

NOTICIAS del PUERTO de MONTEREY

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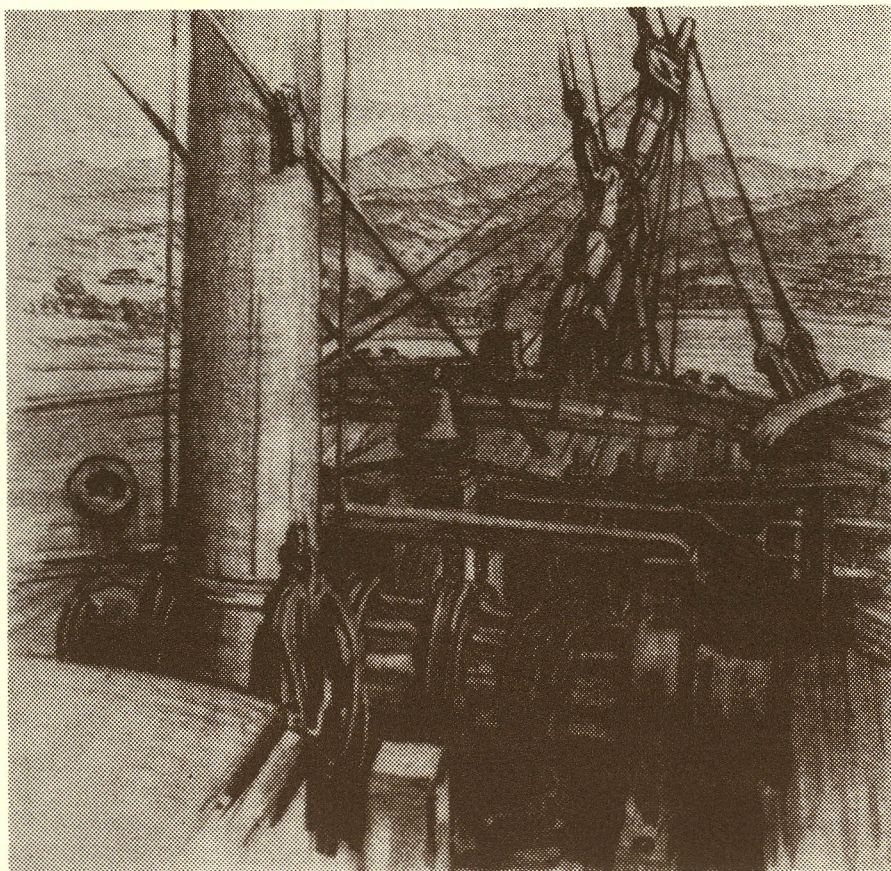
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INSIDE: John Paty, Yankee Trader, Part 2

FRONT COVER: Approaching the Port of San Francisco, drawing by Duncan Gleason; reproduced from his book, "The Islands and Ports of California," published by The Devin-Adair Company, New York, 1958.

PART TWO:

John Paty, Yankee Trader

Captain John Paty's career as a merchant-trader on the West Coast spanned the entire development of the area's economy. Beginning in the early days when he would anchor off an isolated rancho to trade a few hides for domestic goods, Paty lived to see California filled with merchant ships from the seven seas. As related in the June issue of Noticias, Paty was born in Plymouth, Mass., along with five brothers and sisters. At the age of 12, he went to sea and proved such a skilled and responsible hand, that he was given his first command at 21. He followed his brother Henry, primarily between the Hawaiian Islands and the West Coast. The first installment of Paty's life, published in June, ended in 1842⁽¹⁾ with Paty and his wife taking part in festivities celebrating the return of Monterey to the Mexican government, following a one day occupation of the port by the American Captain Thomas ap Catesby Jones.

Paty, his wife, and three children, John Henry, Mary Francesca and Emma Theodora, made their home in the Nuuanu Valley near Honolulu, but Paty spent much of his time between what were then called the Sandwich Islands and the Pacific Coast. Having been at sea from an early age, Paty had seen much of the world, both good and bad. Unlike many sailors who "left their morals at the horn," Paty was devoted to his family and often took his wife, Mary Ann, on voyages. When she was not with him, he missed her deeply and would often write her long letters even though he couldn't post them. On one voyage, outward bound to Manila, he wrote:

If I only had you here, I should feel quite happy . . . how is it that we are so constituted as to have to eat, drink and wear clothing, (and) in order to obtain these articles, we are obliged to be separated from those we love . . . but some of us must, in order to carry on the business the world demands . . . unfortunately I am one of those who seem to be doomed to live almost alone--it may suit some persons, but to me it is misery . . .

Though generally considered a man of excellent character, Paty was no "bluenose." He often attended social affairs when in port, liked to dance, and occasionally had more than a few drinks. Faxon Dean Atherton wrote of the aftermath of an all night party in Monterey at which Paty was present. "In the evening attended a ball given by the inhabitants of the town to the officers of the *Venus*. Went in to (see) friend Nathan (Spear), took a cup of tea and after waiting for Capt. Carter until 5 a.m., went on board, leaving Capt. John Paty 'alone in his glory,' that is dead drunk on a chest in Spear's store."⁽²⁾

In January, 1843, Paty entered into a partnership with James

McKinlay, John Temple and Henry D. Fitch, opening a store in San Francisco and trading up and down the coast. As part of the deal, Paty threw in his interest in the *Don Quixote*, a ship he bought, sold and used as collateral many times during his career. The partners hired William Heath Davis, a young man who had served as supercargo or business agent with Paty on a number of voyages, to run the San Francisco operation while McKinlay opened another store in Los Angeles.

Trading along the coast during this period required great skill, for there were practically no navigational aids, and the few that existed could seldom be trusted. To be successful, a captain not only needed to know the bays and promontories of the coastline, but often used these protected places to avoid paying duty on their cargo. Most traders tempted to maximize their profits by eluding Mexican custom officials. Paty was not immune to this temptation.

Davis reports that "(we) sometimes landed at night at Yerba Buena (San Francisco) and other points outside the port of entry, and at the port of entry itself, by eluding officers, before entry was made. The rancheros, in a general way, would hint to the merchants that they ought to smuggle all the goods they could; they knowing that they would get what they purchased cheaper than if all duties were paid." ⁽³⁾

Davis also recounts another occasion when "In a few weeks we came to Yerba Buena (our vessel, after having paid duties at the custom house, being free to go anywhere on coast trade) and took on board in the daytime and openly what we had secretly landed on the night of 20th of May, transporting small lots at a time. This created no suspicion as Spear (a merchant), having a large stock of goods on hand at his store, might be supposed to be shipping a quantity of them down the coast." ⁽⁴⁾

Since Monterey was the official port of entry for the coast, it was important that taxable cargo be reduced before appearing for inspection at the custom house. Duncan Gleason relates how this was sometimes accomplished.

The *Don Quixote* arrived at Yerba Buena in 1843 from Honolulu with a full cargo of merchandise. The Commandante ordered her to proceed to Monterey in order to pay duty but Captain Paty asked leave to wait until next day in order to depart on the slack tide. A citizen was deputized to act as guard on board the vessel. Captain Paty was no exception to the practice of evading customs, so the guard was told that in his stateroom were Madeira wine, aguardiente, cigars and everything for his comfort, that he would be locked in until morning and that if he were a real good hombre, he would be given twenty dollars. When his surprise was over he readily agreed to the proposition. During the night, about half the cargo was landed on the beach and dragged up to Spear's store. Ten thousand dollars was saved by the night's work. ⁽⁵⁾



LOADING HIDES off the California coast was an arduous business. Drawing by Duncan Gleason, reproduced from his book, "The Islands and Ports of California," Devin-Adair Company, New York, 1958.

American merchant-traders, operating under Mexican law, with little, if any protection, from American courts a continent away, developed their own way of doing business. It bore little resemblance to the reams of detailed documents which underpin today's business transactions, but it seemed to have worked tolerably well. David J. Langum gives several examples:

The business correspondence of the leading expatriate merchants, especially Larkin⁽⁶⁾ and Stearns,⁽⁷⁾ contains many examples of this kind of letter-contract. They are unilateral in nature, bargaining for some kind of performance, rather than a return promise. Therefore, they rarely resulted in any more formal agreement than the letters themselves, or perhaps, some follow-up correspondence confirming the results. It should also be noted that the letter-contract usually created an express agency relationship, that is, it authorized one merchant to act on behalf of the other.

In an 1842 letter to a fellow American merchant who traded between California and Hawaii, Larkin wrote: "I wish you would purchase in Oahu for me the following articles [detailed listing of items and quantities but not prices] and I will pay you the cost and fifty per cent

on the same, I paying here also all duties you may pay."¹⁰ This offer would only affect the legal relations between the two merchants. Another letter offer between the same pair of merchants, however, would involve legal relationships with third parties as well. John Paty wrote Larkin from San Francisco on August 3, 1842: "If you wish me to deliver lumber to any person here on your account I will do it (provide I have it) at \$5 M. advance on cost."¹¹ Suppose Larkin, based in Monterey, owed delivery of any lumber to one of his customers in San Francisco, or perhaps was in a position whereby he could quickly arrange a sale of lumber to a customer in San Francisco. Paty was offering for the consideration mentioned to satisfy Larkin's obligation by himself delivering the lumber to Larkin's customers, and thereby discharging Larkin's obligation to this third party.

If the offer were accepted, this arrangement would become what is called a third party beneficiary contract, to be examined more closely later in this chapter. It is interesting to note that in both of these letter offers neither Larkin nor Paty found it necessary to specify exact prices in their offers. This reflects considerable price stability and a shared expectation of the approximate costs of the articles concerning which their offers were made and that they would not materially change."¹²

Undaunted by wind and storm and apparently adept at playing games with custom officials, Paty was also known as someone who had a hard time saying "no" to men of "doubtful financial responsibility," according to Davis. While running the store in San Francisco, Paty's ex-supercargo had ample opportunity to observe the dauntless sea captain deal with men of commerce.

Men of this character would come to me and ask for credit, which I was compelled to refuse. They would then sometimes go to Paty himself, stating their case; and he, full of the milk of human kindness, could not find it in his heart to refuse them. He would call me aside and say he thought we should accommodate them. I would remonstrate, and declare that we might as well charge the items to profit and loss account at once; that it was about the same as giving the goods away; that I knew it was for his interest not to, but if he gave me a peremptory order to deliver them, I would do so.

"Well," he would say, "I hate to refuse; I think you had better." The articles were delivered accordingly, and that was the last we knew of the transaction, except as it remained on the books.

On some of these occasions Mrs. Paty was present, and, being of a firmer disposition than her husband in business matters, would intimate to the captain that it was foolish to interfere in behalf of the impecunious customers."¹³

While tending store for Paty and his partners in San Francisco, Davis tells of hearing rumors which, if made public, almost certainly would have altered the delicate political balance of Americans, Mexicans and Californios on the Pacific Coast as early as 1843. He relates:

Father Muro, while I was visiting him along in 1843 or 1844, at the time I was agent of Paty, McKinlay & Co. at Yerba Buena, mentioned to me his knowledge of the existence of gold in the Sacramento valley as a great secret, requiring me to promise not to divulge it. I have never mentioned it to this day to anyone. Afterward, in conversation with Father Mercado, the same subject was gradually and cautiously broached, and he confided to me his knowledge of the existence of gold in the same locality. Both of the priests stated that their information was obtained from Indians. Father Mercado was a brilliant conversationalist, and talked with the greatest fluency, in a steady stream of discourse, hour after hour; and I greatly enjoyed hearing him. After he had imparted the news of gold in the Sacramento valley, I would interrupt the discourse, and, for the sake of argument, suggest that it would be better to make the matter known to induce Americans and others to come here, urging that with their enterprise and skill, they would rapidly open and develop the country, build towns, and engage in numberless undertakings which would tend to the enrichment and prosperity of the country, increase the value of lands, enhance the price of cattle, and benefit the people. "2"

Paty's increased business on the West Coast convinced him to buy several pieces of property in San Francisco, and he could not help recalling the winter of 1837 when he lay off the city for many weeks trying to make a full load of hides. "There was but one building at the time in the place which could be called a house," he wrote later, "and that was unfinished and stood nearly one quarter mile from the water. What a change now."

For reasons he does not divulge, Paty left the partnership in February, 1845, buying out his partners' interest in the *Don Quixote* and began looking for a profitable cargo.

What he found was probably one of the strangest ventures--a deposed Mexican general and his small army, together with wives and children. The governor was Manuel Micheltorena, who had been sent by the Mexican government in 1842 to try and corral the restless and rambunctious Californios. Several generations of Mexican and Spanish immigrants had settled and raised families in California since the first group took up land around Monterey in the late 1770's. Some had intermarried with local Indians; others had allied themselves with foreigners and much of the populace felt the burgeoning of a new identity, independent from the constraints of a government so far away in both time and distance. They had little respect for the administrators sent from Mexico City whose primary activities seemed to be collecting taxes and complaining about how dull the country was compared to the capital.

Micheltorena was a fascinating character. Bancroft found him "a strange mixture of good and bad; a most fascinating and popular gentleman; honest, skillful and efficient as an official in minor matters;

utterly weak, unreliable and even dishonorable in all emergencies. In person, he was tall, slight and straight, with agreeable features, a clean-shaven face, light complexion and brown hair." He also reported that the general had "literary pretensions."⁽¹³⁾

Other accounts indicate that he spoke French "correctly and fluently and his own language so finely, that it was a pleasure to listen to him, according to Davis.

It might be supposed that the Mexican government would make sure that he could succeed in curbing the Californios' independent spirit by furnishing him with a well-trained and equipped army. What he actually arrived with were, according to most witnesses, the dregs of Mexico, 300 *cholos*, many just released from prison, some of whom were allowed to bring their families.

Alfred Robinson, who watched them disembark in San Diego, wrote "They concealed nudity with dirty, miserable blankets. The females were not much better off; for the scantiness of their mean apparel was too apparent for modest observers . . . Alas, poor California!"⁽¹⁴⁾

This description contrasts with the uniform worn by Micheltorena which was described by a visiting British officer as "very rich and showy. The breast of his coat being fine crimson cloth, brilliantly embroidered; the rest of the garment was of green cloth, also richly embroidered. A fine bunch of white plumes waved from his chapeau." The new commandante and his "army" moved north to Monterey, where Micheltorena took over the reins of government from Juan Bautista Alvarado, who left reluctantly, no doubt grumbling that he would be back some day.

Micheltorena's term as governor was a stormy one. His men were infrequently and poorly paid and numerous crimes were attributed to them. No doubt some of the stories were true, although the indignation they stirred up was no doubt fanned by the governor's enemies, who seemed to grow in number daily. Micheltorena sought to strengthen his position by allying himself with some of the more prosperous foreign settlers, giving them vast tracts of land. Johann Sutter was one of the principal beneficiaries of this largess. Angered by the governor's actions, Alvarado and Jose Castro, former military commandante of California, declared their intention of overthrowing the government. Micheltorena responded by calling on Sutter and some other Americans for help. Although Sutter could only come up with a couple of hundred Indians and backwoods soldiers of fortune, it was enough to intimidate the revolutionary leaders, who retreated to Los Angeles, and joined forces with Andres and Pio Pico. These two politically ambitious brothers were part of a Southern California contingent who saw the uprising as an opportunity to wrest control of the territory from the rapidly fading Mexican government.

Micheltorena pursued them with his ragtag army and the two forces met late in February, 1845, at the northern end of the San Fernando Valley. Both sides were careful that the engagement be fought at long

distance, with more bombast than cannonballs exchanged. Micheltorena whose hemorrhoids prevented him from riding his horse into battle,"⁽¹⁸⁾ got the worst of *pronuncimientos* and seeing the helplessness of trying to enforce his will on the rebellious Californios, capitulated on February 21, agreeing to return to Mexico with his troops and their families.

Reports of battlefield casualties are notoriously inaccurate and there was some discussion after the battle whether it was one horse and two mules that were killed in the engagement or the other way around. All agreed no human lives were lost. Captain Paty happened to be in San Pedro with his *Don Quixote* at the time, looking for work, and was contacted by the victors. "Fortunately for me," he wrote in his journal, "it so happened that I had the only vessel that could take them (Micheltorena and his troops), and after bantering with them for two or three days, I finally agreed to take them (about 220 (passengers) for \$11,000, \$3000 cash down and good security for the balance.) I was to take the general and his troops to Monterey and then take on board the balance of the officers, their wives and troops. . ."

Davis, who was on the *Don Quixote* at the time, writes in considerable more detail of the voyage:

A few days after the battle, Micheltorena moved his forces to Palo Verde, about four miles from San Pedro, where our vessel, the *Don Quixote*, then lay. Don Pio Pico became provisional governor of the department, after the capitulation, by virtue of his holding the position of president of the junta department, and immediately entered into negotiations with Captain Paty and myself to charter the *Don Quixote* to convey Micheltorena and his forces to Monterey, and thence to San Blas, taking in the remainder of the troops at Monterey.

We had a pleasant trip of seven and a half days to Monterey. Micheltorena talked freely about the late battle. He said he was a friend of the Californios; that he had been sent here to protect and not to destroy them; that he thought they were a brave people, but they were ill prepared for a battle-field; their cannons were of little account, their small arms still worse, and they could not procure others from any source . . . and that he could have made sad havoc among the opposing force; but he gave orders to the artillerymen and soldiers to shoot over the heads of the insurgents and avoid killing or wounding any; that he had been sent by the supreme government of Mexico, as soldier, and governor of the department, and had endeavored to do his duty.

The vessel sailed for San Blas, after stopping a week at Monterey. Captain Paty spoke in praise of the conduct of all on board, and particularly of his respect and liking for Mrs. Micheltorena. The governor said to Paty that he regretted that the captain was not amongst the many grantees to whom he had given land during his administration; and would have been glad to have known that the captain was provided for in this way. Expressing a partiality for California, he said it was only a question of time when the department would become great and wealthy. He doubted the ability of his own

government to keep California as a part of the domain of Mexico, on account of its geographical position; its great distance from the capital; the difficulty and expense of transporting troops so far, and maintaining them for its defense, together with the fact that the government had no navy; that the department in its defenseless condition was a constant source of trouble and anxiety to Mexico, and he thought it was inevitably destined to pass out of her control.

It was a common remark among those belonging to our vessel, how well the troops behaved. Confined as they were for several days, had they been the villains represented, it would have come out in some way during the voyage. General Micheltorena and Captain Paty were brother Masons, and they played chess every night until two or three o'clock in the morning. The former drank wine at meals, was an inveterate cigarito smoker, fond of talking, a graceful, entertaining conversationalist. He went to bed late, and took chocolate in bed in the morning.⁽¹⁶⁾

Paty estimated he had 240 passengers on the trip, including 15 officers, 7 women, 47 children and one born on the passage. The departure of Micheltorena and his troops marked the end of Mexico's attempts to govern California. From the time the *Don Quixote* left Monterey with its cargo of dispirited troops until the American occupation 18 months later, the country was ruled by various conflicting factions.

The voyage to San Blas took about 30 days "when I landed them, much to their satisfaction," Paty wrote. "When I passed through the streets, they would cry out 'Viva, el Captain, Viva.'"

Paty's many trips between the Hawaiian Islands and the West Coast gained the recognition of King Kamehameha III who commissioned him as Hawaiian consul and naval commander for the Californian and Mexican coasts, with the rank of commodore in February, 1846. As such, Paty occasionally donned a uniform appropriate to his rank and the ships under his command could often be sighted on the coast flying Hawaiian colors.

Shortly after receiving his title, he made a contract to take a commissioner and his servant from Monterey to Acapulco. When he arrived, he found the United States and Mexico were at war. He wrote:

At this time (about 8:00 P.M.) I had on board a lieutenant in the Mexican Navy; he had been arguing before that the U.S.A. could not take possession of Mexico and now he desired to go on shore. I requested him to send off word by the boat what the news was on shore, and when the boat came they reported that the Mexicans and Americans had met and the Americans were most awfully whipped, a great many killed and many taken prisoners.

I forgot to say that when I was last at Honolulu the King saw fit to give me a commission as his naval supervisor and requested me to see to the welfare of the Hawaiian natives in California and Mexico.

The next morning I went on shore dressed partly in uniform. The



CAPTAIN JOHN PATY



MARY ANN JEFFERSON PATY

residents knew that I was an American by birth and some of them asked me what I thought of the war between the United States and Mexico. I told them if it was a just war on the part of the United States or if they thought it was, the Mexicans had better give up at once as they surely would be beaten by the U.S.A., and I was surprised to see some of them laugh at my views of the matter. They pretended that all the U.S.A. could not pass some of the difficult passes to get to Mexico and I advised them to pronounce against the General Government and have nothing to do with the war. They laugh at the idea and said we had already beaten them in one battle even on the frontier, and what shall we do with them when they pretend to come into Mexico?⁽¹⁴⁾ We shall annihilate them. I merely said that the next news you hear about the war, if it is carried on, will be a terrible defeat of your troops and many lives lost.

I heard nothing more about the war while I lay there and as the chief director of the expedition to California died, the expedition was given up and I lost my freight back to California and after laying there 27 days, I heard that I might meet the commissioner at Mazatlan, consequently I took up my anchor and left intending to touch at St. Blas.

It appeared that the authorities could not come to my terms with Commodore Stockton about giving up the palace, consequently the Commodore landed nearly all his men and marched up to the town of Los Angeles and took possession, but left a few to keep it. Subsequently it was retaken by the Californians and it cost some lives to take it back.

On giving up the guns belonging to the Bark, I could not well help doing so as all my interest lay on the coast, but at the same time I got permission to touch at all the ports and trade without being liable to tonnage duty or any other duty, consequently I sailed for different ports. The first was Santa Barbara, where on presenting the Commodore's license, I was not troubled and I found it the same at all ports. I remained on the coast during the winter and after collecting all I could get I thought best to go to Oahu to bring some provisions which I expected the troops would be in want of, consequently I chartered half of the Bark to T.O. Larkin and made a trip to Honolulu on our joint account. The voyage did well.

After the Mexican-American war Paty joined some others in starting a line of packets between San Francisco and Honolulu. Davis, now a successful businessman, wrote that "(Paty's) vessel was so popular as a carrier, that he took a great many persons between these ports. They would wait to go with him, he being a favorite. On his arrival in San Francisco, on the completion of his hundredth voyage between this port and the Islands, about 1865 or '66, the event was celebrated by his many good friends in San Francisco by a banquet being given in his honor. On his return to Honolulu, a similar celebration took place, in which his family, then at Honolulu, joined."⁽⁷⁾

At the age of 61, John Paty died at the family home in Hawaii. "Few who have visited California or the Hawaiian Islands did not know Capt. Paty, either personally or by reputation," commented an Hawaiian newspaper in a story on his passing.

Davis, his former employee, associate and friend, wrote:

Captain Paty, who had been a sailor all his life, was probably as good a navigator that ever lived. He had visited nearly all parts of the world and was very popular in California and very much liked by everybody; also highly regarded by the officers of the local government . . . Paty was fond of letter writing, and in his communications with friends at the East he spoke well of the climate, soil, advantages and capabilities of California . . . He was a kind hearted man. I never knew him to refuse a favor to any one, though often he complied, when appealed to, much against his own interests. ⁽⁸⁾

Found among his papers after his death, were the following lines written at sea one stormy night and addressed to his wife:

It is now half past one . . . I can imagine how you all are lying there so quietly, while I am tossed about here in all directions. How I do wish I could just drop in and take a look at you all, even if I had to return again . . .

Rolling, remote from home I lay,
from setting sun to (break) of day;
Come, breezes come; help me along,
That I may join that lovely throng.

Captain Paty's journal, log and letters were made available for this two-part article by Henry H. Haight III, his great-grandson, and Jan Louch, his great-great granddaughter. Portions of the letter have been reproduced here for the first time.

—DLW

FOOTNOTES

- 1.) A typographical error put Jones' fleet in Monterey bay in October, 1849. The correct date, of course, is 1842.
- 2.) Atherton, Faxon Dean; "The California Diary of Faxon Dean Atherton, 1836-1839," California Historical Society, San Francisco, 1946, p.74.
- 3.) Davis, William Heath; "Sixty Years in California," A.J. Leary, Publisher, San Francisco, 1889, p.149.
- 4.) Ibid., p. 149.
- 5.) Gleason, Duncan; "The Islands and Ports of California," The Devin-Adair Company, New York, N.Y., 1958, pp. 153-4.
- 6.) Thomas Larkin.
- 7.) Abel Stearns, a Los Angeles merchant.
- 8.) Letter; Larkin to Paty, April 22, 1842; Larkin Papers, note 15, at 207.
- 9.) Letter; Paty to Larkin, August 3, 1842, id. at 259.
- 10.) Langum, David J.; "Law and Community on the Mexican-California Frontier," University of Oklahoma Press, 1941, pp. 175-176.
- 11.) Davis, William Heath; "Sixty Years in California," A.J. Leary, Publisher, San Francisco, 1889 pp. 281, 284.
- 12.) Ibid, p. 233.
- 13.) Bancroft, H.H.; "History of California, Vol. IV," The History Company, Publishers, San Francisco, 1886, p.364.
- 14.) Lavender, David; "California: Land of New Beginnings," Harper & Row, Publishers, N.Y., 1972, p. 120.
- 15.) Ibid., p. 123.
- 16.) Davis, William Heath; "Sixty Years in California," A.J. Leary, Publisher, San Francisco, 1889, pp 191-2.
- 17.) Ibid., pp. 273.
- 18.) Ibid. pp. 272-3.

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