

mented with silver plate. His horse, with his long flowing mane, arching neck, broad chest, full flanks, and slender legs, is full of fire. He seldom trots, and will gallop all day without seeming to be weary. On his back is the Californian's home. Leave him this home, and you may have the rest of the world.

SATURDAY, AUG. 22. Our little paper, the Californian, made its appearance again to-day. Many subscribers have sent in their names since our last, and all have paid in advance. It is not larger than a sheet of foolscap; but this foolscap parallel stops, I hope, with the shape. Be this as it may, its appearance is looked for with as much interest as was the arrival of the mail by the New Yorkers and Bostonians in those days when a moon waxed and waned over its transit.

SUNDAY, AUG. 23. Officiated to-day on board the Savannah. There is no Protestant church here. Emigrants have generally become Roman Catholics. Policy, rather than persuasion or conviction, suggested it. Men who make no pretensions to religion, have nothing to give up in the shape of creeds or conscientious scruples. They are like driftwood, which runs into the eddy which is the strongest; or like migratory birds, which light where they can find the best picking and the softest repose. The woodpecker never taps an undecayed tree; and a worldling seldom embraces a thoroughly sound faith.

CHAPTER III.

A THIEF OBEYING ORDERS.—GAME.—NO PENITENTIARY SYSTEM.—THE CALIFORNIA CART ON A GALA-DAY.—THE RUNAWAY DAUGHTER.—FAITH OF THE INDIANS.—RETURN FROM THE WAR.—FIRST TRIAL BY JURY.—INDIAN AND HIS SQUAW ON THE HUNT.—WHALES IN THE BAY.—THE TWO GAMBLERS.—LADIES ON HORSEBACK.—MERRIMENT IN DEATH.—THE ENGLISHMAN AND HIS MISTRESS.

MONDAY, AUG. 24. One of our officers, bound with dispatches to San Juan, fell in with an Indian to-day, on a horse, without saddle or bridle, save a lasso; and knowing from this circumstance that he had stolen the animal, ordered him to come to Monterey and deliver himself up to the alcalde, and then passed on. So on the Indian came with the horse, and presented himself at our office.

I asked him what he wanted; he told me the order he had received; but I could not at first comprehend its import, and inquired of him if he knew why the order had been given him. He replied, that it was in consequence of his having taken the horse of another man. I asked him if he had stolen the animal; he said yes, he had taken him, but had brought him in here and given himself up as ordered; that he could not escape, as the Americans were all over California. I told him stealing a horse was a crime, and sentenced him to three months' labor on the public works. He was half naked. I ordered him comfortable clothes,

and gave him a plug of tobacco, and in an hour he was at his task, chewing and cheerful. He is not wanting in intelligence; and if he only had as much respect for the rights of property as he has for military orders, he might be a useful member of the community.

Oats in California grow wild. The last crop plants the next, without the aid of man. The yield is sufficient to repay the labors of the husbandman, but is gratuitously thrown at his feet. But the fecundity of nature here is not confined to the vegetable kingdom, it is characteristic of the animals that sport in wild life over these hills and valleys. A sheep has two lambs a year; and if twins, four: and one litter of pigs follows another so fast that the squeelers and grunters are often confounded.

WEDNESDAY, AUG. 26. The Californians breakfast at eight, dine at twelve, take tea at four, supper at eight, and then go to bed—unless there is a fandango. The supper is the most substantial meal of the three, and would visit anybody but a Californian with the nightmare. But their constant exercise in the open air and on horseback, gives them the digestion of the ostrich.

The only meat consumed here to any extent is beef. It is beef for breakfast, beef for dinner, and beef for supper. A pig is quite a rarity; and as for chickens, they are reserved for the sick. The woods are full of partridges and hare; the streams and la-

goons are covered with ducks and wild geese; and the harbor abounds with the most delicious fish. But no Californian will angle or hunt, while he has a horse or saddle left. And as for the Indians, but very few of them have any hunting gear beyond the bow and arrow; with these they can kill the deer and elk, but a partridge and hare are too shy and too quick. They spear a large salmon which frequents Carmel river, three miles distant, and bring it in to market. This fish is often three feet long, extremely fat, and of a flavor that takes from Lent half the merit of its abstinence. Spearing them is high sport for the Indian, and is another feature in California life.

THURSDAY, AUG. 27. Nothing puzzles me so much as the absence of a penitentiary system. There are no work-houses here; no buildings adapted to the purpose; no tools, and no trades. The custom has been to fine Spaniards, and whip Indians. The discrimination is unjust, and the punishments ill suited to the ends proposed. I have substituted labor; and have now eight Indians, three Californians, and one Englishman at work making adobes. They have all been sentenced for stealing horses or bullocks. I have given them their task: each is to make fifty adobes a day, and for all over this they are paid. They make seventy-five, and for the additional twenty-five each gets as many cents. This is paid to them every Saturday night, and they are allowed to get with it any thing but rum. They are comfort-

ably lodged and fed by the government. I have appointed one of their number captain. They work in the field; require no other guard; not one of them has attempted to run away.

FRIDAY, AUG. 28. The ox-cart of the Californian is quite unique and primitive. The wheels are cut transversely from the butt-end of a tree, and have holes through the centre for a huge wood axle. The tongue is a long, heavy beam, and the yoke resting on the necks of the oxen, is lashed to their horns, close down to the root; from these they draw, instead of the chest, as with us; and they draw enormous loads, but the animals are large and powerful.

But to return to the cart. On gala days it is swept out, and covered with mats; a deep body is put on, which is arched with hoop-poles, and over these a pair of sheets are extended for a covering. Into this the ladies are tumbled, when three or four yoke of oxen, with as many Indian drivers, and ten times as many dogs, start ahead. The hallooing of the drivers, the barking of the dogs, and the loud laughter of the girls make a common chorus. The quail takes to the covert as the roaring establishment comes on, and even the owl suspends his melancholy note. What has his sad tone to do amid such noise and mirth? It is like the piping cry of an infant amid the revelry and tumult of the carnival.

SATURDAY, AUG. 29. Four Californians—a girl, her

father, mother, and lover, all well clad and good-looking—presented themselves before me to-day. The old man said he had come to reclaim his daughter, who had run away with the young Mexican,—that he had no objection to his marrying her, but this running away with her didn't look decent. The rash lover stated in his defence that he was ready to marry her, had run away with her for that purpose, had placed her immediately with his sister, and that she was still as chaste and pure as the driven snow. To all this the father and mother assented.

I now expected we should have a wedding at once, and that I might be called upon to officiate. But to my utter surprise, on asking the girl if she insisted on marrying her lover, she declined. She said her escape with him was a wild freak; she had now got over it, and wished to return with her father. This fell like a death-knell on the ears of her lover, who again protested his affection and her purity. Having been once myself a disappointed suitor, I had a fellow feeling for him, and advised the girl to marry him; but she said no, that she had changed her mind: so I delivered her to her father, and told my brother in misfortune he must wait; that a woman who had changed her mind once on such a subject, would change it again.

SUNDAY, AUG. 30. Several gentlemen and ladies of Monterey were present to-day at our service on board the Savannah. I have it in contemplation to

establish a service on shore. There are plenty of halls, which are now used for dancing, and I should have as little scruple in converting one of them into a church, as Father Whitfield had in appropriating to his use the popular airs of the day, when he said he had no notion of letting the devil run away with all the fine tunes. Blessings on the memory of that devoted missionary! He has embalmed in his church melodies that will live when the profane lyres from which they flowed have long since been silent.

The wild Indians here have a vague belief in the soul's immortality. They say, "as the moon dieth and cometh to life again, so man, though he die, will again live." But their future state is material; the wicked are to be bitten by serpents, scorched by lightning, and plunged down cataracts; while the good are to hunt their game with bows that never lose their vigor, with arrows that never miss their aim, and in forests where the crystal streams roll over golden sands. Immortal youth is to be the portion of each; and age, and pain, and death, are to be known no more.

MONDAY, AUG. 31. I am at last forced into a systematic arrangement of my time; without it, I could never get through with my duties. I rise with the sun, read till eight o'clock, and then breakfast; at nine, enter on my duties as alcalde, which confine me till three, P. M., then dine; and at four take my

gun and plunge into the woods for exercise and partridges; return at sunset, take tea, and in the evening write up my journal, and an editorial for the Californian.

When the Sabbath comes, I preach; my sermons are composed in the woods, in the court-room, or in bed, just where I can snatch a half-hour. I often plan them while some plaintiff is spinning a long yarn about things and matters in general, or some defendant is losing himself in a labyrinth of apologetic circumstances. By this forbearance both are greatly relieved; one disburdens himself of his grievances, the other lightens his guilt, and, in the mean time, my sermon develops itself into a more tangible arrangement. My text might often be—"And he fell among thieves."

TUESDAY, SEPT. 1. It is singular how the Californians reckon distances. They will speak of a place as only a short gallop off, when it is fifty or a hundred miles distant. They think nothing of riding a hundred and forty miles in a day, and breaking down three or four horses in doing it, and following this up by the week. They subsist almost exclusively on meat, and when travelling, sleep under the open sky. They drive their ox-carts, loaded with lumber or provisions, two hundred miles to market. Their conceptions seem to annihilate space.

WEDNESDAY, SEPT. 2. The officers of Gen. Castro

have been permitted to return to their homes, after having taken an oath that they will not, on pain of death, be found in arms against the United States during the existence of the present war. A few, perhaps from national pride, refused at first the oath, but were compelled to take it, or be treated as prisoners of war. They of course preferred the former. The ladies don't seem to care much about these nice points in military etiquette: they want their husbands at home; and their return, though on parole, is the signal for getting up a ball. A Californian would hardly pause in a dance for an earthquake, and would be pretty sure to renew it, even before its vibrations had ceased. At a wedding they dance for three days and nights, during which time the newly-married couple are kept on their feet. No compassion is shown them, as they have so much bliss in reserve.

THURSDAY, SEPT. 3. Dispatches were received this morning, by courier, from Com. Stockton, dated at the Pueblo de los Angeles. They contain his second address to the people of California, which defines the new attitude in which the country is placed by the declaration of war between the United States and Mexico. The address is humane in its tone, expansive and vigorous in its spirit. It has had the salutary effect to set the community at rest, by establishing in the minds of the wavering the full conviction that California is henceforth a part of the

United States. Ex-Gov. Pio Pico, it seems, did not escape with Gen. Castro, but has surrendered to the commodore. He is one of the few who commanded the confidence and respect of the public.

FRIDAY, SEPT. 4. I empannelled to-day the first jury ever summoned in California. The plaintiff and defendant are among the principal citizens of the country. The case was one involving property on the one side, and integrity of character on the other. Its merits had been pretty widely discussed, and had called forth an unusual interest. One-third of the jury were Mexicans, one-third Californians, and the other third Americans. This mixture may have the better answered the ends of justice, but I was apprehensive at one time it would embarrass the proceedings; for the plaintiff spoke in English, the defendant in French, the jury, save the Americans, Spanish, and the witnesses all the languages known to California. But through the silent attention which prevailed, the tact of Mr. Hartnell, who acted as interpreter, and the absence of young lawyers, we got along very well.

The examination of the witnesses lasted five or six hours; I then gave the case to the jury, stating the questions of fact upon which they were to render their verdict. They retired for an hour, and then returned, when the foreman handed in their verdict, which was clear and explicit, though the case itself was rather complicated. To this verdict, both parties

bowed without a word of dissent. The inhabitants who witnessed the trial, said it was what they liked—that there could be no bribery in it—that the opinion of twelve honest men should set the case forever at rest. And so it did, though neither party completely triumphed in the issue. One recovered his property, which had been taken from him by mistake, the other his character, which had been slandered by design. If there is any thing on earth besides religion for which I would die, it is the right of trial by jury.

SATURDAY, SEPT. 5. I encountered on my hunting excursion to-day a wild Indian, with a squaw and papoose. They were on horses, he carrying his bow, with a large quiver of arrows hung at his side, and she with the child in the bunt of her blanket, at the back. They were dashing ahead in the wake of their dogs, which were in hot chase of a deer. The squaw stuck to her fleet animal as firmly as the saddle in which she sat, and took but little heed of the bogs and gullies over which she bounded. His glance was directed to a ridge of rocks, over which he seemed to expect the deer to fly from the field of wild oats through which the chase lay. I watched them till they disappeared in their whirlwind speed over the ridge. Whether the deer fell into their hands or escaped, I know not; but certainly I would not hazard my neck as they did theirs for all the game even in the California forests. But this, to

them, is life; they seek no repose between the cradle and the grave.

SUNDAY, SEPT. 6. The bell of the Roman Catholic church, which has been silent some weeks, rung out loud and clear this morning. I directed the prisoners, sentenced to the public works, to be taken to the service. I had given them soap, and sufficient time to clean their clothes, on Saturday; though having but one suit, they had only their blankets for covering while these were washing and drying. With a marine at their head, armed and equipped, they made quite a respectable appearance. Their conduct, during service, was reported to me as very becoming. They may yet reform, and shape their lives after the precepts of morality and religion. My own service was on board the Savannah, where we had the officers of the Erie.

MONDAY, SEPT. 7. We have been looking for a whale-ship, or spouter, as she is called by our sailors, to come in here, and take care of the whales which are blowing around us. One belonging to the genuine old Nantucket line, came to anchor last evening. She had been on the northwest coast in pursuit of the black whale; but found them so wild, owing to the havoc that has been made among them, that she captured but very few.

This morning her boats were lowered, and their crews put off in pursuit of one of these monsters.

The fellow plunged as they approached, and was out of sight for some minutes, when he hove up at a distance. "There she blows!" was the cry, and off they darted again; but by the time they had gained the spot another plunge was heard, and only a deep foaming eddy remained. The next time she lifted they were more successful, and lodged one of their harpoons. The reel was soon out, and away the boat flew, like a little car attached to a locomotive. But the harpoon at last slipped its hold, and the whale escaped. The loss seemed proportionate to the bulk of the monster.

TUESDAY, SEPT. 8. We have had for the last five days hardly an hour of sunshine, owing to the dense fogs which prevail here at this season. These murky vapors fill the whole atmosphere; you seem to walk in them alone, like one threading a mighty forest. A transcendentalist might easily conceive himself a ghost, wandering among the cypresses of a dead world. But, being no ghost or transcendentalist, I had a fire kindled, and found refuge from the fog in its cheerful light and warmth.

WEDNESDAY, SEPT. 9. A Californian came into my court in great haste last evening, and complained that another Californian was running away with his oxen. Suspecting the affair had some connection with a gambling transaction, I immediately handed him a warrant for the arrest of the fugitive, when off

he started at the top of his speed to execute it. In less than an hour he returned with his prisoner.

I then asked the plaintiff if the oxen were his; he said they were. I asked him of whom he obtained them; he said of the man who attempted to run away with them. I asked him what he gave for them; this was a puzzler, but after hemming and hawing for a minute, he said he had played for them, and won them. I asked him what else he had won of the man; he replied, the poncho, and a thin jacket, both of which he had on. I then ordered them both into the calaboose for the night. The winner, who had apprehended the other, and who, no doubt, expected to get the oxen at once, looked quite confounded.

This morning I had the two gamblers before me: neither of them looked as if he had relished much his prison-couch. I made the winner return all his ill-gotten gains, oxen, poncho, and jacket, and then fined them each five dollars. The one who had served the warrant shrugged his shoulders, as if he had made a great mistake. There was no escape from the judgment, so they paid their fine and departed. The next time they gamble, they will probably settle matters between themselves, without a resort to the alcalde.

THURSDAY, SEPT. 10. My alcalde duties required me to-day to preside at the executive sale of two dwelling-houses and a store. I was about as *au fait*

at the business as Dr. Johnson at the auction of widow Thrales' brewery, when he informed the bidders, in his towering language, that he offered them, not a few idle vats and worms, but the "potentiality of becoming rich." The property sold well, forty per cent. higher than it would under the Mexican flag. All real estate has risen since our occupation of the territory. This tells what the community expects, in terms which none can mistake. A Californian told me to-day that he considered his lands worth forty thousand dollars more than they were before our flag was hoisted. The old office-holders may, perhaps, grumble at the change, but they whose interest lies in the soil silently exult. They desire no ebb in the present tide of political affairs.

FRIDAY, SEPT. 11. An express came in to-day, bringing the intelligence that a thousand Wallawalla Indians had reached the Sacramento from Oregon. They have come, as the express states, to avenge the death of a young chief, who was wantonly and wickedly killed about a year since, by an American emigrant. They belong to a tribe remarkable for their intelligence, hardihood, and valor. Their occupation is that of trappers, and they are thoroughly used to fire-arms. Capt. Mervin has sent a force from the Savannah, and Capt. Montgomery another from the Portsmouth, to arrest their progress. Capt. Ford, with his company of California rangers, who understand the bush-fight, will also be on the spot.

SATURDAY, SEPT. 12. My partner in the "Californian" has been absent several weeks. All the work of the office has devolved upon a sailor, who has set the type for the whole paper, with fingers stiff as the ropes around which they have coiled themselves into seeming fixtures. Yet the "Californian" is out, and makes a good appearance. Who would think, except in these uttermost ends of the earth, of issuing a weekly journal, with only an old tar to set the type, and without a solitary exchange paper! By good fortune, a hunter brought along a copy of the "Oregon Spectator;" it was quite a windfall, though the only intelligence it contained from the United States, was that brought its editor by some overland emigrant. The "Spectator" speaks of the institutions of the "City of Oregon" with as much reverence as if they had the antiquity of the Egyptian Pyramids; when there is scarce a crow's nest which does not date further back. But age is no certain evidence of merit, since folly runs to seed as fast as wisdom.