

# NOTICIAS del PUERTO de MONTEREY

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The Monterey History and Art Association

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Monterey, 1849

drawn by William R. Hutton  
Courtesy of The Huntington Library

## Two Letters on Post-Conquest Monterey

The delightful thing about historical research is that, as in deep sea fishing, you never know what will come up in the net.

Some time ago, while reading the Huntington Library's book on William Rich Hutton and his sketches of California in the years 1847-1852, we noticed that among his still unpublished papers in that famous library there were listed two items having to do with Monterey. Although almost twenty years had gone by since the book was issued, there was a bare chance that the Monterey letters lay still untouched among the Library's treasury of documents.

A four cent stamp is equally delightful. For that amount a letter to Librarian Robert O. Dougan brought us not only assurance that Hutton's notes were still inviolate, but also full permission to publish them in our *Noticias*. This is not

the first time that the Huntington Library has been generous to us and we are very grateful for the privilege of making public these rare and hitherto unrecorded pieces of Montereyana.

William Rich Hutton was just twenty years old when he left Washington in 1847 bound for California. His uncle, William Rich, had been named paymaster to the United States volunteer forces in California, and in the free and easy custom of the day, he saw to it that his young nephew accompanied him as his assistant. They arrived in California in 1847.

Apparently, Hutton had received special training in drawing, mathematics and surveying, for as he traveled and surveyed through California, he began his series of sketches of towns, missions and scenes of interest. Hutton left California in 1853 and began a distinguished career in civil engineering which included such projects as the Washington Bridge over the Hudson River and the Hudson River Tunnel. He died in 1901.

The two letters published below are from a collection of Hutton's papers acquired by the Huntington Library in 1939 from Miss Mary A. Hutton, the author's daughter. The items are undated, but in all likelihood they were written some time after William Rich Hutton had returned to the East. A good deal of time must have elapsed, possibly fifteen years, between the events and their recollection, when the characters in them became famous as Civil War generals.

The story of the hangman's rope that failed and the stalled court martial is evidence that the writer did not jot it down when it happened. The date of 1847 is given, but 1848 or early 1849 is more likely to be correct. Captain Burton came back to Monterey to muster out the volunteers in October, 1848, and resumed command of the regular army Co. F, 3rd Artillery, in 1849, while Colonel Mason was an officer of the 1st Dragoons, not the 2nd Infantry. General Riley, who arrived in Monterey on April 12, 1849, belonged to the latter regiment. The fiery Mr. *John W.* Botts is recorded in Bancroft's *Pioneer Register* . . . at the back of his *History of California* as *Charles T.* Botts, a naval storekeeper who came to Monterey in 1848.

Half the members of the court martial are also post 1847. Lieuts. William Tecumseh Sherman and Henry S. Halleck were there in 1847 right enough, but Majors Edward Canby and Fitzgerald disembarked at Monterey with General P. F. Smith on February 23, 1849.

Everything considered, the tale has the ring of authenticity; indeed, it is probably the very incident recorded by Alcalde Walter Colton on March 3, 1848, in *Three Years in California*. In Colton's account, though, there were two murderers, both knots slipped, and despite the priest's remonstrance, Governor Mason had the scene re-enacted and the criminals thoroughly executed.

Former army and navy officers among our readers will appreciate the perplexity of the court martial when they learn that young Lieut. Stevenson was not only the son of an important New York politician who was colonel of his son's regiment, but that technically, Lieut. Stevenson may not even have been in the military service of the United States. The 1st New York Volunteers had enlisted just for the duration of the Mexican War, (which ended February 2, 1848) and they were mustered out at Monterey in late October, 1848.

Whatever the status of the ex- (or about to be ex-ed) volunteer officer, it was sufficient to puzzle the members of the court, and even at this distance in time we can hear Sherman's chuckle of relief when the affair simply eroded away travelling back and forth over the Great American Desert.

"In Monterey in 1847, a Mexican was tried in the Alcalde's court for horse stealing. The trial was by jury, a novel procedure in California. The prisoner



was found guilty and sentenced to be hung, - also a new form of executing the death penalty.

"Mr. John W. Botts, collector of the port, (a brother of John Minn Botts of Virginia, a lawyer by profession) was interested in the case, whether employed as counsel or through sympathy, I do not know. He made great efforts to have the punishment commuted, and failing (*to obtain*) the influence of the Governor, Colonel Richard B. Mason, 2nd Infantry, he organized a mass meeting at which very inflammatory speeches were made denouncing the sentence as excessive and threatening forcible resistance to the execution.

"The town was in a state of great excitement. Meantime, after dark and during the mass meeting, by order of the Governor, who had been appealed to by the city authorities, Lieutenant Ord, with a file of men from the fort (Monterey Redoubt), took the prisoner from the tumble-down calaboose and lodged him in the guardhouse of the fort.

"The next day, - the day fixed for the execution, - Lieutenant Ord, who was not on duty on that day, took himself off on an excursion at daylight. Lieutenant Matthew Stevenson (son of Colonel Jonathan Stevenson), an infantry officer on duty with the artillery company at the fort, was officer-of-the-day. Being ordered by Captain H. S. Burton, commanding the fort, with a file of men to conduct the prisoner to the place of execution and prevent interference with the officers of the law, he refused to obey the order as being illegal and was placed under arrest. Burton, having no other officer, himself took charge of the escort and the prisoner.

"No attempt at rescue was made. When the drop fell, the rope broke. The priest stepped in and claimed the man, as the sentence had been executed. The sheriff, in doubt what to do, mounted a horse, rushed to the Governor and asked instructions. "The man was sentenced to be hanged until he should be dead. Is he dead?" said the Governor. "No." "Then the sentence is not executed. . . . !"

"But the deliberate putting a man to death was a very serious thing to the people. They were frightened. The man was taken back to jail and later escaped.

"The interest of this incident lies in the sequence. Stevenson was tried for disobedience of order by a court martial composed of Halleck, Sherman, Canby and Major Fitzgerald (cavalry), whose finding was that questions were involved beyond the power of the court. The finding was disproved in Washington and sent back to the court. It adhered to its decision. The papers went back and forth from California to Washington several times, until, as Sherman said, "they were happily lost in transmission."



I have no idea who the desperado "Bill" was, but the "Jerry" of the following story was probably Jeremiah McMahon, a handy man with a pistol who fought a duel with Dr. Sanford in the streets of Monterey shortly before Easter, 1855. (The outcome was a draw; both were killed.) The Judge, Walter Colton, of course, is our indomitable, cheery, sensible little Yankee friend to whose accounts of adventures in California we have already added a chapter or two in previous issues of the *Noticias*.

Unlike the tale of the bungled hanging, this amusing anecdote has no counterpart in Colton's diary. It is probably every whit as true, for as the shrewd but warmhearted Alcalde declared, "I always like to see a fellow get out of trouble, and sometimes half forget his crimes in his misfortune. This is not right, perhaps, in one situated as I am, but I cannot help it."

The old adobe prison or *calabozo*, "being too confined and frail for the safe custody of convicts," as Alcalde Colton wrote in his diary for April 12, 1847, "I

have given orders for the erection of a new one." This new jail, probably just for civil, not military, prisoners, was also of adobe. Built by its convict inhabitants, it was not finished until 1849, and in 1854 the stone jail next to Colton Hall replaced it. In the meantime, while the prisoners were at work on their new cage, they seem to have been lodged temporarily in the log *calabozo* mentioned in the letter.

"The Rev. Walter Colton, chaplain in the Navy, had been appointed and was afterward elected Alcalde of Monterey, a place he held for several years. The town hall, - Colton Hall, - was built by him, and contained the only ball room in the town, altho' the *sala* in the private houses was generally large enough for a very respectable dance. Many *bailes* were given in it by the officers and others, which were always well attended. *Pas seules, la jota* and *el son* were danced in the intervals between the waltzes - (the latter being the national dance) - in which the women were more graceful than I have seen elsewhere.

"(I once heard a remark that the Yankee officers were mean (*stingy*), that instead of buying chickens and turkeys (rare birds in those days) they would go to the Salinas plains and shoot wild geese for the supper. But this was only a single instance, and the best feeling existed between the Americans and the Californians, both men and women, once the fate of the country was decided.)

"Judge Colton was an active administrator of his office and was able always to maintain good order. Tho' a very small man, he was fearless and, armed with the cane, his badge of office, he would enter the gambling houses alone, and confiscate the bank. The gamblers (always Americans) liked him too, tho' they kept a sharp watch to give notice of his approach.

"At a later period, perhaps in 1849, a dreadful outrage had been committed, and the perpetrator, a desperate American, after being arrested, had broken out of jail - a log calaboose - and fled to the mountains of Carmelo. The police force sent to arrest him found him in a cave protected by a breastwork of trees, and bristling with several rifles. They feared to approach him, altho' a reward was offered for his apprehension.

"Jerry . . . . was confined in the calaboose, as I remember, for having somebody else's horse. As the judge went through on his tour of inspection, Jerry remarked, "Judge, if you want to catch Bill, - I'll take him for you." "You, Jerry?" "Yes, Jedge, but you'll have to let me out of this and give me a horse and gun."

"It was a rather startling proposition, but after a moment's thought, the judge consented, recalling the proverb, "Set a thief to catch a thief." Jerry was furnished with horse and gun, and disappeared.

"After three or four days, when it was surmised that he had joined the outlaw, he returned with his prisoner bound. This made him a hero. He was made the police force of Monterey and for some years was most active in the arrest of criminals and the preservation of the peace. But after a while, the ruling passion proved too strong; he took to horse stealing, I believe, or some crime for which he was deposed, locked up and lost to view."

Donald M. Craig

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## W. R. Garner Reports on California

These two dispatches to the eastern newspapers are by the same man whose previous accounts we entitled *How To Become a Millionaire*. The change in title seems logical, for in his letters to the press after the initial excitement of



1846, Garner did not stress so much the necessity of quickly peopling California with Anglo-Saxon yeomen and mechanics. It was obvious that the stream of immigration was increasing, and as he recognized, the immigrants alone would have wrested California from Mexico, as their forebears had done in Texas.

His attention now was turned toward a sentiment which, although it seems ludicrous today, was much in the air during the latter part of the Mexican War when fire-eating Southern senators and congressmen were calculating how many slave states could be carved from a conquered tropical land. There was serious consideration by some men as to whether, with such thinking, any territory at all should be taken from Mexico. As Ralph Waldo Emerson said, "The United States will conquer Mexico, but it will be as the man who swallows the arsenic which brings him down in turn. Mexico will poison us." It was this sentiment that now absorbed Garner, and he strove to explain its quixoticness, as well as acquaint the East with matters political and military in far-away California.

D. M. C.

(From the Philadelphia *United States Gazette*),

Monterey, California, March 3d, 1847.

Gen. Kearny has taken his seat as civil Governor, and a constitution for the future government is now in press. Com. Shubrick still has command of the coast.

Col. Fremont has received orders from Gen. Kearny to repair immediately to this place with his volunteers, bringing with him from the town of Angeles all the public archives which were sent from here by order of Gov. Pico in 1845. On the arrival of Col. Fremont at this place, it is supposed that he will immediately retrace his steps to the United States, where doubtless his services will be more beneficial to his country than previous circumstances will ever permit them to be in California.

Com. Stockton was some weeks ago ordered to repair with the *Congress* to this place. He has not yet made his appearance, and it appears to be the opinion of some persons who have lately arrived from the south that he will sail from San Diego for the United States without coming here. Should that be the case, many harsh feelings will arise; all persons in Monterey who had any money have sent it for the uses of the United States, and it is necessary that their bills should be signed by him before they can be reimbursed; consequently, should he leave this coast without signing these bills, the lenders will suffer severely. We hope, and firmly believe, he will take this circumstance into consideration, and will not take any step that may in any manner throw a shade on his hitherto noble and generous character.

What is most needful for the speedy progress of California is a large body of emigrants with some capitalists.

Monterey, Capital of California,

October 10th, 1847

The Preble will leave here tommorow for Panama, where she goes to take in Commodore Jones and return here. This (letter) therefore will reach you over the Isthmus.

Nothing of moment has occurred here since my last. The calm and liberal measures of Commodore Shubrick have tranquilized the public mind and contributed much to a quiet possession of the country. By this I intend no reflection on his predecessors. Commodore Stockton had to contend with elements which are now at rest. The thunder-clouds which then darkened the heavens, are now

only seen here and there in fading masses on the horizon. The war is over; hardly an echo of it lingers faintly among the hills.

Commodore Shubrick leaves here in the Independence on Monday or Tuesday next for the coast of Mexico, where he has ordered the whole squadron. He goes down to capture Mazatlan, Guaymas, San Blas, Acapulco and Tehuantepec. These are important commercial points, and their possession will not be without its effect on the public mind of Mexico, though I doubt if any extent of conquest will secure a speedy and permanent peace. There will probably be some fighting at Mazatlan, and still more at Acapulco, which is defended by batteries of great strength. But Commodore Shubrick is determined on the attack, and on the capture too; you will know the result before long.

The advance party of the emigrant column for this season is already in California. We have ceased counting their wagons, - and as for the emigrants, you might as well attempt to number the trees that wave over them. These emigrants would have settled the fate of California without any declaration of war with Mexico. They might perhaps have had a little fighting here between themselves and the natives, but their triumph was sure, not only in their courage and skill, but in their over-powering numbers.

Some of your politicians talk of giving up California. Why, you can no more give her up, than you can the soil on which you tread. You may say she shall go back to Mexico, but she won't go there; she will be a territory, then a State of the American Confederacy, and nothing else. We don't care a fig how you figure it out on your political map; we have figured it out for ourselves, and our work will stand, whatever may become of yours.

Monterey still has Mr. Colton, of the Navy, as Alcalde. He tried hard to get off when his year was up, but the people remonstrated, and addressed communications to Commodore Shubrick and Gov. Mason, and so he consented to remain for the present. The citizens have offered to send for his family, but he has decided to return home in the Congress when she goes. His popularity lies in his energy, impartial administration of justice, and the extensive improvements he is effecting in the city. Among these is a large stone edifice, designed for public schools. It is a superb building; the citizens call it Colton Hall.

W. R. G.



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## COSAS DE INTERES PARA LOS SOCIOS

### JUNIORS SINCE MARCH

Miss Christine Reed; Laura Ann and Linda Wilson; Miss Pamela Marihart and David Marihart; Miss Ruth Teiser; Miss Molly Costello.

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**IN MEMORIAM:** Francis Moulton, Talbot Josslyn, Nathan Fryer.

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Visitors and callers at Casa Serrano, our headquarters, will be pleased to see sheer white curtains at all the windows, handsome drapes under equally handsome valances, and many other beautiful and valuable gifts from friends of the Association.

Mrs. Marjorie Haynes presented us with the 50 yards of material for the window curtains, Mrs. T. L. Bogert gave us the antique drapes, and Myron Oliver made the elegant valances, copying an old one which was in the Casa Serrano when it was acquired by the Association. Mrs. Bess Goodale made and installed both curtains and drapes. The whole ensemble has made a charming setting for the furnishings of the three front rooms. And with the series of Armin Hansen etchings and this noted artist's etching press, there is another interesting exhibit worth viewing.

Mrs. Helen Alexander Baxter has given a large black fan, painted with white roses which once belonged to a niece of Don Manuel Dominguez. From Mrs. Marguerite de Shen has come a deep rich red silk Spanish shawl. Mr. and Mrs. Horace Lyon of Carmel have donated two handsome tall silver vases, a very beautiful old fan and another Spanish shawl with white background and colored embroidered flowers. George W. Sims gave a large Mexican hat.

Ferdinand Burgdorff has given us his original oil painting of the Fremont Adobe as it was in the days of the dons. When reconstruction is finished, the painting will probably find a fitting place in the restored adobe.

We deeply appreciate these gifts and extend thanks to the donors.

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The Merienda, under the chairmanship of Henry Jones, was a complete success in every way. There were 575 in attendance, 570 steaks were served and it is expected the net proceeds will be at least \$1,300 when all bills are paid and the final count made. The hostesses at the tables are to be praised for the beauty of the table decorations, the men at the barbecue did a magnificent job of cooking, the birthday cake was a work of art and good to eat—(thank you, Miss Margaret Jacks, for this annual gift!)

The Annual Adobe House Tour has been the latest scheduled activity in June. Mrs. Henry Jones was the chairman. There are more adobes to be opened than ever before and more members taking a prominent part than we have been able to interest in previous years. A full report of this important activity will be printed in the next Noticias.

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Just as we go to press, word comes that Mrs. W. E. Kneass, one of the co-editors of the Noticias, a most valued and knowledgeable historian and curator of the Customs House, was married in the Church of the Wayfarer in Carmel on June 17th to Mr. Alfred W. Elkinton of Carmel. We extend her our very best good wishes and hope that she will still find time to contribute to our quarterly.

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Since the March issue of the NOTICIAS, the directors have carried on with the normal jobs and continued to work on the annual projects, such as the very successful Merienda, the biggest Adobe House Tour on record, and the Sloat Landing. Past-president Allen Knight, in cooperation with the Navy League, made the arrangements for this latter event at the beginning of the year and reported their progress at each meeting. As a culmination of his work, he reported at the June meeting that five ships of war with some 900 men would anchor in Monterey Bay over the July 4th holidays to commemorate Commodore Sloat's seizure of Monterey and California on July 7, 1846. The ships under command of Captain W. H. Shea, Jr., COMDESRON 9, were the U.S.S. Benner, DD 807; U.S.S. De Haven, DD727; U.S.S. Everett F. Larson, DD 830; U.S.S. Endurance, MSO 435; U.S.S. Conflict, MSO 426. Lt-Colonel R. J. Morrissey, USMC, Commanding, U. S. Marine Barracks, U. S. Naval Air Station, attended, as well as 30 marines to fire the volley, and the Naval Band.

Mrs. C. Tod Singleton has been in charge of the social events connected with the Sloat landing festivities, and planned the buffet luncheon and parties.

In April, the directors sent a letter to the Assembly Committee on Governmental Efficiency and Economy, urging passage of AB 1920 which provided funds for the preserving of the records of early California now in the State Archives, including such irreplaceable items as the records of the 1849 Constitutional Convention in Monterey. At the same meeting, the directors sent a strong resolution to the State Division of Beaches and Parks asking that The Troupers of the Gold Coast and Albert Olinger, their managing director, be granted the renewal of their lease at the First

THE EDITORS  
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Theatre. This group richly deserves the support of the Association, for it has been responsible for the productions and the historic atmosphere of the playhouse for 24 years, mostly under the management of Dene Denny and Hazel Watrous.

The directors also requested Col. Griffin to express on their behalf their sincere sympathy to Mrs. Talbert Josselyn on the death of her husband, long a prominent member of the Association. At this time, also, President Griffin named a committee on memorials consisting of Mr. Coons, Mr. McKeever and Mr. Stahl. Among the projects given to them for a report were the Monterey Harbor Memorial, written by Mr. Josselyn, the Frances A. Elkins Park, next to the Sheriff's office, and a plaque for the oak tree at El Cuartel which was planted by a member of the Mundell family.

In May, Mr. Knight revealed that a member in Berkeley, who wished to remain anonymous, had sent a check for \$2,000 for the Fremont Adobe Preservation Fund. To say that we are very, very grateful for this generous gift does not do justice to our feelings. Besides this sum, almost \$1,500 has been donated so far to this cause, and the Monterey Foundation has offered to pay almost \$3,300. Mr. Coons read a letter from the General Service Administration setting a price of \$9,830 for the adobe, and stating that on May 15th they would be ready to receive payment and send the deed to the property. By the June meeting, however, the city had not yet requested re-imbursement from the Association; it is expected that we must pay up in July or August. Mr. Knight read a letter from a responsible group re-affirming their offer to lease the restored building for three years for a substantial sum per month.

At the May meeting, the directors re-affirmed the Association's stand on Urban Renewal, a copy of their resolutions on its proposals being already in the hands of the city officials. The basic principle of this resolution is that the renewal program must not destroy the historic buildings or adversely affect the beauty and historical values of Monterey. There was general objection to dividing the historic area near the Custom House by a main traffic artery, to the over-passes or "double-decked" sidewalks, to making the waterfront area into a large hotel or motel project instead of a park as indicated in the city's Master Plan. In June the matter came up again, Mr. Burnette and Mr. Craig emphasizing that their committee felt it should not become embroiled in the commercial and economic aspects of the plan, but should insist upon the principles of the Association: the integrity of the historic heritage of Monterey and its aesthetic values.

Mr. Faw reported in June that he and Mr. van Loben Sels would appear before the Board of Equalization of the county in reference to tax relief on historic buildings owned by the Association and the Monterey Foundation, since these buildings are non-profit and semi-public.