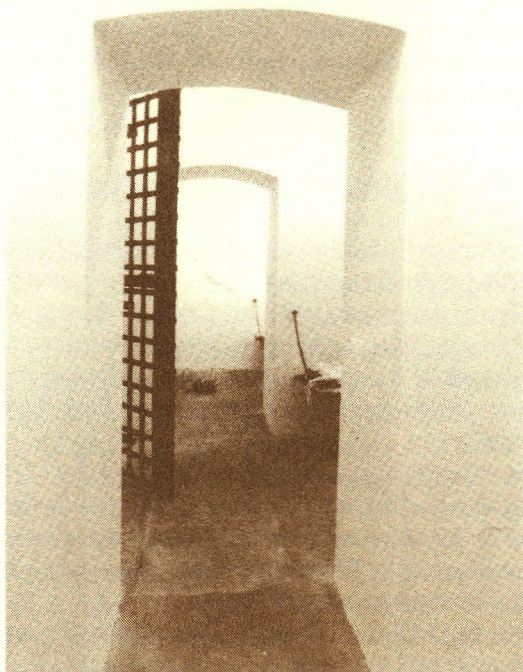


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**Interior of the old jail in Monterey - photo by Ken Roberts**

**INSIDE: From Adobe to Granite - Two Jails in**  
**Monterey**

## FROM ADOBE TO GRANITE: TWO JAILS IN MONTEREY

By Conway Esselstyn

### Introduction.

Today, we say: "Do the Crime, Do the Time!" - even though many do not seem to be listening. What we mean, of course, is that if you break the law, you will go to jail or suffer a like penalty. This does not apply evenly enough to please all of us, but it remains a guiding maxim.

How was it in Monterey over 150 years ago? About the same. The *ayuntamiento* in 1835 approved the plans of Captain Zamorano for a jail built on the site now used as the municipal bus plaza, described in thorough and colorful detail by Donald M. Craig.<sup>1</sup> But in ten years it proved to be insecure. It was later abandoned and its adobes were used as fill for street construction.

When the Americans arrived in 1846, they built new gun emplacements and two log buildings on the slope of what is now the Presidio. This was Ft. Mervine. A room or two in those buildings were apparently set aside as a jail. There are no surviving records<sup>2</sup> but it seems to have been used to hold both civilian and military prisoners until about 1849.

After the Zamorano and Ft. Mervine structures, the Americans built two jails, one after the other. These opened a new chapter in the history of the 19th century Monterey and are the focus of the account which now follows.



If there was peace in California and Monterey in the 18th and early 19th centuries, it was certain to be disturbed by the population policies of Spain and later Mexico. J. M. Guinn states that while the early Viceroy's wanted to colonize California, they also used it as a dumping ground for convicts and misfits.<sup>3</sup> Holliday writes that most of the soldiers who served with the early mission fathers and trail blazers were drunks, criminals, and deserters from the regular army.<sup>4</sup> He comments further that :

**...the head of the Franciscan fathers, Junipero Serra, begged the Viceroy in Mexico "not to look upon California as the China of exile . . . Being sent to our missions should not be a form of banishment nor should our missions be filled with worthless people who serve no purpose but to commit evil deeds."**

After independence in 1822, the new government of Mexico continued to sentence convicts to California where they acted out their fractious traits in settlements and around the presidios. They were a problem to local authorities for their brawling, drunkenness, gaming, horse stealing, raids on isolated ranchos, and abuse of Indians.

Bancroft reports on the temper of the times and on the efforts to control this boisterous segment by Lieutenant Manuel Victoria, appointed *gefe politico* of Alta California on March 8, 1830.<sup>5</sup> He had strict ideas about the kind of behavior he expected. Bancroft states:

**He is said to have boasted soon after his arrival in Monterey that he would make it safe for anyone to leave his handkerchief or his watch lying in the plaza until he might choose to come for it.**

Bancroft continues that the incidents he handled soon reflected his determination. Anastasio, an Indian boy under 18, was executed for breaking into a warehouse and stealing a few military buttons. A Mexican convict and an accomplice from Lima burglarized another warehouse aided by a youth. The two men were shot. The youth was forced to witness their execution, after which he was sent to the mission to work for six months wearing a restraint. Francisco Rubio was executed for killing two infants. Someone else later confessed to the crime. Rubio's sentence was then regarded as judicial murder and Victoria was labeled "a blood-thirsty monster". However, Victoria continued in office by quashing complaints arbitrarily, ordering protesters to leave the area, removing them from office, or closing their businesses.

Hittell, quoting Duflot de Mofas, estimated the population of California to be about 5,000 before the American occupation.<sup>6</sup> There is no reliable way to judge what proportion of these were criminal or otherwise troublesome to territorial government. Whatever their number, it was large enough for Governor Figueroa to direct Alcalde Don Esocobar of Monterey to consider building a jail for the civilian offenders. These directives resulted in the Zamorano jail, referred to above.<sup>7</sup> It crumbled away in about ten years and was replaced by a new facility.

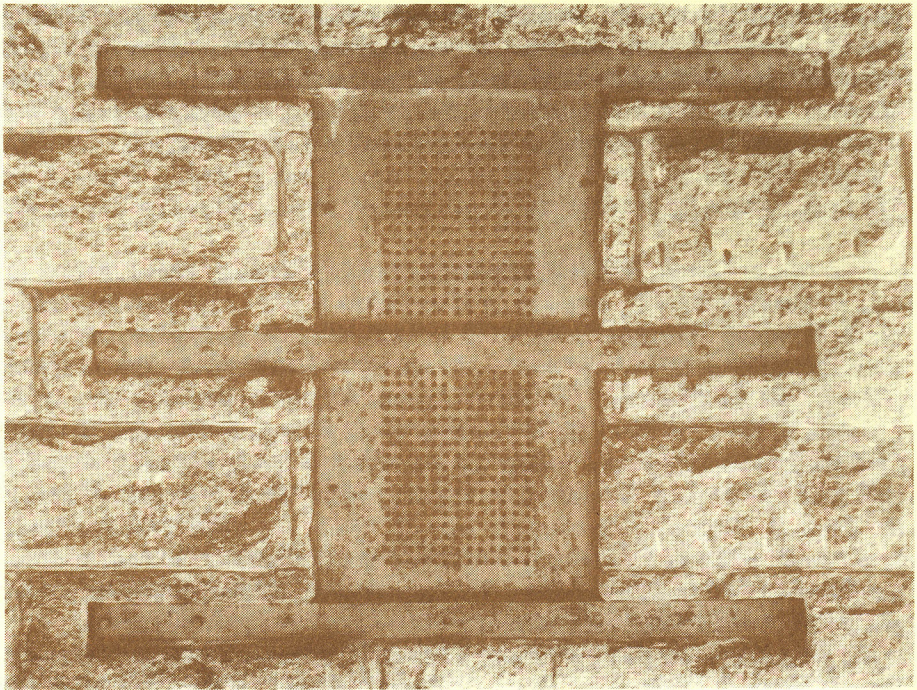
#### The Colton Adobe Jail.

Enter Walter Colton. The Dictionary of American Biography<sup>8</sup> shows that he was born in Vermont in 1797, and died in Philadelphia in 1851. He was ordained an evangelist in the Congregational Church in 1825, after graduating from seminary. His experiences varied over the next seven years as chaplain and as editor of several journals and newspapers. President Andrew Jackson appointed him Naval Chaplain in 1831. In 1845, he was ordered to sea aboard the CONGRESS under Commodore Robert Stockton bound for the Pacific. Following the outbreak of hostilities with Mexico, Stockton, now in West Coast waters, appointed Colton to the office of Alcalde of Monterey on June 28, 1846. As alcalde, Colton was to preserve the peace by following Mexican law and procedures until an American government could be established.<sup>9</sup> His appointment was confirmed by popular election of local residents on September 15.

The Dictionary notes that Colton kept a diary during his tenure which he prepared for publication in 1850, after his return to Philadelphia. Bancroft<sup>10</sup> writes that Colton "...kept a diary, subsequently published . . . largely devoted to petty though interesting details of incidents connected with the author's administration of justice with frequent remarks on the manners and customs of the people ... " What one wonders from these two passages is whether Colton's diary, published under the title, Three Years in California,<sup>11</sup> reflects on-site observations or whether these were somewhat embellished when he rewrote them for publication in Philadelphia. We will never know until the published book is compared with the original diary. Until then, the book must serve as Colton's record.

Colton's diary entry for September 15, 1846 (p.56), the day he was elected, shows how he understood the office of Alcalde:

**It devolves upon me duties similar to those of mayor of one of our cities, without any of the judicial aids which he enjoys. It involves every breach of the peace, every case of crime, every business obligation, and every disputed land-title within a space of three hundred miles. From every other alcalde's court in this jurisdiction there is an appeal to this, and none from this to a higher tribunal. Such an absolute disposal of questions affecting property and personal liberty, never ought to be confided to one man. There is not a judge on any bench in England or the United States, whose power is so absolute as that of the Alcalde of Monterey.**



From the very first, Colton worried about what to do with law breakers. He wrote on August 27, 1846, lamenting the absence of buildings, tools, or trades suitable for starting work houses. "The custom has been to fine Spaniards and whip Indians. The discrimination is unjust and the punishments ill-suited to the ends proposed."

As a stop-gap, he instituted a primitive public works project. A handful of offenders was sentenced to make fifty adobes each day. They were paid one cent for each one over this minimum. One offender was appointed to act as guard over the others. None tried to escape. Where they were confined at night is not stated - probably at Ft. Mervine, in what was left of the Zamorano jail, or in what Colton repeatedly names as "the apartment".

Early in 1847, Colton started work on a new prison to be built by inmate labor since the Zamorano structure was crumbling. He wrote:

**The old one will hold an uninventive Indian, but a veteran from Sidney [sic.] or Sing Sing would work his way out like a badger from his hole, which a school urchin had obstructed. I had an experiment with one a few nights since, and he went through the roof with a 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.**

A few months later in a letter to his wife, he revealed more of his ideas on what should be done with even the most serious offenders:

**I have now in my capacity as Prefect, five cases of homicide on hand, all awaiting trial; but I don't intend to hang any of them, - that is the poorest use to which you can put a human being: - I shall sentence them to the public works, with ball and chain, for a long term of years. In the United States one or two of them would be hung.**

Other diary entries show further that Walter Colton was not the rigid Puritan New Englander who would enforce the commands of an Old Testament Jehovah to the letter. Two inmates, confined for robbery, were allowed to have their guitars and to sing at night to relieve the tedium of their cells. An alcoholic Indian youth begged to be jailed so he could dry out and show up sober on his wedding day. Vast numbers of horses wandered loose at that time, leading Colton to treat horse stealing not as a serious crime but as a petty nuisance. On these and other offenses he expressed his position thus:

**Better to err a furlong with mercy than a fathom with cruelty.**

**Unmerited punishment never yet reformed its subject; to suppose it, is a libel on the human soul.**

While Colton could be lenient, he could also be firm and implacable - witness these examples:

1846:

- Sept. 9 - Fined gamblers, confiscated their winnings.
- Sept. 21 - Forced a youth to serve out his sentence for stealing cattle despite pleas of his sorrowing mother.
- Oct. 4 - Protected Mission San Juan Antonio from spurious land claim against it.
- Dec. 8 - Fought off two deparados who ambushed him while hunting.

1847:

Mar. 25 - Sentenced a young adult to be whipped by his mother after he had assaulted her. Later sentenced a ne'er-do-well father to whip his son for cattle theft but reduced the number of lashes until the father reformed himself.

June 18 - Forced a malingering stone cutter to dig a deep well until he stopped loafing.

June 19 - Use Mexican law to stop lawyers from delaying cases.

However, something of his ambivalence over how to temper justice with mercy shows up in the following account for February 17, 1847:

**A convict in our public works escaped today, carrying off his ball and chain. Well, if he only will stop stealing, he may run to the earth's utmost verge. 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; it is as much beyond my will as the pulses which throb in my veins.**

Possibly - but when that escapee was caught two weeks later, Colton doubled his sentence.

Over the months from 1847 on, Colton's adobe jail was gradually built. Expense records show details of its construction:<sup>12</sup>

1847:

May 12 - Hauling 18 loads of stone	\$13.50
June 10 - Mason work, calaboso	15.00
June 24 - Two loads of grass for prisoners to make adobes	8.00
July 3 - Hauling 3500 adobes, calaboso	24.40
Sept. 6 - Grating for prison windows	6.50
Sept. 11 - Handcuffs for prisoners	5.25

1848:

Apr. 9 - Blacksmith for shackling 4 balls	4.00
Clasps for prisoners	5.50
Three loads of board	3.75

A prickly incident arose in May 1848, over a pair of iron door hinges which a blacksmith forged for the jail. He charged eight dollars. Colton thought this was too high, whereupon the blacksmith threw them at the alcalde and stomped off. Colton ordered his constable to find the blacksmith, pay him his eight dollars, and then arrest him for his outburst. The constable brought the blacksmith in, and Colton fined him ten dollars, "... for the benefit of town, which he might pay or go to prison." The blacksmith paid his fine, grumbling:

**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.**

Colton notes in his diary for March 1849 that: "... a prison has been built". Today it is not known exactly when the Colton adobe was actually opened nor where it was

located. Apparently, the first inmate was admitted on April 16, 1850.<sup>13</sup> This was some time after Colton returned to Philadelphia. From then until some time in February 1854, about 211 inmates came and went through Colton's adobe jail. Judging from the names listed, no women were included. The Jail Register shows that inmates were charged with a variety of offenses during this period:

<u>Charge: 1850 - 1854</u>	<u>Number</u>
Forgery, fraud, false pretense	3
Assault, battery, intent to kill	40
Larceny, theft	78
Murder, manslaughter	15

Other charges included:

Desertion from ship, breach of the peace, drunkenness, witness, fugitive, resisting an officer, malicious mischief, vagrancy, contempt of court.

Charges of horse and mule stealing were leveled against 22 inmates, the last one having been admitted on September 26, 1851. There appear to have been no admissions for this offense after that date. They may have been arrested but not jailed. It may also be that taking a horse was not seen as an offense because there were so many wandering unattended and unclaimed.<sup>14</sup>

What happened to these inmates? The Jail Register for the years 1850 to 1854 shows the disposition for many, but not all, of those confined:

Broke jail and escaped 31  
 Assisted to escape by others entering his cell through the roof of the jail and releasing him from double irons.  
 Assisted him to escape by breaking the staple of the cell door and taking his iron from [sic.] him.  
 Fined  
 Writ of *habeas corpus*  
 Jail terms - 2, 10, 30 and 90 days  
 Bail - \$200 to \$1000  
 Taken to San Francisco  
 Discharged for want of evidence  
 Discharged on justifiable homicide  
 Bond to keep the peace  
 Received 25 lashes  
 Received 30 lashes  
 Strangled in his cell  
 Expiration of sentence  
 Not guilty of the charge  
 Sentenced to be sold at auction  
 Sold to Fr. Roach  
 This was a d-m-d hard case  
 Said he was sorry for whipping his wife  
 Sent to State Prison  
 Gone to Hell

On the last page of the Jail Register there is curious and out-of-place entry for March 1, 1852. On that date, one Santiago Rossi was confined and after his name appear these words: "One casis containing 52 diamonds more or less valued at \$50,000, taxes \$500, one parrot valued \$5." The charge is not stated. We do not know if Rossi was just a visitor, a thief, a burglar, a smuggler, insane, dead, or alive. Apart from illegible penmanship, entries like this make reading the Jail Register both interesting and baffling.

### The Granite Jail.

Equally baffling is the question: why was the Colton adobe jail abandoned? One obvious answer is that it was even less secure than the Zamorano jail. Witness 31 escapes in less that six years, plus one friend who pulled him out through the roof, plus another who broke through his cell door. Whatever the reason, the local Court of Sessions, then the governing authority of Monterey, took action. Edna Kimbro summarized court records for 1854:<sup>15</sup>

15 June - solicited bids for a county jail

Later - contract awarded to C.F. Gilmer who subcontracted to others

25 August - detailed specifications adopted

Kimbro reports that according to the Monterey Sentinel for September 1, 1854, the security features of the new jail included windows covered with perforated iron plates, ball-and-chains, leg irons, and other devices. The whole structure was built of granite blocks including the ceiling. A later report states that these were quarried at Point Cabrillo. That area today shows many drill holes in its rocks but it is not known for what purpose these were made. A plaque in the Whaler's Cabin at Point Lobos states that "according to old timers", granite was quarried there for the Monterey jail and other structures. Kurt F. Loesch, docent and curator of the facility, questions this because of geologic differences between the granite there and in the jail blocks. The source of the jail's granite therefore remains open.

Kimbro reproduced the following comment from the Sentinel for July 14, 1885:<sup>16</sup>

**Our county jail, built of Monterey granite, is now nearly completed, and its total cost is a little over \$14,000. The building has a good appearance and is perhaps quite secure . . . and on the whole the county never undertook anything which ended as well as this.**

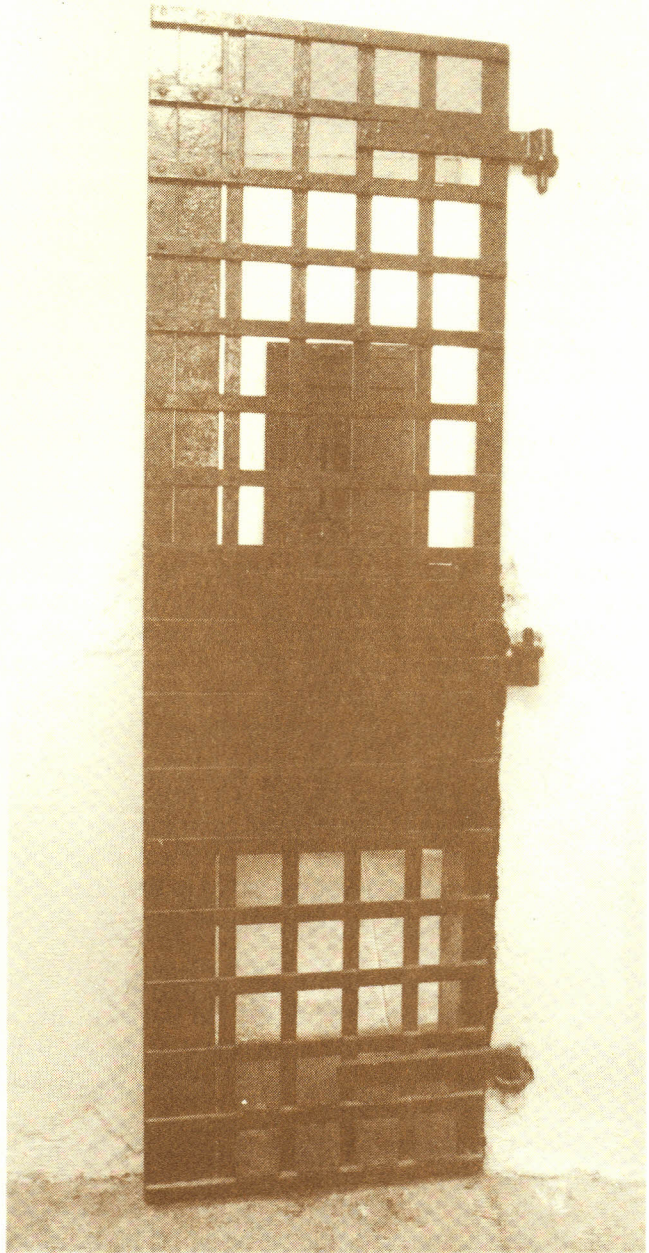
The lintel over the east door of the jail bears the date 1854. Kimbro's references indicate that construction began then but was not completed until 1855. The Jail Register is continuous from 1850 to 1872, but shows marked improvement in legibility and accuracy starting with the entry for April 22, 1855. This new care in recording provides at least partial confirmation of 1855 as the year when the jail opened for business.

Beginning in 1855, inmates were admitted to the new jail for a galaxy of offenses. At least one charge of murder and attempt to murder is found in the Jail Register on

all pages covering the years from 1855 to 1872. Larceny of various grades, assault, battery, drunkenness, breach of the peace and vagrancy were common. Less frequent were charges of highway robbery, contempt of court, public gambling, threat against wife, selling liquor to Indians and herding sheep. As was true in earlier days, the list contains the names of no women.

What happened to those housed in the jail between 1855 and 1872? Some were acquitted and released. Some were released on writs or were *nolle pros'd*. Others were released on bail, on expiration of sentence, or on payment of fine. Several are listed as "died". One received twenty lashes and was discharged forthwith. A few were released on an early type of work furlough or perhaps bondage - hired out to work for a local citizen or family member. A few were transferred for long-term commitment to the state penitentiary, probably San Quentin.

For all its security features, at least three inmates are listed as escaped. Given the structure of the jail,



they were probably low-risk offenders on trusty status who simply walked off. However, they are counted as escapes. With these exceptions, and at least until 1918, the jail did its job of preventing inmates from breaking out.

What about preventing the public from breaking in? This was a serious matter. It was the day of the Vigilantes who hanged criminals without trial and who changed the "Crime - Time" maxim to ready "Crime - Eternity" with themselves as agents. They first showed their pattern in Monterey at Colton's adobe jail when friends of an inmate broke in, gagged the jailer and strangled their former associate named William Otis Hall on August 10, 1851. Without stating how, the Jail Register records that Inmate No. 260, Santiago Indian, admitted March 18, 1856, on a charge of murder, was "found hung in the jail yard at 1 1/2 PM May 11, 1856." At the same time, six men, Inmates Nos. 274 through 279, admitted on April 13, no charge stated, were all "found hung in the jail yard at 1 1/2 PM on May 11, 1856." No explanation is given. Hence the assumption remains: Monterey Vigilantes broke into the jail and executed seven men in one day. Later that same year, Anastacio Garcia, a well-known outlaw, was arrested on October 27, and jailed as Inmate No. 313. Vigilantes broke into his cell and hanged him on February 16, 1857.<sup>17</sup>

A curious twist to these events occurred later in that year. Jose Anastasio Alviso was admitted to the jail on December 4, as Inmate No. 348, charged with murder. The Register states: "Hung on 12 Feb 1858 in conformity with sentence issued by Judge." Guinn elaborates that a hostile mob gathered outside the jail, whereupon a deputy sheriff hanged the subject before they could break in, declaring: "... in order to prevent the people taking the law into their own hands, if I had not hung him in all probability the citizens would." On hearing of this, the Governor rebuked the deputy: "You had no more authority to execute that man than you have to shoot your neighbor without provocation. You are a disgrace to the community in which you live." A legislative investigation followed but the outcome is not known.<sup>18</sup>

The year 1856 seems to have been a banner season for violent death on the streets of Monterey as well as in its jail. On June 8, there occurred the death of Lewis Belcher. This incident also involved the murder of nine other men plus the lynching of a tenth in a feud over the estate of the much-married widow of Jose Maria Sanchez, owner of vast properties in Monterey and Santa Clara counties. He had a cache of gold coins valued at some \$60,000. The murderer of Lewis Belcher was never discovered.<sup>19</sup>

Constituted law and order seemed to prevail more or less for about the next ten years. Then came this entry in the Jail Register: Jose Morales, Inmate No. 541, admitted November 23, 1867, on a charge of murder, released [sic.] May 27, 1868, "Sent to God on a rope". Where, by whom - we do not know but in view of the precedents, we are suspicious.

While some inmates continued to come into the jail on charges of murder and assault, most were less violent from 1868 on. Jail business drifted into routine procedures. The last official county inmate seems to have been one Miguel Soto, No. 660, age 38, admitted on 12 February 1872, on a charge of both petty and grand larceny. He was released ninety days later. In 1872, the county seat was moved to

Salinas. The Monterey jail became a city lock-up principally for petty offenders - some bothersome, some colorful.<sup>20</sup> With one dramatic exception, serious offenders were removed and confined in the county jail now in Salinas.

The one exception was Matt Tarpey. Guinn states that he was jailed in Monterey for murdering a highly respected woman in Watsonville. A large crowd seized the sheriff, broke into the jail at 4:30 PM on March 17, 1873, and hanged Tarpey "... a short distance from the Del Monte grounds" from an unstretched rope which sagged him down to his knees, where he died from strangulation. There was an inquest " ... but no arrests were made and thus ended an illegal execution that is today (1910) still well remembered."<sup>21</sup>

Throughout the 1870's and 1880's murder and mayhem continued throughout the Monterey Bay area but it seems not to have touched the jail. No one knows definitely because on July 7, 1893, a fire consumed all books, papers and local public records of the previous forty years and longer.<sup>22</sup> There was no Jail Register after 1872. If one was kept, it may have been destroyed in the fire, while the original form 1850 to 1872, was somehow preserved and now reposes in a safe of the Monterey Public Library with a copy in the Colton Hall Museum.

There is a further gap. No jail record is available after the fire in 1893. But from 1911 to 1968, police court records were maintained on all arrests. These show that serious offenders were transported to the county jail in Salinas. Minor offenders were confined in the Monterey jail until they were bailed out or paid their fines.

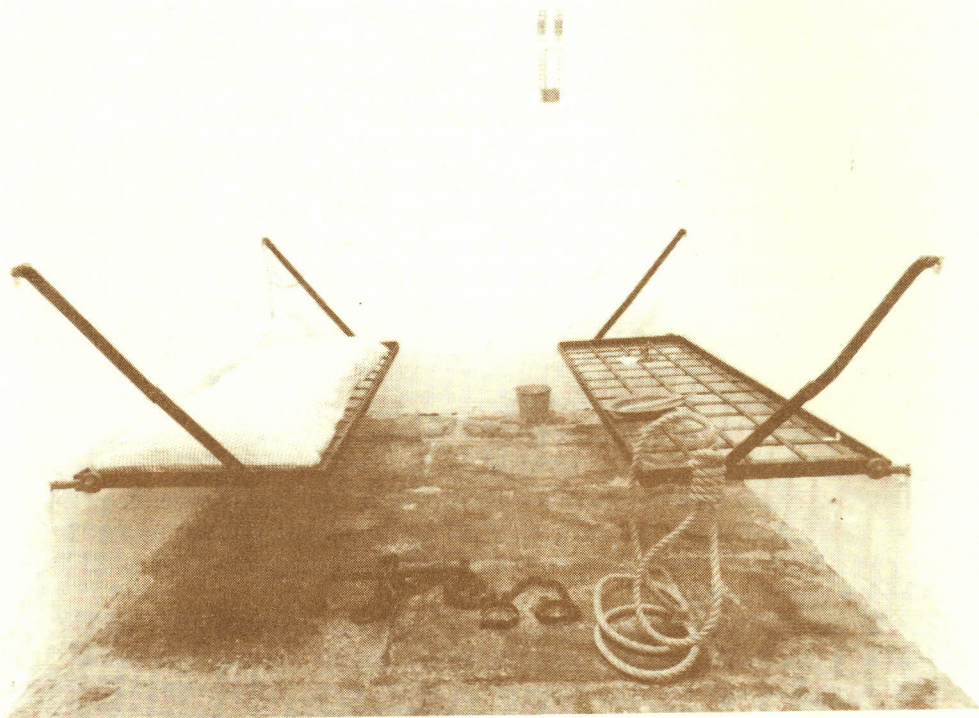
Standing practices like these were seriously challenged by an escape in 1918. Bonnie Gartshore reports that a man accused of uttering strong pro-German sentiments and being a spy at the peak of patriotic frenzy during World War I, had been lodged in the jail on May 28 prior to being turned over to the U.S. Marshal. The following morning it was discovered that he had escaped. He was never found and was believed to have fled to Mexico. Apparently he had been left alone and unguarded in the jail and was not confined in a close-custody cell. An outside accomplice forced open the wooden front door of the jail and released him. This incident fed local gossip that the granite jail was antiquated and that escapes were easy and frequent.<sup>23</sup> Apart from this one lapse in jail management, that belief does not seem wholly warranted.

The jail was inspected repeatedly by state authorities between 1933 and 1956. Finally it was condemned as a detention facility despite vigorous local protest. It was refurbished and has been open to the public as an historic attraction since 1960.<sup>24</sup> Visitors are welcome. Unlike inmates, they can come and go at will.

So ends this account of Monterey's effort to solve the "Crime - Time" equation with its major malefactors in bygone days. If this leaves the impression that life was far more tough and bloody then than now, all one has to do is read any current copy of The Herald. It will give one pause. But while violence and violent offenders have always been a menace, and while both today are an increasing hazard to ordered lives, another major element in crime is the horde of petty offenders - the drunks, prowlers, shop lifters, pickpockets, con artists, bad check writers, people who commit disturbances and public nuisances, fighters, forgers,

brawlers and other myriads of misdemeanants and scofflaws.

It is these offenders who crowd our jails today. There are fully as many of them in today's county and city jails as there are in all state prisons, correctional facilities and rehabilitation programs. This is the hidden side of the crime problem. It burdens law enforcement and defeats criminal justice. The violent offender is dramatic and terrifying. The minor offender is overlooked but overwhelming, persistent, and pervasive. Colton seems to have known this. We must learn it anew.



## FOOTNOTES

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10. The Works of Huber Howe Bancroft, History of California, Vol. V, pp. 288 ff., The History Company, San Francisco, 1886.
11. Rev. Walter Colton, U.S.N., Three Years in California, Stanford University Press edition, 1949. All references to and quotations from Colton's diary are cited by date in the text.
12. Ledger marked "Ingress and egress of funds through the Alcalde's office from 25 July 1846 with [sic.] 30 September 1848."
13. Jail Register, Monterey, 1850 and 1854, hand written. Note that this Register continues to 1872.
14. See the following: Colton p. 234; Hittell, pp. 480-483; Bancroft, Vol III, p. 183. Horses were so numerous in the early 19th century that thousands were slaughtered in Central California to preserve the grass for cattle.
15. E. Kimbro, WPA Research Project, Colton Hall History. See Also Proceedings, Monterey County Board of Supervisors, Vol. I, where it appears that the Court of Sessions first considered building a new jail as early as September 10, 1850.
16. Kimbro, loc. cit.
17. See also Guinn.
18. Guinn.
19. Guinn, op. cit., pp. 288-292
20. See John Steinbeck, quoted in Denise Sallee, The Old Monterey Jail, p. 10, Colton Hall Museum and Cultural Arts Commission, about 1990. Also, Historic Monterey, pamphlet, p. 11, Sequoia Communications, Santa Barbara, 1989.
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22. Monterey New Era, July 13, 1893, E. Kimbro, from The Monterey Peninsula Herald, no date given.
23. Bonnie Gartshore, article Alta Vista, The Herald, January 23, 1994. See Also, Monterey Daily Cypress, May 28 and 29, 1918.
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