

Part Three: DOUBLE TRANSFORMATION

. the devil may take men,
Not make them, — though he may reap the
benefit
Of the original workmanship; and there-
fore
Some one must be found to assume the
shape
You have quitted.

.
In a few moments
I will be as you were, and you shall see
Yourself for ever by you, as your shadow.

Lord Byron. *The Deformed Transformed.*

9. Setback for Gumbo

At the very moment when William Walker (Timothy Tucker) got entangled in his crusade against Judge Parsons, Gabriel Gumbo sallied forth again in pursuit of glory in the political arena of California. His modest public initiation took place at the Fourth Ward's Democratic Party meeting in San Francisco, on the evening of March 4, 1851. Precisely when the members of the Bar were holding their Indignation Meeting in the District Court room, in support of Judge Parsons against the *Herald's* "The Press a Nuisance," the Fourth Ward Democrats gathered a few doors away, at Capt. Ludlow's, on Portsmouth Square. William Walker was appointed Secretary and was unanimously elected to the Ward Committee. He published the minutes of the proceedings in the *Herald* next morning.

A whole week in seclusion behind bars abruptly paralyzed Walker's political activities at the start, but upon resuming his post in the *Herald* he promptly launched Gumbo's partisan campaign on March 18, with an editorial titled "City Election." Other articles followed in rapid succession, in which his Democratic Party allegiance reinforced his crusade against Judge Parsons, who happened to be a Whig. And on Monday, April 7, in the Fourth Ward William Walker was nominated Democratic candidate for Alderman for the oncoming city election.

Thus, Walker's defeat in the Impeachment case in San Jose coincided with his nomination for the office of Alderman in San Francisco. Timothy Tucker's star declined as Gabriel Gumbo's loomed in ascendancy. And, at that moment, the everlasting shadow of Oedipus complicated matters again when the ghost of the departed Mary Ellen suddenly reappeared from "the spirit world." Timothy Tucker chronicled her presence in an April 8 editorial on "Empiricism and Superstition. -- Spiritual Knockings and Clairvoyance":

The good people of New England are becoming once more fearfully superstitious. The Miller humbug, some years ago, produced on weak minds a very serious and melancholy effect, instigating some to suicide and others to the investment of their entire property in white ascension robes. Two bodies have recently been discovered near the town of Quincy, Massachusetts, under such circumstances as to prove that they were cases of suicide induced by reading the blasphemous cant of Davis the Clairvoyant, Le Roy Sunderland, and other spiritual impostors.

The unhappy victims of superstition, a man and woman — had been firm believers in the truth of the spiritual knockings, and were imbued with a thorough confidence in clairvoyance. It appears that one of the parties had consulted "the spiritual world" through the agency of a female in Le Roy Sunderland's establishment, and the knockings had produced an effect which ended in a determination to commit suicide.

Sunderland set up a series of "knockings" some time since, in opposition to the Rochester ladies, and has been quite successful in conjuring the ghosts of the departed; but the horrible tragedy at Quincy, has put the public on the qui vive, and has at length been fully detected and exposed in his impositions.

It seems that a gentleman named Shadrach Barnes, wrote to the impostor a letter, purporting to come from an uneducated old woman, enclosing a dollar and requesting information to that amount respecting her deceased daughter, "mary ellen Perkins." The hook was ingeniously baited, and Mr. S. swallowed it like a hungry gudgeon. He wrote back an account of an interview with "mary ellen." commencing "Sister Dear," and stating that said "mary ellen" was in a sphere where everybody was happy, and that her spirit was constantly with the old lady; etc.: etc.

. . . We should like to see the "rappings" attempted in California.¹

The whole article extended twice as long over two columns. Such a detailed discussion of spiritual knockings and clairvoyance looms out of place in the strictly editorial section of the *Herald*. The anomaly makes sense, though, when we see "mary ellen" reappearing thrice in succession, within quotation marks and deprived of capital letters, which commands attention and is quite successful in conjuring the ghost of the departed.

In the wake of "mary ellen," incoherent stories began to appear in the "City News" column of the *Herald*, the equivalent to the "New Orleans" column where Timothy Tucker wrote his private diary two years earlier in the *Crescent*. Thus, the very next morning:

A MODEL CHALLENGE. — The following is an exact copy of a challenge that recently passed between two gentlemen of the sea. It is a model in style, and should be adopted as such hereafter by all desiring to appear upon the field of honor.

San Francisco, Monday.

Capt. ***** — If you think I have unjustifiable, and without any provocation insulted you on Saturday last by word of speech, and wringing your Nose in a most ungentlemanly manner, you will come forward and prove your innocence to my entire satisfaction. Through Capt. P***** I learn, that you solemnly told him, that you never intimated to the owners of the barque *****, or any other individuals, nothing but was in my favour as a Ship-master. I have been informed the contrary most assuredly, and if you have not, it is perhaps not yet too late to learn, to be cautious how you handle a mans good name and reputation. I consider you have

¹"Empiricism and Superstition. -- Spiritual Knockings and Clairvoyance." *San Francisco Herald* 4/8/1851, p.2 c.1.

most wrongfully abused my character to the lowest degree, and I do not have the least doubt of it, otherwise you would have asked an explanation of me on Saturday, when we first met each other for the first time since our intercourse at Baltimore . . .²

The fictional challenge goes on and on, along the same incoherent vein. A few days later, there were two false alarms of fire in San Francisco, which prompted the creation of another fantasy, on April 17, in the "City News":

THE ALARM OF FIRE ON SUNDAY NIGHT EXPLAINED. — A solid, grave specimen of the genus greenhorn bolted into the station house last night, and abruptly informed the officer that he had been grossly insulted by someone throwing potatoes at him, and that on Sunday night last some villainously disposed person had poured turpentine on his coat, and then set him on fire, upon which the alarm of fire was raised, the bells rang and the "injins," as he called them, were out in a twinkling.

He stated that he was head cook in a certain restaurant in the city, and that the waiters in it were continually aggravating him by such infamous outrages as those mentioned. Just then a prisoner peeped through the bars of his cell, and told him he was lying — he was only dish-washer. At this he became desperate, and with a fearful gesticulation called Heaven to witness that he was head-cook.

On being interrogated as to the character of the potato thrown at him, he said it was not boiled. "Was he certain of that?" With terrible earnestness he swore to it. He was then sent upstairs into the office of the captain, bearing the following note, which he delivered with an air of profound melancholy, as much as to say: "It's all up with them — their blood be upon their own heads."

²"A Model Challenge." *Ibid.* 4/9/1851. p.2 c.5.

"To Capt. Casserly — Sir: This hombre has been into my office and made a serious charge, as I think. He says the 'Injins' were called out because his coat-tail had been set on fire; also, that the waiters at his restaurant 'threwed pertaters at him.' He says he wants immediate redress, etc. I hope you will take prompt action in his case and thereby save the credit of the city."

This note being read, the captain commenced his inquiries, when the gentleman showed his hat to prove that it must have been an unboiled potato that was thrown at him. As to the setting him on fire it was an unparalleled outrage: ruining his coat, endangering his life, and exposing the whole city to conflagration.

"Yes," said he, "I was calmly slumbering on some chairs when the vile incendiaries poured turpentine on me, and then set me on fire. I was waked by a shout, and started at a moment's warning for the street, down which I rushed in a blaze. 'Fire! Fire!' was cried as I flew along. The bells rang — and my God, the Injins were out after me. They thought I was a conflagration. My coat is destroyed, sir; it's a big coat; a great coat; and if it had not been for the large flaps I should have been destroyed, sir."

The captain as in duty bound declared it a most unheard of outrage — worthy of a barbarous age — calculated to reduce the whole city to ashes, and promising the severest penalties of the outraged laws against the offenders, to all of which he cheerfully subscribed, and went away fully convinced that the whole city had come near being sacrificed in his person, and with the intention of bringing his burnt coat to the office in the morning, as a terrible proof of the atrocity of the incendiary.³

³"The Alarm of Fire on Sunday Night Explained." Ibid. 4/17/1851. p.2 c.5.

These and other imaginary stories in the "City News" column of the *Herald* in April 1851, may convey hidden messages from Walker's shadow. Just like the fantasies that appeared in the "New Orleans" column of the *Crescent* during the upheaval unleashed at the death of Ellen two years earlier. Capt. P. in "The Model Challenge" could well stand for Peter Muggins. Whether the greenhorn be head-cook or dish-washer, his conflagration recalls the day when Peter Muggins became Salt Peter, sprinkling Mary with sufficient quantity to create an explosion in the neighborhood in April, 1849. Be that as it may, the fantasies suddenly stopped as Walker travelled to San Jose on Friday, April 18, in his final unsuccessful attempt to impeach Judge Parsons.

He returned to San Francisco in time for Gumbo & Co. to enjoy a fleeting moment of glory at the Grand Ratification Meeting of the Democracy on Thursday evening, April 24th. At nightfall, the Democrats met in their several Wards, and with banners flying and transparencies blazing, they paraded through the streets, headed by musical bands. The various wards then united and proceeded in procession to the California Exchange where the meeting was called to order, resolutions were read, and a number of speakers were greeted with deafening cheers. Col. J. B. Weller "referred to the fining and imprisonment of Mr. Walker as a high handed outrage upon the liberties of the Press."⁴ As chronicled in the *Herald*:

Mr. Walker was then loudly called for, and when he made his appearance, was greeted with three tremendous cheers.

He said that there was a time and that not far back, when it was no virtue to be a Democrat — the Whigs dared not avow themselves, but slunk under the title of no-party men. They conceded that California was overwhelmingly Democratic, because they knew she ought to be. The recollection of what party opposed the war and her acquisition — of what party warmly

⁴"Grand Ratification Meeting of the Democracy." *Ibid.* 4/25/1851. p.2 c.5.

supported and triumphantly carried through both these measures, was then fresh in the recollection of the people.

He alluded to the organization of the Whig party by Thomas Butler King — of the immense patronage that he had wielded, and would continue to wield to put that party in power, and wound up with a prediction of the triumphant success of the Democrats.⁵

Walker attended another Democratic rally at Long Wharf on Friday night, and then the closing of the campaign on Saturday evening with torchlight processions by both parties. The Democrats paraded in great numbers through the streets of San Francisco, "uttering peals of old-fashioned Anglo-Saxon cheers that made the welkin ring."⁶ As far as the eye could reach stretched the long lines, with many a transparency, bearing the names of the Democratic nominees, breaking through the darkness that settled upon the city.

With waving banners and flashing torches the crowd swept on. To the sound of stirring music, interrupted over and anon by their own wild hurrahs, they marched from one end of the city to the other. After marching for some hours through the city, the procession halted about 9 o'clock in front of the Union Hotel and numerous speakers addressed the mass meeting, among them Walker's close friend Edmund Randolph, candidate for City Attorney. "Their remarks were well received by the people who broke out repeatedly in enthusiastic cheering."⁷

In the midst of campaigning, Tucker found time to write two partisan editorials, predicting a resounding victory for the Democratic party. But when election day, Monday, April 28 arrived, it ended in disaster for Walker, Randolph, and their fellow Democrats. When the ballot boxes were scrutinized that night, all prominent offices went to the Whigs by

⁵Ibid.

⁶"Democratic Torchlight Procession," *Ibid.* 4/28/1851, p.2 c.2.

⁷Ibid.

overwhelming majorities. In the 4th Ward, C. M. K. Paulison, Whig, defeated William Walker by a 432 to 280 vote margin. Tucker's reaction came in the *Herald* on April 30th:

THE RESULT OF THE ELECTION.

We have never seen any struggle resulting in so complete a victory on the one side and so overwhelming a defeat on the other, as the municipal election of Monday. Without enquiring into the means used to secure the triumph, it must be confessed that the practical effect will be to prove the Whigs vastly in the ascendant in this city.

As long as that party maintain their present negative position it is all very well. As there are really no principles involved in the antagonistic policies of the two parties, there can be no great injury resulting; but with the substantial principle involved, of electing good men to office, and of rewarding those who have acted honestly heretofore, there is much evil to be anticipated from the result of the recent struggle.

We confess it appears to us the incoming administration have received at the hands of their electors, a broad license to act badly . . .

There are many charges of corruption and of fraud in accounting for the result. Although by no means incredulous of the statements in some instances, we advise the vanquished party to give over all useless lamentations, and prepare to do better next time.⁸

Within a few days, late in April, Timothy Tucker had been vanquished by Judge Parsons at the Legislative Assembly in San José, and Gabriel Gumbo had been crushed at the polls in San Francisco. The sky darkened over the Inner Crescent City, but before Gumbo & Co. could prepare to regroup, misfortune struck suddenly again in May.

⁸"The Result of the Election." *Ibid.* 4/30/1851, p.2 c.2.

10. The Doomed City

Saturday, May 3, 1851 was an ill-fated memorable date in the early annals of San Francisco. That evening, large portions of the city were destroyed by fire. The burnt district extended about three fourths of a mile from north to south, one third of a mile from east to west, including eighteen entire blocks and parts of six others. Every newspaper office in the city, except the *Alta California*, was destroyed, but the *Balance*, the *News*, and the *Herald* saved a portion of their materials.

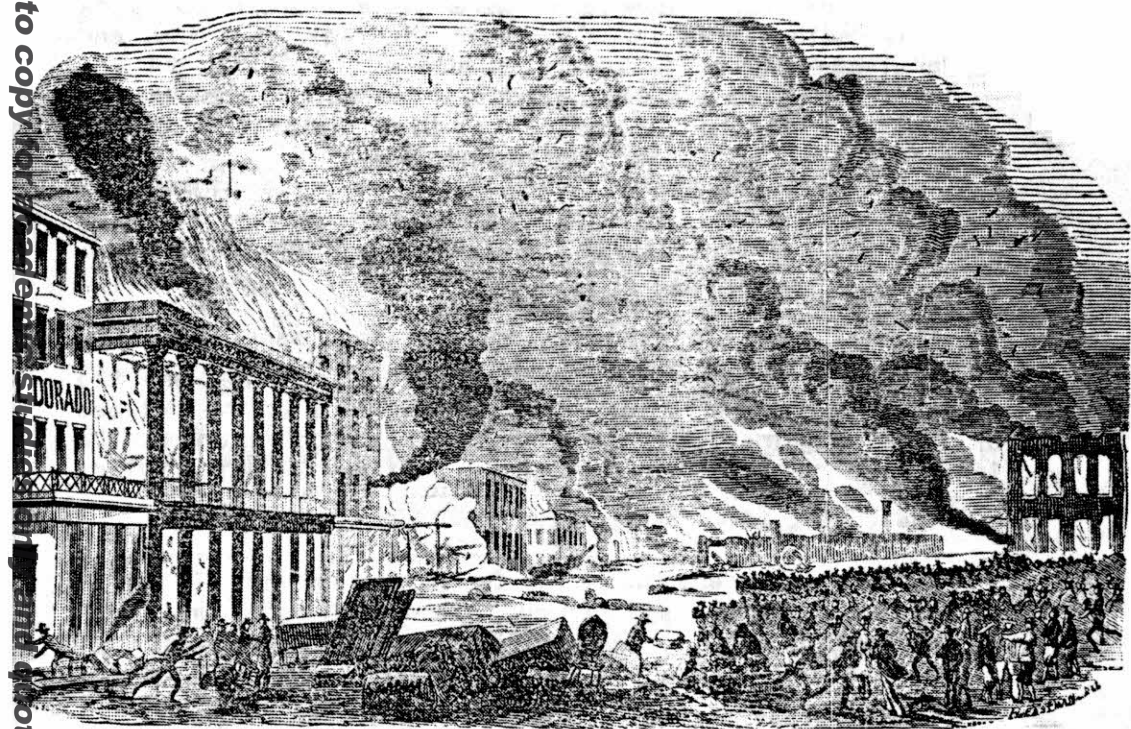
When the *Herald* resumed publication on the following Wednesday (on the eve of Walker's 27th birthday), Tucker's leading editorial was appropriately captioned "The Doomed City":

For the fifth time within fifteen months desolation has fallen upon the hearts of our citizens. Another fire more destructive than all the others combined, and attended with loss of life under such distressing and awful circumstances as to appal the stoutest heart, has swept over our once fair city and laid it in ruins. Any attempt to describe the effect of this calamity would be vain. The destruction is so universal — the distress and ruin so crushing that to speculate upon what is to come is impossible. Business is not prostrated but annihilated . . .¹

"The Doomed City" not only described the destruction of San Francisco, but also chronicled Walker's distress in the wake of the May 3 conflagration, when he lost his job as

¹"The Doomed City," *San Francisco Herald*, 5/7/1851, p.2 c.1.

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VIEW OF THE PLAZA ON MAY FOURTH.
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THE DOOMED CITY
PORTSMOUTH SQUARE, MAY 4, 1851

(San Francisco Herald Steamer Edition, May 31, 1851)

assistant editor of the *Herald*, effective at the end of the month. His short California career had been a series of calamities: He had been wounded in a duel; Timothy Tucker had been imprisoned and fined by Judge Parsons and laid off by Nugent; Gabriel Gumbo had suffered a crushing defeat at the polls; no military adventures were yet in sight for Dick Dobs. Truly, Walker's Inner Crescent City laid in ruins, and personal disaster afflicted its citizens.

In order to earn a living, on May 12 Walker applied for and was admitted to the bar of the District of Yuba County in Marysville, in northern California.² Upon receipt of the news in San Francisco, he wrote in the *Herald* at the end of a long column under "Law Intelligence -- May 17": "Muggins was discharged."³ I interpret this to mean that Peter Muggins, the lawyer, was discharged from confinement in the Inner Crescent City so that he might practice his profession.

The Inner Crescent City annals may be read between the lines during Walker's last days in the *Herald*. The release of Peter Muggins, and the transformation going on in the Inner Crescent City may be seen in this May 27 editorial on Democratic party politics:

BACK AGAIN.

"The Double Transformation," — Goldsmith.

"The Deformed Transformed." — Byron.

Yesterday morning a visible uneasiness amounting indeed to palpable mortification and distress, was observed in the ranks of the Democratic party, and a corresponding exhilaration was manifested by their

²The official entry reads: "Special Term, District Court, Yuba County. To wit: May 12, 1851. Court opened at 10 o'clock A.M. May 12, 1851, by R. B. Buchanan Sheriff. Present G. W. Mott, Judge. On Motion of J. W. McCorkle, William Walker and R. S. Mesick were admitted to the bar of the District of Yuba County. Court adjourned till 3. o'clock P.M." Marysville, California, Courthouse archives, "Minutes #1 -- District Court," p. 101.

³"Law Intelligence -- May 17," *San Francisco Herald*, 5/19/1851, p.2 c.4.

opponents . . .

Yes, this day, Titania awakes from her two months dream of fond and misplaced dalliance, horrified to discover that she has lavished her enamored blandishments on a very unsightly monster, and resumes her legitimate affection for her liege lord. The long ears of her "gentle joy" have become hateful in her sight, and henceforth that Oberon to whom she vowed allegiance in 1844, will be the only master of her affections . . .

. . . the *News* brings back to the altar of the Democracy as an expiatory sacrifice for its temporary worship of false gods, the oblation of "a dilapidated establishment and a treasury without a dollar." . . .

Hung be the Custom House with black. Its worshiper has departed, and now pays his devotions at another shrine. The types that for two months have spread before the public, encomiums [*sic*] of Mr. King, will print his praises no more. The peans to his name will be turned to objurgations, and the battery reserved for his foes will be turned against himself. "King and the Custom House" will give place to . . .

If there be any clemency in the democracy, a paper that has braved opprobrium and ridicule to come back to the bosom of the party, must receive encouragement. It cannot, it is true, point to its history in the past as guaranty for the consistency of its course in the future; but has it not its sacrifices? its oblations?⁴

Just before leaving San Francisco for refuge in Marysville. Walker's Inner Crescent City inmates may be seen again, lampooned when projected on a satire titled "The Retreat of the Custom House":

⁴"Back Again," *Ibid.*, 5/27/1851, p.2 c.4

It has been truly said that great emergencies develops [sic] the capabilities of distinguished minds. Those faculties which are fallow and dormant in the routine of every-day life, spring into full bloom under the heat of great occasions. . . . But for the fire on the 4th of May, our quiet town would never have witnessed the brilliant strategy and eminent martial achievements of Mr. Collector King.

Yesterday was a great day in the Revenue Department. At an early hour the Collector was observed stirring about the ruins of the old Custom House, his whole bearing indicating that something unusual was in the wind. About ten minutes past twelve, preparations having been completed, a strong force of custom-house officers and seamen, armed to the teeth, were skillfully planted by the Commander-in-Chief, so as to command every avenue of approach to the citadel.

The washed and unwashed were fiercely commanded to "stand back," and bristling barrels and flashing blades struck terror into the hearts of the awe-stricken citizens. General King gallantly took his stand in a most exposed position upon the top of a pile of bricks, and with a six-barrelled revolver in one hand, and a formidable looking cane in the other, issued his orders for the removal of the treasure, with admirable coolness. . . .

Half a dozen stalwart sailors, with glittering carbines and flashing swords, led the van. . . . All being ready, the commander-in-chief took his place in front. The order, "forward," was given, and marching in gallant style through the streets, the procession made its way to the new Custom House. . . .

We regret that we cannot mention by name those gallant fellows — officers and men — who more particularly distinguished themselves on this occasion . . .⁵

⁵The Retreat of the Custom House." Ibid.. 5/29/1851, p.2 c.2.

"General King" may stand for Dick Dobs. Timothy Tucker, or Gabriel Gumbo, leading the Inner Crescent City inmates on their retreat from San Francisco to Marysville. Timothy Tucker's farewell from San Francisco came two days later, in the "City News" column.

Walker's editorial on May 24 had announced the forthcoming publication of a private Journal of a Trip to the Feejee and Navigators Islands, given to the *Herald* by one of the officers of the sloop of war *Falmouth*, which "imparts fresh and valuable information in regard to the people of those islands. . . . Although it was not intended for publication, it contains so much that is interesting we have obtained permission to place it before our readers."⁶

Such interesting information included the Feejeeans' custom of blacking their face, neck and chest with a sort of lampblack, bedaubed with coconut oil; moreover, "One of the singular customs of Feejeeans is that of the same individual, particularly a chief, having a multiplicity of names, illustrative of qualities of the mind or body."⁷ Timothy Tucker promptly used these facts to chronicle the Inner Crescent City inmates' farewell from San Francisco under his last "City News," in the *Herald*, Saturday, May 31, 1851:

JENNING, THE ROVER. — An interesting boot-black, upon whose back somebody had pasted a placard informing the world that the wearer's name was Jenning, the Rover, was seen yesterday morning pursuing his devious way along Central Wharf, in a state of great elevation. The fact is, the Rover was decidedly tight, and his zig-zag course strongly resembled the lightning's wayward path. His persecutor had used Jenning's blacking to paint his face in a most frightful manner. He was tattooed worse than a South Sea Islander, up to the very roots of his hair. He seemed perfectly unconscious of the amuse-

⁶"The Feejee and Navigators Islands." *ibid.*, 5/24/1851, p.2 c.1; "The Feejee Islands." *ibid.*, 5/26/1851, p.2 c.2.

⁷"Journal of a Trip to Feejee." *ibid.*, 5/28/1851, p.2 c.3.

ment his appearance excited, singing the praises of boot-blacks in general in a maudlin tone, and recommending every one he passed to be "polished off." When last seen he was seated on his portable box in the middle of the wharf, bewailing his lot, and calling himself, in the language of Dick Swiveller, "a miserable orphan."⁸

In Tucker's farewell fantasy, William Walker -- with a multiplicity of names like a Feejeean chief -- wore a placard informing the world that his name was the Rover, or Walker, when on May 31, 1851 he sat on his portable box in the middle of the wharf in San Francisco, bewailing his lot and calling himself a miserable orphan as he waited for the boat to Mary's-ville. The heart and the eagle with five stars drawn in India ink on his arms when he had left New Orleans in 1850, were not visible, for he was now tattooed worse than a South Sea Islander, his face painted in a most frightful manner up to the very roots of his hair. Yet, he seemed perfectly unconscious of the amusement his appearance excited, projected and recorded on the *Herald* by his shadow.

The impact of his Ithuriel spear on San Francisco, however, was far from amusing, and it continued to do great harm long after Walker had left the city. Before parting, in May, his last thrusts had finally set in motion the "Regulators" that he had advocated in March. His May 12 editorial on "Incendiarism and its Agents -- The Remedy," concluded that "to prevent the absolute demoralization of our society, we must ourselves apply the remedy. There can be no time more suitable than the present to make a commencement."⁹

The citizens of San Francisco instantly heeded Walker's advice, finally ready to make a commencement for themselves

⁸"Jenning, the Rover." *Ibid.*, 5/31/1851. p.2 c.4.

⁹"Incendiarism and its Agents -- The Remedy." *Ibid.*, 5/12/1851. p.2 c.1. In fact, Walker had begun to promote the idea six months earlier, when he wrote: "A large proportion of the crime in San Francisco might be immediately prevented by the moral influence of a volunteer police . . . Hence the only resource seems to be the organization of a volunteer police." "Volunteer Police." *Ibid.*, 11/25/1850. p.2 c.1.

to apply the remedy. Meetings were held at various wards for the purpose of organizing a volunteer police force along the lines of the Regulators which Walker had repeatedly urged from the columns of the *Herald*. On Friday, May 16, he was pleased to inform:

VOLUNTEER POLICE. — A number of gentlemen yesterday signed a pledge banding themselves together as a volunteer police to remain organized for a certain period, for the purpose of preventing crime and protecting property and life in this city from the assaults of the assassin and incendiary. . . . There is a pledge at the office of this paper, which those who wish to join in the movement will please call and sign.¹⁰

The previous night a fire was discovered and extinguished promptly in a hotel, and this provided Walker fresh ammunition for his campaign. Upon narrating minute details of the "Attempt to Fire the Verandah," he concluded:

. . . Had this effort been successful, all the new stores adjoining on Washington street must inevitably have been consumed, and Heaven knows how many more.

There can be little doubt that the late awful fire originated in just such a manner as this. There is a band of incendiaries in our midst who riot amid desolation, who have nothing to lose, and all to gain; against whom it is the duty of our citizens to be on their guard. They cannot exercise too much vigilance.¹¹

Next morning he dwelled on another minor incident, the "Attempt to Fire the City Hospital," which he also exploited to advance his pet project:

¹⁰"Volunteer Police." *Ibid.* 5/12/1851. p.2 c.3.

¹¹"Attempt to Fire the Verandah." *Ibid.* 5/16/1851. p.2 c.2.

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. . . This, following so close upon the attempt to fire the Verandah, only the night before, proves beyond doubt the existence of an organized band of incendiaries in our midst, whose fixed determination seems to be to desolate our city, and ruin it beyond redemption. Had we not incontestable evidence of this, it would seem incredible that human nature, however sunk and degraded, could be guilty of such damning villainy.

But, when we recollect that the graduates of crime, pirates who have declared war against mankind, have been emptied from the prisons and sewers of the world, upon our shores, we cannot be so surprised. In this emergency, where the enemy are unknown, and in our midst, it becomes every good citizen to be as vigilant for preservation, as the incendiary is for destruction.

The idea of a volunteer police, that has been suggested, is a good one. Such a force, at the present time, seems indispensable. The principle of self-preservation requires it. The slight inconvenience to each man is as nothing compared with the incalculable benefit that may ensue.¹²

The fire at the Verandah hotel had ignited a wooden chest and a cask of brandy in the storeroom before the barkeeper, aroused by clouds of smoke, had promptly extinguished it. The flames at City Hospital had begun to burn a cot in the out-house in the yard, when the watchman put it out with a bucket of water. Neither incident caused appreciable damage, and both were probably accidental. On the other hand, Walker's "graduates of crimes . . . emptied from the prisons" came precisely when Peter Muggins was set free in the Inner Crescent City. And at that moment, the constant projection of Walker's shadow into the pages of the *Herald* finally ignited the formation of the "Regulators" that he had been advocating for months.

¹²"Attempt to fire the City Hospital." *Ibid.*, 5/17/1851, p.2 c.2.

The citizens of the 5th and 7th Wards held a meeting on Saturday evening, May 17, at the California Engine House, appointed a three-man Volunteer Patrol, and ordered it to "proceed immediately to duty."¹³ The citizens of the 3rd and 4th Wards met on Monday evening at Jones' Hotel to organize a "Volunteer Police for the protection of life and property"; Nugent, of the *Herald*, was appointed member of a committee to draft the bye-laws: "the Tontine House was agreed upon as a temporary rendezvous, and Wednesday night as the next night of meeting."¹⁴

Joint sessions followed, which led to the adoption of the "Constitution" for the *Committee of Vigilance* at the California Engine House on Monday, June 9, 1851, "for the preservation of order, punishment of vice, and for the purpose of meting out that justice so long withheld from criminals."¹⁵ About 200 signatures were affixed to the document on that date, and over 700 were added in the ensuing weeks.

The *Vigilantes* wasted no time, catching their first victim within 24 hours. The unlucky fellow's name was John Jenkins. On Tuesday afternoon he stole a safe from a shipping office on Long Wharf; the alarm was given; he got into a boat and sculled out into the bay, hotly pursued by a dozen boats filled with men who overtook and captured him, and took him before the Secret Committee organized for the punishment of offenders. About midnight the bell of the California Engine House commenced to toll the death knell of the prisoner. His judges had condemned him to the gallows.

At ten minutes past two o'clock a.m. on Wednesday, June 11, 1851, Jenkins was jerked high into the air and hung dangling from the beam on the south porch of the adobe in the Plaza. He was a very tall, stout, heavy man, and his struggles were violent and continued several minutes. Gradually they ceased, and he swung slowly round and round. His executioners held steadfastly on the end of the rope, keep-

¹³ "Volunteer Patrol," *Ibid.*, 5/19/1851, p.2 c.6.

¹⁴ "Volunteer Patrol," *Ibid.*, 5/20/1851, p.2 c.2.

¹⁵ "The Committee of Vigilance," *Ibid.*, 6/13/1851, p.2 c.6.

ing it tense and allowing no interference. At four o'clock he was still left hanging.

James Stuart, Samuel Whittaker, and Robert McKenzie, were the next victims shortly afterwards. Whittaker and McKenzie, "two notorious scoundrels," were hung together after the Vigilantes "rescued" them from the police at the city jail, with McKenzie clinging to life a little longer than his companion:

. . . in a minute the two criminals were seen led to the doors in their shirt sleeves. The ropes were adjusted around their necks, and in an instant they were jerked simultaneously into the air, until their necks struck the blocks. They descended a little distance, and were again jerked up to the block, causing them to swing violently to and fro.

Their arms were pinioned to their sides, but McKenzie's hands being free he caught the rope by which he was elevated in his left hand: he was lowered for an instant, causing him to loose his grasp and all was over. . . . As they were launched into eternity a tremendous shout of satisfaction went up from the crowd. . . .

After the doomed men had been hanging about an hour, they were lowered, and McKenzie taken into the rooms and bled by a physician present to see if life was extinct. Strange to say, even after hanging such a length of time, blood followed the stroke of the lancet, he was reported not yet dead, and again hauled up into the air.¹⁶

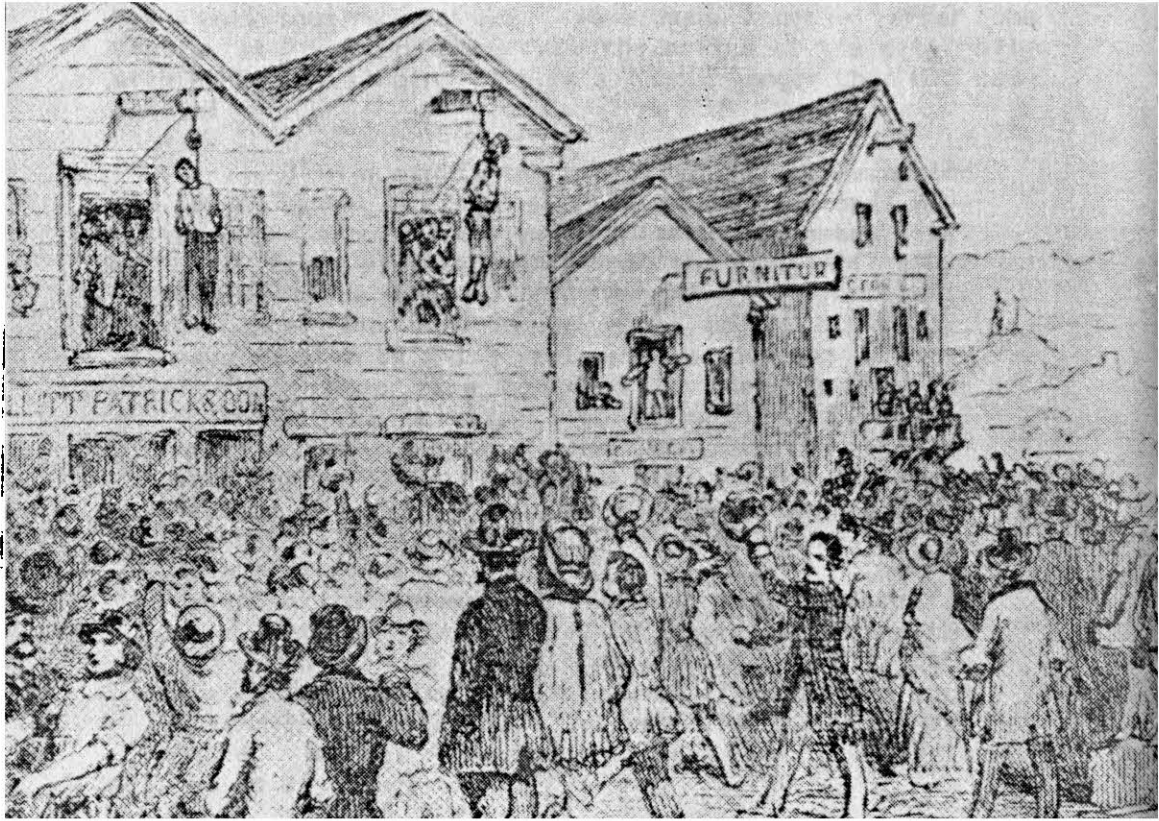
Those ghastly scenes took place after Walker had left San Francisco, but in them the Vigilantes faithfully carried out his February 22 prescription on "A Way to Stop Crime": "Let us organize a band of two or three hundred 'regulators' . . . if two or three of these robbers and burglars were caught and treated to 'Lynch Law' . . ." For that reason,

¹⁶"Great Excitement." Ibid., 8/25/1851, p.2 c.2.

the names of Jenkins, Stuart, Whittaker, and McKenzie, leap over victims like Morrison and Parsons to head the list of those actually slain by Timothy Tucker's Ithuriel spear in San Francisco.

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WALKER'S "REGULATORS" IN ACTION

"WHITTAKER AND MCKENZIE, 'TWO NOTORIOUS SCOUNDRELS,' WERE HUNG TOGETHER" (P.122).

11. Refuge in Mary's-ville

Marysville lies in the center of the Sacramento valley, 42 miles north of Sacramento. The town was born during the gold rush on the north bank of the Yuba near its confluence with the Feather river. It was named after Mary Murphy Covilland, the only white lady then living on the town plat. Early in 1850, the first California Legislature made Marysville the county seat of Yuba.

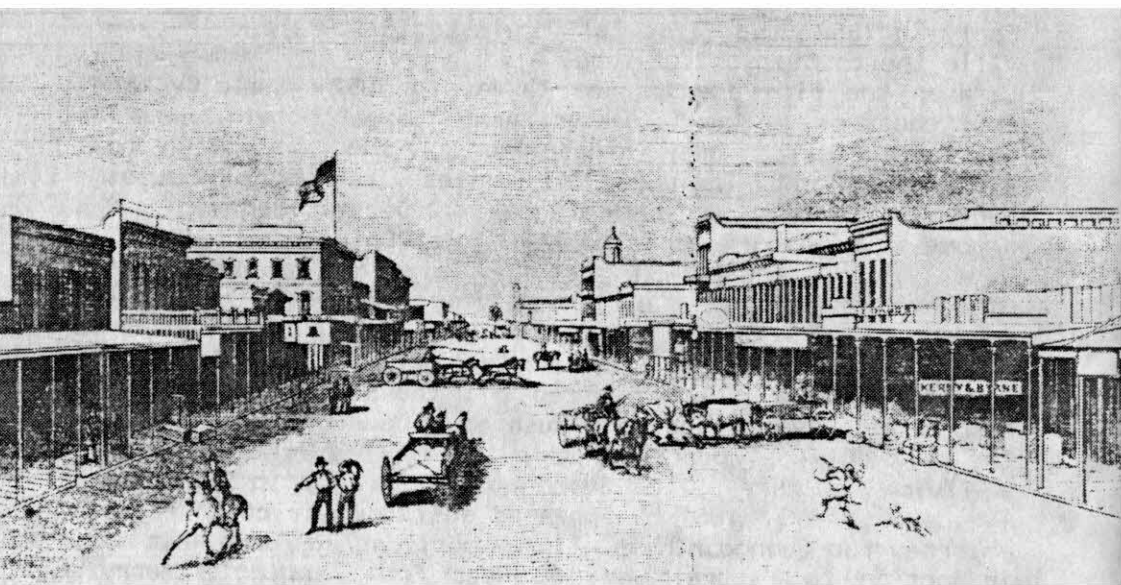
When the first census was taken, in 1852, the city had four churches, a "new" theater, nine "large" hotels, numerous restaurants, a busy Chinese laundry, two newspapers, and 4,500 inhabitants including 243 females. The number of mules owned in the city was estimated at 4,000, utilized with 400 wagons to transport goods to the mines. On one day in 1850, 24 sail vessels were lying at the levee and several light draught steamers were already plying regularly to Sacramento.

The District Court, the County Court, and the Court of Sessions met in town, which required the presence of a good number of lawyers. The Gold Rush and the Frontier provided the bulk of legal practice, allowing William Walker to earn a living in Marysville. Soon after arriving in town, on Tuesday, June 3, 1851 he appeared at the District Court as attorney for George Hanson, "in an application for a writ of injunction to restrain Wm. S. Webb from running a ferry across Feather river near Yuba City."¹ Thereafter, lawyer William Walker (that is to say, Peter Muggins) handled many mining claims, divorce cases, nuisances and misdemeanors, fines for damages, and sundry drudgery in the Marysville courts for months on end.

But the Gold Rush and the Frontier also provided the cli-

¹Marysville, California, Courthouse archives. "Minutes #1 -- District Court," p. 109.

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MARYSVILLE

mate for the formation of a Vigilance Committee patterned after the one in San Francisco: In July, the case of James Stuart, *alias* Berdue (or Burdue), furnished the spark that kindled the cause of the Vigilantes in the wake of Walker's arrival in town.

Berdue had been convicted in San Francisco for the slung-shot assault on the store-keeper C. J. Jansen in February. Before sentence was passed by Judge Parsons, he was removed to Marysville for trial on a charge of the murder of Sheriff Moore, which had occurred in December. Though the prisoner vehemently protested his innocence throughout, alleging that his name was Thomas Berdue, the store-keeper swore that he was his assailant, and key witnesses identified him as the James Stuart who had murdered the sheriff.

Simultaneous with the conviction of Berdue in Marysville, the real James Stuart was apprehended by the Vigilantes in San Francisco, and after confessing to the Moore, Jansen, and other crimes, he was hung at the Plaza on July 11, 1851. Owing to Stuart's revelations, new trials were granted to Berdue, *nolle prosequi* were entered, and he was discharged on all counts. The reprieved man later tried to collect four thousand dollars from the State of California, as compensation for mistaken imprisonment, but the Legislature denied his petition because "the principle involved is wrong in every respect."²

The "correct" principles invoked by the legislators and judges in California, which reflected the sentiments of society at the time, were applied in a monumental case several months later involving the Vigilantes and William Walker in Marysville. Strongly influenced by Walker's campaign in the *Herald*, in April, 1851 the Legislature had amended the State criminal law, declaring robbery and grand larceny punishable by death, at the discretion of the jury. But it was ironic that lawyer William Walker would be the first one in California to lose a case and a client to the criminal provision that the Ithurriel spear of journalist William Walker had helped create. The unlucky victim of his

²"Legislative Proceedings." *San Francisco Herald*, 1/22/1853, p.2 c.2; 2/17/1853, p.2 c.5; 3/10/1853, p.2 c.3.

magic weapon was George Tanner, alias Tom Twigg.

Tanner was a teamster who hauled merchandise to the diggings on the Yuba. On March 19, 1852, he was found hauling a sack of potatoes stolen from a merchant. A search of his home uncovered additional stolen goods: 1200 lbs. flour, 16 sacks potatoes, 1 barrel whiskey, 1 sack barley, 1 keg powder, 1 cast ale, 3 half-barrels meat, 1 piece canvas, 40 gallons syrup, and 1 half-barrel mackerel.

The suspected thief was promptly taken before Recorder Watkins, who held him to bail in the sum of two thousand dollars, to appear next day for examination. Next morning, Tanner was apprehended in the outskirts of town, evidently attempting to escape and was brought back by a group of Vigilantes. A large mob promptly assembled in the Plaza, and loud shouts of "hang him! hang him!" were raised in front of the Committee room. Tanner's wife and two small children came forward, petitioning and pleading in the most piteous manner, but failed to allay the excitement of the crowd.

After several hours, the Vigilantes decided that he should die. Then the Mayor was admitted to the Committee room, made a forceful appeal, and while the Vigilantes would not consent to hand the convict over to the officers of the law, they were willing to turn him loose and let him take his chances of being torn from limb to limb, or dispatched by the unerring revolvers of the populace below. The Mayor stationed trusted officers and friends at the foot of the stairway in order to escort the prisoner to jail.

The moment Tanner emerged from the doorway, he was accompanied by a strong cordon of faithful officers, who hurriedly carried him along toward the jail, the crowd pressing at every point. Strategy had to be used as the teamster was quickly run through the Recorder's office leading into a back street, till finally securely lodged in the wooden guardhouse. Recorder Watkins, taking post outside, avowed his determination, pistol in hand, that no one should enter. In a short time it was announced that the officers had taken Tanner out the back way, and proceeded with him to the jail where he was placed in irons: he could not escape; nor would he be bailed out.

Upon the Grand Jury finding a true bill, the case of The People vs. George Tanner, for Grand Larceny, came before the

Court of Sessions on April 12. Tanner appeared in Court with his counsel, William Walker, Esq., who fought a losing battle from the very beginning when the jurors were impanelled and those who had qualms about condemning a man to death for the crime of grand larceny were excused from serving. During the ensuing week, Walker's objections were repeatedly overruled by the Judge and his arguments failed to convince the Jury. They rendered a unanimous verdict of "Guilty of Grand Larceny and punishable with death." whereupon, on April 19, the Court adjudged and decreed:

. . . that the said George Tanner be taken from hence to the place from whence he came and from thence that he be by the Sheriff of the County on Friday the twenty eighth of May AD 1852 between the hours of ten o'clock in the morning and two o'clock in the afternoon of said day taken to the place of execution and there hanged by the neck until he be dead — dead — dead.

It is further ordered and adjudged by the Court that the said George Tanner do pay all the costs which have accrued in this prosecution.

Thereupon the said prisoner by his Counsel aforesaid gave notice of his appeal herein from the judgment of the Court.³

The Yuba County District Court affirmed the sentence of the Court of Sessions; next, Walker appealed to the California Supreme Court which by a split decision, on May 14, 1852 reaffirmed the death penalty for Tanner. Execution was stayed when Walker requested a re-hearing. He argued that the trial was vitiated because the State had no right to inquire beforehand how a juror would exercise his discretion of punishing the offense of Grand Larceny with death. After interminable arguments and delays, on July 16, 1852 the Supreme Court overruled Walker's objections and ordered that Tanner be executed in the manner prescribed in the original

³Marysville, California. Courthouse archives. "Court of Sessions -- Criminal Register 1851-1854," p. 103.

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sentence, on Friday, July 23, AD 1852.

Human life was certainly cheap in California then. It is true that the Tanner case was an exception, for due process of law was seldom resorted to. But Vigilantes and criminals roamed the countryside on a rampage, and all types of killings and illegal executions were common. Scanning the pages of the *San Francisco Herald* and limiting our survey to the four months that Tanner spent in irons in the Marysville Jail, here are some samples:

HANGING OF UGLY JIM. — Ugly Jim was hanged at Yankee Jim by citizens for killing a man named Chamberlin. Previous to his being hung up he was asked if he had any request to leave for his friends. He replied that he did not know that he had any friends.⁴

EXECUTION OF INDIAN NAMED CHARLEY. — The *Marysville Herald* contains the particulars of the trial and execution of an Indian named Charley, at Feather River, for murder, by a committee of citizens.⁵

TWO MEN EXECUTED FOR THEFT. — Two prisoners confined in the jail, at Coloma, were yesterday rescued from the authorities and hung on a tree by the populace. One was white, the other negro. The crime was theft. The mob almost got a third one, accused of stealing horses, but the Sheriff succeeded in preventing it.⁶

MURDER AND LYNCH LAW AT SAN ANDREAS. — A Mexican named Flores cut another Mexican's throat Thursday night. The people took him from the officers who were conveying him to prison, and hung him. He was

⁴"Hanging of Ugly Jim." *San Francisco Herald*, 4/10/1852. p.3 c.7.

⁵"Execution of Indian Named Charley." *Ibid.*, 4/16/1852, p.3 c.7.

⁶"Two Men Executed for Theft." *Ibid.*, 4/17/1852, p.3 c.7; 4/18/1852, p.3 c.7.

quite a young man.⁷

EXECUTION OF AN INDIAN. — Indian named bull-head found guilty of high way robbery. Popular vote nearly unanimous for death by hanging which was immediately carried into execution.⁸

EXECUTION AT MONROEVILLE. — A man named Bowman was convicted of murder and hung. When asked if he had anything to say, he replied that he was so excited he could not speak, and requested that someone might do so for him which was done. The rope was then cut, and he dropped about four and half feet, but his neck was not broken and he hung motionless. After hanging half an hour he was taken down, and when the cap was removed not a feature of his countenance was distorted — he looked natural as life. Some supposed he was not dead, but whether he was or not, he was buried about two hours afterwards.⁹

A MURDERER HUNG. — A man from Missouri stabbed another with a knife, who died in a few hours. 150 miners assembled, appointed a jury — found him guilty. The crowd decided hanging by over 2 to 1. The prisoner was taken to a tree close by, where he stood on a wagon while the rope was being placed around his neck. He did not appear to think he would be hung till this decisive step was taken. As soon as he realized the awful fate which awaited him he was almost overwhelmed with terror and consternation, crying in piteous tones, "Oh, God, have mercy on my poor soul!" The wagon was drove from under the miserable man, leaving him struggling in the air

⁷"Murder and Lynch Law at San Andreas." Ibid.. 4/18/1852. p.3 c.7.

⁸"Execution of an Indian." Ibid.. 4/23/1852. p.3 c.7.

⁹"Execution at Monroeville." Ibid.. 4/27/1852. p.3 c.7.

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till he died of strangulation. At ten o'clock today the body was cut down and buried beneath the tree where the execution took place.¹⁰

MEXICAN CONDEMNED TO DEATH FOR STEALING \$100. — Mexican condemned to death at the little town of Martinez for the crime of grand larceny, (stealing one hundred dollars from an American while in a state of intoxication). After a fair and impartial trial the prisoner was found guilty, and sentenced to be executed on the 8th of July next, which sentence will no doubt be carried into effect.¹¹

INDIAN MURDER AND EXECUTION OF THE MURDERERS. — Man killed by four Indians on the road to Marysville. The murderers were demanded from the Indian chief at ranheria in vicinity under threat to kill him if he didn't comply. Chief identified them by the arrows and turned them in. Tried by jury of miners. Three found guilty and hung. Fourth released.¹²

LYNCH LAW — TWO INDIANS EXECUTED. — Two Indians accused of killing a white man. The trial was conducted with a degree of propriety and fairness unsurpassed in any court of justice, particularly a California court. The prisoners were furnished with counsel. Found guilty. Taken to an aged Pine tree and suspended by the neck until they were dead. The crowd dispersed quietly. The dead bodies of the Indians were carried off by their relatives to be disposed of as they choose.¹³

¹⁰"A Murderer Hung," Ibid., 5/5/1852, p.3 c.7.

¹¹"Mexican Condemned to Death for Stealing \$100," Ibid., 5/12/1852, p.2 c.2.

¹²"Indian Murder and Execution of the Murderers," Ibid., 6/5/1852, p.3 c.7; 6/6, p.3 c.7.

¹³"Lynch Law -- Two Indians Executed," Ibid., 6/11/1852, p.2 c.5.

EXECUTION. — Jackson, Calaveras county. Mexican accused of killing Frenchman rescued by mob from jail and hung at the old Oak tree opposite the Astor House on Main street. It was a brutal scene. The prisoner was first raised from the ground with his hands not tied behind. He clutched the rope with both his hands, and thus preserved his life for perhaps ten minutes, when he was let down, his hands tied behind him, and again swung up, which terminated the tragedy.¹⁴

MEXICAN'S HANGING. — [Further particulars of previous item]. Cheverino was quite a youth, about 19 years old, and leaves a mother, a very respectable old lady, a sister, and two younger brothers. With tears cursing down their cheeks they besought to procure a fair trial. Protracted examination for a day and a half revealed no evidence to fasten guilt upon him or any complicity with the murder of the Frenchman.

A band of armed men, principally foreigners, but supported and upheld by a few Americans, broke open the jail, took the prisoner, manacled as he was, and with unheard of and fiendish cruelty, brought him opposite the house where his poor heartbroken mother and sister were staying, and in their sight strung him to the limb of a tree. After struggling for a few minutes, he came to the ground. Life not being yet extinct, he was again hung up, and left until the vital spark was gone. It was in vain that the aged mother and sister besought them to wait until morning.¹⁵

ANOTHER MEXICAN HUNG AT JACKSON. — Cruz Flores and Mariano, supposed to be accomplices in the killing of a Frenchman, were taken by the people and

¹⁴"Execution." *Ibid.*, 6/13/1852, p.3 c.7.

¹⁵"Mexican's Hanging." *Ibid.*, 6/14/1852, p.2 c.5.

tried by a jury of twelve men hastily chosen for that purpose. The jury decided to turn them over to the authorities. Hundreds of armed Frenchmen present became infuriated and began to clamor for blood. After a struggle of half an hour, during which time were enacted such scenes as have not been witnessed since the Reign of Terror, the Frenchmen succeeded in getting the boys out under the gallows-tree, and after breaking one of the arms of Cruz in the strife, got the rope around his neck and ran him up, a fiend in the shape of a man hanging on to his legs as he was ascending. So Cruz was executed by the mob, contrary to the verdict of their own jury. The other boy got away, and returned to the Sheriff of this county.¹⁶

HANGING AT NICHOLAUS. — Negro man who shot Mr. Hoofins — taken from officers of the law, tried by a jury of the people, found guilty, and immediately hung.¹⁷

A HORSE THIEF SHOT BY THE PEOPLE. — . . . A physician present claimed the body for dissection, on the ground that he had bargained with the man for it before he was shot, but as he only wanted the head, if no one objected, he would take it off, which he proceeded to do with a large bowie-knife — placed it in a bag, slung it on his horse, and marched off with it. A shallow grave was then dug, and the headless trunk tumbled into it.¹⁸

MAN SUSPECTED OF STEALING HUNG THREE TIMES TO EXTRACT CONFESSION. — A Man suspected of stealing \$25,000 was hung three times at Cache creek, for the

¹⁶"Another Mexican Hung at Jackson." *Ibid.*, 6/15/1852, p.2 c.4; 6/18, p.2 c.4.

¹⁷"Hanging at Nicholas." *Ibid.*, 6/15/1852, p.2 c.4.

¹⁸"A Horse Thief Shot by the People." *Ibid.*, 6/22/1852, p.3 c.7.

purpose of extorting a confession. The experiment was unsuccessful.¹⁹

MURDER. — Canadian killed Missurian at Yuba City — were friends.²⁰

HORSE THIEVES — TWO MEXICANS SHOT. — Mexicans stole mule at Carndieff's Ranch. Pursued — two killed.²¹

EXECUTION OF FRENCHMAN. — At Big Bar for murdering Chinaman. Asked to be shot but nobody would do it. Suggested Chinaman but not granted. Asked for and soaped his own rope — kept talking and talking for more time till hung.²²

ACQUITTED. — Joseph Fields killed Chilean at gambling table in El Dorado. Tried and acquitted.²³

MURDER AND HANGING BY CITIZENS. — Shannon stabbed and killed Trusdale. Tried by citizens. Hung. Was a hardened criminal.²⁴

NEGRO HUNG. — Negro accused of murdering white man hung by people. He made no confession.²⁵

SUMMARY EXECUTION OF HORSE THIEVES. — By a citizen of Santa Cruz who arrived yesterday, we are

¹⁹"Man Suspected of Stealing Hung Three Times to Extract Confession." Ibid.

²⁰"Murder." Ibid., 7/1/1852, p.3 c.7.

²¹"Horse Thieves -- Two Mexicans Shot." Ibid., 7/2/1852, p.1 c.1.

²²"Execution of Frenchman." Ibid., 7/4/1852, p.3 c.7.

²³"Acquitted." Ibid., 7/5/1852, p.3 c.7.

²⁴"Murder and Hanging by Citizens." Ibid., 7/10/1852, p.3 c.7.

²⁵"Negro Hung," Ibid., 7/24/1852, p.3 c.7.

informed of the summary punishment of two horse thieves at that place. Dominguez Hernandez, a Californian of notoriously bad character, arrived at the Mission on Thursday, for the purpose, as was supposed, of bailing out of the County jail a Sonorian who was incarcerated for horse stealing. A party of some fifty horsemen surrounded the house where he was staying, took him from his bed, and hung him in front of the Court House — a derrick, with block, etc., having been procured for the purpose. But little excitement was created by the transaction. During the following night a party took the Sonorian from the prison, and hung him manacled upon the same gibbet. The Coroner's Jury rendered a verdict of "Came to his death by a rope, etc., by persons unknown."²⁶

On the page following the "execution of horse thieves," the San Francisco *Herald* chronicled the execution of Tanner:

EXECUTION OF TANNER.

Marysville, July 23, 1852.

Messrs. Editors: — To-day, at 12 o'clock, precisely, Tanner suffered the extreme penalty of the law. A guard of some seventy-five citizen police, all armed to the teeth, escorted the prisoner from his cell to the place of execution.

The prisoner was ghastly pale, and so overcome with fear, that he could not stand alone. He was conveyed to the scaffold in a carriage, and at his own request, was dressed in a citizen's dress — an olive cloth frock coat, black figured silk vest and black pants. He was carried to the platform, accompanied by the sheriffs of Yuba and Nevada counties, with several other county officers.

When asked if he desired to say anything to the

²⁶"Summary Execution of Horse Thieves." *Ibid.*, 7/25/1852, p.2 c.1.

assembled crowd, he replied in an almost inaudible tone, *he did not*. He was then placed upon the trap door, and supported until the fatal bolt was drawn, which left him dangling in mid air. He fell about five feet, and seemingly died very easy; there was one or two slight shrugs of the shoulders, a quivering of the whole frame, and the vital spark had fled.

He was suspended about thirty minutes, the body lowered and pronounced dead. The city sexton then came upon the ground with his hearse, and an order from Tanner's wife for the body. It was delivered him and carried off. . . . ²⁷

George Tanner, who protested his innocence to the very end and refused to confess to any crimes, was the first victim of the California law that made robbery punishable by death. On the day of the execution, a petition signed by the most respectable citizens was presented to the Common Council, asking them not to permit the body of Tanner to be buried in the city cemetery. The prayer of the petitioners was immediately granted, and pressed for time, the Sexton was forced to bury the body of Tanner in a hastily prepared grave outside the cemetery.

Next evening, two men were arrested in the act of desecrating the remains, giving rise to humorous newspaper accounts about the body of Tanner being resurrected on Saturday night. As the grave had been uncovered, the Sexton brought the coffin to town and on Sunday morning buried it near the widow's house, on her own lot, in order for her to watch over her husband's remains.

Such righteous cruelty lavished upon Tanner, whose crimes, if any, consisted in stealing a few sacks of potatoes, mackerel and barley, contrasts with the absence of any punishment for those who massacred entire communities of Indians. During Tanner's trial in April, for instance, the California press chronicled the ghastly details of a Klamath

²⁷Execution of Tanner, ° *ibid.*, p.3 c.7.

Indian massacre: "Forty Indians killed -- two white men wounded!" And while Tanner, in Irons, sweated out Walker's appeal to the Supreme Court, on May 4, 1852, California newspapers chronicled another wholesale slaughter of Indians, in retribution for the murder of one white man:

ONE HUNDRED AND FIFTY INDIANS KILLED

A dreadful slaughter of Indians took place a short time since in Shasta county. . . .

. . . Capt. Dixon having divided his force into three parties, so as to come upon the Indians from different quarters and surround them. When the day broke all parties were in the desired positions, and on the signal being given the attack commenced.

Each rifle marked its victim with unerring precision -- the pistol and the knife completed the work of destruction and revenge, and in a few brief moments all was over. Of the one hundred and fifty Indians that constituted the rancheria, only two or three escaped, and those were supposed to be dangerously wounded; so that probably, not one of those engaged in the murder of the unfortunate Anderson now remains alive.

Men, women and children all shared the same fate; none were spared except one woman and two children, who were brought back prisoners.²⁸

It goes without saying that such atrocities were not investigated, much less punished, by the authorities. Concerning the consensus of public opinion in "civilized, Christian" California, John Nugent's comment in the *San Francisco Herald* may serve as example: "The sending of a hundred and fifty fellow creatures suddenly into eternity -- Indians though they were -- involves a grave responsibility, which it is to be hoped was not needlessly incurred."²⁹

²⁸"One Hundred and Fifty Indians Killed!" *Ibid.*, 5/4/1852, p.3 c.7.

²⁹"Topics of the Day," *Ibid.*, p.2 c.1.

The sending of one hundred and fifty fellow creatures suddenly into eternity involves a great responsibility, but no more. Apparently, no crime had been committed; no punishment was demanded for those engaged in wholesale slaughter of innocent men, women, and children. After all, the victims were only Indians. On the other hand, the alleged looter of a dozen sacks of potatoes paid with his life on the scaffold, and his remains were denied a resting place in the city cemetery.

Such was the scale of values that reigned in California in the wake of the Anglo-Saxon conquest -- the scale that would guide the actions and decisions of Walker and his men during their forthcoming filibustering forays into Mexico and Nicaragua.

12. Double-Headed Body

The George Tanner case stands out among the many handled by William Walker (Peter Muggins) to earn a living at his refuge in Mary's-ville. A survey of the books in the Yuba county archives reveals numerous appearances of attorney William Walker in the Marysville courts between June 3, 1851 and March 10, 1853. Of the 57 cases in which his name appears, he was counsel for the defense in 27 and for the plaintiff in 30. He argued at the bar many mining claims, one divorce case, two accusations for agreeing to fight a duel, several nuisances and misdemeanors, one grand larceny (Tanner), disputes about a dam on the Yuba river and a ferry on the Feather river, and a number of fines for damages, the largest of which exceeded ten thousand dollars.

One of Walker's colleagues at the Bar was Stephen Johnson Field, from New York, an early settler and first alcalde of Marysville who would soon become a California Supreme Court Justice and afterwards, for 35 years, Associate Justice at the United States Supreme Court. In his memoirs, towards the end of the century, Justice Field wrote:

William Walker, who afterwards figured so conspicuously in the filibustering expeditions to Nicaragua, and was called by his followers "the grey-eyed man of destiny," had an office in Marysville in 1851 and '52. He was a brilliant speaker, and possessed a sharp but not a very profound intellect. He often perplexed both court and jury with his subtleties, but seldom convinced either.¹

Notwithstanding Justice Field's assertion, the judicial

¹Stephen Johnson Field. *Personal Reminiscences of Early Days in California*. (Printed for a few friends -- not published -- Copyright 1893). p. 79.

registers indicate that Walker managed to convince court and jury more often than not. An exact tally is impossible because the eighteen bound volumes of legal records of the period list many lawsuits without specifying the contending lawyers. Of the fifty-seven cases in which William Walker's name was mentioned, however, he won twenty-four and lost sixteen while three were continued by other attorneys after his departure from Marysville, eleven were settled out of court, and in three the result could not be ascertained from the available documents.

At the beginning, Walker worked in partnership with J. W. McCorkle, Stephen Johnson Field, or others; but later his associate was almost invariably Henry P. Watkins, the Recorder who, pistol in hand, defended Tanner from the mob. Walker's record was outstanding in the eleven cases in which he worked alone: winning eight, losing two, and settling one out of court. This is even more impressive when we read in H. S. Hoblitzell's *Early Reminiscences of the Marysville Bar* that the Marysville Bar was regarded "as second to none in the State in point of legal ability," counting among its members "some of the brightest lights of the legal profession."²

Throughout this period, Walker used his legal training to advance his political agenda. At a meeting of the Marysville Bar on October 11, 1851, he was in charge of presenting fellow Democrat G. M. Mott's case for the judgeship of the Tenth Judicial District which was contested by W. T. Barbour. A few days later, he represented the respondent before the Supreme Court, in an Application, on the relation of W. T. Barbour for a mandamus against G. M. Mott.

On January 23, 1852, Walker appeared at the seat of Government, in Sacramento, as counsel for Mr. McCann, Democrat, in a contest with Mr. Cook, Whig, each claiming to be the legally elected representative from Yuba County. Walker made a powerful speech in favor of Mr. McCann, of an hour's duration. Mr. McCarty responded in favor of Mr. Cook. Next day the House of Assembly declared the seat vacant and a new

²H. S. Hoblitzell, *Early Historical Sketch of the City of Marysville and Yuba County*, (Marysville: Marysville Appeal Office, 1876), p. 8.

election was ordered.

A month later, Walker was the Marysville delegate at the Democratic State Convention that met at "Rev. Mr. Benton's Church" in Sacramento. The San Francisco *Alta* chronicled the proceedings on February 24, 1852:

DEMOCRATIC STATE CONVENTION — First Day.

The Democratic delegates assembled at eleven yesterday morning. The Convention is split on the question of the San Francisco difficulty. Both parties were on the *qui vive* from the start, and on two motions Messrs. Coffroth of Tuolumne and Walker of Marysville sprang upon the stage and took the Chair; as the chair happened to be a sofa, of course there was room for both, and the meeting found itself to be a monstrosity — a double-headed body.

A row was therefore kicked up forthwith on the question which head should be cut off. At last a vote was taken requesting each President to withdraw from the stand a moment, that it might be decided which was the choice of the meeting; but Mr. Broderick was a leetle too quick, and while the question was about to be put he sprang to his feet, named Mr. Van Buren as Chairman *pro tem*, and decided that he had been chosen. Row number two, but Mr. Van Buren took the chair.

Mr. Walker then moved that Mr. Fairfax, of Yuba, be appointed Secretary. Considerable feeling was manifested. The question was put, and a division called for but the Chairman refused to decide the question by division . . .³

The comic acting in Sacramento had placed Walker in a true to life position at the top of a double-headed body.

The "San Francisco difficulty" that split the Sacramento Convention involved Edmund Randolph, who had been a "commit-

³Democratic State Convention, *Alta 2/24/1852, p.2 c.4.

tee ticket" candidate at the Democratic Primary election on December 26, 1851. In Randolph's ward, the judge and one inspector were favorable to the committee; the other inspector was a "protest man." Some "little disturbance" arose at the closing of the polls, during which the Protest Inspector was attacked and his attention diverted from the ballot box. On counting the votes, it was found that the number of ballots in the box exceeded the number of names on the tally list by nearly 200: there were 650 ballots but only 452 names. Consequently, the inspector favorable to the protesting party refused to sign the credentials of Randolph and the other winners.

Both factions presented their claims at the Sacramento Convention and Mr. Walker, of Marysville, naturally sided with the Randolph's "committee ticket" championed by Broderick. The heated debate ended with a fight, with delegates throwing bottles and ink-stands at each other until a deep gash in Mr. Broderick's cheek forced them to suspend the proceedings. The second day closed with Mr. Randolph arguing in favor of the General Committee and Governor Smith rebutting for the Protestants. The latter finally prevailed, winning the contested seats by a 102 to 64 margin.

Edmund Randolph, discomfited, left Sacramento the next morning, returning home to his law practice and active political life, soon to become Chairman of the Democratic General Committee for the City and County of San Francisco. The gathering at Rev. Mr. Benton's Church got down to the business of electing delegates to the oncoming Baltimore National Convention, pledging their support to whichever candidates for President and Vice-President might be chosen at Baltimore, *provided* said nominees were neither Free-Soilers nor Abolitionists. Upon adjourning on February 26, William Walker hurriedly retreated to his refuge in Marysville.

Truly, the *double-headed body* might be applied to his Inner Crescent City, with Peter Muggins and Gabriel Gumbo simultaneously in command. As lawyer Muggins pleaded at the Bar for Tanner in April, 1852, politician Gumbo labored in the political arena of the Democratic party. When William Walker celebrated his 28th birthday on May 8, Muggins was

appealing for Tanner to the California Supreme Court while Gumbo labored strenuously behind the scenes to become a candidate for Congress. The San Francisco *Alta*, on May 12, reported the news:

POLITICAL. — The adjournment of the Legislature has thrown quite a number of politicians into our city . . . The main topic on the tapis is the nomination for Congress, and the friends of the various candidates are laboring strenuously to advance their interests. The principal excitement seems to exist on the Democratic side . . . For the Northern section of the state, Dr. Keene, of El Dorado, President of the Senate *Protempore*, M. S. Latham, Esq., of Sacramento, and W. Walker, Esq., of Yuba, are spoken of.⁴

In pursuit of the Congressional nomination, the Democratic County Convention which assembled in Marysville on June 19 elected Walker delegate to the Democratic State Convention to be held in Benicia on July 20. In Benicia, William Walker (Gabriel Gumbo) was again aligned in the Broderick camp. When a resolution proposed "that the Democratic Party is in favor of the donation of the public lands to American citizens," Broderick moved that it should read "actual settlers" instead of "American citizens," which was objected to by others and supported by Walker:

. . . Mr. Walker, of Yuba, then addressed the convention as follows:

I am as much surprised as the gentleman from San Francisco [Mr. Broderick] that such a position as that occupied by the delegate from Sacramento [Mr. Henley] has been taken in a Democratic convention. Nor am I less surprised at the remark of a gentleman from San Francisco [Gov. McDougal], that the policy of the party here must be different from what it is elsewhere. I have always held that the principles of

⁴"Political," *Ibid.*, 5/12/1852, p.2 c.2.

the Democratic party are the same at all times and under all circumstances, the same yesterday, to-day, and for ever: the same on the Pacific coast that they are on the Atlantic. [Cheers.]

And it has always been the doctrine of the Democratic party, affirmed and asserted at different times, and last reaffirmed and reasserted at the Baltimore Convention of this year, that nothing should be done to discourage the people of every country from flocking to our shores. [Great cheering.]

It has ever been the policy of our party to encourage, by all reasonable means, the immigration of foreigners into the country; and it is only the Whigs who have opposed such a line of policy. Our opponents, with the want of foresight which distinguishes them, have frequently attempted to glide into power by flattering the actual voter at the expense of the voter that is to be, but such has never been the course of the great lights and leaders of the Democracy. [Applause.]

Many of us have seen with regret and dissatisfaction that men elected to office by the Democratic party have, within the last few months, attempted to excite a feeling in California hostile to a peculiar class of immigrants; that some claiming to be Democrats have fallen in with Whig measures and practically adopted the extremest tenets of our adversaries. But the mass of the party — the miners in the mountains and the farmers in the valleys — have signally rebuked these hucksterers in the political market — these trading seekers of votes, and hankers after the fleshpots of office and patronage. [Tremendous applause.]

And such it is to be hoped, for the sake of our party and of the country it has governed for the last sixty years, will always be the fate of these panderers to prejudice — these excitors of bad feelings and improper influences between different races. [Continued cheering.]

As a rebuke to such Democrats as these, and to the efforts by which they seek to engender enmity of race against race and class against class, it is to be hoped the resolution, as offered by the Committee, will not pass. [Great cheering.]⁵

The resolution was amended to include actual settlers, as proposed by Broderick and Walker, but on another issue they suffered a setback when the Convention failed to nominate A. Parker Crittenden for the post of Associate Justice of the California Supreme Court.⁶ At a crucial moment in the balloting, Crittenden was charged with having scratched the party ticket in the last general election. On the motion of Walker, he was invited to make an explanation on the subject. Crittenden then declared that the report was correct and that he had scratched the name of Mr. Bigler, Democratic Governor of California. On this announcement a number of delegates transferred their votes to Mr. Wells, who was then declared elected nominee for the Supreme Court Judgeship.

Walker's instantaneous reaction came in the form of two long Letters to Gov. Bigler — *Why His Name Was Scratched*, published in the *San Francisco Herald* on July 25-26, 1852. A few excerpts suffice to show his Ithuriel spear at work in Benicia at the very moment when his client George Tanner suffered the death penalty in Marysville:

⁵"Democratic State Convention," *San Francisco Herald* 7/23/1852, p.2 c.3.

⁶A. Parker Crittenden and Edmund Randolph were law partners in San Francisco in 1850-51. William Walker strikingly manifested his warm friendship and high regard for both: "The friendship between Randolph, Crittenden, and Walker, was of a character not to be expressed by words; but the existence of such a sentiment between these three is essential for an understanding of the perfect confidence which marked their acts in reference to the transit. And to the noblest qualities of the heart, Randolph and Crittenden added the loftiest attributes of the intellect. To those who have heard the former at the bar, it will not be deemed the voice of friendship alone speaking, when it is said that his legal talents are such as would adorn courts when learning, and logic, and eloquence, were more appropriate to the profession than they appear to be in these latter days. And they who have studied the legislation of California — not the evanescent laws born of party passion or impure interest, but those which mould society, and form its habits — can best appreciate the capacity, and the patient labor of Parker Crittenden." William Walker, *The War in Nicaragua*. (Mobile: S. M. Goetzel & Co., 1860), p. 150.



ALEXANDER PARKER CRITTENDEN

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. . . Stolen waters seem to be sweet to you;⁷ and office, no doubt, would lose half its charms for you if obtained by right and held under a clear title

. . . Is it for the welfare of the Democratic party that you keep around you, and in your employ, the most infamous wretches that defile the land? Is it for the good of the party that you keep the refuse of the dram-shop, the gambling house, and the brothel, to work out your base ends and accomplish your petty revenges? Was it for the good of the Democratic party that a creature, whose name it would be defilement to utter, was sent forth to spread reports against the acts of such a man as Mr. Crittenden?

The inmates of the lazar-house would scorn to use such tools as you make use of; and yet you are to be set up as the head and front of the Democratic party in California, and you are to be regarded as the Grand Lama before whom all must bow and worship, under pain of excommunication from the Democratic party?

. . . I might say to you that it better becomes one occupying your position to attend to the duties of his office than to mingle with the intrigues of aspiring place-hunters. Hereafter you may feel the effects of your conduct; and believe me, the Democratic party will not be slow to reward you according to your deserts.⁸

Though destiny was not overly slow in rewarding William

⁷Stolen waters are sweet, and bread eaten in secret is pleasant. But he knoweth not that the dead are there; and that her guests are in the depths of hell." Proverbs 9:13-18.

⁸William Walker, "Letter to Gov. Bigler . . . Why his name was Scratched -- No. 11," *San Francisco Herald*, 7/26/1852, p.2 c.4. The letters were signed "Hickory" (Old Hickory Andrew Jackson; so nicknamed for his tough, unyielding character), but their contents, style, timing, and publication by the *Herald*, point to Walker as the author.

Walker according to his deserts, the future filibuster was lucky in avoiding an immediate dose of lead as retribution for his strictures on Gov. Bigler at a time when journalists were fair game for politicians' bullets in California. Scarcely a week later, for instance, *Alta* editor Edward Gilbert fell dead, shot by a Senator through the abdomen (Western rifles at forty paces) because of a short paragraph lampooning Gov. Bigler and his tricks of office. And six weeks earlier, John Nugent of the *Herald* had suffered a compound fracture of the femur brought about by an Alderman's bullet (Colt revolvers at ten paces).⁹ William Walker, however, on July 26 unobtrusively slipped back into his refuge in Marysville.

Contrary to expectations, Walker was not nominated for Congress or any other office in Yuba county in 1852. Instead, in October he was elected Chairman of the Democratic Nominating Committee of the 6th Ward in San Francisco. He was appointed Sergeant-at-Arms and intervened actively in the County Convention for the nomination of local candidates to the November polls. Then he retreated again to his judicial labors in Marysville. A contemporary accurately portrayed Walker's isolation from his fellow men:

General William Walker the "gray-eyed man of destiny," who figured so prominently in filibustering expeditions was a partner of Colonel Watkins in the practice of law. We have often heard it remarked that during his residence in Marysville, where the inhabitants were noted for their hospitality and genial dispositions, Walker always maintained a stolid indifference for those around him, and confided in no man.¹⁰

⁹The deadly duels affecting journalists known to Walker was not limited to that particular season or geographical area. On June 10, 1853, John Nugent's humerus was shattered at the elbow by another San Francisco alderman (rifles at twenty paces); and J. W. Frost, who succeeded Walker as editor of the *Crescent*, was killed in a duel at New Orleans on the morning of July 10, 1851.

¹⁰Hoblitzell, *Op. Cit.*, p. 9.

Despite Walker's stolid indifference for those around him, the great idea that firmly shook his whole being, was transmitted to his partner Henry P. Watkins. The result was to be the expedition to Lower California and Sonora in 1853-54, narrated in the succeeding pages. The initial spark ignited when the first and last person Walker loved — died: his mother was buried in Nashville on January 8, 1852.

There is no record at hand of Timothy Tucker's diary during William Walker's sojourn in Marysville to judge the impact that Mrs. Walker's death produced in the Inner Crescent City. It is not known, either, what effect, if any, the appearance of Eliza Biscaccianti at the theater in Marysville had in June, 1852. What is known is that shortly after Walker's last appearance at the Bar in March, 1853, he embarked on his military mission to Sonora. A "double transformation" had thus occurred in the Inner Crescent City in two years — a transformation from Tucker to Muggins and to Dobs.