

# REMINISCENCES

OF

FRANCIS J. LIPPITT

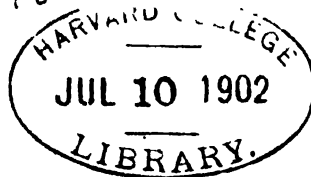
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WRITTEN FOR HIS FAMILY, HIS NEAR RELATIVES  
AND INTIMATE FRIENDS

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PROVIDENCE, R. I.  
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## CHAPTER I.

### CHILDHOOD.

I am a descendant of the Puritan, John Lippitt, who, in 1636, was a coadjutor of Roger Williams in establishing the first government of Rhode Island.

I was born in Providence on July 19, 1812, during the escape of the *Constitution* from a British fleet; an event which was greeted with joy only inferior to that caused by the capture of the *Guerriere* just one month afterward. My parents were Joseph F. and Caroline S. Lippitt (née Munro).

My earliest recollection is of being held up in the arms of my uncle in Providence to witness the grand illumination in celebration of peace in February, 1815. My next recollection is of being lifted up to see my mother in her coffin in April following. She had died of consumption. The next was my being snatched up in September of the same year by my colored nurse and carried by her, during the great September gale, to a neighbor's house, our own being apparently blown down. My father then went to Fayetteville, North Carolina, to establish a mercantile house there, and I never saw him afterward till I entered college, except on his occasional summer visits to the North. I was brought up by a maiden aunt (my father's sister) and my paternal grandfather and grandmother. The other member of the family was Aunt Russell, my grandmother's sister, who was born in 1748. My grandfather was born in 1752, and my grandmother in 1760 (before George III became King). Aunt Russell died in 1827, my grandmother in 1830, and my grandfather in 1833. My aunt died in 1866. During the Revolutionary war my grandmother and her sister were bitter Tories and remained so till their deaths, and my aunt always had the same sympathies. My grandmother could

never hear Washington's name mentioned without exclaiming "the Rebel!" When she was seventeen she sympathized deeply with General Burgoyne, who, on his way to Boston after Saratoga, was a guest in the house of a relative in Warwick. She used to watch him admiringly when he walked on the piazza. She described him as tall, rather slender, and dressed in black.

Most of my childhood's historical knowledge was given me in stories by Aunt Russell, who was well versed in the literature of those days. She was eleven years old in 1759, and often repeated to me the story of General Wolfe who, when dying on the field, hearing cries of "They run! They run!" asked "Who run?" When told it was the French, he murmured "Then I die happy." She repeated to me some verses made in that time, of which I remember only one line:

*"And the French learn'd to dance in the year fifty-nine."*

One of my first picture books contained portraits of all the Kings of England in the order of their reigns, which I have remembered to this day. I recollect that once, on coming to Oliver Cromwell, I took great delight in picking out his eyes.

When I was about seven years old (I may have been older, as I could handle a spade), I first heard of the earth being round, which I understood to be not as an orange, but as a pancake. I told a playmate about it, and assured him that China must be right under us. We two then entered into a conspiracy to dig down till we came to China. So, when no one was in sight, we dugged a big hole in the centre of our kitchen garden, and in two or three days we actually penetrated through a layer of clay and one of sand before we were discovered; and I cried with vexation when the hole was filled up just as we were expecting every moment to find ourselves among the Chinese. I had read in a picture book about the Eddystone Light House, and I told my playmate (though I knew better) that the light house down the river was it.

One of my uncles was a soldier in a military company, and whenever they paraded I never failed to accompany them.



From that time the military passion has "O'ershadowed all the rest." My favorite amusement was to shell an ear of corn and shut myself up in a garret room and arrange the kernels in line and in column, and in imitation of the manoeuvres I had seen practised by the company, one of which was street-firing, and others of my own invention.

Early in the 19th century slavery was abolished in Rhode Island, and the slaves belonging to us went and made a settlement in Warwick, afterward called "Lippittville," which, I am informed, is now renowned for its woolen manufactures. But three of them were too old to be moved, Aunt Jenny, Aunt Semanth and Uncle Cuff. The latter two always sat opposite each other in our immense kitchen fireplace, smoking their pipes. Of Aunt Semanth I have but a faint recollection. But I remember that she was very fond of green tea, which she never thought strong enough, and she used to say, "When I dwinky tea, I dwinky tea; when I dwinky water, I dwinky water." But I was afraid to go near Uncle Cuff. He was an African prince, blacker than Carter's black ink, with a mass of snow-white hair. He was said to be a hundred years old, which made him seem to me a very uncanny person. Aunt Jenny we buried in 1828.

When I was nine years old the West Point cadets, under Major Worth, came and encamped for two days on Smith's Hill. I made frequent visits to the camp, which for me was a sort of Paradise, and from that time the ambition of my life was to go to West Point; and when I was sent to college instead, it was my first bitter disappointment. In the meantime I took special interest in mathematics, and when twelve years old I had mastered several books of Euclid, made a quadrant with which to take angles, and once measured the height of a church steeple, and I could have run surveying lines had my school studies permitted.

My fourteenth year was spent in Alexandria, Virginia, with my uncle, who was Professor in the Episcopal Seminary there. He once had to go to Loudoun County to marry a couple, and

took me with him in a chaise. Before coming in sight of Bull Run he was telling me about a clergyman and his nephew who were drowned in attempting to cross it with a horse and chaise after it had been swollen by heavy rains. On our reaching the crest of a hill, lo and behold! there was the Run, full to its banks and rushing along with fearful velocity. After a few minutes' hesitation my uncle decided to risk the crossing, as we had a very strong horse. So we plunged in, and by keeping the horse's head up-stream while swimming we succeeded finally in reaching the further bank. On our return three or four days afterward we saw a good-sized tree which was entirely submerged on our first crossing, and the water was so low that a child could wade across.

Once one of the students took me to Washington to attend the President's levee on New Year's Day. All I remember about it is that I was introduced to the President—John Quincy Adams—whose hand was very large and icy cold.

I returned to Providence in June, 1827, before I had completed my fifteenth year. I had suffered for years from a weakness of which I was much ashamed, and which dated from the time when I began to sleep in a room by myself. I was so afraid in the dark that every night, the moment I had gotten into bed and blown out my candle, I shut my eyes and hurriedly put my head under the bedclothes and kept it there an indefinite time. I know not what I was afraid of, but it must have been of seeing something terrifying. But now, being about to enter college and assume the *toga virilis*, I determined to conquer this weakness for once and all. So, three nights in succession, on blowing out my candle I kept my eyes wide open and kept myself awake until the clock struck twelve. I then arose and made a journey into every room not occupied, from garret to cellar, feeling my way by the walls—my eyes all the time wide open—and then returned to my bed. The first journey cost me a great effort, the second was much less trying, and the third completed my triumph. From that time to this I have never once been afraid in the dark.

## CHAPTER II.

## YOUTH.

I entered Brown University as a sophomore, after a rigorous examination, on completing my fifteenth year. In that year I had an excellent opportunity to learn Spanish. The Conde de las Casas, of Old Castile, in Spain, had taken part in a Republican insurrection, on the suppression of which his estates were confiscated and he had to flee for his life. He supported himself by teaching Spanish—of course the pure Castilian. A few years afterward he appeared in Providence, bringing very satisfactory letters. He soon had a private class of four, of which I was a member. He was a most conscientious teacher, and in a few months' course I obtained a thorough grammatical knowledge of the language.

As to French; I remember that when quite a child I had a private teacher who carried me through Perrin's Grammar for Children; that when I entered college I could read it with ease, though I cannot now recall through what books I had been perfecting myself; that we had French in college for three years; that on graduating I taught its elements successfully for a year, and that after taking a quarter's private lessons before going abroad I had sufficient knowledge of the language to enable me to write it with tolerable correctness.

At the beginning of my junior year, when I was sixteen, my father, then a prosperous merchant in Providence, was ruined by the unexpected and total failure of a Southern firm whose paper he had endorsed. From that time I have had to be self-supporting. To help me meet my college bills I was glad to be employed in the long winter vacation as a teacher of a country school some twelve miles from Providence. The prospect was not very inviting, as the people of the district were said to be not over civilized, and the pupils of the school next adjoining had lately risen in rebellion and had banished

the teacher from the district after inflicting on him a personal chastisement. Like Ichabod Crane, I had to "board 'round," staying at each place the number of days corresponding to the number of pupils sent from it. Some of the places were quite distant from the school house, my last one being some two miles off. School hours were from 9 A. M. to 12 and from 2 to 5 P. M. From 12 to 2 I had to go to my dinner and return. I counted twenty-five scholars of both sexes, of all ages, sizes, and colors. The oldest was a young man of twenty-five. During the first six weeks I got along quite smoothly, having only occasionally to tingle a boy's hand for disorderly behavior by a few strokes of my ruler. Then a big boy of eighteen was guilty of insubordination and insolence. I called him up to receive punishment. When he came up I ordered him to hold out his hand. He persistently refused to do so. I was no match for him physically, and the result of a tussle was not at all dubious. (Every boy born into this world should be made to learn the art of self-defence, at least with the weapons God has given him. Skill is usually more than a match for mere size or strength.) So I sent him home to tell his father (one of the three school committee men) that if he did not come the next morning and receive his punishment I should expel him from the school. The next morning he did not make his appearance. The family at my dining place cautioned me to "look out," that "there was going to be trouble for me in the school." So on my way to the school I espied a tree from which I could and did cut a straight stick and make of it a knotty club an inch or more thick, which I carried with me to the school. On returning after the noon recess I had invariably found the boys and girls playing and shouting about the school house, but now not one was to be seen. On entering the school I found all the scholars seated in dead silence. Evidently something serious was expected to come off. On reaching my desk, before sitting down, I deliberately placed my club upon it. It had the moral effect I had expected. It was plainly seen that if anybody should begin a row somebody might get

badly hurt, and the afternoon session was completed in perfect quiet.

That evening I received a note from the School Committee announcing that they had no further need of my services.

In my senior year, during the long winter vacation, I was Latin instructor in the Framingham Academy.

In college my favorite studies were conic sections, chemistry, Reid on the Mind (the clearest of all writers on the subject) and Rawle on the Constitution, for which I was well prepared by having read with deep interest *The Federalist*. For my experiments in chemistry I fitted up a small laboratory, where I came near losing my eyesight by an unexpected explosion of a glass decanter which reduced it almost to a powder. In my Sophomore year I fairly devoured Plutarch's *Lives*; it was my favorite reading.

The day after my graduation I started for Culpeper County, Virginia, where for a year I was tutor in a planter's family. Then I was engaged for a year as tutor in the family of Colonel X., in Fairfax County, whose plantation was named Chantilly, the same Chantilly where was afterward fought the battle in which we lost General Phil. Kearney and General Isaac Stevens. In about three months I resented certain language addressed to me by Colonel X., by throwing up my position.

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### CHAPTER III.

#### ON THE FRIGATE CONSTELLATION.

For some weeks afterward I was the guest of my uncle at the Episcopal Seminary in Alexandria. Learning that the United States frigate *Constellation* was preparing to sail on a three years' cruise up the Mediterranean, I made application to the Secretary of the Navy for the appointment of "school-master" on board. My application was finally successful, thanks to a letter addressed to the Secretary by the valedictorian of my class, George I. Chase, tutor in a Maine college, and

afterward the well-known professor at Brown, speaking in the highest terms of my proficiency in mathematical studies.

But before receiving my orders to join the ship I had some experiences in Washington perhaps worth recording. I attended several sessions of the United States Senate, and even now I have so clear and vivid a recollection of certain personages that, were I an artist, I could paint their portraits. The stately Vice-President John C. Calhoun in the chair, Henry Clay, Daniel Webster, graceful and attractive Robert Y. Hayne, and the eccentric John Randolph, of Roanoke, in his drab overcoat with its many capes and a red handkerchief round his neck. I heard Mr. Clay's famous speech on the Public Lands, which occupied two days. Like everybody else, I was completely carried away by his eloquence, in spite of his tall and ungainly form, and a mouth stretching almost from ear to ear. But these defects were amply redeemed by his silver voice with its trumpet tones, his flashing eye, his imposing gesticulation, and in fine by his overpowering personal magnetism. And now I must add that many years afterward I read that speech, and, to my astonishment, I could find little or no trace of those sentences which had seemed to come from a demigod. This reminds one of the answer of Demosthenes when asked what was the first requisite of an orator. "Delivery;" the second, "Delivery;" the third, "Delivery."

Edmund Randolph was the author of the exact language of the Federal Constitution, and was President Washington's first Attorney-General. One day while I stood on the steps of the Capitol, my uncle pointed him out to me. He was a large and portly man, a splendid specimen of a Virginia gentleman of the old school; tall, of a robust frame, looking not to be older than fifty, and clad in a blue coat with brass buttons.

In Washington I met Mrs. Commodore Stewart, wife of the captor in the Constitution of the Cyane and Levant in the war of 1812. I visited her often. Her daughter Delia was a beautiful girl of seventeen, and used to play for me German music, to which I was then a stranger. She was so modest and timid

that she hardly spoke above her breath. As the mother of Parnell, the Irish patriot, she has had more than once to speak before thousands.

On New Year's Day Mrs. Stewart took me to the White House and introduced me to the President, General Andrew Jackson. Contrary to my expectation, I found him to be a man of an elegant figure, whose manners were a model of graceful courtesy. I saw this particularly displayed when he stooped down and took up a little three-year-old girl in his arms, introduced to him by her mother, and kissed her.

On leaving Washington to join the *Constellation* at Gosport, I found on board the steamer the brilliant Mrs. Thomas (née Colston), a niece of Chief Justice Marshall. She was an old friend of my family, and her boy Raleigh was my school-mate. Her uncle was on board and she introduced me to him and I had the pleasure of talking with him the whole way down the river. I recognized in him his well-known characteristics—a kindly nature and perfect simplicity of manner.

My duty as "schoolmaster" was to teach the midshipmen Navigation, or, more correctly speaking, the mathematics of Navigation. I belonged to the cockpit mess. My messmates were Passed Midshipman (afterward Rear Admiral) Turner, the two assistant surgeons (called by sailors "doctor's mates") and the captain's clerk. The ship's crew numbered over 600 men. She carried 46 guns—long 18s on the main deck and 32-pound carronades on the spar deck. Her main deck battery was presented to her by the British Admiralty as a compliment for her capture of the French frigate *L'Insurgente* during our *quasi* war with France in 1798. My school room was the space between the two starboard aft guns on the main deck, shut in by a canvas curtain. Two of my pupils were Rear Admirals Millaney and Fabius M. Stanley, on their first cruise.

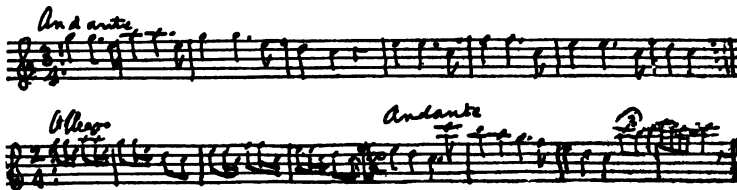
We lay for six weeks off Craney Island, and then set sail under sealed orders, to be opened on our arriving at a certain latitude and longitude. For the first two weeks I was deadly seasick. There is one thing which I dislike to recall—those

Sundays when all hands were called "to witness punishment," which was always administered by the cruel cat o' nine tails, up to twelve strokes of which the captain was authorized by law to inflict without a court martial. Our commander was Captain George C. Read, who was one of the Decatur's lieutenants on the United States when she captured the Macedonian.

The first order published was one assigning the posts of every officer and man in time of action. The purser was assigned to the command of the 5th or berthdeck division, including the fore and aft magazines, the schoolmaster being second in command. At "general quarters" I had to call the roll and report to the purser, who reported to the captain on deck, "The division ready for action." In my greenhorn ignorance I had the audacity to complain to the captain at being posted in action on the berthdeck instead of the spardeck. He told me that none of the "idlers" were so posted. "Am I an idler, Captain?" "Sir," he answered very kindly, "I am the chief idler in this ship." I afterward learned that all those who had no watch to keep were called "idlers."

When at "general quarters" boarders were called away all the sailor boarders seized their cutlasses ("cutlashes" as sailors call them) and rushed on deck into the forecastle gangway, where our heavily built second lieutenant was ready to lead them. The sight was quite amusing.

The "beat to quarters" was played by fifes and drums, and the moment it ended every man had to answer to his name. The tune was the same in both the American and British ships.





Think of the Constitution and the Guerriere playing the same tune just before engaging in mortal combat!

As a greenhorn I had, of course, to undergo my share of practical jokes. I recall one of them. On opening our sealed orders our destination was found to be the Portuguese Azore Islands, where, it was supposed, we might have to break up a blockade by a Portuguese man of war. So when one of the middies came down from the deck exclaiming, "A Portuguese man of war in sight!" I rushed up to see her. "Where, where?" I cried. I was pointed to something floating on the waves. It was a Nautilus, called by sailors "Portuguese man o' war."

On arriving at Terceira we had to anchor two or three miles from shore, inside of a line of breakers only a mile or so to leeward. The weather was calm, and Captain and Mrs. Read were rowed ashore to see the place. Soon after they landed a tremendous gale suddenly came up from the northwest, and the ship was evidently beginning to be drifted toward the breakers. The captain and his wife were seen hurriedly embarking on board of their boat, which was furiously rowed in its efforts to rejoin the ship. Meantime a heavy swell had commenced, which often hid the boat from view. We could not cut our cable and run, leaving the captain and his wife behind, so all of us on the quarterdeck manned the capstan bars in order to bring the anchor home on their nearing the ship. It was a critical moment, as we were fact approaching the breakers. I saw one or two old sailors on their knees. The chaplain came up to my messmate Turner—*soi disant* "the Pelham of the Navy"—whose hands were brown with iron rust (he was master's mate of the gundeck), saying, "Mr. Turner, can I do anything for you in this awful moment?" Turner answered, "Have the goodness to turn up my shirt collar for me." We strove with all our might to bring the anchor home, but for some time it was in vain. It had evidently caught on the rocks. After what seemed to be a long struggle it suddenly began to come home. It came up a mere stem, both flukes having been

broken off by the rocks. The captain and his wife got on board just in time to enable us to clear the breakers, and then the gale blew us to Madeira in 48 hours.

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## CHAPTER IV.

### MADEIRA.

I here copy from my lecture of 1896 before the Naval War College. The statement of facts was necessary in order to illustrate a principle in the law of blockade.

Many years ago Dom Pedro, King of Portugal, on becoming Emperor of Brazil, left his daughter, Dona Maria, then Queen, under the guardianship of his brother, Dom Miguel, whom he appointed Regent during his daughter's minority, but who soon afterward usurped the crown and became *de facto* King of Portugal. Thereupon Dom Pedro rushed back from Brazil to reinstate his daughter in her rights. Both England and France, covertly at least, favored his undertaking—England, by permitting an English brigade under General Hodges—France, by allowing a French legion under the Vicomte de Saint Leger, to join the Emperor at Oporto, then held by the Miguelistas, to which place he was laying siege. (These last particulars I afterward learned from Lafayette.) Madeira also remained faithful to Dom Miguel, and Funchal was then blockaded by Dom Pedro's squadron of a frigate and two brigs of war, under command of Admiral Sartorius (then post captain in the British Navy). The British frigate Stag, Captain Sir Thomas Trowbridge, was lying in the harbor, and evidently recognizing the blockade, since he had quietly allowed British ships to be sent away by the blockading squadron. At this juncture dropped anchor in the harbor the United States frigate Constellation, Captain George C. Read, carrying 46 guns and over 600 men. Her orders were to break up the blockade in respect to American ships, several of which had been ordered off, but kept cruising off and on, watching for a chance to slip through the blockade. On our anchoring, the purser had gone ashore for provisions, leaving me (I was then a boy of 19) in command of the fifth or berthdeck division, including the fore and aft magazines. In a few minutes there appeared on the horizon a ship carrying the American flag and making straight for us under full sail. Instantly one of the two

brigs, sailing toward her to head her off, ordered her to stop by a shot across her bow, and shortly after by a second shot, to neither of which warnings did the ship pay attention, continuing straight on her course. The moment the first shot was fired we beat to quarters, tom-pions removed, irons heated (the firing matches of those days) and the ship cleared for action. At the same time the first lieutenant was sent on board the frigate with a message to the admiral that if he again molested an American ship we should sink him. In an hour or so he returned, his mission having evidently been successful, for no further attempt was made to stop the ship, and during the month we remained there several other ships, both English and American, which had been turned away, were allowed to enter the harbor unchallenged.

Repeatedly while we were lying in the harbor there were exchanges of shots between the blockading squadron and the works on shore. On one of these occasions one of the brigs took a position which brought us directly in her line of fire, and when a shot from her came rushing along just forward of our mainmast, and pretty low down at that, you can easily imagine the rage of Captain Read when he sent on board of her a message asking what—the—H—ades—they meant. Of course, "it was an accident, etc.," and ample apologies were made. But the squadron, in this little slap in Uncle Sam's face, took its revenge perhaps for our breaking up its blockade.

We lay a month at Funchal. I went ashore several times with the Captain and Mrs. Read and two or three of our officers to visit in a convent the beautiful and unfortunate nun Clementina. This was so long ago that her romantic story has now become "ancient history," so I will say no more about it.

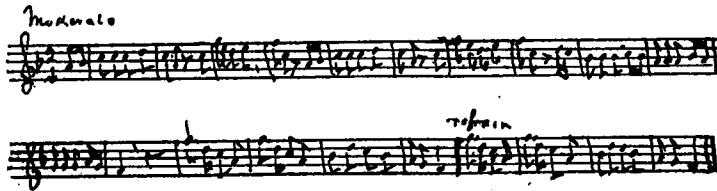
My next trip ashore was for the purpose of ascending the mountain, said to be 3,000 feet high. I had seen ashore some very small oranges, hardly larger than English walnuts, which were eaten skin and all and were very nice, and I determined to lay in a supply of them before beginning the ascent. I was advised to buy them with the smallest copper coin I could find. This was worth about half a cent. At the market place where I had engaged a donkey and its driver, I called to an old woman at a fruit stand to bring me this coin's worth of oranges.

After bringing me four pockets full she wanted to fill my hat, but this offer I had to decline.

When high up the mountain we passed through a fog which was probably a quarter of a mile thick. This was a cloud, and it recalled to me the wonderful story told to me by my father when I was a little boy—that he had washed his hands in the clouds. When a young man he was stationed six months at Madeira on some mercantile business. On arriving near the top, the clouds rolling at a great distance below us, a brig was discernible firing at a ship. We could see the smoke, but no report was audible. The donkey driver assured me that the brig was at least forty miles off. But perhaps this was a gross exaggeration.

The descent was quite peculiar. It was made at a hard gallop, kept up by the driver, who was holding on to the donkey's tail, by occasional blows with his stick, over very rough ground—stones, gullies and steep places—but I did not feel at all nervous, as I had been assured beforehand that both driver and donkey were perfectly reliable.

In my last visit ashore I entered a public square, where were assembled a great crowd of men, women, and children listening to a young man standing on a cask, who, in a fine tenor voice, was singing a long string of Miguelista verses, each one ending with a refrain in which the crowd delightedly joined. Not knowing the language I could not catch the words, but this was the melody:



## CHAPTER V.

## FROM MADEIRA TO MINORCA.

From Funchal we sailed to Lisbon, where we stayed ten days, anchored in the beautiful Tagus, between a British squadron and a Portuguese one, which was daily firing its big guns to accustom the men to the smell of powder. Don Miguel, the usurping King, sailed round us in his splendid yacht, gilt from stem to stern and from the bulwarks down to the water line. I had a glimpse of him through a glass—a handsome man of about twenty-five, with a very florid complexion.

The day after we anchored I was standing in the starboard gangway, absorbed in looking at the city, when suddenly I felt myself felled to the deck and lying on my back, stunned. I soon became conscious that a great weight was holding me down. Of course I shouted for help, and presently I was drawn out by some sailors. The frigate's main topsail (weighing at least 10,000 pounds) had fallen upon me. Interested in the scenery, I had not heard the order "Stand from under!"

At Lisbon I went ashore twice, once to visit the famous Ajuda palace with its royal tapestries, and again to see the wrecked remains of buildings just as they were left standing by the great earthquake of 1755.

It was at Lisbon that I heard of the war between Dom Pedro and his brother, and that Dom Pedro was then besieging Oporto.

From Lisbon we sailed to Gibraltar. A head wind compelled us to beat up the strait. Africa was on our right and Spain on our left. On our port tacks we seemed to be so near to Africa that I felt sure I could hit it with a stone, but we were more than a quarter of a mile from it.

On anchoring at Gibraltar we were visited by Hill, Blodgett & Co., in the person of the surviving member, Samuel C. Blodgett, my father's cousin, who remembered me as a child. Our stay was to be for only twenty-four hours, and he insisted on Captain and Mrs. Read and all the officers (naturally my-

self included) dining with him at 5 P. M. Across the strait we could see the Spanish city Ceuta; also Tangiers, a Mahometan city whose walls and minarets I plainly saw through a glass. A blue mountain range to the southward, low down in the horizon, was Mount Atlas, said to be 150 miles from us. I went ashore by myself so as to have time to visit the famous St. Michael's cave, two-thirds of the way to the top of the rock, where I hoped to see one of the monkeys believed to come over at certain periods from Africa, passing, of course, under the Mediterranean. It was a very long and hot climb. I entered and penetrated through several apartments, one of which was just like the interior of an immense cathedral, full of magnificent stalagmites and stalactites, resembling lofty pillars and statues. Not a monkey did I see, and I had to hurry out to be in time for the dinner.

In the drawing room I was introduced to a young Spanish señorita and a señorito. I said to the young lady "Ha sido vm. en Malaga?" She did not understand me and the young man repeated to her "Ha estado vm. en Malaga?" She answered "No." For the moment I had forgotten the distinction between the verbs *Saber* and *Estar*, both meaning *To be*.

On leaving Gibraltar Cousin Sam Blodgett gave me two or three introductory letters to ports in the Mediterranean, one of which was to the American Consul at Marseilles. We stopped one day at Malaga. Off the Cape de Gat we were becalmed in a broiling sun about two weeks. To the north of us the Sierra Nevada was visible 150 miles away. Finally we arrived at Port Mahon, in the Spanish island Minorca. The entrance was through a long, narrow, and crooked inlet, and all of a sudden you enter into a magnificent harbor, large enough perhaps to contain all the navies of the world. We lay there four weeks. The Brandywine was there also. I went ashore once, and strolling into the country came across one of those mysterious, prehistoric erections called dolmens—an immense oblong flat stone supported on a column some eight feet high. Opinions differ as to what they were used for.

After leaving Lisbon I had been gradually making up my mind to get my discharge at the first port at which we should arrive, in order to go to Paris and obtain a commission in Dom Pedro's army, then fighting at Oporto. I expected to do this through the influence of Lafayette, who in his youth was on terms of intimacy with the Bowen family, from which I am descended. I felt I had a right to demand it, because my school was evidently going to be a failure through the whole cruise. Both the captain and the first lieutenant were decidedly opposed to having a schoolmaster on board. At the very beginning the first lieutenant had refused to make the customary arrangements for a school room, and during the whole voyage was constantly sending for midshipmen whom he knew to be in attendance at the school. And on complaining of this to the captain he declined to interfere. This was not all. My weekly reports to him of absences and deficiencies he never took any notice of. The natural result was that my pupils came or stayed away and studied or neglected their lessons just as it suited them. So, on arriving, I asked for my discharge in writing. It was refused me. I renewed my application two or three times. I had made up my mind that I was doomed to complete the cruise, when just as we were weighing anchor for Naples the captain sent for me and gave me my discharge, saying, "I want no dissatisfied man on my ship." (*Par parenthèse* let me say that months afterward, accidentally meeting him in Paris, he came forward to greet me in the most cordial manner.) As the ship was actually under sail I had not a moment to lose. I had to hunt up the ship's tailor (a sailor) to have the navy buttons taken off my coat and others substituted. The ship was in full sail before I could get ashore in a bumboat. I took a room at once in a hotel.

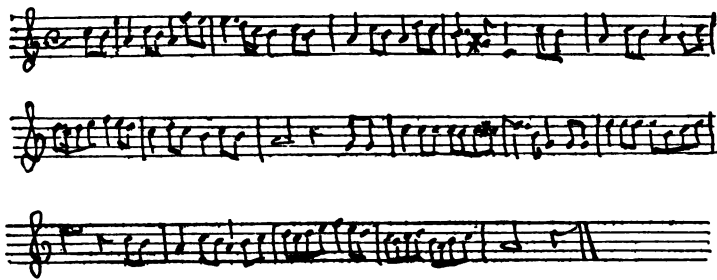
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## CHAPTER VI.

### FROM MINORCA TO PARIS.

My expectation was to take passage on a vessel bound to Marseilles; but unfortunately it was the great cholera season

in Paris, and by a royal decree no communication was allowed between France and any Spanish port. After waiting four weeks at Port Mahon I resolved to take my chances in an attempt to enter France by the way of Spain, and embarked on a felucca for Barcelona, having 52 passengers, men, women, and children, with no cabin. Lieutenant Upshur, from the *Brandywine*, was my fellow passenger. What made our four days' voyage in intensely hot weather somewhat endurable were the numerous guitars and melodious voices chanting a variety of graceful Spanish airs. The melody of the only one I remember was as follows :



We arrived at Barcelona at 5 P. M., just in time to see the Custom House closed, compelling us to wait until the next morning before we could land. The question was whether any of us had the cholera, and this was settled at 9 A. M. by the port surgeon, who, standing on the starboard ladder, felt the pulse of every one of us in succession, making us show our tongues. But we all passed muster.

My fellow traveler and I went to one of the principal hotels, where we stayed two days, when Lieutenant Upshur started for Madrid and I for France. We had two choice rooms, an excellent private table, a pint of delicious Catalonian table wine at dinner, and a tall servant waiting on us at meals. We also had a guide to show us about the city. And our entire bill was two dollars each !



Soon after leaving Barcelona we learned that the diligence which preceded us by 12 hours had been stopped by brigands, the passengers tied to trees, their luggage plundered, and worst of all, the conductor, a boy of 16, had been cut in pieces. On his testimony one of the band had been tried and executed for murder, and this was their first opportunity of wreaking their vengeance on him. I had my pistol in my pocket and it looked as if I might have to use it. Of the three compartments of the diligence I occupied the middle one. There were no other passengers than a poor looking woman in the compartment in front of me, and a boy in the rear one. At dusk we began the ascent of a long but not steep hill. On our left a gloomy forest of cork trees—on our right an extensive plain, with no dwelling in sight.

I was beginning to doze when I was suddenly roused by a loud shout of "Alto!" Looking out I saw about two yards in front of me a tall, powerful-looking brigand, whose appearance and costume I cannot better describe than by stating it to be a facsimile of the robber on the stage in "Fra Diavolo." Stuck in his belt were pistols and a knife, and a carbine at his shoulder was levelled at the conductor. As quick as thought my pistol was out of my pocket and aimed at his head. His side face was turned toward me, so that he did not see me. Just as I was about to pull the trigger he burst into a laugh, lowered his carbine, and sprang up and took his seat by the conductor. After riding a mile or so with us he jumped off and plunged into the forest. He was evidently a friend of the conductor, who probably was one of his band. (It) Catalonia it was said to be not uncommon to recognize in the brigand chief with his pistol at your breast your landlord of a month before.

On arriving at Figueras I hunted for a wagoner to take me and my trunk to the French frontier. When about giving up in despair I found one who agreed to do it for three dollars, a very large sum, no doubt to him in such a place, and in those days. He deemed it to be a very risky undertaking, inasmuch as on the heights of the Pyrenees was a *cordon militaire*,—

sentinels ordered to arrest anyone attempting to pass from France into Spain or from Spain into France. We often had to leave the direct road (where we were visible to them) at a gallop and plunge into by-ways where we could not be seen. On arriving at about 200 yards from the French Custom House, my driver threw my trunk into the road, and on my jumping off, drove away at a full gallop. I walked forward to the Custom House and got two *douaniers* (Custom House soldiers) to take my trunk into France. A few hours afterward a passing diligence took me to Perpignan.

But by this time I was nearly penniless, owing to my unexpected delay of four weeks at Port Mahon, and at Perpignan I had just enough left to take me to Marseilles, where I hoped that Hill, Blodgett & Co.'s letter to the American Consul would enable me to borrow from him enough to carry me to Paris, 600 miles off. On arriving I called on him and presented my letter. He received me very politely and invited me to dinner. I then reluctantly explained to him that I was on my way to Paris, that my funds were unexpectedly exhausted, and that I would like to borrow of him enough to enable me to reach there. The expression of his face suddenly changed (and no wonder). With a frown he drily observed that the letter said nothing about advancing money. I could not blame him for his refusal, for I had no right to expect him to comply with my request. So I bowed myself out, and I knew of course that he would not expect me to dinner.

One resource was left me; an overcoat and a suit of clothes, neither of which I had ever worn, were in my trunk. I rushed with them to the Ghetto, the Jews' quarter. They were worth at least \$70 or \$80, but after trying a dozen or more places the highest offer I could get was thirty francs (\$6), which I had to accept. On thinking it over I calculated that I could walk to Paris—distant 600 miles—at the rate of 30 miles a day, in 20 days, and allowing one franc a day for food and lodging. I had change enough to pay my little bill at Marseilles, and had

my trunk taken to Les Messageries, to be forwarded to me in Paris.

And now it is due to truth to tell how a ridiculously foolish act brought on me a great mortification.

I started at daylight, with a pack on my back containing a change of underwear, my papers, my pistol, my flute, and a quart bottle. From the first tree I came to I cut a walking stick. I walked my thirty miles a day for five days. Every day 10 sous bought me a roll of bread; my night's lodging never cost me but ten sous, and for two sous my quart bottle was filled with St. Julien wine. Two or three times, when in the evening I had played some airs on my flute the cottagers were so delighted that they would not let me pay for supper or lodging.

But alas! On leaving Marseilles I had put on my dancing pumps instead of my boots (!), thinking they would be more comfortable to walk in on the hot and sandy road along the Rhone. So that after two days the soles of my pumps were nearly worn through, and my feet had become blistered and hurt so terribly that at the end of five days I could not bear to put them to the ground; and at a little place called Vienne I was obliged to take a seat in a diligence for Lyons, where I arrived without a sou.

I will now go back to the second day of my walk from Marseilles, to record an experience rather peculiar. I append my account of it as given in a lecture before the Naval War College in July, 1896. It was indirectly connected with a point in international law.

In the attempt of the Duchess of Berry to place her son on the throne, one of her most zealous adherents was the young Vicomte de Kergolay, who accompanied her in disguise on her landing. For some time afterward there was a standing order from Paris addressed to all the police authorities and magistrates in the south of France to arrest him, accompanied by a statement of his age and full description of his person. One fine morning I was quietly trudging along the left bank of the Rhone, with my stick in hand and a pack on my back, when

suddenly I heard a horse galloping behind me. The gendarme who rode him shouted to me to stop, which I did. On reaching me he demanded my passport, which I cheerfully gave him, knowing that it had been visé at Marseilles. Looking at me as he read it he said, "You are my prisoner." So, willy nilly, I had to walk by the side of his horse some three miles to the nearest town, where I was taken to a sort of court room. In a few minutes the Mayor and two magistrates came in and took their seats. I was made to stand up before them while they scrutinized my features, comparing them one by one with the description in my passport. I was required to state my age, where I was born, my occupation, how and when I came into France, my object in coming, etc., etc. After a prolonged deliberation they seemed satisfied that I was not the man they wanted, and I was allowed to depart. What it all meant I hadn't the slightest idea. But some time afterward I learned in Paris that I was suspected of being the Vicomte de Kergolay, being of the same age, the same height, and with the same features and complexion. But what was still more suspicious, I spoke French with a decided English accent. For in describing the young De Kergolay, it was particularly mentioned that he had been at school in England for several years, and that, the better to conceal his identity, he tried to speak French like an Englishman.

The state of things on my arrival at Lyons was so unpleasant that I find that I have banished some of the particulars from my memory. I take it for granted that I called on the American Consul and told him that I needed help to get me to Paris, and that thereupon he took me to some mercantile firm having business connections with America. All I remember is that a member of the firm, on learning that Captain Joseph Munro, who was educated in France and whom he knew, was my uncle, advanced enough money to carry me to Paris, where I arrived with just one sou in my pocket.

I don't believe in special providences, but I do think that my guardian angel, if I have one, had a hand in extricating me from that slough of despond.

## CHAPTER VII.

## PARIS—LA GRANGE—THE THAYERS.

The diligence landed me in La Place des Victoires. I was very hungry, for I had eaten nothing for twenty-four hours, and was impatient to exchange my one sou for a roll. I stopped at a number of fruit stands, but the price of the smallest roll was two sous. At last, at a street corner in the Rue Montmartre (I could go now to the very spot) the old woman who kept the stand, like all the rest, held her smallest rolls at two sous. I told her that I had but one sou, that I had eaten nothing for twenty-four hours, and was very hungry. With a look of pity she said "Prenez, pauvre enfant!" And that was my first meal in Paris.

I then found my way to a Mont de Piété, where I borrowed ten francs on my pistol. Then I crossed the river in quest of a lodging. I found one at the Hotel Voltaire, on the Quai Voltaire. I told the elderly woman who rented the rooms that I wanted only one small room in her garret; that I had no money, but would pay her as soon as I could find employment, which I hoped would be very soon. She was glad to receive me on that condition. She had lost her mother and her sister (I think she said) and some of her lodgers by cholera. (At that time the deaths from cholera in Paris were reported at about 1,200 every day on the average). A few days after this an infirm old Englishman who could speak no French, for whom I had to act as interpreter and who occupied the room under mine, was seized with cholera before daylight. A young American medical student, a fellow lodger, got a hack, in which we drove him to the great Hôpital de la Charité. I stayed with him until he died, which was at three in the afternoon.

The next thing to do was to call on a stocking weaver named Damée, who lived in the Rue Tournon, close to the Luxembourg. His nephew was the captain's chief cook on the Constellation, who had run away from him when a boy, and had asked me to see his uncle and report him as alive and as to his

position. I told him my story and he took quite an interest in me. I asked him if he knew of any school where I could be employed as teacher of English. "Yes," he did. He knew the Director of the Ecole Boniface, and would take me to him the next day. But, looking at the forlorn condition of my feet he insisted on giving me a pair of shoes and stockings. (He would never allow me to pay for them, but afterward I had the pleasure of giving his daughter several months' lessons in English.) When we called the next day on the Director I stated that I was a college graduate. He asked me for my diploma, but unfortunately I had somehow lost it in my walk from Marseilles,—and this ended the interview.

Meanwhile my trunk had arrived from Marseilles, which enabled me to put on a clean shirt. I was now slightly in funds, having pawned my flute at a Mont de Piété for ten francs (less than the value of the silver keys). I then prepared to go to La Grange and interview Lafayette and ask from him a letter to the Brazilian ambassador. I never intended nor dreamed of meeting any of his family, for obviously I was in no condition to do so. Of my coat buttons—put on in haste by the sailor tailor—two were wanting, and the others, of brass, were fearfully tarnished. My shirt being found not to be in presentable condition, I had to keep my coat buttoned up to my throat. My shoes were of the coarsest kind and much too large for me, and the ensemble of my appearance was that of a needy young tramp.

The train stopped at Rocroi, about 30 miles from Paris, and it was a 3-mile walk from there to La Grange. On my asking the innkeeper which road I should take, a very respectable man dressed in black asked if I were an American. On hearing that I was, he said he was going there himself and would take me in his cabriolet. Of course I at once accepted his invitation. On arriving at the chateau I found that he belonged to its domestic service, probably as a butler. Crossing the drawbridge we entered on a paved court, from which there was a broad stone staircase leading to the first story, at the foot of

which were two six-pounders captured by "the General," as the butler told me, at the siege of Yorktown. We ascended the steps and he led me into a room. I instructed him to say to the general that I desired of him only a short interview. He soon returned and ushered me into the library, where the general was seated, introducing me as "an American." The general rose at once and, coming forward, greeted me most cordially. On taking my seat I said that I had come to ask of him a great favor, after telling him who I was. His face brightened up and he asked if Miss Mary Bowen was still living and how she was. When I told him that "Aunt Polly," as I had been brought up to call her, was well, but had entirely lost her memory, his face became very sad and he heaved a deep sigh. (Miss Mary Bowen was the eldest of six daughters, and the beauty of the family, and the tradition is that she was Lafayette's favorite.)

After a silence of a few moments I ventured to tell him the object of my visit, adding that I would not trouble him now to write to the Brazilian ambassador, but would be very grateful to him if he would send his letter to me when his convenience permitted. I then rose to take leave of him, telling him that I must take the next train from Rocroi. He said he would not hear of such a thing, and that I must stay to dinner. I tried very hard to beg off, telling him that I had not come prepared to meet any human being but himself, but he would not listen to any excuses. Seeing that I was "in for it," I determined to be brave and to put the best face I could on the matter.

Just then walked in the Comte de Lasteyrie, his son-in-law, to whom he introduced me. He had come to speak to the general on a special matter. After he withdrew came in his wife, the general's second daughter, petite and a decided blonde. On her leaving the general told me that the moment I obtained the commission I must notify him, and he would give me a letter to his grandson, young de Lasteyrie, who was on the Emperor's staff; also a letter to the Vicomte de Saint Leger, commanding the French legion, and to General Hodges, command-

ing the English brigade; and "he flattered himself that they would do me good." (I had before been informed that Dom Pedro had been his guest for two months.)

Knowing that Lafayette was a friend of Colonel Christopher Greene, the hero of Red Bank, I told him that he was my great uncle by marriage. He spoke of him in the highest terms and gave me some particulars I had never before heard of his massacre in 1780 on the Neutral Ground by a party of British soldiers sent to capture him with his companion, Major Flagg. The two were hunting and had lain down in a deserted hut to sleep, Prince, Colonel Greene's black servant, being with them. At daylight Prince heard footsteps coming, but before he could arouse the two sleepers the soldiers came in, their officer demanding their surrender, which they refused, and before they could rise from the ground they were both pinned to the earth by bayonets; the faithful Prince, throwing himself on his master, was bayoneted also.

Speaking of Colonel Christopher Lippitt, Lafayette said he knew him well and that he was an excellent officer.

Dinner being announced, the general led me to the salon, where he introduced me to his eldest daughter, La Marquise de Maubourg, and to his two granddaughters, Mesdemoiselles de Maubourg and de Lasteyrie. The latter, like her mother, was petite and blonde, while Madame de Maubourg and her daughter were both brunes. During my whole stay in France, the two *most* beautiful *jeunes personnes* I saw were Mademoiselle de Maubourg and the Princess Marie, daughter of King Louis Philippe, and the sculptress of the bronze statue of Joan of Arc, who was afterwards Duchesse de Leuchtenberg. There were some six or eight lady guests, all of the first distinction (*cela va sans dire*). The general showed me a portrait by Ary Scheffer of Commodore Morris, who commanded the Brandywine, which conveyed him back to France after his last visit to the United States.

The general took down Madame la Maréchale ——— to dinner; Madame de Maubourg followed, taking my arm. At the



long dining table the general was seated at the centre with Madame la Maréchale on his right and myself on his left. Madame de Maubourg was opposite to me, and Madame de Lasteyrie at the left extremity of the table.

On our return to the salon Madame de Maubourg made me sit down by her, and her manner was so cordial that from that time I felt myself perfectly at my ease. We had a very long talk, and although my French ear was quite untrained, she spoke so deliberately that I lost not a word of what she said. She asked me a great many questions about persons and things in America. She was particularly interested in the status of the Colonization Society and in Henry Clay, and I was fortunately able to tell her something about both. I little dreamed that I should have the pleasure, many years afterward, of entertaining her grand-niece, la Marquise de Chambrun, granddaughter of the Countess de Lasteyrie, in my own home in Washington.

I rose as I saw the General coming toward us. He put one arm round my neck, and with his other arm round the neck of his granddaughter, Mademoiselle de Maubourg, he marched us through the entire length of the salon, where he seated us together in a corner, saying on the way that I must consider myself as his grandson. We had a long talk together, and I was naturally charmed with her beauty, her evident desire to please, and her constant effort to speak deliberately. One topic of our conversation was the political state of things in Spain, where a civil war was impending, and as to the uncertainty of the continuance of the present dynasty.

At last accounts Mademoiselle de Maubourg still survives as Le Baronne de Penon, and resides in Turin. In the battle of Mentona she lost her husband, and, if I am not mistaken, her eldest son. She has the original full length portrait of her grandfather, representing him at the age of twenty, when he was made a major general in our Revolutionary army. Some years ago she had photographs made of the picture and sent some to my much esteemed friend La Marquise de Chambrun,

whose mother was her first cousin, and who kindly made me a present of one of them. I greatly value it, not only for the sake of the giver, but as recalling to me that delightful evening at La Grange.

At 11 P. M. the guests retired to their rooms, while the general affectionately kissed his daughters and granddaughters. When I went up to bid him good-bye I told him that, as I should have to rise very early to catch the train from Rocroi I must bid him farewell. He very affectionately grasped my hand and pressed me to prolong my visit. On my saying it was impossible he said he would have me called in ample time to catch the train.

The next morning I was called a little after daylight, and in a few minutes I was conducted to the general, who was in his dressing gown in the library. He placed in my hands two letters which he had just written, one to the Brazilian ambassador in Paris and the other to Mr. James Thayer, an old American and very wealthy friend who had lived in Paris from the early days of the French revolution, and whose son Amédée was lieutenant colonel on Lafayette's staff as commander-in-chief of the National Guard. He bade me farewell very affectionately, and the butler then conducted me to the breakfast room, where beefsteak and coffee were awaiting me. When they were disposed of he handed me into a cabriolet and drove me to Rocroi, arriving in ample time for the train to Paris.

(I shall never forgive myself for my ingratitude. I never saw Lafayette again until 1834, when I visited him at his hotel in Paris not long before he died. I found him in bed, and I shall never forget how kindly he rebuked me for not having been to see him before. My only excuse was that I had no way of ascertaining when he visited the city. Would that this were the only wrong doing I have lived to repent of!)

On arriving in Paris I lost no time in calling on the Brazilian ambassador. But here was interposed a delay. The French Government had recognized Don Miguel as King of Portugal, and postponed from week to week the recognition of Donna

Maria; and until this was done no commission in a force hostile to him could be lawfully issued in France. The question was settled soon after by the total destruction of Don Miguel's fleet and the flight of the usurper, which ended the war. But meantime I had not been idle, and had devoted myself to the study of French infantry tactics, translated the following year under the superintendence of General Scott, and known as Scott's Tactics.

I called on Mr. Thayer and presented Lafayette's letter to him, which warmly commended me to his friendly attentions. He was from Providence, Rhode Island, and was a lineal descendant of Roger Williams. He remembered my grandparents before they were married in 1786. As the Thayer family was the only one with which I was constantly on terms of intimacy, while their son Edouard was my particular friend—almost like a brother—I am going to tell all about them.

The foundation of Mr. Thayer's fortune was his purchase of the estates of some of the émigrés during the Reign of Terror who were only too glad to save somewhat out of the wreck by selling their estates for very much less than their value in ordinary times. Among his properties in Paris were parts of the Rue Vivienne, the famous Passage des Panoramas with its Café Véron, and the entire Rue Neuve Vivienne, which he cut through and built up. He had properties also in other cities in France. His wife was an Englishwoman, whose soirées, dinners, and receptions were frequented by French and English people of the first distinction. Their two sons lived under the same roof with their parents. The wife of Amédée, the elder, was a most lovely person. She was Hortense Bertrand, daughter of Napoleon's faithful friend. She was named for her god-mother, Queen Hortense, mother of Napoleon III. The Bertlands were with Napoleon at St. Helena and Hortense was eight years old when he died.

Edouard, a charming character, was a graduate of the Polytechnic School, and took much interest in scientific studies and experiments. He did not marry until about three months be-

fore I left Paris. His bride was the daughter of the Duc de Padoue, cousin of the first Napoleon and formerly known as the Lieutenant Général d'Arrighi, who commanded an army corps at Leipsic, as did also General Bertrand. She had been engaged when quite a child to Louis Napoleon, then known only as a "vagabond prince." Her parents having caused the engagement to be broken off, she was married to Edouard Thayer. Though she was only sixteen, I remember her as a brilliant young person, whose voice and harp playing were much admired. The bridegroom's *corbeille de nocces* was a pearl necklace, the cost of which, Mr. Thayer's secretary told me, was 125,000 francs.

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## CHAPTER VIII.

### MY FIRST EFFORT TO EARN A LIVING.

My first effort to earn a living was an advertisement in the "Petites Affiches" offering English lessons at 10 sous. But this cheapness was naturally suspicious, and not a pupil made his appearance. I then spent my time in calling at the newspaper offices, offering to translate from the English papers.

At last I obtained employment as translator from the French daily journals for certain London newspapers, followed by a translation of a new political work for the New Monthly Magazine, of which Bulwer Lytton was then editor. At the end of five months the translation office was closed, the director's operations having been such as to compel him to leave France.

Our Legation then needing clerical help, I accepted employment in it until the arrival of Edward Livingston as minister plenipotentiary, with a secretary and several attachés, by whom we were all replaced.

In both these employments the compensation was very small. During those days I tried to live on two 5-sous rolls a day, but felt myself growing weaker. One day I was in the Café Voltaire reading a newspaper, when I suddenly fainted. On reviving I found that a waiter had brought me a glass of brandy, but I told him what I needed was a *bifteck*. Fortunately I had enough change in my pocket to pay for it. Soon

afterward I left the Hotel Voltaire and took a room at Madame d'Arnault's in the Rue de Rivoli. She was the widow of an officer of the Garde du Corps. I boarded there two months. My room was directly opposite to the King's bedroom in the Tuileries. He occasionally took a walk in the Jardin des Tuileries, and once I met him there. There was nothing distinctive in his costume, except a tricolored cockade in his hat. But I recognized him at once, as I had repeatedly seen him riding in a carriage with his sister, Madame Adélaïde. As we approached each other I took off my hat and passed on. After walking some twenty yards or more I had the curiosity to cast a look behind, and lo! the King had stopped also and was doing the same thing.

From the Rue de Rivoli I removed to a *pension bourgeoise* in the Rue du Gros Chenet, kept by Madame Collin d'Ambly. Captain Collin, her husband, was a veteran of the 5th Cuirassiers, Napoleon's favorite regiment. I was an inmate of the family for fourteen months. Like all the great man's veterans, Capt. Collin remembered him with a sort of adoration, as of a demigod. Like all surviving veterans, he liked to call the Emperor's enemies "les Prusse-Chiens" and "les Autrechtiens." The captain took great pleasure in giving me particulars of his many campaigns. He won his cross and his captaincy at Austerlitz, where he captured an Austrian battery, the guns of which are still in the column in the Place Vendôme. Unfortunately I have never kept a diary, and I was too young then to realize how valuable his reminiscences would be in a future generation. The one I most distinctly remember was of an occurrence in 1805. A portion of the army, drawn up in line, was being reviewed by the Emperor. On the right of Captain Collin's regiment was a regiment of infantry. On arriving in front of it the Emperor dismounted to have a talk with the colonel. During the conversation his horse took fright at something and galloped off. Instantly sprang out a sous-lieutenant from the infantry line in pursuit. His chase was successful, and the Emperor, the bridle being

placed in his hands, absorbed in the subject of the conversation, said to him carelessly, "Merci, Capitaine." "Dans quel régiment, Sire?" promptly asked the lieutenant. "The Emperor, after looking at him for a moment and perceiving his real rank, answered, "Dans ma Garde." An instantaneous promotion of a sous-lieutenant of infantry to a captaincy in the Imperial Guard.

Captain Collin was always very kind to me. He invariably accompanied me when I went to take my lessons at the Military Riding School, showing great interest in my progress, and encouraging me by his occasional praise.

I will not omit a certain unimportant incident, because it led directly to the removal of Dr. Hahnemann (the father of homeopathy) with his young wife from Berlin to Paris. I was boarding with Madame Collin at the time.

A window in my room in which was a rusty nail came down with such force on my left hand as to make a deep gash in it, which bled profusely. The landlady wound a tight bandage round it, wetting it with a few drops of laudanum. But the pain steadily increased until it became almost unbearable, and for two nights I hardly got any sleep. In twenty-four hours the hand and then the arm had somewhat swelled. Shooting pains ran up the arm, and every time I rose to walk I was seized with vertigo. Now thoroughly alarmed, I determined to go to find a doctor.

Shortly before this a young German, of very modest and even humble manners, had taken a room on the same corridor with me. He had given his name as "Dr. Wiedenhorn," stating that he had just graduated under Dr. Hahnemann, of Berlin. Now of Dr. Hahnemann or of homeopathy I had never heard, and I had never seen any mention of either in the Paris journals. The young man could speak but little French and no English at all. On my tapping at his door he came and invited me in. I showed him my hand and told him my symptoms. After taking off the bandage and washing the wound with cold water he selected one from a row of phials and took out

the stopper. He then made me inhale very strongly from the open phial, first through one nostril and then through the other, ending with a third inhalation. Closing the phial he told me that I might go and that it would be "all right." In half an hour the pain had much subsided, and soon the swelling in the hand and arm disappeared. In an hour or two the pain had all gone and I had a good night's sleep.

The next day at the Thayers' I told them what had occurred, and they exclaimed, "Bring him to breakfast to-morrow morning." I did so, and he was immediately employed. A young physician, a protégé of Madame Thayer, was supposed to be dying of consumption, and Madame Hortense Thayer had been a sufferer from gastritis from a child. The most able physicians in Europe had been consulted, but in vain. Her case required a prolonged treatment, which had not ended when I left France, and I know not what was the final result. But I heard from the family that the success of the treatment of the young physician was immediate and marvelous. Whether or not it resulted in a permanent cure I never heard.

I mentioned the case also to a pupil of mine in English—an Italian of evident distinction, but whose personality was enveloped in mystery. At his request I brought the young man to him. From this time I lost sight of him until I left France in 1835. But long after my return to this country I met a person whom I had known in Paris, who informed me that he had had great professional success and had gone to Strasburg and married his sweetheart; and that Dr. Hahnemann, hearing of his success, had removed with his wife from Berlin to Paris, where he died.

As soon as I was twenty-one I became a Free Mason. In the eighteenth century there occurred in France a schism involving merely a slight change in certain forms. The Ancient or Scotch Masonry had come direct from Roslyn Castle, and it alone could confer the 33rd degree in the order. The leading lodge of the Scotch Masons in France was "La Loge des Sept Ecossais Réunis" in Paris. It was presided over for a

generation at least by Dr. Vassal, a man of great learning, and the highest authority on the history of Free Masonry from the earliest times. One of the members of the lodge was Admiral Sir Sydney Smith (the hero of Saint Jean d'Acre) ; and Louis Philippe, before he was King, sometimes attended its sessions as "Frère d'Orléans." I had accidentally made the acquaintance of the Marquis de Magny (of the Chaussée d'Antin noblesse—not of the ancien régime). He was the "Frère Aumonier" (chaplain) of that lodge, and was my sponsor on my admission into the order.

I was the only neophyte at my initiation, which lasted from 7 to 11 P. M. I had been directed to report myself in "La Salle des Pas Perdus," where presently came two "Frères Experts," who blindfolded me and led me away. At the end of the initiation the bandage was taken off, and my eyes opened on a blaze of light and a brilliant circle of the members of the lodge in their respective regalia. The "Vénérable" Frère Vassal then announced to me that I had successfully passed *les épreuves*, both physical and intellectual. I was then made to take the oath of secrecy, which was a very imposing ceremony. I then discovered that my friend Edouard Thayer, hearing of my intended initiation, had come to be present at it, and of course I felt very much flattered when he told me that I had been "as brave as a lion."

In the course of a year I passed from "Frère Apprenti" to "Frère Compagnon" and finally was received into the Master's Degree. (In ancient Masonry there are only these three degrees). I attended every lodge until I left France. At the end of the first year I was made "Frère Tuileur" (Tyler, Janitor). In the second year I was made "Frère Maître des Cérémonies," in which capacity I had to conduct the proceedings at the Receptions to the Master's degree, which were singularly solemn and impressive.

I was present at the most important event in the history of Free Masonry in France. It was the consolidation of the French and Scotch rites. A grand lodge in the Master's De-



gree was held in the Grand Orient in Paris. It was attended by hundreds of Masons from different parts of France. Two presidents were together on the platform. The French rite was represented by the aged Duc de Choiseul, son of the Duc de Choiseul so prominent in the reign of Louis XV; the Scotch rite by Comte Alexandre de la Borde, the Egyptian traveler. I am ashamed to say that I do not recollect which of the two rites swallowed the other up.

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## CHAPTER IX.

### DE TOCQUEVILLE-FRASCATI'S.

Not long after this I assisted de Tocqueville in the preparation of his celebrated work on "Democracy in America." I gave the particulars in my speech at the annual banquet of the Brown University Alumni, in June, 1901, I now copy them. *Nota bene.* "The graduate" is always myself.

De Tocqueville was then preparing his great work on "Democracy in America." At the American Legation he asked for the address of "some educated and intelligent American." The graduate had been attached to the Legation, and it was his address that was given. The two labored together for some months; the graduate, sometimes in oral conversations, but chiefly in written memoirs, explaining the mechanism of our political systems, both State and Federal.

De Tocqueville had given him free access to a whole library of volumes he had collected in America, most of them statutes of the different states. But such a wilderness of books was of very little use to him, and what made his task an easy one was the mastery of general principles he had acquired in his senior year at Brown, where he made a thorough study for six months under Professor Goddard of "Rawls on the Constitution."

A few months afterward, the graduate having in the meantime returned to this country, was published the work which stamped its author as the leading political philosopher of the 19th century, and the thorough knowledge of our institutions displayed in it caused no little surprise in many quarters.

One of my experiences I hate to recall, but I see no good reason for withholding it.

The two great gambling houses in Paris were Le Cercle and Frascati's. They each paid an annual license tax to the Government of 200,000 francs. Le Cercle was frequented chiefly by the French and Frascati's by the English, principally of the upper classes. At Frascati's the building and its *salles de jeu* and its furnishings were perfectly palatial.

While I was boarding at Madame Collin's it happened that Lieutenant Matthews of the Bombay Native Infantry, on leave of absence, came to spend a week in Paris and applied to Madame Collin for a room. As she had no room vacant I offered him hospitality and he shared my room with me. I found him quite entertaining, being full of his experiences in India. One day he said that as he had come to Paris to see all the "lions" he was going to visit Frascati's and asked me to go with him. I was quite shocked at the idea, but finally, to gratify my curiosity, I decided to go. We went late in the evening—the bank opening at 9 P. M. and closing at 3 A. M.—and entered the Rouge et Noir room. At the entrance stood a tall servant in livery who offered to each of us a card having on it two blank columns headed respectively R and N, with a pin, but we declined to receive them. There was no charge for admission, but it was considered good form to risk at least a five-franc piece before leaving. So we threw our five-franc pieces on the table, and I remember that mine won.

Sometime afterward for once I was short of funds to meet my board bill. In my embarrassment it suddenly occurred to me that a visit to Frascati's might put me in funds. After great hesitation I decided to try the experiment. On entering I accepted the card and the pin at the door. The result was that I won enough to pay my board bill and more besides. If there really be such a being as Satan I am decidedly of the opinion that he was then around, for I became at once a victim of that terrible *passion du jeu*, a species of mania from which many never recover. For three months after this I spent my nights at Frascati's, using all the money I could "rake or scrape." With my card and pin I kept an accurate account

of the successions of Rouge et Noir respectively. Generally I carried little or nothing away, as however successful I sometimes was I hardly ever could bring myself to stop.

In the Rouge et Noir room was a very long table, near one end of which were red spots and near the other black. Seated in the center was the croupier, with a pack of cards and a small rake. During the entire sitting a dead silence prevailed nothing being heard but the voice of the croupier as follows:—"Messieurs, faites votre jeu." After the sums risked had been deposited on the red and black spots respectively, the croupier announced "Le jeu est fait," after which announcement nothing on the table could be touched. Then the croupier, having dealt the cards, announced "Rouge gagne" or "Noir gagne" as the case might be. I do not now recall the criterion which decided which color had won, but I remember that it was one of pure chance. Then all the moneys risked on the losing color were raked in, and to those on the winning color was deposited a sum equal to the amount risked. Now, as in the long run, the winnings on the two colors would be exactly equal, and as the gambling on the part of the bank was well known to be fair and honest, the question arises how could the bank make the immense profit needed for its expenses and its enormous dividends? And this is the answer: Every time the two colors were announced as equal, the sums risked on both colors were *en prison* until the next deal, and then the moneys risked on the losing color were raked in, while those risked on the winning color could only be taken back, receiving nothing from the bank. Now the bank's records showed just how often these deals occurred, and consequently the amount of profit they brought to the bank. And now as to the *modus operandi*:

Obviously, after a long succession of winnings on either color, there was some probability that, at the next deal, the other color would be the winning one, and the longer the succession on one color, the greater was the probability that, at the next deal, the other color would win. It sometimes happened

that the succession on one color was so long that it very rarely occurred; as, for instance, on the average not oftener than once in a year or several years. In that case the player would usually be willing to risk a very large sum on the chance of the other color winning at the next deal. And this is why immense sums were often won and lost.

To add to the attractiveness of the place, wines and other refreshments were at hand, free. Also representatives of the demi-monde, who were eagerly watching to see who was apparently to be the Croesus of the evening. And when such a one was found they would honor him by coming and standing by his side and showing a willingness by their remarks to make his acquaintance. But when, as often happened, luck turned against him, they would walk off on another voyage of discovery. I was only once thus honored, but I was too much absorbed in keeping my account to listen to their remarks, and when my luck began to turn they all deserted me in a body. As to these modern sirens I am glad to be able to say with truth that I never exchanged a word with any of them.

Occasionally I made desperate but vain attempts to throw off the spell. But when three months had passed I made one grand effort, which was successful; though for two or three weeks afterward I never dared to go near the Rue Richelieu, and always made a circuit in order to avoid it, and from that time to this I have never cared to play a game of cards.

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## CHAPTER X.

COUNT DUMAS—LAFAYETTE'S FUNERAL—LA COMTESSE DE KERATRY—MR. LIVINGSTON—LES SPECTACLES—FROM PARIS  
TO NEW YORK—A TORNADO.

In our Revolutionary War the young Count Dumas was on General Rochambeau's staff and was on intimate terms with the Bowen family. Betsy was the youngest of the daughters,

and was only fifteen when she last saw him. He was afterward one of Napoleon's generals, and his history of the Russian campaign is said to be the best that has ever been written. But the Russian snows had made him totally blind. He was still living in the winter of 1834-5 when the young girl, then the widow of Mr. John Ward, and quite an aged person, visited Paris with her niece. Hearing of her arrival he hastened to call upon her. I happened to be with her when he was announced. He came in supported on the arm of his tall and handsome son, who was Colonel of Artillery and aide-de-camp to the King. (In the next year he was killed in battle in Algeria.) Count Dumas was quite short, but with very broad shoulders, and his hair was as white as snow. He and Mrs. Ward grasped each other's hands, and they both stood for some time overcome with emotion and unable to speak. Mrs. Ward, who was the first to recover herself, made him sit down by her on a sofa. They talked over old times, but I cannot now recall any of their conversation.

Lafayette's funeral, on the 20th of May, 1834, was a most remarkable pageant. In my speech before the Brown Alumni I gave a full account of it, which I append:

It was Lafayette who had placed Louis Philippe on the throne; and it was not strange that he should be buried with the honors of a lieutenant general in the Army and of commander-in-chief of the National Guard.

The cortège was headed by a squadron of cavalry, followed by a long file of royal and private carriages, and the entire procession was flanked on both sides by infantry of the line. Immediately following the corpse were Lafayette's son, George Washington Lafayette; the Comte de Lasteyrie, his son-in-law, and his young grandson, afterward Marquis de Lasteyrie.

Following them was a delegation of 200 Americans, with badges, headed by Dunscombe Bradford, our young consul ad interim. After these came the Chamber of Peers and the Chamber of Deputies in their respective official costumes. Then came officers of the National Guard from all parts of France, in uniform. The column was closed by one or more batteries of artillery.

The graduate was one of the delegates who were marching in

columns of twos. Arriving late at the hotel he found himself one of the last two.

The police had had secret intelligence of attempts to be made to capture the body and proclaim a republic, as had been successfully done at the funeral of General Foy two years before. Accordingly on arriving at the Place Vendôme, the cortège was met by an immense crowd of law and medical students bearing flags with the colors reversed and shouting "A bas les Tyrants!" "A bas Louis Philippe!" and "Vive la République!" The cortège was halted and a charge or two by the cavalry soon dispersed the mob. On arriving at the Boulevard des Italiens and again at the Boulevard du Temple, similar attempts were made and repulsed; at every halt, the infantry facing outward at charge bayonet.

The strangest thing remains to be told.

I must begin by saying that how many of the supposed American delegates were really Americans will never be known. The graduate's own marching companion was evidently an Englishman, and apparently a clergyman. Now, at every halt, incredible as it may seem, large numbers of the delegates rushed out of the column and fled. It was in vain that the graduate reminded them that if there were to be any bullets flying, the safest place would be where they were—next to the Lafayette family.

On arriving at the gate of the cemetery, the only delegates left were the consul and the graduate. The orders were that no one should be admitted into the cemetery but members of the Lafayette family. Now, these two being in civilian attire, like the three mourners, were supposed to belong to the family and were accordingly admitted. During the interment the two stood by the grave with the three mourners.

To this account I now add that the fact of admission being limited to members of Lafayette's family was unknown to us until afterward.

We found Lafayette's venerable old steward already at the grave. He held in his hands the General's silver epaulettes as Commander-in-Chief of the National Guard. I was standing near him and when the time came for the epaulettes to be deposited on the coffin he was so overwhelmed with emotion that he had to be spoken to, and they were then handed to George

Washington Lafayette, by whom they were lowered to the coffin.

During the last few months of my stay in Paris I was engaged in giving lessons in English. One of my pupils was La Comtesse de Keratry, a *dame d'honneur* to the Queen. She was much pleased at her progress, and told me that she was going to recommend me to the Queen as English teacher to the royal children, their present teacher being now old and having, moreover, lost his teeth. I accepted the Keratrys' invitation to spend the summer with them at their Chateau in Brittany, but my unexpected departure from France very soon afterward deprived me of the pleasure of visiting them.

By the treaty of 1831 France was to pay to the United States five million dollars as indemnity for American losses by illegal seizures prior to 1800. When the first instalment of \$1,000,000 became due, the Chamber of Deputies having refused to make the appropriation, our draft on the French government was protested. Repeated efforts were made by our government to obtain satisfaction, and, these proving unsuccessful, Mr. Livingston, then Secretary of State, was sent in last resort, in the hope that he would be able to stave off a rupture. But this hope was disappointed and President Jackson instructed Mr. Livingston to demand his passports and come home in the frigate Constitution which was sent for him. At the same time he sent a war message to Congress, which appropriated \$10,000,000 for "the war with France."

On learning the state of things I decided to go home at once, hoping to obtain a commission in the army, and Mr. Livingston kindly consented that I should return in the Constitution with himself and his family.

One of my uncles was a college chum of William L. Marcy, then Governor of New York. Hearing that Mr. Livingston was to be sent to Paris he wrote to Governor Marcy asking for me an introduction to him. His request was complied with and on Mr. Livingston's arrival I presented the letter to him. He told me that he had also received a letter from Governor Marcy

recommending me to him. As his diplomatic suite was more than full there was at present no vacancy in the office, but that if I would leave him my address (which I did) he would notify me as soon as a vacancy occurred. His son-in-law, Dr. Barton, was his Secretary of Legation (who became Chargé d'Affaires on Mr. Livingston's departure) and there were several attachés, one of whom was John Van Buren.

Roussel's, rue Vivienne, was the leading fencing school in Paris. I took two quarters' lessons there, and when I left France I took with me my mask, my plastron, and my foils in order to perfect myself by practice in America. But alas! I never could find an antagonist. *En revanche* I afterward learned the sabre exercise of the sword master at West Point, and taught it to my officers at the beginning of the civil war.

The three days' fighting which drove away Charles X. and placed Louis Philippe on the throne (not as King of France, but as "Roi des Français") took place on the 28th, 29th, and 30th of July, 1830, and their anniversaries were always most brilliantly celebrated. The most striking feature in the celebration of 1833 was the singing of the Marseillaise and the Parisienne, led by the King and the royal family on the front balcony of the Tuileries, by some 700 singers on one of the two pavilions, and by some 800 instrumental performers on the other one. The entire garden of the Tuileries was densely packed, as also La Place de la Concorde, the rue de Rivoli, and the bank of the Seine; the whole multitude joining in the singing. The next day's journals computed the number of voices as at least 150,000. I was one of the dense crowd in the garden, near the Palais, and so closely wedged in that I could not move hand or foot until the performance was over and the crowd began to break up.

At the raising of Napoleon's statue to the top of the column in the Place Vendôme there was a great military display,—the marching past of 80,000 infantry and cavalry troops of the line. The King was posted at the foot of the column, and I stood opposite to him in the front rank of the crowd which



lined the route of the marching columns, the Duc d'Orléans (afterward killed in a carriage accident, and who alone of all the royal family was a favorite of the people) leading. Then came a regiment of Lancers, in scarlet uniform, headed by the Duc de Nemours, its colonel, then sixteen years of age. Of the entire column these two are the only personages I now distinctly remember.

I often saw, riding in an open carriage, the Prince de Joinville and his two little boy brothers, the Duc D'Aumâle and the Duc de Montpensier, in their respective uniforms as sergeant and corporal in the National Guard. And I often saw on parade Marshal Soult and Comte Lobau, who commanded the Young Guard at Waterloo; both with very strongly marked features. I also saw Marshal Gérard, at the head of the army, on its march to the siege of Antwerp in 1832.

#### LES SPECTACLES.

At the Théâtre Français the leading actress was Mlle. Mars, the tragedy queen in Napoleon's time. Once at a performance of *Le Cid* I was seated alone in a stage box when, in one of her declamations, she was standing but a few feet from me. Her figure, her face, her complexion (said to be enamelled), her voice, and her manner were all those of a girl of eighteen. But she was not an *emotional* actress. Her peculiar power was in her wonderful declamations, so beautifully classical, and in her musical voice.

At the Porte Saint-Martin, in one of the first representations of *Lucrezia Borgia*, I saw Mlle. Georges, the very young tragic actress in the time of Napoleon, of whom she was notoriously a favorite. Unlike Mlle. Mars, who was comparatively tall and *svelte*, she was quite stout; and while Mlle. Mars was a perfect blonde, Mlle. Georges was a perfect brune; and her acting was powerfully emotional.

At the Palais Royal the leading actress was the daring and eccentric Mlle. Déjazet; and at the Gymnase was Bouffé, the

great versatile actor of the century—equally great as poor old Michel Perrin and as the street boy in *Les Gamins de Paris*. At the French Grand Opera were Nourrit, a celebrated tenor, and Taglioni, the most graceful and sylph-like *danseuse* of the century.

At "Les Italiens" were La Grisi, Lablanche, Tamburini (these two as perfect actors as they were great singers), Rubini, Santini, and Ivanhoff, the Russian *tenore robusto*. The most brilliant performance I saw at the Italian opera was two nights of *Don Giovanni*, in which were the three leading prima donnas in Europe—La Grisi, Madame Schultz, of Vienna, and Madame Devrient-Schroeder, of Amsterdam; with Tamburini, Rubini and Lablanche or Santini (I forget which.)

The Director of the Conservatory was the celebrated composer, Cherubini, a contemporary of Mozart, who presided at all the six great annual concerts of the Conservatory, and whose classical face and figure once seen could never be forgotten.

For six months I was under the same roof with Donizetti, at the corner of the Boulevard and the rue Lepelletier, opposite the French Grand Opera. He was tall, of an elegant figure, with a most expressive and attractive face. He was so busily engaged in writing operas that I dared not intrude on his privacy; but once as I chanced to meet him at his door I ventured to speak to him, telling him I was learning harmony under a Professor of the Conservatory. He said, with a kindly smile, "Indeed! I shall be most happy to help you by correcting your exercises." I thanked him, but of course I never dreamed of troubling him to do so. He was then writing *Marino Faliero*.

On our way to Havre the diligence stopped for two hours at Rouen, where I visited the great Cathedral square, where Joan of Arc was burned alive. At Havre we had to wait a few days for the *Constitution*, which had gone to Cherbourg to take in

water. On her arrival we set sail for New York. Being detained for some three weeks in the Channel by head winds, we put in to Plymouth, where we stayed for three days waiting for a change of wind.

The first person who came on board was Sir ——— the Port Admiral, in uniform. He had been on board but a few minutes when it became known that he was captain of the *Cyane* when, with the *Levant*, she was captured by the *Constitution*, commanded by Commodore Stewart, in the war of 1812, it being his first visit to her since he was a prisoner on board.

As England is the garden of Europe, Devonshire in the month of May is the garden of England. With a messmate I took a drive of a few miles in the country. The peculiarly beautiful tint of the verdure, to be seen nowhere else, the thatched cottages, the green lanes and the hawthorn hedges, together with the sleek cows with hardly any legs—looking as if they might be all cream—made an ensemble which was perfectly charming.

I went to the Tavistock races, which, though I took no interest in the races themselves (beyond seeing a lady clear a five-barred gate), were vividly brought to my mind when I afterward read *Pickwick*.

After we left Plymouth the winds were favorable, but the entire voyage from Havre to New York lasted six weeks.

Our commander was Commodore Elliot (who was said not to have done his duty at Lake Erie to the satisfaction of Commodore Perry, and who afterward was Commodore Barry's second when he killed Commodore Decatur in a duel). Of the officers on board I recollect three—Lieutenant Powell (as a passenger) and Passed Midshipmen Steedman (afterward Admiral) and Midshipman Herndon. Herndon was the only one with whom I became intimate, and we had many pleasant talks together. It was he who went down so heroically in the Central America.

One Saturday, three days before our arrival, we had a clear blue sky with a moderate breeze. My cot in the cockpit was at the end of the main windsail. When I turned in at ten o'clock we were sailing steadily with a smooth sea and the stars all visible. But at midnight I was aroused by Passed Midshipman Tilghman shouting at the top of his voice: "Our main r'yalniast is going by the board, sir." I got into some clothes and rushed on deck. The ship was under full sail while she was nearly on her beam ends, and in black darkness except for the constant flashes of vivid lightning, disclosing a mountainous sea, and the wind roaring like ten thousand guns. Our commander, in his storm suit and lashed to the binnacle, was shouting his orders through his trumpet, instantly repeated by the boatswain's whistles. Fortunately for us our commander was admitted by both friends and enemies to be the most thorough sailor in the navy; for once on our beam ends, with our 66 guns, we should have gone to the bottom in less than no time. But by daylight the sails were all taken in or reefed, and the topmasts were all safely housed.

Now in the afternoon little Washington Elliot, eight years old, the Commodore's son, had caught a Mother Cary's chicken. As soon as this was known, the sailors, in great alarm, had deputed two quartermasters to report the fact to the commander, who at once severely reprimanded the boy and made him throw the bird overboard. And I suppose there was no sailor in the ship but believed that it was the boy's act which had brought on the tornado.

Three days afterward we arrived in New York.

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## CHAPTER XI.

LA BAYADERE—SEVEN DARK YEARS—UNKNOWING AND UNKNOWN—DAYBREAK.

On arriving in New York we found that England had mediated, and that there would be no war. So I had to begin at once to prepare for my admission to the bar.

Under the State laws at that time this was a most formidable undertaking. Three years' service in a practising lawyer's office, followed by a public examination by the Supreme Court for admission as an attorney-at-law, and a private examination by a vice chancellor for admission as a solicitor in chancery. In neither of which capacities could the young lawyer appear in court, and was thus compelled to give the lion's share of his own modest fee to some counsellor to appear for him before a court and jury. And three years afterward another public examination by the Supreme Court for admission as counsellor-at-law, and another private examination by a vice chancellor for admission as counsellor in chancery. Making in all six years before the lawyer could even begin to make himself known; and then he had to depend on some rare luck or some social or political influence to find him clients. To crown all he must have means enough for his support during the whole period.

Now my own case will be fully understood when I state that I was penniless, and that I had not a particle of influence, social or political, to help me. As to a social position, I had no means of acquiring one, knowing no "society people" whatever; so that for seven years my life was a solitary one. Even Robinson Crusoe had the advantage of me. If I rightly remember, he soon had a congenial companion in his man Friday, while I had none such, either man or woman. Secondly, his wardrobe was always sufficient for his surroundings, while I was deficient not only in a dinner suit, but even in one that could pass muster at a 5 o'clock tea, and Thirdly, Robinson Crusoe had always enough to eat, while I, during much of the time, had to content myself with a sixpence ( $6\frac{1}{4}$  cents) or a shilling ( $12\frac{1}{2}$  cents) dinner in some cheap resort.

"But how was the bread and butter problem solved?"

As to this, owing to my habitual banishing from my thoughts those dark days, my memory is now very deficient. I recollect something about a clerk's salary of \$150 during my last year in the lawyer's office; also about a salary for some years as a bass

singer in St. John's Church choir; also six months' employment as an attorney in charge of the business of a lawyer who had to be absent abroad during that period. I remember also a few cases for soldiers of my military company (most of them poor journeymen mechanics), when the modest fees received had to be shared by a counsellor to appear in court for me.

"In those years of solitude how did you pass your time?"

In reading law and some miscellaneous books, chiefly military histories.

And apropos of my military ambition (which was destined never to be satisfied) I will state, once for all, that on my return from France I enlisted in the 3rd Regiment of the 1st Division of the New York State Artillery (the Washington Greys); that I never missed a drill or a parade during my eleven years in New York, and that I was regularly promoted through all the grades from private to lieutenant colonel.

One curious instance of my ill-fortune: To help me through I had placed great reliance on my knowledge of French and Spanish. The office in which I studied was next to the Custom House, the very centre of American and foreign mercantile business, where my sign as "Translator of Languages" was kept displayed; which inevitably, I thought, must bring me in quite an income. But this never materialized; not one translation fee did I receive during all those eleven years; that is, only one. But thereby hangs a tale. (*Ab illo pendit cauda*).

At Munich a personal friend of the Queen of Bavaria died, leaving nothing for her little girl, then eight years old, who was very pretty and graceful. At the Queen's request she was admitted into the Academy of Music in Paris as a pupil, to be educated for the ballet. When she was fifteen she was a fellow pupil of the celebrated Mlle. Taglioni, whose father refused all other pupils. She was then very beautiful and graceful.

In the last days of the reign of Charles X. the Director General of the Fine Arts was the Comte de Saint-James, of the old régime. He was a Major of Hussars under Napoleon and was detailed by him to command the mounted escort of the

Empress Marie Louise on her return to Austria. As Director General it was his duty to inspect the instruction given at the Academy. He fell in love with the beautiful Augusta and they were married. Soon afterward Charles X was driven from his throne, and the Director General consequently lost his position. As was the case with most of the old noblesse, he had no estate left to fall back upon, and was compelled to allow his wife to go upon the stage as a ballet dancer for their joint support and that of their little boy. In 1835 they came to New York, where she was engaged at the Park Theatre as première danseuse, first in Auber's *Dieu et La Bayadère* and afterward in some ballet-pantomime pieces. Manager Simpson was preparing to bring out *La Bayadère* (a grand opera by Auber in five acts) in which everything, including the recitatives, was to be sung. The task of the translator was a difficult one. He had to be musician enough to read the music in its various keys and clefs and to make the English synchronize throughout with the French; and, moreover, in the concerted pieces, to preserve all the rhymes.

I happened to make acquaintance with Penson, the leader of the orchestra, of whom I had borrowed a piece of music for a few days. I had given him one of my cards as translator, asking him to remember me should any translation be required.

When Madame Augusta arrived the manager sent me the full score of the opera, with an order to make the translation as soon as possible. I began at once and worked day and night until it was finished. I had made no bargain as to my charge, trusting that I should be treated fairly as to my compensation. ("Too great confidence in human nature" was the only fault of Lafayette; and so I was in good company.)

The opera had an overwhelming success, the theatre being crammed every one of the twenty nights of the engagement. Manager Simpson's share of the profits was said to be \$10,000, and a second engagement of twenty nights was equally successful.

I recall a verse in a duet in it between Brama (disguised as a mortal) and his *inamorata*, the music of which was very pretty.

*Molto leggiero.*

Oh Ganges' happy shore! Oh Ganges' happy shore! Oh for-tu-nate retreat!

Oh for-tu-nate retreat! 'Tis here for ev-er-more, 'Tis here for ev-er-more,

That love and pleas-ure meet, That love and pleas-ure meet.

The air we here respire Comes to us from above; Else why should it inspire

*rit. a tempo.*  
With love, sweet love!

I consider my work, *under the circumstances*, to have been fairly worth \$500. In fact, not long afterward, in one of the courts a translator recovered that sum for the translation of a tragedy for the stage.

I wrote to the manager to know what compensation he would allow me. He answered that he would allow me none whatever; that as Mr. Penson had lent me a piece of music to read, he took it for granted that I would make no charge for the translation; not even pretending that there was any such understanding on my part.

I wrote threatening to bring a suit against him, but the lawyer I was with showed me that a lawsuit was entirely out of the question; first, because I had no money wherewith to carry it on, and secondly, because the manager, with his ample means, could easily postpone the trial of the case for one or two years. I had to submit to the situation, and the affair had a dénouement perfectly ridiculous. My uniform, just finished, had made its appearance with the bill, \$33, and I wrote Simpson that I would settle for that amount, which he immediately paid.



Meanwhile I was visiting the Count and his wife, for they did not know a word of English, and my friendly service as interpreter was quite a godsend to them. I found Madame Augusta to be a lady of culture as well as beautiful. She had not forgotten her native language, and I remember her enthusiastic admiration of Schiller, and her regret that I could not read German. But with the other members of her troupe she was by no means a favorite. For, off the stage, and as a rule, she declined all familiar intercourse with them. I was afterward very glad to translate for her two pantomime-ballets, *La Sonnambule*, and *Les Pages du Duc de Vendôme*, and a one-act opera by Daleyrac, "*Un Mot, ou Une Nuit dans la Forêt*," in which I wrote, at her request, a verse for her to sing and which went off successfully.

In 1838 I became at last a full-fledged lawyer, who could appear in court, but I had no opportunity of doing so until after a year. That year, added to the six foregoing, ended my ordeal of seven dark years. The next two years, though my practice was gradually increasing, were only, as it were, the penumbra after a total eclipse. But it sufficed to enable me to put an end to my hermit life by taking board in a private family in Elizabethtown, New Jersey, where I spent my evenings, my days being occupied by my professional business in the city.

It was here that I made two desirable friends—General Scott and Mr. Charles King. General Scott tried twice in vain to get me into the regular army. Before the Mexican war, although commander-in-chief of the army, he failed to get me a captain's commission in the new Mounted Rifles, simply because the appointments depended upon politics, and General Scott was a Whig. And at the beginning of the Civil war he insisted upon a field appointment for me in one of the new regiments.

And it was in this wise: I had applied (but too modestly—for my old comrade in the Mexican war, General W. T. Sherman, had recommended to the War Department my appointment as brigadier general of United States Volunteers)—for only a major's commission in the army. Now one of my best

friends in San Francisco, whose husband was one of my clients, was the sister of Senator Sumner. In a letter to her he stated that he had had a private dinner with General Scott and the Secretary of War, Mr. Cameron, and that he thought it a good opportunity to speak of my application, and that General Scott instantly said to the Secretary that I must have the commission, adding that I had had "an excellent record in the Mexican war." Mr. Cameron promised to attend to it, but General Scott said in his imperative way, "It must be done at once, sir." The Secretary assented, making a note of it in his memorandum book. Six weeks afterward, in writing to his sister, Senator Sumner stated that seeing no mention of my appointment in the papers, he had written to Mr. Cameron about it, but that his answer showed that to obtain the appointment *some other kind of influence* would be required.

My other friend, Mr. Charles King, was the editor of *The American*, the only literary weekly then published in the country. He was afterward President of Columbia College, New York. His father was Rufus King, for some years our Minister in England, and he was educated at Harrow, where Lord Byron was one of his classmates.

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## CHAPTER XII.

### THE DORR WAR.—A SERIOUS ACCIDENT.

In June of 1842, hearing of the Dorr Rebellion in Rhode Island, and that the Governor had proclaimed martial law and called out the State troops to suppress it, I hastened to Providence by the first boat to take part in the military operations. I was then captain of my company in New York. On arriving in Providence I learned that Dorr's troops, said to number about 1,500 men, were intrenched on Acott's Hill at Chepachet, 16 miles from Providence. Three columns were being formed to march on three different roads in order to prevent the escape of the soi-disant Governor. One of these columns was a battalion of 500 men, composed chiefly of the famous Light Infantry company as a nucleus, and some hundreds of

the company's veterans, commanded by Colonel W. W. Brown (who was the captain of the company), to whom I reported for duty. I spent about three days at the armory, drilling the command in the manual of arms.

On the 17th of June the column marched to Greenville, about eight miles from Providence, where it was halted for the night. From information received Colonel Brown understood that we were to be attacked that night; so that we were ordered to "sleep on our arms." Sentries were properly posted. I was one of them, but never being relieved, I was on post until daylight in a drenching rain. The night was pitch dark, and some of us were over our boots in mud and water.

At daylight the sentinels were called in and the battalion was formed in line. I was one of twelve who volunteered as scouts, under command of Lieutenant John T. Pitman. We kept all the way about a mile ahead of the column; not in compact order, but scattered along the road, Lieutenant Pitman and I being generally in advance. We searched all houses and all other places on the sides of the road favorable for an ambuscade. On the way we captured in all about 100 prisoners, most of them armed with rifles or muskets and pistols, which we found loaded and primed. The prisoners were all searched and we found in their pockets quantities of ball cartridges, bullets, powder flasks, flints, etc. As fast as we took them we sent them under guard of two or more of us toward the main body, from which small detachments were sent forward to take them to the rear. They were generally in squads of from two or three to fifteen or twenty. Most of them surrendered without resistance. In two or three instances they showed fight, but were soon overpowered.

Once, when I was running in advance, I saw about fifty yards ahead of me, on the left of the road, a company of thirty men, more or less, drawn up in two ranks at shouldered arms. A large, athletic man on their right fired his rifle at me, and the ball whistled by my right ear. As he was reloading to fire again I rushed forward and seized his rifle, at the same time

calling to Pitman, who was not far off (although out of sight behind a turn in the road), to hurry up. We tried in vain to wrest his rifle from him, as he was too strong for us, but some of our men coming up, he was soon mastered. His men then surrendered and we sent them to the rear. They turned out to be the famous Captain Rynders and his "Spartan Band" which had come from New York to reinforce the rebel army.

On arriving at about a mile from Chepachet the cannon in the fort commenced an incessant fire. We supposed, of course, that the Newport Artillery, having arrived before us by the Scituate road, or else the cadets who had marched from Woonsocket, had begun the attack. This gave wings to our feet, and it was which should arrive first at the fort. I understood afterward that Colonel Brown, on hearing the firing, sent an order for the scouts to fall back; but if it were so, the order was not obeyed. In fact several of us were too far in advance to hear of it.

On our approaching the fort the firing suddenly ceased. Having stood guard the whole night, and having been some eight miles on the run, I was now perfectly exhausted and fell down on the side of the road, panting for breath. Presently two of our scouts who had seized a wagon came galloping along. I stopped them, making a sign for something to drink. They threw me a flask of strong vinegar and rushed on. I swallowed the most of it, and instantly felt as strong as a lion. I rushed up the hill, but instead of being the first over the parapet, as I had hoped, it was claimed by some others who had come up that I was only the fifth; which is possible.

On entering the fort we found about fifty armed men only, drawn up in two ranks. They offered no resistance and surrendered their arms. These, with the hundred or thereabouts we had captured on the road, made a total of about 150 prisoners captured by the scouts. In the fort we found five 6-pounders, which they had been firing with blank cartridges, no doubt to intimidate us. I found one of them loaded to within a few inches of the muzzle with iron slugs, etc. These were

presumably the most desperate of Dorr's bodyguard, who had determined to hold out to the last, but found that fighting would be useless.

After a minute or two, hearing a call for "Infantry" I ran to the ramparts, where I found six or eight of our scouts in a wagon, about to start to capture Dorr, and I jumped in. We were under Lieutenant Pitman's command. We rode very fast down the hill into the center of Chepachet, about a quarter of a mile from the fort, and stopped in front of the tavern which was Dorr's headquarters. The piazza was full of armed men ready to oppose our entrance. We jumped out and cocked our muskets, when there began a struggle to get to the door. I and another were ordered to the rear of the building to intercept anyone attempting to escape. We found two entrances in the rear, at two different sides. We had hardly taken our stations when the scuffle in front had evidently become very violent, one or two reports of firearms being heard. My comrade then ran round to the front to assist our men. Two or three men came running out successively, first at one door and then at the other, as they were driven back by my musket. I was thus engaged for some minutes, when one, more desperate than the rest, sprang out of the central door while I was watching the side door, and rushed to the side of the house where the road opened on a street. I headed him off just as he arrived at the opening. I presented the muzzle of my musket at his breast. He made a spring forward, but just as I was about to shoot, my arm was suddenly seized by some one behind me. It was a venerable, white haired old man (probably the clergyman of the place), who exclaimed: "My God! What are you about to do?" The man profited by the momentary interruption, and escaped into the woods. It was he who had fired the shot at Dr. Tyler in the struggle in front. Another escaped through a hole in a shed by rushing out with a woman whom he held before him as a shield. I understood that one of them was shot in the groin, and afterward died of the wound. By this time a reinforcement of 18 men reached us from the fort,

and all resistance without doors was at an end. Lieutenant Pitman then stationed the men around the house with orders to let no one enter. He and I then entered the house in quest of Dorr. We searched the premises from garret to cellar, taking with us the barkeeper as a guide. This man afterward turned out to be a "Major" Allen, who commanded the party which captured four of our young men and tortured them with bayonets. I arrested him and sent him to headquarters for examination. He showed throughout the utmost fearlessness, protesting his innocence of any doings under Dorr. He told me that he had not meddled with military matters since the year 1814, but the marks of cross-belts on his gray jacket told a different story. On my opening a garret door out walked Major C., of New York, one of Dorr's aids. I found on him some bullets and some flints. I gave him in charge to a sentinel. We entered Dorr's room, which he had vacated during the night. I found in his table drawer a novel, in paper, entitled "The Insurrectionist." The table was set for 40 or 50 persons, which happened very opportunely for our breakfast. The house was found to contain a quantity of military equipments, but Dorr had escaped into Connecticut. A troop of cavalry was at once sent in pursuit, but were unable to find him.

In 1843 I became major of my regiment. I had learned French cavalry horsemanship in Paris, but being now a mounted officer I desired to learn our American cavalry seat, which could be best done at West Point. On my mentioning this to General Scott he at once wrote a letter to Colonel Delafield, the Superintendent, asking that I might be permitted to join the first class in their riding lessons. Armed with this letter I went to West Point and presented it to the Superintendent. He said that under the Regulations this could not be done; but at my request he gave me permission to take private lessons of Herschberger, the riding master, on the plain. I availed myself of the privilege without delay.

I found that our cavalry seat was identical with the one I had learned in Paris. One day, after some three weeks of les-

sons, while riding round the circle at a hard gallop, the order was "Right!" I made a very sharp turn to the right. It had been raining and the ground was quite slippery. The horse fell on all fours, and I was thrown off to a considerable distance, with a very bad dislocation of my right shoulder. I walked to the Hospital, where it was set, but the dislocation was so bad that, after six weeks' treatment in the hospital, I could move my right arm only about an inch from my side. This was in August, and I did not recover the use of it until March following. Two physicians in New York had pronounced recovery impossible. Dr. Sweet, the "natural bone-setter," having advertised his arrival at the Astor House, I called on him. He was out and I left my card with simply my address on it. The next day a white haired old man on opening my door exclaimed, "Yer right shoulder's out o' j'int." I told him he was mistaken; that it had been set. After a few manipulations of my arm I found I could move it several inches. His manipulations the next day enabled me to move it much more freely, and after the manipulations on the third day I had the most perfect use of the arm; which I have never lost to this day.

During my six weeks in the hospital there was no other patient than a very young cadet, a plebe, named Heth. A second class cadet who was one night sergeant of the guard, in order to play a trick on another plebe who was on post, approached him with two plebes of the guard—one of whom was Heth—and ordered him to give up his musket. The plebe refused and, the party advancing on him, in a rage he threw his musket at them. The bayonet wounded Heth in the thigh, passing only a hair's breadth from the femoral artery. The cadet sergeant was dismissed, and the plebe on post was court-martialed for having parted with his musket.

In the civil war Heth was a Confederate general in command of a division. I had often seen his name in the papers. Some years ago he removed to Washington, and I called on him. I found him to be a stout, heavily built old man. He did not re-

member my name, but he had not forgotten our joint confinement in the hospital. He told me that the battle of Gettysburg was accidentally brought on by his division, which was marching on a town in quest of shoes, of which they were greatly in need, and that they unexpectedly came on a superior Union force, which was rapidly being reinforced, and that after some fighting he was compelled to fall back. He returned my call, but I saw no more of him. He died a year or so ago.

### CHAPTER XIII.

#### FLATTERING PROFESSIONAL PROSPECT, AND WHAT CAME OF IT. THE MEXICAN WAR.

Though by the summer of 1843 my professional business had been gradually increasing, it was still very small. Now, Judge Y., who had been for many years judge of the District Court in New York, was about to retire from the bench, as required by the law of the State on his becoming 60 years of age. He determined to return to his practice at the bar. The prestige of his judicial experience would naturally attract a goodly number of clients. But he would need a partnership with some young lawyer to take charge of the attorney's business of the office. I cannot now remember what influence brought it about, but I thought myself fortunate in being the successful candidate for the position, and rented a first class law office in Wall Street for a year. But not a case came to us, and the few clients we saw were my own. I soon discovered the cause, of which I had been entirely ignorant. He had been not only a very stern judge on the bench, but had made himself very unpopular with the lawyers, not one of whom ever brought us any business. At the end of the year there was a balance due for office rent of \$600, an amount which neither of us could raise. The result was that I was compelled to seek some employment which would enable me to cancel the debt (the whole of which I afterward had to pay out of my own pocket).



Fortunately I had a friend who came to my aid in Mr. Charles King, of Elizabethtown. His son Cornelius was a pupil in the first class Commercial Academy of the Peugnet Brothers, who were friends of his. They were French artillery officers who had been compromised in an attempted insurrection against the Bourbons, and compelled to take refuge in this country, and who, through Lafayette's personal influence on his visit to us in 1824, had been able to found the Collegiate School, the reputation of which was now thoroughly established. Professor Headley (the historian) had just resigned his position as head of the English department, and they needed as his successor some one who was familiar with the French and Spanish languages, most of the pupils belonging to these nationalities. The salary was \$800 a year, and Mr. King's recommendation and influence secured the appointment for me.

Captain Louis Peugnet, the elder of the two brothers, was a personal favorite of Napoleon, and was charged by him with the bringing off the artillery on the field at the battle of Leipzig, and who left him a memento at St. Helena. I remember asking him one day what was Napoleon's height. After looking at me for a moment he said: "Just about your height" (which is nothing to brag of, mine being only 5 feet 6 inches).

My professorial career was perfectly successful, and I was much liked by teachers and scholars. But in two years came the Mexican war, and I resigned my position to take part in it.

Early in the spring when war began to seem probable, the field officers of the Division of Artillery formed a class for practical instruction in artillery under Sergeant Hamilton (drill sergeant of Ringgold's battery); also for instruction in field fortification under Professor Mahan, who came down from West Point and gave us a course of illustrated lectures.

Colonel Thomas, U. S. Army, Commandant of cadets at West Point, raised a regiment for the war. It was justly known as the "crack regiment," the captains having all been selected in view of their military reputation. He offered me

the adjutancy, a most important and responsible position, as all military men know, but I declined it, preferring to have command of a company. As all the field officers of the regiment were officers of the regular army, the very best material was attracted to it. The regiment was mustered into the State service, and the officers all received their commissions. Another fact which was another attraction for the best material, was that Colonel Thomas was a brother-in-law of the President, so that his regiment would probably be the first to be sent to Mexico.

We were daily expecting orders for being mustered into the United States service when Colonel Thomas was called by telegraph to Washington. On his return he summoned all the officers at Niblo's, where he reported to us that he was received by the President and the Secretary of War, and introduced to a Colonel X., of New York City; that he was told that from the last accounts the war was virtually over; that should hostilities be resumed no volunteer regiments would be taken from the north; that it was very important to occupy and hold California before the treaty of peace; that Colonel X. was ready to raise a regiment to be sent there; that his regiment would be taken into the service as soon as it was raised; that if Colonel Thomas would accept the command of it Colonel X. would go as lieutenant colonel; that he, Colonel Thomas, declined the offer on the ground that he had volunteered for Mexico and not for California; that thereupon he was asked whether, should any of his officers desire to join Colonel X.'s regiment, he would permit them to go, to which he assented. On concluding his report Colonel Thomas asked if any officers present should desire the transfer, they would please come forward and give him their names. I and my lieutenants were the only ones who availed themselves of the invitation.

Now the administration was a Democratic one, so that it was not strange that Colonel X., who was a prominent Democratic politician in New York, should be given command of the regiment, though he had had no military experience whatever ex-

cept that of colonel of a regiment of raw militia. His personal reputation not being of the highest, it was with great reluctance that I decided to join his regiment. The day after the meeting at Niblo's I called on him, told him I was lieutenant colonel of the Washington Greys, had thought of raising a company in his regiment, and had come to make inquiries about it. He told me that Lieutenants Burton and Hardie, both army officers, would be respectively lieutenant colonel and major of the regiment; that the regiment, when raised, would be encamped a few weeks on Governor's Island, and would then be sent in three transports around Cape Horn to California. I told him that I was acquainted with Lieutenant Burton, and would expect to be assigned to the ship in which he should sail. He assured me in the most positive manner that my request would be complied with. I, with my officers, began to raise a new company, no men of my other company being allowed to enlist. I drilled my men as fast as they enlisted. Three of the other captains were West Pointers, one of whom, Captain Z., was said to be determined that his company should be the best in drill and discipline.

After our mustering in on Governor's Island, one of the first orders published on parade announced that the troops would embark as follows: The colonel, with certain companies, on the Thomas H. Perkins, Lieutenant Colonel Burton, with certain companies, on the Susan Drew, and Major Hardie with certain companies on the Loo Choo. Six weeks after that, on the day before our embarkation, at the evening parade was read an order transferring F Company (my own) to the colonel's ship and D Company (Capt. Z.'s) to the lieutenant colonel's (in violation of the colonel's promise to me). At the officers' supper after parade Colonel X. announced that he had made the change "because he was determined to have the best drilled and best disciplined company on his own ship." From that time Captain Z. was my bitter personal enemy.

## CHAPTER XIV.

## FROM NEW YORK TO RIO JANEIRO.

Expecting to practise law in California after the war, I took with me a box containing my very small collection of law books.

We set sail in the morning of September 26, 1846. Before reaching Sandy Hook our ship was evidently pursued by a small steamboat. The colonel watched it anxiously and when it was within hailing distance he shouted to it to "Keep away! Keep away!" I was officer of the day and standing on the quarter-deck near the sentry on post there. She was about 100 yards from us, rapidly approaching with head on, when he bellowed out to me to make the sentry shoot the pilot. Instinctively, without thinking, I ordered him to aim at the man at the wheel. The moment I did so I realized that if the man were killed I should be hanged for murder. The colonel's order would be no defence, since an order from a superior to commit an unlawful act should be disobeyed. But there was no need of going any farther, for the moment the man at the wheel was aimed at, the speed with which the wheel went round and the boat sheered off was wonderful to behold. Months afterward, in San Francisco, I read a full account of the sensational incident in the New York papers. It appeared that there were writs out for the colonel's arrest, and that the sheriff, in order to serve them, had sent one of his deputies in pursuit.

The Government had recently adopted percussion rifles in lieu of the old flint lock muskets, and just before we sailed we received a lot of them, together with printed instructions for the drill with them, which our regiment was the first in service to receive. After we had got on our sea legs and seasickness was a thing of the past, I lost no time in studying the instructions and in commencing the new drill with the men of my own company; and during the entire voyage, on every

fair day, when the sea was tolerably smooth, I drilled my men in successive squads in the manual of arms; so that on arriving at San Francisco their drill was simply perfect. The men of the other companies were very glad to escape these drills, their commanders postponing them to some future time.

Except our ten days' stop at Rio Janeiro and the loss of two of my best men overboard, the voyage was wholly uneventful. One of the men jumped overboard in the delirium of fever and was drowned, the mate having refused to take immediate action to save him; for which I reported him to the colonel, but no notice was taken of his criminal indifference. The other one, the best man in the company, and afterward another man, the worst man in the company, fell overboard. The best man was drowned and the worst man was saved.

I remember one very trifling incident because I thought it rather funny. At supper in the officers' mess during the first two weeks, slices of ham were on the table. But afterward these were replaced by slices of coarse salt pork. One evening, while the Spanish boy waiter (who knew no English) was setting the table I said to myself, but aloud, "Pork, hey? No ham on." Instantly the boy said, "No hay mas, Señor" (meaning that the ham had given out). What I had said sounded to a Spanish ear, "Porque no jamon?"

But another little incident was really quite funny.

Sergeant Chichester (not of my company) was an old sailor and had been mate of a vessel. One night when he was sergeant of the guard, and I was officer of the day he came up to me very mysteriously and reported with a most serious face in a low voice that "the main brace had parted." "The main brace has parted!" I exclaimed. "You must go at once and tell the captain." But the sergeant "didn't like to wake him up." "But you must wake him up, Sergeant. I suppose it is a very serious thing." The sergeant agreed that it was a very serious thing, but he thought that he and the guard could manage to splice it, and from his talk I then began to suspect something. Finally it turned out that all that was needed was

a treat of good liquor, which they succeeded in getting. And this is how I learned the meaning of "splicing the main brace."

I forgot to state that our regimental adjutant was B—, the identical second classman at West Point who was dismissed for being the ringleader in the affair in which Cadet Heth was wounded. Soon after our arrival in San Francisco he challenged Mr. Teschemaker, a man of high character (afterward a soldier in my battery) for words derogatory to "Volunteers." They fought with rifles at forty paces and the result was that B— lost one of his thumbs.

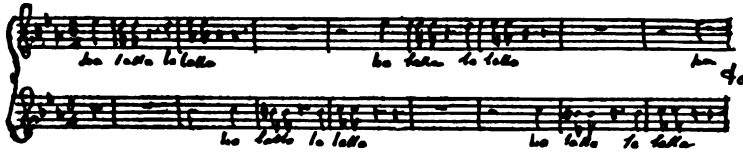
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## CHAPTER XV.

FROM RIO JANEIRO TO SAN FRANCISCO.—FROM SAN FRANCISCO  
TO SANTA BARBARA.

In twenty-four hours after our arrival in Rio Janeiro all the three transports were together in the magnificent harbor. I went ashore several times during our ten days' stay there. Once I attended a splendid performance of *La Pirata* at the Imperial Opera. The young Imperial couple were seated in a stage box. The Emperor, Don Pedro, was a blond, with an amiable face. Before the performance began there were cries all over the house of "Peo! Peo!" We soon discovered what it meant. Some of our volunteers in the boxes were sitting with their hats on. On their being removed the cries ceased.

In a second visit I slept at a hotel. At daylight I was awakened by the most melodious chanting I ever heard. Looking out of the window I saw a long procession of purely black slaves trudging along in single file to the docks, each with a bag of coffee on his back, singing the sad little chant I give below. The voices were of the richest tenor I ever heard, not excepting those at the Italian opera in Paris, and the effect was really pathetic, especially considering that these poor slaves had been torn from their wives and children, and brothers and sisters, never to see them again.



On another day I saw a funeral procession of friars and priests following the corpse, many of them laughing and apparently exchanging jokes on the way.

Before we left, Captain Folsom and I were honored with a call from the brigadier general who was Superintendent of the Imperial Cadets' School. On our returning the call he showed us all around and I could understand a little of his explanations in Portuguese, the language is so like Spanish.

Before the ships left, Captain Folsom and I were invited by the American minister, the well known Henry A. Wise, to dine with him. His wife and two or three young children were at the table with us. We were the only guests. His conversation during dinner and for two hours afterward was the most brilliant and interesting I ever listened to. It covered a great variety of subjects, most of them relating to his friend General Jackson, in praise of whom he was, in most respects, very enthusiastic. One trait of the famous general mentioned by him I now recall. It was his political ambition, illustrated by the fact that his duels were coolly determined on and coolly fought as a matter of policy.

From Rio Janeiro we sailed direct for San Francisco, where we arrived on the 6th of March, 1847, after a voyage of five months and ten days. On anchoring in the bay some of us went ashore in a boat, landing on a rock in what is now Clay street, between Montgomery and Sansome streets. The only buildings to be seen were the Custom House, a long, low building on the Plaza, now Portsmouth Square, and a one story wooden building with two rooms near the shore, just put up by Howard & Mellus, who soon after the discovery of gold became millionaires. One of the rooms was used as a shop

where all kinds of goods, including haberdashery and groceries, were retailed. The other two transports, which had stopped for ten days at Valparaiso, arrived ten days after us. Nothing else was to be seen but corrals and a few adobe huts along the shore. On going ashore we found the crows and blackbirds so thick that we sometimes had to kick them out of the road.

On our arrival, an order from Colonel Mason, the Department Commander, was awaiting us directing Colonel X. to send two companies to occupy the Presidio, an old Spanish post, where were stationed the troops sent from Spain in the eighteenth century as a guard for the Indian missions. It was about three miles from the Custom House. In obedience to the order I was detached to command the two companies required—Companies F (my own) and B. In two days we were ready to march. At my request I was authorized on the day before leaving to take my company ashore for drill on the Plaza. Captain (afterward Admiral) Dupont and two or three other officers were watching us on the piazza of the Custom House. Our drill was, of course, simply in the manual of arms. Captain Dupont had just arrived from the East, and after the drill he told me that he had never seen there anything so soldier-like.

We enjoyed our march to the Presidio extremely. It was the first chance the men had had to stretch their legs for over five months. We found the buildings at the post in a most wretched condition; many of the roofs entirely gone, and the walls tumbling in ruins. During the two weeks of our stay there we were hard at work in clearing away the rubbish and in preparing the post for occupation. When the other two transports arrived Lieutenant Colonel Burton, by an order from Department Headquarters at Monterey, was ordered with three companies down the coast to Santa Barbara. They were Companies F, B and A. We arrived there just after a furious storm.



## CHAPTER XVI.

## SANTA BARBARA.

We anchored at about a mile from the shore. The landing was quite rough on account of the heavy seas. Colonel Burton went ashore with the first detachment. The debarkation of the three companies took no little time. Being the senior captain I was left to come off in the last boat with half a dozen of my men and a lot of rifles, camp kettles, mess pans, etc. On arriving at about 200 yards from the shore a big wave turned the boat bottom upward. The coxswain, who was an old whalesman, called out, "Hold onto the boat. The next wave will right her!" But the men were all swimmers and struck out for the shore. Obeying orders, I held fast to the boat; and, sure enough, the next wave did right her, but the gunwale came down on my right leg and broke it—that is the *fibula*, not the *tibia* or large bone. The waves washed me along and as soon as I touched bottom I set out to walk ashore. Seeing me hobbling along, one of my men (James Lynch has lately stated that it was he) came to help me to the camp, a half mile or more from the shore. The next day Dr. Perry, our surgeon, set the leg; but it was six weeks before I could walk, at first with a cane, and then we moved from the camp into quarters hired for us by the Government, in the heart of the little town.

A few weeks afterward Lieutenant Colonel Burton was ordered to Lower California with Companies A and B, leaving me with my company as an independent command, of the military district as well as of the post of Santa Barbara. My reports were made direct to Headquarters, through Lieutenant W. T. Sherman, who was assistant adjutant general.

Our quarters were directly opposite the residence of the aged Don José de la Guerra y Noriega, under whose roof were living his sons and daughters and grandchildren with their families. The mansion covered an entire square.

In the latter part of the eighteenth century the missionary priests in charge of the Indian missions in California (one of which was at Santa Barbara) petitioned the Spanish government to send a military force for their protection. Accordingly, Don José, then a young officer in the regular army, was sent into the Asturias, to enlist there a company of 100 men, which he was to command. The force was soon raised and sent to California, where it was distributed among the several missions. Captain Noriega established his headquarters at Santa Barbara, and in view of his position and of his pure Spanish blood, his family was usually spoken of as the "Royal Family" of California. Quite a number of his old soldiers were still surviving, and whenever they met him it was with the military salute.

Before leaving New York I had become acquainted with a Mrs. Robinson, Noriega's daughter, who kindly gave me a letter of introduction to her father, and another to her brother, Don Pablo. As soon as I could walk I called at the mansion to deliver them. Don José received the letters very stiffly at the front door without asking me in. A week afterward I accepted an invitation to take supper with the family, by whom I was treated with the most punctilious politeness. But this was the only time I was ever in the house, and although, as in duty bound, I called and left my card, I was never invited to any of their weekly soirées musicales. Don José had all the dignified bearing of a Spanish caballero of the old school, but he was very bigoted in his religion, and we were to him not only a band of Yankee invaders, but of heretics.

After Colonel Burton left I commenced a series of daily drills, which I kept up until I knew officially of the treaty of peace. Many of my men belonged to the class of "roughs," and the only way to maintain discipline was by keeping them constantly employed and, as it were, under arms. Company, skirmishing, and (skeleton) battalion drills alternated with artillery drills and target firing, for which last I had had made a wooden polygon.

The mission buildings were on elevated ground a mile or more back of us, and the chapel there was often frequented by crowds, mostly of women and children, from the town. The people were naturally wishing and expecting us to be attacked and captured. Now the first time we used blank cartridges in a skirmish drill there happened to be a very dense fog. There was at once a great rush of people to the mission, it being supposed that their troops had come and that a battle was going on. At the officers' mess we had a colored cook, who officiated also as waiter. The *carte du jour* was never varied and never tempting. Hundreds of thousands of heads of cattle were around us, and our dinners at 2 P. M. consisted of beef lassoed and killed that very morning, with frijoles (beans) fried in lard. As for butter, there was none to be had. We once offered to pay \$3 for a pound, but the answer was "Mucho trabajo" (too much trouble). For two or three weeks after we were in quarters, a little three years' old girl brought us every morning a quart of milk. She would never tell us who sent it. When at last I insisted on knowing, to my question "De donde viene la leche?" she answered with a cunning smile, "De la vaca."

The native California men were, as a rule, well made and quite handsome and kept up their good looks to the last. They were always on horseback and they rode fully as well as the famous Mamelukes. They would roll their cigarettes on a hard gallop, and even very young boys would pick up a half dollar from the ground, when riding at full speed.

The girls were many of them of a lovely white complexion, and some of them were really beautiful. But on reaching mature age they began to fade, and after a few years their youthful looks generally disappeared, so that, as a rule, when they reached middle age, with us they would be taken for old women. I state this partly from what I saw and partly from what I was told.

The ground was everywhere dangerous for riders, on account of the coyote holes scattered about. The coyotes (some-

times called "prairie wolves") are not larger than young puppies, and not to be feared except when in packs and very hungry. The only time I ever saw a troop of them was on my return from a shooting expedition after wild geese, which were flying over us in great numbers. I had killed several of them (gray ones of course; the white ones were said to be "no good") and had hung them on my saddle bow. Coyotes then began to make their appearance, and soon there was a large pack of them running after me, evidently determined on carrying off my geese from under my nose. I began a hard gallop, but they kept up with me. Having no charge in my gun, all I could do to save my geese was, every time they came to very close quarters, to point my gun at the nearest of them, which invariably made them fall back. On my arrival at the town they all scampered away.

Within two weeks after our arrival at Santa Barbara I was seized with a peculiar form of malarial fever, caused perhaps by a stagnant, muddy pool in the neighborhood, which was called "Las Cieneguitas." It manifested itself in violent sick headaches which came on every Monday. Until Dr. Ord (U. S. Army) joined us our only medical officer was one of my sergeants, a young M. D., but very eccentric. The principal remedy he tried on me was quinine, but its effect always lasted but a short time. Hoping to be cured at Los Angeles (120 miles to the south) where the Volunteers had a regular army surgeon, I obtained a month's leave of absence in order to go there. The ride was very fatiguing, my strength having been much reduced by the fever. The doctor there never understood my case; for after a month's treatment I was no better, and, in returning, had to be lifted into the saddle. But the trip must have done me good, for although the weekly attacks continued, I soon regained my usual strength.

At Los Angeles my messmates were Capt. A. J. Smith and Lieutenants J. B. Davidson and George W. Stoneman, all of the 2d Dragoons, who were in the disastrous fight some months before at San Pasquale under General Kearney, and who were

afterward Generals in the Civil War. There were also Lieutenant Duane, U. S. Navy, and Kit Carson, the famous Indian scout and fighter, one of the most modest and unobtrusive young men I ever met.

Three of our companies were stationed there. One afternoon we were startled by a loud report, as of a heavy gun, in the direction of the guardhouse on the outskirts of the town. Of course we supposed it indicated an attack by the enemy, and, as promptly as possible we armed ourselves and reported at the colonel's quarters for duty. It was soon ascertained that the guardhouse had been partly destroyed by the explosion of a chest of ammunition into which one of the men had carelessly let fall the unextinguished stump of a cigar. This man was killed outright while others were wounded. One of them was the sergeant of the guard, whose leg had to be amputated. He survived the shock of the operation but a few hours. We all attended the funeral the next day, and I had to read the funeral service.

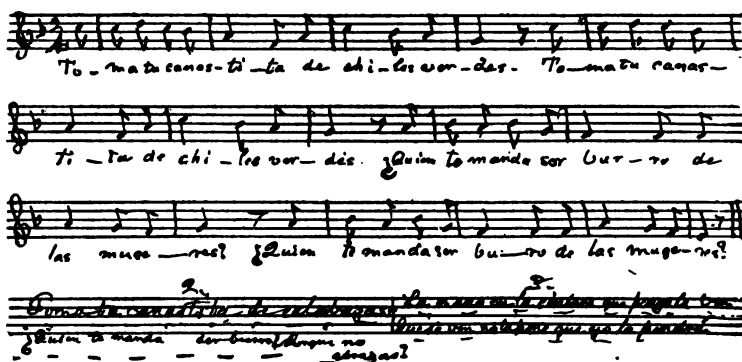
At Santa Barbara, Don Carlos Carrillo, brother-in-law of Captain Noriega, paid me some attention. At a tertulia to which I was invited, the guests, when not dancing, were seated on opposite sides of the hall, the caballeros on one side, and the señoras on the other. The only one of the dances I now distinctly recall is El Burro. The dancers with their partners formed one large ring. One of the men was posted in the center as El Burro (the jackass) and around him the dancers, holding each other's hands, moved with a grave and deliberate step.

Par parenthèse: Perhaps everybody doesn't know that all those graceful dances and songs which we call Spanish music came from the Moors, and more especially from Cordova, which was their capital, whose unique and beautiful architecture is admired all over the world. On the other hand the Moors never conquered or occupied the Biscayan provinces in the north, so that their music had a different origin, and it was this music that the soldiers from those provinces brought

to Santa Barbara, and the Burro may possibly have come down from the Visigoths.

But, revenons à nos moutons: The dance music was nothing but the chanting by an old improvisatore in a corner of the hall. Now, every time he introduced the word *abrazar* (embrace) every caballero had to kiss his partner, and should he be anticipated by the Burro, the Burro took his place, and the unfortunate partner became the Burro. What rendered the dance still more amusing was that a verse often ended with a sly hit at one of the dancers, male or female. And this was kept up for an hour at least.

Here is the dance with some of the verses:



During the eighteen months we were at Santa Barbara constant drills did not suffice to keep us at the last from almost dying from ennui. So that when we learned that a force was on the way to attack us it was a great relief which put new life into all of us.

A 12-pounder gun had been stolen from the beach where it was lying, and all our efforts to ascertain what had become of it had proved unsuccessful. Not far from us lived an old native California woman, secretly friendly to the Americans, and whom I relied on to report to me any movement affecting us. She informed me that the Mexican general, Pineda, was

marching to attack us with 500 men. Whether the number mentioned was exaggerated or not, there was strong reason to believe that the report was substantially true. Mr. X., an American who had resided many years in the country, and was the owner of immense herds of cattle, had received the same information from other sources which he deemed reliable, and, jumping on his horse, galloped 120 miles to Monterey, the Department Headquarters, to ask for reinforcements, my command numbering only about 70 men. Should the Mexicans capture the place, his entire property, consisting only of cattle, would have been confiscated.

On receiving the report I lost no time in putting my post in a posture for defence, drawing my 6-pounders into the barracks yard, piercing loopholes for musketry in the adobe walls surrounding the yard and levelling some structures and fragments of walls outside, so as to give us a clear field. As will be readily believed, the men all worked with a will.

A day or two afterward, to our surprise, a man-of-war appeared in the offing. It turned out to be the United States sloop Dale, commanded by Captain Selfridge (now Admiral Selfridge, Senior), and having on board the Department Commander, Colonel Mason, with his staff and a detachment of marines. They remained with us for two weeks, and my friendly old woman reported to me that on Pineda's hearing we were so well prepared the expedition had been given up.

I omitted to mention that at Rio Janeiro, while the colonel was staying on shore and I was in command of the ship, the 300 of our men on board refused to do duty. I must now add that once at Santa Barbara a still more serious mutiny broke out, headed by my additional lieutenant, who had been promoted from the ranks. Both these mutinies I promptly suppressed, and it goes without saying that on both these occasions I had to take very vigorous measures for their suppression. The particulars would come more gracefully from some other person than myself.

Santa Barbara has a most equable climate. During our eighteen months' stay there the thermometer was scarcely ever more than two or three degrees above or below 70. The only rains that came were occasional showers during two or three weeks in the spring, and the little arroyos were soon afterward dry again. The rest of the year we had a clear blue sky, which, before long, became tiresome. for it was only once in a while that a cloud was to be seen.

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## CHAPTER XVII.

FROM SANTA BARBARA TO SAN FRANCISCO.—A PROVISIONAL  
GOVERNMENT.—THE HOUNDS.—CONSTITUTIONAL  
CONVENTION.—A RATTLESNAKE.

In October, 1848, we were mustered out of service. The men all scattered to the gold mines. I decided to return to San Francisco by water, and so took passage in the barque which brought us the mustering out officer for San Diego, from which place she was to sail for San Francisco. She was in the employ of the Quartermaster's Department, and was commanded by Passed Midshipman Selim Woodworth, son of the author of the "Old Oaken Bucket." He was a thorough sailor, having been in voyages before the mast before entering the Navy. We were anchored for two or three days at San Diego in the beautiful and extensive bay. The voyage to San Francisco was very long and tiresome. We were lying to for twelve days off the Sandwich Islands in a tremendous gale. The waves were more mountainous than any I had ever seen, and for several days during the gale I was in my berth deadly seasick, unable to sleep or to eat. In the height of my misery down came Woodworth to cure me, bringing me a slice of a very large raw onion in vinegar, and a sea biscuit, and insisting on my consuming it all on the spot. I did so automatically, for I was too weak to resist. And lo! at 2 P. M. I was up, eating a hearty dinner of beefsteak and "fix-



ings." From that time I was well, for, in spite of the gale, the seasickness never returned.

Arriving at San Francisco I found a *soi-disant* hotel, where the rooms consisted of about twenty square feet each, curtained off with muslin. But not even a square foot could be found where I could set up a law office, and hang out my shingle, and I was obliged to accept Quartermaster Folsom's hospitality until I could get a room in a building then going up in Portsmouth Square, and even then the only room I could secure was on the second floor, over a gambling saloon through which I had to pass to get to it. Gambling, quarreling, and noisy music were going on all night right under me. I wonder now how I could have gotten any sleep, for "tired Nature's sweet restorer" had no chance to get at me. But things soon began to improve, and in two or three weeks I had a decent office, while law business began to pour in—in those days principally in the examination of titles; every day many thousands of dollars were spent in purchasing lots, and in selling them at an advance often of 500 per cent. in the next week or two. I had the tremendous advantage of being the first regular lawyer on the ground, and this prestige I retained to the last, although several other lawyers were in the crowd which arrived in the first steamer in February, 1849. Every steamer which arrived brought more or less of important cases, so that in 1852 I retired from practice with an independence. At the beginning there was another limb of the law, but he was a young man who had studied in a law office, but had never been admitted to the bar.

The first case in which I was employed was a mercantile one. The Alcalde was the court, and totally ignorant of legal procedure. To make a long matter short I will simply state that under my instructions the case was tried with all the formalities of a court in the East, including a jury of twelve men, which, in this case, was a special jury of merchants.

A Pueblo corresponds to our township, and its legislature or governing body is an *Ayuntamiento*. Now about this time

there was an interregnum; two Ayuntamientos having been elected and no one knowing which was the legal one, and neither of them being willing to yield to the other, we were in a state of anarchy. The only possible remedy was to elect a third body, as a provisional government for the protection of life and property, until Uncle Sam should give us a permanent and legitimate one. Accordingly meetings were held, resulting in the adoption of a simple form of government by a legislative assembly, with a speaker and a clerk, and a judge and a sheriff, the speaker being necessarily the head of the government, representing the executive power. An election was duly held in which all of these offices were filled by a unanimous vote, that of speaker being conferred on me. The members of the little legislature were some of the leading citizens; among them was Peter H. Burnett, lately arrived from Oregon, where he was chief justice of the Supreme Court, and who was soon after elected the first Governor of California. The new government was quietly administered for three or four weeks when it adjourned *sine die* on the issuance by General Riley, commanding the department, of a proclamation calling a convention of the people for the formation of a State constitution. Our carryings on, reported to Uncle Sam at Washington, had evidently forced his hand, so that we didn't have to wait an indefinite time for a constitutional convention.

Some time before the convention met San Francisco was kept in awe by a band of ruffians, whose murders, robberies, and other outrages finally brought about a mass meeting, at which were organized squads of citizens who soon hunted them down. They consisted chiefly of the worst elements of the mustered out volunteers. The second in command was one of my men, as was also Jack Powers, afterward the desperate brigand who was the terror of Southern California for years. They had gone so far as to form a battalion which publicly manoeuvred on Portsmouth Square. The squad which I led found and captured Sam Roberts; the chief. In the prosecution and conviction of the ringleaders I took a leading part.

Those convicted were deported on the frigate Savannah. The others had fled.

About this time I had a little experience, perhaps worth recording. I was in the habit of taking a long walk in the country after breakfast. In one of these walks the path led through a small copse of scrub oaks. On entering it I heard a very peculiar noise I could not account for. I stopped to listen. Possibly, I thought to myself, it is made by a tree toad. I looked around, but though the noise continued, I could see nothing. So I gave it up and took a step forward; but there, right in front of me, was coiled up an enormous rattlesnake on which I was about to put my foot. I jumped back in a hurry and when at a safe distance I stopped to look at him. He continued his rattling until I departed, giving the copse a wide berth.

The next morning on my approaching the copse two men with guns called out to me that they had something to show me. On reaching them there lay on the ground the skin of my rattlesnake friend of the day before. They told me that they had been trying for two weeks to find and shoot him, but it was only that very morning that they succeeded. I counted nineteen rattles, showing him to have been twenty years old.

The Constitutional Convention assembled at Monterey on the 3rd of September, 1849. I was one of the delegates from San Francisco and usually presided in the debates as Chairman of Committee of the Whole. One of the members was Dr. William M. Gwin, of Mississippi, recently arrived from the East, with the intention, of which he made no secret, of being elected Senator in Congress on the admission of the State. He had always been a prominent politician, and he came to California under a cloud. Whether the charge was well founded or not, he was reputed to have embezzled \$70,000 of the Government's money while United States marshal for Mississippi, and to have been shielded from prosecution by his friend, President Jackson, who had given him the appointment. Under these circumstances it is not surprising that he was not placed on any

of the various committees on the constitution. Coming from the South he was naturally (and excusably) in favor of any measure which would save California, or a portion of it, for the slaveholders. Now such a measure would be that of extending the eastern boundary of the State to the Rocky Mountains, to be afterward divided by an east and west boundary line into two States, the northern one to be free and the southern one slave. And there would be a fair prospect of this being done, inasmuch as one-third of the settlers were from slave holding States, with whom a goodly number of the members of the convention were in sympathy.

The last question to be decided in the convention was that of the eastern boundary, which most of the members from Northern States insisted should be the Sierra Nevada; but in the evening of September 24th, after a long and exhausting discussion, when many of the members had retired from sheer weariness, Dr. Gwin and his followers, profiting by their absence, carried their point by a vote of 19 to 4.

The next morning I was in bed with one of my weekly sick headaches when I was waited on by a committee of two members, who informed me of the vote which had been taken, and that they had been sent to bring me to the convention at once to help in getting the vote reconsidered. The urgency of the case gave me strength enough to dress myself and accompany them to the convention. There was a long and bitter discussion, in which I tried to do my best. The final result was a reconsideration of the vote, establishing the Sierra Nevada as the eastern boundary. Charles T. Botts, although a Virginian, spoke and voted for it. He was a lawyer by profession and the most brilliant orator in the convention, and I felt very much flattered by a remark of his to one of the members that "Lippitt was grand." But this was simply poetry, for there was nothing in my speech which could be so called. The fact is that I saw just where was the enemy's most vulnerable point. It was their leader's ambition to be elected Senator, and I concentrated all my efforts and reason-

ing to show that the constitution with the Rocky Mountains boundary would never get through Congress, and that even if it should, it would delay the admission of the State indefinitely. And now Dr. Gwin's eyes were made to see that he had better fall back from his position, and the result was the enemy's surrender.

Unknown to me, on the adjournment of the Convention *sine die*, a caucus was held by the members for the nomination of the first State officers. Judge Burnett, a Western man of the highest character, was nominated for Governor, and a committee waited on me to know whether I would accept the nomination of Lieutenant Governor, which would be unanimous. I said I would. The State ticket was made out accordingly, and the members then scattered to their respective homes in different parts of the State. I was one of a party of some half a dozen who returned to San Francisco on horseback. At a halt we made on the road Dr. Gwin called me aside. He told me that he had come to California to be elected Senator in Congress; that the votes (and he might have added the *drinks*) were among the miners in the northern part of the State; that being on the Convention's State ticket I had a personal interest in the canvass which he was going to make. He therefore proposed that I should accompany and aid him by making campaign speeches; and, "would I consent to do this?" I told him flatly I would not; that my professional business was so large and important that I could not spare the time. My manner was so positive that he saw that any further talk would be useless, and he left me in a rage, exclaiming, "*You will rue it!*"

Accordingly on our arrival in San Francisco, he and the five or six other members, followers of his, with whom I had been riding, called themselves "*an adjourned meeting of the Convention*" and struck out my name from the Convention's ticket, substituting in my place the name of a certain member who had been the buffoon of the Convention, never rising to speak except when in a state of most decided alcoholic exhilaration;

and he was just the speechmaker that Gwin wanted to win the votes of the thousands of roughs who would probably decide the elections.

The grand result was that the Legislature elected by Dr. Gwin's friends elected him Senator to represent the State in Congress. His Lieutenant Governor of course presided in the Senate, and his Legislature was known for years afterward as "the Legislature of a 1,000 drinks."

After the election Governor Burnett (confidentially) offered me the Secretaryship of State, which I declined, and afterward the district judgeship in San Francisco, which I also declined, as my professional receipts for one month would about equal the whole annual salary of the incumbent.

In March, 1849, one of my men who, with his wife, one of the company's laundresses, had left for the mines in October, came to San Francisco and put into my hands \$6,000 in gold, to be sent to his wife's sister in the East, and two months or so after that they sailed as first class passengers in a steamer for New York.

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## CHAPTER XVIII.

THE GREAT FIRE OF MAY 5, 1851.—FROM SAN FRANCISCO TO PROVIDENCE.—FROM PROVIDENCE TO BRUSSELS.—THE ROYAL FAMILY.—FROM BRUSSELS TO PARIS.—BALL GIVEN TO THE EMPEROR AND EMPRESS.

In 1851 I organized, instructed and commanded the 1st California Light Battery.

Twice in the great fires in San Francisco I had been "burned out." Determined not to be burned out again, I took an office in the only "really fire proof building" in the city, for which I paid a monthly rental of \$125 instead of \$50, the usual rent for an office in any other building. It was a two-story brick building, in which my office was on the second floor. The roof was of iron surrounded by a parapet of brick and there was nothing in the interior but stone and iron, except the floors and

stairs. The entrance was closed by an iron door; all the windows had iron shutters, and finally, in the yard was a small fire engine kept ready for use.

At that time I had the only large law library in the State. It had cost me \$10,000 and the last books arrived had just been put on the shelves, in wooden boxes with handles, to enable them to be carried out safely in the shortest possible time.

In the afternoon of Saturday, May 5, 1851, Frank Baker had left for a few moments his little paperhanger's shop on Portsmouth Square, in which was boiling a pot of varnish. On his return he found that it had boiled over and had set the shop on fire. A very strong wind was blowing, which rapidly extended the fire to a certain quarter of the city in which was the law office of my late partner, Hall McAllister, who had a goodly lot of law books. As the wind was in a contrary direction from my office, and considering it therefore absolutely safe, I hurried to help McAllister save his office from the flames, which were fast approaching it. For some time we were employed on the roof of the building in keeping it drenched with water. Suddenly the wind, now blowing a gale, veered around exactly in the opposite direction, and the flames were flying rapidly toward my office. I lost no time in getting down into the street and rushing to see if it were safe. I was so long in forcing my way through the excited crowds that by the time I arrived I found the buildings around it on fire, the one next adjoining it overtopping it by several stories. Seeing that one of my window shutters was not closed I rushed around to the front entrance in order to close it. Some men who were closing the iron door insisted that I was too late. I told them that I would be down in less than a minute, and they let me pass. On my coming out they rammed a heavy piece of timber against the door in order to keep it closed. Of course it was then impossible for anyone to enter in order to save the books by throwing them out of the win-

dows ; and all I could do was to stand still all night witnessing the destruction of the building ; seeing first the flames from the tall building licking up the water on the roof, then heating the iron plates red hot and curling them up, and then darting down through the crevices until they penetrated into all the rooms, destroying everything in the building consumable by fire, including my law library, my office furniture, my account books, and clients' papers, and—a loss which was irreparable—my professional briefs. At 7 in the morning nothing remained of the building but the bare walls.

The day before the fire Judge Bennett, of the California Supreme Court, was in my office. He apologized for making me an offer of \$5,000 for my library on the ground that it was all the money he had in the world.

In 1852 I retired from the practice of law with an independence, and in December I was married to Miss Elizabeth S. Clarkson, from Durham, England. In 1853 we went to Providence, Rhode Island, where our son Frank was born in January, 1854. Soon afterward we went abroad in the ill-fated Arctic, which went to the bottom on her return voyage, with my old school fellow Captain Comstock and his brother, who had bid us good-bye at the Hotel Meurice, and two or three pleasant acquaintances we had met on board, one of them the sister of Captain Martin Scott, the celebrated shot. We stayed one night at Liverpool and took a train for London the next morning, arriving in time to take the steamer for Ostend on our way to Brussels.

We were seated on the quarterdeck when we noticed at some distance forward a gentleman with hair somewhat reddish, wearing glasses, two young ladies on one side of him and a boy of about sixteen on his other side. The gentleman was talking to the boy, who was an American and listening to him with great interest. Although we could only catch fragments of the conversation, his kindly manner and his talk, *rempli d'esprit*, were so very remarkable that I said to my wife that I should not be surprised to learn that he was some eminent

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personage we had read about. The party was with us all the way to Brussels, and the next morning's papers announced the arrival of William M. Thackeray; and his identity was confirmed to me on my inspection afterward of some of his best portraits.

We were eight months in Brussels, and we found it so dull a place and the people so inhospitable that we were very glad to leave it. I had a letter of introduction from a Mr. De Rongé, whom I knew very well in New York, to his brother, who was a merchant in Brussels. I left it at his residence. He called once and that was the last we saw of him. I had also a warm letter of introduction of myself and wife to Dr. Morel from his old friend, the Rev. Dr. ver Mehr in San Francisco, which I left at his residence. He called once, but that was all we saw of him or his family until I was compelled to send for him to treat our baby boy, who was suffering from a severe cold. Having been taken out by his nurse during two intensely hot days in July he was seized with convulsions. I ran after the doctor at once. On his arrival he announced that the baby was dying of sunstroke. I made a rush for the chaplain of the British Legation, and he died in a moment or two after he had been baptized. No one came to the funeral. The doctor's wife never called on the poor young mother, a stranger in a strange land, and her husband's patient, nor even sent a line of condolence.

The only incident in Brussels which interested us was the opening of the Chambers by a speech from King Leopold, at which were present all the members of the royal family. The ill-fated Carlotta was then a girl of thirteen. The Archduchess Henrietta Maria, lately married to the Comte de Flandres, heir to the throne, was quite handsome-looking, and smiling like a jolly girl of eighteen. Her husband is now King Leopold and she is still living, and is the mother of the Princess Stephanie, widow of that unfortunate Rudolph of Austria. She lost her only boy by a riding accident when he was only ten years old, and is said to have never smiled for

many years afterward. Poor Carlotta is also still living, widow of the Emperor Maximilian, and ever since his execution has been hopelessly insane.

On the occasion of a reception by King Leopold of his nephew, the young King of Portugal, we saw the cortège headed by the two Kings riding side by side. The Portuguese King was the son of Maria da Gloria, the young girl of fourteen, then Queen of Portugal, in whose cause I had tried, 23 years before, to get an opportunity to fight. We went of course to Antwerp to see Rubens' masterpiece in the Cathedral, the Descent From the Cross. We saw Meyerbeer's brilliant opera, *L'Etoile du Nord*, eight times. We afterward saw it three times in Paris, where its performance was not at all superior to the one in Brussels. Before we left Brussels we saw the Opera House destroyed by fire. We attended a concert at the Conservatoire, presided over by Fétis, whose name is familiar to all musicians, and we visited two or three times the picture gallery, in which most of the paintings were of the realistic Dutch school.

Soon after our little boy's death, I determined, in order to cheer her up, to take my wife to Paris. In a few days after our arrival there we took board in a first class *pension bourgeoise* in the Champs Elysées, not far from the Arc de Triomphe. I then returned to Brussels for our luggage, which we had left behind until we should find permanent quarters in Paris. I had to stay there over Sunday. I was walking alone through a narrow street leading from the Place Royale, when I saw driving slowly towards me an open barouche containing two ladies. Before meeting them I had already recognized them, having seen them at the opening of the Chambers. The one who was driving was the Archduchess Henrietta Maria, and the other her sister-in-law Princess Carlotta. In passing them I took off my hat, and in return the Archduchess gave me a bright and jolly smile.

In Brussels the daily stage for Waterloo passed the house in which we were boarding. I always meant, of course, to

visit Waterloo, only twelve miles distant, and the only reason that I did not do so was that I could go there at any time.

In our *pension* at Paris many nationalities were represented. The only one of the boarders with whom we became intimate was a very amiable young man, Graf von Rittberg, military attaché in the Prussian Embassy. He told us that in the following week was to come off at the Hotel de Ville the last of the balls given by the city of Paris to the Emperor and Empress; that 15,000 invitations had been issued, and that notice had been given by the Prefect of Police that no more tickets could be obtained, and he was very indignant that he had been unable to obtain one for himself, though a member of an Embassy.

Two days afterward, much to our astonishment, there came to each of us, properly directed, with our full names, a ticket of invitation to the ball from the Prefecture of Police. My poor young wife felt no desire to go, but I insisted that she should, knowing that she would afterward very much regret her failure to do so. Under the circumstances, going in a ball dress was out of the question, and on inquiry we obtained the address of Madame ———, dressmaker to the Queen of England. A dress of black moire antique was decided on, and it came home in time for the ball. Our carriage came for us at 9.30 P. M., but owing to the great throng of carriages before us there was no entrance for us until 11.30. I shall not try to describe it and shall only say that the ball was inexpressibly magnificent. In every one of eight *salles de danse* there was a band of music, one of them being Strauss' Orchestra from Vienna. Down the steps of the grand staircase flowed, or seemed to flow, a constant stream of water lighted up by gaslights under them. Adding to all this the thousands of military and diplomatic uniforms, and the thousands of women, many among them beautiful, but all in brilliant, close-fitting toilettes, dazzling the eye with diamonds and other jewelry—the whole made an ensemble not to be forgotten.

As to the source of our invitation I formed a theory, though

having to leave Paris unexpectedly and in a hurry, I had no opportunity to have it confirmed. One of my first calls in Paris was on my old friend of twenty years before, Edouard Thayer. Now both he and his brother Amédée were on terms of close intimacy with the Emperor and Empress, and were frequent guests at the Tuileries. Amédée's wife was Hortense Bertrand, goddaughter of Queen Hortense, the Emperor's mother, which fact established between them in the Catholic church a fraternal relation, forbidding marriage between them without a dispensation from the Pope. Again, Edouard's wife was Mdlle. de Padoue, the former fiancée of the Emperor, and since the establishment of the Empire both of the brothers were in the Chamber of Peers. Now Edouard Thayer was the only person who knew of my arrival in Paris, and through him a word from the Emperor, directing the ticket to be sent was undoubtedly obtainable.

Another call in Paris was on La Comtesse de Keratry, who received me very cordially. Her husband, now a hale and hearty old man, was present. She talked to me about her son, a boy of nineteen, a lieutenant in the Zouaves then fighting in the Crimea. (In the war of 1870, only fifteen years later, he was a lieutenant general, in command of an Army Corps). I had left her a beauty of 25 twenty years before, and found her a beauty of 45, and looking but very little older. Then on Dr. and Madame Haracque and their two daughters, Amélie and Estelle, then very little girls, who, with their mother, were my pupils in English. They were *deux belles femmes*, and I was sorry to find them still unmarried. (Oh that dreadful *dot* requisite in France!). Madame Haracque when a child was a pupil in the school of Saint-Cyr, founded by Napoleon for the education of daughters of the ancienne noblesse, and had the honor of sitting in his lap when he visited the school.

And finally on my old friend Monsieur Damée, the stocking weaver, whose daughter Antonia was fourteen when I taught her English, and was now a married woman of thirty-four. I

was sorry to learn that she was very unfortunate in her husband. Her elder sister was also married, and their mother had died. Both father and daughter were delighted to see me, and to talk over old times.

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## CHAPTER XIX.

THE EMPRESS.—FATHER DENIS.—THE VARIOLOID.—TRIP TO ENGLAND.—MAJOR BIRD.—RACHEL.—AN EMBEZZLEMENT.  
FROM PARIS TO SAN FRANCISCO.—FRAGMENT SAVED  
FROM THE WRECK.

It was early in the Spring of 1855 that we arrived in Paris. We intended to make a long stay there, but an unexpected event compelled us to leave at the end of three months.

My first sight of the Empress Eugénie was accidental and unexpected. I was walking in the Champs Elysées when I saw coming from a distance the Imperial barouche. I posted myself by the side of a large tree, close to which it would have to pass. On the back seat were two ladies, one of whom was the Empress. On her approach I took off my hat to her and had a good look at her, as she had of me in acknowledging my recognition of her with a most lovely smile. She was then about twenty-nine, and thus in the full perfection of her wonderful beauty. I have never seen anywhere a picture giving one an adequate idea of it. I was particularly struck by the peculiar color of her hair, which was of a nondescript blonde, suggesting the ashes of roses (whatever this may be).

Intending to bring about our presentation at court, I wrote to my uncle in Virginia to obtain for us letters of introduction to our minister at Paris, Judge Mason, who was a Virginian. The court usage required that we should be presented by the minister of our own country, and without a previous satisfactory introduction to him it would be useless to ask for a presentation. And another necessary preliminary was a thorough instruction in the peculiar forms to be gone through with on the momentous occasion. For this purpose I secured, as

was customary, a course of lessons from the ballet master or master of ceremonies (I forget his correct title) of the French opera. At the same time he taught us the dances most recently introduced. In the intervals between the lessons he left his violin with us. He told us that he had 25 pupils and that he had to leave a violin with each one of them. Our entire course was completed within six weeks. As to the presentation we had to wait until the letters to the minister had come.

My wife soon found a congenial friend in Miss Sophie Blanc, daughter of the attorney general of one of the British islands. She had a friend who was a nun in a convent a few miles from Paris. One day they went together in a carriage to visit her. Father Denis, a priest of the Madeleine, a friend of Miss Blanc's, and I accompanied them in a cabriolet. The father was an eminent personage in the Catholic Church, and when Bishop Ives, of North Carolina, became a Catholic and went to France, he was appointed by the Pope the Bishop's spiritual adviser and instructor in his preparation for the Catholic priesthood. On our return, knowing me to be an American, he asked me to tell him all I knew about the *tables tournantes*, then so rife in America, which I did. He then, to my surprise, informed me that he and some others of his fellow priests, were privately trying the same experiments. I asked him how that could be, seeing that the Archbishop of Paris had issued a Pastoral letter forbidding such experiments among his flock. His answer was that the Archbishop's letter, not involving any matter of faith, was only advisory, and of no binding authority. He added that the priests deemed it their duty to investigate these phenomena for the sake of their flocks, and that he himself was convinced of their occurrence, but believed them to be caused by evil spirits.

About this time the Prussian lieutenant fell ill and was confined to his bed. The landlady told us that "it was nothing serious—only a little fever." My wife suggested that he might like to have us visit him. He was very glad to see us, but of course we stayed only a few minutes, cheering him up. A few

days afterward my wife was taken ill, and I sent for Dr. Haracque. On learning the symptoms he left a prescription. She asked him what was the matter with her. He told her it was "a slight irritation of the stomach," but when I accompanied him to the door he told me it was varioloid, and on inquiry I found that this was what ailed our lieutenant friend, and that the landlady had carefully kept the secret to prevent a panic among her boarders. My wife's attack was not severe, but it was three weeks before she could safely leave her room.

Then we went to see Rachel in Adrienne Lecouvreur. She had great emotional power, but it was too fiercely displayed; and her voice in all her passionate passages was very harsh; and her acting seemed to me rather theatrical than dramatic. I may be all wrong, but I venture to think Bernhardt superior to her. Soon afterward an elderly lady among the boarders told us that her daughter was going to be married, and wanted to go to see Adrienne Lecouvreur with her fiancé, but of course they must be chaperoned; and at her request, not to be disobliging, we consented to do the chaperoning.

We then took a trip to England to visit my wife's cousin, Mrs. Dr. Ward, in Durham. They received us very cordially, but our visit was a short one. Dr. Ward had lately received from Napoleon III. a ribbon as Chevalier of the Legion of Honor, for having descended, at great risk of his life, into a coal mine after an explosion, and saved the lives of some French laborers who were buried under the ruins.

At Newcastle-on-Tyne we saw a great curiosity,—the old stone castle, said to have been built by William Rufus in the 12th century. Nothing but the bare walls were standing, which to the best of my recollection are five feet thick.

On our return we stopped five days at Cheltenham. I had heard that the social attractions there were unusually great, and having thought of going there to stay, I wished to ascertain the expenses of living, and found them to be very much within our income.

We stayed two days in London. Major Bird was my wife's

great uncle (by marriage) and his name had always been a household word in the family. He was an old army veteran, and when an invasion by Napoleon was expected, he was placed in command at York. He afterward made some unfortunate investments in real estate, which involved him to such an extent that he was obliged to sell his commission, and through the influence of the Duke of Wellington, his personal friend, he was admitted into the Charter House, where we went to see him. He was very much gratified to be remembered, and we were glad to find him in such comfortable quarters. He took us over the institution, explaining everything as we went along. His manner was a compound of dignity and of exquisite courtesy. He died in the following year, as we learned from the *London Illustrated News*, which contained a biographical sketch of him. Mrs. Dr. Ward was his daughter, and the same issue of the *London News* contained a portrait of him and an account of his heroic services in the mines.

Soon after we returned to Paris a letter from California announced to me that my whole property had been embezzled by my agent, in whom I had implicit confidence, leaving him a full power of attorney. An immediate flight to San Francisco was necessary; and not an hour should be lost. In two hours our passages were paid on the first steamer from Liverpool to New York. My wife having some necessary purchases to make, we took a carriage in which Miss Blanc accompanied us. On our return up the Grand Avenue of the Champs Elysées I noticed that the people on the sidewalks had stopped as if to see something behind us. On looking out we saw that it was the Emperor and Empress in a barouche, with outriders, etc. I had our carriage drawn up on one side and we got out and stood by it. The barouche was coming at a slow trot, so that we had ample time to look at the Imperial couple as they passed. Of course I took off my hat to the Empress, who in return gave me the same enchanting smile she had given me before; and the Emperor touched his hat to my two ladies.



The Emperor had the complexion and the grave expression of an invalid, (which he really was) dull and heavy. His physiognomy seemed to me slightly Jewish, and his eyes were leaden in color.

Before I forget it I will say here that the letters to the Minister arrived three days after our departure, as we afterwards learned from a letter from Miss Blanc.

On arriving at Calais we found that the crossing to Dover, always much dreaded, was going to be unusually rough, in consequence of a storm which had just subsided. In fact it proved to be the worst experience of seasickness that either of us had ever had. The steamer, both in size and accommodations, was in no respect better than one of the small ferry boats on our Western rivers. During the whole trip across we lay perfectly helpless, and the brandy kindly brought us by a sympathizing navy officer gave no relief. The sea was so rough that, at about 200 yards from the shore, the passengers had to be landed in boats, while we two had to be lowered into one like two bales of goods. We went to the Lord Warden House (as recommended by our navy friend), which was close to the shore, where, after lying down for two hours, we were so much better that we took the first train for Liverpool, where we arrived in time to catch the steamer for New York, and, arrived at New York, we took the next day's steamer for the Isthmus.

We arrived in San Francisco most unexpectedly to my agent, and just in time to save out of the wreck \$5,000 in mortgages, which he was on the point of appropriating. At that time in California there was no law making the embezzlement of trust funds by an agent a criminal offence, but my case was such a conspicuous one that in the following winter an act was passed making it so. The civil suit I began against him could hardly be expected to have any fruit, as he was totally insolvent, but I had him arrested and made him give me a mortgage on the property he had bought and improved with my money. The mortgage was then not worth the

paper it was written on, as he had already incumbered the property by mortgages and other liens for more than it was worth. When I arrived it was just going to be sold at auction under the first mortgage of \$5,000, and a loan to me of that amount by my friend W. T. Sherman enabled me to purchase it and stop the sale, and after two years to recover \$10,000 by way of compromise with a wealthy purchaser who had taken a fancy to the property, and was buying up all the liens in order to have a clear title.

All these proceedings required time, so that I had to rent an office and begin the world all over again. But the prospect was a very gloomy one. During my absence of two years some of my old clients had died, some had gone away, and the rest had given their business to other lawyers. So I found myself again in straightened circumstances, felt much more acutely now that I had a wife to support.

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## CHAPTER XX.

TWO DOG STORIES.—PROFESSIONAL BUSINESS.—A VALUABLE BROOMSTICK.—TO VIRGINIA CITY.—A NARROW ESCAPE.  
—A SHORT CAMPAIGN.

In September, 1855, the anniversary of the admission of the State into the Union was celebrated with more than the usual éclat. W. T. Sherman, just made Major General of the State militia, was the grand marshal, and he made me his chief of staff. (At the next celebration I was grand marshal myself.) The horse I rode was full of animal spirits and seemed to enjoy the proceedings as much as we humans. During the whole route he was constantly plunging and rearing without any assignable cause, thus making us one of the most conspicuous features in the procession. Once it was reported that I had been thrown and killed (but I can venture to assert that this was not true). Somehow the report reached my wife, who (very excusably) fainted. A few days afterward I felt quite flattered in receiving a beautiful saddle-cloth embroid-

ered in gold from a saddlery firm to whom I was an "entire stranger" "as a compliment for my horsemanship."

Soon afterward I was attacked by a dog whose behavior was very singular. While in quest of a cottage to live in I came upon one which had "To Let" on it. It stood back from the street and the entrance was on a side of the house at the end of a long veranda. I knocked at the door and asked the lady who opened it if the house was for rent. She said it was not, as the owner had changed his mind. Now at the rear of the lot was a very high board fence—six feet, I should say, at least, and behind it was a dog, and the moment I entered on the veranda that dog had begun to growl, and more and more fiercely, until just as I started to leave he sprang over the fence and rushed toward me. He was a large dog and I judged him to be a mastiff. The lady was terribly frightened and screamed out at him at the top of her voice; at this he instantly crouched down, howling as if someone were beating him with a club. But the very next moment he was up again, growling and rushing at me as before. And again at the lady's terrified scream he went through the same performance. Realizing that though I *might* be bitten, I was *sure* to be should I begin to run, I continued my walk without hurrying my pace. Before I arrived at the gate the same dramatic scene was again enacted, and as I was shutting the gate the dog was literally at my heels. He tried to jump over the picket fence, but it was too high for him. He continued expressing his indignation at being robbed of his expected pound of flesh by fiercely growling until I was out of sight.

On reaching my boarding house and opening the door I was surprised to find my wife in tears. She exclaimed, "Oh, Frank, I am *so* glad you have come." On my asking what the matter was she told me that a few minutes before she suddenly felt that I was in some serious danger—she did not know what. I suppose the Psychical Research people would call this a case of "telepathy."

Another dog story:

When a mongoose is brought to kill a rattlesnake he circles round and round him, all the time watching him intently. The snake is thus obliged to be following his movements by spinning round and round, which of course soon makes him dizzy, and more and more so until he becomes confused, retarding somewhat his movements, when the mongoose springs at the snake, burying his teeth in his neck.

Now in my summer trips to the White Mountains I was accustomed, on arriving, to cut myself an Alpenstock about six feet long. I was once taking my three-mile walk and was about a quarter of a mile from the nearest house, when out sprang from the woods a middling sized dog, making for me with a low growl. On his approaching me I threatened him with my Alpenstock, by fencing with which I kept him at bay. He then began to display his knowledge of military tactics, by approaching me in flank, compelling me to face to the right, and then, finding my flank turned, I had to change front to the rear. He continued his march round me, watching for an undefended moment. But after having had to wheel around several times on my center I began to feel dizzy, and more and more so. Seeing this, like the mongoose, he made a desperate spring to bite me. But not quite reaching me he bit off my Alpenstock where it was an inch thick, leaving about 14 inches of it in my hand. This gave me the leverage I needed, and with the short stick I gave him such a vigorous blow on his head that he ran off howling into the woods. I have kept the stick ever since as a curiosity.

In the next year was the Reign of Terror, of which I shall give a full account further on.

On my return to San Francisco in the summer of 1855, I found a numerous and quite respectable bar. I found also that my name had not been forgotten after the lapse of three years since I quitted the bar, and that my former prestige had not entirely disappeared. The proof of this was that I soon began to be chosen by contending parties as sole referee in cases where there would be a long delay before they could be

reached for trial, or else where the lawyers had not confidence in the impartiality of the court, or in its capability to decide correctly. These references were quite gratifying to me, since they showed perfect confidence in my integrity and also in my knowledge of law. The aggregate amount involved in two of these cases was about three millions of dollars. They arose from the failure of rich corporations whose assets were claimed by various parties, and their distribution depended upon certain rules of law and of equity. When my reports came in, neither party objected to the conclusions I had come to.

In another case the dispute was on a question under the law of affreightment, and my decision in the case, with the reasons given, were so satisfactory to the State Reporter, Mr. Lockwood, that he printed my report in full in the 2nd California S. C. Rep., as settling the law in similar cases.

Mr. Lockwood, besides being a man of noble character, was the most thorough common law lawyer I ever knew. He was standing counsel to Y. Z. & Co.'s bank at a salary of \$500 a month. He was obliged to go to Washington to argue an important land case in behalf of the company before the United States Supreme Court, which might require an absence of three months or more. When he left, the bank, on his recommendation, employed me as his successor with the same salary until his return. I mention this here as it has some bearing on what I am coming to later on.

In June, 1857, my daughter Caroline was born.

Some time in the following year occurred a singular incident.

The receipts from my professional business hardly more than paid my current expenses. The cause of this was the constant inflow of lawyers from the East, resulting in a great increase in competition and a corresponding lowering of professional charges. Looking forward to laying something up for a rainy day, I continued my very economical way of living, and in furtherance of my design I bought at a very low price a 50-vara lot with a small cottage on it on the Mission Road, nearly three miles from the city. Except a house just opposite

to it the road was not built up at all. But there was a little shanty about midway from the city, which was tenanted by escaped convicts from Sydney in Australia. These Sydney convicts were, of course, very suspicious characters, and certain robberies and murders which had occurred in their neighborhood would have led to their arrest if the police had been able to obtain any evidence which would legally convict them. But such evidence had never yet been obtained.

I was drawing up an injunction bill in a case of importance to be used early the next day. It was not completed until 2 o'clock in the morning, when I started on my walk home. Now, on my leaving in the morning my wife had told me that we needed a new broom, and I had bought one and taken it to my office and set out with it in my hand. The night was very dark, but I saw a light at a distance, and on nearing it I found that it was from the shanty. Just as I was passing it a tall man strode out and asked me what o'clock it was. I walked on without answering. The man then followed me and this time in a very rough voice repeated his question. I kept on without answering and I perceived that he was following me. I stopped, and bringing the broomstick to my shoulder I took deliberate aim at him. This made him halt, and I turned round to continue my journey. But he followed me again, and again I aimed at him. This time, thinking perhaps that it would be prudent to quit, he returned into the shanty. Had not the night been very dark I might never have gotten home.

In August, 1859, at her mother's house in New Jersey, my wife died of Panama fever contracted on the Isthmus on her way to make her a visit after a separation of six years.

In 1860 my carpenter, who had just finished a house he was building for me on Bush street, went to Washoe (now the State of Nevada), where one of his friends had just made a great fortune in a newly discovered silver mine. He had been there but a few weeks when he sent me a letter written in the most glowing terms, stating that he was making money very

fast out of a silver mine, and advising me to come there at once, if I wished to make my fortune. The temptation was too strong to be resisted, and I lost no time in selling my house on the Mission Road for \$1,200, which was much less than it was worth.

There were some three or four of us having the same destination. It was in March, and the snows on the Sierra—said to be there about 11,000 feet in height—were still quite deep. We had to stop at Placerville to hire horses. The one it was my luck to secure must have been a circus horse, for every time we made a halt, if only for a moment, he threw himself on his side, and I had to be very quick in getting my foot out of the stirrup. Before reaching the summit the snow was so deep that our guide lost his way. We afterward came to a place where he found it again, but the path was twenty feet below us, and we had to make the animals jump down before jumping down ourselves.

On arriving at Virginia City I pitched my tent at the foot of the famous Comstock Ledge, and hung out my lawyer's shingle. The place was in Utah Territory, so that I had to send to Salt Lake to obtain an attorney's certificate, which came, duly signed by Brigham Young, the Governor.

I stayed in Washoe six months, by which time my funds were exhausted. Every investment I made turned out badly. A young man named Stewart arrived there about the same time that I did, and every investment *he* made turned out splendidly. He is now Senator Stewart, the millionaire. No wonder that he is and always has been the leading champion of silver.

Moreover, during those six months I never had a case or a client. The court was sitting at Carson, about 16 miles from Virginia City, and my last attendance at it was a few days before my departure. A case was being tried in which one of the suitors was himself a witness. He was a Frenchman and could speak no English. On the judge asking if anyone in court could speak French, I responded, and was sworn in and

acted as interpreter. When the court adjourned, hearing that I was a lawyer, the Frenchman came to me to express his deep regret that he had not known me long before, as he would have had no other lawyer.

The Mission Road, I am told, is now Mission Street, and is entirely built up, and I suppose that the 50-vara lot I sold, with the buildings on it, is now worth \$100,000, and perhaps much more.

Soon after arriving at Washoe, I had bought a young and strong horse, on which I made my trips to Carson, which was in the valley. The descent was through the "Devil's Gap," as it was called, from its very rugged surroundings. It was by a narrow mule path, winding down the mountain, with a precipice on the left almost perpendicular, and some hundreds or perhaps a thousand feet deep, and on the right a perpendicular wall of granite, full of sharp projections. Though the descent was quite steep, I was trotting along very fast, for I was in a hurry. Suddenly my horse stumbled on a rolling stone and fell flat on his belly. Any horseman would say that I ought to have been thrown off and to quite a distance ahead—just what happened to me at West Point—but instead of this I felt my feet deliberately withdrawn from the stirrups, and myself gently lifted over the horse's head, and deposited just in front of him. I said *gently*, because it seemed to be so, but it was not so gently but that my forehead came in contact with a sharp projection with such force as to stun me, while the blood ran down my face. Had the shock been much more forcible it would have killed me; but the horse and I were soon up again and we resumed our journey.

During my stay in Washoe a party of Piute Indians massacred a white family in the neighborhood of Pyramid Lake. Some 80 mounted men under Major Ormsbee started at once to chastise them. The Volunteers found the Indians to be in much larger number than they supposed, and the result of an obstinate battle was that they were all killed except a man and a boy who managed to escape, and who reported



what had taken place. All Washoe was instantly aroused, and in a few days a regiment of 1,000 volunteers was raised and organized under Colonel Jack Hays, the famous Indian fighter, and a conspicuous hero in the Mexican war. Before they were ready to march, three companies of regulars from San Francisco, with some mountain howitzers, arrived to reinforce them. Colonel Hays offered me the adjutancy of the regiment, but there was such a violent opposition to my appointment from the roughs who remembered me in San Francisco as a Vigilance man, that he had to yield to it, and my offer of services as a Volunteer aid was accepted by Captain Stewart.

After crossing a very hot and waterless sandy desert of 26 miles—the regulars in advance—we marched near the right bank of the Truckee River, which flows north, emptying into Pyramid Lake. On the way Captain Stewart descried at about 400 yards to the left of the road a column of smoke, and sent me forward to reconnoitre, as we were liable to come on the Indians at any moment. I found that the smoke came from the remains of a fire, but that there was nothing to indicate whether the fire was kindled by Indians or by whites.

The column had not halted when I went to reconnoitre, but had continued marching steadily on. When I rode to rejoin it I was stopped by a wide and deep bog skirting the road. I rode up and down for some time examining the bog, but found no place which looked favorable for crossing, and now, the column being out of sight, I had to take my chances, and putting spurs to my horse plunged in just where I was. When we had gotten half way across we sank so low that I began to fear an inglorious death; but my horse was so young, strong and ambitious that with one desperate effort we reached the other side. A mule has no ambition, and would have quietly gone down.

At sunset the regulars encamped near the river; the volunteers about half a mile in rear. At about 500 yards to our right was a chain of heights, to reach which a wide and deep

valley would have to be crossed. We had just stacked arms, sent off the animals to graze, and told off men to prepare supper, when suddenly rushed by us a troop of cavalry which Colonel Hays had sent ahead to reconnoitre. They were being pursued by the Indians mounted on their ponies, and it was then I heard the Indian war whoop for the first time. But the Indians, finding us in such superior numbers, stopped their pursuit, and took up a defensive position on the heights. We promptly formed line, broke into column, and double quicked toward the heights. The Volunteers hurried up also at double quick, passing to our left, Captain Stewart with two companies following them until they had unmasked a large pond or lake separating them from the Indians. The company I was with, under Lieutenant Robinson, marched straight across the valley toward the heights, where the Indians' left was posted. After we had crossed the valley and began our ascent the Indians opened fire on us. An officer on a spur to our left shouted that there was a spur on our right by which the Indians' flank might be turned. Someone had to be detached to find it, and I volunteered for that purpose, but I had not proceeded more than about 200 yards when I saw that the Indians had stopped firing and were fast retiring, and I returned to the command.

As to casualties, in the Volunteer regiment Captain Story was killed, and there were doubtless some wounded, but I remember now nothing about them. In the company I was with the only man that was hit was the orderly sergeant, by whose side I was marching. The ball was stopped by his body-plate, and the bruise resulting from it was probably not severe. It was possibly a spent ball, but it is highly probable that it was fired with poor powder. The Indians, in annihilating Major Ormsbee's command, not only fought fiercely, but must have had a supply of good ammunition. They had probably used it up. My belief is that unexpectedly finding us to be in superior force, and seeing how ineffective was their fire, they decided to abandon the field.

Captain Stewart's report was incorporated in General Army Orders, and naturally my name was mentioned in it. The fight is generally spoken of as the "*Battle of Pyramid Lake.*" What a misnomer!

Coming off the field, one of the Volunteers passed us brandishing on his bayonet an Indian's scalp, dripping with blood—a most revolting sight. We heard afterward that the Indians' loss was about 100, which may be true.

It rained all that night, but I slept soundly on my waterproof sheet, covered with a blanket, and woke up in the morning soaked to the skin, in a puddle of water, but never experienced afterward the slightest inconvenience from the exposure.

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## CHAPTER XXI.

### A REIGN OF TERROR.

For more than two years prior to the summer of 1856 the worst elements in the population of San Francisco were rapidly obtaining the mastery of the city and of its revenues by driving respectable citizens from the polls. The result was a firm establishment of a despotism by robbers, murderers, and other ruffians; a despotism which could not be shaken off by legal means, inasmuch as all the offices of the city and county were filled by the ruffians themselves, or by their sympathizers. Among these were the judge of the criminal court, the sheriff and his deputies, the jailor, the chief of police, the city treasurer, and the county supervisors. And the stolen revenues were deposited in Y. Z. & Co.'s bank, in whose building they held their secret meetings. When any one of their number was arrested for crime he was kept in jail, not to await a trial, but to screen him from punishment. Since 1852 there had been many murders, but not one of those who committed them was executed. In December of that year an unfortunate Spaniard, a stranger in the city, with no friends, and ignorant of the language, was convicted of murder on the slightest

circumstantial evidence and executed. I was in command of the military escort, standing only a few yards from the gallows, and heard his dying speech, which was in pure Castilian, and showing him to be a man of culture, in which with calm dignity he protested his innocence to the last. But this execution was not under the ruffian dynasty. Now a count was made of murders committed in San Francisco since that time. I cannot now recall the figures, but they were very numerous and not one of the murderers was ever brought to justice.

It was not strange that one of their most prominent sympathizers was the ruffianly Judge Terry, Chief Justice of the Supreme Court, and the Governor of the State himself was apparently under their influence.

Jim Casey, the most prominent of the ringleaders, was made one of the judges of the election in the Presidio precinct, and had the audacity to publicly stuff the ballot box with 1,000 ballots for himself as county supervisor.

The only paper in the city which dared to denounce the ruffians was the Evening Bulletin, edited by James King of William. He had sent to New York for an official record showing that Casey had served two terms in the penitentiary. When Casey heard of its arrival he went to the Bulletin office and told the editor that if he published it he would kill him. But the editor disregarded this threat, and the record appeared in the edition of 2.30 P. M. Soon afterward he left his office and crossed the street, where Casey, who had been waiting for him, shot him with a Navy pistol. The ball penetrated his chest, but the wound was mortal, and he died of it six weeks afterward.

But this was the straw that broke the camel's back. By nine o'clock P. M. thousands of citizens had assembled near the Bulletin office, and most vigorous speeches were made and resolutions passed. The meeting ended by the organization of a great Vigilance Committee, the head of which was an executive committee of 33 members, whose names were kept secret from first to last. The ruffians, who now christened

themselves the "Law and Order Party," lost no time in putting Casey in jail as the safest place for him.

The Committee hired a large building on Sacramento Street, between Sansome and Water Streets, for headquarters. A police was promptly organized and a large number of cells were constructed in the building for the confinement of prisoners. For some days there was a continued rush to enlist, and the total number of citizens enlisted was estimated at 6,000 more or less.

I should have been one of the first to enlist, but I was in an embarrassing position. I was the advisory counsel for Y. Z. & Co.'s bank, on a monthly salary of \$500, a position I was to hold until the return of Mr. Lockwood, who was on his way from Washington. Deserting his clients before his arrival might be deemed by him unnecessary, or at least precipitate. I reluctantly postponed doing so, hoping from day to day for his return.

But after a few days I could hesitate no longer. The Governor proclaimed martial law in San Francisco and ordered the State troops to assemble there to suppress the "insurrection." I then resigned my position. The 33 had had secret notice some days before of the Governor's intention, and by adopting a regimental organization had made the Committee a military force. They had been all along secretly obtaining arms and ammunition from various quarters. Among other things they had secured several thousand old flint lock muskets which had been on storage in the city for several years, and a number of pieces of artillery. What follows I copy from a brief account I furnished to the Providence Journal.

In the autumn of 1856 the great Vigilance Committee of San Francisco was organized, consisting of some 6,000 of the best citizens of the place. The moment the Governor proclaimed martial law and called out the State troops to enforce it I repaired to the Committee's headquarters on Sacramento Street and enlisted. A regimental organization had just been established, and I was ordered to report for company drill at a

certain locality at 7 o'clock on the same evening. I was there at the hour appointed, and putting on my belt, musket in hand, I fell in. Presently came a staff officer of the Executive Committee (the mysterious "33") with an order for me to report at once at headquarters. Doffing my accoutrements I went in obedience to the order. On my arrival I was notified that I had been appointed Engineer of the Committee, and was directed to place the quarters in a condition of defence by entrenching as soon as possible. The material was not wanting. During the last two nights a great number of gunny bags had been secretly filled with sand at a distance from the city and deposited in the quarters. A goodly number of men was placed under my orders, and among them dozens of Parisians, who found the work required of them perfectly congenial. By daylight both the front and the rear entrances to the quarters were defended by sandbag épaulements, which could not have been carried without considerable slaughter. The one in front of the main entrance was armed with three or four ship's guns.

Before beginning the work of entrenchment I jumped on a horse and galloped home to tell my wife that I should be absent all night.

The next day I was appointed colonel of the 4th Regiment of infantry, to which was attached the French battalion of 250, with command of the artillery when in the field.

The moral effect of our entrenching was such that on the day after, two six-pounders which had been trained on the quarters at about 200 yards distance were withdrawn.

Captain X., commanding the United States ship ———, had publicly avowed his sympathy with the soi-disant "Law and Order Party," boasting that he would demolish the Committee and their quarters, and had moved up his ship to the foot of Sacramento Street, about 400 yards distant from them, as if to co-operate with the ruffians in their intended attack. He was severely reprimanded by his superior in command, and made to withdraw from the position he had taken.

The Committee held possession of the city for three months, when it disbanded. The leading ruffians had been arrested, kept confined, and received every one of them, a fair trial. Those who were convicted of capital crimes were hanged, and the lesser criminals deported, not to return on pain of death, and for several years afterward San Francisco was one of the best governed cities on the globe.

The command at headquarters devolved on the four regimental commanders *a tour de rôle*. One day when I was on duty there Chief Justice Terry had come down from Sacramento to aid the ruffians in resisting our police. While one of them was making an arrest he plunged a bowie knife into his neck. In a few minutes the tocsin sounded and hundreds of the Committee rushed to headquarters, where they were formed in column by our major general, commander-in-chief, and marched with two six-pounders to Portsmouth Square, where Terry had taken refuge in the City Building with a military company as his body guard, and they were given five minutes in which to surrender. Surrender was made and they were all marched as prisoners to headquarters, where I myself put Terry in a cell. He was kept there for six weeks, when, the policeman he had assaulted being pronounced out of danger, he was released. Had the man died Terry would have been hanged with Casey and the others.

One of the first acts of the Committee was to break open the jail and carry Casey and the other criminals to headquarters. They were kept there for six weeks, and when James King of William died, Casey, with those others who had been convicted of capital crimes, was hanged. His victim was buried by the Society of Pioneers, to which I belonged. A vast crowd attended the funeral, at which I officiated as marshal.

The commander of the French battalion was a French army officer, and Lieutenant Denis, the second in command, was a sergeant under Napoleon at Waterloo. In our daily drills I found that I had not forgotten the French words of command learned in Paris twenty-four years before. At the beginning

I introduced myself to the battalion in a little speech which was enthusiastically applauded, especially when I exclaimed "Ecrasons ce vil despotisme!"

A French company was afterward organized, of which I was urgently requested to accept the captaincy. But I had to decline the offer on account of other engagements.

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## CHAPTER XXII.

### TWO REGIMENTS FOR THE WAR.

On hearing of the firing on Fort Sumter I began to raise a regiment for the war. In three weeks I had offers from seventeen companies in different parts of the State, but most of them from San Francisco, and these I lost no time in organizing and instructing.

A committee of loyal citizens met and called for a mass meeting in support of the Union, but the movement was checked, or rather captured, by certain politicians, who had already begun to dream of California as an independent republic. The *Alta California*, the leading newspaper in San Francisco, proclaimed that "It was no business of ours;" that "California had resources enough to be independent of the Union." I offered to be one of the speakers, but my offer was rejected. During the meeting I stood near the platform, watching for a gap. One came, and I sprang upon it, telling the president (who was a soldier in my battery) in passing by him that I had some words to say. I made my speech, adjuring all loyal citizens to assist in crushing the rebellion, and inviting all such to come and join my regiment. The papers next day published all the speeches except my own, of which no mention was made.

Chivalrous Don Andres Pico, who, with a body of native California cavalry in the Mexican war had attacked and inflicted great loss on General Kearney's command at San Pasquale, wrote offering 250 mounted men for the war on condition of their being attached to my regiment. In tendering



my regiment to the Secretary of War I communicated to him Don Andres' offer. He answered that "No cavalry would be needed." (!)

The regiment (1st California Infantry) had been raised, organized and the election of officers held in strict conformity to the laws of the State, and the company officers all received their commissions from the Governor. But those of the field officers (all unanimously elected) were withheld, and no reply was made to my repeated requests for explanation. I was just on the point of suing out a mandamus when General Sumner, the department commander, notified me that my regiment was accepted by the Government, and directed me to select a camp ground and to telegraph to the country companies to repair to it, to be mustered into service on a day named. But the day before the day fixed he sent for me to come to headquarters. He then announced to me that "to his great astonishment" he had just received a telegram ordering him to muster in my regiment, but without me. This was done, and the Governor, a zealous Secessionist, in open defiance of the laws of the State, sent a commission as colonel to Major Carleton, of the Dragoons, a known sympathizer with the south, and a commission of lieutenant colonel to a Louisianian.

I instantly had printed an indignant protest, copies of which I sent to Mr. Lincoln, the Secretary of War, Senator Sumner, and General Scott (my personal friend).

It was not until afterward that the mystery was explained. Nearly all the settlers in Southern California were from the Southwestern States, and naturally sided with the citizens of those States. The California Senators in Washington were the noted (not to say notorious) Dr. Gwin, a leading secessionist, and Governor Latham, a sympathizer. It was resolved from the first that if my regiment could not be kept out of service, it should be at least neutralized by depriving me of its command. The plot was executed by the Senators in Washington in conjunction with the Governor of the State.

Six weeks afterward General Sumner sent for me again. On my entering he asked me how long before I could raise another regiment. I answered at haphazard "Ten days." He then said, "There is a telegram I have just received from Washington calling for 5,000 men for distant service in the east. Telegraph in my name to Governor Downey to send you down a commission as colonel of the 2d Infantry, and that if he decline to do so I am authorized by the President to commission you myself." This was done, and in two days down came the commission.

While the regiment was being raised and instructed, we were stationed for some time at the Presidio, together with the 9th United States Infantry. It was rather curious that four of the six field officers of these two regiments were Rhode Islanders.

The northern district of California extended from San Francisco to the Oregon line. It lies between the Coast Range and the ocean, containing some 20,000 square miles, more or less. During the last ten years there had been occasional massacres of the settlers by the Indians, but it was impossible to put a stop to them, as the Government had never had more than one or two companies at Fort Humboldt.

On my regiment being ready, General Sumner put me in command of this district. In addition to my regiment he gave me a troop of cavalry and some mountain howitzers; also an acting assistant adjutant general, headquarters at Fort Humboldt, where Ulysses Grant had been one of my predecessors.

On arriving there my first efforts were to obtain a map of the district. One was obtained at last, costing Uncle Sam \$50. With an escort of twelve cavalymen I then made a reconnoissance of most of the accessible parts of the country, for the purpose of ascertaining at what localities the wandering tribes would most probably be found; in other words, the strategic points in the campaign which was about to begin. To occupy these points I found it necessary to scatter my command, leaving only two companies at my headquarters.

The result of these dispositions combined with the admirable zeal of my officers and men, was that in about eighteen months the great mass of the hostile Indians were captured and sent on to the Government reservations.

Then, on learning that Rhode Island had been called on for a 13th regiment of infantry, the expense of which in bounties would far exceed that in raising the 12th Regiment, I wrote to Governor Sprague proposing that my regiment, now thoroughly disciplined and inured to fatigues and dangers, should be accepted by the Government as the 13th Rhode Island (of which State my lieutenant colonel one of my captains, and myself were natives), and transported to the East. In view of this I obtained a leave of absence and visited San Francisco to ascertain what the Aspinwall Panama Company would charge for the transportation. They declined to charge less than \$83,000. Now the expense of raising the 13th Rhode Island would probably far exceed this. I wrote to Governor Sprague, who concurred with me, and went to Washington to interview President Lincoln on the subject. As reported to me by him, the President approved of the plan at once, and told him to go and see the Secretary of War and tell him he wished it carried into effect. The Secretary assented, but said that before the order was made, courtesy required that Governor Stanford should be telegraphed to, stating what was to be done. The next day came "a long and strong remonstrance" from Governor Stanford, strenuously objecting to the withdrawal of the regiment from the State, one-third of the people being disloyal. On receipt of this telegram the whole matter was dropped.

On March 13, 1865, I was commissioned Brevet Brigadier General, U. S. Volunteers, for "faithful and meritorious services." I knew nothing of it until six months afterward, when I accidentally saw in a newspaper my confirmation by the Senate.

## CHAPTER XXIII.

## STILL AT FORT HUMBOLDT.

I now recall to mind certain other incidents connected with my command in the Indian district.

In the reconnoissance I made on taking command with an escort of twelve cavalrymen, black Tom, my faithful servant, was with us. He was from Jamaica, had never been a slave, and was well educated. Once in passing through some thick woods we were startled at hearing the Indian war whoop (I had heard it at the "battle" of Pyramid Lake). We halted instinctively. In a whisper I ordered two men to dismount, and creep on their hands and knees as softly as possible in the direction from which the alarm had come. In a few minutes they returned and reported that the supposed Indians were white rancheros, collecting their cattle. In the meantime we had naturally got our arms in readiness for use. Now Tom, in drawing his pistol, was close to me, and lo! his face, the natural color of which was jet black, was, to my astonishment, of a pale ash color. The fact may perhaps interest physiologists.

At Fort Humboldt bad whiskey was our great curse, especially among the many Irishmen in the command. One Shanahan moved his liquor saloon from the village of Eureka, three miles off, and set it up alongside of the post. Thenceforth there was constant drunkenness, and consequently frequent punishments. I posted and kept a sentinel at his door to prevent our men from entering. But it was of no use. A hole was dug somewhere on the premises in which the liquor was deposited, and was secretly carried away by our men in the night.

Once, on my return from San Francisco after a leave of absence, I was told by my lieutenant colonel (Olney) that the day before a party of Indians had attacked the settlers near Arcata, about three miles from the post; that he started with

only one of the two companies then at the post—two-thirds of the other one lying drunk in the guardhouse—and that after a short skirmish the Indians had retired. My indignation was such that after visiting the two or three of our men who had been wounded, I determined to resort to a desperate measure and risk the consequences. I sent a sergeant with a file of men to arrest Shanahan and bring him to the post. I put him in the guardhouse, where I meant to keep him until he should sign a bond to move his saloon away. After a confinement of two days he signed such a bond, and I released him. But the next day I was arrested myself by the sheriff of the county, on a charge of false imprisonment, the maximum penalty for which in California was then imprisonment at hard labor for ten years, and a fine of \$10,000. The merchant in the village of whom we purchased our supplies signed my bail bond, and thus saved me from being carried off to jail.

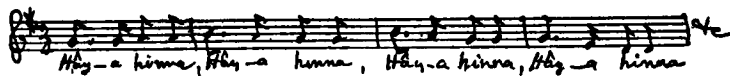
I employed a lawyer to defend me, though I had no legal defence. Had I been tried I should have had a hard time of it, as the county judge was a Secessionist. Before the case was reached I was ordered away with my command. A compromise was necessary, as I could not possibly leave my bondsman in the lurch. My lawyer finally succeeded in getting the matter settled on my payment to Shanahan of \$120 in gold, which cost me about \$300 in greenbacks.

The bar at Humboldt Bay was very dangerous and several vessels had been wrecked in trying to cross it. A whole year had been spent, by orders from Washington, in constructing at San Francisco a solid little steamer of very light draft for the transport of supplies and passengers to Fort Humboldt. I was a passenger on a large steamer bound to Humboldt Bay. Ahead of us was the new steamer on her first trip. On coming in sight of the Bay she ran alongside of us a certain distance, the men on board of her pleasantly talking with us, after which she sailed for the bar, our steamer keeping at a safe distance behind. We watched her through our glasses and we were dreadfully shocked on seeing her turned over

by the waves and sent to the bottom. Long afterward, when she was raised, it was found that the hatches had been battened down, leaving no one on deck but the pilot at the wheel. Of course we lost no time in returning to San Francisco.

The principal Indian reservation in California was Round Valley, in Mendocino County. There were then some thousands of Indians upon it. It being in my military district it was my duty to go and inspect it. I took with me my adjutant, and I think another young officer. Of the different tribes there the Pitt River Indians were the most numerous. My first visit was to the young squaw who was known as their Queen. I found her to be a girl of some 18 or 20 years of age, whose form was as straight as an arrow and a perfect model for a sculptor. Her bearing was most graceful and dignified. Her complexion was decidedly lighter than that of her subjects, and her face was really refined and beautiful. She could speak no English except that when I was introduced to her she said "I—am—good." It was explained to her that I perfectly understood what she meant, and I took my leave of her with all the respect I would have shown to the Queen of England.

A bevy of young squaws then got up an entertainment for me. They retired to a short distance in the woods, and in a few minutes returned with their skirts puffed out with sprigs and leaves (their ball dress?). They were laughing merrily as they formed in line, and with hands joined began a singular dance, which consisted in raising each foot alternately with corresponding swaying of the body from side to side. They sang as they danced. I succeeded in catching both the words and the music, and here they are:



Once came in several hundred Indian prisoners. It was estimated at the time that they numbered about 1100, but I now think that this was a decided overestimate. Before their

arrival I had had built a stockade to keep them in. I then had but two companies at the post, and the guard duty was then made too heavy. So I sent them across the Bay to the end of a sandy peninsula, the neck of which was so narrow that the mere presence of one company bivouacked there sufficed to guard them, with very little ordinary guard duty to be done; the Indians being perfectly subdued, and waiting patiently to be taken to a reservation, which was done without the loss of a single man.

A State flag was to be given to that one of California's ten regiments which should first engage an enemy in the field, and it was my regiment which won the flag.

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#### CHAPTER XXIV.

CONCLUSION OF A STORY OF SOME HAPS AND MANY MISHAPS.

After the war, until 1869, I resided in Providence, Rhode Island, where professionally I was quietly ignored, patiently waiting for clients and cases, but never a one came. But I ought to state that Judge Ames, Chief Justice of the Supreme Court, about to retire from the bench, unhesitatingly accepted my offer of a partnership with him, and we were about to take an office together when he suddenly died of apoplexy.

Colonel Munroe, who had been chief of artillery in the Army of the Potomac, was then (as lieutenant colonel) in command of the Marine Artillery battery. I was elected as major, second in command under him; a position I was proud to accept, as also that of Post Commander of Rodman Post, G. A. R.

The Marine Artillery, by invitation, attended a celebration of an anniversary of the Boston "Ancient and Honorable Artillery Company." During our march in procession to the banquet in Faneuil Hall, Colonel Munroe told me that we were to be toasted, and that I must make a speech in response. I tried to beg off, but it was all in vain. With the beautiful music the band was playing it was very hard to collect my thoughts, but when it came to the point my little speech was a decided suc-

cess, and Colonel Munroe whispered to me that I "had made a hit."

Soon after Judge Ames' death, despairing of getting any clients, I removed to Boston, where I took an office, residing in Cambridge. Cases came to me at once, in which I was uniformly successful, and I soon acquired a reputation at the bar as an equity lawyer. From 1872 to 1873 I was a lecturer in the Boston University Law School on Agency and Partnership. But in 1873, at the solicitation of a much valued friend, I accepted a mission which would probably keep me two or three years abroad. Accordingly I gave up my office and retired from practice; but the arrangement, in consequence of an unexpected event, terminated at the end of a year; four months of which I spent with her family on a sugar plantation in Cuba, three miles from Sagua la Grande.

Notwithstanding that it was during the winter months, I found the sun so powerful that I never ventured to take my daily walk until it had set. The overseer had cut down a royal palm near the house,, and presented me with a cane made from the wood. Supposing that I might meet a snake or some other disagreeable creature, I was careful to take it with me in my walks. Once only I neglected to do this. I was walking to Sagua la Grande on a road leading through the sugar cane, an ocean of which was on either side of me. At about half a mile from the house I saw at some distance ahead what seemed to be a long branch of a tree. This puzzled me, for I had never seen a tree of any kind in my previous walks. Now I am very near sighted, and continued walking on until I was within about ten yards of the object, when it turned out to be a boa constrictor lying across the road with two or three coils, three or four inches in diameter, his head elevated, surmounted with a protuberance of a greenish blue color, his body of snuff color, covered with black, diamond-shaped spots, his eyes looking steadily at me. I realized at once that my safety depended on my standing stock still, and steadily returning his gaze. In a minute or two he lowered his head, crept away and



disappeared in the sugar cane. I judged him to be from 15 to 20 feet long. On his retiring I walked back to the house, and at the supper table I told the overseer what I had seen, mentioning that I had left my cane at home. He told me that the serpent was the dreaded Jubo (hoobo); that there was another kind of boa constrictor with a larger body but not so long, called the Santa Maria, of which the negroes were not afraid, as he fled away from a man. They had killed one about fourteen feet long at the sugar house that very morning. On the other hand the negroes ran terrified from a Jubo, which would not hesitate to attack a man. The overseer added that it was lucky that I had left my stick at home, as it might have provoked an attack.

Another incident: For two weeks I was in bed suffering from want of sleep and of appetite, apparently the effect of sunstroke. The family then sent for the American consul at Sagua. He was not a physician, but he had saved the lives of a great many negroes by homeopathy. It was about 11 A. M. when he arrived. He made me swallow some pellets which he poured into my hand. At 2 P. M. I was eating a hearty dinner with the family. The very next year he died of sunstroke himself.

On our return to Boston I spent a whole year in preparing my work on Criminal Law for Houghton, Mifflin & Co., at the end of which time, in 1875, I removed to Washington, where I believed I should find a favorable opening for professional business. I was not disappointed. An attorney there (I will call him X.) was at the head of an extensive agency for the prosecution of claims against the Government. The lawyer who was their counsel had resigned. Introduced to them by a friend who had a prominent position in the War Department, I was immediately engaged in his place. During the two years I occupied one of their rooms I won every case for them. Under the contract between us I was to receive one-half of the fees. In the last case I won—an important one—the fees amounted to a large sum; but instead of one-half, X. insisted

on paying over to me only one-third of them, on the ridiculous plea that they had engaged to pay a certain portion of them to one of their clerks, who had rendered to them special services in the case, *but of which I had never heard*. I could not well afford to quarrel with him, and therefore submitted to the imposition, but was very glad at being offered soon after by Attorney General Devens a professional position in the Department of Justice, which I accepted at once.

In the following year X. was debarred from practice in the Department of the Interior on the ground of "unprofessional conduct."

My work during the first year was the preparation of cases for argument in the United States Supreme Court. During the last four years I was counsel for the Government in the Court of Claims; and in all the cases I had charge of I obtained judgment in favor of the Government except one, in which we had no legal evidence whatever, and which I reluctantly consented to argue, as the justice of the case was clearly with the Government. Before I appeared in the Court of Claims judgment had been given against the Government in four cases, with damages. On a second trial I succeeded in reducing the damages very considerably in all of them. Now the annual reports of the Attorney General showed that the average number of cases in the Court of Claims decided in favor of the Government was only about 50 per cent. In view of this remarkable success, I had a right to be astonished on receiving, after over five years of successful service, a curt notice from the new Attorney General that my services were no longer required; with no previous warning or invitation to resign. I made several calls on him to ascertain the cause of my dismissal, but he declined every time to receive me. When a friend of mine in Newport questioned him on the subject his answer was, "He is a good lawyer, but he is unfortunate in losing his cases."

My successor was a young man who was a member of the Attorney General's family.

In July of the same year my daughter died of consumption at Martinville, New Jersey.

After my dismissal I took an office, where for two years I waited in vain for a client. But this disappointment might have been expected. For over five years I had been shut up, as it were, in the Government cloisters, debarred during all that period from acquiring a clientèle, and from making myself known to the bar of the District. There were in the Court of Claims no jury trials to attract an audience, the hearings being before the judges only; and no examination of witnesses, the arguments being on written depositions exclusively. So that, as a rule, in the hearings no one was present beside the judges and the lawyers engaged in the particular case.

But soon afterward my wounded *amour propre* was healed by a brilliant professional success in a difficult case pending in the Supreme Court of one of the New England States. The suit was in equity involving the distribution under the will of about two millions of dollars, and was brought by the executor. His lawyer was a friend of mine, in very extensive practice, and whom at his request I had repeatedly aided by advice and suggestions in some of his more difficult cases. He was remarkable for his acuteness and his persevering industry. Having given up all hope of succeeding in the case, he sent me a copy of the pleadings with a letter stating that he had examined all the authorities in America and in England, and that they were all against his client. But he added that as it was necessary for him to make some show of an argument, would I suggest some points which would enable him to do so?

The construction of the will presented many difficulties, and that contended for on behalf of the executor was opposed by three sets of eminent lawyers in three different cities, each set claiming the construction demanded by their respective clients.

On examining the will and the pleadings I wrote him that the law, when properly construed, was in his favor, and that I could prepare such a brief and argument as ought to win him the victory. The final result was a unanimous decree in his

favor, and that the opposing parties were beaten all along the line.

About the same time I was gratified by another success, though not a strictly professional one.

In 1862 Fitz-John Porter, one of our best and most distinguished generals, had been tried and wrongfully convicted by court martial, and dismissed from the Army on a charge of disobedience of orders. The powerful political party then in possession of the Government sought to relieve itself of the odium caused by General Pope's disastrous Virginia campaign, by throwing it on other shoulders. There was a historical precedent which occurred in the 18th Century. The party then in power in England, to relieve itself from the popular odium incurred by the failure of a certain naval operation, had Admiral Byng tried and wrongfully convicted by a court martial and hanged, on an unfounded charge of failing to do his whole duty. In the Fitz-John Porter case, the real cause of the loss of the campaign was McClellan's repeated failures to obey orders. But of him it was impossible to make a victim on account of his personal popularity with the Army; and as there happened to be *prima facie* evidence of Fitz-John Porter's having disobeyed Pope's orders, it was easy to throw the blame for the terrible disaster on him. In Admiral Byng's case there was a political murder, and in General Porter's case there was a political persecution.

General Porter had applied for a rehearing of his case by a board of officers to be appointed by the President, and I was requested by the editor of a magazine to prepare an article on the subject. I spent a week in ascertaining the real merits of the case by a thorough examination of all the records and maps pertaining to it in the War Department, including the official reports *made at the time* by the officers in command on both sides. The result was my discovery that the charge on which General Porter was convicted was wholly unfounded; and not only that, but that the measures he adopted had saved Pope's army from destruction.

I showed this very clearly in an article in the *Atlantic Monthly*. In the bitterness of party spirit the *Boston Journal* declined even to review it, alleging that it was enough to say of it that the writer actually asserted that "General Porter's action had saved Pope's army from destruction"—with one or more exclamation points.

General Porter's application was granted, and the board appointed consisted of Generals Schofield, Terry, and Getty. After sitting for several months at West Point they unanimously reported that General Porter was not only innocent of the charge of disobedience of orders, but that "his wise and patriotic conduct had saved Pope's army from destruction."

By an act of Congress General Porter was afterward restored to his rank in the Army.

From 1893 to 1897 I resided in Annapolis. Since then I have made my home in Washington.

In 1896 I delivered a lecture before the Naval War College at Newport on "The Rights of Vessels in Foreign Ports under International Law," and again in 1897, a lecture on "Naval Captures." I had prepared three lectures on the "Conduct of Battles," but as the proposed Army War College is not yet in operation, in September, 1900, I delivered them before the Naval War College.

In 1865 I was married to Mrs. Pickering Dodge, a widow with two young children, one of whom, Mr. Pickering Dodge, now holds a responsible position in the War Department. His sister is the wife of Commander Charles W. Rae, United States Navy.

My military works were all written for the instruction of volunteer officers, one of them during the war of 1861-1865, the others partly during the war and partly after it. They are (1) *Tactical Use of the Three Arms*;" (2) *"Intrenchments*;" (3) *"Special Operations of War*," and (4) *"Field Service in War*."

My pamphlet, *"Physical Proofs of Another Life*," has been for many years out of print.

I now find myself the senior graduate of Brown University, and also the sole survivor of the six persons that stood by Lafayette's grave at his burial—his grandson, the Marquis de Lasteyrie, having died some years since at La Grange.