

had arrived safely in San Diego. The detachment left San Diego on the night of the 9th, cached themselves during the day of the 10th, and joined us on the night of that day. These gallant fellows busied themselves till day distributing their provisions and clothes to our naked and hungry people." *

This junction was a surprise to the Californians, and when the sun rose on the 11th, only a squad of them was to be seen; and in retiring they had left most of the cattle behind, although none of General Kearny's force were now mounted. It was ascertained that one hundred and eighty Californians were engaged at San Pascual, and that one hundred additional joined them next day from the Pueblo of Los Angeles.

December 12th, General Kearny reached San Diego.

The frigate Congress and sloop Portsmouth were at the anchorage opposite the hide ware-houses two miles from the village; this consisted of a few adobe houses, only two or three, of all, with plank floors.

* "Notes of a Military Reconnoissance."

V.

FINAL CONQUEST OF CALIFORNIA.

THUS General Kearny had found that the Californians, having thought better of their first apparent submission—which was the result of surprise, and their habitual acquiescence in pronunciamientos and revolutions—had thrown off, by force of arms, near three months previously, the foreign yoke; that of the whole great Territory, only three small villages on the coast were dominated by the navy, which had ceased all further efforts, apparently vain enough. He had fought the first battle of the real conquest.

Now his first thoughts were not of title, of rank, and right of command in the Territory, but patriotic and unselfish. His lance wounds soon healing, he suggested and then patiently continued to urge on Commodore Stockton that action must be taken; that the naval force which could be spared to act on land, his few dragoons and some volun-

teers should attempt a campaign; should march into the heart of the most inimical district, and attack and recover the capital, the Ciudad de Los Angeles.

He finally prevailed, and Commodore Stockton consented.

December 29th, 1846, General Kearny and Commodore Stockton marched from San Diego with near six hundred men; they were composed of about sixty dismounted dragoons, sixty volunteers, including some Indians, and the rest sailors and marines. There was a battery of six pieces of various calibre, drawn by oxen, and a baggage train of eleven ox-carts: the acting infantry force was divided into four bodies, commanded by Captain Turner, Lieutenant Renshaw, Navy, Lieutenants Zielin and Gillespie, Marine Corps; the artillery by Lieutenant Tilghman, of the Navy.

The march and camps were habitually in a hollow square, with cattle and baggage in the centre, artillery at the angles. They camped at the first watering place, the Solidad, at 8 o'clock, P. M. Captain Emory as adjutant-general, had been "ordered to ride forward and lay out a defensive camp,

hoping to give confidence to the sailors, many of whom were now for the first time, transferred to a new element."*

The march was ten or twelve miles a day.

January 4th, nine miles beyond Flores, they approached a defile of eight miles, the road being thrown on the sea beach by high lands; they were there met by a flag of truce, bearing a letter from Flores, styling himself governor and captain-general of the department of California, proposing to suspend hostilities in the department, and leave the battle to be fought elsewhere upon which was to depend the fate of California between the United States and Mexico. The commission was dismissed with a peremptory refusal of the proposition. Fortunately the little army found low tide and marched upon the hard beaten sand; they met no opposition, and passed beyond, making eighteen miles that day.

January 6th, after a long march camp was made at the upper Santa Anna, which was deserted by all except a few old women, who had *bolted their doors*; "such was the unanimity of the men, women

* "Notes of a Military Reconnoissance."

and children, in support of the war, that not a particle of information could be obtained in reference to the enemy's force or position."

At 2 o'clock, January 8th, the army came in sight of the San Gabriel River, where the enemy began to show themselves. "The river was about one hundred yards wide, knee deep, and flowing over quicksand; either side was fringed with a thick undergrowth. The approach on our side was level, that on the enemy's side favorable to him. A bank fifty feet high ranged parallel with the river, at point blank distances, upon which he posted his artillery."*

General Kearny's account of the action which followed is embraced in his short official report to the Adjutant-General, which should be here given entire.

Headquarters Army of the West, Ciudad de Los Angeles,
Upper California, January 12, 1847.

SIR,—I have the honor to report, that at the request of Commodore R. F. Stockton (who in September last assumed the title of Governor of California), I consented to take command of an expedition to this place—capital of the country—and that on the 29th of December, I left San Diego with about

* "Notes of a Military Reconnoissance."

five hundred men, consisting of sixty dismounted dragoons, under Captain Turner; fifty California volunteers, and the remainder of marines and sailors, with a battery of artillery. Lieutenant Emory, topographical engineers, acted as assistant adjutant-general. Commodore Stockton accompanied us. We proceeded on our route without seeing the enemy till the 8th instant, when they showed themselves in full force of six hundred mounted men, with four pieces of artillery, under their Governor Flores, occupying the heights in front of us, which commanded the crossing of the river San Gabriel, and they ready to oppose our further progress. The necessary disposition of our troops was immediately made, by covering our front with a strong party of skirmishers, placing our wagons and baggage train in rear of them, and protecting the flanks and rear with the remainder of the command. We then proceeded, forded the river, carried the heights, and drove the enemy from them after an action of about one and a half hours, during which they made a charge upon our left flank, which was repulsed; soon after which, they retreated and left us in possession of the field, on which we encamped that night.

The next day, the 9th instant, we proceeded on our march at the usual hour, the enemy in front and on our flanks, and when we reached the plains of the Mesa, their artillery again opened upon us, when their fire was returned by our guns as we advanced; and after hovering around and near us for about two hours, occasionally skirmishing with us during that time, they concentrated their force and made another charge on our left flank, which was quickly repulsed; shortly after which they retired, we continuing our march; and in the afternoon encamped on the bank of the San Fernando, three miles below this city, which we entered the following morning without molestation.

Our loss in the actions of the 8th and 9th instant was small, being one private killed and two officers (Lieutenant Renshaw of the navy and Captain Gillespie of the volunteers) and eleven privates wounded. The enemy mounted on fine horses and being the best riders in the world, carried off their killed and

wounded, and we know not the number of them, though it must have been considerable.

Very respectfully your obedient servant,
S. W. KEARNY, Brigadier-General.

To Brigadier-General R. Jones,
Adjutant-General United States Army, Washington.

In fact, while marching on the city, on the 10th, a flag of truce was met, and a verbal agreement was made of surrender on condition of respecting persons and property.

The town was deserted by many of its regular inhabitants; but the streets were found "full of desperate and drunken fellows, who brandished their arms and saluted us with every term of reproach. The crest, overlooking the town, in rifle range, was covered with horsemen, engaged in the same hospitable manner . . . the Californians on the hill, did fire on the vaqueros. The rifles were then ordered to clear the hill, which a single fire effected, killing two of the enemy. . . . Towards the close of the day we learned very certainly that Flores, with one hundred and fifty men, chiefly Sonorians, and desperadoes of the country, had fled toward Sonora, taking with him four or five hundred of the best horses and mules of the country, the property of his own friends."*

* "Notes of a Military Reconnoissance."

Next day Lieutenant Emory was ordered to select a site, and commence a fort capable of defence by one hundred men, and commanding the town; it was begun, but the work was continued only for a few days. Many men came into Los Angeles and surrendered themselves.

Lieutenant-Colonel Fremont was left at the mission of San Fernando, January 11th, about twenty-four miles from Los Angeles, having been six weeks on his march from San Juan, near Monterey.

That same day two Californians met the battalion, and gave information of the two days' fighting, and that General Kearny and Commodore Stockton had marched into Los Angeles the day before. "A little farther on, we met a Frenchman who stated that he was the bearer of a letter from General Kearny, at Los Angeles, to Colonel Fremont. He confirmed the statement we had just heard."*

On the morning of the 13th, two Californian officers arrived at the mission, to treat of peace, and a consultation was held. The same day the battalion marched to the rancho of Couenga, twelve miles,

* "What I saw in California," by E. Bryant, p. 391.

—half way to Los Angeles. There, terms of capitulation and peace were agreed upon, viz.

ARTICLES OF CAPITULATION made and entered into at the rancho of Couenga, this thirteenth day of January, eighteen hundred and forty-seven, between P. B. Reading, Major Louis McLane, Jr., commanding Third Artillery; William H. Russell, ordnance officer—commissioners appointed, by J. C. Fremont, Colonel United States Army, and Military commandant of California; and Jose Antonio Carrillo, Commandant squadron; Augustin Olivera, diputado—Commissioners appointed by Don Andreas Pico, Commander-in-chief of the Californian forces under the Mexican flag.

Article 1st.—The commissioners on the part of the Californians, agree that their entire force shall, on presentation of themselves to Lieutenant-colonel Fremont, deliver up their artillery and public arms, and that they shall return peaceably to their homes, conforming to the laws and regulations of the United States, and not again take up arms during the war between the United States and Mexico, but will assist and aid in placing the country in a state of peace and tranquillity.

Article 2d.—The commissioners on the part of Lieutenant-colonel Fremont agree and bind themselves, on the fulfilment of the first article by the Californians, that they shall be guaranteed protection of life and property, whether on parole or otherwise.

Article 3d.—That until a treaty of peace be made and signed between the United States of North America, and the Republic of Mexico, no Californian, or any other Mexican citizen shall be bound to take the oath of allegiance.

Article 4th.—That any Californian or citizen of Mexico, desiring, is permitted by this capitulation, to leave the country without let or hindrance.

Article 5th.—That in virtue of the aforesaid articles, equal rights and privileges are vouchsafed to every citizen of California as are enjoyed by the citizens of the United States of North America.

Article 6th.—All officers, citizens, foreigners, and others, shall receive the protection guaranteed by the Second Article.

Article 7th.—This capitulation is intended to be no bar in effecting such arrangement as may in future be in justice required by both parties.

Ciudad de Los Angeles, Jan. 16th, 1847.

ADDITIONAL ARTICLE.—That the paroles of all officers, citizens, and others of the United States and of naturalized citizens of Mexico, are by this foregoing capitulation cancelled, and every condition of said paroles, from and after this date, are of no further force and effect, and all prisoners of both parties are hereby released.

P. B. READING, Major, Cal'a Battalion.

LOUIS MCLANE, Commander Artillery.

WM. H. RUSSELL, Ordnance Officer.

JOSE ANTONIO CARRILLO, Comd't of Squadron.

AUGUSTIO OLIVERA, Deputado.

Approved,

J. C. FREMONT, Lieut.-colonel, U. S. Army, and
Military Commandant of California.

ANDRES PICO, Commandant of Squadron, and
Chief of the National Forces of California.

On the 14th, Lieutenant-Colonel Fremont marched his volunteer battalion into Los Angeles, and there placed them in temporary quarters. The capitulation would appear not to have been signed or approved until after his junction with the forces of General Kearny and Commodore Stockton.

The following is taken from an official report of Commodore Stockton to the Secretary of the Navy, dated January 15th, 1847:

"José Ma. Flores, the commander of the insurgent forces, two or three days previous to the 8th, sent two commissioners with a flag of truce to my camp to make a 'treaty of peace.' I informed the commissioners that I could not recognize Jose Ma. Flores, who had broken his parole, as an honorable man, or as one having any rightful authority, worthy to be treated with, that he was a rebel in arms, and if I caught him I would have him shot. It seems that not being able to negotiate with me, and having lost the battles of the 8th and 9th, they met Colonel Fremont on the 12th instant, on his way here, who not knowing what had occurred, he entered into capitulation with them, which I now send to you; and, although I refused to do it myself, still I have thought it best to approve it."

The fact that Lieutenant-colonel Fremont did not treat with the objectionable Flores, must make it certain that Commodore Stockton referred, in this report, to the only matter of importance, that Lieutenant-colonel Fremont made a treaty, with enemies he had never met, in a camp twelve miles from the capital and the headquarters of two superiors in rank and civil authority, who had recently fought and defeated them. And the facts shown, make it evident that Lieutenant-colonel Fremont did "know what had occurred," and that Commodore R. F. Stockton knew that it was so.

The Secretary of War, in his instructions to General Kearny, dated June 3d, 1846, informs him, "It is expected that the naval forces of the United

States which are now, or will soon be in the Pacific, will be in possession of all the towns of the sea coast, and will co-operate with you in the conquest of California," and further; "should you conquer and take possession of New Mexico and Upper California, or considerable places in either, you will establish temporary civil governments therein."

The Secretary of the Navy, in communicating instructions addressed to Commodore Stockton, dated November 5th, 1846, says:

"The President has deemed it best for the public interests to invest the military officer commanding with the direction of the operations on land, and with the administrative functions of government over the people and territory occupied by us. You will relinquish to Colonel Mason, or to General Kearny, if the latter shall arrive before you have done so, the entire control over these matters, and turn over to him all papers necessary to the performance of his duties."

He had previously, July 12th, 1846, instructed the commander of the naval forces: "For your further instruction I enclose you a copy of confidential instructions from the War Department to Brigadier S. W. Kearny, who is ordered, overland, to California. You will also communicate your instructions to him, and inform him that they have the sanction of the President."

And August 13th, the Secretary of the Navy instructed "The senior officer in command of the United States naval forces in the Pacific Ocean;— The President expects and requires, however, the most cordial and effectual coöperation between the officers of the two services, in taking possession of, and holding the ports and positions of the enemy, which are designated in the instructions to either or both branches of the service, and will hold any commander of either branch to a strict responsibility for any failure to preserve harmony and secure the objects proposed."

General Kearny having now, by the accession of Fremont's battalion, sufficient forces for service on land, asserted his rights, as necessary for the performance of the duties which had been intrusted to him, to "establish civil governments." Lieutenant colonel Fremont refused to report to him, or to obey his orders; and in this he was evidently supported by Commodore Stockton.

General Kearny was, for the time, utterly powerless, and on the 18th of January set out with his dragoon escort for San Diego, and sent Captain Emory, by Panama, with dispatches for Washington.

Next day, Commodore Stockton appointed Lieutenant-colonel Fremont, Governor of California, and set out, also, for San Diego where his squadron lay; and the day following the sailors and marines marched to embark at San Pedro to rejoin their ships.

January 22d Lieutenant-colonel Fremont, as "Governor and Commander-in-chief of California," proclaimed "order and peace restored to the country."

Commodore Stockton, in his latter years, was accounted by many as erratic, and at times beyond the verge of reason.

But how shall be explained this dangerous indulgence of a spurious ambition, by a character, whom the people of the United States saw fit afterward to place in very great prominence? Did he have unbounded trust in an influence which had shown such friendly potency in the outset of his California career?

Do the Spaniards take every where a moral contagion? or does the arid atmosphere of their chosen abodes,—in Mexico, in California, as in Spain,—so peculiarly affect the brains of men, as to make these countries the lands of pronunciamientos and anarchy? *

* All the world knows that an investigation that same year of

Hostilities were not confined to Southern California. While General Kearny was marching on Los Angeles, one Don Francisco Sanchez, at the head of a hundred men, held sway for a time in the country about San Francisco and Monterey. Besides other Americans whom he held prisoners, he captured Lieut. Bartlett, of the Navy, acting alcalde of San Francisco. Then Captain Marston, Marine corps, was sent against him from San Francisco, with one hundred marines and volunteers, and a piece of artillery. January 2d, he met him on the plains of Santa Clara; after an action of an hour, with small loss on either side, Sanchez retreated and the same evening sent by a flag, a request for an armistice and conference. Next day Marston was joined by a company of mounted volunteers, under Lieut. Maddox, Marine corps, from Monterey.

January 8th, the Californians gave up Lieutenant Bartlett and other prisoners, surrendered a field-piece and other arms, and disbanded.

Col. F.'s conduct at this time by a general court martial, resulted in his conviction of mutiny and disobedience of orders, and sentence of dismissal from the army.

Commodore Stockton escaped a trial.

DANGEROUS CONSEQUENCES OF THE MUTINY. AN INTERREGNUM.

THE narrative of the march of the infantry battalion under Lieutenant-colonel Cooke, was closed at its arrival at the Mission of San Diego, January 29th, 1847, and his report in person to General Kearny the same evening at San Diego.

General Kearny could in no way authorize recognition of the usurpation then existing; he instructed Lieut.-colonel Cooke to march to the mission of San Luis Rey, fifty-three miles from San Diego, on the road to Los Angeles, and there to quarter his battalion; to await events and further orders, but to exercise such authority and power as might become necessary in his judgment, under unforeseen circumstances of national interests and defence.

Most fortunately, Commodore Shubrick was then expected at Monterey, as commander of the Pacific squadron. The opportunity of a vessel of war sailing the next day for Monterey, offering itself, General Kearny embarked, January 30th, for that port.

Lieut.-colonel Cooke was thus left in the com-