

CHAPTER XVII.

RAINS IN CALIFORNIA.—FUNCTIONS OF THE ALCALDE OF MONTEREY.—ORPHANS IN CALIFORNIA.—SLIP OF THE GALLOWS ROPE.—MAKING A FATHER WHIP HIS BOY.—A CONVICT AS PRISON COOK.—THE KANACKA.—THOM. COLE.—A MAN ROBBING HIMSELF.—A BLACKSMITH OUTWITTED.

MONDAY, FEB. 7. The rains in California are mostly confined to the three winter months—a few showers may come before, or a few occur after, but the body of the rain falls within that period. The rain is relieved of nearly all the chilling discomforts of a winter's storm in other climes; it falls only when the wind is from a southern quarter, and is consequently warm and refreshing. It is by no means continuous; it pays its visits like a judicious lover—with intervals sufficient to keep up the affection; and like the suitor, brings with it flowers, and leads the fair one by the side of streamlets never wrinkled with frost, and into groves where the leaf never withers, and where the songs of birds ever fill the warbling air.

THURSDAY, FEB. 10. By the laws and usages of the country, the judicial functions of the Alcalde of Monterey extend to all cases, civil and criminal, arising within the middle department of California. He is also the guardian of the public peace, and is charged with the maintenance of law and order, whenever

and wherever threatened, or violated; he must arrest, fine, imprison, or sentence to the public works, the lawless and refractory, and he must enforce, through his executive powers, the decisions and sentences which he has pronounced in his judicial capacity. His prerogatives and official duties extend over all the multiplied interests and concerns of his department, and reach to every grievance and crime, from the jar that trembles around the domestic hearth, to the guilt which throws its gloom on the gallows and the grave.

THURSDAY, FEB. 17. There is no need of an Orphan Asylum in California. The amiable and benevolent spirit of the people hovers like a shield over the helpless. The question is not, who shall be burdened with the care of an orphan, but who shall have the privilege of rearing it. Nor do numbers or circumstances seem to shake this spirit; it is triumphant over both. A plain, industrious man, of rather limited means, applied to me to-day for the care of six orphan children. I asked him how many he had of his own; he said fourteen as yet. "Well, my friend," I observed, "are not fourteen enough for one table, and especially with the prospect of more?" "Ah," said the Californian, "the hen that has twenty chickens scratches no harder than the hen that has one." So I told him I would inquire into the present condition of the children, and then decide on his application. His claim lay in the fact that his wife was the god-mother of the orphans.

WEDNESDAY, FEB. 23. One of my Indian prisoners, sentenced to the works for theft, managed this morning to effect his escape, but was overtaken by the constable on the Salinas, and brought back. When asked by me what he ran for, he said the devil put it into his head. I asked him if he thought a ball and chain would keep the evil one off; he said it might, but then if he once got at him, he should stand no chance with one of his legs chained. I told him I should let his leg go for the present, but if he attempted to run again, I should chain both of them. "And my hands too," said the Indian, to assure me of his good conduct.

FRIDAY, MARCH 3. There is an old Mexican law, or usage, here, which has sometimes exempted from death the murderer who has reached the sanctuary of the church, or been favored with some accident, in the execution of the extreme sentence. Two desperadoes, of Mexican and Indian blood, were brought before me, charged with a wilful, deliberate murder. A jury of twelve citizens, the largest scope of challenge having been allowed, was empaneled. The prisoners were convicted and sentenced to be hung. But by some strange accident, or design, both knots slipped, and down they came, half imagining themselves still swinging in the air. The priest who confessed them, and who was present among the great crowd, immediately declared the penalty paid and the criminals absolved, and started post-haste to

Gen. Mason for his mandate to that effect. The general told him the prisoners were sentenced to be hung by the neck till dead, and when this sentence had been executed, the knot-slipping business might perhaps be considered. This may seem to have been dictated by a want of humanity, but had the accident or stratagem in question rescued the criminals, not a noose in California would have held. The murderers were executed, and the crime for which they suffered vanished from the future records of the court.

WEDNESDAY, MARCH 15. A lad of fourteen years was brought before me to-day charged with stealing a horse. The evidence of the larceny was conclusive; but what punishment to inflict was the question. We have no house of correction, and to sentence him to the ball and chain on the public works, among hardened culprits, was to cut off all hope of amendment, and inflict an indelible stigma on the youth; so I sent for his father, who had no good reputation himself, and placing a riata in his hand, directed him to inflict twenty-four lashes on his thieving boy. He proceeded as far as twelve, when I stopped him; they were enough. They seemed inflicted by one attempting to atone in this form for his own transgressions. "Inflict the rest, Soto, on your own evil example; if you had been upright yourself, you might expect truth and honesty in your boy; you are more responsible than this lad for his crimes;

you can never chastise him into the right path, and continue yourself to travel in the wrong." With these remarks I dismissed the parties.

SATURDAY, MARCH 18. Horse-stealing has given me more trouble than any other species of offence in California. It has grown out of a loose habit of using the horses of other people without their consent, at a time when they were of very little account; and what was once a venial trespass has become a crime. It is very difficult to arrest it; much must be left to time, the higher influences of moral sentiments, and the administration of more specific laws. Nor are the Americans here a whit better than the natives; they have a facility of conscience which easily suits itself to any prevailing vice. Many of them appear to have left their good principles on the other side of Cape Horn, or over the Rocky Mountains. They slide into gambling, drinking, and cheating, as easily as a frog into its native pond. They seem only the worse for the restraints, which law at home partially exerted. They are like a froward urchin who retaliates the wholesome visits of the birch by some act of fresh audacity the moment he is beyond its reach. But they will find a little law even in California, and this little enforced with some steadiness of purpose. It is not the law which threatens loudest that always exerts the greatest restraint. Thunder, with all its uproar, don't strike; it is the lightning that cleaves the gnarled oak.

THURSDAY, MARCH 23. A clergyman, who had just arrived in California, called on me to-day, with letters of introduction from several of the first rectors in New York. They spoke of him in high terms of commendation, and invited that confidence and regard which might secure him success in his foreign adventure; while they knew him to be a loquacious shallow booby. They had probably been so much annoyed by him in one shape and another, that they had taken this method of getting rid of him, thinking that the afflictions of Providence, like his blessings, should be more equally distributed.

SATURDAY, MARCH 25. To-day I remitted the sentence of my prison cook. He is a Mulatto, a native of San Domingo; had drifted into California; was attached, in a subordinate capacity, to Col. Fremont's battalion; and while the troops were quartered in town, had robbed the drawer of a liquor shop of two hundred dollars. For this offence, I had sentenced him to two years on the public works. Discovering early some reliable traits about the fellow, I began to confide in him, soon made him cook to the rest of the prisoners, and allowed him the privileges of the town, so far as his duties in that capacity required. He has never betrayed my trust, and has always been the first to communicate to me any stratagem on the part of the prisoners to effect their escape. I have trusted him with money to purchase provisions, and he has faithfully accounted for every

shilling. He has always been kind and attentive to the sick. For these faithful services, I have remitted the remainder of his sentence, which would have confined him nine months longer, and have put him on a pay of thirty dollars per month as cook. There is a string in every man's breast, which, if you can rightly touch, will "discourse music."

THURSDAY, APRIL 6. I met a little California boy to-day in tattered garments, and without hat or shoes. He had a small fish in his hand, which he had just hooked up from the end of the wharf. I offered him half a dollar for it; he said no, he wanted it himself. I offered him a dollar; he still said no, he was going to make a dinner on it. The result would probably have been the same had I offered him five dollars. No one here is going to catch fish for you or any one else while he wants them himself.

SATURDAY, APRIL 15. I made another pounce this evening on the gamblers, and captured their bank; but most of the players had slipped their money into their pockets before I could reach the table. No one rescued a dollar after my cane, with its alcalde insignia, had been laid on the boards. The authority of that baton they always respect. How comfortable it is for one to carry his moral power on the top of his cane. It almost justifies the Roman Catholic exegesis—and Jacob worshipped the top of his staff.

MONDAY, APRIL 17. I had sent one of my constables to the Salinas river, and the other to San Juan, and retired to rest; but about midnight was startled from my dreams, by a loud rap at my office door. Throwing my cloak around me, I unbolted the portal, and there stood, in the clear moonlight, a tall Kanacka, who reverently lifted his hat, and observed, "The town, sir, is perfectly quiet." I thanked him for the information, and closed the door. The fellow had been drinking, and in the importance which liquor sometimes imparts, had imagined himself at the head of the police.

THURSDAY, APRIL 27. Thom. Cole, whose moral vision could never yet discover any difference between possession and ownership, where a horse was concerned, was brought before me this morning, mounted on a fleet steed belonging to a citizen of the town. He had removed the brand of the rightful owner and substituted his own; but the disguise was easily penetrated, and the horse identified. Thom. averred the horse was found on his rancho; but he was ordered to deliver him to his proper owner, who stood by to receive him. At this moment Thom. sprung into his saddle and was off, horse and all, in the twinkling of an eye. I applied to Gen. Mason for a file of soldiers; they were promptly ordered, and stationed on the three streets, through one of which Thom. must make his egress from town. He soon came sweeping on at the top of his speed, when he suddenly found three muskets

levelled at him, with an order to dismount. There was no discharge in that war, and down he jumped, and was soon delivered over to me. How changed! a moment before setting the whole world at defiance; and now praying to be saved from the fleas of the prison. As the flea could only punish him without benefiting the town, I determined to reach him through another channel, by which both purposes should be answered; and fined him fifty dollars for contempt of court. So Thom. lost his horse and fifty dollars, and got a lesson of humiliation which quelled his spirit like a wet blanket thrown on a flaxen flame.

TUESDAY, MAY 2. I was roused from my sleep last night by a loud, hurried knocking at my door, and a voice exclaiming, "Alcalde, alcalde!" On reaching the door I found there a young Mexican, the clerk of a store near by, without hat or shoes, and only a blanket wrapped around him. He told me the volunteers had broken into his store, and were robbing the money-chest. By this time my constable was up, and, throwing on our clothes, we hastened with the clerk to his store; but not a human being was to be seen. He showed us the bolt that had been forced, the chest that had been broken, the pistol that he had snapped, and the wound that he had received on the head. I sent the constable to the captain of the volunteers, who immediately searched his quarters, where he found every man in his berth, except those on guard. With these unsatisfactory results I

returned to my office and bed, and directed the constable to keep an eye on the clerk.

WEDNESDAY, MAY 3. This morning I examined into all the circumstances connected with the robbery. The wound of the clerk, which he says he received from a cudgel, is a slight cut, apparently made by some sharp instrument. The chisel, with which the chest was forced, corresponds in width to one for sale on the shelf. Of the thousand dollars locked up in the chest and drawers, not one, it seems, escaped; not a quarter or fip fell to the floor; all went into the sack of the robbers, though they worked in the dark. And then, as he alleges, the robbers were volunteers without their uniform, and with their faces blacked. If so thoroughly disguised, how could he know they were volunteers? From these circumstances I have no doubt the rogue robbed himself, and raised the hue and cry to cover the transaction. But we shall see; the thing will out yet.

SUNDAY, MAY 9. This is my birth-day. I am on the shaded side of that hill which swells midway between the extremities of life. The past seems but a dream, and the future will soon be so. To what has been and to what may be, I seem to myself almost indifferent. I know the vanities in which human hopes end; I know that life itself is only a bubble that has caught the hues of some falling star. And yet this airy phantom is not all such as it would

seem ; there is something besides shadow in its evanescent form. Our visions of happiness may prove an illusion, but our sorrows are real. It is no fancied knell that shakes the bier ; no imaginary pall that wraps the loved and the lost. The grave is invested with the awful majesty of the real.

MONDAY, MAY 10. I had directed the constable to get a pair of iron hinges made for one of the doors of the prison. He gave the order to a blacksmith, a crabbed old fellow, who charged eight dollars for his coarse work. As the charge was an imposition, I told the constable not to take the hinges ; when up came the blacksmith with them to the office, and, in a fit of passion, hurled them at my feet, as I stood in the piazza. I handed the constable eight dollars, and told him to call on the blacksmith, pay him for the hinges, take his receipt, and then bring him before me. All which was done, and before me stood the smith, with his choler yet up. I told him that his violence and indignity would not be passed over ; that I should fine him ten dollars for the benefit of the town, which he might pay or go to prison. After a few moments' hesitation, he laid the ten dollars on the table, and took his departure without uttering a word. When clear of the office he grumbled out to the constable, "For once in my life I have been outwitted ; that Yankee alcalde has not only got my hinges for nothing, but two dollars besides. I don't wonder he can swing his prison doors at that rate ; I

would have tried the calaboose but for the infernal fleas." The constable told him the next time he made hinges he must charge what they were worth, and curb his towering temper.

WEDNESDAY, MAY 17. The ire of a Californian of hidalgo extraction flashes from his dark eyes like heat-lightning on a July cloud—you see the blaze, but hear no thunder ; while the wit of a California lady glances here and there like the sun-rays through the fluttering leaves of a wind-stirred forest. We have several ladies here celebrated for their brilliant sallies, but Donna Jimeno carries off the palm. A friend showed her this morning a picture of the Israelites gathering manna. "Ah ! they are the Californians," said the Donna, "they pick up what heaven rains down." He showed her Moses smiting the rock. "And there," said the Donna, "is a Yankee ; he can bring water out of a rock." But humor and wit are not the highest characteristics of this lady. She possesses a refinement and intelligence that might grace any court in Europe ; and withal, a benevolence that never wearies in reaching and relieving the sick. Her care of Lieut. Miner, one of the officers attached to this post, will long live in grateful remembrance. She hovered over him till his spirit fled, and wept as she thought of his mother.