

baffled. I asked what he attempted to run away for. He said the devil put it into his head. I told him the poor old devil had enough to answer for without being charged with his offences, and doubled the time of his sentence, which was only for six months, and sent him back to the public works. He is rather a hardened character, but if he has got a good vein in him, I will try to find it. And in the mean time I shall set the prisoners quarrying stone for a school-house, and have already laid the foundations. The building is to be sixty feet by thirty—two stories, suitably proportioned, with a handsome portico. The labor of the convicts, the taxes on rum, and the banks of the gamblers, must put it up. Some think my project impracticable; we shall see.

CHAPTER XIII.

THE PEOPLE OF MONTEREY.—THE GUITAR AND RUNAWAY WIFE.—MOTHER ORDERED TO FLOG HER SON.—WORK OF THE PRISONERS.—CATCHING SAILORS.—COURT OF ADMIRALTY.—GAMBLERS CAUGHT AND FINED.—LIFTING LAND BOUNDARIES.

SATURDAY, MARCH 6. I have never been in a community that rivals Monterey in its spirit of hospitality and generous regard. Such is the welcome to the privileges of the private hearth, that a public hotel has never been able to maintain itself. You are not expected to wait for a particular invitation, but to come without the slightest ceremony, make yourself entirely at home, and tarry as long as it suits your inclination, be it for a day or for a month. You create no flutter in the family, awaken no apologies, and are greeted every morning with the same bright smile. It is not a smile which flits over the countenance, and passes away like a flake of moonlight over a marble tablet. It is the steady sunshine of the soul within.

If a stranger, you are not expected to bring a formal letter of introduction. No one here thinks any the better of a man who carries the credentials of his character and standing in his pocket. A word or an allusion to recognized persons or places is sufficient. If you turn out to be different from what your first

impressions and fair speech promised, still you meet with no frowning looks, no impatience for your departure. You still enjoy in full that charity which suffereth long, and is kind. The children are never told that you are a burden; you enjoy their glad greetings and unsuspecting confidence to the last. And when you finally depart, it will not be without a benison; not perhaps that you are worthy of it; but you belong to the great human family, where faults often spring from misfortune, and the force of untoward circumstances. Generous, forbearing people of Monterey! there is more true hospitality in one throb of your heart, than circulates for years through the courts and capitals of kings.

TUESDAY, MARCH 16. Met Com. Biddle and Gen. Kearny to-day by appointment, and gave them a history of California affairs from the time the flag was raised. Both expressed a little surprise at some of the events that had occurred, but neither called in question the wisdom of the policy which had been pursued. The report of a disposition on the part of these distinguished officers to cast reproach on events in California, are without a shadow of foundation. Com. Biddle has not come, it is true, to prosecute the measures of his predecessors, nor has he come to repudiate them. He desires, so far as his instructions will permit, to let them remain as he found them, and leave to time, that moral touchstone of wisdom and folly, the tests of their expediency.

WEDNESDAY, MARCH 17. I met a Californian to-day with a guitar, from which he was reeling off a merry strain, and asked him how it was possible he could be so light-hearted while the flag of his country was passing to the hands of the stranger. Oh, said the Californian, give us the guitar and a fandango, and the devil take the flag. This reveals a fact deeper than what meets the eye. The Californians as a community never had any profound reverence for their nominal flag. They have regarded it only as an evidence of their colonial relation to Mexico; a relation for which they have felt neither affection nor pride.

THURSDAY, MARCH 18. A poor fellow came to me to-day, and complained that his wife had run away with another man, and wanted I should advise him what to do. I asked him if he desired her to come back; he said he did, for he had five children who required her care. I told him he must then keep still: the harder he chased a deer, the faster it would run; that if he kept quiet she would soon circle back again to him.

He hardly seemed to understand the philosophy of inaction: I told him there was hardly an animal in the world that might not be won by doing nothing; that the hare ran from us simply because we had chased it; that a woman ran for the same reason, though generally with a different motive: the one ran to escape, the other to be overtaken. He consented to

try the do-nothing plan, and in the mean time I shall try to catch the villain who has covered an humble family with disaster.

THURSDAY, MARCH 25. A California mother complained to me to-day, that her son, a full grown youth, had struck her. Usage here allows a mother to chastise her son as long as he remains unmarried and lives at home, whatever may be his age, and regards a blow inflicted on a parent as a high offence. I sent for the culprit; laid his crime before him, for which he seemed to care but little; and ordered him to take off his jacket, which was done. Then putting a riata into the hands of his mother, whom nature had endowed with strong arms, directed her to flog him. Every cut of the riata made the fellow jump from the floor. Twelve lashes were enough; the mother did her duty, and as I had done mine, the parties were dismissed. No further complaint from that quarter.

MONDAY, APRIL 12. The old prison being too confined and frail for the safe custody of convicts, I have given orders for the erection of a new one. The work is to be done by the prisoners themselves; they render the building necessary, and it is but right they should put it up. Every bird builds its own nest. The old one will hold an uninventive Indian, but a veteran from Sidney or Sing Sing would work his way out like a badger from his hole, which

the school urchin had obstructed. I had an experiment with one a few nights since, and he went through the roof with ball and chain. How he ever reached the rafters, unless the man in the moon magnetized him, I cannot conjecture. But out he got, and it cost me a California chase to catch him.

THURSDAY, APRIL 16. Six of the crew of the Columbus ran from one of her boats this morning. They cleared the town in a few minutes, and plunged into a forest which shadows a mountain gorge. The officer of the boat came with a request from Capt. Wyman that I would have them caught and brought back. My constables were both absent, and I ordered three Californians who were well mounted to go in pursuit. The native people are always inclined to aid a sailor in his attempt to escape; they seem to think he is of course running from oppression or wrong, when in nine cases out of ten he is running upon some sudden impulse, and continues the race because he has begun it.

In this instance an order was given and it was obeyed; the sailors were promptly apprehended and brought back. But had I offered a reward of fifty dollars each for them, and left the Californians to pursue or not as they preferred, not one of them would have been apprehended. I have never known a Californian to molest a runaway sailor or soldier to secure the reward offered. He will obey my order to arrest him, and he would do the same if ordered to

arrest his own brother, but he will not do it to secure any pecuniary consideration. He seems to look upon it as a breach of national hospitality. Were the De'il himself to call for a night's lodging, the Californian would hardly find it in his heart to bolt the door. He would think they could manage against his horn hoof and tail in some way.

SATURDAY, APRIL 18. The Pacific squadron having captured several prizes not in a condition to be sent round the cape for adjudication in the United States, the necessity of a court of admiralty here to determine upon them, has induced Com. Biddle and Gen. Kearny to take the responsibility of its organization. They have installed me in this new office, invested with the authority which emanates through them from the national executive, and the still higher sanctions derived *ex necessitate rei*. And now comes the task of looking up those legal authorities which may serve as guiding lights and safe precedents. But even here, on this dim confine of civilization, loom to light all the bright particular stars which have shed their rays on the intricacies of national law and admiralty jurisprudence. We have the eloquent commentaries of Kent, the able dissertations of Wheaton, the lucid expositions of Chitty, and the authoritative decisions of Sir William Scott. These, with half a dozen young lawyers ready to throw in their own effulgent beam, as the glow-worm turns the sparkle in its tail to the sun, will enable us perhaps to escape

the breakers, where much richer argosies than ours have been wrecked. But one thing is pretty certain, my journal in the midst of all these perplexing duties will find some breaks in it. I must hunt my rabbits, quail, and curlew, or stagnate on beef; a sirloin may regale the hungry for a time, but even that, if confined to it, palls on the appetite worse than a one-stringed fiddle on the ear, or the low, wordless, monotonous grumble of a discontented wife.

WEDNESDAY, MAY 12. A nest of gamblers arrived in town yesterday, and last evening opened a monté at the hotel honored with the name of the Astor House. I took a file of soldiers, and under cover of night reached the hotel unsuspected, where I stationed them at the two doors which afforded the only egresses from the building. In a moment I was on the stairs which lead to the apartment where the gamesters were congregated. I heard a whistle, and then footsteps flying into every part of the edifice. On entering the great chamber, not a being was visible save one Sonoranian reclining against a large table, and composedly smoking his cigarito. I passed the compliments of the evening with him, and desired the honor of an introduction to his companions.

At this moment a feigned snore broke on my ear from a bed in the corner of the apartment.—“Ha! Dutre, is that you? Come, tumble up, and aid me in stirring out the rest.” He pointed under the bed,

where I discovered, just within the drop of the valance a multitude of feet and legs radiating as from a common centre. "Hallo there, friends—turn out!" and out came some half-dozen or more, covered with dust and feathers, and odorous as the nameless furniture left behind. Their plight and discovery threw them into a laugh at each other. From this apartment, accompanied by my secretary, I proceeded to others, where I found the slopers stowed away in every imaginable position—some in the beds, some under them, several in closets, two in a hog's-head, and one up a chimney. Mr. R——, from Missouri—known here under the soubriquet of "the prairie-wolf"—I found between two bed-ticks, with his coat and boots on, and half smothered with the feathers. He was the ringleader, and raises a *monté* table wherever he goes as regularly as a whale comes to the surface to blow. All shouted as he tumbled out from his ticks. Among the rest I found the *alcalde* of San Francisco, a gentleman of education and refinement, who never plays himself, but who, on this occasion, had come to witness the excitement. I gathered them all, some fifty in number, into the large saloon, and told them the only speech I had to make was in the shape of a fine of twenty dollars each. The more astute began to demur on the plea of not guilty, as no cards and no money had been discovered; and as for the beds, a man had as good a right to sleep under one as in it. I told them that was a matter of taste, misfortune often made strange

bedfellows, and the only way to get out of the scrape was to pay up. Dr. S—— was the first to plank down. "Come, my good fellows," said the doctor, "pay up, and no grumbling; this money goes to build a school-house, where I hope our children will be taught better principles than they gather from the example of their fathers." The "prairie-wolf" planked down next, and in ten minutes the whole, Chillanos, Sonoranians, Oregonians, Californians, Englices, Americanos, delivered in their fines. These, with the hundred dollar fine of the keeper of the hotel, filled quite a bag. With this I bade them good night, and took my departure. I hope the doctor's prediction will prove true; certainly it shall not be my fault if it turns out a failure. In all this there was not an angry look or petulant remark; they knew I was doing my duty, and they felt that they atoned in part for a violation of theirs through their fines. If you must hold office be an *alcalde*, be absolute, but be upright, impartial, and humane.

THURSDAY, MAY 27. A *ranchero*, living some forty miles distant, not liking his own land, had lifted his boundary line, and projected it some six miles over that of his neighbor. Quite a lap this would be among farmers in the United States, but a small slice here. I was called upon to decide the difficulty. Taking with me from the public archives a certified copy of the original grant to each of the *rancheros*, I proceeded to the spot, where I found some twenty

men under the shadow of a great oak-tree, and each ready to locate the boundaries agreeably to the interests of the party that had summoned him. I listened to the stories of each, and then asked the rancho, who had lifted his line, to show me his grant. He drew it from his pocket—a document signed, sealed, and delivered with all the formalities of law. I then drew out the original, and found their topographical lines as much alike as the here and there of an unresting squatter. The fact was, the man had two grants; but the last one being a palpable invasion of his neighbor's domain, as secured to him under the seal of the state, he must of course retreat within the limits of the first. A township of land being thus judicially and justly disposed of, I started on my return; fell in with a grizzly bear—levelled and fired—but without waiting to see if the ball took effect, dashed on. A loadless rifle, with an enraged bear at your heels, makes you value a fleet horse in California.

CHAPTER XIV.

A CONVICT WHO WOULD NOT WORK.—LAWYERS AT MONTEREY.—WHO CONQUERED CALIFORNIA.—RIDE TO A RANCHO.—LEOPALDO.—PARTY OF CALIFORNIANS.—A DASH INTO THE FORESTS.—CHASING A DEER.—KILLING A BEAR.—LADIES WITH FIREARMS.—A MOTHER AND VOLUNTEER.

FRIDAY, JUNE 18. One of the prisoners, who is an Englishman, ventured a criticism on the stonework of another prisoner, which revealed the fact of his being a stonecutter himself. I immediately sat him at work at his old trade. But he feigned utter ignorance of it, and spoiled several blocks in making his feint good. I then ordered him into a deep well, where the water had given out, to drill and blast rocks. He drove his drills here for several days, and finding that the well was to be sunk some twenty or thirty feet deeper, concluded it was better for him to work in the upper air, and requested that he might be permitted to try his chisel again. Permission was given, and he is now shaping stones fit to be laid in the walls of a cathedral. He was taken up for disorderly conduct, and he is now at work on a school-house, where the principles of good order are the first things to be taught.

SATURDAY, JUNE 19. We have at this time three young lawyers in Monterey, as full of legal acuteness