 1844. He took part in the Micheltorena campaign as aid to Captain Sutter, was alcalde of San Francisco in 1848, and member of the ayuntamiento, 1849. He died of cholera in December 1850, or January 1851.

VALENCIA street was named for the family of José Manuel Valencia, a soldier of Anza's company.

GUERRERO street was named for Francisco Guerrero. His biography is in chapter xv.

DOLORES street was named for the mission and contains the mission church.

SANCHEZ street was named for the family of José Antonio Sanchez, a soldier of Anza's company.

NOE street was named for José de Jesus Noé. A brief biography of him is given in chapter xv.

CASTRO street was named for the family of Joaquin Isidro de Castro, a soldier of Anza's company.

The streets of the Potrero Nuevo ("The Potrero") are mostly names of states for the streets running north and south, and those running east and west are the continuation of the numbered streets of the Mission Dolores. The streets in the Potrero Viejo (South San Francisco) were mainly numbered "avenues" and lettered streets. These names the commission insisted on changing, giving the following names to the avenues:

ARTHUR avenue, for Chester A. Arthur, twenty-first president of the United States.

BURKE avenue, for General John Burke of the Revolutionary army.

CUSTER avenue, for General George A. Custer United States army, killed in a battle with the Sioux under Sitting Bull, on the Little Big Horn river in Montana, June 25, 1876.

DAVIDSON avenue, for Professor George Davidson, the eminent scientist and engineer.

EVANS avenue, for Rear-admiral Robley D. Evans of the United States navy.

FAIRFAX avenue, for Thomas Fairfax, sixth Baron Fairfax, who became an American colonist, friend of Washington, and died near Winchester, Virginia, March 12, 1782.

GALVEZ avenue, for Don José de Galvez, visitador-general of Spain and member of the council of the Indies, who organized the expedition commanded by Portolá, 1768-69.

HUDSON avenue, for Henry Hudson, English navigator, discoverer of Hudson river and Hudson's bay.

INNESS avenue, for George Inness the noted American landscape painter.

JERROLD avenue, for Douglas William Jerrold, English dramatist and humorist.

KIRKWOOD avenue, for Samuel J. Kirkwood, war governor of Iowa.

LA SALLE avenue, for Robert Cavalier, Sieur de la Salle, French explorer, discoverer of the Ohio river.

McKINNON avenue, for Father McKinnon, chaplain of First California volunteers, Spanish war, who died in the Philippines.

NEWCOMBE avenue, for Samuel Newcombe, the distinguished astronomer.

PALOU avenue, for Fray Francisco Palou, companion of Junípero Serra, and his historian.

QUESADA avenue, for Gonzalo Ximinez de Quesada, Spanish explorer and conqueror of New Granada.

REVERE avenue, for Paul Revere, American patriot and hero of the midnight ride.

SHAFTER avenue, for General William R. Shafter, commander of the United States army in Cuba.

THOMAS avenue, for General George H. Thomas, "The Rock of Chickamauga."

UNDERWOOD avenue, for General Franklin Underwood, United States army.

VAN DYKE avenue, for Walter Van Dyke, justice of the supreme court of California.

WALLACE avenue, for William T. Wallace, chief justice of the supreme court of California.

ARMSTRONG avenue, for General Samuel Strong Armstrong, founder of Hampton Institute.

BANCROFT avenue, for George Bancroft, American historian, secretary of the navy, United States minister to Great Britain and Berlin.

CARROLL avenue, for Charles Carroll, signer of the Declaration of Independence.

DONNER avenue, for the leader of the party of immigrants who perished in the Sierra Nevada.

EGBERT avenue, for Colonel Egbert, United States army, killed in the Philippines.

FITZGERALD avenue, for Edward Fitzgerald, English poet and translator.

GILMAN avenue, for Daniel C. Gilman, American educator, former president of the University of California.

HOLLISTER avenue, for Sergeant Stanley Hollister of California, killed in Cuba.

INGERSON avenue, for Doctor H. H. Ingerson, a citizen of San Francisco.

KEY avenue, for Francis Scott Key.

LE CONTE avenue, for Professor Joseph Le Conte, teacher, scientist, and author.

MEADE avenue, for General George G. Meade, a commander at Gettysburg.

NELSON avenue, for General William Nelson, a loyal Kentuckian.

OLNEY avenue, for Richard Olney, American lawyer and statesman.

PULASKI avenue, for Count Casimier Pulaski, Polish general who served in the Revolutionary war.

RICHTER avenue, for Captain, Remhold Richter, First California volunteers, killed in Philippines.

SAMPSON avenue for Admiral William T. Sampson, United States navy.

TOVAR avenue, for Don Pedro de Tovar, ensign-general of Coronado's army.

UGARTE avenue, for Father Juan de Ugarte, founder of missions in Lower California; first ship builder of the Californias, 1719.

For the lettered streets of South San Francisco the following names were adopted by the commission:

ALVORD street, for William Alvord.

BOALT street, for John H. Boalt.

COLEMAN street, for William T. Coleman.

DONAHUE street, for Peter Donahue.

EARL street, for John O. Earl.

FITCH street, for George K. Fitch.

GRIFFITH street, for Millen Griffith.

HAWES street for Horace Hawes.

INGALLS street, for General Rufus Ingalls.

JENNINGS street, for Thomas Jennings (Sr.)

KEITH street, for William Keith.

LANE street, for Doctor L. C. Lane.

MENDELL street, for George H. Mendell.

NEWHALL street, for Henry M. Newhall.

PHELPS street, for Timothy Guy Phelps.

QUINT street, for Leander Quint.

RANKIN street, for Ira P. Rankin.

SELBY street, for Thomas H. Selby.

TOLAND street, for Doctor H. H. Toland.

UPTON street, for Mathew G. Upton.

BERNAL Heights and Bernal avenue, were named for the family of Juan Francisco Bernal, a soldier of Anza's company.

PERALTA avenue, for the family of Gabriel Peralta, corporal of Anza's company.

DE HARO street was named for Alcalde Francisco de Haro.

The commission in selecting new names for numbered and lettered streets was limited in its choice by the necessity of preserving an alphabetical order.

APPENDIX C

BUCARELI TO RIVERA

Instructions of the viceroy to the comandante of California regarding the establishment at San Francisco. (*Provincial State Papers Miscellaneous ii., 259, Spanish Archives of California.*)

“In consequence of what you and the Reverend Father President of your missions have represented to me in your last letters, I have now resolved upon the occupation of the Port of San Francisco, persuaded that this port may serve as the base for future operations, and have decided that Captain Don Juan Bautista de Anza, who at present is in this capital, shall lead a new expedition by land from his presidio of Tubac, taking adequate provisions of fruits and cattle, which being finished and the land surveyed by him, he must return by the same road with the ten soldiers he will take, and give me an account of the results.

“Besides the escort (of ten soldiers) that will accompany him, he will take a lieutenant and a sergeant and he has orders to recruit in the province of Sonora twenty-eight men who will volunteer to go and make their homes in that country, and who, it is calculated, with their wives and children, will make a company of one hundred persons.

“With this consideration I have arranged that the packet boat destined to supply with provisions the presidio and mission of Monterey, shall carry sufficient (provisions) for their maintenance for one year, and have so ordered the commissary at San Blas, Don Francisco Hijosa, to act, taking care to send them entirely separate, and distinctly marked that you may know them. When they

are received they must be put in a safe and suitable place where they may be preserved and kept on deposit until the arrival of Anza's expedition, and the domiciliation of the families he will transport takes place, at which time, as they have this destiny only, the use of these provisions must begin, without permitting them to have any other application. If Don Juan Bautista de Anza should have need of any (provisions) in order to return to Sonora they must be furnished him from those that may be in the presidio or in the missions.

“With this arrangement I believe I will have supplied the people you lack, as represented in your letter of 16th of June last, and with the sending of the arms, asked for in that of the 8th of October, which I suppose are in San Blas, or near that port, the needs for the defence of your establishments, which you state as urgent, will be supplied.

“The proposed occupation of the Port of San Francisco has for its object not only the utility which may inspire us with larger ideas, but that there may be in that place a constant and sure sign indicating the authority of the king; and as I consider the erection of the proposed missions very proper in order to accomplish this purpose and propagate religion among the gentiles that inhabit the neighboring lands, I earnestly beg and charge the Reverend Father Junípero, that in making selections of suitable religious men for these missions from among his subordinates, he will earnestly impress upon them the importance of the undertaking, as upon this depends their success; and it becomes a singular service to God and to the king, to which you must contribute, on your part, all necessary assistance.

“The indicated expedition will be under your orders in the custody of said port, from the very moment that Captain Don Juan Bautista de Anza arrives at your

presidio and delivers it up to you; it being understood that the said captain has to assist also in the survey of the Rio de San Francisco, so as to be able to report to me what he has seen, and he will then return by the same road with the ten soldiers belonging to his presidio.

“God preserve you many years.”

Mexico, December 15, 1774.

El Bailio Frey Don Antonio Bucaréli y Ursúa,
Señor Don Fernando de Rivera
y Moncada.

“P. S. The object of this expedition is to conduct troops for the *escoltas* of the two missions that I have resolved to establish in the Port of San Francisco. There is nothing so interesting as this undertaking in its relation to future plans when we know, through advices we have received by sea, of the abundant harvest of souls awaiting the apostolic zeal of the missionary fathers, and I say to the Reverend Father Junípero that, in order to give effect to the pious intentions of the king and that these establishments may mutually aid each other, I will, on my part, give all the support in my power, on your sending me the information that you are in accord with Father Serra.

“I have been informed of the abundant crops that have been raised this year in your country, and as the plentifulness of provisions can facilitate the conversion of the gentiles, I command this important matter to Padre Fray Junípero.

“Between the two missions and not far from the coast, the fort should be erected for the shelter of the troops in order that they may go to the aid of either when the six men assigned to each mission are not sufficient. You may also take from the presidio in your charge some of

the men whom you consider most suitable as being accustomed to the country, and exchange them for others among the company Captain Anza will bring. You can arrange this with him, understanding that he is fully advised of everything."

El Bailio Bucaréli.

Señor Don Fernando
de Rivera y Moncada.

APPENDIX D

THE MURDER OF BERREYESA
AND THE DE HAROS

The story of the death of José de los Reyes Berreyesa and Francisco and Ramon de Haro has been told in many of the accounts of the Bear Flag war and most of the narrators agree that it was an unprovoked murder. The *Los Angeles Star* published on September 27, 1856, a signed statement of Jasper O'Farrell, who saw the shooting and also a letter from José de los Santos Berreyesa, son of the murdered man. These statements may have been published in other newspapers, but if so the papers have disappeared and there is no record of the statements, so far as I know, save that of the *Los Angeles Star*, and of that day's issue I have only succeeded in finding one copy. From the fact that the records of this testimony have become so scarce it would seem as if some one had attempted to destroy them. This being the case I have thought it best to put the statements of O'Farrell and Berreyesa on record in this work and am able to do so through the courtesy of Mr. J. M. Guinn of Los Angeles, secretary of the Historical Society of Southern California, whose collection contains this valuable copy of the *Star*. It has been claimed that the statements were published in the newspapers for their political effect on the presidential campaign of 1856. That is probably true but it cannot in any way alter the facts.

BERREYESA'S ACCOUNT

San Francisco, Sept., 22, 1856.

Hon. P. A. Roach

My dear sir:

“In reply to your question whether it is certain or not that Col. Fremont consented to or permitted his soldiers to commit any crime or outrage on the frontier of Sonoma or San Rafael in the year 1846, to satisfy your inquiry and to prove to you that what is said in relation thereto is true, I believe it will be sufficient to inform you of the following case: Occupying the office of first alcalde of Sonoma in the year 1846, having been taken by surprise and put in prison in said town in company with several of my countrymen, Col. Fremont arrived at Sonoma with his forces from Sacramento. He came, in company of Capt. Gillespie and several soldiers, to the room in which I was confined, and having required from me the tranquillity of my jurisdiction, I answered him that I did not wish to take part in any matters in the neighborhood, as I was a prisoner. After some further remarks he retired, not well satisfied with the tenor of my replies. On the following day accompanied by soldiers he went to San Rafael. At the time that the news of my arrest had reached my parents, at the instance of my mother, that my father should go to Sonoma to see the condition in which myself and brothers were placed, this pacific old man left Santa Clara for San Pablo. After many difficulties he succeeded in passing (across the strait), accompanied by two young cousins, Francisco and Ramon Haro, and having disembarked near San Rafael they proceeded towards the mission of that name with the intention of getting horses and return to get

their saddles, which remained on the beach. Unfortunately Col. Fremont was walking in the corridor of the mission with some of his soldiers and they perceived the three Californians. They took their arms and mounted—approached towards them, and fired. It is perhaps true that they were scarcely dead when they were stripped of the clothing, which was all they had on their persons; others say that Col. Fremont was asked whether they should be taken prisoners or killed and that he replied that he had no room for prisoners and in consequence of this they were slain.

“On the day following this event Fremont returned to Sonoma and I learned from one of the Americans who accompanied him, and who spoke Spanish, that one of the persons killed at San Rafael was my father. I sought the first opportunity to question him (Fremont) about the matter, and whilst he was standing in front of the room in which I was a prisoner, I and my two brothers spoke to him and questioned him who it was that killed my father, and he answered that it was not certain he was killed, but that it was a Mr. Castro. Shortly afterwards a soldier passed by with a serape belonging to my father and one of my brothers pointed him out. After being satisfied of this fact I requested Col. Fremont to be called and told him that from seeing the serape on one of his men that I believed my father had been killed by his orders and begged that he would do me the favor to have the article restored to me that I might give it to my mother. To this Col. Fremont replied that he could not order its restoration as the serape belonged to the soldier who had it, and then he retired without giving me any further reply. I then endeavored to obtain it from the soldier who asked me \$25, for it, which I paid,

and in this manner I obtained it. This history, sir, I think will be sufficient to give you an idea of the conduct pursued by Col. Fremont in the year 1846."

I remain your friend

Jose S. Berreyesa.

STATEMENT OF JASPER O'FARRELL, ESQ.,
IN REFERENCE TO THE ABOVE MENTIONED ACT

I was at San Rafael in June 1846 when the then Captain Fremont arrived at that mission with his troops. The second day after his arrival there was a boat landed three men at the mouth of the estero on Point San Pedro. As soon as they were descried by Fremont there were three men (of whom Kit Carson was one) detailed to meet them. They mounted their horses and after advancing about one hundred yards halted and Carson returned to where Fremont was standing on the corridor of the mission, in company with Gillespie, myself, and others, and said: "Captain shall I take these men prisoners?" In response Fremont waved his hand and said: "I have got no room for prisoners." They then advanced to within fifty yards of the three unfortunate and unarmed Californians, alighted from their horses, and deliberately shot them. One of them was an old and respected Californian, Don Jose R. Berreyesa, whose son was the alcalde of Sonoma. The other two were twin brothers and sons of Don Francisco de Haro, a citizen of the Pueblo of Yerba Buena. I saw Carson some two years ago and spoke to him of this act and he assured me that then and since he regretted to be compelled to shoot those men, but Fremont was blood-thirsty enough to order otherwise, and he further remarked that it was not the only brutal act he was compelled to commit while under his command.

“I should not have taken the trouble of making this public but that the veracity of a pamphlet published by C. E. Pickett, Esq., in which he mentions the circumstance has been questioned—a history which I am compelled to say is, alas, too true—and from having seen a circular addressed to the native Californians by Fremont, or some of his friends, calling on them to rally to his support, I therefore give the above act publicity, so as to exhibit some of that warrior’s tender mercies and chivalrous exploits, and must say that I feel degraded in soiling paper with the name of a man whom, for that act, I must always look upon with contempt and consider as a murderer and a coward.”

(Signed) Jasper O’Farrell.

APPENDIX E

BIBLIOGRAPHY

The San Francisco fire of 1906 destroyed the Spanish Archives of California, consisting of perhaps three hundred thousand documents, forming the records of California under Spanish and Mexican rule. That part of the archives constituting the land titles of California was saved by reason of the *expedientes* being kept in a large iron safe which withstood the heat of the fire, and while badly baked and sweated the papers were found legible when the safe was opened some three months later. The other papers consisting of royal proclamations military reports, mission reports, court proceedings, journals, diaries, correspondence, and all the multitudinous documents relating to the details of government, had been collected by the United States authorities and placed in custody of the United States surveyor-general for California. The loss is very great though not necessarily irreparable, for under the system of Spain which was followed by Mexico, a number of certified copies of each report, order, etc., were made, and these copies may be found in Mexico, in Madrid, in Seville, and in other places. They have found their way into the British museum and into various libraries of the United States. When making his history of California Mr. H. H. Bancroft put a number of men at work on these manuscripts and took from them such memoranda as he desired to use in his study. He did not make copies, save in a few instances, nor are his extracts more valuable, as he claims, for historical purposes than the originals. In 1858 Congress passed an act authorizing the collection of all papers, documents, books, etc, of every description

belonging or pertaining to the former government of California, appointed the United States surveyor-general for California custodian, and made it the duty of the secretary of the interior to collect said documents wherever they might be found and place them with the custodian. Under this law Edwin M. Stanton, afterwards secretary of war, collected the manuscripts and bound the miscellaneous or historical documents in two hundred and seventy-four volumes, classified as Department Records, Department State Papers, Provincial State Papers, etc., titles having no meaning whatsoever, for the papers were jumbled together without regard to date or character. For a number of years I spent all my spare time delving into this mine of historical information and some of my most valuable and interesting records have come from it.

From this storehouse comes the story of Anza's great expedition for the founding of San Francisco. From it I have also obtained a complete census (*padron*) of California in the year 1790, as well as padrones of the various presidios, missions, pueblos, and ranchos from 1781 to 1845. These census lists together with the *filiaciones*, *hojas de servicio*, and mission registers have enabled me to give the origin and family record of the first settlers of California, thereby making the narrative of this history somewhat more personal and interesting than it would otherwise be.

The greatest source of historical information is the Bancroft collection, now belonging to the University of California. This has been pretty fairly described in Bancroft's history and through the courtesy of Mr. Frederick J. Teggart, the curator, I have made extensive use of it. The mission registers (*Libro de Misiones*) are, in most instances, in the possession of the parish priests—successors of the missionaries. I have made a complete transcript of the registers of births, marriages, and deaths,

(*de razon*) of the mission of San Francisco from 1776 to 1850, the mission of San Francisco Solano, and those of Santa Clara and Santa Barbara, following the lines of San Francisco families.

The most interesting and valuable of the documents, not yet printed, are the diaries of the two expeditions of Juan Bautista de Anza. Anza's diary of 1774 is in the archives of Mexico; that of 1775-76, was in the archives of California—copies of both are in the Bancroft library. The diary of Pedro Font (borrador) is in the Academy of Pacific Coast History, and Font's full diary or report is in the John Carter Brown library at Providence, R. I., a certified copy of which, comprising six hundred and seventy pages (MS.) is in my possession.

For the account of the discovery and first attempt at settlement of California, we must go back to Bernal Diaz del Castillo's "Historia Verdadera de la Conquista." Diaz was born in Medino del Campo about 1498; died in Guatemala about 1593. He accompanied Pedrarias to Darien in 1514, and thence crossed to Cuba; was with Córdoba in the discovery of Yucatan in 1517, and with Grijalva in 1518; he subsequently joined Córtes and served through the conquest of Mexico, and accompanied Alvarado to Guatemala in 1524. In all these campaigns he was a common soldier, though he subsequently became a captain. He began writing his history in 1558, at Santiago de los Caballeros in Guatemala. It was first published in Madrid in 1632, and has remained a standard historical authority for the conquest of Mexico.

The works of Vanegas: "Noticia de la California," and of Palou: "Vida de Junípero Serra," and "Noticias de la Nueva California" are the principal authorities for the historical beginnings of Baja and Alta California, while in the modern history Bancroft easily ranks first for the colonial period, and though I have questioned some

parts of his narrative there is no doubt of the value of the work to the student and I have freely availed myself of his references, thereby greatly facilitating my work in the Bancroft collection. The work of contemporary writers and travelers such as Vancouver, Beechey, Morrell, Dana, Simpson, Brown, Bayard Taylor, and others, has been liberally drawn upon, as well for historic merit as for local color and atmosphere. One of the more valuable of these is Davis' "Sixty Years in California." William Heath Davis was born in Honolulu in 1822. His father, William Heath Davis, was a Boston ship-master engaged in the China trade who lived long in the Hawaiian Islands, being married to a daughter of Oliver Holmes, another Boston ship-master, also long a resident of the islands and one time governor of Oahu. Holmes' wife was a native Hawaiian, and another of his daughters married Nathan Spear. William Heath Davis, Jr., first visited California in 1831, a boy on the bark Louisa. In 1833 he came again on the bark Volunteer, and the third time in 1838 on the bark Don Quixote. From 1838 he was clerk and manager for his uncle, Nathan Spear, at San Francisco, remaining in his service until 1842, when he engaged as supercargo on the Don Quixote and made several trips to the Hawaiian Islands. In 1845 he entered into business on his own account and became a prominent merchant and ship-owner in San Francisco, member of the ayuntamiento, etc. In 1849 he began the second brick building in San Francisco on the northwest corner of Montgomery and California streets, finished in 1850, the bricks and cement being brought from Boston. It was forty feet front on Montgomery street by eighty on California, four stories high, and he leased it to the government for a custom house. It was burned in the fire of May 3, 1851. In 1847 Davis was married to María de Jesus, daughter of Joaquin Estudillo. He was living in San Francisco at

the time of the fire of 1906. He died at the house of his daughter, Mrs. Edwin H. Clough, in Haywards, April 19, 1909. He was very prosperous for many years but in his old age reverses overtook him and he died a poor man.

Another valuable contribution is Robinson's "Life in California." Alfred Robinson, a native of Massachusetts, born in 1805, came to California on the American ship Brookline in 1829, and remained as agent for Bryant and Sturgis of Boston. He traded up and down the coast disposing of cargoes and buying hides. He joined the Catholic church and was baptized José María Alfredo. On June 24, 1836, he married, in Santa Barbara, Ana María de la Gracia Leonora, daughter of José de la Guerra. Readers of Dana's "Two Years Before the Mast" will remember his description of the wedding and of the ridicule he cast upon the bridegroom, pinned and skewered in a tight, swallow-tailed coat just imported from Boston. Dana revisited California twenty-four years later and called on Don Alfredo in Santa Barbara. "I did not know how he would receive me," he writes, "remembering what I had printed to the world about him at a time when I took little thought that the world was going to read it; but there was no sign of offence, only a cordiality which gave him, as between us, rather the advantage in *status*." Robinson's only allusion to Dana's offence is when describing the wedding of Doña Angustias de la Guerra he says: "On this occasion the bridegroom neither had an opportunity of appropriating the services of an experienced steward (of the *Alert*, one of Bryant and Sturgis' ships) nor had he a vessel to which he could repair and make use of her choicest stores, as has been facetiously stated in a popular work by R. H. Dana to have been done by an American gentleman who subsequently married a sister of the bride." Don Alfredo was straightforward in all

his dealings and had the respect of all classes. His book, published anonymously in 1846, was marred by the use of initials instead of names, which fault was corrected in the reprint of 1891, to which were added several chapters. It remains one of the best and most interesting narratives of life in California during the colonial period. When the Pacific Mail Steamship Company was established Robinson was appointed agent in California with headquarters in San Francisco. He died in San Francisco October 19, 1895.

Richard Henry Dana and his book "Two Years Before the Mast," are too well known to require any notice here. Dana was but twenty years old when he came to California and many of his statements are decidedly boyish in character and flippant in tone. In his later edition, his chapter "Twenty-four Years After," is a great improvement both in style and sentiment.

William H. Thomes, a native of Maine, came in 1843 from Boston, a sailor boy, age sixteen, on the American ship *Admittance*, Peter Peterson, master; Henry Mellus, supercargo; incited to this adventure by reading Dana's "Two Years Before the Mast." He was seized with an intense longing to encounter the dangers Dana had met with; see the same ports he had visited; get wet with the same surf, and see the same people he had described. So uncomfortable did he make himself at home over this matter that his parents concluded that a long and difficult voyage, under a Tartar captain, would be the only cure for his complaint. They therefore enrolled him on the shipping papers of the *Admittance*. His book "On Land and Sea," is full of interest—particularly in its personal descriptions. Thomes and his friend Lewey, another ship-boy, feigned an attack of smallpox to be left in California when the ship started for home in order that they might return to the Refugio rancho and marry a couple

of pretty mestizas. The girls, however, would have none of them, and Thomes returned east on the schooner California and ultimately married a daughter of his old master on the Admittance, Captain Peterson. He returned to California in 1849 on the ship Edward Everett. His later work, "Lewey and I," a story of the conquest, is very inferior to the first book and worthless from an historical point of view.

The prominence of John H. Brown in the foregoing pages is due to the fact that he wrote a book, "The Early Days of San Francisco"; a book so bad that it amounts to a literary curiosity and deserves a place in Golden Gate Park museum. Brown tells his story with originality and a freedom from prejudice in matters of orthography that is quite striking, yet he tells what he saw—or thought he saw—and gives us much that is new and interesting; some of which I have verified. John Henry Brown was an English sailor who ran away from his ship and came to Philadelphia about 1830. In 1840 he was in the Cherokee Nation, and in 1843, in company with a party of Cherokee fur-traders, crossed the country by the Humboldt-Truckee route and spent the winter at Johnson's rancho on the Bear river. Returning east in 1844, he came back with the Grigsby-Ide party in 1845. Brown stayed for a while with Sutter and then went to work in Yerba Buena, first as barkeeper for Finch and Thompson in their saloon on the northwest corner of Kearny and Washington streets, then as barkeeper for Bob Ridley on the south side of Clay street below Kearny. He lived in San Francisco until 1850, keeping the Portsmouth house, and later, the City hotel, and from 1850 to 1881 lived in Santa Cruz. In 1885 he kept a grocery store in San Francisco. He was a well-known character and claimed to know more than any other living man regarding the history of San Francisco. He said that so many misrepresentations had been made

concerning San Francisco by writers who relied upon hearsay evidence that he would write a true history of the city from his actual experience.

As I write this chapter I am informed of the death of my friend Professor George Davidson. He had been in somewhat feeble bodily health for some time though his fine mind and his wonderful memory were unimpaired. But the link which bound us to the past is broken. Since 1850 Professor Davidson has been identified with the scientific progress of the states and territories of the Pacific coast and no man was his equal in knowledge of their history. He has taken the greatest interest in my work, has helped me with suggestion and advice and every important chapter and note, in its final form, has been read and approved by him. For fifty years Professor Davidson was connected with the coast and geodetic survey and for thirty years was in charge of the work on the Pacific coast. Coming to California in charge of an astronomical and triangulation party, during the gold excitement, in 1850, Professor Davidson and his assistants were charged by their chief not to accept private employment for a period of one year, and to this all agreed. In consideration of the high cost of living in California Davidson's pay was advanced from six to eight hundred dollars a year—almost enough to maintain him for two months. By arrangement with the military authorities he was permitted to obtain supplies from the quartermaster at the government rate, otherwise he would have been obliged to resign. Most of his assistants promptly resigned to accept private employment for which the most exorbitant fees were paid, but Davidson's plain and simple honesty did not permit a deviation from the path of duty. He had undertaken to serve the government and would carry out his contract. Offered a fee of five thousand dollars to run a street line in Santa Barabra, he refused the offer

and lived on his eight hundred dollars a year. His long service in the survey made him thoroughly familiar with both the coast line and the interior and he was frequently called as an expert in the great land cases. It was his rule to refuse employment from either side, requiring a subpoena of the court and then his testimony was at the service of either party to the action. His testimony in the Limantour case has been spoken of. It ended the case and caused the arrest of the petitioner while his accomplices fled. The lawyers received great fees; the expert received nothing.

Living by the line of duty, which his clear sight could not mistake, Professor Davidson died a poor man, as the world counts wealth, but rich in all that makes life valuable. He was honored by the leading governments of Europe as well as by that of the United States, and by universities and scientific societies of Europe and America. His work on the Alaska boundary, the boundary between the United States and British Columbia, and that between California and Nevada is of special value. He was correspondent of the Bureau of Longitudes of France; the Academy of sciences of the French Institute; the Swedish Anthropological and Geographical society, and of the Royal Geographical society; honorary professor of geodesy and astronomy and professor of geography in the University of California; doctor of laws; doctor of science; doctor of philosophy; knight of the Order of Saint Olaf in Norway, and member of thirty-four learned societies in this country and Europe. He was author of two hundred and sixty-one books and papers on scientific and historical subjects.

George Davidson was born in Nottingham, England, November, 1825; died in San Francisco, California, December 1, 1911; married in 1858, Eleanor, daughter of Robert Henry Fontleroy, of Virginia, and Jane Dale

Owen, daughter of Robert Owen of Lanark, Scotland. A son and a daughter survive him. A mountain in Alaska and one in San Francisco bear his name and one of the city streets was named in his honor.

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