

The only apartment in the house having any pretensions to being habitable was the bedroom I have just mentioned, and this the captain of our guard appropriated to his own use and that of his brother officers. The dining hall was given to the Texan officers and merchants, while the poor soldiers were compelled to take up their quarters in the yard below, and in such of the dilapidated rooms of the first story as were in any way tenable. The ravaging tooth of time had eaten away almost the whole interior of the building, leaving the outer walls alone untouched, and into these cold, dreary, and miserable quarters were some hundred and fifty of us thrust—into a hole which would not afford even tolerable shelter for half that number of brute beasts. Another thing which served to render our quarters far more disagreeable was the fact that by this time eighteen or twenty of our number had the small-pox, and many of them were delirious. In this situation we passed our first night at San Cristobal.

At an early hour the next morning a Mexican officer arrived from the city, bringing orders for the immediate release of Van Ness and Falconer. The former was liberated entirely through the influence of the Mexican Secretary of War and Marine, General Tornel, who was well acquainted with the family of Van Ness at Washington, and who had received from them many favours; but with Falconer the case was different. He had been demanded, as I understood at the time, by the British minister, and this demand had been followed by his immediate release. Afterward, I heard a different version of the story.

Our liberated friends had scarcely departed for the city, in a coach provided for the purpose, when we were visited by Brantz Mayer, Esq., United States sec-

retary of legation, and by the American consul at Mexico, Mr. Black. Mr. M. inquired of me the circumstances of my arrest and all the information I could give relevant to my case, as also to that of several others who claimed American protection. I told him that I had given Mr. Ellis, in several letters that I had written while upon the road, full particulars in relation to myself; that my case was much clearer than that of Mr. Falconer, inasmuch as I had joined the expedition with the previously-expressed intention of travelling through Mexico, had provided myself with a passport before leaving New-Orleans, and had entirely separated myself from the expedition previous to the time of my capture. In addition, I told Mr. Mayer, that while I rejoiced with Mr. Falconer upon his happy deliverance from the worst of bondage, I certainly thought it very singular, and by no means flattering to that country from which I claimed protection, that while a British subject, who was in a greater degree implicated than myself, was immediately liberated, I was held a prisoner even for a moment.\* He expressed every sympa-

\* In comparison with the English government, and with not a little reluctance do I say it, that of the United States is notoriously slow in interfering for its citizens when their personal liberty has been infringed upon—a statement the truth of which will be attested by every American who has travelled in Mexico or other foreign countries. The British government looks upon the *liberty* of the subject as paramount to all considerations—that of the United States will promptly enough interfere when a barrel of flour is unjustly taken from one of its citizens, but let him be deprived of his liberty, and the matter requires, to use the words of the old diplomatist in one of Power's plays, "a mighty deal of nice consideration." So well is this policy of the United States government understood in Mexico, that while an American is allowed to remain for months in a loathsome prison, a single word from the British minister will give immediate liberty to a subject of that government, incarcerated for the same offence and in every way equally culpable. The Americans, all over Mexico, openly speak of the insults they receive and the little personal security they enjoy, and many of them even told me that were they to enter the country again they would carry British protections in their

thy, said that Mr. Ellis would exert himself to the utmost to effect my release, and after offering me any assistance I might require, left the prison.

In the afternoon I was again visited by Mr. Lumsden, who was now accompanied by Lieutenant Blunt of the United States navy, Mr. McRae, who had but recently arrived with despatches from the United States, and several other American gentlemen, residents of the place. They brought us out a liberal supply of cigars, fruit, and other refreshments, and what to me was of far more value and interest, a number of American newspapers. In the *Picayune* I read, for the first time, a letter from Chihuahua, which directly implicated me as connected with the expedition, it being incorrectly

pockets. An American citizen, who boasts of his birthright and of the great liberty he enjoys at home, hears these mortifying admissions while abroad with wounded pride; but hear them he must, and, in addition, will feel and know that they are founded in truth. Since the arrival in Mexico of our present minister, General Thompson, and the powerful and decided papers of Mr. Webster have appeared, the tone of the Mexican government may have changed somewhat; I allude above to the state of feeling existing while I was in the country.

After my return to the United States I saw and read a letter from Judge Ellis, to our then Secretary of State, Mr. Webster, in which the suddenness of Mr. Falconer's release is accounted for. By this document it would seem that Mr. Pakenham, the British minister, immediately on the arrival of Mr. F. at San Cristobal, called upon Santa Anna and presented him with a letter from Queen Victoria announcing the birth of the Prince of Wales. His excellency, the Provisional President, as an act of courtesy usual on such occasions, released Mr. Falconer the moment the British minister mentioned that he was a prisoner. Now, this was all right enough; but it is certainly unfortunate for us poor Republicans that no such door is open for our release when confined under similar circumstances. A corresponding increase to the family of one of our presidential ladies might take place, although such an event can hardly be looked for, and not a whit should we be gainers by it, while any addition to that of the august sovereign of Great Britain is a "walking paper" to her incarcerated subjects. We boast much of our freedom, and the perfect equality we enjoy, both at home and abroad, as compared with the people of other nations: surely, some provision should be made for us in contingencies like the above.

stated that I was one of the *avant courriers* sent forward by Colonel Cooke on approaching the settlements of New Mexico. Knowing that the Mexican government would eagerly seize upon any pretext to annoy one for whom, from the general tone of the articles in his paper in relation to Texan affairs, it could entertain no friendly feelings, I at once declared my belief that the publication of the letter would cause me months of imprisonment. My friends thought differently, and before leaving endeavoured to convince me that I should regain my liberty in a day or two; but I had a presentiment that no such good luck would befall me, and with this feeling passed my second night in San Cristobal.

During the first five days in the old palace we received regular visits from the Americans and other foreigners of the city. For the more destitute they brought blankets and different articles of clothing, and by their many acts of kindness endeavoured to make all as comfortable as they could be under the circumstances. It was during one of these visits that our friends gave us the particulars of a celebration in the city in honour of Santa Anna's leg—the one he lost when San Juan de Ulua and Vera Cruz were taken by the French. On the present occasion, a general holiday was given, and the limb was borne about in procession with great pomp and ceremony. Santa Anna makes much capital out of this affair—enough to console him, probably, for the loss of the limb. On several occasions it has been carried about in procession, and I have little doubt that the leg, *in pickle*, is of infinitely more service to him than when attached to his own proper person.

The day after our arrival at San Cristobal, a sum of

money was sent out, by the Mexican government, of sufficient amount to distribute twenty-five cents to each man: the same sum was also furnished the next day. With this the men could procure for themselves food enough, in the shape of frijoles, tortillas, chile guisado, and other articles which the Mexican women brought to our quarters, to appease the keen demands of appetite—it was all they were allowed. On the third day the supplies from the city were stopped. The fourth day came, and still no money; the fifth, likewise, and with it no succour. By this time the sufferings of those who had no money were severe in the extreme, and the tricks they resorted to in order to obtain food were ingenious to a degree, and occasioned not a little merriment.

Among the prisoners were a number of lawyers, doctors, and other professional men—persons who, either from a love of wild adventure or because they could obtain no professional employment in Texas, had originally been induced to join the expedition. Then there were several comedians among them, mad wags, who, finding that the drama yielded them but slender support in the new Republic, had shouldered the rifle and taken to the prairies for a better. Out of such materials it may readily be conceived that the richest fun and frolic could be extracted, and the story of one of their maddest pranks I will relate.

The wags knew that among the officers and merchants there were some who had money, and to levy a tax upon such pockets as were best filled these fellows commenced a game which, in the end, not only proved every way successful, but afforded infinite amusement to all. They in the first place fitted up an old, dilapidated apartment as a court-room. With two

barrels and as many boards they made a kind of platform, upon which, as a bench, a claret-box was placed, and upon this the jokers seated the largest prisoner in the whole collection as judge—a half lawyer, who, in addition to having all the gravity of the Grand Turk himself, wore whiskers, mustaches, and hair in quantity sufficient to supply wigs for an entire bench of English justices. A sheriff, crier, and clerk—men who well understood their business—were then appointed; an eccentric comedian, who could speak for hours upon any subject, and possessed the keenest wit and the strongest imitative powers imaginable, was chosen prosecuting attorney. As principal witness in any cases that might be brought they fell upon a little Irishman named Jimmy Tweed. Jimmy was born and bred a soldier. He first drew breath in the barracks of a recruiting regiment in Ireland, and in process of time, after having picked up a fair education among the officers, joined the regiment as a soldier. The term of his enlistment he served principally at Gibraltar, where he obtained a name, to use his own words, “for being up to all manner of diviltry,” and where he also learned a smattering of Spanish. On being discharged, he visited the United States, joined the army, served two or three campaigns in Florida, and was finally discharged regularly at Baton Rouge, in Louisiana. To finish his education, as he said, he then went to Texas, and after various campaigns, was finally taken prisoner in New Mexico. He had all the wit of his countrymen, and a fund of dry humour which was inexhaustible.

Thus organized, the court proceeded to the trial of such cases as they thought might be turned to their own profit. More decorum, more order, or more grav-

ity of deportment was never seen in any court of justice. The crier in some way procured a small bell, and in regular form called the court together and issued his proclamations—the sheriff, with all the dignity imaginable, commanded silence, compelled all to take off their hats, and was very efficient in preserving the best order.

The first action upon their singular law-docket was brought against a young and very worthy man, a merchant, who was charged with being a “great fool generally”—I am not altogether positive but that the first word in the indictment may have been a much more forcible adjective than the simple term “great.” The judge remarked that the charge was one extremely grave in its character, and admitted that he could not, at the time, think of any precedent that might guide him in his decision, which, he wound up by saying, should be a just and a righteous one. The prosecuting attorney, after a few pertinent remarks, brought up several witnesses to sustain the charge. Their evidence, which of course was made up and suited for the meridian of this particular court alone, all went to support the prosecution. The case, as made out, was clear enough—not a doubt arose as to the truth of the charge set forth in the indictment—but to make all sure, Jimmy Tweed was brought up to the stand. After kissing a brickbat with due gravity, there being no Bible in the court, Jimmy proceeded with his testimony. He instanced several particulars in which the accused party had evinced very little foresight—mentioned several of his actions which manifested great lack of judgment and knowledge of the world, and finally wound up by saying that the fact alone of his being found in

company with the Santa Fé Expedition was ample evidence against him.

At this point of the trial symptoms of uproarious laughter were manifested in court, all which were instantly quelled by the sheriff, and the judge then proceeded to give his decision. Drawing himself up, throwing back his head, and clearing his throat with a preparatory “hem,” and then raising one leg over the other with all becoming dignity, he remarked that all the evidence bore strongly against the accused, but that the testimony of the last witness, in particular, view it in what light he would, clearly sustained the charge that the arraigned party was slightly afflicted with a weakness known as “the simples”—troubled with not being so particularly wise as he might and should have been. He admitted that the charge which had been thus proved was a misfortune rather than a crime; but inasmuch as the times were hard, and victuals scarce, he should impose a fine of two dollars upon the accused. The latter, who enjoyed the joke as much as any one, interposed no motion in arrest of judgment, but paid the fine at once, and thus ended the first trial.

The next action brought, although not quite so grave in its nature, produced an infinite degree of merriment. One of our officers, Captain H., was charged with bad singing, or rather, as the indictment read, “with attempting to sing and making out badly at best.” A number of witnesses testified, that at different times they had been most excessively annoyed, even to the losing of sleep, by the attempts of the accused at divers songs. They all admitted, during a process of cross-questioning, that they were not exactly good judges of music; still, they considered themselves blessed with ears which taught them to distinguish between the warbling of a

canary and that of a crow—thought they could discover a soothing influence in the notes of a nightingale which they missed in the braying of a donkey. But as the testimony of Tweed went directly to prove the charge, and was a perfect gem in its way, I shall give it as nearly as possible in his own words.

“Yer oner,” said Jimmy, with a ludicrous mock-gravity and quizzical leer of his dexter eye, “yer oner, as I was walkin’ across the corral last evenin’, I heerd sthrange, mystarius, and most unnath’ral sounds issuin’ from the officers’ quarters up stairs—sounds resimblin’, yer oner, those made by a sawmill, whin in the full tide of manufacthuring boards. Well, me curiosity bein’ excited, I bethought meself I’d be after investigatin’ the thing; so whin I was *abajo*, yer oner, which is the best Spanish I have at prisent about me for the foot of the stairs, I heerd the sthrange sounds louder and louder than iver. Up the steps I wint, and whin I was *arriba*, which manes, yer oner, the head of the stairs, divil a bit did it stop at all, at all. What in the name of all the saints, thinks I to meself, has put a sawmill in operation here away? for I still thought it was one, yer oner; so I opened the door cautiously, poked me head in slyly, and what should me own eyes see and me own ears hear but Captain H. himself, essayin’ a bit of a ditty, yer oner.”

“Doing *what?*” questioned the judge.

“Essayin’ a ditty, yer oner—attempting a stave of a song—and—”

“Enough,” interrupted the high functionary upon the claret box. “If you mistook the singing of Captain H. for those sounds ordinarily produced by a sawmill, the case is clear enough that he has undertaken a task which neither nature nor cultivation fits him to carry success-

fully through, and I shall fine him one dollar and fifty cents for the attempt.”

In this way a number of cases, some for bad singing and others for speaking bad Spanish, were disposed of, and with the proceeds the merry wags procured a sufficiency of provisions and *chinguirite*, the latter a species of common rum manufactured from the sugar-cane, to hold a wild revel that night among the ruins of San Cristobal.

## CHAPTER XI.

Supply of Money received.—Our Sick examined.—Visited by a large Party of Americans from the City.—Hopes of Liberation still offered.—Reflections as to the Nature of my Case.—Departure from San Cristobal.—Start for the City of Mexico upon Asses.—The easy Gait of the genus Donkey.—Arrival at the Shrine of “Our Lady of Guadalupe.”—Flimsy Imposture which caused its Erection.—Anecdote from Latrobe.—Nuestra Señora de los Remedios.—Mexican Beggars.—Tiresome Travel across the Plains.—The Garita.—Mexico, as seen in the Distance.—Arrival within the City.—Forlorn appearance of the Texans.—Commiseration of the Women.—Anecdote of Major Bennett.—Arrival at the Hospital of San Lazaro.—Hideous appearance of the Inmates.—A dreary Night.—Visited by the Hospital Physician.—His Prescriptions.—Description of San Lazaro and the unfortunate Lazarinos.—Speculations as regards the Leprosy.—Happiness among the Lepers.—New Sports and Dances.—We are visited by Mr. Mayer and other Americans.—Our Food at San Lazaro.—Kindness of the Mexicans in their Hospitals.—Smuggled Food.—Visits of the Physician.—Removed to other Quarters.—Worse and Worse.—Find our Room overrun with Chinchies.—Our Friends gain Access by Bribery.—Departure of Mr. Lumsden and Friends for the United States.—Thoughts of an Escape.

On the day following that on which the singular and laughable trials took place, and the wild feast that followed them, a sum of money was received from Mexico for our men. On the same day, two or three physi-