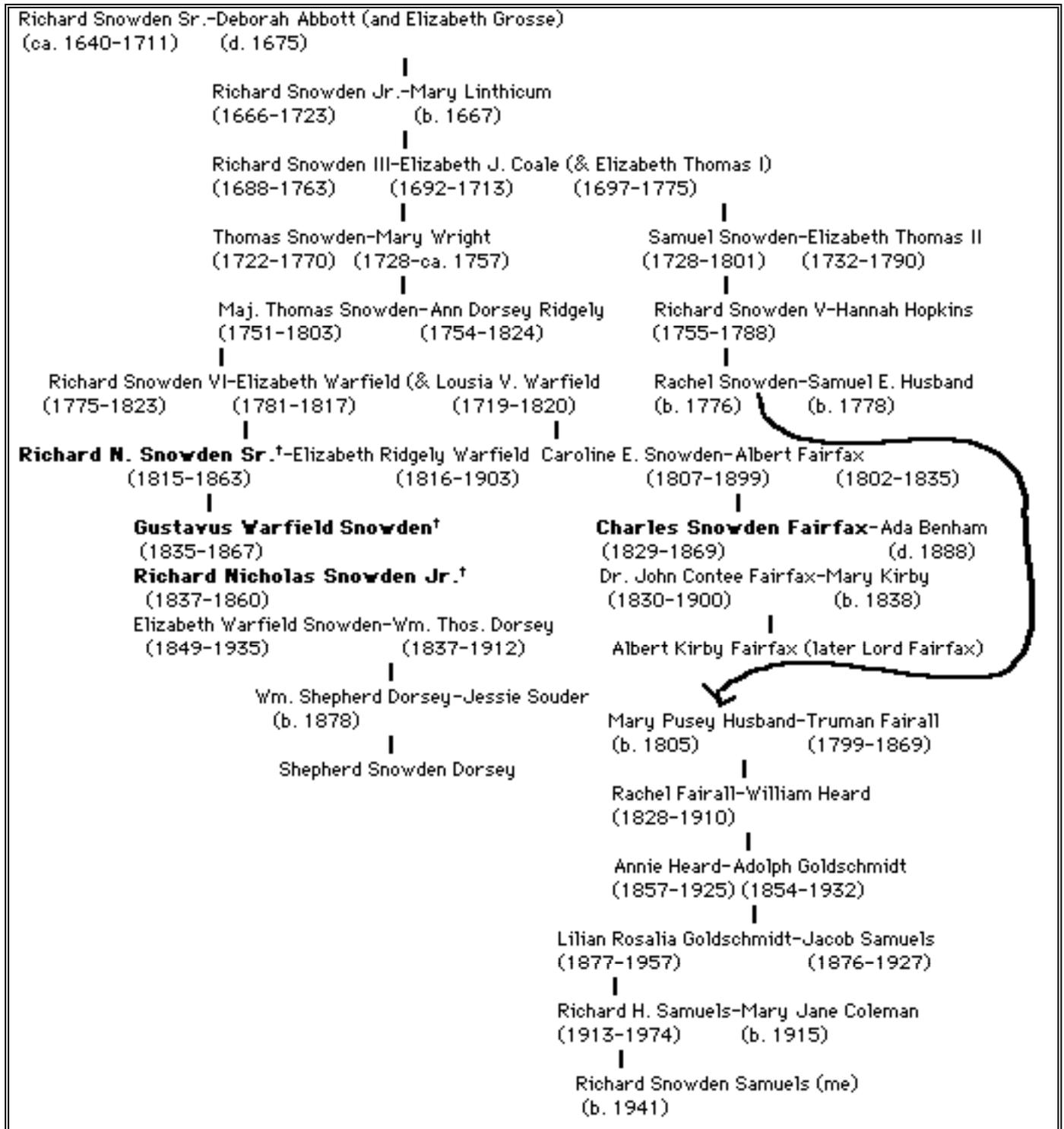


In the pages that follow, I write about the western adventures of four members of my family whom I indicate in bold type in the chart below (I also provide an extension of the chart



so you can see how I am related to them):

The superscript daggers that follow three of the four names indicate that Richard N. Snowden Sr., Richard N. Snowden Jr. and Gustavus Warfield Snowden died violently. The superscript is most symbolic in the case of Richard N. Snowden Sr., for he died of a knife wound. It is less symbolic in the case of Richard N. Snowden Jr., who died from either an arrow or bullet wound. It is not at all symbolic in the case of Gustavus Warfield Snowden, for he was clearly killed by a bullet.

For a father and two of his sons to die in separate incidents of violence was perhaps less unusual in the 1860's—the most violent decade in the nation's history—than at other times. The Civil War is what made the 1860's bloody, and I will later describe how a number of family members lost their lives during its course. But the three Snowden deaths I describe here occurred far from the battlefield. There was a strong violent undercurrent connected with that phase of westward movement which suddenly thrust tens of thousands of Americans—and a good number of foreigners—into the gold fields of California, the towns that grew up surrounding them and the cities nearby that supported them. The history of the Snowdens in California and in what would become the state of Nevada—where they participated in and became victims of violence—makes this clear.

Contrasting to the violent ends of the Snowdens in the West is an artifact on display at the Howard County Historical Society in Ellicott City, Maryland which contains mementos of their beginnings. The artifact is a glass-covered frame within which are a number of locks of hair tied in circles with ribbons. The curls are remnants of the first haircuts of seventy-three children of the Warfield and Snowden families born between 1752 and 1855. Included in the collection are the childhood locks of Richard N. Snowden Sr. and his sons Richard N. Snowden Jr. and Gustavus Warfield Snowden.

The ringlets are documents of childhood, preserved at a time when the art of photography did not exist or when it was only narrowly practiced. They are reminders of the innocence of childhood, and a reminder so poignant—perhaps because a portion, however small, of childhood is physically saved in the locks—that the practice of preserving a lock of a child's hair has survived in spite of the advances of photography and, more

recently, home video. But unlike photography and videography, which impose no physical change upon their subjects, the act of clipping locks severs something from the child and therefore amounts to a mutilation of sorts or a first wounding. This is not immediately apparent to the mother and father who stand by as a barber cuts their child's hair for the first time. But it is quite clear to the child who, in most cases, cries because he or she fears that pain will accompany the act.

Keep the childhood locks of hair in mind as you read what follows. A long road separates them from the violent deaths of the adults about whom I write. But there is a curious connection between the two in spite of the distance between them. Indeed, in the case of Richard N. Snowden Jr., the connection might have been even more profound, had those who killed him followed their typical practice of removing his scalp from his head. As it turned out, they chose to mutilate his penis and testicles instead.

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Shortly before eight on the morning of Wednesday, May 23rd, 1867, thirty-three year old Gustavus Warfield Snowden walked into the room of a hostler who worked for, and boarded at, a stable near the San Quentin, California waterfront. The hostler, who was in the process of driving a recently-arrived stage coach to the pier where its passengers would board a San Francisco-bound steamer, had left his pistol on a table in his quarters. Snowden, an unemployed Civil War veteran (he had fought for the Confederacy), picked up the weapon and verified that it was loaded. He then sat down in a chair, placed the barrel of the gun in his mouth and pulled the trigger.<sup>1</sup>

The suicide of Gustavus Warfield Snowden, the first-born of the six children of Richard Nicholas Snowden (1816-1863) and Elizabeth Ridgley Warfield (1816-1903), brought to three the number of my family members who died violent deaths in the course of their adventures in the West. Richard Nicholas Snowden Jr. (b. 1837) had been killed by Paiute Indians in 1860. Richard Nicholas Snowden Sr had been stabbed to death by a teamster

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<sup>1</sup> At least two newspapers reported the death: the San Francisco Evening Bulletin of March 23rd, 1867, which erroneously identified the victim as Gustavus' father, and the Marin County Journal of May 25th.

three years later. Charles Snowden Fairfax (1826-1869), Richard Nicholas Snowden Sr.'s nephew, might well have been a victim as well. But he miraculously survived a sword wound a political enemy dealt him in 1858.

My relatives first prospected for gold in Yuba County, California; later sought silver near the Comstock lode and east of the Humboldt range of what is now Nevada. Unsuccessful in their mining efforts, they turned to politics. Neither endeavor, in the Far West in the 1850's and 1860's, offered great assurances of longevity.

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If the dream, however remote, of striking it rich in the gold fields of California propelled members of my family westward, dismal prospects at home were an equally significant factor in their migration. The late-1840's were turning out to be tough times in Maryland. No less a booster of Prince George's County and its future agricultural and industrial potential than Colonel Horace Capron gave up both endeavors following the death of his wife Louisa Snowden in 1849 and took his five children to Peoria County, Illinois, where other members of the Capron family were well established farmers. "Financial reverses" caused his move, according to one of his biographers.<sup>2</sup> Colonel Horace was a man of considerable skills and well-directed ambition: if he were willing to give up on a region where, he had, over a period of a decade and a half, achieved a great deal and been recognized for that fact, other family members, less talented, would certainly be willing to do likewise.

Richard Nicholas Snowden Sr. (whom I hereinafter call "Uncle Dick", for that is how he was known in California) was clearly a man of limited abilities. The observations of both the friends and enemies he made in the course of mining and politicking suggest that his personality defects were his greatest and least attended to weakness. Philip Keyser, who liked him, described him as a "man of quick and sometimes violent

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<sup>2</sup> Clarabell Barnett in her entry "Horace Capron" in the Dictionary of American Biography v. III, p. 484.

temper."<sup>3</sup> James O'Meara, who loathed him, saw him as a "hot tempered, large, coarse-mannered Southern man", a sort of over-inflated hot air balloon "who was always steaming and puffing and snorting like Dickens' Pancks."<sup>4</sup> The single most evocative adjective O'Meara attached to Richard Snowden Sr.'s name was "robustious", a term already archaic by the mid-eighteenth century, except in cases where writers wished to express contempt for those about whom they wrote.

Geneticists might attribute Uncle Dick's ill temper to the fact that he was one of the more egregious examples of the traditional Snowden inbreeding. His father Richard (1775-1823), the first child of Major Thomas Snowden of Montpelier and Ann Dorsey Ridgley, had married his first cousin, Elizabeth Warfield (1781-1817) and, after her death, her younger sister Louisa (1790-1820).

But a look at the vital statistics suggests that Uncle Dick's childhood was a tough one, a fact that may help explain his behavior thereafter. His mother died when he was two. His step-mother (who was also both his aunt and his first cousin once removed) died when he was five. His father died when he was eight. He was, moreover, the youngest of the three sons and three daughters of Richard and Elizabeth Snowden who survived infancy and was separated by eight years from the next-youngest sibling. He was probably raised by his sister Anne Louisa (fifteen years his senior) or his brother Thomas (thirteen years his senior), or by nearby Warfields or Ridgelys.

Material deprivation, however, was not a part of Uncle Dick's youth. Richard his father, according to the recollection of Horace Capron, was a "very aristocratic gentleman and sported

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<sup>3</sup> "Centennial Address" as quoted by William H. Chamberlain and Harvey L. Wells, Thompson and West's History of Sutter County, California (Oakland, California: Thompson and Wells, 1879) p. 28 (Chamberlain and Wells quote from the address Keyser gave on July 4th, 1876. I have been unable to locate Keyser's original text.)

<sup>4</sup> James O'Meara, Broderick and Gwin (San Francisco, California: Bacon & Company, 1881) p. 55. Mr. Pancks, a rent-collector, appeared in Little Dorrit where he was described as a man with "jet black beads of eyes; a scrubby little black chin; wiry black hair sticking out from his head in prongs, like forks or hair-pins. . . who snorted and sniffed and puffed and blew, like a little labouring steam-engine."

his coach and four until his death."<sup>5</sup> The elder Snowden, to be sure, did not live long enough to inherit Montpelier (he died a year before his mother). But he had acquired from his father a two-thousand acre tract just to the south where he built (or rebuilt) the house, still standing, known as "Oaklands".

The most famous of Oaklands twenty-one rooms was its first floor parlor, the purported setting for undoubtedly the most fanciful story devised and passed along by family members. I retell it here, for it offers some hints of how the family perceived itself during the first half of the nineteenth century, shows



Oaklands

how far some family members had strayed from Quaker behavior even as others remained exemplary members of the Society of Friends and alludes to a compulsion that may have been one of the factors in Uncle Dick's decision to head west.<sup>6</sup>

On a night, the date of which was unspecified, the parlor was the scene of a particularly intense high-stakes card game. The players, so the story goes, were "all heated and red with wine" when one of those seated at the table was handed a message, the

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<sup>5</sup> As quoted (from Horace Capron's unpublished "Autobiography" by William G. Cook, Montpelier & the Snowden Family (Laurel, Maryland: William G. Cook, 1973) p. 175

<sup>6</sup> I base my narrative here (and the purported quotations) on the account given by John M. Hammond, Colonial Mansions of Maryland and Delaware (Philadelphia, Pennsylvania: J.B. Lippincott Co., 1914) p.

contents of which required his immediate departure. In his absence, the game could not continue.

"I'd play with the devil if he were here", one of gamblers allegedly cried in frustration.

A knock at the door followed immediately. A tall, slim man, unknown to any of those present, was ushered into the parlor.

"May I take the vacant place?" the newcomer asked.

"Sit down, though we don't know who you are", was the reply. His identity was not an issue. His presence was sufficient.

The game continued throughout the night, throughout the next morning and well into the afternoon. The stranger had an extraordinary run of luck. After he exhausted his opponents' cash, the game proceeded by virtue of the "hypothecation of every valuable they possessed." Finally, when they had nothing left to wager, the winner rose from the table, bowed to his hosts, turned and left the room. As he did so, those cleaned out saw that a forked tail extended below the hem of his frock coat. As he closed the front door, they noted that a strange smell permeated the parlor. The odor, of course, they immediately identified as brimstone.

Uncle Dick stood at the end of a fairly long line when his father's estate was parceled out. He compensated for this by marrying well, though in a fashion which did nothing to expand the family's gene pool. His bride, and first cousin, Elizabeth Ridgley Warfield, was the daughter of Dr. Gustavus and Mary Thomas Warfield (to further confuse matters, but also to further document the rampant inbreeding of this period, I should point out that Elizabeth Ridgley Warfield's sister Mary married her first cousin Edward P. Snowden, that her sister Adelaide married her first cousin William Snowden; and that Uncle Dick's first cousin Dr. Arthur Monteith Snowden married his first cousin Ella Snowden.)

The Snowden-Warfield wedding took place at Longwood, the Howard County home of the bride's parents, on New Year's day of 1835, slightly less than seven months prior to the birth of their first child. Martha Ann Warfield, Elizabeth's sister, described the ceremony and its sequel in a letter to a cousin that evokes a lifestyle that could not and would not be sustained much longer:<sup>7</sup>

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<sup>7</sup> The letter (dated March 13th, 1835), to Elizabeth Coultas Leiper, is cited by Cook, *op. cit.*, p. 240. Cook does not indicate where he obtained the original.

The groom who in excess of proud rapture seemed transported out of himself, led My Lovely Sister, about to be made his own, followed by their five brides-Maids and Groomsmen. Sister was dressed in figured blond gauze over white silk. A handsome veil partly covered her face, there was a tremendous in her down-ward glance--the soft flush of maiden timidity on her cheek, and yet she came forward with an easy air. I thought of Milton's lines as applicable:

"Grace was in all her Steps--Heaven in her eye  
In every gesture, dignity and love."

The ceremony was performed by a Reverend Mr. Gillis, an Anglican "in full canonicals" (the Quakers present, if any, must have winced):

Then came the pleasing bustle of Kissing! and wishing joy. we had a very handsome collation, Were lively — did not retire to our downey couches 'till 4 o'Clock. We kept the wedding up for four Weeks. Maryland is the place after all, for frolic and fun.

The newlyweds took up residence at Ellerslie, a stone and stucco house first built as a two-room hunting lodge by the Snowdens, Ridgelys and Warfields in the late eighteenth century, but which, by 1835, had been enlarged by the addition of a wing to the west of the original house and a connecting hyphen.

Martha Ann Warfield told her cousin how she was present when the couple almost lost their new home a scant three months after they had moved in:



Ellerslie

Last Sunday a company amounting to Sixteen persons, were dining with them. While we were at dinner, a Servant came in and told us the house was on fire. We all

simultaneously rushed to the front door, and discovered that it was a large house in the yard, the roof was in a light blaze, all the Servants clothes and a good many tools were in there...It is a great loss to Brother Richard as he expected to board his workmen in the house this Summer. After they had done all the good they could he invited the white men into the house and sent Whiskey out to the Blacks. We felt thankful it was no worse.

The fire of March, 1835 and the losses associated with it were not at the root of Uncle Dick's long-range problems. The next evidence I can find alluding to the condition of his family is the 1840 Federal Census. It indicates that the household (which at that time included three young children) was engaged in farming with the aid of thirteen slaves.<sup>8</sup> The Federal Census of 1850 tells a far different story: by that time, Elizabeth Snowden was living in a home adjacent to that of her father and mother as the single parent of five children ranging in age from fourteen years to slightly less than a year old (two middle-aged free black women, presumably servants, also lived in the household.)<sup>9</sup> Her husband, of course, had gone to California. He had done so, moreover, during the early stages of his wife's final pregnancy. Uncle Dick probably did not even know that his wife had conceived prior to his departure. There is likewise no evidence that he ever saw his youngest child, Elizabeth Warfield Snowden (1849-1935) who, as it turned out, was the only one of his children to marry and bear children of her own.

I can account for Uncle Dick's abandonment of his wife and children only in the most speculative of ways. According to a story passed along by family members, he had lost Ellerslie while gambling.<sup>10</sup> If the story is true, it makes me wonder whether the "devil story" associated with Oaklands may, in fact, have been devised as a way to rationalize, and to take the edge off, both the loss of Ellerslie and the abrupt, permanent disappearance of Uncle Dick

In any case, once Snowden left Maryland, virtually no efforts seem to have been made to preserve his memory. His descendants of the present day had, until quite recently, no idea of where he had gone and what he had done. Indeed, they

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<sup>8</sup> United States Federal Census, 1840: Maryland, Anne Arundel County, p. 156.

<sup>9</sup> United States Federal Census, 1850: Maryland, Anne Arundel County, p. 497.

<sup>10</sup> This is the story reported by Cook, *op. cit.*, p.50.

wondered why he had not been buried in the family cemetery with the rest of his close relatives.

The subsequent adventures of Uncle Dick are sparingly chronicled in various annals of the California gold rush and the Nevada silver bonanza, and in accounts of California's nascent political history. That his name pops up even irregularly is due, not to his achievements (he seems to have had none worth boasting of), but to the fact that he was the uncle of Charles Snowden Fairfax who was acknowledged even in his own time as one of the characters who gave California's early history as state its unique flavor.

Charles Snowden Fairfax (whom I will hereinafter call "Charlie", for that is how he was universally known in California) was the polar opposite of his uncle in terms of physique and temperament. He was of medium height, slim, and not unattractive (the easiest place to find a photograph of him would be in the present-day map published by the town of Fairfax—named after Charlie—in Marin County.) His slight build, in fact, enabled him to survive barroom brawls by allowing himself to be batted over the heads of hostile parties in the manner of a shuttlecock.

But those who knew him were struck less by his physical appearance than by his demeanor, for that is what made him remarkable in the California of the gold rush era. According to jurist Stephen J. Field, "no man in the State was more popular."<sup>11</sup> "He was the life and soul of every company into which he was cast", wrote an anonymous correspondent of the San Francisco Daily Evening Post, who added that "he was alike at home in the drawing room or the mountain miner's camp."<sup>12</sup> "Anyone with half an eye could see that Fairfax was a gentleman by right", wrote journalist James H. Wilkins, who noted that "he had a bearing, a poise, an unconscious stateliness that is born, not

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<sup>11</sup> Stephen J. Field, Personal Reminiscences of Early Days in California p. 114.

<sup>12</sup> The article appeared Saturday May 8th, 1880. Someone may be able to identify the author of the piece on the basis of his assertions (later in the article) that he had formerly been a minor state bureaucrat, and that he was a native of the Miami River valley of Ohio where his mother still resided at the age of 94 (in 1880.)

made."<sup>13</sup> Newspaperman C. C. Goodwin numbered him among the most fascinating characters he had encountered in the west:

He was handsome and every look was of a high-born race. There is an old belief that it requires seven generations of colts to breed up from a cold-blooded dam to a thoroughbred. If the same rule applies to men, then Charlie Fairfax had only thoroughbred ancestors for quite five hundred years; for when himself he was the most absolutely natural gentleman that I ever saw. He had a grace of action, a natural courtesy; a thoughtfulness for guests and a way of making men feel that he had a solicitude for their well-being and happiness that could not be imitated by any man that I have ever met.<sup>14</sup>



Charles Snowden Fairfax

Goodwin specifically alludes to what was perceived as Charlie's single most important attribute in gold rush California: by virtue of a title bestowed in 1627 upon his great-great-great-great-great-grandfather Sir Thomas Fairfax (1560-1640), Charlie could claim, in a fashion, to be Lord Charles Fairfax, the tenth Baron of Cameron. To be sure, since Charlie was an American citizen, his title had no legal validity (he would not have been able to take a seat in the House of Lords.) But Californians nevertheless delighted in calling him "Lord Charlie" and likewise delighted in pointing out that they had titled nobility in their

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<sup>13</sup> Cited by Florence Donnelly, "The Lord and his Lady" [Marin County, California] Independent Journal, Saturday, September 17th, 1966.

<sup>14</sup> C.C. Goodwin, As I Remember Them (Salt Lake City, Utah: Salt Lake Commercial Club, 1913) p. 37.

midst. Some even believed that he was an Englishman.<sup>15</sup> Charlie never made capital of his lineage, but he never discouraged others from doing so. His potential "nobility" boldly underscored his actual qualities of gentility and empathy, and made him all the more unique in a world where most were inclined to shoot first and asked questions later, if at all. Charlie was seen as a civilizing force where civilization was being implemented only gradually and imperfectly. Moreover, Charlie had a thorough understanding of the code duello, the elaborate set of rules and procedures whereby "gentlemen" could, always acceptably and usually legally, kill, or be killed by, other "gentlemen" who had offended their honor. Charlie's mastery of the code meant that there was a regular demand for his participatory or advisory expertise on the so-called "field of honor."

Charlie Fairfax was the older of the two children of Albert Fairfax (1802-1835) and Uncle Dick's older sister, Caroline Elizabeth Snowden (1807-1899). Though he was born at one of the Fairfax family estates at Vacluse in Fairfax County, Virginia, he spent most of his youth in the District of Columbia. Albert Fairfax died shortly after Charlie's sixth birthday. Charlie's mother shortly thereafter married Captain William Rollins Sanders, a career officer in the United States Army. Caroline Snowden's second marriage seems to have been undertaken, at least in part, with an eye toward maintaining family relationships in a thorough state of confusion: the second husband of Captain Sanders' mother Elizabeth was John Contee, whose second wife was Anne Louisa Snowden, Charlie's aunt.<sup>16</sup>

Though C. C. Goodwin noted that Charlie received a "good education", he went on to point out that there was apparently little in the curriculum to provide him with a career goal or, indeed, the ambition to drive him toward one:

Slaves did the work around him and he never had the least business training; was never taught even to think of the every-day duties of life, or the value of money, or that the day might come when cares would enter his life or the need of honest work on his part would be a duty. He was brought up on a farm in Virginia; he was an expert with firearms of all kinds; he loved to hunt and could lure fish from the

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<sup>15</sup> Among them Bailey Millard: see his History of the San Francisco Bay Region (Chicago, Illinois: American Historical Society, 1924.) p. 209

<sup>16</sup> Cook, op. cit. pp. 82, 113. The sequence of the marriages is not indicated.

streams, but he never held a plow or swung an axe—why should he?  
Why should he undertake to compete with slaves?<sup>17</sup>

Goodwin's observation is somewhat unfair, for Charlie's younger brother, John Contee Fairfax (1830-1900), who shared Charlie's upbringing and who in photographs appears even more the gentleman than Charlie, earned a medical degree at the University of Pennsylvania. But Goodwin's next rhetorical question is valid in light of Charlie's lack of direction:

What could such a man as that do in a land such as California was in those days, when there was a wilderness to subdue, an empire to create, and when progress was driven on by an energy as tireless as that which keeps the stars moving in their processions?<sup>18</sup>

The answer is that Charlie could seek easy riches and, in their absence, freeload. That is, more or less, what Charlie did in California, though he did so with such good will that his generosity of spirit generally led his benefactors to believe that they were receiving more than they were giving.

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Uncle Dick and Charlie Fairfax sailed through the Golden Gate aboard the ship Glenmore on October 6th, 1849, following a six-month, seventeen-thousand mile voyage around Cape Horn from Richmond, Virginia.<sup>19</sup> The late-twentieth century traveller may find this a strange way to have travelled to California. But many thousands of 1849 gold-seekers chose the Cape Horn route, following the advice of a popularly-priced (twelve-and-a-half cents a copy) travel guide which claimed that "notwithstanding this appears to be a long voyage, yet it is . . .the surest route."<sup>20</sup> Of the available alternatives, it posed the least risks and offered the greatest amenities, such as they were, provided one avoided

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<sup>17</sup> Goodwin, op. cit. p. 38

<sup>18</sup> Ibid. p. 38

<sup>19</sup> C. W. Haskins, The Argonauts of California (New York: Fords, Howard & Hulbert, 1890) p. 493 San Francisco newspapers usually chronicled ship arrivals: Haskins reprints a number of the notices.

<sup>20</sup> An Account of California and the Wonderful Gold Regions (Boston: J.B. Hall, 1849). The pages are not numbered.

steamships. "The sailing vessels are to be preferred," Fayette Robinson advised prospective travellers, "because they are less crowded and cheaper, with more real comfort."<sup>21</sup>

"Comfort" was a relative term, for the passage involved inevitable storms, a stifling interlude of indeterminate length in the possibly becalmed but always steamy tropics, a disconcerting reversal of seasons south of the Equator, a hair-raising transit around the cape followed by weeks, if not months, of tacking back and forth against adverse winds as the ship crawled up the western coast of South America. Add to this food that was bad to begin with and spoiling thereafter, a shortage of water, potentially mutinous crews, suddenly psychotic fellow-passengers and periodic extended bouts of storm-tossed nausea. Moreover, there was a high probability that one's ship was never designed to carry passengers. The volume of those seeking passage to California severely strained the resources of the United States merchant marine. Ship owners, who quickly recognized they had their own bonanza, responded by sending their captains to sea in most anything that would float. Nevertheless, the Cape Horn route by necessity included stops along the way, possibly in Havana, Rio de Janeiro, the Ilha de Santa Catarina or Valparaiso, and these occasional interludes at reasonably pleasant and civilized ports offset the weeks of discomfort, boredom and occasional danger that intervened. Considerable time could be saved by navigating a serpentine course through the Strait of Magellan, but few captains were skilful or reckless enough to undertake this treacherous shortcut.<sup>22</sup>

The Cape Horn route could consume from six months to a year. Routes involving a sixty mile trek across the isthmus of Panama or a 165 mile trek across the isthmus of Nicaragua could reduce the length of the journey to less than two months and cut travel costs from five hundred to three hundred dollars. But the inability to predict what one might encounter during the overland portions of the trip, the shortage of accommodations along the way, the constant threat of exotic disease and the ever-growing bottle neck at the Pacific side could significantly offset the relative

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<sup>21</sup> Fayette Robinson, California and its Gold Region (New York: Strong & Townsend, 1849) p. 102

<sup>22</sup> For a complete discussion of the various routes and the characteristics of each, see Oscar Lewis, Sea Routes to the Gold Fields (New York: A.A. Knopf, 1949).

speed and economy. Indeed, the number of ships plying the coast from Panama City to San Francisco never kept pace with the number of those running between east coast ports and Chagres. Though one could be poled up the Chagres River and complete the donkey ride to Panama City in as little as two days, one could wait for weeks thereafter for a boat. When one finally obtained passage, it would very likely be under primitive conditions. Thus Fayette Robinson warned that the "passenger who leaves New York in a



Bishop William Ingraham Kip

luxurious steamer will enter San Francisco, in all probability, amid the grease of a Nantucket whaler or the more disgusting filth of a Chilean or Peruvian goletta."<sup>23</sup>

Three individuals who later became close friends of Uncle Dick and Charlie Fairfax—the Reverend William Kip, William Stewart and Stephen Field—chose the Panama route and experienced its shortcomings first-hand.

The Reverend William Ingraham Kip (1811-1893), accompanied by his wife and his teen-aged son Willie, began his trip late in December of 1853. Not long before, he had been consecrated as California's first Episcopalian Bishop.<sup>24</sup> Following a

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<sup>23</sup> Robinson, *op. cit.*, p. 102.

<sup>24</sup> Kip described the voyage in The Early Days of my Episcopate (New York: Thomas Whittaker, 1892). His younger brother, Leonard (1826-1905), an Albany attorney, had

remarkably calm ten-day voyage from New York aboard the steamer George Law, during the course of which Bishop Kip preached and distributed tracts in the steerage to a large crowd of Irish construction workers who shortly would be extending the Panama Railroad (Bishop Kip reassuringly observed in his homily that half of them would die from malaria within six months), the most arduous part of the journey began.

Though the railroad (unavailable to the gold-seekers of 1849) now extended across the first third of the northwest to southeast route across the isthmus, the uncompleted line abruptly ended at the top of a steep ridge overlooking the muddy banks of the Chagres River, some nine miles from the customary overnight way-station of Cruces. The baggage of the Kips and of the other passengers on the eleven-car train was rolled down the embankment and loaded onto flat-bottomed boats. The Kips and the other passengers followed.

The upstream ride to Cruces (nearly naked natives poled the boat against a strong current) consumed five hours. Many travellers found even this first part of the trip, which involved no physical exertion, unpleasant, among them Alonzo Delano, who crossed the isthmus several years before Bishop Kip:

Thermometer standing at 500—mercury couldn't get higher for want of room—wonder if it ached as much as we did. Umbrellas at a premium, guano and lizards baked on the shore, alligators panting with heat, river boiling, especially in deep eddy holes.<sup>25</sup>

But Bishop Kip, fascinated with God's creatures and their droppings, was struck by the "wild and splendid" scenery, and expressed regret that the alligators, parrots and monkeys, which travellers only a few years earlier like Delano would have seen in abundance, had disappeared. "The rush of Americans through this route," he wrote, "with the constant discharge of their revolvers, has frightened them into other retreats."<sup>26</sup>

Though Bishop Kip had travelled widely, he was not prepared for what he found in Cruces upon his arrival there at

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made a brief and unsuccessful mining trip to California in 1849 and written a brief account of his experiences—see Leonard Kip, California Sketches with Relations of the Gold Mines (Albany, New York: Erastus J. Pease & Co., 1850).

<sup>25</sup> Alonzo Delano, Pen Knife Sketches (Sacramento: Union Press, 1853 p. 84.

<sup>26</sup> Kip, op. cit., p. 27

sundown. Cruces' population of several hundred natives (who lived in thatched bamboo huts) had been augmented by the temporary presence of an indeterminate number of Irish railroad workers (who lived in long wooden shanties). Joining the permanent and semi-permanent inhabitants on the night of December 30th were the seven-hundred debarked passengers of the George Law, similar numbers of travellers from the two other ships that had arrived on the Atlantic side of the isthmus at roughly the same time, plus still more recent arrivals from the Pacific side who were journeying in the opposite direction.

The only public accommodation Bishop Kip could find was a recently-constructed multi-storied wooden inn with unglazed windows. For two dollars, he was able to book a semi-private room for Mrs. Kip (who would share her lodgings with five other women.) After shelling out another two dollars, the bishop and Willie were ushered into "a large garret" where three-tiered bunks lined the four walls and trisected the length. Cots covered the remaining empty floor space.<sup>27</sup> "Here", the bishop realized, "we were to sleep with some two hundred others":

We threw ourselves down in our clothes, but sleep was out of the question. All around us was one wild confusion, kept up through the night. I have heard sailors talk in the forecastle, and prisoners in the galleys, "but never aught like this." There were not only the most awful blasphemies that human ingenuity could devise, but the most foul-mouthed ribaldry that could be conceived by a perverted imagination.<sup>28</sup>

While some swilled brandy and reeled from bunk to bunk, others played fiddle music and sang. They called each other by names like "Texas" and "Red River" which indicated their geographical provenance (according to this convention, Bishop Kip would have been known as "Manhattan".)

What Bishop Kip found most appalling (but what fourteen year old Willie probably found most fascinating), were the activities going on in and around a wooden structure some ten feet tall in one corner of the room. The bishop could describe it only as a "pen". In better times, the enclosure was probably used as an accommodation for ladies. On this night, however, it was

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<sup>27</sup> Delano identifies the hostelry as the "Saint Charles" and recalled eating a supper of salt ham, hard yams, sour bread and boiled beans (Pen Knife Sketches, p. 27)

<sup>28</sup> Kip, op. cit., pp. 29-30.

occupied by several prostitutes who were working both hard and vocally. Scores of male guests responded to the sounds of the prostitutes' labors with cheers of encouragement. "It was enough," Bishop Kip observed, "to convince one of the doctrine of total depravity."<sup>29</sup>

The Kips took breakfast at three in the morning following a sleepless night. They were then obliged to chose their mounts for the remainder of the trip to Panama City from among several hundred braying mules. Bishop Kip had no prior experience evaluating mules. Mrs. Kip and Willie did fairly well by his random choices. He himself did very poorly.

Each group of six mules (some of which were laden with two steamer trunks each) was supervised by a team of two native drovers. The party was supposed to travel together, but there was a significant practical limitation to this procedure. The mules moved at different speeds, and the bishop's mule, when it moved at all, tended to do so in a direction other than forward.

The Bishop, Mrs. Kip, Willie, their baggage and their drovers were soon separated. Bishop Kip hired a guide along the way who soon abandoned him, ran into Mrs. Kip elsewhere on the trail and told her that her husband had been murdered. Mrs. Kip's mule, meanwhile, rolled over twice. Natives accosted Willie and demanded brandy.

Bishop Kip, meanwhile, travelled, alone for the most part, along the path that Indians had hewn from the jungle in the remote past, that Spanish conquerors had paved with stone in the seventeenth and eighteenth centuries, and that nobody had bothered to maintain during its present period of greatest traffic. Solitary travel, he later realized, was ill-advised. For during the course of the day two fellow George Law passengers (one of them a woman) had been knocked cold, stripped and robbed by highway men.<sup>30</sup>

The Kips were reunited at Panama City that evening, where they had arrived at intervals beginning at three in the afternoon. The bishop, coming to a final halt at six o'clock, was the last to complete the journey. His twenty-three mile ride had consumed eleven hours. "It was the hardest day's ride I have ever had," he

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<sup>29</sup> Kip, op. cit., p. 30.

<sup>30</sup> Kip, op. cit., pp. 31-34.

wrote, "worse even than the ascent of Vesuvius."<sup>31</sup> Future travellers, he advised, would do well to place all their belongings in a tin box with the top tightly soldered. Why? "The mules," he cautioned, "will sometimes lie down in the water, and before they can be forced up, trunks are saturated."<sup>32</sup>

The Aspinwall House, the Kips' lodging for that night, provided a marvellous contrast to the unnamed inn at Cruces. It was very much like a "French or Italian hotel", the bishop thought. Indeed, the architecture, the dress of residents and the street scenes of Panama City reminded him of "old Spain." Though Panama City was the only habitation on the isthmus which would have appeared civilized to most travellers, travel literature of the time advised the voyager to be wary:

Avoid the sun, keep in doors during the day, refrain from eating fruit, even when ripe, with the exception of oranges which may be eaten moderately. Avoid the oyster, wear flannel next to the skin by day and night, avoid spirituous liquors, and it is needless to say, be off at the first opportunity.<sup>33</sup>

The Kips were more fortunate than most, for they were booked on a ship scheduled to depart the very next day. What the bishop remembered most about their one night in Panama City, was that a ship from Sitka in "Russian America" had recently put into harbor with a cargo of ice that had been quickly been distributed among the restaurants and cafes of the city. On an oppressively hot new-year's eve, the Kips celebrated by drinking ice-water at a dime a glass.<sup>34</sup>

The Kips sailed from Panama City on the night of January 1st aboard the Golden Gate which the bishop recalled as "perhaps the most magnificent sea steamer afloat." The voyage began well enough: within five days they were taking on coal in Acapulco Bay ("the town itself is an insignificant place"); two days later they were passing the entrance to the Gulf of California; four days later they had their first view of the Baja California coast. During one twenty-four hour period, the Golden Gate logged 305 miles. The

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<sup>31</sup> Kip, op. cit., p. 35.

<sup>32</sup> Kip, op. cit., p. 25.

<sup>33</sup> An Account of California

<sup>34</sup> Kip, op. cit., p. 38.

captain predicted this passage would set a new speed record, that the passage would be completed in thirteen days.<sup>35</sup>

On Wednesday, January 11th, however, the two engines which powered the ship's twin paddles both came to a sudden stop. Inspection revealed that the shaft which transferred power to the starboard wheel had broken in two. Winds from the northeast fortunately carried the Golden Gate from the shore (thirty miles distant at the time of power loss), but away from San Francisco as well.

Attempts were made to remove the broken shaft segment so that the ship might run on the port engine and wheel. As the buckets of the disabled starboard wheel (which would have caused undue drag.) removed, the ship listed heavily. As the work continued, Bishop Kip noted sharks swimming so near that he could see their accompanying pilot fish. He calculated that if the ship could not regain headway, it would arrive at some time, probably in the remote future, at the Marquesas Islands.

The captain, meanwhile, realized that there was no guarantee how long the repair work would take, no guarantee that it would be successful, and no guarantee, if it were, how long it would take to cover the nine-hundred remaining miles to San Francisco. On the basis of his own calculations, he decreed the elimination of lunch and afternoon tea, and mandated that salt water be used for bathing.<sup>36</sup>

On Saturday, January 14th, power was restored to the port paddle following four days of drifting. The ship now made only a little more than a hundred miles a day. The captain steered a course toward San Diego, some five hundred miles distant, which he hoped he could reach the following Wednesday.

Fresh water rations were cut: passengers were given one glass per meal which they were forbidden to take from the dining saloon. The steerage passengers angrily demanded more food. The captain rejected their demand.

The Golden Gate dropped anchor in San Diego harbor on January 18th. The captain's intention was to make only a brief stop to take on water and provisions, then to continue the journey up the coast. The captain and a portion of the crew set off for the town of San Diego some four miles from the ship's berth. They

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<sup>35</sup> Kip, op. cit., pp. 39-41

<sup>36</sup> Kip, op. cit., pp. 42-44

returned several hours later with fifteen head of aged cattle (for which they had been obliged to pay twice the actual value of the beasts) which they slaughtered on the beach and loaded on board.

At mid-afternoon, as the tide began to recede, the captain prepared to leave the harbor. He needed to turn the ship. To accomplish this, he attached one end of a hawser to a wreck firmly embedded in the sand near the shore and made the other end fast to the Golden Gate. He hoped, by this arrangement, to use the wreck as a pivot, thereby swinging around his bow. Unfortunately, the hawser parted half way through the manoeuvre. The Golden Gate began to move down the narrow channel sideways and, in the absence of power to the starboard wheel, under considerably less than full control. The captain did a masterful job of guiding his ship under the circumstances, but five miles from the starting point, and just as the ship was about to clear the mouth of the harbor, strong currents swung the bow around. Almost immediately thereafter, the Golden Gate went aground on a sand bar.<sup>37</sup>

Full power might have enable the ship to extricate itself. Half power only drove it further into the sand bar. The captain ran the stars and stripes up the mast upside down, the signal of distress. Another ship a mile ahead—the Goliah— saw the signal, approached the Golden Gate as closely as was prudent and sent out a boat with a cable. When the cable was made fast, the Goliah steamed full ahead, attempting to pull the Golden Gate off the bar. But the cable parted. A repetition of this procedure led to the same result. The captain of the Goliah pulled his ship away and sent word that he would return at the next high tide for another attempt.

What happened during the course of the next twelve hours nearly led to the total wreck of the Golden Gate and the death of most, if not all, of its approximately one-thousand passengers.

Late in the afternoon the winds began to increase. As they continued to gain force, it was clear that a violent storm was approaching. The Goliah made to harbor and safe anchor, leaving the Golden Gate—and its passengers—alone, apparently hopelessly aground, and a mile and a quarter from shore.

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<sup>37</sup> Kip, op. cit., p. 48.

As the winds reached and then exceeded gale force, it suddenly grew dark as night. The rain began to fall in sheets. In the mind of Bishop Kip, "it was indeed one of those tornadoes which occur but once in twenty years on the Pacific, but when they do come are fearful in their strength."<sup>38</sup> A particularly powerful gust blew the ship around broadside on the bar and exposed its flank fully to the wind. "I have been in some of the worst storms of winter, off the coast of France," the bishop later wrote, "and was once in one of those terrible gales, which briefly, but with such violence, swept over the Mediterranean, but I never witnessed anything, in its effects, equal to this."<sup>39</sup>

Most of the Golden Gate's passengers, unlike the nearly unflappable Bishop Kip, were not experienced travellers. As the ship began to heel over, and as the breakers began to crash over the decks and flood the saloons, they began to panic:

Most of these, from character and want of self-discipline, could not exert over themselves the control necessary at a crisis of danger, when the strict government of a ship-of-war was requisite. When, therefore, our ship first went upon the reef, as she keeled over on one side, throwing passengers and everything movable to the windward, there was such a scene of terror as I had never before witnessed. The crowd rushed wildly into the great saloon, clinging to everything which could prevent falling, and exhibiting every possible variety of character.<sup>40</sup>

The captain, over the next several hours, attempted to free the Golden Gate from the bar, first by running sails up its rudimentary rigging, then by moving all one thousand passengers to the starboard side of the deck. But the foremast broke and the crashing waves drenched the passengers to no positive effect. The Golden Gate remained fast in the sand. Indeed, this was probably fortunate: had the ship cleared the harbor before the storm, the strong winds from the west would most likely have thrown it against the coast in a less fortunate location; had the captain freed the ship in the harbor, he could never, in the presence of

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<sup>38</sup> Kip, op. cit., p. 50.

<sup>39</sup> Kip, op. cit., p. 50.

<sup>40</sup> Kip, op. cit., pp. 50-51.

high winds and the absence of full power, have navigated the channel.<sup>41</sup>

Though the storm had passed by the morning of Thursday, January 19th the seas remained high. With an estimated five feet of sand and water in the bilges, it was clear that the Golden Gate would move nowhere under its own power. It was also likely that the recently-acquired ballast would prevent it from capsizing, provided the weather remained favorable. Deep swells prevented the abandoning of the ship for the time being. But plans were made to remove the passengers at the earliest possible opportunity.

The opportunity came the next morning, following a night of flat calm. The Goliah and another steamer that had arrived overnight approached the Golden Gate, sent out their boats and evacuated the passengers. The Kips thus found themselves on the beach of San Diego harbor, along with a thousand other refugees who, once they had marched or been driven the four miles into the town of San Diego, would double its population. during the period they searched for alternative travel arrangements.<sup>42</sup>

The Kips were more fortunate than most in finding accommodations during the interim (most passengers were obliged to spend their first night on land camping out without benefit of food, shelter or water, which had to be transported from town.) The harbor's Customs officer turned out to be an old friend of Bishop Kip from New York. He rode off to San Diego and returned, not only with a horse and wagon, but with word that a *ranchero* by the name of Juan Bandini would be the Kips' host that night and for as many nights following as were necessary.

Bandini, Bishop Kip learned, was one of the areas largest land-owners and cattle-raisers, with holdings not only in United States territory but Baja California as well. He provided the Kips (and about a dozen others who, recognizing a good thing, had become the Kips' instant close friends) with their first taste of *tortillas* and *frijoles*. The bishop had the opportunity to inspect the "Romish" chapel adjacent to the Bandini's adobe residence where he "found everything, pictures, images, etc., in the worst possible state of tawdriness." He took a six-mile wagon ride through the valley to the abandoned Franciscan Mission of San

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<sup>41</sup> Kip, op. cit., pp. 52-54.

<sup>42</sup> Kip, op. cit., pp. 54-55.

Diego. In town, he closely observed the activities of the Spanish Mexicans and the Indians who lived in a setting still little touched by American influences apart from a modest military presence. He realized that what he saw was quickly passing. "The American population is gradually coming in," he wrote, "and in a few years the place will lose its Spanish characteristics."<sup>43</sup>

Indeed, Bishop Kip had the opportunity to witness the agents of change with his own eyes. In San Diego's plaza, he saw a group of *filibusteros*. They were Yankees, heavily armed, who would be leaving shortly to join their leader, William Walker (1824-1860), whom they called "the grey-eyed man of destiny." Walker, a Tennessee-born doctor turned lawyer turned journalist turned freebooter, was, at that moment, a hundred miles distant in Baja California attempting, unsuccessfully, to establish an independent state with himself as leader (several years later, he would try again in Nicaragua, briefly proclaiming himself "president" before yielding to a United States Army firing squad.) Even as Bishop Kip was Juan Bandini's guest, Bandini's son-in-law breathlessly rode in from Baja California and reported that Walker's men had plundered one of their ranches. The bishop noted the irony of his enjoying the Bandini's hospitality at the very moment other Americans were destroying not only their livelihood but their way of life.<sup>44</sup> Bandini himself later wrote his bitter account of Walker's depredations.<sup>45</sup>

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<sup>43</sup> Kip, *op. cit.*, p. 60.

<sup>44</sup> Kip, *op. cit.*, p. 59.

<sup>45</sup> The manuscript (dated May 25th, 1854), is presently part of the Gaffey Collection of the Huntington Library in San Marino California. It was published in translation by Robert G. Clelland, "Bandini's Account of William Walker's Invasion of Lower California", *The Huntington Library Quarterly* VII (1944) pp. 153-166.

On the morning of Wednesday, January 26th, the Kips received word that the steamer Columbia would leave with the tide that evening and that space had been booked for them. The new vessel was considerably smaller than the Golden Gate, which now lay in San Diego's inner harbor, but which, following repairs and refitting at the cost of \$140,000, would return to sea. Laden with three times its normal capacity, the Columbia sailed into San Francisco's harbor on Sunday morning, January 29th. The Kips' voyage from New York had taken precisely forty days.<sup>46</sup>

The Panama adventure of William Morris Stewart (1825-1909) was, in the short term, somewhat tamer than that of the Kips. In the long run it turned out to be nearly fatal, and it underscores that the disease that Bishop Kip predicted would take the lives of half the Irish railroad workers was just as likely to strike the isthmus-crossing argonaut: malaria, for many, became the immediate cure for gold fever.

Bill Stewart was a Yale dropout from a tiny community in Wayne County, New York somewhere north of the finger lakes and somewhere South of Lake Ontario. After mining near Nevada City he would turn first to law, then to politics, would move to Virginia City, and, upon Nevada's admission to the Union, would become Nevada's



William Morris Stewart

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<sup>46</sup> Kip, *op. cit.*, pp. 66-69.

first senator. In the fall of 1849 he desperately wanted to get to the gold fields. But since so many shared his passionate desire, he was obliged to wait three months for a berth in steerage.<sup>47</sup>

Early in January of 1850, Stewart finally boarded a "shaky old craft", the steamer Philadelphia. "The old hulk had been fitted up with shelves called berths," Stewart recalled, "and we were packed in after the fashion of so many herrings."<sup>48</sup> There were fourteen hundred passengers aboard the ship, well more than its normal capacity. But the Philadelphia was not atypical in this respect, given the growing volume of traffic and the ship owners' wish to take every advantage of it.

The Philadelphia encountered a fierce storm off of Cape Hatteras that lasted two days. An engine failed the first day of the storm, disabling one of the paddles. Three crew members lost their trying to repair it. The rigging was blown away, and countless stacks of coal which were stowed in the aisles between the "berths" broke open as the ship tossed and turned. The captain pressed passengers into service to clean up the mess. Stewart was one of the few passengers able to do so, for most were prostrated with nausea. Stewart recalled that, after the storm subsided, "every ship we passed hailed us for a wreck."<sup>49</sup>

When Stewart left New York, he had no idea how he would get from the Pacific side of the isthmus to San Francisco. But during the voyage, he overheard two crew members speak of a certain number of tickets that had been set aside for a ship allegedly scheduled to depart not long after their arrival. So once he had completed the boat trip up the Chagres river, Stewart, who was young and travelling light, did not wait for a mule to take him down the path. He walked, and whenever possible ran, to Panama City where he booked passage for the following day.<sup>50</sup>

During the interim, Stewart witnessed a sequence of events which would only have confirmed in the mind of Bishop Kip than Henry VIII had done the right thing. It was Sunday morning.

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<sup>47</sup> On Stewart see his autobiography, Reminiscences of Senator William M. Stewart of Nevada (New York: Neale Publishing Co., 1908) and Ruth Hermann, Gold and Silver Colossus: William Morris Stewart and his Southern Bride (Sparks, Nevada: Dave's Publishing Co., 1975)

<sup>48</sup> Stewart, op. cit., p. 48.

<sup>49</sup> Stewart, op. cit., p. 50.

<sup>50</sup> Stewart, op. cit., p. 51.

Stewart saw a procession coming through the plaza where he was passing time. It was heading toward the cathedral. Leading the procession was a priest, whom Stewart described as "decent and solemn looking." Stewart followed the entourage into the cathedral and watched as the priest said mass. Later, on the steps of the cathedral, Stewart met some Americans who had been cooling their heels three weeks waiting for space on a California-bound ship. They invited him to come with them to a "performance of a different kind." Stewart followed them from the center of town to a secluded area where they came upon a circular pit thirty feet in diameter and two feet deep. Just after they arrived, they saw another procession approaching. It was led by the same priest Stewart had seen, within the hour, saying mass at the cathedral. The priest, who was carrying a basket full of live chickens, jumped into the pit and began to officiate at a cock-fight. Stewart watched as some forty roosters met their death over the next two hours. The only two surviving birds, Stewart recalled, belonged to the priest.<sup>51</sup>

Stewart sailed from Panama City on the steamer Carolina, a ship which had been designed to carry three hundred passengers but which, on this trip, had thirteen hundred aboard. Stewart recalled that there was "hardly standing room, much less sleeping room."<sup>52</sup> There was nothing to eat but corned beef, hard tack and coffee. Water was put on short rations. The third mate mutinied and had to be put in irons. The Carolina's journey from Panama City to San Francisco lasted a month.<sup>53</sup>

Stewart worked for a time as a longshoreman until he could accumulate enough cash to buy a steamer ticket to Sacramento and pay for whatever transportation to the gold country he could find thereafter. But as soon as he reached Sacramento, he came down with a debilitating case of "Panama fever". Stewart was sick as a dog but he was still more than a hundred miles short of his destination to the north and east. He briefly inspected Sacramento's single hospital, saw its Mexican proprietor, the swamp upon which the institution stood, and immediately concluded that "it was not good enough for me to die in."<sup>54</sup>

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<sup>51</sup> Stewart, op. cit., p. 51.

<sup>52</sup> Stewart, op. cit., p. 52.

<sup>53</sup> Stewart, op. cit., p. 52.

<sup>54</sup> Stewart, op. cit., p. 55.

Stewart's judgement was correct, for the art of medicine, as practiced in the gold country, was, in most cases, life-threatening. "The only kind of medicine in the pharmacopeia of the physicians of those days," wrote an observer, "were calomel, laudanum and opium which were administered for all diseases. . . with little respect for the symptoms."<sup>55</sup> Indeed, Stewart claimed he not long thereafter encountered a doctor whose "practice" consisted of warehousing fever-ridden miners in his tent, robbing them of their gold, and waiting for them to die.<sup>56</sup>

Stewart decided that if he were to die—and it seemed probable that he might—he would do so in the gold country. He dragged himself and his baggage aboard a steamer headed up the Feather river to Marysville. "When the boat landed at Marysville," he wrote, I could scarcely stagger up the bank."<sup>57</sup> He collapsed under a cotton tree until he was awakened the following morning by the sounds of two men, their team of twelve oxen, and the wagon they were pulling in the direction of what would become Nevada City. Stewart begged them for a ride. Initially they refused. Stewart, they believed, was too sick. Finally they lifted him into their wagon and placed him on a pallet of hay. "I was racked with pain," Stewart later remembered, "and part of the time I was delirious."<sup>58</sup>

When the teamsters reached the area then known as "Deer Creek Dry Diggings", they made him a bed of leaves near a spring. They gave him a cup, attached to a stick, so that he might scoop up water. Stewart lay on the leaves for a week, hovering near death.

When his fever finally broke, Stewart took stock and discovered that he was down to his last ten dollars. Though he was still weak and could walk only with difficulty, he decided that it was time to get down to the business of mining. What he needed were tools. What he shortly discovered was that the prices of tools were so inflated that he would have to pay sixteen dollars for a shovel which, of course, was six dollars more than he had.

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<sup>55</sup> A.A. Sergent in his historical sketch published in N.P. Brown and J.K. Dallison, Brown and Dallison's Nevada, Grass Valley and Rough and Ready Directory for the Year Commencing January 1st, 1856 (San Francisco: Town Talk, 1856) p. 20.

<sup>56</sup> Stewart, op. cit., p.

<sup>57</sup> Stewart, op. cit., p. 56.

<sup>58</sup> Stewart, op. cit., p. 56.

Fortunately, he was able to buy the remnant of a used shovel for seventy-five cents. With that remnant he was able to scrape from the gravel from two to six dollars worth of gold dust a day. After ten days, he had regained his strength and saved some cash. He bought a new shovel and a pick as well.<sup>59</sup>

Stephen J. Field (1816-1899) witnessed far more "Panama fever" on his trip to California, but luckily avoided it himself. Field was perhaps the most remarkable of the friends my relatives would make in California. A native of Haddam, Connecticut, he accompanied his sister and her husband as a teenager to the Mediterranean where, in Athens, he learned to fluently speak modern Greek. He enrolled at Williams College in 1833 and graduated as valedictorian of his class. Though he first intended to be a language teacher, he began to study law in the office of his brother and entered the New York bar in 1841. He was quite willing to give up his practice eight years later, in the wake of stories of the California discoveries and the ease with which one could strike it rich there. After a stab at mining he would return to law, and, like so many of his fellow professionals, enter politics. He would serve in the legislature and would successfully seek election to the California State Supreme Court. Abraham Lincoln would name him to the United States Supreme Court in 1863.<sup>60</sup>



Stephen J. Field

Field left New York on November 13th, 1849 aboard the steamer Crescent City. His passage to Chagres, his trip up the river and his trek to Pacific shore were all uneventful. But at Panama City he found thousands waiting for a ship to San Francisco. Many, he noted, had speculatively sold their tickets, hoping to buy another later at a lower fare. He noted that by doing so they were "exposing themselves to the malaria of an unhealthy coast."<sup>61</sup> He saw the consequences of such risks immediately after

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<sup>59</sup> Stewart, op. cit., p. 58.

<sup>60</sup> On Field see his Personal Reminiscences of Early Days in California (Privately published, 1893) and Carl Brent Swisher, Stephen J. Field (Washington, D.C.: The Brookings Institution, 1930.)

<sup>61</sup> Field, op. cit., p. 15.

he boarded the San Francisco-bound California, a thousand-ton steamer with twelve hundred souls on board:

Panama fever in its worst form broke out; and it was not long before the main deck was literally covered with the sick. There was a physician attached to the ship, but unfortunately he was also prostrated. The condition of things was very sad and painful.<sup>62</sup>

Field was obliged to serve as a nurse to his fellow passengers during the remainder of the voyage. The California arrived in San Francisco on December 28th, twenty-two days out of Panama City.

If the voyage to California around Cape Horn took so much time, and if the route through Panama posed so many dangers and discomforts, why did not more people chose the overland route? I believe this is because the cross-country trek all but guaranteed dangers and discomforts of a much greater magnitude. The land beyond Saint Joseph, Missouri was largely a vast, perilous void that those without experience in the wilderness would find difficult to contend with in most cases and deadly in many others. To be sure, emigrant literature offered some instruction. Thus Fayette Robinson sketched out some hints for the solitary traveller:

The outfit for this journey for a single man, will be small. It will consist of two mules or horses of some hardy race, if possible bred upon the frontier, and used to subsist on grass. A rifle of the patent of Colt, if to be had; if not, the old fashioned Yager rifle, or a long double-barrelled, smooth-bored gun, powder, balls and the usual equipage of the gun, a good poncho or horseman's cloak, warm clothing, stout boots of cowhide, and a sufficient supply of provisions as may be conveniently be packed, to sustain the traveller until he shall reach the buffalo range.<sup>63</sup>

But what would one do when one reached the "buffalo range"? How did one hunt buffalo? What would one do with a dead buffalo? What would one do in the absence of forage and water? What would one do if the trail ended, seemingly in the middle of nowhere? How would one deal with the mountains and the deserts? And how would one deal with the Indians? The mere

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<sup>62</sup> Field, op. cit., p. 15.

<sup>63</sup> Robinson, op. cit., p. 86.

asking of these, and many more, questions ruled out this mode of travel for many (imagine Bishop Kip riding a mule from the Missouri to the Pacific.) If one's parents had already emigrated from the eastern seaboard to Ohio, Indiana or Illinois, or if one, as a young man, had pushed on to Iowa, one might have the knowledge born from experience to undertake a significantly more difficult journey. But this was not a route the first-timer, or a group of first-timers, could hope to traverse with any great expectation of success. In any case, long-term residents of the eastern seaboard—which members of my family were—saw the ocean as the most natural way to get from one port to another, and that is why they chose the sea.

Uncle Dick, Charlie Fairfax and their colleagues chose the Cape Horn route because, for them, it was not just a matter of moving body and soul to California, but things—some of them quite bulky—as well. They were members of an entity called the "Virginia Company" a group of about seventy-five formed in Richmond in the spring of 1849. They knew that goods of all sorts were scarce in California, and they knew that these shortages meant that goods delivered there could be sold at inflated prices. Their intention to use the proceeds from the sale of these goods to finance their mining operations. To that end, each member of the company anted up a thousand dollars to purchase the goods and, very likely, the sailing vessel that transported them.<sup>64</sup>

For emigrant miners to form companies prior to setting out for California was not at all unusual. In fact, the anonymous author of one guide book specifically advised the gold seeker against either undertaking either the journey west alone or mining by one's self thereafter:

No isolated individual ought to think of engaging in this enterprise, for there will be many circumstances where a friend will be found of essential benefit. It would be well if parties of ten or more should unite, who would be devoted to, and place in each other that confidence which the love of gold could not destroy.<sup>65</sup>

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<sup>64</sup> On the Virginia Company see J. P. Munro-Fraser, History of Marin County, California (Oakland, California: Alley, Bowers & Co., 1880) p. 121.

<sup>65</sup> An Account of California and the Wonderful Gold Regions

Hundreds of associations were thus formed, of family members, neighbors or lodge members—affinity groups of all sorts where the burdens of one member could be shared and lightened by another. Most, however, lacked the mercantile element that motivated that was central to the Virginia Company.

The Glenmore thus sailed from the James river in the spring of 1849 laden with machinery, housing materials, soap, tobacco and, of course, the seventy-five members of the Virginia Company, Uncle Dick and Charlie Fairfax among them. But during the course of the voyage, or perhaps shortly after the ship's arrival in San Francisco in mid-fall, something happened which had the effect of neutralizing one of the venture's primary purpose. Perhaps there was a dispute among the partners, perhaps they lacked the skills to market their merchandise, perhaps they found the market lacking (though it is difficult to imagine any commodity for which there would not have been an immediate and tremendous demand in San Francisco at that moment.) But, for whatever reason, within two weeks of the Glenmore's docking, the Virginia Company was disbanded. The tobacco it had imported—and which it could have sold not long thereafter at twelve dollars a pound—was left rotting on a wharf. The Glenmore itself, purchased for \$36,000, was sold at the distressed price of \$12,000.<sup>66</sup>

The former members of the Virginia Company were on their own. I mention the subsequent of one, Doctor Alfred W. Taliaferro, for he would not long after become Charlie Fairfax's most generous benefactor. Taliaferro took a steamer to Marin County (all but wilderness at the time) and befriended one Don Domingo Sais, proprietor of a massive, six-thousand acre ranch known as the *Cañada de Herrera*. Doctor Taliaferro, through an impressive application of Virginia charm, persuaded Don Domingo to give him forty acres outright, though he later admitted that during the first winter "not much was done in the way of tilling the soil, but prodigies were performed in hunting, dancing and other pleasures". Subsequently he would farm in earnest, serve in the state legislature and senate, enjoy patronage

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<sup>66</sup> See Munro-Fraser, op. cit., p. 121; and Florence Donnelly, op. cit. (Ms. Donnelly provides the purchase and sale prices of the Glenmore, but does not indicate her sources.)

positions as a consequence of his loyalty to the Democratic Party, all the while serving as "Marin's beloved first physician."<sup>67</sup>

Meanwhile, Uncle Dick and Charlie Fairfax took the route Bill Stewart would follow several months later: they went up the Sacramento River, up the Feather River, then overland to a point some fifty miles east north-east of Marysville, halfway between the Bear River on the south and the Middle Fork of the Yuba River on the north. They did so in the company of Philip Keyser (b. 1824). Keyser, a resident of Baltimore where he had studied law and been admitted to the bar in 1848, had arrived in California via the Cape Horn route a month before Uncle Dick and Charlie Fairfax. He would later win election to the California State Senate, serve as postmaster of Marysville and eventually preside as a Superior Court judge. Most importantly, he would deliver a long oration on July 4th, 1876, in which he would recount many of the anecdotes, elsewhere unchronicled, of which I make extensive use.<sup>68</sup>

The point where Uncle Dick, Charlie Fairfax and Phil Keyser came to rest in late October was in the earliest phase of a transition from being in the middle of nowhere to being in the midst of one of the hottest spots in the gold region, though it was still near the former state at the time of their arrival. The focus of the action was along Deer Creek, a tributary of the Bear River, whose gravel was already yielding significant pay dirt and promising more to the miners who had begun to arrive only a month before.

Just days before the Snowden-Fairfax-Keyser arrival, a man by the name of A.B. Caldwell had completed construction of the area's first cabin, within which he would operate a general store. Caldwell's customers were miners whose tents dotted the surrounding terrain. It is from the store and the nearby stream

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<sup>67</sup> On Taliaferro see Munro-Fraser, *op. cit.*, p. 121; Winfield J. Davis, History of Political Conventions in California, 1949-1886 (Sacramento: Castate Library, 1893) p. 657; Florence Donnelley, *op. cit.*; and San Francisco: the Bay and its Cities, Compiled by Workers of the Writers Program of the Works Projects Administration in North California (San Francisco: Hastings, 1947) p. 439.

<sup>68</sup> On Keyser, see Chamberlain and Wells, *op. cit.* (I have been unable to locate an extent full copy of Keyser's oration.

that the settlement took its alternate names of the time, "Deer Creek Dry Diggings" and "Caldwell's Upper Store".<sup>69</sup>

A.B. Caldwell's stock was meagre and his prices were outrageous: fresh beef or pork went for eighty cents a pound; molasses for \$7.50 a gallon; flour for forty-four cents a pound; onions for \$1.50 a pound; calf-skin boots were twenty dollars a pair; full boots could cost as much as forty dollars; shovels, of course, were sixteen dollars, as Bill Stewart, who had to scrimp to buy one, later learned.<sup>70</sup> One could buy a newspaper (minimally three days old) for \$1.50. If one wanted to mail a letter to Sacramento, the postage was \$2.50.<sup>71</sup> One old-timer by the name of B.P. Avery later remembered his first shopping trip to Caldwell's: "I found it a square canvas shanty, stocked with whisky, port, mouldy biscuit and gingerbread; the whisky four bits a drink, the biscuits a dollar a pound."<sup>72</sup> My relatives and their companion presumably had no choice but to deal with Caldwell: his was the only retail outlet within fifty miles.

Uncle Dick, Charlie Fairfax and Phil Keyser built a cabin nearby, somewhere between the present towns of Nevada City and Grass valley (even as they were doing so, a convention in Monterrey was hammering together the constitution by which California would be governed once it was admitted to the Union). According to Keyser, the cabin—one of the first in the area—was still standing in 1876. Though no description of it survives, I presume it resembled the structure Bill Stewart and his partners would build, not far away, several months later. A photograph shows it to have been primarily a hole in the ground with a few layers of logs above. It would have been like living in a cellar.<sup>73</sup>

When the cabin was completed, the Snowden-Fairfax-Keyser team briefly returned to civilization—Sacramento or San Francisco—for additional provisions. Then, with a mule train in tow, they made their way back to the north and east, reaching the Bear River just before Christmas. Since the water was high, they

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<sup>69</sup> On Caldwell's store and the earliest days of what would become Nevada City, see the sketch by A.A. Sargent in Brown and Dallison, *op. cit.*

<sup>70</sup> Brown and Dallison, *op. cit.*, p. 20.

<sup>71</sup> Edwin F. Bean, *Bean's History and Directory of Nevada City, California* (Nevada City, California: Daily Gazette, 1867) p. 78.

<sup>72</sup> Letter to Bean, *op. cit.*, p. 75.

<sup>73</sup> Hermann, *op. cit.*,

had to wait several days before crossing. Finally, on Christmas day, they forded the river, probably at a point about thirteen miles east of the present town of Wheatville known as "Johnson's Crossing". North of the river lay what was called the "Johnson Ranch", of which one Charles Hoyt was the proprietor. Just to the west was Camp Far West, a small military outpost commanded by a Captain Day whose troops, when they weren't protecting the sparse local population from Indians and foreign invaders, panned for gold in nearby streams.<sup>74</sup>

"How well I remember the day!", Phil Keyser later declaimed. Charles Hoyt invited Keyser, Snowden and Fairfax, along with the staff of Camp Far West, for Christmas dinner in his adobe house, the last meal the trio would enjoy in civilization for many months:

Of course, we were not the boys to decline what we had every reason to believe would be a 'feast of reason and a flow of the soul'. We were all there. Captain Day sat at the head of the table and Charley Hoyt at the foot. Before the former stood a splendid roast pig, while the remainder of the table was covered with good things. There was but one kind of wine (port), and a wretched fraud it was upon the name. But it answered the purpose. It stimulated the brain, loosened the tongue and made us all eloquent, witty and hilarious. The festivities lasted till the small hours began to grow into large ones; but of all the things that were said and the jovial songs that were sung, I remember only this, that for the last two hours we were at the table, Day sung merrily out:

'Christmas comes but once a year,  
And when it does, it brings good cheer.'<sup>75</sup>

The next day, Uncle Dick, Charlie Fairfax and Phil Keyser resumed their northeast trek to the cabin where they would spend a flatulent, hairy-palmed winter. They would arrive in time for uncle Dick to celebrate, on New Year's day of 1850, his fifteenth wedding anniversary, nearly three-thousand miles from his wife Anne Ridgley Warfield Snowden who, raising their five children on her own in Anne Arundel County, Maryland, had joined the growing legions of what were already coming to be known as "California widows."

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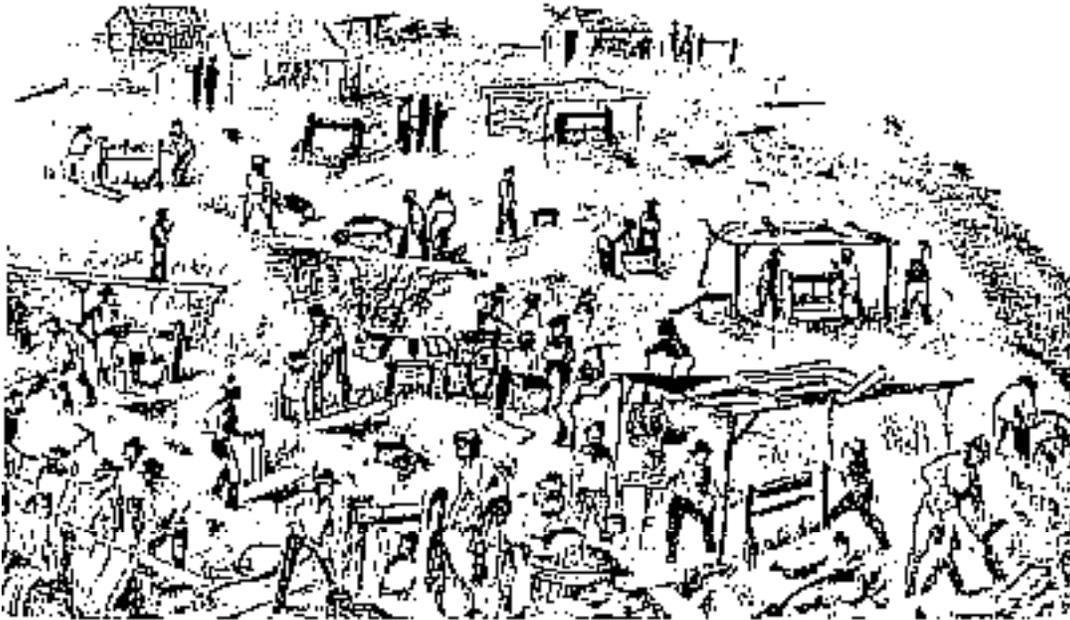
<sup>74</sup> For a detailed description of Johnson's Ranch, Camp Far West and the surrounding terrain, see Jack and Richard Steed, The Donner Rescue Party: Johnson's Ranch on Bear River (Sacramento, California: 1991).

<sup>75</sup> Chamberlain and Wells, op. cit., pp. 26-27.

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The winter of 1848-1849 in the area just west of the Sierra Nevadas developed into the worst in decades—decades following, I should add, for there were few memories in the vicinity of Deer Creek that extended back farther than September of 1849. Snow drifts ten feet deep lay on the bank of the creek as late as March.<sup>76</sup>

May, 1850 marked the discovery of a spectacularly rich lode



Coyote Diggings, 1850

that would almost immediately draw miners by the thousands. A prospector found that a lead on his claim extended back from Deer Creek through a series of ravines to the north-east of what was now called (perhaps on account of the fierceness of the winter just passed) "Nevada City." This find shifted the primary mining activities to the gravelly hills through which the ravines cut, as the gold seekers began to dig holes, as deep as they dared, into the hills in hopes either of tapping into the lead or discovering another just as productive. It was the holes, each just big enough to accommodate the frame of a single burrowing miner, which gave the area its name—"Coyote Diggings—for the

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<sup>76</sup> Sergent in Brown and Dallison, *op. cit.*, p. 20.

holes, surrounded by ever-growing circles of freshly removed dirt—resembled those dug by small mammals.<sup>77</sup>

It was at a point somewhere between Coyote Diggings and Deer Creek that Bill Stewart—who at the time was rooting as if there were no tomorrow into a prominence known as "Buckeye Hill"—came across a "boyish-looking youth" driving a mule-cart from the diggings to the stream. The young man was Charlie Fairfax, and he was probably covered from head to toe with the characteristic white mud that identified the miners of Coyote Diggings.<sup>78</sup> Bill Stewart thereby became one of the few people to see, and the only person I know of to describe, Charles Snowden Fairfax engaged in manual labor, or, indeed, in work of any kind.<sup>79</sup>

The mule and the cart, both probably survivors of the previous December's trek from Marysville to the cabin, were valuable commodities. For the gravel from the hills needed to be transported to the stream where it could be washed and the ore filtered from it. Bill Stewart and his partner thus hired Charlie to haul their diggings to Deer Creek where they would wash the tailings in a sluice-box called a "long Tom."<sup>80</sup>

Though mining in the Coyote Diggings was hit-or-miss and, more than anything else, a matter of luck, Bill Stewart not only did fairly well but could have done much better. During the course of the summer of 1850, he made \$7,000. He had options on additional claims that he wanted to exercise, but his partner—a Harvard-education physician who had practiced in Chicago—was, not unlike many of his Buckeye Hill neighbors, more interested in drinking and gambling than digging little holes. Thus land they could have purchased for \$11,000 yielded a million dollars worth of gold in the spring of 1851.<sup>81</sup> Some very large fortunes were made in very short order. One single small

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<sup>77</sup> On the discovery of the Coyote Diggings lead, see Sergent in Brown and Dallison, *op. cit.*, p. 21; Bean, *op. cit.*, p. 75.; and Harvey L. Wells, *History of Nevada City*, (Oakland, California: Thompson and West, 1880) p. 197.

<sup>78</sup> This was noted by J. D. Borthwick, *The Gold Hunters* (Oyster Bay, New York: Nelson Doubleday, 1917) p. 182.

<sup>79</sup> Stewart, *op. cit.*, p. 60.

<sup>80</sup> Stewart, *op. cit.*, p. 60.

<sup>81</sup> Stewart, *op. cit.*, p. 62.

claim produced \$40,000. One lead a hundred yards wide and a mile long yielded eight million.<sup>82</sup>

The population of Nevada City swelled as stories of the instant millionaires made there spread. A year after Uncle Dick, Charlie Fairfax and Phil Keyser built their cabin in the wilderness nearby, the town numbered some six-thousand souls. A.A. Sergent recalled a Nevada City street scene of October, 1850. It was a Sunday, the town's busiest day of the week:

An earnest exhorter was singing an opening song to a crowd near the site of the present [] hotel in Main Street. A short distance below an auctioneer was expatiating on the merits of a mule to a smaller audience. A few rods up the street a Swiss girl was turning a hand organ, accompanied by another with a tambourine. A drunken fellow near the bridge was attempting 'auld lang syne' in the style of the preacher. Some ten wagons from Sacramento were dispensing their goods at retail in the short street, and the varieties of the day were otherwise embellished by a savage dog fight that appeared for a moment to be the greatest attraction.<sup>83</sup>

Uncle Dick, meanwhile, had noted the extraordinary growth of Nevada City and had apparently begun to wonder when, and especially where, other towns like it might spring up. Towns and the land upon which they stood could, of course, generate riches which might approach those of the gold fields. Anticipating where new towns might be built, acquiring land on such sites cheaply before the crowd arrived and selling it dearly after the boom began involved, to be sure, good luck to the same degree as did mining. Even the most carefully thought-out plan could fail to pan out, and the craziest of schemes could yield pay dirt.

Many played what was a real-life version of a board game, buying up property, then waiting to see who, if anyone, would land on it and purchase it. In early 1850 they played an especially intense version of the game along the Feather River above Sacramento, gambling on where the river's head of navigation would be. Thus Alonzo Delano, who was travelling through the area at the time, noted a "speculative mania spreading over the land" and claimed that "scores of new towns were heard of which were never known, only through the puffs of newspapers, the

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<sup>82</sup> Sergent in Brown and Dallison, *op. cit.*, p. 21.

<sup>83</sup> Sergent, *op. cit.*, p. 23.

stakes which marked the size of lots, and the nicely drawn plat of the surveyor.<sup>84</sup> Delano exaggerated the number of towns—the contenders seem to have been limited to Nicolaus, Vernon, Eliza, Yuba City and Marysville—but his description of the ways in which the proposed settlements were promoted is accurate. In any case, Uncle Dick briefly engaged in some fashion of land speculation, in the long term, to no great effect.

Uncle Dick's interest was focused on a mile-square tract on the east bank of the Feather River roughly a mile and a half south of its confluence with the Bear River. This location seemed to have some potential as a trading depot, trans-shipping point or market place for the gold region towns of Nevada City, Grass Valley and Rough and Ready to the northeast. Many believed at the time that it was the northernmost point to which steamboats could consistently navigate on the Feather River. It seemed, therefore, that it would be a logical and profitable place to establish a town.

The tract in question was owned by one Nicolaus Allgeier, a Bavarian and a veteran trapper of the Hudson Bay Company. He was an associate of the pioneer Swiss settler, John Sutter. Sutter had given Allgeier the property under the condition that he maintain a ferry across the Feather River, thereby assuring transit between the two primary portions of Sutter's domain, New Helvetia (to the west of the Feather River) and Hock Farm (to the east.) Already in 1849 there was a trading post, a hotel and several houses on the land.<sup>85</sup>

The extent to which Uncle Dick got a piece of the action at the town of Nicolaus—which would honor Allgeier's first name, since nobody called him by his last—is unclear. Phil Keyser called Uncle Dick a



<sup>84</sup> Alonzo Delano, *Across the Plains and Among the Diggings*, reprinted from the original 1853 edition (New York: Wolf, Erickson, Inc., 1936) p.125.

<sup>85</sup> The history of this settlement is given by Chamberlain and Wells, *op. cit.*, p. 28.

"proprietor" of Nicolaus. But Chamberlain and Wells (who quote Keyser) also claim that although a cartel was prepared to give Allgeier \$85,000 for his tract, he rejected their offer and proceeded with the development himself.

In any case, the land was surveyed in January of 1850 and laid out in lots. Phil Keyser recalled that it was a "beautiful town", but he added that it existed only "upon paper, like the rest."<sup>86</sup> Actually, there was more to the town of Nicolaus, albeit very briefly, than Keyser remembered. San Francisco and Sacramento speculators gobbled up as many as three hundred of the lots and some twenty-five frame houses were built. The business district numbered three hotels, five stores, two blacksmith shops, two carpenter shops, a meat market, a bakery, a restaurant, a post office and five saloons. It was a stopping point for steamboats and stages. It was designated the county seat in June of 1850, and that brought six lawyers to town, among them, Phil Keyser who hung his shingle there at some time before the census taker arrived in November.<sup>87</sup>

But steamboat captains discovered not long after that they could navigate deeper-draft vessels further up the Feather River. That single fact removed most of the reasons for Nicolaus' existence. The county seat was shortly transferred to first to Auburn, later to Verona (Nicolaus enjoyed a short-lived resurgence in 1852 when it briefly became the county seat again.) Many of those who had built houses in 1850 abandoned them in 1851. In the wake of a destructive fire in Sacramento the following year, many of the empty houses were jacked up, loaded upon steamboats, and floated down river. The brewery was shut down the same year. Railroads, when built, bypassed the town altogether. Nicolaus never recovered. Its population, according to the 1980 census, was only one hundred, far less than during its ephemeral heyday 130 years earlier.<sup>88</sup>

During the brief heyday of Nicolaus, Uncle Dick entered politics, leading the way, somewhat erratically, for Charlie Fairfax, who would later follow a similar course. In February of 1850, the residents of the area around Nicolaus elected Uncle Dick their *Alcalde*. The *alcaldes* of early 1850 took their name and some of

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<sup>86</sup> In Chamberlain and Wells, *op. cit.*, p. 28.

<sup>87</sup> 1850 Federal Census: Sutter County, California, p. 58

<sup>88</sup> On the decline of Nicolaus, see Chamberlain and Wells, *op. cit.*, pp. 93ff.

their functions from the officials who, under the recently-replaced Mexican administration, had served, more or less, in the capacity of local mayors and judges. In late 1849, the American military government of California (still, of course, a territory and not a state), noting the increased level of lawlessness—prompted by uncontrolled population growth and the lack of a civil administration—called for the election of *alcaldes* in all municipalities. The *alcaldes* were to serve until implementation of the court system mandated by the new state constitution. The *alcaldes*, serving as local judges in the interim, would hopefully help put a cap on the increasing violence.

Election to the post of *alcalde* provided a political foothold to a number of bright men who would later flourish at the bar, on the bench and in the legislature. At the same time Uncle Dick became *Alcalde* of Nicolaus, Phil Keyser became *Alcalde* of Eliza and Steve Field became *Alcalde* of Marysville.<sup>89</sup> Keyser and Field, of course, were trained lawyers. Uncle Dick had no legal training. How, then, could he have been elected *Alcalde*? There were factors that counted more than knowledge of the law. Phil Keyser attributed Uncle Dick's success at the polls to the fact that he was "fully up to what popular opinion requires a judicial officer to be physically."<sup>90</sup>

Though Uncle Dick could work up a head of steam quickly, his dampers could apparently be turned down with equal speed, as the only documented case upon which he ruled indicates. Phil Keyser recalled that the defendant was a "wild and reckless fellow" named Bell who owned the "Bell House", one of Nicolaus' hotels. Keyser mentioned neither the plaintiff's name nor his alleged cause of action. Bell's opponent, however, clearly found no satisfaction, even though the hearing seems initially to have proceeded in his favor. The tide turned, Keyser remembered, when Bell "suddenly came to the conclusion it was not going very favorably for him":

No sooner had this idea struck him than he drew his six shooter and blazed away at the presiding judge. The ball hit Snowden on the forehead but glanced off without doing him any serious injury. This

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<sup>89</sup> Chamberlain and Wells, *op. cit.*, p. 40.

<sup>90</sup> Chamberlain and Wells, *op. cit.*, p. 28.

argument was so direct and convincing that judgement was immediately ordered for the defendant.<sup>91</sup>

Perhaps fortunately for Uncle Dick, circuit judges replaced the *alcaldes* in June of 1850. *Alcalde* of Nicolaus was the only elected office Uncle Dick held. Though he would subsequently seek nomination by the Democratic Party, he would not be slated. He enjoyed his future posts in California government to appointments arranged by his patrons.

Other *alcaldes* faced fewer dangers on the bench and meted out extraordinarily harsh punishments to defendants found guilty. So reads the record after Steve Field, *Alcalde* of Marysville, entered a finding a guilty on April 7th, 1850, in the case of one John Barrett, charged with stealing a bag of gold dust valued at as much as \$1500:

Therefore it is ordered that said defendant, John Bartlett, be taken from this place to Johnson's Ranch (where the crime was committed) and then receive on his bare back within twenty-four hours from this time fifty lashes well laid on; and within forty-eight hours from this time fifty additional lashes well laid on; and within three days from this time an additional fifty lashes well laid on; and within four days of this time an additional fifty lashes well laid on; and within five days of this time an additional fifty lashes well laid on. But it is ordered that the four last punishments be remitted provided the said defendant make in the mean time restitution.

Field, by his sentence, was actually opening the way for a second trial, this time by ordeal. The record goes on to say that Bartlett, after the first twenty lashes, admitted guilt and made restitution.<sup>92</sup>

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The severe and long lasting shortage of women in California in general and in the gold region in particular accounts, I believe, for much of the violence California residents inflicted upon each other and, in the absence of acts of outright hostility, their

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<sup>91</sup> Chamberlain and Wells, *op. cit.*, p. 28.

<sup>92</sup> The record, from the archives of Yuba County, is cited by Peter J. Delay, *History of Yuba and Sutter Counties, California* (Los Angeles: Historical Record Company, 1924) p.

endemic orneriness. It also may explain why, on the rare occasions California men met California women, they treated them in a fashion unacceptable by most standards. Adverse sex ratios, to be sure, attend the early stages of most migratory movements. But the problem was compounded in California by the fact that the emigrants were a widely varied, polyglot group who came not only from the various states and territories of the United States, but from any number of foreign lands as well. Moreover, they arrived, in ever growing numbers, before systems of civil and criminal justice had been established had even been conceived, much less implemented. Finally, those who arrived were young, most in their late teens or early twenties.

I need look no farther than Uncle Dick's town of Nicolaus to see how pronounced was the lack of women. The Federal Census taker who visited, in the fall of 1850, what he called "Nicolaus and vicinity", counted 210 residents, of whom only fourteen were females. But of the fourteen, five were under the age of five years old. Subtracting the women who were married leaves Nicolaus with a male-female ratio of 98:1. The only women in Nicolaus eligible for the attention of its 196 adult males were two widows, one 45, the other 41.<sup>93</sup>

The situation improved only slightly in the years immediately following. A state census taken in 1852 revealed that the sex ratio for Sutter County as a whole was 7:1. Much of Sutter County was, however, under cultivation. The situation was far worse in the mining regions: the ratio in Nevada County was 13:1, and in Yuba County, a whopping 27:1. Even San Francisco County, the most urbane of the state, had a ratio of 6:1. The sex ratio in 1852 for California as a whole was 6:1.<sup>94</sup> Given the lack of eligible partners, it is perhaps not surprising that, as late as 1857, the Director of the California State Insane Asylum found that masturbation was one of the leading cause of admissions to his institution.<sup>95</sup>

Anecdotes show the practical effect of these lopsided demographics. Bill Stewart, in the summer of 1850, awakened one

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<sup>93</sup> 1850 Federal Census: Sutter County, California, pp. 57-59.

<sup>94</sup> The State Year Book and Register of Facts for the Year 1857 (San Francisco, Henry G. Langley and Samuel A. Mathews, 1857) p. 115.

<sup>95</sup> The State Register and Year Book of Facts for the Year 1859 (San Francisco: Henry G. Langley and Samuel A. Morison, 1859) p. 159.

morning near his claim at the Coyote Diggings to discover that an unfamiliar wagon had arrived during the night. What he took immediate note of was a clothesline that ran from the tent pitched by the wagon's side to a tree nearby. Female undergarments were hanging from line. Stewart realized that the first woman had arrived at Coyote Diggings.

Stewart immediately yelled "Oh Joe!", the cry of alarm which, when given, would bring all the miners, blinking, from their holes in a instant. "In less than two minutes," he recalled, "two or three thousand young men were anxiously watching the wagon, clothes line and fascinating lingerie."<sup>96</sup>

Stewart assured the terrified husband, who had just appeared from the tent, that there was no cause for alarm: the men merely wanted to "see" the woman, nothing more. The young lady, indeed, did momentarily draw back the tent flap, allowing a few of the lucky ones to catch a brief glimpse of her profile, but the remainder needed to see more

Stewart then figured that perhaps what the lady needed was some tangible encouragement, something which might make her appearance outside the tent as valuable to her as to those who would watch her. He passed around a buckskin bag and suggested the men each make a donation, which he would then pass along to the young woman. Stewart claimed that by the time the bag was returned to him, it contained between two thousand and three thousand dollars worth of gold dust:

I took the sack of gold and went within about thirty feet of the tent, and made as good a speech as I could to induce the young lady to come out, assuring her that all the men about her were gentlemen, that they had seen no ladies for so many months, and that the presence of one reminded them of their mothers and sweet hearts at home. I told her that the bag of gold was hers on condition that she come out and claim it.<sup>97</sup>

The woman made several false starts, encouraged by her husband, whose realization of the value of the gold dust far outweighed his knowledge that Stewart's representations concerning his three thousand "gentlemen" colleagues were not to be believed. But as soon as she took several tentative steps

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<sup>96</sup> Stewart, *op. cit.*, p. 63.

<sup>97</sup> Stewart, *op. cit.*, p. 63.

beyond the tent flap, the immediate cheers of the men would drive her back.

Stewart's coaxing continued according to another plan he had dreamed up: "I kept moving slowly back far enough from the tent," he recalled, "so the boys could get a good look at her." This gambit met with some success, and after about half an hour, Stewart, who was a gentleman, presented her with the bag of gold dust along with the best wishes of the miners of Coyote Diggings. The young lady grabbed the bag, then "ran back into the tent like a rabbit." The following morning the tent, wagon, lingerie and young woman were gone.<sup>98</sup>

Stewart noted that one of the ways in which the Nevada City miners coped with the shortage of women was by fomenting the dissolution of marriages and immediately taking the divorced woman as a bride. The miners' prey, in these cases, were couples who had recently arrived by the overland route. Husbands, Stewart observed, would generally be worn to the bone following the journey and penniless as well. Miners, with bags of gold dust and the fancy clothes gold dust could buy, could often convince the wives that their marriages had been bad ideas and that better

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<sup>98</sup> Stewart, *op. cit.*, p. 64. Alonzo Delano, who was in the Nevada City-Grass Valley area for much of the 1850's tells a remarkably similar tale, which raises questions about its provenance. Delano claims to have been present (date not specified) at a crowded mining camp (location not specified) when, on a Sunday morning, the miners noted the presence of a new tent with a petticoat hanging on a line strung outside. A gun was fired to alert those who had not seen it. The miners' "captain" (not identified) then made the following speech to the male occupant of the tent:

"Stranger, we have been shut up here for so long that we don't know what is going on in the world, and we have already forgotten what it is made of. We have understood that our mothers were women, but it is so long since we have seen them, that we have forgotten how a woman looks, and being told that you have caught one, we are prospecting to get a glimpse."

The man gladly obliged and "produced the *animal*". Both received nine cheers and were offered a drink from a bottle the miners were passing around (Delano, *Pen Knife Sketches*, pp. 15.) Did Stewart and Delano witness the same event, and was Stewart the "captain"? Did Stewart (who published his *Reminiscences* in 1908) "borrow" the story from Delano (who published in 1853)? Were both repeating a tale perhaps widely told in the mining camps of an event that had happened "somewhere else"?

matches were close at hand. Findings of "extreme cruelty" were all that was needed, and extreme cruelty was intrinsic to the trip across the plains, mountains and deserts.

Thus Stewart found himself, in the fall of 1851, impanelled on a jury in the Nevada City court of judge William Barbour. Ten divorce cases were on the docket. Stewart noted that in all the cases the "witness for the plaintiff was the proposed new husband." Following the testimony, Stewart and his eleven colleagues retired to the jury room where he was immediately elected foreman. He was in a hurry to resume his own mining efforts (he would not begin to study law until the following year) and to speed the deliberative process, he had brought along a demijohn of whiskey, a bucket of water and a dozen cups.

Ten of Stewart's fellow jurors were young men like himself. The eleventh was an eighty-year old Missouri native by the name of Morgan, who had recently been dragged overland to the gold fields by younger family members. Stewart decided the panel should be guided by the wisdom of the venerable Mr. Morgan. When asked his opinion of whether the marriages should be dissolved, Morgan said of the parties, "I believe if they can't agree to go together, let them go apart." Stewart took this remark to be a finding of "extreme cruelty", and he so marked, without any objection from his fellow jurors, the verdict slips he would present to the judge. Judge Barbour accepted the verdicts and declared all ten couples divorced. Ten marriages, joining the just-divorced women and the witnesses who had testified on their behalf, followed the same afternoon. Of the newly-united couples, Stewart observed that "some of them made good citizens and raised families, and when they grew rich, became very aristocratic."<sup>99</sup>

An incident witnessed by my family members in Downieville during the 1851 Fourth-of-July festivities illustrates better than any other both the dangers faced by women in the gold country and the varieties of outrageously bad behavior exhibited by men in the absence eligible mates. The episode is known as "The Hanging of Juanita".

The story of Juanita's hanging has been retold so many times that the actual facts of the event have probably been irretrievably lost. The accounts are so varied that almost every

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<sup>99</sup> Stewart, *op. cit.*, pp. 66-68.

element of the story—including her nationality (which may have been Mexican, Spanish or Chilean), and even her name (which may have been Josefa)—can be contradicted by a competing version. To unravel the true story would require sophisticated textual criticism beyond my capabilities. All accounts do agree that, in Downieville on July 5th, 1851, a lynch mob hanged an Hispanic woman. She appears to have been the only woman so put to death in California.

For my retelling of the story I rely primarily on the narratives of Robert Welles Ritchie, who claims to have based his account on the narrative of Charles N. Felton (later a State Legislator) he found "in Downieville, in an old-timer's scrapbook", Joseph Henry Jackson, who appears to have read the contemporary newspaper accounts, and Josiah Royce, who cites what he believes to have been the only eyewitness account, written by an editor of the San Francisco Pacific Daily Star.<sup>100</sup> I am partial to the Ritchie version, for he claims that Felton wrote that he was in Downieville that day in the company of Bill Stewart, Steve Field and Charlie Fairfax.<sup>101</sup> I presume (without documentation) that Uncle Dick was also present, since he and Charlie were seldom separated during this period.

Enhancing the level of festivities on July 4th, 1851, was the fact that it was the seventy-fifth birthday of the United States. In the new state of California, there were few restraints upon the celebration. Thus in Nevada City, after a bloody bull fight featuring two experienced Spaniards and one inexperienced black man, the townsfolk were treated to an even more inhumane match between a bull and a grizzly bear who had been joined together by a twelve-foot chain to ensure continuous interaction.<sup>102</sup> In Downieville, a convention of the State Democratic Party preceded the holiday (which, I presume,

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<sup>100</sup> Robert Welles Ritchie, The Hell-roarin' Forty-Niners (New York: J. H. Sears & Company, 1928); Joseph Henry Jackson, Anybody's Gold (New York: Appleton-Century Company, 1941); Josiah Royce, California from the Conquest in 1846 to the Second Vigilance Committee in San Francisco (Boston: Houghton, Mifflin and Company, 1896). The Pacific Daily Star article, according to Royce, appeared July 19th, 1851.

<sup>101</sup> Ritchie, op. cit., p. 112.

<sup>102</sup> The Nevada City events were described by eighteen year old Jasper Hill in a letter to his parents in Mount Pleasant Iowa: Jasper Hill, Letters of a Young Miner, edited by D.B. Munro, Jr. (San Francisco: John Howell Books, 1969) pp. 65-66.

accounted for the presence of Charlie Fairfax, Steve Field and Bill Stewart.) The featured speaker had been the grey-eyed future *filibustero* William Walker.

On the night of July 4th, the action in Downieville shifted to the saloon and gambling casino of Jack Craycroft. Juanita, "whom men called by a short and ugly word" (these words are Ritchie's) was present in the company of a man by the name of Jose with whom she lived but to whom she was apparently not married. Also present was a particularly large miner, a Scotsman, by the name Jock Cannon (his real first name was Frank.) Cannon, in a manner uncharacteristic of highlanders but apparently consistent with his own past performances, was buying rounds of drinks for a large group of his friends and downing many himself. At some point well into the evening he caught sight of Juanita, who was seated with Jose at a card table. Cannon stared at Juanita's bare shoulders and imagined other aspects of her beauty which Ritchie claimed were "suggestive of pomegranates burst by the sun". He decided that she was fair game. Cannon ambled over to Juanita's table and gave her a paleolithic thwak upon the shoulder. Juanita jumped up, drew a stiletto from her garter and held the weapon a few inches from Cannon's face. This had the effect of making Jock back off. But it did not make him cool off.<sup>103</sup>

Late that night, Jock staggered to Juanita's house in the company of his drinking partners. He kicked down the door. His comrades, anticipating his next move, forcibly dragged him to his own home and put him to bed.

Early the following morning Cannon awoke and returned to Juanita's house. It was not clear what his motives were in doing so. Perhaps he wanted to apologize for his previous night's performance at Craycroft's and the broken door. Perhaps he had something more sinister in mind. In any case, he began to argue with Jose. Juanita appeared shortly thereafter wielding a butcher knife. She plunged the knife into Jock's chest. He died on the spot.

Juanita was taken into custody by the crowd of bleary-eyed hung-over miners that had immediately formed around Jock's body. She was taken to a nearby vacant store where the townspeople intended to try her at once. The store was packed. At least five hundred stood in the street outside. A crier relayed to them a moment-by-moment account of the proceedings.

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<sup>103</sup> Ritchie, op. cit., pp. 108-109.

Though an unnamed young lawyer served as Juanita's counsel, both the prosecution and the officers of the court were friends of Cannon. A guilty verdict and an immediately executed sentence seemed inevitable. The defense attorney won a brief recess, during which he privately conferred with Juanita, Jose, and a Doctor Aiken who had arrived not long before.<sup>104</sup>

When the proceedings resumed, the attorney for the defense put Doctor Aiken on the stand. The doctor told the court that Juanita was pregnant. "I challenge you squarely, gentlemen," implored the defense attorney. "You cannot rob that unborn child of life because of the fault of her who is to become its mother!"<sup>105</sup>

The crier ran outside, and screamed: "He says Juanita's goin' to have a baby so we cain't hang her!"<sup>106</sup>

Two additional "doctors" arrived at that point and offered to provide the court a second and third opinion. They took Juanita from the store to a nearby tent. They returned a few minutes later and announced that, in their judgement, Juanita was not pregnant.

Steve Field had been observing the proceedings. No longer an *alcalde*, not yet a judge, but still an attorney with a good sense of due process, he foresaw the inevitable sequel to the trial in the absence of some dramatic, outside intervention. What form could that take? "Find Walker!", Field cried, "if anybody can handle this mob, Walker can!"<sup>107</sup> William Walker, however, had left Downieville two hours before. The crowd, Field realized, could not be controlled another two hours until his return.

In desperation, Field jumped on a barrel and addressed the mob:

Gentlemen of Downieville, you cannot hang a woman! Think, I beg of you! Our fair California has been one of the sisterhood of states not ten months. Her fame is world-wide. Would you have it rolled off the world's tongue that California men are coward enough to—

"Aw, to Hell with him!" A single interjection from the crowd put an end to Field's speech which, though unfinished, served as the final argument for the defense. The court pronounced Juanita

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<sup>104</sup> Doctor Aiken appears in Jackson's account (*op. cit.*, p. 104) but not Ritchie's.

<sup>105</sup> Ritchie, *op. cit.*, p. 111.

<sup>106</sup> Ritchie, *op. cit.*, p. 112.

<sup>107</sup> Ritchie, *op. cit.*, p. 112

guilty and sentenced her to death by hanging.<sup>108</sup> Execution of the sentence was put off for an hour, to give Juanita a chance to go to her house and put her affairs in order and to give the men of Downieville a chance to build a scaffold on the banks of the North Fork of the Yuba River.

Juanita emerged from her house dressed in her best clothes: black stockings, a hooped skirt, a red blouse, a mantilla and a Panama hat. As she stood on the scaffold, she may even have placed the noose around her neck with her own hands. "I would do the same thing again if I were treated as I have been," she yelled to the crowd. Just before the trap was sprung, she flung her Panama hat to a friend in the crowd. "*Adios, señores!*" are said to have been her last words.<sup>109</sup>

Ritchie claims to have found the following verses clipped from an old newspaper and pasted on the living room wall of a Downieville house. The poem is attributed to one "George Barton" of Downieville. Its title, of course, is "The Hanging of Juanita":

The sun sank low and down in the West  
And tinged with gold each mountain ridge.  
The crowd closed in and, eager, prest  
Onward toward the fatal bridge  
That spanned the rapid mountain stream.  
And thousands darkly lined each shore.  
The noose was dangling from the beam.  
Her dream of life would soon be o'er.

Gayly she climbed the fatal pile;  
To one she knew with grateful bows,  
Flung him her hat, and with a smile:  
"Adios, amigo"—good by, friend;  
And pressed the noose beneath her hair,  
And smoothed it down with steady palms  
Like making up her toilet there,  
Ere death embraced her in his arms.<sup>110</sup>

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<sup>108</sup> Ritchie, op. cit., p. 113.

<sup>109</sup> Ritchie, op. cit., p. 114; Jackson, op. cit., p. 107.

<sup>110</sup> Ritchie, op. cit., p. 115.

Awareness of the uneven quality of the California bench in the earliest days may have contributed to the willingness of California citizens to take matters into their own hands. The behavior of some state judges was often outrageous, on and off the bench. It would seem difficult to top the antics of Judge William Turner of Marysville, who consistently refused to let Steve Field argue on behalf of his clients, found Field in contempt when he tried to file appeals, and even took measures (unsuccessfully) to have Field disbarred. Not only was Turner in the habit of passing out on the bench: on one occasion he neglected to call a recess prior to walking to a next-door brothel, leaving hanging the plaintiff, defendant, counsel and jury while he enjoyed a quicky.<sup>111</sup> But California Supreme Court Justice David S. Terry presented the most egregious example of unacceptable judicial temperament. He was the only member of the bench to kill (granted, in a duel) a United States Senator (David M. Broderick of California). He was also the only former member of the bench to be killed (by a Federal marshal) while attempting to assault a United States Supreme Court Justice (Stephen J. Field.)<sup>112</sup>

The strange behavior of Judge William T. Barbour—the judge whom Bill Stewart saw dissolve ten marriages in the course of a single afternoon—seems a bit tame, and ultimately pathetic, compared to that of Turner and Terry. But his run-in with Steve Field in early 1853 turned out to be a key factor in cementing the friendship between Field and Charlie Fairfax, hastening Charlie's entry into elective politics and assuring his advancement thereafter.

Charlie and Field were brought together, originally as opposing parties, in the wake of an ongoing feud between Judge Barbour and still another Judge, Gordon N. Mott, who should have been presiding over California's 10th Judicial District, which encompassed most of the gold mining areas.<sup>113</sup>

Mott—later the Nevada Territory's first representative to the United States Congress—was appointed to the post in 1851 with a term he, and many others, thought would run until elections in 1852. But in the summer of 1851, the governor called for a new election in the 10th District the following fall. Barbour beat Mott

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<sup>111</sup> Field, *op. cit.*, p.

<sup>112</sup> Field, *op. cit.*, p.

<sup>113</sup> Field discusses the feud, *op. cit.*, pp. 104-106.

at the polls, but Mott, claiming his term had not expired, refused to give up his seat. Barbour filed suit, and the California State Supreme Court ruled in his favor.

Mott challenged Barbour at the next election in the fall of 1852. Steve Field, who had unsuccessfully represented Mott before the California State Supreme Court, supported Mott during the campaign and did all he could to bring about Barbour's defeat. "It was my opinion," Field later wrote, "that he was not qualified for the position."<sup>114</sup> Barbour began to make disparaging remarks about Field when he learned that he was campaigning for Mott. Field went to Barbour's office and demanded an explanation. Field recalled that "some harsh words passed between us at the interview.". Field also claimed that the encounter ended with Barbour challenging Field to resolve the matter "in the usual way among gentlemen".<sup>115</sup>

Immediately after the meeting, Barbour claimed that Field had challenged him. Field, to speed resolution of the matter (the campaign was in full swing), waived the point and allowed the affair to proceed with Barbour as the challenged party. Barbour designated Charlie Fairfax as his second. Field designated Gordon Mott as his.

Barbour, as the challenged party, had the right to specify the terms of combat. Charlie, after discussing the issue with his principal, met with Mott and outlined an incredible scenario which Barbour hoped would be played out that very evening:

The place, a room twenty feet square, describing it; the weapons, Colt's revolvers and Bowie-knives; that the two principals so armed were to be placed at opposite sides of the room with their faces to the wall; that they were to turn and fire at the word, then advance and finish the conflict with their knives.<sup>116</sup>

According to one version of the story, the room was to be darkened.<sup>117</sup> The image of two men shooting at each other and then flailing with knives in a small, and possibly dark, room promised a spectre even more sadistic than the match between the bull and the grizzly bear in Nevada City on July 4th, 1851.

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<sup>114</sup> Field, *op. cit.*, p. 106.

<sup>115</sup> Field, *op. cit.*, p. 107.

<sup>116</sup> Field, *op. cit.*, pp. 107-108.

<sup>117</sup> Delay, *op. cit.*, p.

Mott told Charlie that the terms Barbour proposed were "unusual, unprecedented and barbarous" and that he could not consent to them. Charlie agreed that this seemed to be the case. He offered to return to Barbour to see if his principal might be willing to accept alternatives. Charlie returned a short time later reported that Barbour would agree to no other terms.<sup>118</sup>

When Field learned of the status of the negotiations, he immediately concluded that Barbour was bluffing. "I at once said that Barbour was a coward and would not fight at all", Field wrote: "I knew perfectly well that such terms could come only from a bully."<sup>119</sup> Field, who must have had considerable experience at the poker table, decided to call Barbour's bluff. He told Mott to tell Charlie that he agreed with all the terms, and that the combat could proceed as Barbour wished.

Field's bluff was productive. Charlie arrived shortly thereafter with a message indicating Barbour was willing to waive the use of Bowie knives. Charlie returned a second time with another message indicating that Barbour no longer wanted the fight to take place in the small room, since "the firing would be heard outside and attract a crowd." The final terms agreed upon were that Barbour and Field were to go to a remote area of Sutter County the following morning. Barbour would go by public stage coach. Field would drive in his own carriage. The two principals, accompanied by their seconds, would meet at a designated spot along the road and then walk to their "field of honor".<sup>120</sup>

The following morning, Field arrived at the meeting point well in advance of Barbour. When the stage finally pulled up, Barbour and Fairfax got out. Barbour immediately announced that, since he was a sitting judge, he could not participate in a duel. He added, however, that if he were shot at, he would shoot back. Without a moment's hesitation, and without waiting for his second, he climbed back into the stage which sped off in the direction of Sacramento. Charlie Fairfax, his second, was left standing by the roadside. Gordon Mott, who was there to assist Field, noted that Charlie "appeared both astounded and mortified

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<sup>118</sup> Field, *op. cit.*, p. 108.

<sup>119</sup> Field, *op. cit.*, p. 108.

<sup>120</sup> Field, *op. cit.*, pp. 108-109.

by the pusillanimous conduct of his principal."<sup>121</sup> Field offered the bewildered—and stranded—Charlie a ride home in his carriage. The pair drove to Nicolaus and had breakfast together.<sup>122</sup>

Though Field's strategy had worked, adverse press coverage of the aborted duel rekindled Barbour's anger. The following day, as Field was gathering fire wood near his home, Barbour came up

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<sup>121</sup> From Mott's letter to Field of April 28th, 1876, printed as "Exhibit II #2" in Field, *op. cit.*, p. 260-261.

<sup>122</sup> Charlie Fairfax again served as a second in the June, 1853 duel between Judge Oliver Perry Stidger, publisher of the Whig-oriented Marysville Herald, and Richard Rust, publisher of the Marysville Express, a Democratic organ. Stidger was from Ohio. Rust was a Southerner. Their battle, which had political and regional overtones, began in the pages of their newspapers.

Rust finally challenged Stidger to meet him on the field of honor, calculating that a man from Ohio would not accept the challenge and would be forced to leave the town in disgrace. Stidger, however, accepted and chose Gordon Mott as his second. Charlie represented Rust.

Stidger specified buckeye rifles, but when Charlie and Mott failed to locate any in Yuba County, Mississippi yagers were agreed upon. Unfortunately, trials by the seconds revealed that one weapon was clearly inferior to the other. The rifles were therefore assigned by lot, with Rust getting the better one. Stidger had no familiarity with a Mississippi yager: the first one he ever saw was the one handed to him on the morning of the duel. "What kind of gun do you call this?" he is said to ask a Dr. McDaniel who accompanied him as his surgeon: "The bore can carry a half-pound ball; if I get hit there won't be a grease-spot left of me". Stidger's next comment—"I never saw a gun like this before and I don't know how to handle it"—offered little comfort to his seconds.

The contestants were to fire a single shot on the count of three. Stidger's shot went high; Rust's lodged in a handkerchief on Stidger's coat-tail pocket. Dr. McDaniel advised Stidger to stand up straighter, since his twisted posture offered a better target. Even more firmly, McDaniel told Stidger, "You must kill him or he will kill you." Stidger, who had his own Yankee version of honor, replied, "I do not want to kill him. I don't want his blood on my hands. He has a family to maintain, and I don't want to rob them of their support."

After the second shot, where both contestants were wide of the mark, Stidger through his gun down in disgust, telling McDaniel, "Doc, this gun ain't worth a damn. I don't believe a man could hit a barn door with it at a distance of six feet." The seconds called a halt to the duel before the farce could continue, claiming that both parties had been "satisfied".

Charlie is later said to have spoken "in glowing terms" of Judge Stidger "People needn't tell me that men born in the North are cowards. I know better. They have pluck and will die game." (Oscar Tully Shuck recounts the incident in History of the Bench and Bar of California [Los Angeles: The Commercial Printing House, 1901] pp 234-237).

behind him, placed a cocked revolver to his head and yelled "Draw and defend yourself!" Field, who had his arms full, was hardly in a position to do any such thing. Instead, he decided to once again call Barbour's bluff: "You infernal scoundrel, you cowardly assassin—you come behind my back and put your revolver to my head and tell me to draw; you haven't the courage to shoot; shoot and be damned!" Barbour, of course, slithered off.<sup>123</sup>

Thereafter, he ruled against Field in court on every possible occasion. Field invariably appealed to the California State Supreme Court and usually won reversals. When Barbour suddenly began to consistently rule in Field's favor, Field began to worry "lest I should lose my cases in the appellate court by winning them before him."<sup>124</sup> Field continued to hold Barbour in low esteem. He noted that Barbour "loved drink and low company", and claimed that when Barbour moved to Nevada, "his habits became worse." Barbour, according to Field, ended his days penniless, borrowing money from friends day-to-day, and dying "from the effects of his habits of intemperance."<sup>125</sup>

Charlie Fairfax's behavior in the wake of the averted duel struck Steve Field deeply. "He was not sparing in his censure of the conduct of his principal," Field noted, "whilst his language was complimentary of mine."<sup>126</sup> It was not just a matter of Charlie having been willing to stroke Field's ego. Field found Charlie "possessed of a noble and chivalric spirit", a man who was loyal to his friends and therefore "beloved by all who knew him." These were rare qualities in gold rush California where a man was most easily defined by those against whom he held grudges. Field recognized that, in such a world, Charlie might easily become an effective vote-getter.

Field had entered politics in the fall of 1850. He successfully ran for Assemblyman in the Marysville district, and served in California's first legislature. But he learned at the outset of his quest for elective office that, in California, the worlds of those fascinated with partisan politics and those concerned with quickly striking it rich in the mines were seemingly located in parallel,

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<sup>123</sup> Field, *op. cit.*, p. 110.

<sup>124</sup> Field, *op. cit.*, p. 111.

<sup>125</sup> Field, *op. cit.*, pp. 112-113.

<sup>126</sup> Field, *op. cit.*, p. 113.

non-intersecting planes. Simply put, the miners did not care a hoot about politics and the issues and causes that were the office-seeker's life blood. The problem of the campaigner, therefore, was first to convince the miners that it was worth their while to vote and, secondly, to convince them that their votes should be cast for him. Field dealt with this problem by establishing open-ended tabs at local saloons on election day and making sure the freeloaders knew who was paying the freight. Though successful, Field seems to have paid dearly for this tactic: at the Orleans House in Downieville, ended up paying for 420 drinks and 275 cigars, at a total cost of \$298.75.

Charlie Fairfax was not the sort who needed to buy votes by buying drinks. To be sure, he would buy many more drinks in his career than would Steve Field, but that was because Charlie dearly loved to drink and dearly loved to drink with others. Charlie did not need to buy votes at all: his personality was such that the votes were willingly given, even by the miners with whom he had little in common and, in the midst of whom, he looked a little ridiculous. He seems to have had no political ideology apart from what ever political implications there were to his sense of personal honor and generosity. This allowed him to flourish in a political world where party divisions were becoming progressively deeper. This was also of momentary benefit to Uncle Dick, who shared none of Charlie's remarkable gifts.

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Charlie Fairfax cast his lot with, and found his political base in, the town of Marysville. It was a fortunate choice, for Marysville, in the contest for municipal supremacy in the valley of the Feather River, would come out the winner. The property upon which the city was built, originally part of the John Sutter domain, was, in late 1849 and early 1850, owned (by virtue of a somewhat cloudy title) by a Frenchman named Charles Covillaud. The land was known as "Nye's Ranch". As late as mid-January of 1850, it consisted of only two adobe houses.<sup>127</sup>

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<sup>127</sup> On the early history of Marysville see Earl Ramey, "The Beginnings of Marysville", California Historical Society Quarterly XIV (1935), pp. 195-229; pp. 375-407; and XV (1936), pp. 21-57; and Chamberlain, History of Yuba County, California, passim.

Covillaud ran an advertisement in early January of 1850 in Sacramento's Placer Times in which he announced the sale of lots in what he called "Marysville"—he named the town after his wife—and within three weeks some three-hundred tents had been pitched near the adobe houses.<sup>128</sup> The Marysville boom was well under way, though the growth and survival of the town was by no means assured at the time.

Marysville did have natural advantages (in time, it would prove to be the effective head of navigation of the Feather River). But it also benefited from accidents, among them the unplanned arrival of Steve Field, who soon became one of the town's principal leaders and most vocal spokesmen. Field's San Francisco law practice had gotten off to a slow start. A lack of clients was part of the problem, but more important were his curiosity about the gold fields and his hunch that fees would be more forthcoming from the miners in the towns than from the merchants in the city.<sup>129</sup>

In the course of seeking out San Franciscans his New York brothers had advised him to meet, Field encountered a merchant who was in the process of developing the town of Vernon, near the confluence of the Sacramento and Feather Rivers. The merchant was eager to attract a professional man to the town. He therefore offered to sell Field some Vernon lots on credit, and to provide him free passage there on a steamer he owned that was scheduled to head upstream the following day.

Field departed San Francisco on July 12th, 1850, in the midst of the high-water season. The following day and about three hours above Sacramento, the ship's captain suddenly began to scream "Stop her! Stop her!" The paddle went full astern and the steamer came to a halt just as it was about to ram what appeared to be an almost submerged house standing in the middle of a lake. Field asked the captain where they were. "Vernon." the skipper replied. "I turned to the captain," Field recalled, "and said I believed I would not put out my shingle at Vernon just yet."<sup>130</sup>

The steamer stopped at Nicolaus for the night. The following day it docked at the landing at Nye's Ranch. The ship's fifty passengers, Field among them, made a beeline for one of the

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<sup>128</sup> Ramey, *op. cit.*, XIV, p. 214.

<sup>129</sup> Field, *op. cit.*, p. 14

<sup>130</sup> Field, *op. cit.*, p. 16.

adobe houses on the bank. Inside, there was a counter upon which was spread the plat of a town called "Yubaville". Behind the counter, a salesman was eagerly seeking business: "Gentlemen, put your names down; put your names down, all you that want lots." The salesman seemed to be looking directly at Field, who asked him how much the lots cost. "Two hundred and fifty dollars each for lots 80 by 160 feet," was the reply. Field then asked, "But suppose a man puts his name down and afterwards don't want the lots?" The salesman quickly answered, "Oh, you need not take them if you don't want them." Then, just as quickly, he resumed his pitch: "Put your names down gentlemen, you that want lots."<sup>131</sup>

Field at the moment had no more than twenty dollars in his pocket. He nonetheless signed up for sixty-five lots at a total price of \$16,250. The proprietor, Charles Covillaud was therefore pleased to make the acquaintance of such a "great capitalist" and was even more delighted to learn that Field spoke French. Covillaud insisted on showing around the town which was a city of tents that Field guessed contained as many as a thousand souls. Apart from the temporary dwellings, Field noted that Marysville, or Yubaville, or whatever its name would turn out to be was a "beautiful spot, covered with live-oak trees that reminded me of the oak parks in England, and the neighborhood was lovely." Field cemented the new friendship by giving Covillaud the first newspaper he had seen in months, a copy of the New York Evening Post from the previous November 19th that Field had carried with him since it contained a notice of his departure for California.<sup>132</sup>

Covillaud ran to Field the following morning, waving the paper. "Ah, Monsieur," he cried, "Are you the Monsieur Field, the Lawyer from New York, mentioned in this paper?" Field took the paper, then remembered he had previously circled in pencil the article containing his name. Field, somewhat sheepishly, admitted to Covillaud that he and the attorney mentioned in the paper were one and the same. "Ah, then," Covillaud replied, "We must have a deed drawn for our land."<sup>133</sup>

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<sup>131</sup> Field, op. cit., p. 17.

<sup>132</sup> Field, op. cit., pp. 17-18.

<sup>133</sup> Field, op. cit., p. 18.

Field learned that while Covillaud had purchased from John Sutter the land his salesmen were now peddling, Sutter had never delivered a deed. Field realized that, given the increasing tempo of the transactions in the adobe house, such a deed was somewhat overdue. Field immediately began to draw up the instrument and sent a team of *vaqueros* to fetch Sutter from Hock Farm some six miles to the south. Within hours Sutter had arrived and signed the deed. And Field presided over his most extensive land conveyance to date.<sup>134</sup>

By the time Field completed the transaction he had not only locked in John Sutter as a future client but had devised a way to accelerate his already rapid advance in his newly adopted home. The ink was still wet on the deed when Field realized that, in contrast to his previous real estate practice, there was no officer with whom to register the deed and no office in which to record it (indeed, Sacramento was the nearest such facility). He further noted that there were no magistrates of any sort in Marysville. The gears in his brain began to turn more quickly. Soon he had devised the outlines of a scheme whereby he would become the town's first public official.

Field remarked to Sutter and Covillaud that the town really needed a registrar of deeds and a magistrate to arbitrate disputes. Proprietor Covillaud agreed. He suggested that they call a town meeting that very night at which they would first celebrate the formal conveyance of Sutter's land to Marysville, then discuss the election of magistrates.<sup>135</sup>

The meeting was held in a still-floorless frame house which had been assembled earlier in the day from prefabricated sections shipped up the river from Sacramento. A basket of champagne, found in one of the tents, provided refreshments for the participants. After the bottles were drained, Steve Field was called upon to make what turned out to his first stump speech in California:

I started out by predicting in glowing colors the prosperity of the new town, and spoke of its advantageous situation on the Feather and Yuba Rivers; how it was the most accessible point for vessels coming up from the cities of San Francisco and Sacramento, and must

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<sup>134</sup> Field, *op. cit.*, p. 19.

<sup>135</sup> Field, *op. cit.*, p. 19.

in time become the depot for all the trade with the northern mines. I pronounced the auriferous regions lying east of the Feather River and north of the Yuba the finest and richest in the country; and I felt certain that its commerce must concentrate at the junction of these rivers. But, said I, to avail ourselves of all these advantages we must organize and establish a government, and the first thing to be done is to call an election and choose magistrates and a town council.<sup>136</sup>

The townspeople agreed and favorably voted on a proposition calling for another meeting the following morning outside one of the adobe houses at which the election process would begin. So the potential electors might have some idea of those qualified for the posts, Field circulated through the crowd, whispering here and there that he himself might be a good candidate for the most important job of *alcalde*.<sup>137</sup>

Not surprisingly, Field's name was put in nomination for the position. But his first political race did not go uncontested. A rival's name was proposed and an "exciting election" (foreshadowing most early California political contests) followed, according to Field:

The main objection urged against me was that I was a new comer. I had been there only three days; my opponent had been there six. I beat him, however, by nine votes.<sup>138</sup>

Thus was born a town which had survived to that point primarily by virtue of having remained above the waterline. But Marysville would shortly flourish, and do so essentially for the reasons Steve Field claimed he put forth in his speech of the night of January 17th, 1850. The first signs of its prosperity were evident the following month when an enterprising citizen set a series of poles in the ground, covered the circular array with canvas, and moved a number of tables into its midst. The resultant structure, unimaginatively called "The Round Tent", became Marysville's first casino (it was followed by many others, most of which would have brick or frame fronts, but which would remain canvas behind the facade.)<sup>139</sup> The Marysville post office

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<sup>136</sup> Field, *op. cit.*, p. 20.

<sup>137</sup> Field, *op. cit.*, p. 20.

<sup>138</sup> Field, *op. cit.*, p. 21.

<sup>139</sup> Chamberlain. *op. cit.*, p. 72.

opened in June.<sup>140</sup> The Marysville Herald began publication in August.<sup>141</sup> By the end of the year Marysville had thirty stores or business establishments, including a bath house and a bookstore.<sup>142</sup> There were seven hotels and four restaurants, including a marvellous French restaurant in the Hotel de France and a quite different establishment run by Señorita Juana Ribero that catered only to unattached *hombres*.<sup>143</sup> Marysville's first school opened in the fall.<sup>144</sup> The following winter the first entertainer performed in the ballroom of the Saint Charles Hotel: a Mr. H. Rossiter did magic tricks and walked a slack wire. Not long thereafter, a Dr. Robinson built a tent theater in which vaudeville was performed.<sup>145</sup> All the while, frame houses were replacing the tents, and, by the end of the year Marysville's first brick structure—the Yuba County Jail—was under construction.

To be sure, the civilizing of Marysville was not complete. Four years would pass before Bishop Kip would journey upstream and conduct, on Tuesday, April 18th, 1854, Marysville's first Anglican service (albeit in the borrowed Methodist church.)<sup>146</sup> Bishop Kip had been beaten by the Presbyterians and the Methodists. He had also been beaten (by just a few days short of three years) by the Democrats. The organizing of the party of Jefferson in Marysville offers one of the more accurate indices of the town's health at the time and a good indication of its residents determination to control the area in the future. While Charlie Fairfax would serve well the parish built by Bishop Kip, he would serve with even greater zeal the the party organization established by his neighbors.

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The Democrats of Marysville began the process of organizing themselves and kindred partisans throughout Yuba County at a meeting held the night of Wednesday April 23rd,

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<sup>140</sup> Ramey, *op. cit.* XIV p. 399.

<sup>141</sup> Ramey, *op. cit.* XIV p. 386.

<sup>142</sup> Ramey, *op. cit.* XIV pp. 398-400.

<sup>143</sup> Ramey, *op. cit.* XIV p. 394.

<sup>144</sup> Ramey, *op. cit.*, p. 399.

<sup>145</sup> Chamberlain, *op. cit.*, p. 73.

<sup>146</sup> Kip, *op. cit.*, p. 133.

1851. Elections would be held in the fall. The Democrats of Yuba County wanted a role in the slate-making.

Three of the participants in the gathering, H.P.Haun, George Dove and R.B.Buchanan, prepared a statement, published in the Marysville Herald three days later, which they hoped would attract to the party banner area residents with political concerns:

To all True Democrats we say come! Come from the riverbeds, from the gulches, the deep canyons, rugged mountain tops, and smooth valleys. Come from whence or wherever you may be. Come! Come! Rally around the Democratic standard on which is inscribed in characters of unfading glory, the mighty names of Jefferson and Jackson, names that have served you and your fathers in the earliest days.<sup>147</sup>

Charlie Fairfax did not need any such exhortation. He was not only present at the April 23rd meeting, but selected to be a member of the Marysville delegation to a Yuba County Democratic convention scheduled for May 10th.<sup>148</sup> Since he was a charter member of the Democratic Party in Yuba County, and since he was apparently active thereafter in party affairs elsewhere in the region (thus his presence at the July 4th convention at Downieville in Sierra County), it is not surprising that he would eventually present himself for office.

Charlie Fairfax's career as a public official began in 1852 with his election as a Marysville Justice of the Peace and with his selection thereafter (in accord with California law) by his fellow Yuba County Justices as one of the county's two Associate Judges of the Court of Sessions.<sup>149</sup> The responsibilities of Charlie (and his fellow Associate Justice Jasper Rand) fell into two categories, judicial and administrative: on the one hand, Charlie presided over less significant criminal and civil cases; on the other, he carried out the duties later assigned to members of the County Board of Supervisors. In general, the Court of Sessions assumed the duties formerly carried out by the *alcalde*.

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<sup>147</sup> Cited by Earl Ramey, "The Beginnings of Marysville", California Historical Society Quarterly XV (1936) p. 28.

<sup>148</sup> Ramey, op. cit., p. 29.

<sup>149</sup> Chamberlain, op. cit., p. 120. The selection process for Associate Justice of the Court of Sessions is outlined in California Statutes: 1850, p. 210.

Charlie was empowered to hear criminal cases involving assault, battery, breach of the peace, riot, petty larceny and misdemeanors, provided the offences were subject to fines of less than five-hundred dollars and jail terms of less than three months. Additionally, he could impanel grand juries to investigate all public offences committed within the county with the exception of murder, manslaughter and arson.<sup>150</sup> His civil jurisdiction extended over contracts, damages, and mortgage foreclosures in cases involving less than five-hundred dollars.<sup>151</sup> Charlie's administrative duties included oversight of county property such as the court house, jail, public buildings, roads and bridges. He (and his fellow justice) were also responsible for the levying and collection of taxes on real and personal property.<sup>152</sup>

To be sure, Charlie (who had just turned twenty-three) had no prior training in either of the areas in which he now acted as a public official. But neither did most of his neighbors. They, moreover, had professions and trades to follow. Charlie did not. Lawyers either did better (and made more) representing clients, or sought the posts of District or County Judge. Merchants lacked the time to adjudicate the disputes of others. But for Charlie, the job was an ideal, though temporary vocation. His most polished skills involved dealing with other people, and, as a man whom most people liked, he had good opportunity to use them. The Court of Sessions enabled many to get to know Charlie better. His service there helps explain his greater political success of the following year.

In 1853, Charlie successfully ran for the post of Democratic State Assemblyman from the Marysville District of Yuba County. Re-elected for the following year's session, he would be named Speaker of the House. During a portion of his tenure, he would also serve on the Democratic Party's State Central Committee.<sup>153</sup> Indeed, the nature of California politics at the time was such that Charlie's service to his party would be even more valuable than his representation of his constituents.

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<sup>150</sup> California Statutes, 1851 , p. 19.

<sup>151</sup> California Statutes, 1851, p. 22.

<sup>152</sup> California Statutes, 1850, p. 210.

<sup>153</sup> Davis, op. cit., p. 42.

The political world Charlie and his fellow Democrats faced during the 1850's was complex and filled with enemies. On the outside, there were Whigs to contend with during the early years of the decade (though they were not a factor after 1854), the American Party—better known as the "Know-Nothings"—during the middle years, and the rising Republican party toward the end of the decade. On the inside, there were constant and often destructive divisions in the Democratic Party. More important, within the California Democratic Party of the 1850's there was one dominant figure, David C. Broderick, with whom all Democrats had to come to terms. Fortunately Charlie Fairfax and Uncle Dick were able to do so, albeit in a curious way.

The split within the Democratic Party in California in the 1850's divided opponents and proponents of slavery. In particular it centered on the issues of whether new states should be admitted to the Union as free states or slave states, whether California itself should be divided into two states so that the institution of slavery might be established in one and, ultimately, whether the Union itself ought to be preserved. To be sure, similar divisions colored the Democratic Party elsewhere. But in California the party strife continued at a particularly high level, for the party members had come from all parts of the country and brought with them the ideologies of their home states.

In California, those who favored the retention and extension of slavery formed the "Chivalry" wing of the party (they were sometimes called "Chivs"). Their opponents were known as "Free-Soilers". By birth, Charlie Fairfax should have been a Chiv, and, for the most part, he was. But his vast network of friends included many Northerners—Steve Field the most notable—who were free-soilers. The obligations of friendship were at least as important to Charlie as factional ideology. Moreover, his personal beliefs occasionally overrode what his wing of the party might be dictating at the moment. Charlie was therefore not the best of all possible Chivs. But since he had the ability to rise above factionalism, he had a significant role to play within the party at such times as it needed to subject itself—however briefly and unsuccessfully—to a healing process.

David C. Broderick (1820-1859) was, during the period Charlie was in the legislature, the leader of the Free-Soil wing of, and the strongest figure within the California Democratic Party.<sup>154</sup> Broderick's goal was to become a United State's Senator. A single quotation, attributed to



David C. Broderick

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<sup>154</sup> On Broderick see David A. Williams, *David C. Broderick: a Political Portrait* (San Marino, California: The Huntington Library, 1969); O'Meara, *op. cit.*; and Jeremiah Lynch, *A Senator of the Fifties: David C. Broderick of California* (San Francisco: A.M. Robertson, 1911).

him, indicates the fervor of his ambition: "Why, to sit in the Senate of the United States as a senator for one day, I would consent to be roasted in a slow fire on the plaza."<sup>155</sup>

Sitting inside the Senate of the United States for Broderick would have meant sitting inside a building his father had helped build. Irish-born Thomas Broderick (ca. 1800-1834) worked as a stonemason on the Capitol construction project from 1817 to 1825. He thereafter took his family to New York City where he profited a construction boom until his early death. David Broderick originally intended to follow his father's trade. But health problems forced him to seek employment elsewhere shortly after he had finished his apprenticeship and become an artisan. He opened a tavern near Washington Square, joined a volunteer fire department and rose through the ranks. Both activities brought him in contact with young men active in politics. He found politics fascinating. Though he was apparently never a member of the Tammany Society, he benefited from associating with those who were. By observing them and the institution to which they belonged, he learned much organization and party discipline. As a consequence of his participation in President John Tyler's campaign organization in 1842, Broderick was appointed a customhouse inspector. From the appointment, and from his dismissal in the wake of James K. Polk's defeat of Tyler, he learned the importance of patronage in the political process. His selection as a delegate to a convention in 1846 to revise the municipal charter marked his entry into elective politics. His participation in the convention taught his valuable lessons in parliamentary procedure and revealed him as a Jacksonian Democratic with a pronounced leaning to the left. His political philosophy, his nationality, his outspokenness and youth dismayed the party's conservative elements and assured that his 1848 run for Congress would be unsuccessful. Throughout the fifteen year period from his father's death to his departure from New York he read heavily and widely, and more than compensated for his lack of a formal education.<sup>156</sup>

Some years later Broderick would say he went to California because "I was tired of the struggles and jealousies of me of my class, who could not understand why one of their fellows should

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<sup>155</sup> Lynch, *op. cit.* p. 80.

<sup>156</sup> For Broderick's early years I rely on Williams, *op. cit.*, pp. 11-27.

seek to elevate his condition above the common level."<sup>157</sup> He sailed from New York April 17th, 1849 aboard the *Crescent City* (the same steamer *Steve Field* would take seven months later.) But a bout with "Panama fever" left him weak even after he reached San Francisco. He never went to the gold fields. For a time he was a partner in an assaying and minting business: his coins contained only four-fifths their face value in gold, which afforded him a profit and provided currency-starved Californians with a medium of exchange. He invested wisely in real estate. The money he made provided him many of the resources he needed to pursue his true profession, politics.<sup>158</sup>

Broderick was elected to the California State Senate in January, 1850 and served in the first legislature. He became president of the Senate in 1851. His anti-slavery views became well-known during the sessions: he prevented passage of a measure which would have labelled antislavery political activities "unholy, unpatriotic, and partisan", and blocked approval of a law which would have denied free blacks entry into the state. He achieved both objectives through his thorough understanding of parliamentary procedures. During the same period, he built up county organizations, modelled after the ward organizations he had observed in New York, loyal to him<sup>159</sup>

Broderick established his various power bases as a means of obtaining a seat in the United States Senate. He made his first attempt for the office in early 1852, when the term of Senator John Frémont was about to expire. United States Senators at the time were, of course elected by the state legislatures, not by popular vote. Since Democrats had a clear majority in the California State Legislature in 1852, advance approval of a candidate by a party caucus was tantamount to election. Broderick presented his name to such a gathering. But John B. Weller, a Georgia native, who had won the support of pro-slavery Democrats and would have been supported by similarly-inclined Whigs, beat Broderick on the fifth ballot and subsequently won election for a term to end in 1857.<sup>160</sup>

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<sup>157</sup> Congressional Globe, 35th Congress, 1st Session, App., p. 193, cited by Williams, op. cit., p. 26.

<sup>158</sup> Williams, op. cit., pp. 28-29.

<sup>159</sup> Williams, op. cit., pp. 37-37

<sup>160</sup> William, op. cit., p.42; pp. 64-67.

Broderick next bid for the Senate came early in 1854. That Uncle Dick became one of Broderick's political operatives is one of the more curious aspects of this race. But the strangest thing about Broderick's second try was that it came a full year before there would be a vacant Senate seat. The term of William Gwin ran until March of 1855. But Broderick judged that the votes he could already count on and later acquire in 1854 might, in the wake of an unpredictable but possible growth in the power of the Chivalry wing, be lacking in future contests. To be sure, there was no precedent for such a premature election. But there likewise seemed to be nothing to bar it. Broderick therefore charged ahead with a plan that would have the California State Legislature pass legislation mandating an immediate Senate election—an election, of course, he believed he could win. This effort would trigger a feud that would increase in intensity between Broderick and incumbent Gwin; and their partisans who represented the two major factions of the California Democratic Party.<sup>161</sup>

Tennessee born William A. Gwin (1805-1885) had studied law and medicine and practiced the latter for five years in Mississippi. Andrew Jackson had appointed him United States Marshal for the District of Louisiana. Beginning in 1840, he had served a term in the United States House of Representatives. By the time he left for California in 1849 he had, in his words, "determined not to make money, but to devote all my energies to obtaining and maintaining political power." He had begun his political career in California in the fall of 1849 as a San Francisco delegate to the constitutional convention. By early 1854, he had emerged as one of the primary leaders of the Chivalry faction and was, therefore, a bitter enemy of David Broderick.<sup>162</sup>

Control of Federal patronage in California was the principal advantage Gwin held over Broderick at the outset of their struggle and, indeed, over its course. President Franklin Pierce, at the beginning of his administration in 1852, had favored the Chivalry wing of the Democratic Party when it came to handing out

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<sup>161</sup> On Broderick's decision to seek a senate election in 1854, see O'Meara, *op. cit.*, pp. 43-46; Williams, *op. cit.*, pp. 74-81.

<sup>162</sup> On Gwin's background, see O'Meara, *op. cit.*, pp. 31-33; *Dictionary of American Biography* VIII, pp. 64-65; and Lately Thomas, *Between Two Empires: the Life Story of California's First Senator* (Boston: Houghton Mifflin Company, 1969)

government jobs. Gwin, as Senator, had thus become the principal dispenser of Federal patronage in California.

The control of patronage, especially in California, was both the end of political power and the means of obtaining it. Patronage gave the bestower considerable power over those he appointed, not on the basis of their ability to do a particular job, but because of their loyalty. The appointee would, without question, work hard on his patron's behalf, for his job depended on it.

Specifically, he would do all in his power to ensure victory for the patron's candidates. Additionally, he would channel a portion of his salary back to his patron or another leader of his party faction, for patronage was a major, and perhaps the principal source of party funding.<sup>163</sup>

San Francisco Customs Collector Richard P. Hammond (1826-1891) controlled California's fattest and ripest Federal



William McKendree Gwin

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<sup>163</sup> Williams, *op. cit.*, pp. 74-75; O'Meara, *op. cit.*, pp. 38-42.

patronage plum. Hammond was a native of Hagerstown Maryland and West Point graduate who had remained in the west after fighting in the Mexican War, successfully speculated in San Joaquin County real estate, and served a term in 1852 in the California State Assembly (of which he was Speaker) before receiving the appointment that allowed him to preside over the state's largest Federal bureaucracy.<sup>164</sup> In the 1860's, he would become a business associate of Uncle Dick and serve as one of those designated to carry out Uncle Dick's last wishes. But between 1853 and 1855, he was commanding legions better trained to serve the party (that is, the Chivalry wing thereof) than the public. This was the immediate discovery of J. Ross Browne, who in 1853 was working as a Special Agent in the United States Treasury Department assigned to ferret out waste and corruption among Federal employees on the West Coast, thereby acquiring funds to pursue his true calling as a writer and satirist whose works would serve as models for Samuel Clemens.<sup>165</sup> Browne noted that Hammond had stationed inspectors at "ports" where no ship had ever called and provided a safe haven for other Federal payrollers whose most challenging task was cashing their monthly paychecks. These same troops, let loose on election day were, of course, invincible.<sup>166</sup>

The Federal patronage largesse during this period was doled out to the faithful on all levels and in all parts of the state. It is therefore no surprise that the appointment of Phil Keyser, the former cabin-mate of Uncle Dick and Charlie Fairfax dates from 1852. Though it was a way of life, the lopsided distribution of Federal patronage to the Chivs was a constant source of aggravation to David Broderick, especially the share controlled by Richard Hammond of the Customs House, which Broderick referred to as the "Virginia Poor House."

Broderick, with some success, compensated for his lack of federal patronage by forging an alliance with California Governor

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<sup>164</sup> For biographical information about Hammond, see J.M. Guinn, History of the State of California and Biographical Record of San Joaquin Valley II, pp. 18-21.

<sup>165</sup> On Browne, see the Francis J. Rock, J. Ross Browne: A Biography (Washington, D.C.: Catholic University of America, 1929); Richard H. Dillon, J. Ross Browne: Confidential Agent Agent in Old California (Norman, OK: University of Oklahoma Press, 1965)

<sup>166</sup> Dillon, op. cit., p.

John Bigler. Broderick gained control of a large portion state patronage through this coupling. He thus had at his disposal an army of workers, loyal in their devotion and generous in their financial support, to pit against the troops of Gwin.<sup>167</sup>

Patronage turned out to be the key factor in Broderick's improbable enlistment of Uncle Dick into his troops at the beginning of the 1854 session of the California State Legislature. I say "improbable", for Uncle Dick was ideologically a Chiv and, as the former owner of thirteen slaves, quite unlikely, under normal circumstances, to ally himself with a man devoted, if not to the outright abolition of slavery, at least to its containment. But Broderick needed someone who could help influence Charlie Fairfax, who had just been elected Speaker of the House. And Uncle Dick, described at that moment by Gwin's advisor James O'Meara as a man "without visible means of support outside of politics" (he had apparently missed Gwin's federal patronage gravy train), seems to have needed work.<sup>168</sup>

Broderick's immediate end in befriending Uncle Dick was to facilitate awarding a lucrative state job to some Sacramento journalists whom he needed to keep in his pocket. B.B. Redding and James McClatchey were publishers of the Sacramento Democratic State Journal. Their newspaper had been loyal to Broderick in the past, and, to assure future loyalty, Broderick wanted to award them the office of State Printer.<sup>169</sup> This post had already generated gigantic profits for those who held it in California, though, curiously, this had not been the case in other states. In fact, the State Printer in California seems very rapidly to have evolved into nothing more than a huge sewer down which hundreds of thousand of dollars were flushed with little to show for the expense. In 1852, for example, the State Printer had consumed \$256,000 in public funds and produced only two volumes of laws and two volumes of legislative journals. Attempts to curtail expenses by awarding the office through bid contracts rather than through popular elections had failed. In 1854, the Legislature was to designate the State Printer.<sup>170</sup>

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<sup>167</sup> Williams, op. cit., pp. 75-76.

<sup>168</sup> O'Meara, op. cit., p. 55.

<sup>169</sup> O'Meara, op. cit., p. 55.

<sup>170</sup> On the early history of the State Printer in California, see Theodore H. Hittell, History of California (San Francisco: N. J. Stone & Company, 1895) pp. 160-162.

What Broderick had in mind was, of course, a blatant quid pro quo. Such deals were by no means unusual. They were, perhaps, the rule rather than the exception. But what Broderick had to do was make the arrangement palatable to his opponents, and to Speaker Fairfax in particular, since expeditious passage of the measure by the Assembly depended, in part, on Charlie's cooperation. To win Charlie's support, Broderick therefore proposed that Uncle Dick share part of the profits that otherwise would have gone to Redding and McClatchkey alone. Uncle Dick, to be sure, had no prior experience in printing or in journalism. But experience and competence were only marginal concerns in the world of patronage. For Charlie, blood was thicker than anything else. He thus agreed to the deal.<sup>171</sup> The measure passed. In its sequel, Uncle Dick, in April and June of 1854, purchased the interests of McClatchkey and another partner in the Democratic State Journal, which left him and B.B. Redding in control of the newspaper and at the receiving end of the State Printer's proceeds.<sup>172</sup> Indeed, a Sacramento city directory published later in the year shows Uncle Dick as a member of "B.B. Redding & Co.", with offices at K and 22nd Streets.<sup>173</sup> The State Printer's insatiable hunger for public monies continued as in the past. The Legislature was obliged to pass on its behalf a supplemental appropriation of \$100,000 early in 1855.<sup>174</sup>

Gwin's henchman James O'Meara lamented Charlie's cooperation in the printing deal, observing that Charlie thereby "had to vote against the very men who had on every occasion sacrificed their interests to promote his, and also to vote in conflict with his own higher sense of party duty and personal obligation."<sup>175</sup> It was apparently a bitter pill for Charlie to swallow.

Uncle Dick, meanwhile, was obliged to join the team Broderick had recruited to work behind the scenes for passage of the election bill upon which his chance to become senator in 1854

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<sup>171</sup> O'Meara, op. cit., p. 55.

<sup>172</sup> Winfield Davis, An Illustrated History of Sacramento County (Chicago: Lewis Publishing Company, 1890). p.

<sup>173</sup> Samuel Colville, Colville's City Directory of Sacramento for the Year 1854-5 (San Francisco: Valentine, 1854).

<sup>174</sup> Hittell, op. cit., p. 162.

<sup>175</sup> O'Meara, op. cit., p. 55.

depended. Apart from Uncle Dick the nominal Chiv, this group included some other strange bedfellows, among them Steve Field and Vicesimus Turner, brother of Judge Turner, Field's arch-enemy.<sup>176</sup> Vi Turner, who was in the habit of skulking around wearing a Spanish cape in the fashion of a melodrama villain, had once tried to gun down Field while he was drinking in a saloon with Broderick. Broderick, who saw Turner approaching, had quickly pushed Field out of the room. Field believed he owed his life to Broderick, and persisted in characterizing Vi Turner as "a man of desperate character".<sup>177</sup> It is a measure of Broderick's persuasive powers that he was able to arrange for a would-be assassin and his intended victim to work side by side on his behalf.

Details of Uncle Dick's role in the maneuvering as the vote approached have not been documented. Perhaps he lobbied innocuously. Perhaps his activities were more sinister. The fact that O'Meara remains silent on the subject suggests that Uncle Dick either kept a low profile or covered his tracks well. O'Meara, who consistently recognized and effectively described subtleties of character and otherwise redeeming qualities even of his enemies, saw none whatever in Uncle Dick. If he been able to dig up any more dirt on Uncle Dick, he surely would have printed it.

Treachery, some of it real, much of it imagined, along with dramatic countermeasures to both the genuine and the merely supposed dirty tricks, characterized the final stages of Broderick's campaign and the opposition to it. The allegations included, but were not limited to, threats, intimidation, bribery attempts and kidnapping.

After it became clear that the Senate would decide the election issue, that the probable date of the showdown there would be Monday, March 6th, and that as little as a single vote might determine the outcome, Charlie Fairfax was assigned to oversee the "protective custody" of one anti-Broderick senator whose life had purportedly been threatened.

The senator in question was Elisha T. Peck of Butte County. He had astounded his colleagues when, at the beginning of the January 19th session, he took the floor and claimed that he had been the target of an attempted bribe by the pro-Broderick forces.

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<sup>176</sup> O'Meara, *op. cit.*, p. 84.

<sup>177</sup> Field, *op. cit.*, p. 85.

Peck alleged that the bribe had been offered by Joseph C. Palmer, head of San Francisco's oldest and probably best-known bank. Peck claimed that two weeks earlier, while en route from Benecia to San Francisco aboard the steamer Helen Hensley, Peck had approached him and offered him \$5,000 in gold coins if he would first vote for passage of the election bill and, following its enactment, cast his ballot for Broderick. Peck told his fellow senators that he had immediately replied, "I will not sell my vote; I cannot be bought."<sup>178</sup>

The Senate as a whole decided to investigate the case and devoted ten days to hearings. Joseph Palmer, the alleged briber, took the stand at one point, represented by, among others, Steve Field. O'Meara, who witnessed the entire proceeding, later observed that the "testimony was throughout conflicting, and some of it evidently 'cooked'".<sup>179</sup> The Senate nearly unanimously found that the evidence did not sustain Peck's allegations. But it also ruled that its decision should in no way "reflect upon [his] honor or dignity", his apparent perjury notwithstanding.<sup>180</sup> The whole affair turned out to be a wash: it failed to change the minds of either the senators or the public.<sup>181</sup>

But it may have prompted revenge in the part of Senator Peck's enemies. On the morning of Sunday, March 5th—just twenty-four hours before the decisive vote on the election bill—a business acquaintance of Peck named Haines (who was an ardent Broderick supporter and who had been urging Peck to vote for the election bill) invited the senator to join him in his carriage for a ride in the country. Not far out of town, Haines suddenly began whipping his horse into a fast gait. In the process, the carriage overturned. Fortunately, Peck escaped injury. He walked back into town by himself, convincing himself as he did so that what had just happened had been, in fact, an unsuccessful attempt to kill

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<sup>178</sup> O'Meara, *op. cit.*, pp. 61-63.

<sup>179</sup> O'Meara, *op. cit.*, p. 63.

<sup>180</sup> O'Meara, *op. cit.*, pp.65-66.

<sup>181</sup> Two other bribery rumors floated about but were never brought before a tribunal. The first involved a senator from Sierra County who claimed he was offered \$30,000 in gold provided he vote for the election bill. He asked a friend, an anti-Broderick partisan, to remain by his side to help him avoid temptation. The second involved another senator whose brother, a preacher, had allegedly been offered even more to divide between his brother and himself in exchange for his brother's favorable vote (O'Meara, *op. cit.*, p. 68.)

him, to injure him or, in any case, to keep him from voting against the election bill the following morning.<sup>182</sup>

Peck, straightaway and breathlessly, told his story to the anti-Broderick leadership. They decided that the senator, under the supervision of Charlie Fairfax, should immediately be taken to a secluded location and placed under an armed guard, to ensure his well being and to preserve his vote.<sup>183</sup>

Charlie and his lieutenants hustled Senator Peck to the Magnolia House, a Sacramento saloon and hotel, where they booked room number six near the rear of the second floor. The senator was commanded to remain in the room where some of his protectors kept him company while others guarded the door and hallway, and stationed themselves at various strategic locations in the public rooms downstairs. Broderick's spies, of course, soon learned where he had been hidden. But emissaries from the Broderick camp who came to the hotel to have a chat with Senator Peck were denied access to him.

Charlie feared that subsequent visitors would be less polite and more insistent, and that Broderick's men would, in fact, send a storming party. Charlie figured, however, that the Magnolia's room number six offered significant strategic advantages: it was protected by a long hallway with an unobstructed view. Moreover, any assault force would first have to make its way past the hotel's barroom, then through the billiard room to its rear, and finally up a flight of stairs. There would be plenty of advance warning.

Indeed, a heavily-armed group of known Broderick supporters began to assemble near the first floor bar at sunset. The leader was one Billy Mulligan, whom James O'Meara recalled as "small, compact, finely-proportioned, wiry, active, neatly-kept man, who was unfailing in his sense of honor, firm in his friendship, and ready at all times to defend the one or serve the other in any manner the exigency required."<sup>184</sup> Mulligan's troops were men of considerably less character, inclined, in O'Meara's judgement, "to ruffianism and violence."<sup>185</sup> These traits seem to have become more pronounced as the long evening wore on and the men consumed more at the bar. Their threats about what they

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<sup>182</sup> O'Meara, *op. cit.*, pp. 68-69.

<sup>183</sup> O'Meara, *op. cit.*, p. 69.

<sup>184</sup> O'Meara, *op. cit.*, p. 70.

<sup>185</sup> O'Meara, *op. cit.*, p. 71.

might do and how they might best go about doing it were duly noted by Charlie's tap room spies and relayed to Charlie who, on the second floor, had somehow convinced Senator Peck to go to bed.

Curiously, the body guards of Senator Peck were responsible for the only disorders of the night. Mulligan and his men left the Magnolia House at about two Monday morning, their plans for storming the second floor, if any, unhatched. When word of their uneventful departure reached the occupants of room number six, one of Charlie's lieutenants, who had been quaking in his boots throughout the anxious wait, suddenly rushed into the hallway brandishing his cocked revolver and screamed that Mulligan and his men should come get him: he would take them all on single-handedly. Charlie, fearful either that the Mulligan men might hear this ill-advised dare and return with unpredictable results, or that the crazed man's pistol might go off by accident, swiftly disarmed him. The unstable lieutenant then mistook the approaching footsteps of friendly forces for those of the returning enemy. He ran shrieking down the hallway and, seeking cover, broke into the room of another guest, who, awakened and alarmed by the unannounced intrusion, yelled "Thieves!" at the top of his lungs and began to fumble for the revolver he kept beneath his pillow. Charlie arrived just in time to prevent his lieutenant from being blown away. Only Charlie could have had the charm to explain to the disinterested party the absurd sequence of events that had just passed. Senator Peck, meanwhile, slept like a baby throughout the turmoil. Following breakfast, Charlie and his troops led him to the Sacramento County Court House where the Senate convened. The well-rested Senator Peck cast his vote the right way.<sup>186</sup>

But the key vote on March 6th turned out to be not that of Senator Peck, but that of Senator Jacob Grewell of Santa Clara County. Grewell was a Whig who, since he usually voted with the Chivalry Democrats in accord with the wishes of his constituents, was nominally an opponent of Broderick. It was well known, however, that Grewell was an impressionable man. His mind could be changed. The problem was, however, that Grewell gave little visible indication on those occasions when his opinion had been swayed. He seemed, in fact, to have taken pleasure in the fact that

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<sup>186</sup> O'Meara, *op. cit.*, pp. 71-72.

he was so difficult to read and in the attention this inscrutability required those with an agenda to push to lavish upon him. Perhaps he was waiting for the most attractive bribe, though with Grewell one could never be certain about anything.<sup>187</sup>

Broderick operatives attempted to win Grewell over from the earliest days of the 1854 legislative session. They had no success, as near as they could tell, until just before a recess of several days was called prior to the crucial March 6th vote. Broderick agents had worked on Grewell at secret meetings the Chiv forces failed to learn of in time to undertake effective countermeasures. Grewell had, in fact, agreed to stop in San Francisco on his way home for still another secret meeting.<sup>188</sup>

The encounter took place at the Union Hotel which, coincidentally, was also Broderick's headquarters. Grewell was installed in a lavish suite where he was encouraged to take off his boots and recline full-length on a heavily upholstered sofa. Broderick's top guns, among them Joseph Palmer, the accused but acquitted briber of Senator Peck, and California Congressman George W. Wright.

Palmer began the presentation. But after an hour that showed no movement, he passed the baton to Congressman Wright. Wright, according to O'Meara was "noted for his persuasive powers in desperate cases." The congressman attributed these powers to his mastery of arcane but effective electro-magnetic forces by which he claimed to be able to manipulate his subjects. While Wright tried to work his magic, Palmer paced the hallway floor.

Wright's powers failed him that day. In frustration he bolted from the suite screamed at his colleague: "Great God, Palmer, nothing can be done with that old mud-turtle! Why the very moment I get him all right, he lifts off his blank-dashed old wig, and lets all the electricity I have worked into him escape through his spongy bald head. I could see the sparks as they dashed out. It is no use; you may as well give him up as a hopeless case."<sup>189</sup>

Palmer did not give up. He reverted to more conventional measures and brought in other persuaders. In time, Grewell began to respond: "Talk on, gentlemen", he told them by way of

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<sup>187</sup> On the politics and personality of Grewell, see O'Meara, *op. cit.*, p. 75.

<sup>188</sup> O'Meara, *op. cit.*, p. 76.

<sup>189</sup> O'Meara, *op. cit.*, p. 77.

encouragement: "Keep it up; you may get me yet. There's no knowing. It's mighty animating."<sup>190</sup> Grewell loved every moment of it. And eventually his responses were such that the best guess of the Broderick operatives was that they had won him over. With the winning apparently vote in their hands, they allowed him to continue home to Santa Clara.<sup>191</sup>

Word of the clandestine meetings reached the anti-Broderick forces, who feared that either Grewell had been turned, or that he would fail to return from Santa Clara for the March 6th vote. His absence, they calculated, would be a vote for Broderick and probably the vote that would assure his victory. Broderick's enemies determined that Grewell had to be reached, placed in the custody of those who could deprogram him if necessary, and safely transported to Sacramento in time for the vote. These would be difficult tasks, given the state of communications and transportation in Northern California in 1854.

Broderick's enemies adopted a twofold plan. They first dispatched a young, skilled horseman named Johnny Moore. In the manner the Pony Express would adopt nine years and one month later, Moore would ride non-stop to Santa Clara, periodically transferring to a fresh horse. In Santa Clara he would deliver a message to a local assemblyman—and loyal Chiv—named Letcher. The message would instruct Letcher to hurry to Grewell's residence and, in essence, place the senator under house arrest. Secondly, they dispatched Sacramento Mayor James R. Hardenburgh—likewise a confirmed anti-Broderick man—to bring Grewell back to Sacramento.<sup>192</sup>

The Broderick camp, of course, learned of the countermeasures and dispatched a messenger of their own who, they hoped, would reach Grewell before Letcher did. Herman Wohler, a lawyer and publisher of a German-language newspaper supportive of Broderick was chosen for this task.<sup>193</sup>

Thus, in the dead of night, three men dashed in the direction of Santa Clara and the spongy-headed headed Senator Grewell. Johnny Moore won the race. He awakened Letcher who awakened Grewell. Mayor Hardenburgh and his carriage arrived

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<sup>190</sup> O'Meara, *op. cit.*, pp. 77-78.

<sup>191</sup> O'Meara, *op. cit.*, p. 78.

<sup>192</sup> O'Meara, *op. cit.*, p. 78.

<sup>193</sup> O'Meara, *op. cit.*, p. 79.

at Grewell's house in due course. The senator was safely—or so his escorts thought—transported back to Sacramento, arriving there on Sunday evening, the night before the vote.<sup>194</sup>

Somehow the Broderick camp contacted Grewell and whisked him away from the enemy. Even as Charlie Fairfax was guarding Senator Peck in room number six at the Magnolia House, Broderick operatives were offering Senator Grewell royal treatment in a suite at the Fountain House. Their inducements and persuasions, whatever their nature, were very effective. Their efforts to keep Senator Grewell incommunicado were likewise successful. Not one anti-Broderick partisan was able to have so much as a word with him until he was escorted to the Sacramento Court House the following morning just before the scheduled vote.<sup>195</sup>

When the bill mandating an immediate election for United States Senator was called, Senator Grewell voted in its favor. The measure passed by one vote. Broderick was so ecstatic that, for a time, he could not speak. O'Meara recalled that his leader "looked at that moment a conqueror, from crown to sole."<sup>196</sup> But Broderick realized that parliamentary procedures still offered his enemies a way to undo his apparent triumph. A motion to reconsider might follow the next day Senator Grewell, who had become the instrument of Broderick's victory, could theoretically become the instrument of his defeat. Grewell, in the short term future, had to be carefully controlled.

Broderick operatives that evening led Senator Grewell under guard back to the suite at the Fountain House. They believed the Chivs were ignorant of their hiding-place. They were incorrect. Anti-Broderick spies had determined where Grewell was being kept. Anti-Broderick leadership had devised a plan to kidnap him.

The Chivs formulated a last-ditch plan which a San Franciscan named Dan Aldrich would execute. O'Meara described Aldrich as "brave, boastful, brash and bumptious", a fearless, trigger-happy Southerner who seemed to delight in undertaking what others with better sense would judge hopeless causes.

Between one and two on Tuesday morning—while most of the Broderick forces were still celebrating the previous day's

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<sup>194</sup> O'Meara, op. cit., p. 79.

<sup>195</sup> O'Meara, op. cit., pp. 79-80.

<sup>196</sup> O'Meara, op. cit., p. 73.

victory—Aldrich entered the Fountain House through a rear door, thanks to the cooperation of a sympathetic hotel employe. He removed his shoes and, with drawn pistol, tip-toed to Grewell's suite on the top floor. To his amazement, he discovered that Grewell's guard had passed out in a drunken stupor. Aldrich awakened Grewell and, at gun point, instructed the senator to get dressed and follow him from the hotel. He transferred Grewell to a waiting carriage. Grewell, for whom being whisked away in this fashion had become a way of life, soon found himself in a Chiv safe house. Whig party boss Henry Crabb made the message to the senator as clear as possible: Broderick must be "finally and conclusively beaten, routed, politically ruined." Grewell always listened attentively to Crabb. He got the message.<sup>197</sup>

When the Senate convened on Tuesday morning, Senator Grewell rose from his seat and moved to reconsider the vote of the previous day. The senator claimed he was so moving on account of "telegraphic dispatches" he had received from his constituents in the interim. The upshot of the parliamentary maneuvering that followed was that consideration of the election bill was indefinitely postponed. Broderick would not be elected United States Senator in 1854. Almost three years would pass before his ultimate success.<sup>198</sup> The legislature returned to more mundane business, hindered for a time by a fire—one of many in a town with too many buildings built of wood and too few built of brick or stone—that destroyed the Sacramento County Court House in which it had been meeting.

As the assemblymen and senators neared the end of their session, Bishop William Kip began a trip to the hinterlands of his see, during the course of which he would discover a scarcity of Episcopalians and a general lack of interest of any sort among Californians in God . Even in those few enclaves where some men acknowledged spiritual concerns, he would discover that advocates of other denominations had been there first.<sup>199</sup>

Sacramento was one of the high points of Bishop Kip's journey. What he remembered most about the town which had just become the state capital was a visit to its legislature on May 11th. He was introduced to the Speaker of the House who was, of

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<sup>197</sup> O'Meara, *op. cit.*, pp. 80-81.

<sup>198</sup> O'Meara, *op. cit.*, pp. 81-82; Williams, *op. cit.*, p. 88.

<sup>199</sup> Kip, *op. cit.*, pp. 100ff.

course, Charlie Fairfax. The Bishop, every cell of his body Anglican, remembered not only that he had met Charlie before, but that he was possessed of something wondrous:

As in my youth I had spent a winter in Virginia and knew all his family, I inquired to which branch he belonged, and found that he was the present holder of the title, as "Burke's Peerage" entitles him, "Lord Fairfax of Cameron, the tenth Baron." When I last saw him at his father's, he was three or four years old. Another curious meeting in this far off land!<sup>200</sup>

As Bishop Kip continued on to the gold country in a state of amazement over his chance encounter, the California State Legislature completed its business with its Democratic component in a state of disarray. David Broderick's attempt to secure his election as United States Senator and his opponents efforts to prevent it left the Democratic Party of California even more deeply divided than before. Uncle Dick, to be sure, had benefited from the contest, for he had acquired a portion of the State Printer's profits. Moreover, his work on Broderick's behalf would win him an additional patronage post, this time in the bureaucracy of the California State Prison. In the midst of the turmoil, Uncle Dick had found a place at the trough, and that place seemed secure as long as Broderick and his ally and patronage source Governor John Bigler remained political powers. Meanwhile, Charlie Fairfax, through his careful watch over the vulnerable Senator Peck, had redeemed himself for the favors he granted to Uncle Dick contrary to the expectations of the Chiv faction. As the party shambles continued, there would always be a place for a man like Charlie.

Charlie's farewell speech as Speaker of the House on May 15th, 1854 is a remarkable example of his ability to pretend that the endemic factionalism of the Democratic Party simply did not exist. Unless he delivered his reflections on the legislative session just past in the ironic sense of which he was occasionally capable, they would have made no sense at all:

Opposing opinions have often fiercely contended for supremacy in these halls. But the storms soon faded away. Friendly and mutual esteem with their genial effect put aside the cloud and restored the

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<sup>200</sup> Kip, *op. cit.*, p. 112.

sunshine of harmony, to an assemblage collected to discuss the interests of California, not to consider speculative and individual ends.<sup>201</sup>

Those present in the Assembly who took this rhetoric literally could only have scratched their heads and wonder where Charlie had spent the past five and a half months. Charlie's subsequent prediction was even more absurd. It is hard to believe that he uttered it with a straight face:

The roughened passions and angry feelings engendered by fierce contention and heated debates, will soon be forever calmed and remembered among the things that were.<sup>202</sup>

Indeed, when the Democratic Party of California next met it would publicly exhibit internal disorders unsurpassed by any political organization until the late 1960's. Charlie would be a part of that gathering, just two months after his prophecy of peace. On that occasion he would play the role of body-guard and gun-wielding tough.

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All California Democrats knew that deep divisions among the party membership—divisions between those who had supported the election bill that would have put David Broderick in the United States Senate and those who had opposed it—would be the overriding fact of the California Democratic State Convention scheduled to take place at the Baptist Church of Sacramento on the afternoon of July 18th, 1854. Whichever faction could control the convention would be able to dictate the slate of candidates the party presented at the fall election. Both factions caucused in advance to devise schemes that would place them in power and leave their opponents in the cold.

Broderick, as State Democratic Chairman, had an initial advantage, for he would call the convention to order (although "order" of any sort would be totally absent from the gathering.) But he would then be obliged to seek a nomination from the floor for a Convention President. As skilled a parliamentarian as he

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<sup>201</sup> Journal of the Sixth Session of the Legislature of the State of California (Sacramento: B.B. Redding, 1854) pp. 644-645.

<sup>202</sup> Ibid. p. 645.

was, he knew that taking a nomination from the floor could be risky business.

Therefore Broderick, at his caucus, decided to pack the convention with his own delegates. They would be let into the church through a side door prior to the opening of the front doors. They would station themselves in front of the platform in sufficient numbers so that there would be no room for the anti-Broderick forces. When nominations for Convention President were entertained from the floor, Broderick would immediately recognize delegate T.L. Vermeule, a Broderick loyalist, who would place the name of Judge Edward McGowan, likewise a Broderick partisan, in consideration. Others were designated to second the motion and move for a vote. In similar fashion, members of the Broderick camp would be installed as chairmen of the Committee on Credentials and the Committee on Permanent Organization. In a matter of moments, the convention would be firmly under Broderick's control. His slate could be presented and approved, and the convention could be swiftly adjourned.<sup>203</sup>

Spies present at the Broderick caucus informed relayed details of the plan to Broderick's enemies. This facilitated the formation of their counter-attack. Former Governor James McDougal, a Broderick enemy, would be their candidate for Convention President. McDougal, and the man who would nominate him, would be taken to the Baptist Church surrounded by an armed guard of which Charlie Fairfax would be a member. At precisely 2:30—the nominal hour of the convention's beginning—this phalanx would enter the church through the front doors, whether they had been opened or not. McDougal and his entourage would swiftly make their ways to the platform, pushing aside whomever and whatever was necessary. When the floor was opened to nominations for Convention President, they would yell first and loudest. Their presence would be such that Broderick could not fail to recognize them.<sup>204</sup>

As it turned out, Charlie and his fellow guards forced their way into the church and to the platform before the Broderick forces were fully arrayed. Elsewhere in the church a collection of some six hundred delegates, would-be candidates for office and

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<sup>203</sup> Williams, *op. cit.*, p. 92; O'Meara, *op. cit.*, pp. 91-92.

<sup>204</sup> O'Meara, *op. cit.*, p. 92.

observers had gathered. All were armed. They were far too close to one another for anybody's good.

Broderick gavelled the convention to order and immediately opened the floor for appropriate motions. This was the point where T.L. Vermeule was supposed to nominate Judge McGowan for Convention President. But Vermeule, previously shoved to the rear of the church and therefore momentarily lost in the shuffle, missed his all-important cue. His anti-Broderick counterpart immediately moved for Governor McDougal's nomination. Broderick, confused by this sudden deviation from his agenda, faltered for a moment, then refused to recognize the motion on the grounds that the nominator was not a properly credentialed delegate. Vermeule then remembered what he was supposed to do: he moved for Judge McGowan's nomination. Broderick's recognition of Vermeule touched off waves of protest. The man who had moved for McDougal's nomination declared, on his own, that the motion had passed. Charlie and others began pushing McDougal up the platform stairs even as Broderick declared McGowan Convention President. McGowan in turn was catapulted to the platform. Charlie and his guards jumped upon the platform, their pistols drawn, and surrounded McDougal to protect him from any harm. A similar group from the Broderick camp mounted the platform on McGowan's behalf. Elsewhere in the sanctuary, partisans of both persuasions were brandishing their weapons. According to James O'Meara (who moments before had carried out his role in the Broderick scenario by calling for a vote on the McGowan nomination) members of the mob on the floor were "gesticulating, bawling, shrieking, and threatening to shoot."<sup>205</sup>

The chaos briefly subsided as the two opposing "presidents" were placed on the platform side-by-side in armchairs. Duplicate sets of convention officers were appointed, each set, of course, claiming the selection of the other set to have been invalid. Chaos returned in the wake of a series of vituperative speeches in which the loyalty of members of both factions was questioned. The platform, of course, remained clogged by two sets of body guards standing elbow to elbow. The slightest misstep could easily have touched off a bloodbath.

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<sup>205</sup> O'Meara, *op. cit.*, p. 93; Williams, *op. cit.*, p. 93.

In the midst of one of the periodic jostling matches on the platform, a shot rang out somewhere in the sanctuary. There was dead silence, followed by the sound of six hundred clicks as every pistol in the church was cocked. Next, there was the sound of shattering glass as roughly twenty delegates and observers, wishing to make a quick exit, hurled themselves through a stained-glass window and plunged fifteen feet to the ground. Following that, whimpering was heard: it was Reuben Meloney, the owner of the gun that had discharged, as it turned out, accidentally.<sup>206</sup>

Meloney, an anti-Broderick delegate and a man of considerable girth, had been carrying a pistol in the front of the waist-band of his pants. He had been fiddling either with his weapon or with something else. The gun had discharged. Now Meloney was certain that he had mortally wounded himself. He could feel the warm blood running down his leg and into his boot. Doctors carried the nearly fainting Meloney into the pastor's study and examined him. They found not the slightest sign of a wound. As O'Meara laconically observed, "it was not blood that Rube had spilled."<sup>207</sup>

Governor Bigler thereafter called on the delegates to restore order. Catcalls greeted his plea. William Walker (whom Steve Field had once thought the only man capable of preventing the hanging of Juanita) tried to intervene. The trustees of the Baptist Church appeared and asked everybody to leave the sanctuary. Laughter greeted their request. The pastor followed and renewed their request in God's name. O'Meara observed that "he might as well have talked to Indians on the war-path to desist from their purpose."<sup>208</sup>

The coming of night presented the convention a new challenge and a grave danger. The trustees, following the summary rejection of their plea for order, had refused to provide lighting for the church. Two candles, held by volunteers a few inches from the faces of the competing presidents, offered the only illumination. Elsewhere, the sanctuary was almost pitch black. With visibility cut to several yards at best, hundreds of armed delegates continued their yelling, screaming, jostling and

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<sup>206</sup> O'Meara, *op. cit.*, p. 94.

<sup>207</sup> O'Meara, *op. cit.*, p. 95.

<sup>208</sup> O'Meara, *op. cit.*, p. 95.

threats of gun play. Both factions realized that the hopelessly unproductive convention had to be brought to a close as quickly as possible. The problem they faced was devising a way to remove the delegates from the church before they began shooting at one another.

The subsequent evacuation plan was the only proposition upon which the two factions agreed during the five-hour course of the session: the two "presidents" would rise from their chairs, lock elbows, march from the platform, walk down the aisle and exit the church. The competing convention "officers" would do likewise. Those remaining on the platform—roughly a hundred body guards and their aides—would follow. Throughout the sanctuary similar pairs of hostile parties would likewise be formed and would leave the building arm-in-arm. The plan worked flawlessly.<sup>209</sup>

But the party split was, for the time being, irreparable. The Broderick faction and the anti-Broderick faction (controlled by the Chivs) met in separate conventions the following day (a reconciliation proposal offered by the Broderick camp was rejected.) Each faction drew up its own slate of candidates for the fall ballot. Each faction assessed its members to repair the damages done to the Baptist Church the previous night.<sup>210</sup>

The violence participants feared during the July 18th convention at the Baptist Church was realized throughout the course of the campaign. It ran the gamut from physical assaults (a Broderick candidate for assemblyman knocked unconscious in a saloon) to verbal abuse (Judge William calling his perpetual enemy Steve Field an "abolitionist").<sup>211</sup> The anti-Broderick ticket—headed by Congressional candidates James Denver (who had killed a man in a duel) and Philip Herbert (who would kill a Washington hotel waiter)—triumphed at the polls in September: every man on the ballot was elected. This, to be sure, was a significant victory for the Chivalry wing of the California Democrats, for it seemed to mark the political decimation of

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<sup>209</sup> O'Meara, *op. cit.*, p. 96.

<sup>210</sup> Davis, *History of Political Conventions*, p. ; Williams, *op. cit.*, pp. pp. 93-95; O'Meara, *op. cit.*, 97-100.

<sup>211</sup> William, *op. cit.*, pp. 95-96.

David Broderick (Broderick, of course, would make a remarkable comeback.)<sup>212</sup>

But Charlie Fairfax was in the midst of a significant victory of his own. Even as David Broderick was pulling out all stops to realize his senatorial dream, and even as the Democratic Party was destroying itself as part of the struggle, Charlie was beating the odds by successfully wooing one of the most desirable of Northern California's few eligible women.

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The courtship and marriage of Charlie Fairfax and Ada Benham had political as well as romantic significance. To be sure, the youngest daughter of the late Joseph Benham—a crusty, wide-girthed, long-winded Cincinnati lawyer whose Latin quotations confused juries and mystified journalists<sup>213</sup>—was beautiful, charming. "Her hair was of the most exquisite quality," claimed one friend, "and was always gathered in waving lines about her brow to meet in a simple knot behind. Her dress was always of the quietest, but the most exquisite quality. Her manners were those of a princess, so that while people spoke of Charlie Fairfax, they always called her Lady Fairfax."<sup>214</sup> She was, in the recollection of journalist J. H. Wilkins, "more like a queen than any woman I ever saw, albeit a very gracious one."<sup>215</sup> Equally



Ada Benham

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<sup>212</sup> O'Meara, *op. cit.*, pp. 101-102.

<sup>213</sup> His statement at the bar, "*Amicus Cato, amicus Plato, amicus Cicero, sed major veritas*" was allegedly translated by the press as " 'I may cuss Cato, I may cuss Plato, I may cuss Cicero,' said Major Verytas." At least this is what Judge A.G. Carter claimed in his sketch of the elder Benham in *The Old Court House: Reminiscences and Recollections of the Bench and Bar of Cincinnati* (Cincinnati, 1880).

<sup>214</sup> San Francisco *Examiner*, January 1st, 1893.

<sup>215</sup> Cited by Donnelley, *op. cit.*

important was the fact that she was the younger sister of Calhoun Benham, a San Francisco lawyer and a rising political star.

Calhoun Benham was a birthright Whig. He had moved as a young man from Cincinnati to Louisville where he practiced law and lived with his older sister Harriet and her husband, the brilliant (he taught himself to read at the age of three and a half) George D. Prentice (1812-1870), editor of the thoroughly Whig Louisville Journal.<sup>216</sup> Benham became one of the early organizers of the Whig Party in California and presented his credentials for nomination at almost every slate-making convention. He was the unsuccessful Whig candidate in 1850 for District Attorney of San Francisco. He was the unsuccessful Whig candidate for the Southern District of California in 1854 (the contest at which the Broderick and anti-Broderick factions of the Democratic Party presented two separate tickets.)<sup>217</sup>

At the very moment Charlie Fairfax was courting Calhoun Benham's sister, Calhoun Benham's party of birth was on its last legs. This meant that Charlie, in a sense, was involved in a dual courtship that involved both the hand of Ada and the political allegiance of her soon-to-be politically homeless older brother. Calhoun Benham, however, hardly needed to be seduced. Chivalry ideals were in his blood, and he willingly jumped in bed with the faction of Democrats opposed to David Broderick. By September of 1856, he was a member of the Democratic State Committee. Thanks to his loyalty, President James Buchanan would name his United States Attorney for the District of California. That he could evolve into an ultra-Chiv became clear in 1861, when he left California after announcing his intentions of joining the Confederate Army. Following a brief imprisonment (he was nabbed by Union officials during his passage through the Isthmus of Panama), he would become a gung-ho aide to General Patrick Cleburne.<sup>218</sup>

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<sup>216</sup> On Prentice, see C.J.F. Binny, History and Genealogy of the Prentice or Prentiss Family in New England from 1631 to 1883 (Boston, 1887) p. 244; and National Cyclopaedia of American Biography III p. 121.

<sup>217</sup> Davis, History of Political Conventions, *passim*.

<sup>218</sup> Irving A. Buck, Cleburne and his Command, (New York: The Neale Publishing Company, 1908), *passim*, but especially his brief biographical sketch of Benham, pp. 290-291.

Charlie probably found winning the hand of Ada Benham considerably more difficult. She had been visiting her brother in San Francisco where the adverse sex ratio of the day continued to make courtship every bit as competitive as contemporary politics. Charlie, however, was handsome and charming. Moreover, few at the time would have failed to predict that he would have a long, successful and profitable career. Charlie and Ada became engaged. They were married at the Louisville, Kentucky home of Calhoun's brother-in-law George D. Prentice on January 10th, 1855.<sup>219</sup>

The date of Charlie's marriage indicates that he was absent from California during one of the more critical phases of the emergence of a threat, as strange as it was dangerous, to the state's Democratic Party. The "Know-Nothings", whose influence had already been noticeable in certain areas of California during the fall balloting, remained on an intensified march. They were building up a strong organization. As they did so, they were taking full advantage of the final disintegration of the Whigs and the widening divisions of the Democrats.

I cannot document the dates of Charlie's absence. But given the travel time to and from Louisville (most easily reached by a trip through the Isthmus of Panama and a boat trip up the Mississippi and Ohio Rivers from New Orleans), and given the generally protracted wedding celebrations of ante-bellum Southerners, it is hard to imagine that Charlie could have been gone for less than three months.

Minimally, Charlie was absent during the months of December, 1854, and January and February of 1855. Upon his return, the "Know-Nothings" were on the verge of remarkable and frightening victories at the polls. Their successes would, for a time, bar Charlie from elected office and jeopardize the patronage-based career of Uncle Dick. At the same time, the "Know-Nothings' long-term threat to the Democrats would offer Charlie, liked by most in spite of endemic Democratic factionalism, an important role to play within the party in a moment of intense distress.

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<sup>219</sup> Kentucky Marriages, compiled by Garret C. Clift (Baltimore: The Genealogical Publishing Company, 1966) p. 164. The wedding was reported in the January 17th, 1855 edition of the Lexington Observer and Republic.

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Municipal elections early in the spring of 1855 showed dramatic "Know-Nothing" victories and clearly suggested that the party's threat was serious. On March 5th, Marysville voters elected the entire "Know-Nothing" slate, even though the party leadership announced its candidates only on the morning of the election. On April 2nd, voters in Sacramento repeated the process. Fearful of state wide "Know-Nothing" victories in the fall, the two State Committees representing the Broderick and anti-Broderick wings of the Democratic Party met together on May 23rd and agreed to hold a unified state convention the following month.<sup>220</sup>

The American Party, whose members were called "Know-Nothings" since party discipline required them to answer that they "knew nothing" when questioned about their party allegiance, was both a political party and a secret society. The "Know-Nothings" political beliefs were simple and negative: they were hostile to the foreign-born and to Roman Catholics. Beneath the conventional organization of their state committee lay a network of local "wigwams", fashioned after the lodges of fraternal orders. The "Know-Nothings" thus supplemented typical political activities with secret meetings, secret rituals, secret handshakes, secret signs and secret oaths. The all-pervasive secrecy of the "Know-Nothings" enhanced their threat in the minds of their enemies who, in the spring of 1855, had no way of predicting that the future victories of the party would be substantial but short-lived.<sup>221</sup>

Charlie Fairfax's popularity in all seasons, his qualities as a "gentleman" and his ability to appeal even to those normally his political enemies no doubt accounts for his selection as Chairman of the unified Democratic State Convention which convened in Sacramento beginning June 27th.<sup>222</sup> Though far from the party's most skillful member, he was surely one of its least controversial

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<sup>220</sup> Davis, History of Political Conventions, p. 39.

<sup>221</sup> On the "Know-Nothings" in California see Peyton Hurt, "The Rise and Fall of the "Know Nothings" in California, California Historical Quarterly IV (1930) pp. 16-49 and 99-128; and Williams, op. cit., pp. 103-121. On the "Know-Nothings" nationally, see Ray Allen Billington, The Protestant Crusade (New York: The MacMillan Company, 1938) pp. 380-436.

<sup>222</sup> Davis, History of Political Conventions, p. 39.

leaders. Additionally, he may have struck some party leaders as a man who could be manipulated. For while the convention was supposed to heal the divisions within the Democratic Party in the face of the "Know-Nothing" threat, David Broderick who retained every bit of his desire to become United States Senator, would still work at every occasion to advance his own interests.

The "Know-Nothing" challenge determined the convention's agenda from the moment Charlie banged the gavel for the first time. Various quite specific tests were proposed which were designed to weed out candidates who were "Know-Nothings" or who had "Know-Nothing" sympathies. They were discarded, perhaps because they would have involved the same kind of oath-taking that was central to the operations of the feared enemy party.<sup>223</sup>

The convention, however, did adopt a series of resolutions which, though they did not mention the "Know-Nothings" by name, clearly had them as their object. Thus on the second day of deliberations the delegates declared:

That all secret political organizations, bound together by pledges and oaths, having for them proscription of an American citizen, are contrary to the spirit of our free institutions, treasonable in appearance if not design, and should receive, as they deserve, the just animadversion of all good citizens.<sup>224</sup>

The delegates were even more specific in their next resolution in which they boldly stated that [The Democrats] "abhor and repudiate as un-American and anti-republican, the proscription of a man for the accident of his birth or his religious opinions."<sup>225</sup>

The Democratic Convention chose a single slate of candidates drawn from both the Free-Soil and the Chivalry wings of the party. But the Broderick faction, which secured, albeit after three days of balloting, the nomination for a third term of Governor John Bigler. A Democratic victory would therefore continue to direct state patronage in Broderick's convention in accord with the alliance Broderick and Bigler worked out between

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<sup>223</sup> Davis, History of Political Conventions, p. 40.

<sup>224</sup> Davis, History of Political Conventions, p. 40.

<sup>225</sup> Davis, History of Political Conventions, p. 40.

themselves early in 1853.<sup>226</sup> But the broad-spectrum slate, and Broderick's edge through the nomination of Bigler, were purchased at the cost of alienating a significant number of Chivalry Democrats who felt they had come away from the convention with less. In the short term, they would add to the numbers of those voting for the "Know-Nothings".<sup>227</sup>

Indeed, the "Know-Nothings" at their subsequent convention took every measure possible to avoid divisions and devised a platform which either ignored the pressing issues of the day or expressed them in terms that were totally contradictory (thus it passed one resolution calling for "universal religious toleration" and another calling for "no union of church and state.")<sup>228</sup> At the same time they side-stepped ideology, they slated a number of candidates whom disaffected Chivs and Whigs without a party of their own would find attractive.

Many Chivs worked openly or covertly for the "Know-Nothing" ticket in the campaign that followed, with the Federal patronage army, controlled by Chiv Senators Gwin and Weller, in the vanguard. The "Know-Nothings", aided by the defectors and bolstered by the prejudices of voters in the mining districts, were victors in the fall election. They swept the state-wide offices and won a majority the of seats in the legislature.<sup>229</sup> To be sure, the "Know-Nothings"—lacking an ideology that dealt with the most pressing political concerns, unable to govern effectively and faced with a Democratic Party far from moribund—would be just as quickly swept from office the following year. In the interim, Democrats like Charlie Fairfax, who had become dependent on elected offices, would have to make other arrangements.

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As Charlie Fairfax was dealing with the "Know-Nothing" threat, Uncle Dick was in the process of making a bad scandal within the California State Prison.worse. Uncle Dick's career as a penal official had begun with his appointment as a State Prison Inspector, part of his compensation for supporting David

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<sup>226</sup> Williams, *op. cit.*, p.105.

<sup>227</sup> Williams, *op. cit.*, p.106

<sup>228</sup> Williams, *op. cit.*, pp. 108-109; Davis, *History of Political Conventions*, pp. 43ff.

<sup>229</sup> Williams, *op. cit.*, pp. 110-113.

Broderick during the 1854 legislative season. Uncle Dick was as little qualified for this position as he had been for his first state post. His idea of oversight seems to have been overlooking. In the midst of the 1855 legislative session, Governor Bigler (and Broderick's ally) named Uncle Dick one of three Prison Directors. The appointment, apart from its patronage aspects, was another example of the State of California's long-term indecision over whether the State Prison at San Quentin should be operated by the state or by private enterprise.

James M. Estill had signed a contract with the state in 1851 wherein he agreed, for the next ten years, to take custody of California's prisoners and house them in a facility the state would build on land it had acquired near San Quentin. Estill's expenses would be covered by the state, and his profits would come from a brick factory operated by prison labor. When the agreement was signed, the prisoners were loaded into a derelict brig Waubau and towed to Point San Quentin. The brig would remain their home for some time. Estill's administration of the prison soon made it one of California's primary boondoggles.<sup>230</sup>

James Estill had won the prison contract for political reasons. Though he was from Kentucky, and therefore a Chiv by nature, he had become a supporter of David Broderick and would remain loyal to him, apart from a brief bolt to the "Know-Nothings" during the 1855 political season. James O'Meara recalled that Estill was "of huge frame and powerful mould"<sup>231</sup>. His intimidating appearance may have been his only qualification for the job. His contemporaries judged him in uncomplimentary terms. Hubert Howe Bancroft found him "apparently incapable of being honest". He based his assessment on Estill's performance as a State Senator from Sonoma and Napa Counties during the 1852 session. According to Bancroft, Estill on one occasion offered advance copies of a speech he planned to make on the floor to a Whig and a Democratic newspaper, each copy tailored, however, to meet the political expectations of the readers of the respective journals. His actual address resembled neither.<sup>232</sup> O'Meara

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<sup>230</sup> On the early history of the prison at San Quentin, see Kenneth Lamott, Chronicles of San Quentin (New York: David McKay Company, 1961).

<sup>231</sup> O'Meara, *op. cit.*, p. 113.

<sup>232</sup> Hubert Howe Bancroft, History of California (San Francisco: Historical Publishing Company, 1888) VI pp. 669-670.

marvelled at Estill's ability to defuse and win over his enemies, even in moments of intense passion. Thus, a certain Judge Dainger came to San Francisco all the way from Shasta County for the express purpose of beating Estill with his cane. Estill, by chance, encountered the irate judge on the street, put his arms around him, and led him off to his house for dinner. The dispute, which Dainger had stewed about for the two days of his steamer trip, was immediately forgotten.<sup>233</sup>

As a penologist, Estill was both capricious and corrupt. Construction of the San Quentin facility proceeded at a snail's pace. A visiting committee of legislators early in 1853 noted that "the ship in which the prisoners are at present confined, is wholly inadequate for such purpose."<sup>234</sup> Later visits revealed that "liquor has been used in excess among the guards and the officers. Prisoners themselves have been allowed liquor by the guards in some instances."<sup>235</sup> Indeed, there apparently was a tavern on the prison grounds in which guards and prisoners alike stood elbow to elbow at the bar. Moreover, the seemingly egalitarian community of convicts and their keepers also involved the sharing of certain willing female prisoners.<sup>236</sup>

Part of the problem was Estill's belief that the convicts should be allowed to wear their street clothes. Thus the legislators' complaint that "it is difficult to tell the convict from the guard." This made escape easier and apprehension thereafter more difficult. The legislators, prompted by their Marin County constituents who claimed there had been a decline of local property values since the prisoners' arrival, anticipated a mass breakout:

As the conditions are now, they may at any time, by a successful revolt, be cast loose on society, and the probability of their escape is so apparent to the citizens of the county adjoining the prison, that they live in constant fear.<sup>237</sup>

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<sup>233</sup> O'Meara, *op. cit.*, p. 114.

<sup>234</sup> Journal of the Proceedings of the Fifth Assembly: 1853 (San Francisco: George Kerr, 1853) p. 26 (report of April 22nd, 1853.)

<sup>235</sup> Journal of the Sixth Session of the Assembly of the State of California (Sacramento: B.B. Redding, 1855) p. 564 (report of March 29th, 1855.)

<sup>236</sup> Lamott, *op. cit.*

<sup>237</sup> Journal of the Sixth Session, p. 566.

Indeed, escapes had become commonplace since the Waubau was first made fast at the the Point San Quentin dock. Thus between March of 1854 and June of 1855, some 114 convicts found their way to freedom without waiting for the expiration of their sentences or the issuance of a pardon. They were escaping at the rate of about eight a month. Marin County neighbors feared for their women, but the only reported rape was apparently committed by a prison guard.<sup>238</sup>

Escape was the difficult way to leave San Quentin. Leaving with a pardon in one's hand was far easier. Estill, according to widespread rumor, was willing to sell a pardon for slightly less than two hundred dollars.<sup>239</sup> The easiest was to terminate one's sentence—and to have an easier time of it in the meantime—was to favorably impress Estill. He operated the prison on the "trustie" system, whereby those seemingly well-behaved or near the end of their were granted privileges that made the prison not much more than a free boarding house. He encouraged favored prisoners to go, by themselves, to local courts to seek official pardons. Some of the prisoners, once they had left the prison grounds, figured that since they were, for all practical purposes, already free, further legal confirmation of that fact would be superfluous. They simply disappeared.<sup>240</sup>

Thoroughgoing fiscal mismanagement was perhaps only incidental to San Quentin's other glaring irregularities, but it was rampant in any case. Thus the commissary was found to have purchased—and have somehow disposed of—an amount of food that would have fed an army regiment of twice the size.<sup>241</sup> The only way legislators could explain the numerous accounting irregularities was by noting that the convicts were keeping the books.<sup>242</sup> To make matters still worse, eighteen prison guards—roughly half the guard staff—sent a desperate letter to the governor in mid-May in which they claimed that some had received only half-pay during the eight preceding months and

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<sup>238</sup> Lamott, op. cit., p. 38.

<sup>239</sup> Lamott, op. cit., p. 38.

<sup>240</sup> Lamott, op. cit.

<sup>241</sup> Lamott, op. cit., p. 39

<sup>242</sup> Journal of the Sixth Session, p. 705 (report of April 19th, 1855.)

that some had received no pay at all.<sup>243</sup> The guards were threatening to quit. Moreover, Estill, claiming imminent financial ruin, was threatening to release all the prisoners. "This may be fun for those who live at a distance for these depredations," he told legislators. "But it is horrible to those who live in proximity to the State Prison, and *worse than death* to the many virtuous females who now live in fancied security in the adjoining counties."<sup>244</sup>

In spite of a high tolerance for corruption and a general inability to tell good administration from bad, the governor and the legislature realized that the problems at San Quentin could be treated only by a large dose of strong medicine. They decided to terminate Estill's contract on June 1st, 1855, and on that date turn the administration of the prison over to three appointed directors, one of whom was Uncle Dick who became, in fact, the Prison Board's President. The appointed directors would run San Quentin until January 1st, 1856, at which time three new directors, chosen by voters at the fall election, would replace them.<sup>245</sup> Uncle Dick, indeed, sought nomination for one of the elective slots at the June Democratic State Convention chaired by Charlie Fairfax. The prison directorship seemed like a good deal. In addition to a salary of \$3,500, it provided free room and board, and the board portion, at least, had proven to be more than adequate. Moreover, the state printing post he shared with B.B. Redding would expire at the end of the year. But the delegates rejected his bid.<sup>246</sup> His campaign would have been fruitless in any case, given the clean sweep at the polls that fall of the "Know-Nothings"

Uncle Dick's reign as Prison Director was therefore brief. But during the seven allotted months, he did, after a fashion, make a mark for himself. He did so by demonstrating, with the help of his colleagues W.H. Palmer and John L. Love (later California's

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<sup>243</sup> Appendix to Journal of the Seventh Session of the Assembly of the State of California (Sacramento: James Allen, 1856) pp. 46-47 (the letter was dated May 14th, 1855.)

<sup>244</sup> Journal of the Sixth Session, p. 847. Estill's letter was dated May 5th, 1855.

<sup>245</sup> J.H. Wilkins, "The Evolution of a State Prison System", published between June 13th and July 10th in the San Francisco daily Evening Bulletin.

<sup>246</sup> Davis, History of Political Conventions, p. 42.

Attorney General), that San Quentin's administration could be even more corrupt under state control than under private.

The lack of a wall around the facility had been one of San Quentin's primary problems. The new prison directors, under Uncle Dick's leadership, immediately assigned the task of building one to a man named James Smiley. The specifications for the wall, mandated by legislation, were simple: the wall was to be in the form of a square with each leg five-hundred feet long; from the ground line to a height of ten feet it was to be built of stone laid in cement. From the height of ten to twenty feet it was to be built of brick and lime. It was to be of a uniform thickness of four feet.<sup>247</sup>

Construction of the wall began in August and continued through the summer and fall of 1855. On November 7th, Uncle Dick told a San Francisco newspaper that the wall had been completed and that some 407 prisoners were safely within its confines.<sup>248</sup>

Uncle Dick's San Quentin Wall wall turned out to be both more and less than the legislators had expected. A joint committee of the California State Assembly and Senate later discovered that the wall was the end product of a scandal so thoroughgoing and convoluted that even the committee members, most of whom were "Know-Nothings" out to get Democrats of any stripe in any way they could, were unable to plumb the full depths of the malfeasance.

First of all, what should have been a square wall turned out to be an irregularly-shaped quadrilateral that approximated a trapezoid with its base about one-hundred feet longer than the other legs. The wall's asymmetry, however, was not what the investigating committee found most troubling. Though the wall was to have been twenty feet tall, in some places it topped out at nine feet. Though the wall was supposed to be four feet thick, in some places it measured only two feet across. The manner of the wall's construction is what the legislators found most appalling:

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<sup>247</sup> Journal of the Seventh Session, p. 162.

<sup>248</sup> "Continuation of the Annals of San Francisco", compiled by Dorothy H. Higgins, California Historical Quarterly XVI (1937) p. 339. The newspaper was either the San Francisco Alta or Evening Bulletin (Ms. Higgins does not indicate which.)

Your committee, on examining the walls, found them built without regard to strength and solidity that the law prescribes, and that the greater portion of the sand used for mixing the mortar, with which the stone wall is built, was secured from the beach in the immediate vicinity of the prison, and was completely saturated with salt water and unfit to be used in the construction of the walls, as the well known properties of salt tending to moisten everything with which it comes in contact, should have induced the Directors to exclude its use.<sup>249</sup>

The legislators poked a few holes in the wall, found the "mortar still green and moist", and speculated that the mortar would never set properly. The prisoners, who had built the wall under Smiley's supervision, appear to have constructed the wall in accord with their own specifications rather than those of the state.

The extraordinary cost of the wall likewise amazed the legislators. Warrants to Mr. Smiley, most of which had been hurriedly written out on December 4th, totalled \$125,157. The legislators estimated that the same work could easily have been done for \$50,000. They determined that Smiley had been given the job without benefit of competitive bidding. They found it difficult to determine whether the purported construction contract with Smiley had been executed in timely fashion or doctored up at a later date. They had additional questions about another agreement that Uncle Dick, without consulting his fellow directors, had made with a man named Hamilton Bowie to stock the prison larder with tons of beef, bag after bag of flour, sugar, salt, coffee, other staples and even one invoice item designated "one can best oysters." Bowie was a San Francisco merchant who had recently beaten a rap for malfeasance in office during his term as San Francisco City Treasurer, and who would die of cholera in Nicaragua among William Walker's *filibusteros* on September 21st, 1856.<sup>250</sup> He was a Maryland native and, apparently unknown to the legislators, a relative by marriage of Uncle Dick.

Questions about the Smiley contract (if it existed) and the Bowie contract (if it existed) were initially raised by John Madden, a fourth Prison Director belatedly appointed by Governor Bigler

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<sup>249</sup> Journal of the Seventh Session, p. 357,

<sup>250</sup> His obituary appeared in the November 15th, 1856 edition of the Baltimore Sun, reprinted from an earlier obituary in the San Francisco Herald.

in mid-October of 1855, some five months after Directors Snowden, Love and Palmer had assumed control of San Quentin. Appearing before the legislative investigating committee, Madden became somewhat of a "whistle-blower":

Q.— Was Mr. James Smiley building that wall under a contract? If so, state all you know about that contract, either of you own knowledge or from the correct information derived from others.

A.— I first saw the contract on the 5th day of December, 1855, in the office of the Controller of State; it had attached to it the names of R.N. Snowden, John S. Love, Wm. H. Palmer and James Smiley, as the contracting parties; I know nothing personally of its execution. About a week or ten days after I went to San Quentin, wishing to ascertain on what terms Mr. Smiley was building the wall; I inquired of Mr. Snowden, President of the Board, what were the terms of the contract with Mr. Smiley; in the same conversation, we first spoke of a contract with Mr. Bowie, for provisions; I requested Mr. Snowden to call a meeting of the Board of Directors to have a definite understanding as to both contracts; Mr. Snowden informed me that he had never seen or signed a contract with Mr. Smiley, and knew nothing of the terms of it. Mr. Snowden promised to call a meeting of the Board; this conversation occurred on Saturday, and the President promised to call the meeting on the following Wednesday; he did not do so, and no meeting was then held, nor at any time thereafter until the 22nd of December. . . .

Q.— When you assumed the duties of your office, who furnished the provisions and clothing of the prisoners, and upon what terms were they furnished?

A.— Soon after I went to San Quentin, Mr. Snowden informed me that there was a contract with Mr. Bowie; that Mr. Love had authorized him (Mr. S.) to make one, and that he had done so; I asked Mr. Love about it, and he replied that there was no contract; that he had never signed one, nor authorized Mr. Snowden to make one. Sometime afterward I asked him (Mr. S.) why, if there was no contract with Bowie, he received provisions from him?—that I did not know what prices were being charged, and that I was going to San Francisco, and that if he (Mr. S.) would give me authority, I would get bids from different parties, so that we might get them on the best terms; he refused to give me the authority; stated that he would make no contract, and was going to get the provisions as he had been doing.<sup>251</sup>

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<sup>251</sup> Journal of the Seventh Session, pp. 372-373.

The committee concluded that Uncle Dick illegally authorized issuance of some \$31,143.99 worth of warrants, most of them in favor of Hamilton Bowie, of which roughly a third had been written during the last two weeks of Uncle Dick's tenure as Prison Director.<sup>252</sup> The committee also found that Uncle Dick and his fellow directors had spent a total \$382,226.84 during their seven month regime.<sup>253</sup> Legislators had budgeted only \$60,000 for the prison for the same period. Indeed, the entire state budget for the year been estimated at roughly \$700,000.<sup>254</sup> The committee speculated that it could have found even more evidence of overspending if it had been able to see the original prison ledger book instead of the possibly sanitized copy on which it had been obliged to rely. Access to the original accounts had been denied, allegedly because "there was so much error and irregularity in the manner of keeping them."<sup>255</sup>

The joint committee did not have nice things to say about Uncle Dick and his colleagues. "The State for years," it observed, "has been blindly lavish in conferring wide discretionary power upon irresponsible men, who have taken every advantage in favoring pet schemes, and pledging the faith of the State to all sorts of one-sided contracts and obligations."<sup>256</sup> Uncle Dick, in the course of his testimony, assured the committee that "I have never received one dollar of the money belonging to the State Prison since I have been a Director."<sup>257</sup> But the investigating senators and assemblymen concluded that "there is *prima facie* evidence of fraud", and authorized the Attorney General to probe further and to file suit if necessary.<sup>258</sup> But neither inquiry nor lawsuit followed, even though Uncle Dick and his fellow directors had so decimated the prison's credit rating that their successors claimed they had to pay twice the going rate for good services in the absence of cash; and even though the new directors found only three days of provisions on hand, notwithstanding Hamilton Bowie's claim that he had delivered 7,654 pounds of fresh beef to

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<sup>252</sup> Journal of the Seventh Session, pp. 304, 327.

<sup>253</sup> Message of Governor J. Neely Johnson in Journal of the Ninth Session of the Assembly of the State of California (Sacramento: John O'Meara, 1858) p. 45.

<sup>254</sup> Lamott, op. cit., p. 41.

<sup>255</sup> Journal of the Seventh Session, p. 382.

<sup>256</sup> Journal of the Seventh Session, p. 380.

<sup>257</sup> Journal of the Seventh Session, p. 366.

<sup>258</sup> Journal of the Seventh Session, pp. 380-381.

the prison during the final week of Uncle Dick's regime.<sup>259</sup> Apparently San Quentin was not ready for reform.

Uncle Dick survived in some fashion within the bureaucracy of the state prison system upon the expiration of his appointed directorship, even in the wake of the "Know-Nothing" sweep of state wide offices at the polls in the fall of 1855, and even in the aftermath of the "Know-Nothing"-led investigation of his questionable practices as President of the Board of Prison Directors. Though I cannot document the mechanism of Uncle Dick's good fortune, I believe it is probably related to the truly strange election and even stranger (and consummately corrupt) administration thereafter of "Know-Nothing" Prison Director Alexander Bell.

To begin with, the Alexander Bell who, early in 1856, installed himself as the principal administrator of San Quentin was not the Alexander Bell whom the "Know-Nothings" had slated as a candidate for Prison Director on August 8th, 1855 during the course of the American Party's state convention.<sup>260</sup> Horace Bell, a nephew of the Alexander Bell actually nominated, later related how this strange substitution of candidates came to pass.<sup>261</sup> Alexander Bell the nominee was a wealthy Los Angeles merchant.<sup>262</sup> A certain Colonel Butts, also a Los Angeles resident, had successfully proposed his candidacy to the convention. When the second Alexander Bell heard of the first's nomination, he claimed that he, in fact, was the Alexander Bell chosen by the convention and demanded to be recognized as such. The second Alexander Bell, according to Horace Bell, was a ne'er do well, a "russler" and a deadbeat saddled with enormous debts since he "borrowed from everybody and paid nobody". But he also was an incredibly bold man endowed with wondrous persuasive powers.<sup>263</sup>

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<sup>259</sup> Journal of the Seventh Session, pp. 149, 315, 318.

<sup>260</sup> On the "Know-Nothings" 1855 convention see Davis, History of Political Conventions, p. 44. The other two "Know-Nothing" nominees for Prison Director, E. Wilson and F.S. McKenzie, were also elected in the fall balloting.

<sup>261</sup> Horace Bell, Reminiscences of a Ranger (Santa Barbara, California: Wallace Hebbard, 1927). On Bell, whose reminiscences were first published in 1881, and his family see Benjamin S. Harrison, Fortune Favors the Brave: the Life and Times of Horace Bell, Pioneer Californian (Los Angeles: The Ward Ritchie Press, 1953)

<sup>262</sup> Harrison, op. cit. pp. 28ff.

<sup>263</sup> Bell, op. cit., p. 395.

Alexander Bell the deadbeat approached Butts the nominator and offered him the contract to supply beef to the prison if he would recognize him as the true candidate. Butts agreed. Alexander Bell the deadbeat next approached Alexander Bell the merchant and somehow convinced him to step aside so that he could take his place. Most voters knew neither Alexander Bell the merchant nor Alexander Bell the deadbeat and therefore could not distinguish between the two. Or perhaps they simply didn't care. In the fall of 1855, having one's name on the "Know-Nothing" state wide ticket was a guarantee of election. In any case, it was Alexander Bell the deadbeat who was elected and who presented himself at San Quentin on January 1st, 1856 as one of the facility's new directors.<sup>264</sup>

Director Bell immediately discovered—not surprisingly, given the nature of his life to that date—that he not only knew roughly one in five of San Quentin's convicts, but, on account of his previous borrowings, owed most of them substantial sums. He moreover found his creditor-convict-friends living four to a cell or crammed into one large hall the population of which was 150.<sup>265</sup> Bell thereupon decided to pay off, as best he could, his overdue debts, using, to be sure, state funds to do so. Horace Bell claimed began by purchasing his poorly-clothed prisoners "the best of blankets, underwear, boots, hats, black doeskin pants, red shirts and warm coats." Next, according to Bell, he "had the prison larder stocked, and the table supplied in such style as would have bankrupted a second-rate hotel." Among other things this meant providing the prisoners with cigars and whisky.<sup>266</sup>

Alexander Bell the deadbeat then created his own curious patronage army, for when word got around what was happening at San Quentin, he was besieged by job applicants. Bell promised a job to all, and from all, in accord with his past practice, received a loan. Horace Bell recalled that "offices were multiplied" and that the number of guards was doubled. There were far more aspirants that he could possibly accommodate, "but they were all invited to hang up their hats, eat, drink and be merry, until something could be done for them." Thus, according to Horace Bell, San

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<sup>264</sup> Bell, *op. cit.*, p. 395.

<sup>265</sup> *Journal of the Seventh Session*, p. 150.

<sup>266</sup> Bell, *op. cit.*, p. 396.

Quentin came to be known as the "Loafers' Asylum."<sup>267</sup> In short order the legislature got wind of Director Bell's program, examined his books and concluded that the maladministration of private enterprise was preferable to the excesses of a state operated prison system. In April of 1856—just three months after Bell took office—the legislature passed a measure reinstating the contract with James Estill.<sup>268</sup> Uncle Dick, notwithstanding the rapid changes in administration, would continue to find work at the prison until almost the end of the decade.

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Charlie Fairfax (and his recent bride) had acquired a cushion for the hard political times not long after his departure from the California State Assembly at the end of the 1854 session before the "Know-Nothing" triumph of the following year. Early in 1855 legislators determined a need for an additional United States Land Office to supplement the state's only such facility at Benecia. Marysville became the site of the new office—charged with handling the disposition of vast amounts of Federal lands to homesteaders the the recording of the transactions—and Charlie Fairfax was named Register. This, of course, involved Federal legislation and a Federal appointment. Charlie's mentor in this case turned out to be Steve Field, who suggested to California Congressman James McDougall both the Benecia location and the Fairfax appointment.<sup>269</sup> Through McDougall's efforts in Congress, Charlie received the commission on May 9th, 1855 and opened the new office at the beginning of June.<sup>270</sup> Significantly, both Field and McDougall were Free-Soil Democrats and allies of David Broderick. Charlie was nominally allied with their enemies, the Chivs. That Broderick and McDougal made Charlie's appointment possible in another indication that Charlie's appeal and friendships crossed normal factional lines.

A Marysville city directory published in December of 1855 indicates that Charlie knew how to share his good fortune with his friends: the clerk he hired to help him administer the Land Office

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<sup>267</sup> Bell, *op. cit.*, p. 396.

<sup>268</sup> *Journal of the Seventh Session*, p.45.

<sup>269</sup> Field, *op. cit.*, p.

<sup>270</sup> Chamberlain, *History of Yuba County*, pp. 116-117.

on 3rd Street near D Street, according to the directory, was Charles A. Keyser, the younger brother of Phil, his cabin-mate from the winter of 1849-1850.<sup>271</sup> But that other friends were willing to take advantage of Charlie's weaknesses was the conclusion drawn by Treasury Agent J. Ross Browne who, once Richard Hammond had resigned from the San Francisco Customs House, briefly turned his sights on the Marysville Land Office. Browne discovered that John A. Paxton, treasurer of Yuba County and Mark Bramorgen, treasurer of Yuba City, were involved in a speculative scheme involving the scrip of their respective jurisdictions. The proceeds of their venture, Browne found, were passing through—and possibly being laundered by—the Marysville Land Office. Browne reported the seeming irregularities to his superiors in Washington but specifically recommended that no actions be taken against Charlie who, he believed, had become entangled in the scheme only because he was "careless and intemperate."<sup>272</sup> This is the first reference I have found to Charlie's drinking problem which would shortly become the subject of numerous stories told across the state.

The snapshot of of Marysville and its citizens the 1855 directory provides shows how much the lives of Charlie and some of his friends had changed since their arrival in California hardly more than six years before. Phil Keyser was practicing law and, thanks to his appointment by Franklin Pierce, running the Marysville Post Office.<sup>273</sup> Steve Field was practicing law with partner Samuel Smith, as their advertisement proclaimed.<sup>274</sup> Charlie had become a vestryman at Saint John's Episcopal Church, organized in November of 1854, seven months following Bishop Kip's first visit to Marysville. To be sure, the congregation was still meeting in the City Hall. But a new church was under construction at 5th and E Streets at an estimated cost of seven thousand dollars.<sup>275</sup>

An opportunity to run for state wide office would soon change this picture for Charlie Fairfax. The "Know-Nothing" party was crumbling, thanks to its lack of an attractive ideology, the

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<sup>271</sup> Samuel Colville, Colville's Marysville Directory : 1855 pp. 25, 41.

<sup>272</sup> Dillon, op. cit., pp. 136-137.

<sup>273</sup> Colville, op. cit., p. 84.

<sup>274</sup> Colville, op. cit., p. 33.

<sup>275</sup> Colville, op. cit., p. 92.

strong initial thrusts of the newly organized Republican Party, and a resurgence of a Democratic Party which was, for the time being, unified. Interest in politics intensified as the presidential election approached. The Democratic Party, in fact, needed strong candidates and Democratic leaders thought they had found one in Charlie.

Thus the Democratic State Convention, meeting in Sacramento during the second week of September, 1856, chose Charlie as the party's candidate for Clerk of the Supreme Court.<sup>276</sup> Confident of victory, Charlie resigned from his Land Office position on the eve of the election.<sup>277</sup> At the November balloting, Charlie led the state wide ballot, receiving more votes than any candidate with the exception of James Buchanan.<sup>278</sup>

Charlie's victory at the polls was followed by David Broderick's victory in the California State Legislature which finally elected him United States Senator. Since divisions within the Democratic Party had prevented election of a senator in 1855 and the "Know-Nothing" presence in the legislature in 1856 had likewise made election of a senator impossible, the seat left empty by the expiration of William Gwin's term had not been filled. Thus California, for a period of two years, had had only one United States Senator. But Broderick's strength in the legislature in 1857, coupled with his mastery of parliamentary tactics, enabled him to win the about-to-expire seat of Senator John Weller (and therefore serve a full six years in the Senate) and to play a key role in determining who would win the seat vacant since 1855 (and serve the remaining four years of its term.) Following his own election, Broderick backed his arch-rival William Gwin for the four-year seat, but only after Gwin had agreed to yield to Broderick his control over Federal patronage (their agreement was reached in room number six of Sacramento's Magnolia Hotel, the same room where Charlie Fairfax had kept Senator Peck under guard almost three years earlier.)<sup>279</sup> To be sure, President Buchanan would fail to recognize Broderick's control over Federal patronage in

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<sup>276</sup> Davis, History of Political Conventions,

<sup>277</sup> Chamberlain, History of Yuba County, p. 117.

<sup>278</sup> Davis, History of Political Conventions, p.

<sup>279</sup> On Broderick's election to the Senate and his unsuccessful efforts to dispense Federal patronage, see Williams, op. cit., pp. 140-170; on the meeting between Broderick and Gwin, see O'Meara, op. cit., pp. 176-179.

California. Moreover, the split would soon be renewed between the Free-Soil and Chivalry factions of the California Democratic Party. Finally, the intensifying political turmoil at the end of the decade would lead to the violent death of David Broderick. But Charlie would be able to adapt himself to the rapidly changing political climate. When factionalism split the party, he would end up on the right side. He would successfully seek reelection at the end of his first term, and would survive until the Republican victories of 1860.

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As Clerk of the Supreme Court of California, Charlie Fairfax could have easily have become a rich man. While the office did not provided a salary, it offered something potentially much better: fees. C.C. Goodwin estimated the fees a Supreme Court Clerk could typically expect to collect at \$30,000 a year, which was a substantial sum in the late 1850's.<sup>280</sup> But in a world where corruption was a way of life, Charlie could easily have enjoyed an income limited only by his willingness to extort and the resources of those who sought to bribe him. While he, in the manner of all office holders, would have had to fork over a political tithe far in excess of whatever he handed to the rector of Saint John's Church in Marysville, there would have been plenty left over.

But if Charlie did indulge in the sorts of graft endemic to the time, he certainly did not become rich as a result. The acquisition and saving of money seems to have had no meaning for him. As C.C. Goodwin observed, "what was the difference whether he had a few thousands on hand or owed a few thousands in debts?"<sup>281</sup> Whatever Charlie made passed through his hands very quickly. He was fond of gambling and he was apparently addicted to alcohol. Beyond that, Charlie was generous to his friends and ever eager to show them a good time. In the wake of such generosity, he often walked around Sacramento with not so much as a penny in his pocket.

Charlie's eccentricities during his tenure as a state wide official engendered a number of widely told anecdotes or "Charlie stories". They focus on his shortcomings: his gambling, his

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<sup>280</sup> Goodwn, *op. cit.*, p. 38.

<sup>281</sup> Goodwin, *op. cit.*, p. 38.

penury, his seeming unwillingness to take life seriously and, especially, his drinking. Had these been Charlie's only characteristics, his contemporaries would have judged a pathetic individual or, at best, a clown. They would hardly have been inclined to return him to office. But Charlie's failings were coupled with what others perceived as his sense of honor, his unfailing loyalty to his friends and, of course, his title, albeit unconfirmed, of "Lord Fairfax." Charlie's California friends, fascinated by these attributes, tried to explain them in one way or another. Thus C.C. Goodwin suggested that "from earliest childhood he was taught that he must keep his honor pure; that he must never fail in courage, and never for a moment forget that his ancestors for many generations had all been gentlemen."<sup>282</sup> First generation Californians had no local hereditary aristocracy to which they could point. They could find few among their number who behaved like gentlemen. Charlie, however, was a gentleman, his shortcomings notwithstanding. Indeed, his failings made him easier to identify with. Charlie was therefore a man who shared the faults of his constituents, many of whom gambled, drank to much and often had little idea where their next dime would come from. At the same time, Charlie was a cut above them. This made him an attractive candidate, especially for an office like the Supreme Court Clerk , the functions of which were largely magisterial, therefore requiring neither special skills nor the making of public policy.

The nature of the surviving "Charlie stories", many of which center on his personal life at unguarded moments, suggests that he told them first. They were such good stories that others could not keep from retelling them. I suspect that the stories were embellished during his lifetime and garbled thereafter. I know that at least one of them—and perhaps the best—was simply not true. Yet not one of the stories was inconsistent with Charlie's character. If they did not happen, they surely could have. As the tales were passed around, they helped define Charlie's political persona. So I tell some of them, pointing out when I can where they stray from the truth. Additionally, I literally quote the dialogue previous writers have attributed to Charlie and the other characters who appear in the anecdotes, knowing full well that it

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<sup>282</sup> Goodwin, op. cit., p.37.

is very unlikely that these were the actual words uttered by the parties involved.

Charlie's gambling, while not necessarily compulsive, was nevertheless an important part of his life. Curiously, he forbade gambling in his own home but did not observe this restriction elsewhere. He preferred action that was fast and games where chance played a greater role than skill. Thus his favorite sporting pastime was a game called "crack loo." Newspaperman J.H. Wilkins as a child saw Charlie play it:

The game was simplicity itself. The players arranged themselves over a crack in the floor, dropped twenty dollar gold pieces as near as possible to it, and the one who came closest gathered in the coins.

As a device for speedy action and to promote the interchange of money, it had no superior.<sup>283</sup>

Likewise, Charlie preferred modes of campaigning which involved the least possible effort. When the delegates at the 1856 Democratic State Convention slated him for Supreme Court Clerk, Charlie reportedly advised them that he was "more of a bushwacker than a public speaker."<sup>284</sup> Indeed, his inaugural and farewell addresses as Speaker of the House in the 1854 California State Assembly—the only verbatim examples of his oratory that I can find—confirm his self-assessment. On the stump he kept his statements brief, though not necessarily to the point. Thus when was campaigning for reelection as Clerk of the State Supreme Court in 1858, he had occasion to face his principal opponent, Major Joseph Powell, in a debate at Yreka.<sup>285</sup> Powell, who had unsuccessfully sought slating as the "Know-Nothing" candidate for Clerk of the Supreme Court two years earlier, was successful two years later in convincing the moribund party to place his name on its ballot.<sup>286</sup>

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<sup>283</sup> Quoted by Donnelley, *op. cit.*

<sup>284</sup> San Francisco *Daily Evening Post*, May 8th, 1880.

<sup>285</sup> Millard, who relates this anecdote (*op. cit.*, pp. 211-212), claims it occurred during one of Charlie's campaigns for Assemblyman. It would have made no sense, however, for a candidate seeking office in Yuba County to have participated in a debate more than two hundred miles to the north in Siskiyou County.

<sup>286</sup> Davis, *History of Political Conventions*, p. 68.

Powell was reputed to be an accomplished orator. At Yreka he spoke first and with considerable passion. Moments after he began his presentation, Charlie's handlers were alarmed to see their candidate leave the platform, walk from the hall and enter a saloon next door where he immediately engaged in a game of billiards. When Powell finished his speech, Charlie was still playing. The crowd in the hall was yelling "Fairfax! Fairfax! Charlie Fairfax!". Charlie had to be dragged from the billiard table to the hall.

Back on the platform, twenty-nine year old Charlie noted that Powell, many years his elder, had dyed his normally snow-white hair and beard jet black in such a fashion as to make him appear both younger and unrecognizable. Charlie carefully scanned the dais, then stepped to the podium and addressed the audience:

"Ladies and gentlemen, I am glad to be with you this evening, but at the same time I am greatly disappointed. I had fully expected to meet my worthy competitor, Major Powell, and to debate with him on the issues of this campaign; but I am sorry to note that he is not here. Of course in his absence it would hardly be fair for me to address you."<sup>287</sup>

Someone in the crowd yelled, "There's Powell right behind you!" Charley turned, stared Powell directly in the face, turned again and resumed his speech:

My friends, you surely do not ask me to believe that the gentleman behind me is Major Powell whom I was to meet in debate here and who is running against me for the same office. Pardon me, but I know the major very well. He is a man well advanced in years, and has white hair and a white beard, while this gentleman whom you have mistaken for Major Powell has a youthful appearance, and his hair and whiskers, as you see, are perfectly black.

Charlie said no more. As the crowd cheered, he left the platform. The "debate" was over. At the fall polling, Charlie won 60,179 votes and beat Powell by an almost two to one margin.<sup>288</sup>

Charlie suffered from an endemic shortage of cash. He awakened in San Francisco one morning and discovered first, that

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<sup>287</sup> This quotation and those which follow are offered by Millard, *op. cit.*, p. 212.

<sup>288</sup> Davis, History of Political Conventions, p. 104.

he was quite hungry, next, that his pockets were absolutely empty.<sup>289</sup> On Montgomery Street, he encountered a friend who was just as hungry but who, on account of an unsuccessful session at a faro table the night before, was likewise penniless. Just as Charlie had explained to his friend why he could not buy him breakfast, a third friend walked up and invited both to be his guests at a nearby restaurant.

The trio ate well. At what should have been the end of the meal, the friend who had promised to pick up the tab suddenly cried, "There's my old friend Hastings at the door. I must see him; please excuse me one moment."

Some minutes passed during which Charlie and his friend fiddled with their coffee cups and pushed toast crusts around their plates. Finally it became clear that the friend who had gone in search of Hastings was not going to return. "He's gone," observed Charlie. "What are we going to do?"

"Blamed if I know," the friend responded.

Charlie then conceived a bold bluff that would buy time, but also prolong the breakfast into lunch and greatly increase the amount of the check somebody would eventually be obliged to pay. He summoned the waiter and asked, "Is it time for spring chickens yet?" The waiter replied that it was, indeed. "Well," continued Charlie, "broil us two, and look, ye, I want them broiled slowly until they take on just the right brown. I would rather wait than have them hurriedly cooked."

Many minutes later the waiter returned to the table with the slowly cooked spring chickens. Charlie and his friend ate the slowly cooked birds as slowly as possible. When nothing but small bones remained, Charlie suddenly caught sight of still another friend walking through the restaurant door. Charlie jumped up from the table, ran to the friend and explained to him, in very simple terms, the growing mess in which he and his dining partner found themselves. The friend laughed, reached into his pocket and presented Charlie with a twenty dollar gold piece. Charlie paid the tab and tipped the waiter.

As soon as Charlie and his friend walked out the restaurant door, they discovered the friend who, hours earlier, had offered to buy them breakfast. Why, they asked, had he left them? "You see," explained the friend, "I had not had a morsel of food for two

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<sup>289</sup> This anecdote is related by Goodwin, *op. cit.*, pp. 39-40.

days and I was hungry." Charlie thereupon gave him five dollars of the money he had borrowed and presented another five dollars to the friend with whom he had eaten. "That leaves me four dollars," he observed, "and I can get home with that." Charlie caught the next steamer to Sacramento.

Judging by the number of times they have been retold, the drinking anecdotes were the most popular of the "Charlie stories." Charlie's overindulgence was especially painful to his wife Ada who, following one particularly unpleasant incident told him that, upon any repetition, "there would surely be a storm."<sup>290</sup>

A repetition followed almost immediately. As Charlie was staggering home at 2:30 in the morning—through the streets of either Sacramento or San Rafael, depending on which version of the story one follows—he suddenly remembered his wife's threat. He therefore stopped at the nearest dry-goods store and banged on the door until the shopkeeper awoke and opened the door. Charlie demanded to buy an umbrella. True, it was the middle of the dry season. It had not rained in four months and some weeks would pass before it rained again. The merchant, apparently not one to miss a sale, collected Charlie's money and gave him what he wanted.

Charlie proceeded home, tiptoed into the bedroom, sat down in a chair, raised the umbrella over his head and passed out. Ada awoke some time later, saw this strange sight and cried out, "Charles Fairfax, have you lost your senses?"

"No, madam," responded the bleary-eyed Charlie. "Senses never better. Just waiting for the storm to break."

The most artful of the Charlie drinking stories was a figment of someone's imagination, probably Charlie's. I quote C.C. Goodwin's retelling at length, for I believe his account paraphrases Charlie's own and no doubt often-told version. The purported setting is Virginia on the occasion of a trip home in 1856:

In his absence, his father had become a fanatical prohibitionist; brought out all his wines and liquors and poured them on the ground.

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<sup>290</sup> This anecdote is repeated by Goodwin, *op. cit.*, p. 38; S.B. Dickson, "Lord Charlie Fairfax, Beau Brummell of the Golden Dawn", *Sunset Magazine*, September, 1929; and J.H. Wilkins, quoted by Donnelly, *op. cit.*. I use the quotations from the Wilkins version which seems the best adorned.

Charlie had written that he was coming and was therefore expected. He reached the old home one morning and found his mother in the living room. After the excitement of the meeting had subsided a little the mother said: "Charlie, you know how papa is about all kinds of liquor; so when you wrote that you were coming I got a bottle of the best for sale in Richmond; it is in the cabinet and whenever you want a little you will find it." "Well, mother, inasmuch as I have not seen you for a god while I believe I will drink to your health now," said Charlie, and he did. Then he went up to meet his father in the library, where the mother said he would find him. There were warm greetings, but after a few minutes the father said: "Charlie, you know what my sentiments are about all alcoholic drinks, but you have been out west, and so when I heard you were coming, I quietly sent for a bottle of the best Bourbon. It is in that bookcase, the third from the door, and when you want a drink I will turn my back on you so as not to see you."

"Well, father," said Charlie, "it is seven years since I've been home; I believe it is my duty to drink to your long life," and with that he went to the bookcase, found the bottle and got outside the drink. Then he asked where Jeff was (the old colored servant) who had been his playmate in childhood.

He was told that Jeff was probably in the carriage house or stables, and Charlie started out to find him. Jeff was wild with delight and expressed his joy in exaggerated antics. But cooling down a little after a while, he said, "Massie Charlie, yo knows how crazy old Massie has got on de liker business, but I heard you wuz comin', and Ah says, young Massie is not goin' ter be cheated. I stole seben dozen eggs, sold 'em and got der finest bottle you eber tasted and it's heah in her haymow." Charlie now took a drink with Jeff. After a while he asked for Steve, the gardener. He found him trailing a grape vine. Steve was a quiet old darkie, but after a while he said, "Massie Charlie, I knowd yo was comin' and what old Massie thinks 'bout drinkin', so look a heah!" There, under a leaf in the cabbage patch, was another bottle and Charlie drank with Steve.

All his life thereafter he declared that there was nothing else so perilous to perfect sobriety as a visit to a prohibition ranch before breakfast in the morning.<sup>291</sup>

The presence of Charlie's "prohibitionist father" as the central figure of this story is the most obvious clue that there is something wrong with it. For Albert Fairfax had died in May of 1835 when Charlie was six. Could the "father" in the anecdote have been Charlie's stepfather, Captain William Rollins Sanders? It seems highly unlikely, for data from the 1850 Federal Census indicates that Sanders had either died or otherwise disappeared

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<sup>291</sup> Goodwin, *op. cit.*, pp. 40-41,

from his wife's household by that time. Indeed, as of August 10th, 1850—the date of the census taker's visit—the only other member of Caroline Snowden Fairfax Sander's household was her younger son, nineteen year-old John Contee Fairfax.<sup>292</sup> There is no evidence that Charlie's mother



Charlie and the umbrella (from Sunset Magazine)

married a third time. In 1860 she was still living with John Contee Fairfax, John's wife, Mary Kirby Fairfax, and their two year-old daughter Caroline.<sup>293</sup> Moreover, the anecdote could not have taken place in Virginia, for Charlie's mother had moved to the District of Columbia when she married Captain Sanders in 1838. It was, in fact, a part of the District of Columbia (near the present site of Howard University) that had originally been ceded by the state of Maryland.

If the story was untrue, why did Charlie tell it? I believe it was because it was a good story, and because humorous self deprecation was part of Charlie's political style. The fine structure of the anecdote and its "shaggy-dog" character suggest to me that Charlie had heard the story elsewhere and adapted it to his own

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<sup>292</sup> United States Federal Census, 1850: District of Columbia p. 256.

<sup>293</sup> United States Federal Census, 1860: District of Columbia, 4th Ward, p. 67.

purposes. Perhaps an historian of mid-nineteenth century humor can find the archetype from which Charlie borrowed. His audiences, in any case, must have loved the story. Other politicians of the age were telling far bigger lies.

The final "Charlie story" I tell here has a dark edge to it. It describes his nearly-fatal wounding in the course an 1858 assault by a fellow state bureaucrat with whom he had been feuding. The story is typically offered as the example *par excellence* of Charlie's unfailing sense of honor and fairness. However, details provided by an anonymous biographer who claims to have been an eyewitness to the event—and who published his account in the May 8th, 1880 edition of the San Francisco Daily Evening Post—clearly show that Charlie's acts touched off the incident and that he therefore was not blameless.<sup>294</sup>

Harvey Lee, the Court Reporter of the California State Supreme Court, was Charlie's antagonist in the episode. Though Lee was regarded as an incompetent in his job, and though his alleged misdeeds may have included pawning the justices' law books to pay off personal debts, his politics rather than his performance lay behind the animosity between him and Charlie. Lee had been appointed to his post by the newly-elected Governor John Weller. Weller was aligned with the Chivalry wing of the Democratic party. His election, and his appointment of Harvey Lee, normally would not have presented a problem for Charlie who was nominally a member of the same faction. But a majority of the members of the court—apparently led by Justice Stephen Field—had, according to the anonymous eyewitness of the conflict that followed, "favored the appointment of a relative of Fairfax" for the position. I presume the "relative" was Uncle Dick. To be sure, he could only have botched the job more than Harvey Lee. But Free-Soilers like Field were still beholden to Uncle Dick for his behind-the-scenes help in securing David Broderick's election to the United States Senate. Such a proposed quid-pro-quo, however strange, was not impossible. In any case, the appointment of Lee left a residue of ill will.

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<sup>294</sup> The anecdote is also recounted by Field, op. cit., pp. 117-117; Dickson, op. cit.; Donnelley (citing Wilkins) op. cit.; the anonymous author of the piece "Our Only Baronial Estate" which appeared in the January 1st, 1893 edition of the San Francisco Examiner; Goodwin, op. cit., p. 42; and Thomas Edwin Farrish, The Gold Hunters of California (Chicago: M.A. Donohue, 1904) pp. 112ff.

The showdown between Charlie Fairfax and Harvey Lee occurred on the street in front of the Saint George Hotel where Charlie boarded while in Sacramento. The anonymous eyewitness, who claimed to have been a minor state official, watched from his office in the State Library directly across the street.

Lee allegedly approached Charlie—who was standing on the street with Steve Field's Marysville law partner Samuel Smith—and told him that he was sorry about the bitterness, for they had always been friends in the past (the anonymous eyewitness adds that the Lee and Fairfax families had, indeed, been close.)

Thereupon Charlie slapped Lee on the face (or, according to some accounts, tweaked his nose.) Lee immediately drew a sword from his cane and plunged it into Charlie's chest. How long it remained there, and how many additional times, if any, Lee stabbed Charlie varies from account to account. Thomas Edward Farrish's version is accompanied by an illustration which shows Lee's sword entering Charlie's chest and exiting his back.<sup>295</sup>

As Lee prepared for another thrust, Charlie somehow reached into his vest pocket and pulled forth his derringer. He pointed the weapon directly at Lee's face and cocked the hammer. Charlie was reputed, when sober, to be an excellent shot. Lee stepped back, threw up his arms and cried, "I am unarmed!" It was a strange



Charlie and Harvey Lee  
(From T.E. Farrish)

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<sup>295</sup> Farrish, *op. cit.*, p. 112.

thing for him to have said, given the fact that he had run Charlie through just moments before.<sup>296</sup>

"Shoot the damned scoundrel!" screamed Samuel Smith.

But Charlie did not shoot. With his pistol still pointed at Lee, and with blood dripping from his own wounds, he cried, "You are an assassin! You have murdered me! I have you in my power! Your life is in my hands! But for the sake of your poor sick wife and children, I will spare you." Charlie uncocked his pistol, handed it to Samuel Smith and fainted in his arms.

Smith carried Charlie to the nearby office of a Doctor Proctor. "I am afraid he has stabbed me to the heart!", Charlie cried. The doctor found that though Charlie's left lung had been punctured, his heart had been spared. In time he recovered, though the wound may have been a factor in his early death from tuberculosis eleven years later.

Charlie chose not to press charges against Lee. Later, when a friend asked why he had not pulled the trigger, Charlie told him, "I thought my wife would be a widow before sundown, and I did not wish to leave the world making another." According to Steve Field, "all California rang with the story of this heroic act."<sup>297</sup> But Charlie always maintained that only he had been at fault.

Within a year, Charlie's conflict with Harvey Lee would be overshadowed by a far more notorious and genuinely lethal feud. The duel between United States Senator David Broderick and California Supreme Court David S. Terry would be unique in the history of the code duello. It would also directly involve one member of my family and set limits on the future employment options for another.

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The hostile meeting of United States Senator David Broderick and California State Supreme Court Justice David Terry on the field of honor in September, 1859, was far more than a personal dispute between the two parties. It was directly related to the irreparable severing (prior to the Civil War) of the two factions of California's Democratic Party slightly more than a year before. The two factions had, in fact, become two parties.

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<sup>296</sup> Here I repeat the dialogue reported by Field, op. cit., pp. 116-117.

<sup>297</sup> Field, op. cit., p. 117.

Moreover, the ideological differences between two Democratic parties were so pronounced and involved issues so emotionally charged that violence between the partisans was inevitable.

Debate in Congress in 1858 over the manner of the Kansas Territory's admission into the Union led to the rupture of the Democratic Party in California. The issue was whether the Kansas should be governed by the constitution drawn up at Lecompton, which would have made Kansas a slave state in spite of the Free-Soil leanings of most of its residents, or another instrument that would have reflected popular sovereignty. The Buchanan administration favored the Lecompton constitution. But freshman Senator Broderick joined other Free-Soil Democratic senators (most notably Stephen A. Douglas of Illinois) and Republicans who were opposed to it.<sup>298</sup>

The Buchanan administration's proposal of the so-called "English bill" as a means of compromise only widened the split within the Democratic Party. The bill called for resubmitting the Lecompton constitution to the voters of the Kansas Territory. If they ratified it, Kansas would be admitted with additional land and the proceeds of the sale of other Federal lands. If they rejected it, admission of the territory would be delayed until a census, conducted by the Federal government, indicated it had a sufficient population to qualify for admission.<sup>299</sup>

Broderick opposed the English bill. He feared that, if the Lecompton constitution were rejected, admission of Kansas could be delayed indefinitely, since the census would be under the control of Buchanan's patronage bureaucracy. Douglas, however, could not afford to take an unalterably hard line. His Senate term expired in a few months and, in the face of a strong challenge by Abraham Lincoln (who was receiving covert support from Buchanan operatives), could be assured of reelection only if Democratic legislators in Illinois were unified. Moreover, he had presidential ambitions which he could never realize in the face of a split Democratic Party.

Douglas, under tremendous pressure from the Buchanan administration, therefore initially expressed approval of the English bill and the compromise it represented. The pressure on

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<sup>298</sup> On the congressional debate over the Kansas issue, see Williams, *op. cit.*, pp. 171-194.

<sup>299</sup> Williams, *op. cit.*, p. 176.

Douglas from Broderick and other anti-Lecompton members of Congress was just as intense. Broderick in fact, is reported to have told the Illinois senator, "If you desert me, God damn you, I will make you crawl under your chair in the Senate."<sup>300</sup> Though Broderick's rhetoric was effective, passage of the English bill could not be prevented. Douglas, in search both of a middle ground and a means of prolonging his political life, would continue to effect a rapprochement with the Buchanan administration. But Broderick had passed the point where compromise was possible.

Broderick's creation of an independent state political party upon his return to California in the summer of 1858 confirmed his position, widened the political gap among California Democrats, and increased the mutual hostilities of those who faced each other across the widening chasm. Broderick had no choice if he wished to remain both a Free-Soiler and politically active. A by-election would be held in the fall. As the date for the state convention approached, it became clear that Chivs—through their control of the party bureaucracy—would dominate the gathering. Moreover, the Chivs were threatening to walk out of any convention controlled by Broderick.<sup>301</sup>

Broderick's formation of the "Anti-Lecompton Democratic Party" under whose banner Free-Soil Democrats could gather was therefore a preemptive move. It was also a big gamble, for it involved not only devising a slate of appropriate candidates, creating a competitive party organization on extremely short notice, but also manipulating ideologically similar but structurally independent California Republicans.

Regular Democrats outpolled the Anti-Lecompton party. They were, not surprisingly, better organized. Moreover, they kept many followers of Stephen Douglas within the fold. Indeed, those closely associated with Douglas criticized Broderick for forming an independent organization. And many California Democrats still believed the party could be healed. Finally, the regular Democrats did a marvelously effective job on the stump and in the newspapers of papering over the issues that had divided the party and of convincing the rank and file that the

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<sup>300</sup> Williams, *op. cit.*, p. 178

<sup>301</sup> Williams, *op. cit.*, p. 190.

English bill did, in fact, promote the cause of popular sovereignty.<sup>302</sup>

The showing of the Anti-Lecompton Democrats in California was, however, not altogether bad. Furthermore, similar independent Democrats elsewhere (Pennsylvania, for example) did better. In the wake of the elections in the fall of 1858, Buchanan lost control of the House of Representatives. It was both a significant defeat and a cause of further animosity.<sup>303</sup>

By the beginning of the 1859 campaign season in California—where the governor's seat was at stake—David Broderick had advanced well beyond the point of no return and the middle ground had eroded to the point of insignificance. Slander, vituperation, insults and bitterness—of which Charlie Fairfax's presumably humorous *ad hominem* attack on the cosmetically-enhanced Major Powell was one of the most benign examples—characterized all the contests. Though the Lecompton Democrats, as the Chivs were now generally known, began the mudslinging, Broderick, who travelled state-wide on the stump circuit for the first time, soon joined suit.<sup>304</sup>

Thus Broderick characterized senior Senator William Gwin as a "great criminal" who was "dripping with corruption."<sup>305</sup> Of Broderick, Gwin claimed that "if we club him it will do no good; if we kill him it will only make him a martyr."<sup>306</sup> The consequences of such name-trading on all levels were inevitable. Thus David W. Perley, a friend of State Supreme Court Justice David S. Terry, claimed that Broderick had insulted Terry in his presence. A screaming match, which had the potential for much more, followed between the two. Perley then challenged Broderick to a duel. Broderick refused for the moment, but indicated he might respond otherwise to such challenges following the election.<sup>307</sup>

The entire Lecompton ticket triumphed in the September, 1859 balloting. Federal patronage workers, owing allegiance, as always, to the Chivs, did an effective job of organizing during the campaign and getting out the vote on election day. the partisans

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<sup>302</sup> Williams, *op. cit.*, pp. 192-193.

<sup>303</sup> Williams, *op. cit.*, pp. 193-195.

<sup>304</sup> Williams, *op. cit.*, pp. 205-229.

<sup>305</sup> Williams, *op. cit.*, pp. 218, 221.

<sup>306</sup> Williams, *op. cit.*, p. 219.

<sup>307</sup> Williams, *op. cit.*, p. 214.

of Stephen Douglas remained, for the most part, loyal to the Lecompton party. Douglas himself, anticipating nomination the following year as the presidential candidate of the Democratic party, offered no encouragement to the Anti-Lecomptons who had left the regular party's ranks. A last minute partial fusion of the Anti-Lecompton and Republican tickets probably confused voters more than it helped Free-Soilers. Broderick's candidates outpolled their Lecompton opponents in only two counties.<sup>308</sup>

In the wake of the September 7th election, Californians who had followed the campaign anticipated at least one duel with Broderick as the challenged party. Senator William Gwin was believed to be his most likely opponent, though there was the possibility that David Perley would new his earlier challenge. Only one duel followed however. The challenging party was Supreme Court Justice Terry, the target of the remarks that, at the end of June, had led to Perley's challenge.

David S. Terry was a Texan and a thoroughgoing Chiv.<sup>309</sup> He had defected to the "Know-Nothings" in 1855 successfully campaigned for Justice of the California State Supreme Court. In search of reelection in 1859, he presented his credentials to the Lecompton convention. Though he was not slated, he had the opportunity to address the convention. In so doing, he attacked the the Anti-Lecompton Democrats, David Broderick, and especially what he perceived to be Broderick's disloyalty to Stephen Douglas:

They [the Lecompton Democrats] belong heat and soul to David C. Broderick. They are yet ashamed to acknowledge their master [laughter and applause] and are calling themselves, forsooth, Douglas Democrats [applause] . . . Perhaps I am mistaken in denying their right to claim Douglas as their leader. Perhaps they do stand under the flag of Douglas, but it is the banner of the Black Douglass [great cheers] whose name is Frederick, not Stephen.<sup>310</sup>

The claim that Broderick was a follower of abolitionist Frederick Douglass was meant, according to the Chiv mentality, as

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<sup>308</sup> Williams, *op. cit.*, pp.225-229.

<sup>309</sup> On Terry see A. Russell Buchanan, David S. Terry of California: Duelling Judge (San Marino, California: The Huntington Library, 1956.)

<sup>310</sup> Quoted by Carroll Douglas Hall, The Terry-Broderick Duel, (San Francisco: College Press, 1939) p. 6; see also O'Meara, *op. cit.*, p.213.

an insult. Broderick read Terry's speech in the newspapers. Several days later he encountered Terry's friend Perley in a San Francisco hotel. "I see your friend Terry's been abusing me in Sacramento," he remarked. Perley asked how that had been so. "That damned miserable wretch," Broderick continued, "after being kicked out of the convention went down there and made a speech abusing me. I have defended him at times when all others deserted him. . .and this is all the gratitude I get from the damned miserable wretch for the favors I have conferred on him. I have hitherto spoken of him as an honest man—as the only honest man on the bench of a miserable, corrupt Supreme Court—but now I find I was mistaken. I take it all back. He is just as bad as the others."<sup>311</sup>

Perley asked Broderick if he really meant what he had said. Broderick responded that he did. "I will inform the Judge of the language you have used concerning him," replied Perley. "Do so," said Broderick, who then added, "I wish you to do so: I am responsible for it."<sup>312</sup>

Perley reported the conversation to Terry who did nothing until the day after the election. On September 8th he wrote Broderick and asked that he retract certain "offensive remarks" he had made concerning him two months earlier. Calhoun Benham the brother-in-law of Charlie Fairfax, carried the letter from Terry to Broderick and would serve as Terry's agent in the give-and-take that followed.<sup>313</sup>

A lively correspondence between Terry and Broderick followed over the next two days. Broderick wanted to know the nature of the alleged "offensive remarks." Terry told him and asked whether he was quoting him correctly. Broderick replied that he was. Terry again asked for a "retraction of any words which were used calculated to reflect on my character as an officer or a gentleman."<sup>314</sup> Broderick refused. Terry, prompted by Calhoun Benham, immediately replied: "This course on your part leaves me no other alternative but to demand the satisfaction usual among gentlemen, which I accordingly do. Mr. Benham will make the necessary arrangements." Several hours later—early in

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<sup>311</sup> O'Meara, *op. cit.*, p. 220.

<sup>312</sup> O'Meara, *op. cit.*, p. 220.

<sup>313</sup> O'Meara, *op. cit.*, p. 227.

<sup>314</sup> From Terry's letter, cited by O'Meara, *op. cit.*, p. 230.

the morning of Saturday, September 10th—Broderick responded that he would agree to a duel.<sup>315</sup>

According to the terms subsequently agreed upon, the weapons would be dueling pistols. Broderick and Terry would stand from each other at a distance of ten paces, their weapons held with the muzzles vertically downward. The commands would be "Ready, Fire, One, Two." The combatants would fire only in the interval that passed between the commands "Fire" and "Two." The duel would take place on Monday, September 12th, on a farm near Lake Laguna in San Mateo County.<sup>316</sup>

To be sure, Broderick as a younger man had settled his disputes in a far different and less formal manner. The weapons, as O'Meara points out, were likely to have been the implements of the volunteer fireman which included wrenches, spanners, trumpets, pipes and hosebutts.<sup>317</sup> But in California, either in anticipation of eventual combat or simply because he found shooting handguns an entertaining pastime, Broderick placed himself under the tutelage of San Francisco gunsmith and shooting gallery operator Andrew J. Taylor, better known to his clientele as "Natchez." In short order, he acquired great skill with sidearms. In fact, Bill Stewart, who regularly practiced at the same gallery, later recalled that "Mr. Broderick was the best shot I ever saw if allowed to use his own pistol."<sup>318</sup>

Broderick developed a quick, shoot-from-the hip style. "He would place his elbow against his side," Stewart remembered, "raise his hand with the pistol until it mechanically and almost without exception hit the bull's-eyes."<sup>319</sup> Indeed, the manner of the shooting that Broderick proposed as the challenged party—with all shots to be fired in a roughly two second interval as opposed to the normal three second period—played on his own strengths as a rapid shooter. Those who knew the capabilities of both Broderick and Terry felt the senator therefore had the advantage. Thus the San Francisco Morning Call reported as much on the morning of the duel under the headline "A Dead Shot":

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<sup>315</sup> O'Meara, op. cit., pp. 321-232.

<sup>316</sup> O'Meara, op. cit., p. 233.

<sup>317</sup> O'Meara, op. cit., p. 217.

<sup>318</sup> Stewart, op. cit., p. 119.

<sup>319</sup> Stewart, op. cit., p. 120.

It is generally understood that Judge Terry is a first-rate shot; but it is doubtful whether he is as unerring with the pistol as Senator Broderick. This gentleman, recently, in practicing in a gallery, fired two hundred shots at the usual distance, and plumped the mark every time. As he is a man of firmer nerve than his opponent, we may look this morning for unpleasant news from the field.<sup>320</sup>

One of Broderick's friends on the eve of the duel was claiming that the senator "never had a better chance, and he isn't going to get hurt."<sup>321</sup> On the morning of the duel, shortly before Broderick left for the field, he told his friend John White, "Don't you worry, John; I can shoot twice to Terry's once; beat him shooting every time."<sup>322</sup>

There was, however, one very important qualification to Broderick's skill as a marksman. As Bill Stewart put it, Broderick had to "use his own pistol." His own pistol invariably had a heavy-action trigger. As a consequence of a lack of sensitivity in the fleshy part of Broderick's right forefinger, he could feel the trigger of his weapon only when he had pulled it hard. This meant that he could not effectively use a weapon with a hair-trigger. "A hair-trigger pistol," Stewart recalled, "would invariably go off before he was conscious of having touched it."<sup>323</sup> "Natchez" Taylor tried to teach Broderick how to use a hair-trigger. His efforts were to no avail. According to Stewart, Taylor thereafter cautioned Broderick to avoid duels: the actual weapons used would invariably be determined by the toss of a coin or some other mechanism of chance, and Broderick might end up with a hair-triggered pistol. In such a case, he would be "no match for a man who could use a hair-trigger."<sup>324</sup>

The duel, which was to have taken place shortly after sunrise on Monday, September 12th, was postponed for twenty-four hours. Duels were technically illegal in California. Friends of Broderick thus obtained a warrant for the arrest of both parties. Broderick and Terry were taken into custody early on the morning of the 12th as they approached the field where their combat was to have taken place. However, the judge before whom

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<sup>320</sup> Cited by O'Meara, *op. cit.*, p. 238.

<sup>321</sup> O'Meara, *op. cit.*, p. 234.

<sup>322</sup> O'Meara, *op. cit.*, pp. 235-236.

<sup>323</sup> Stewart, *op. cit.*, p. 120.

<sup>324</sup> Stewart, *op. cit.*, p. 120.

they were hailed several hours later ruled that while dueling itself was illegal, arranging one was not. Since the parties had merely contemplated a duel but not fought one, the judge found that he had no jurisdiction. The freed parties agreed to reschedule their encounter for the following morning. Their seconds took them to secluded farm houses and kept them incommunicado to avoid further interventions from the courts.<sup>325</sup>

A crowd of about eighty had gathered in the San Mateo County field by the time the combatants—along with their seconds, their surgeons and the designated armorer, "Natchez" Taylor—arrived the following morning. The sun had not yet risen. The weather was raw. Both the participants and the spectators were wearing overcoats.<sup>326</sup> I have found no account of the duel that gives the names of the witnesses. I would not be surprised if Charlie Fairfax had been among those present. It promised, after all, to be one of the state's great spectacles. Moreover, Calhoun Benham, Charlie's brother-in-law, was one of David Terry's seconds. I suspect Uncle Dick may have been there as well. As at least a sometime ally of Broderick, he surely had an interest in the outcome.

The toss of a half-dollar determined which party would chose the weapons. Terry won. He selected a pair of seemingly identical pistols of either French or Belgian manufacture. Significantly, they had hair-triggers.<sup>327</sup> Whatever advantage Broderick may have had to that moment had now probably been lost. "Natchez" Taylor examined the guns. Perhaps because of his friendship with Broderick and his knowledge of his client's shortcomings, or perhaps because he was simply a good gunsmith and saw something amiss, Taylor claimed that the trigger on the gun given to Broderick had been set too finely and that it could therefore be accidentally discharged by a movement other than a trigger pull. Taylor's objections were ignored.<sup>328</sup>

A second coin toss determined who would determine the positions on the field. Broderick won and chose to shoot with the sun, just then beginning to rise over the hills, to his back.<sup>329</sup>

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<sup>325</sup> Williams, *op. cit.*, pp. 236-237.

<sup>326</sup> O'Meara, *op. cit.*, p. 239.

<sup>327</sup> O'Meara, *op. cit.*, p. 234; Williams, *op. cit.*, p.238.

<sup>328</sup> Williams, *op. cit.*, p. 238.

<sup>329</sup> O'Meara, *op. cit.*, p. 237.

Broderick and Terry walked to the field and stationed themselves twenty paces apart. "Natchez" Taylor loaded Broderick's pistol and handed it to him. Calhoun Benham patted Broderick down to make sure he was wearing nothing which would deflect a bullet. Broderick's second—Anti-Lecompton Congressman James McKibben—similarly inspected Terry. Broderick removed his watch and his money from his pockets and gave them to McKibben. Terry handed his belongings to Terry. The seconds, satisfied that all was in order, withdrew.<sup>330</sup>

Broderick and Terry stood facing each other, their weapons at their sides. They had removed their overcoats. Both wore full-length black frock coats and collarless shirts. They also wore nearly identical soft felt hats. Broderick had pulled his down until its brim almost covered his forehead. Terry wore his well back on his head. Their surgeons stood near the side of the field. Broderick's doctor, a man named Lohr who edited San Francisco's German-language Anti-Lecompton newspaper, had come equipped with a large sack filled with medical instruments, the most ominous of which was a long saw, the tip of which protruded from his bag.

On the command "Fire", Broderick shot first and almost instantly. His weapon had discharged before he had been to aim it. His bullet plowed into the ground in front of him, less than half the distance to Terry. Broderick's problem almost certainly was his inability to properly fire a hair-trigger.

Less than a second after Broderick's shot rang out, Terry fired with good aim. His bullet hit Broderick in the right chest. Surgeons would later determine that it fractured his sternum, passed through his left lung and lodged near his left armpit. Broderick staggered and fell to his knees with only his extended left hand keeping him from falling prone. Terry maintained his position and left the field only when the seconds determined that there would no need of a second shot.<sup>331</sup>

Broderick was carried away in a wagon to the farmhouse where he had spent the previous night. Initially, his doctors believed Terry's bullet had hit too wide to be fatal. On the field, he had coughed up less than a tablespoon of blood. There were no overt signs of internal hemorrhaging. But Broderick complained of

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<sup>330</sup> O'Meara, *op. cit.*, p. 239.

<sup>331</sup> Williams, *op. cit.*, p. 238; O'Meara, *op. cit.*, p.241.

a heavy pain in his chest. He was unresponsive to treatment. Shortly after midnight on the morning of Friday, September 16th, Broderick entered a coma. At 9:20 that morning, forty year old David Broderick died.<sup>332</sup>

The death of David Broderick left Anti-Lecompton Democrats without their leader and Uncle Dick without his clout. The Anti-Lecomptons who put their loyalty to the Democratic Party before all else could reestablish ties with the supporters of Stephen Douglas. Those whose anti-slavery and free-soil sentiments were overpowering could join the increasingly more powerful Republicans. Uncle Dick's situation was somewhat different. He had not joined with Broderick in 1854 on account of ideological concerns. Broderick had not warmly received him because of his free-soil beliefs. Uncle Dick entered the Broderick camp because he needed a job. The Broderick forces had welcomed Uncle Dick because he was a close relative of Charlie Fairfax, whom they needed to control, and because he was capable of exhibiting an intimidating presence at appropriate moments.

The nature of the employment found by one of Uncle Dick's sons not many months prior to the Broderick-Terry duel suggests that Uncle Dick was already drifting back to his natural alliance with the Chivs. I cannot determine with precision when Uncle Dick's eldest son, Gustavus Warfield Snowden, left Maryland and came to California. His name appears for the first time in a San Francisco city directory issued in July of 1858.<sup>333</sup> According to the directory, Gus Snowden, then twenty-two years old, was employed as a clerk in the United States Branch Mint. That Uncle Dick's son was working in a Federal office is an immediate tip-off. The Mint was part of the vast Federal patronage empire which the Chivs controlled. Gus Snowden could have found work there only by virtue of his political affiliations or his connections with those properly aligned with the Chivs. While Charlie Fairfax could have put in a good word with loyal Chiv Jacob Snyder who then ran the San Francisco Mint, I doubt if Gus Snowden could have been hired unless his father had already returned to the fold.

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<sup>332</sup> William, *op. cit.*, pp. 238-239; O'Meara, *op. cit.*, pp.242-243.

<sup>333</sup> The San Francisco Directory for the Year Commencing July, 1858 (San Francisco: Valentine & Company, 1858) p. 255.

In any case, the bloodshed born of another bonanza would soon force aside politics as the major concern of my relatives in the West. The violent death in the spring of 1860 in the Utah Territory of another of Uncle Dick's sons, Richard Nicholas Snowden Junior, would send Uncle Dick, Charlie Fairfax and perhaps Gus Snowden as well on a mission of revenge.

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Richard Nicholas Snowden Junior (1837-1860) was killed in the course of what later came to be known as the "Pyramid Lake War." The conflict, the bloodiest encounter between native Americans and white men prior to the Battle of Little Big Horn, was briefly played out in the vicinity of the Big Bend of the Truckee River just south of Pyramid Lake in what is now western Nevada but what was then part of the much larger Utah Territory. The battle pitted an untrained battalion of 102 amateur soldiers drawn from the area around Virginia City and Carson City against a force of several hundred warriors of the Paiute tribe.<sup>334</sup>

The Paiutes and their predecessors had, for at least four thousand years, roamed a territory roughly bounded by the Blue Mountains of Oregon on the North, Owens Lake on the South, Austin and Battle Mountains of what is now Nevada on the east, and the eastern slopes of the Sierra Nevadas on the west. In the mid-nineteenth century, the Paiutes consisted of some twenty-one independent bands of one-hundred to two-hundred members each. This was a particularly appropriate form of organization for the gathering of wild edible roots (early white settlers thus referred to the Paiutes as "Diggers) and pine nuts, the principal staples of the Paiute diet. The Paiute bands of Pyramid lake distinguished themselves from their neighbors by additionally harvesting fish: first, the cut-throat trout which spawned near the mouth of the Truckee between December and February; but, more importantly, a lacustrine sucker-fish they called the *cuiui*

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<sup>334</sup> On the Pyramid Lake War, see Myron Angel, editor History of Nevada (San Francisco: Thompson and West, 1881); Samuel P. Davis, The History of Nevada, ( ); Martin Knack, As Long ad the River Shall Run, (Berkeley, University of California Press, 1984); John M. Townley, The Pyramid Lake Indian War (? Nevada: The Desert Rat---, 1989); and Ferol Egan, Sand in a Whirlwind (Garden City, New York: Doubleday and Company, 1972).

(*Chamistos cujus*) found only in the upper Truckee and Pyramid Lake. It was for this reason that the Pyramid Lake bands were known to their neighbors as the *Kuyuidökadö*.<sup>335</sup>

The Pyramid Lake War was the direct result of the explosive bonanza in the area of the Comstock Lode that began late in 1859 and which, by the spring of 1860, had attracted thousands of Californians across the border from the west and thousands more from the territories and states to the east. Because there was already a substantial population of miners less than a hundred miles away, the influx of outsiders into a previously desolate area was even more rapid and dramatic than the movement to California a decade earlier. Towns sprang up almost overnight in an environment that was forbidding at best.

Immigrant Adolph Sutro, later an industrialist, mayor of San Francisco and philanthropist, was among the early curiosity seekers who left San Francisco and headed east to the Washoe Valley. As he passed through the new settlement of Carson City in late March or Early April of 1860, he counted seventy-five houses, the majority of which were being used as hotels and restaurants. In Virginia City he found three parallel streets laid out (but no cross-streets) half a dozen house built from stone the previous fall, twenty five wooden houses and hundreds of tents. Most striking, he saw faces that were vaguely familiar beneath the whiskers and grime:

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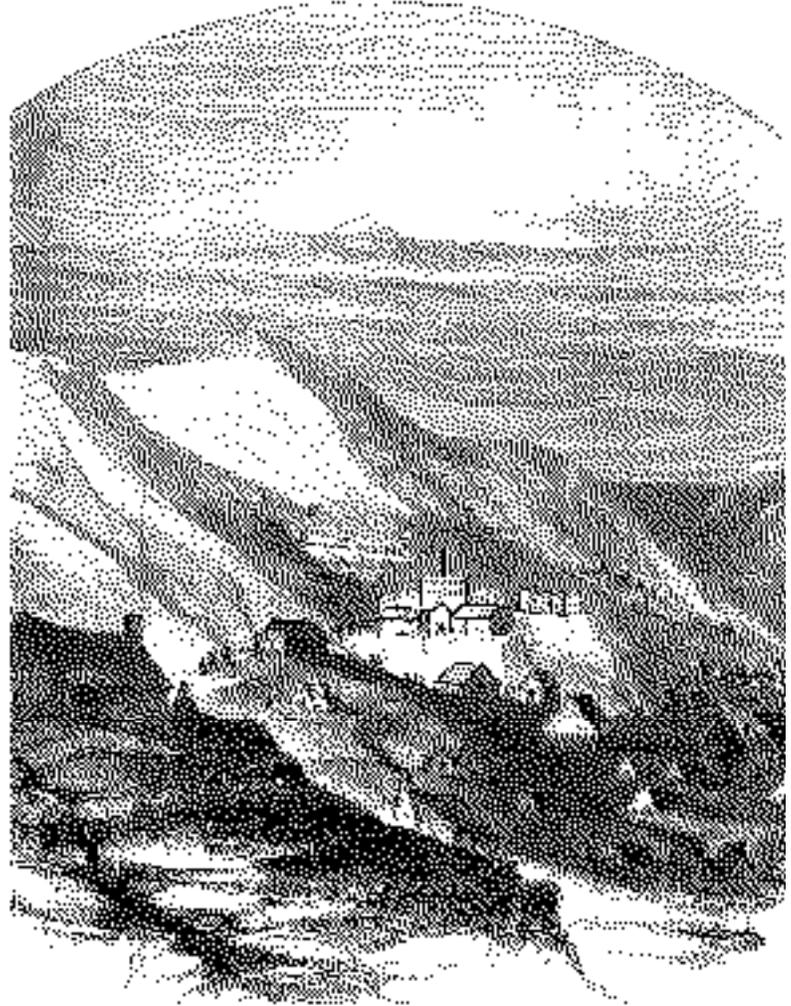
<sup>335</sup> Martha Knack and Owen C. Stewart, As Long as the River Shall Run, (Berkeley: University of California Press, 1984) pp. 5-13.

On entering town, a motley crowd met our view, rough, hardy looking men (their faces covered with beards) with blue or red woolen shirts; and when we came to look closely we would recognize many a San Francisco gent, who formerly sported a standing collar and twisted moustache, apparently well satisfied with the new country.<sup>336</sup>

Virginia City street life, as Sutro observed it, consisted largely of a brisk trade in claims and mining stocks. But for some sophisticated San Franciscans, adapting to the "new country" took some effort. Sutro thus complained about the limited cuisine (pork and beans and beans and rice) and the foul taste of the milky-colored, alkali and copper-laced water.<sup>337</sup>

An even more vivid and far more detailed picture of Virginia City's earliest days was provided by J. Ross Browne who had abandoned muckraking for the Treasury Department in favor of writing a three part series of pieces for Harper's New Monthly Magazine on the Comstock Bonanza:

Frame shanties,  
pitched together as if by  
accident; tents of canvas,



Virginia City, 1860  
(From a drawing by J. Ross Browne)

<sup>336</sup> Sutro originally published his observations in a series of articles that appeared in the Alta California on April 11th, 13th and 14th, 1860. I cite them from the reprint A Trip to Washoe (White --- Press, 1947) p. 3.

<sup>337</sup> Sutro, op. cit., p. 3.

of blankets, of brush, or potato-sacks and old shirts, with empty whisky-barrels for chimneys; smokey hovels of mud and stone; coyote holes in the mountains side forcibly seized and held by men; pits and shafts with smoke issuing from every crevice; piles of goods and rubbish on craggy points, in the hollows, on the rocks, in the mud, in the snow, everywhere, scattered broadcast in pell-mell confusion, as if the clouds had suddenly burst overhead and rained down all the flimsy, rickety, filthy little hovels and rubbish of merchandise that had ever undergone the process of evaporation from the earth since the days of Noah. The intervals of space, which may or may not have been streets, were dotted over with human beings of such sort, variety, and numbers, that the famous ant-hills of Africa were as nothing in the comparison. To say that they were rough, muddy, unkempt and unwashed would be but faintly expressive of their actual appearance; they were all this by reason of exposure to the weather; but they seemed to have caught the very diabolical tint and grime of the whole place. Here and there, to be sure, a San Francisco dandy of the "boiled-shirt" and "stove-pipe" pattern loomed up in proud consciousness of the triumphs of art under adverse circumstances, but they were merely peacocks in the barn-yard.<sup>338</sup>

Browne, in general agreement with Adolph Sutro, believed that the water of Virginia City "was certainly the worst ever used by man.":

Filtered through the Comstock Lead, it carried with it much of the plumbago, arsenic, copperas, and other poisonous materials alleged to exist in that vein. The citizens of Virginia had discovered what they conceived to be an infallible way of "correcting it"; that is to say, it was their practice to mix a spoonful of water in half a tumbler of whisky, and then drink it. The whisky was supposed to neutralize the bad effects of the water. Sometimes it was considered good to mix it with gin. I was unable to see how any advantage could be gained in this way. The whisky contained strychnine, oil of tobacco, tarantula-juice, and various effective poisons of the same general nature, including a dash of corrosive sublimate; and the gin was manufactured out of turpentine and whisky, with a sprinkling of prussic acid to give it flavor. For my part, I preferred taking poison in its least complicated form, and therefore adhered to the water. With hot saleratus bread, beans fried in grease, and such drink as this, it was no wonder that scores were taken down sick from day to day.<sup>339</sup>

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<sup>338</sup> Reprinted in A Peep at Washoe and Washoe Revisited (Balboa Island, CA: Paisano Press, 1959) p. 64.

<sup>339</sup> A Peep at Washoe, pp. 78-79.

But the opportunities awaiting in the Comstock region—which ranged from another crack at striking it rich for those whose California efforts had been less than satisfying to a chance to get rich providing the goods and services the miners would need in abundance—offset the inconveniences described by Sutro and exaggerated, though not excessively, by Browne. The discomforts, the immigrants knew, were temporary. Thus Bill Stewart moved to Virginia City in March, knowing that mine operators would have immediate need for lawyers well-versed in the legal theory of claims. He was not surprised to learn that David Terry, *persona non grata* in many California circles since his duel with David Broderick six months earlier, had beaten him there by two days. Though Terry also planned to practice mining law, Stewart claimed that the former judge and various colleagues from Calaveras County who had accompanied him, had already built three fortifications at strategic points on the Comstock Lode in anticipation of a civil war:

He declared even at that early day that there would be a separation of the Union, that Nevada would be part of the Southern Confederacy, and that whoever was in possession of the mines would be allowed to hold them.<sup>340</sup>

Twenty-two year old Richard Nicholas Snowden Jr. (I will call him Dick Jr.) was somewhere among Virginia City's new citizens. I can find no evidence indicating when he arrived or what he was doing there, although his age suggests that he had come to mine in the Comstock Lode. I likewise do not know when he came west. It would have made sense for him to have made the trek from Maryland to California with his older brother Gus so that both might rejoin the father they had last seen when they were in their early teens. There are, however, no references to Dick Jr. in any of the California city directories I have seen. He is documented only in



J. Ross Browne

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<sup>340</sup> Stewart, *op. cit.*, p. 129.

accounts of the Pyramid Lake War. By the time the 1860 Federal Census was taken, he had been dead for some months.

The earliest encounters between the white man and the Paiutes had been peaceful. Indeed, Chief Truckee, grandfather of Sarah Winnemucca who later wrote of these first meetings, believed the arrival of the whites signalled the fulfillment of a prophecy contained in Paiute legend. In 1841, when a messenger came to his camp near Humboldt Lake and told him an eastward-bound party from California was passing nearby, Chief Truckee asked what the emigrants looked like. Told they had white skin and hair on their faces, the chief is said to have jumped up with joy and cried, "My white brothers, my long-looked for white brothers have come at last!"<sup>341</sup>

Chief Truckee immediately rode to the white man's camp. He dismounted, raised his hands and threw down his robes, a sign to those whose language he could not speak that he was unarmed. The whites, who may have had bad experiences elsewhere or who may simply have been fearful, refused to approach. Chief Truckee and his men followed them for several days, making a point of always keeping within their sight. They thus hoped to win the whites' confidence. They were unsuccessful in doing so. "Perhaps they will come again next year," the disappointed chief said. He returned to his people and told them the following story:

In the beginning of the world there were only four, two girls and two boys. Our forefather and mother were only two, and we are their children. You all know that a great while ago there was a happy family in this world. One girl and one boy were dark and the others were white. For a time they got along together without quarrelling, but soon they disagreed, and there was trouble. They were cross to one another and fought and our parents were very much grieved. They prayed that their children might learn better, but it did not do any good; and afterwards the whole household was made so unhappy that the father and mother saw that they must separate their children; and then our father took the dark boy and girl, and the white boy and girl, and asked them, "Why are you so cruel to each other?" They hung down their heads, and would not speak. They were ashamed. He said to them, "Have I not been kind to you all, and given you everything your hearts wished for? You do not have to hunt and kill your own game to love upon. You see, my dear children, I have the power to call whatsoever kind of game we want to eat; and I also have the power to separate my

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<sup>341</sup> Hopkins, *op. cit.*, p. 5.

dear children if they are not good to each other." So he separated his children by a word. He said, "Depart from each other, you cruel children;—go across the mighty ocean and do not seek each other's lives.

So the light boy and girl disappeared by that one word, and their parents saw them no more, and they were grieved, although they knew their children were happy. And by-and-by the dark children grew into a large nation; and we believe it is the one we belong to, and that the nation that sprung from the white children will some time send some one to meet us and heal all the old trouble. Now, the white people we saw a few days ago must certainly be our white brothers, and I want to welcome them. I want to love them as I love all of you. But they would not let me; they were afraid. But they will come again, and I want you one and all to promise that, should I not live to welcome them myself, you will not hurt a hair on their heads, but welcome them as I tried to do.<sup>342</sup>

A party of whites did, indeed, pass through Paiute territory the following year. They were far more friendly. They welcomed chief Truckee to their camp, shook his hand and, upon his departure, gave him a tin plate. The chief, who had never seen such a thing before, marvelled at the gift. He drilled holes in it, placed it on his head, and wore it as a hat.<sup>343</sup>

Two years later, early in 1844, Captain John Frémont—who would give Pyramid Lake its English name—passed through Chief Truckee's territory on a trek which began in Oregon. He and his party of two dozen, including the explorer Kit Carson, were warmly greeted and fed with freshly-caught salmon trout.<sup>344</sup> Chief Truckee and eleven of his men continued with Frémont to California where they fought along side American troops in the Mexican War.<sup>345</sup>

As long as whites were merely transients in the Paiute territory of the Great Basin, relations between white and Indian were peaceful. The earliest white settlers of what would become Nevada and the Paiutes became bound by a treaty of peace which theoretically subjected their dealings to the same law. But when whites became settlers in the region, and when their numbers began to grow and to threaten to exceed the population of those

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<sup>342</sup> Hopkins, *op. cit.*, pp. 6-7.

<sup>343</sup> Hopkins, *op. cit.*, p. 8.

<sup>344</sup> Egan, *op. cit.*, p.6.

<sup>345</sup> Hopkins, *op. cit.*, p. 9.

who were there first, the problems began. The sheer numbers of bonanza participants and the rate at which they increased led to incursions on Indian grazing lands and the cutting down of piñon pines, the cones of which were an important part of the Paiute diet. Isolated raids followed on whites who travelled or lived in small groups. The frequency of such incidents increased with the growing influx of immigrants from both California and the east.

Detailed accounts have been published of the Paiutes' activities in advance of their bloody encounter with the whites near Pyramid Lake in May of 1860. They include lengthy quotations of Paiute leaders. Since the Paiutes themselves kept no records of these activities, and since no whites were present to observe or record them—at least no whites who lived long enough to tell their stories to others—legitimate concerns arise concerning the accuracy of these accounts. Myron Angel's History of Nevada is the source of all the narratives. Angel, a native of Oneonta, New York, had come overland to California in 1849 with his lawyer brother Eugene. His mining efforts, first in California and later in Nevada, though large scale and continual, were never, by his own admission, profitable. He made his living as a newspaper editor, and, thanks to a commission he received in 1880, as the general editor of the history of Nevada the Thompson and West Publishing Company planned to issue as part of its series of local western histories.

The Pyramid Lake War was of special interest to Angel, for his brother, to whom he had been very close, had been killed in it. I believe that Angel's difficulties in accepting his brother's death may have been what led him to investigate its circumstances in greater detail than otherwise would have been the case. His rigor in researching this facet of his history certainly exceeds that of other writers of popular history of the time.

In late 1880 Angel visited the Paiute reservation near Pyramid Lake. He took an interpreter with him. He sought out as many Paiutes as he could find who had either participated in the battle twenty years earlier or who had witnessed the events that had led to it. The Indians, Angel later recalled, were careful to speak only of what they had seen with their own eyes or heard with their own ears. If one could not describe an event, he would often suggest the name of another who could. Angel rode with some to the battle scene and other key sites associated with

related hostile encounters between Paiutes and whites. This was the evidence upon which he based his subsequent narrative. To be sure, his own emotional involvement may have colored his account. The passage of time may have dimmed the memories of his informants. But the Indians' efforts to avoid hearsay suggests to me that, concerns of self-interest aside, they wished to provide accurate evidence. Angel did not discover all the relevant details of the hostilities, especially those which disclosed darker sides of the whites' behavior. Or perhaps he did, but chose not to reveal them. In any case, I find few difficulties in accepting the fundamental accuracy of what Angel wrote. I therefore rely largely on his narrative.<sup>346</sup>

Indians of the region, including the Paiutes, the Shoshoni, the Bannocks and other groups from the areas of Smoke Creek, Honey Lake Valley, Antelope Valley and Black Rock Desert met in council near Pyramid Lake in March and April of 1860 to formulate a common policy with respect to their growing problems with the settlers. The majority of the leaders advocated a violent response. A Paiute war chief named Numaga was the only dissident. As a younger man he had worked as a field hand on the lands of the Mission Fathers in Santa Clara Valley. He had learned some English and had acquired a more extensive knowledge than his colleagues of the white man's military capabilities. Numaga counselled peace. The Indian leaders were deadlocked in the absence of the unanimously agreed upon course of action all felt they needed to proceed.

Numaga made a circuit of the separate groups and attempted to lobby with each for peace. He met with no success. He began a three day fast which ended on May 7th only when the other leaders threatened to kill him. "Your skin is red," one told him, "But your heart is white; go away and live among the pale-faces."<sup>347</sup> Numaga then left his bed, approached his colleagues and, according to Angel, made the following speech:

You would make war upon the whites. I ask you to pause and reflect. The white men are like the stars over your head. You have wrongs, great wrongs that rise up like those mountains before you; but can you, from the mountain tops, reach and blot out the stars? Your

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<sup>346</sup> Angel describes his meetings with the Paiutes in op. cit., p.150.

<sup>347</sup> Angel, op. cit., p. 151.

enemies are like the sands in the beds of your rivers; when taken away they only give place for more to come and settle there. Could you defeat the whites in Nevada, from over the mountains in California would come to help them an army of white men that would cover your country like a blanket. What hope is there for the Pah-Ute? From whence is to come your guns, your powder, your lead, your dried meats to live upon; and hay to feed your ponies with which you carry on this war? Your enemies have all these things. More than they can use. They will come like sands in a whirlwind and drive you from your homes. You will be forced among the barren rocks of the north, where your ponies will die; where you will see the women and old men starve, and listen to the cries of your children for food. I love my people; let them live; and when their spirits shall be called to the Great Camp in the sky, let their bones rest where their fathers are buried.<sup>348</sup>

Numaga's words, however compelling, came to late. A messenger arrived shortly after he spoke. He told the crowd that Moguannoga, a chief who lived to the northeast in the Humboldt Meadows and whom the whites called "Captain Soo", had gone the previous day in the company of nine braves to Williams Station, a small trading station and whiskey stop some sixty miles north of Virginia City on the Big Bend of the Carson River. Moguannoga and his braves, the messenger said, had killed four whites.

Numaga knew that there was regular traffic through Williams Station and that it was, in fact, on the route of the Pony Express which had gone into service only weeks before. He realized that others would soon discover the massacre at Williams Station if they had not already done so. He knew retaliation would follow shortly with the tragedy he had just predicted very likely in its wake. He likewise knew that there could be only one course of action. "There is no longer any use for counselling," he told the others. "We must prepare for war, for the soldiers will now come here to fight us."<sup>349</sup>

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<sup>348</sup> Angel, *op. cit.*, p. 151.

<sup>349</sup> Angel, *op. cit.*, p. 151.

The massacre at Williams Station followed some days after the disappearance of two teenaged Paiute women who had left the Humboldt Meadows camp to dig roots but who had failed to return.<sup>350</sup> Their parents went in search of them. They found tracks which led in the direction of Williams Station, the outpost run by James O. Williams and his brothers Oscar and David, all emigrants from Maine. The parents, joined by others, went to Williams Station where the Williams brothers denied they had seen the young women. Upon continued questioning, they offered to let the visitors search their cabin. No trace of the women was found.<sup>351</sup>

That the proprietors of Williams Station were lying became clear the following day when a young Paiute man visited the outpost in search of a trade. Oscar and David Williams eyed the pony he was riding and decided they wanted it. They offered in exchange a firearm of some sort along with five cans of powder, five boxes of caps and five bars of lead. The Paiute agreed to the deal. He handed over the horse, which the Williams brothers immediately locked in their barn. They then handed the Paiute the gun, the caps and the powder. But they refused to give him the lead. The Indian claimed that, in the absence of the promised lead, the deal was off. He demanded the



Numaga (1870)

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<sup>350</sup> Angel does not deal with this event, but Sarah Winnemucca Hopkins, who published her book two years later, describes it in detail.

<sup>351</sup> Hopkins, *op. cit.*, p. 70.

return of the pony. The Williams brothers thereupon turned their dog on the Paiute. The Indian screamed as the dog sank its teeth into his flesh. He was surprised to hear his screams echoed by what seemed to be the muffled screams of young women coming from the direction of the barn. The Paiute broke loose, ran back to camp and reported the incident to the parents of the missing women.<sup>352</sup>

Early on the morning of May 7th, nine Paiutes led by Moguannoga—a/k/a "Captain Soo"—rode to the vicinity of Williams Station. They tethered their horses some distance away and, shortly sundown, continued on foot. "We all go down to cabin," one of the braves told Myron Angel twenty years later. "And then white men come out—they look mighty scared, and talk heep to Captain Soo."<sup>353</sup>

One of the whites suddenly started running in the direction of Buckland's Station, another outpost some seven miles to the northeast. Two braves ran in pursuit and dragged him back to the cabin. A second white then ran to a nearby bluff, stumbled down the bank, jumped into the Carson River and tried to swim away. He flailed about in the swiftly running ice-cold water for a time but soon drowned. The Paiutes dragged his body from the river and threw it in the cabin. A third white drew a knife and lunged at an Indian who grabbed him by the arm, spun him around, and forced his arm upward until it broke. The white fell to the ground where the Indian choked him to death.<sup>354</sup>

The Paiutes next went to the barn, broke open the door and discovered a trap door leading to a cellar beneath. According to Sarah Winnemucca Hopkins, when they raised the door they discovered the two young women "lying on a little bed with their mouths tied up with rags."<sup>355</sup> They freed the women, returned to the cabin and set it on fire. They traced their path back to their horses and began their ride, now in the dark, toward Pyramid Lake. Along the way they passed the ranch of a man named C.M. Davis. But they did him no harm. "Davis purty good man," one of the party told Angel. "Never abuse Ingin; no kill him." They likewise spared the occupants of Buckland's Station, even though

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<sup>352</sup> Hopkins, *op. cit.*, p. 70.

<sup>353</sup> Angel, *op. cit.*, p. 152.

<sup>354</sup> Angel, *op. cit.*, p. 152.

<sup>355</sup> Hopkins, *op. cit.*, p. 71.

they regarded Samuel Buckland as a man who was "heep bad; whip Ingin; scold Ingin; mighty cross all the time." At the ranch of W.H. Bloom, they debated whether to set loose his cattle, but it is unclear whether they did so. With the approach of dawn, Moguannoga sent one brave ahead as a messenger. He arrived at Pyramid Lake just as Numaga finished the speech in which he counselled peace.<sup>356</sup>

Meanwhile, James Williams, who had been camping upstream from his cabin, returned home, found it a smoking ruins. He also found the remains of his brothers and three other men. Williams immediately rode in the direction of Buckland's Station. Along the way he stopped at the cabins of several other settlers. He found all unoccupied and concluded that the residents had likewise been massacred. At Buckland's Station he told his story which Pony Express riders passed along to the citizens of Virginia City later that day.<sup>357</sup>

The details of the massacre at Williams Station that reached Virginia City were sparse to begin with. They became garbled and highly embellished thereafter as they were first transmitted by word of mouth to other towns in the area and later, via telegraph lines, westward to Sacramento and San Francisco. Almost immediately the number of victims at the Williams' outpost rose to nine, and included a woman and a child.<sup>358</sup> The number of those killed nearby was estimated at twelve or thirteen additional. An entire army of Indians supposedly gave chase to James Williams as he rode from the ashes of his cabin to Buckland's Station. "The Indians are about five hundred strong," claimed the Sacramento Union. "They pursued him to within six miles of Buckland's Station and gave up the chase."<sup>359</sup> In the absence of fact but in the presence of ever more grisly atrocity stories, panic spread from Virginia City to Carson City to Silver City to Genoa and to any number of smaller settlements just to the east of the Sierra Nevadas. There was no immediate attempt to ascertain the precise details of the massacre or to determine what might have

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<sup>356</sup> Angel, *op. cit.*, p. 152.

<sup>357</sup> Angel, *op. cit.*, p. 152; Egan, *op. cit.*, pp. 109-110.

<sup>358</sup> See the dispatch from San Francisco printed in the New York Times on June 8th, 1860.

<sup>359</sup> Sacramento Union, May 9th, 1860, quoted by Egan, *op. cit.*, p. 110.

motivated the Indians. But there was an immediate and strong desire for revenge.

There was no organized militia in the area and no Federal military presence. There were few settlers who had any military experience. There was a shortage of both guns and ammunition. There was a shortage of horses and forage with which to feed them. Provisions were in short supply and existing resources were strained all the more with the daily arrival of still more bonanza-seekers. It had been a tough winter, similar to the winter emigrants in the gold country of California had experienced a decade earlier. Moreover, in the Carson River Valley the winter had not ended. Almost everything therefore argued against immediate retaliation, even in the absence of an investigation which, if the truth were ascertained, would have indicated that the crimes of the Williams brothers had prompted the Indian raid on their outpost.

In the space of a day, however, the settlers planned a military response. "In the whole country," recalled Myron Angel, "there was but one voice, and that went up from the whole people for a swift and bloody retaliation—one that would strike terror to the hearts of the Pah-Ute, and leave his country a tremendous waste."<sup>360</sup> The settlers thus formed an army. Actually, it was four separate troops from four different towns: the Genoa Rangers, the Carson City Rangers, the Silver City Guards and two companies of men from Virginia City.

Dick Junior volunteered to join the second Virginia City company, commanded by a man named Archie McDonald.<sup>361</sup> Neither Dick Jr. nor the leader of his company had had, as far as I can determine, any prior military training. What he knew about guns and horses he had learned in Maryland where Indians had not been a threat in his lifetime. The composition of the troops from the other towns was similar. The white warriors were untrained men, few of whom knew each other since most had arrived only recently from somewhere else. Included among the volunteers were a smattering of foreigners from Greece Italy and Chile. The only fighter who was believed to have prior combat experience was Richard Watkins, the one-legged commander of the Silver City Guards. Watkins claimed he lost his leg during

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<sup>360</sup> Angel, *op. cit.*, p. 153.

<sup>361</sup> Angel provides a partial roster of volunteers, *op. cit.*, p. 153.

William Walker's Nicaraguan expedition. War. Historians for more than a century believed his claim, though Ferol Egan has recently pointed out that Watkins' military experience was limited to sea duty during the Mexican War. He in fact lost his leg during a San Diego street brawl, following which he arranged to have his severed limb sent, as a sort of memento, to the man who had injured him.<sup>362</sup> Watkins had to be strapped into his saddle in order to ride. But perhaps the most telling weakness of the forces the townspeople mustered was the lack of an over-all commander.

Wiser heads could predict the outcome of the expedition. Bill Stewart was alarmed to learn that Henry Merideth, a brilliant young lawyer from California who only a day earlier had agreed to be his law partner, now planned to enroll as a volunteer. "I begged him not to go with such a disorderly company," recalled Stewart, "told him they had no discipline, would not obey orders, and that fighting with the Indians would be disastrous." Merideth joined the Second Virginia City Company in spite of Stewart's pleas, although he promised he would ride no farther than Williams Station. But Merideth would turn out to be too gung-ho to stop there. He would ride side-by-side with Dick Jr. to Pyramid Lake where both would die after a few moments of combat.<sup>363</sup>

Myron Angel later pinpointed the most glaring shortcomings of the warriors who rode from Virginia City, Carson City, Silver City and Genoa. "What they lacked most," he wrote, "was discipline and a leader in whom they had entire confidence, and who had the authority to enforce his commands. In the absence of these last two essentials it would have been better had they all been cowards."<sup>364</sup> Most, according to Angel, were riding in search of diversion or adventure. They believed the Indians would not fight. They therefore eagerly anticipated the capture of Paiute ponies and Paiute women. True, Angel acknowledged, there were a few among the troops "motivated by sentiments and urged forward by feelings that make the patriot, produces heroes, and often ends in martyrdom." He counted Dick Jr., Henry Merideth and his brother Eugene among that select number. But most of the whites who rode toward Pyramid lake to avenge the deaths of those who had kidnapped and raped the young Paiute women

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<sup>362</sup> Egan, *op. cit.*,

<sup>363</sup> Stewart, *op. cit.*, p. 124.

<sup>364</sup> Angel, *op. cit.*, p. 153.

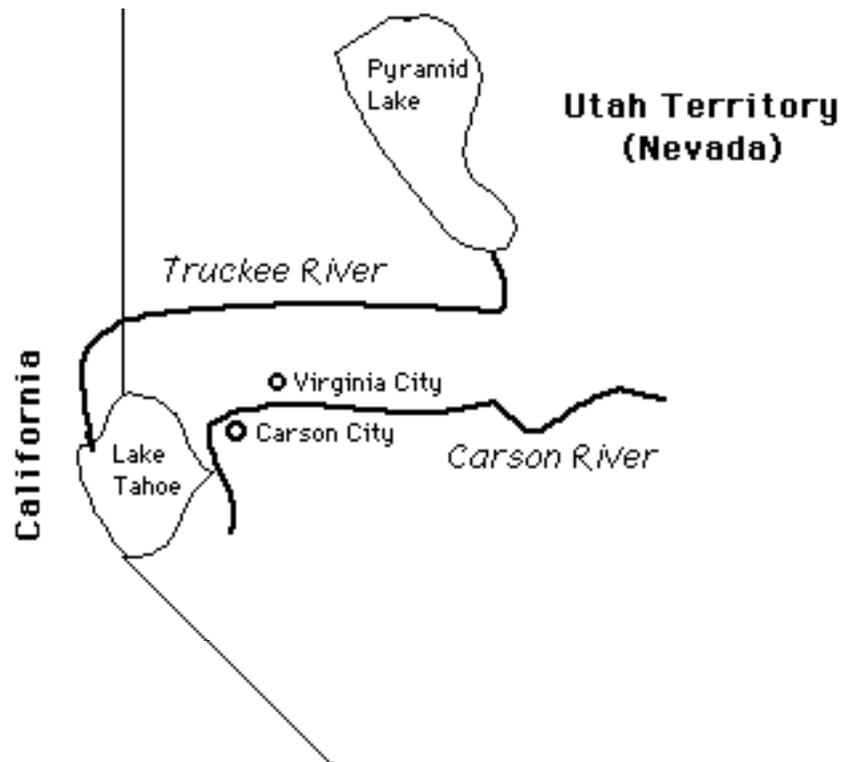
were driven by the best-known phrase associated with the Pyramid Lake War: "An Indian for breakfast and a pony to ride."<sup>365</sup>

Dick Jr. and thirty-three other men left Virginia City under Archie McDonald's command at three in the morning on Wednesday, May 9th. They made camp some eighteen miles up the Carson River, and at two in the morning on May 10th continued their upstream ride. They reached Buckland's station shortly after dawn, where they were told there was no danger. They reached the remains of Williams Station about ten that morning.<sup>366</sup>

Troops from Carson City under the command of Major John Ormsby had arrived at Williams Station first and buried the bodies of the

victims. McDonald, upon his arrival, found two bloody axes and tracks of Indian ponies. He noted that the "Indians had taken all the good arms from the place and left those that were worthless." McDonald's and Ormsby's

troops made camp at Williams Station that night. There was a lengthy debate over whether to continue the expedition. Judge John Cradlebaugh, who had arrived late in the evening with a group of



<sup>365</sup> Angel, *op. cit.*, p. 153.

<sup>366</sup> From Archie McDonald's account of the expedition, printed in the June 14th, 1860 edition of the Chicago Tribune under the headline "The Washoe Massacre—Fatal Engagement of Pyramid Lake."

another fourteen men from Carson City had already seen enough to lead him to conclude that retaliation was unwarranted. Though he argued to that effect, the majority voted to continue. Cradlebaugh and most of his men would return to Carson City the following morning

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The remainder resumed their trek early on the morning of the eleventh. The trail of the Indians was not difficult to follow, for they had left much in their wake—"articles scattered all over", noted McDonald, who concluded, probably correctly, that they debris were a "decoy" to lead the whites onward. Shortly after noon they reached the point on the Big Bend of the Truckee River which is now the town of Wadsworth. Already they were short of supplies and had to send a party to the cabins of settlers further up the river in search of additional provisions. To make matters worse, the wind from the west picked up and it began to snow. Three members of the party who had come the distance on foot announced that they were afraid of the Indians and would return to Virginia City the following morning.<sup>368</sup>

Three inches of snow had fallen by sunrise on Saturday, May 12th. The white forces, which now consisted of twenty-six men under Archie McDonald and eighty men under William Ormsby, waited until the snow melted so that they could follow the Indians' trail. Around noon they resumed their ride, now



Major William Ormsby

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<sup>367</sup> McDonald, *op. cit.*; Angel, *op. cit.*, p. 153; Egan, *op. cit.*, p. 121.

<sup>368</sup> McDonald, *op. cit.*; Angel, *op. cit.*, p. 153.

heading almost due north. They followed a well-marked path along which they found continual evidence of the Paiute's recent passage. Of the Indians themselves they had thus far seen not a sign.<sup>369</sup>

William Ormsby by this time had come as close to assuming supreme command of the group as anyone would, perhaps because the troops perceived him as having the greatest familiarity with the Paiutes. In Carson City he had built a solid business providing lodging for, and selling supplies to, the Comstock miners. He had also built up what seemed to be a close relationship with Paiute leaders: Chief Poito—called Winnemucca by the whites—had become his friend and had, for a time, allowed his young daughter Thocmetony—known by the whites as Sarah—to live in the Ormsby household so that she might learn the English language.<sup>370</sup>

As the volunteers rode through a narrow pass about ten miles south of Pyramid Lake, Ormsby ordered a small contingent, under the leadership of a man named C.T. Lake, to remain as a rear guard in case of retreat. Several more miles to the north, he sent four riders in advance of the main body to act as scouts. When the troops had approached within four miles of Pyramid Lake, the scouts returned and reported that they had seen two Paiutes. Ormsby ordered the scouts to return north and to capture the two Indians if possible. The scouts obeyed orders and rode some two miles farther north. At that point, a much larger band of Paiutes appeared, charged the scouts, but allowed them to escape and report back to Ormsby. This was, of course, part of the Paiute strategy, just as the well-marked trail they had left behind had been. Their intention was to lure the whites as far forward as they could. Thus far they had had remarkable success.<sup>371</sup>

Ormsby ordered the troops onward. They now rode from a plateau bracketed by bluffs down a steep, narrow and presumably slippery incline to meadowland some fifty feet below the terrain they had just crossed. Two miles ahead they could see the lake. A mountain rose on the west. Elevated table land stood to the east. The narrow incline the troops had just descended was the only

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<sup>369</sup>McDonald, *op.cit.*

<sup>370</sup> Egan, *op. cit.*, p. 27-31.

<sup>371</sup> McDonald, *op. cit.*; Angel, *op. cit.*, p. 154.

exit from the meadowlands which extended the remaining distance north to Pyramid Lake. It was, in effect, a point of no return beyond which escape would be next to impossible. The width and grade of the trail from the meadowlands back up to the plateau ruled out a speedy retreat by roughly one hundred men if such a retreat were necessary.<sup>372</sup>

When Ormsby and his men had advanced another quarter mile, they suddenly saw a group of Indians on the plateau ahead and slightly to the right. They numbered about 150. Their horses were arrayed side-by-side. In front of them, four or five chiefs charged back and forth on their ponies. Archie McDonald later recalled that they "showed great skill in the handling of their horses." All the mounted Paiutes let out a war whoop the moment they saw the whites. Ormsby and his men advanced another four hundred yards or so in full view of the Indians who, according to McDonald, "were able to count us one by one as we marched down the deep trail".<sup>373</sup>

One of the chiefs appeared to be wielding a raised battle axe. "It glittered in the sunlight," McDonald remembered, "and was probably taken for a white flag by those further off." In fact, one of the volunteers cried out that it *was* a white flag. One of McDonald's volunteers, A.K. Elliott who had come to the Comstock not long before from Napa County, had a rifle with a telescopic sight. McDonald ordered Elliott to use the sight to determine if the object in the chief's hand was indeed a battle axe or a white flag. Elliott reported that he was convinced the chief was brandishing the sign of war. McDonald ordered Elliott to fire at the chief. He did so, but to no effect. The chief was well beyond the range of Elliott's rifle.<sup>374</sup>

Immediately thereafter the Paiute's rode to the edge of the plateau and dismounted. McDonald marvelled that their ponies "stood perfectly still, apparently well trained for an engagement." Another two hundred Indians on foot suddenly appeared in the midst of those who had just left their horses. Though the visible forces of the Paiute's now outnumbered the total forces of the whites by a ratio of three to one, though they were on much higher ground, and though their mounts were clearly superior to

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<sup>372</sup> Angel, *op. cit.*, p. 154.

<sup>373</sup> McDonald, *op. cit.*

<sup>374</sup> McDonald, *op. cit.*

those of the volunteers, Major Ormsby suggested a charge. Archie McDonald, who seems to have done a better job of counting the forces of each side and inferring the probable outcome of such a mismatch, advised an immediate retreat, specifically in the direction of a cottonwood grove near the river. The trees, McDonald pointed out, would provide cover. The river would provide added protection on one side, the open meadow on the other.<sup>375</sup>

Ormsby nevertheless ordered a charge. Only about thirty of the hundred or so volunteers followed him. The way to the top of the plateau was through deep, loose sand. Trying to race up the incline therefore served only to further tire the already weary and underfed horses. Moreover, by the time Ormsby and his group reached their goal—which, on account of the conditions of the path, took much longer than anticipated—the Indians whom the whites had been charging had disappeared. "It was as though they had charged through an open gate into an Indian corral," Angel observed as he assessed first assessed the white's move and then described its sequel<sup>376</sup>

The whites had charged directly into a classic ambush. For another group of mounted Indians immediately appeared directly ahead but out of range. Then, on both flanks, Indians on foot suddenly stepped from behind the sage brush and boulders. The Indians were now arrayed in a wide semicircle. Some of them began to move to the south in a manoeuvre that would close the circle and block the whites' exit from the meadowland. At this point the Indians, whether on horse or on foot, opened fire.<sup>377</sup> The horses of the whites were not used to the sounds of combat. Many of them reared. Their riders were not used to rearing horses. Some of them lost their balance and either fell off their horses or dropped their weapons.<sup>378</sup>

Ormsby belatedly ordered a retreat from the plateau to the cottonwood grove some eight hundred yards to the southwest. Some three hundred yards from the woodlands the troops came upon a deep and narrow gulch—something of the order of a long trench—which McDonald observed was "well adapted to shelter

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<sup>375</sup> McDonald, *op. cit.*; Angel, *op. cit.*, 154; Egan, *op. cit.*, p. 137.

<sup>376</sup> McDonald, *op. cit.*

<sup>377</sup> McDonald, *op. cit.*, Angel, *op. cit.*, p. 155.

<sup>378</sup> McDonald, *op. cit.*; Angel, *op. cit.*, p. 155; Egan, *op. cit.*, p. 138.

our horses." Ormsby ordered the men to dismount and to try to make a stand.<sup>379</sup> They began to fire and, for a space of ten minutes or so, were able to hold off the Indians. Unfortunately, with the exception of A.K. Elliott and a few others, the whites were armed with shotguns that had a very limited range. The Indians for the most part had rifles and muskets—previously purchased from whites who had realized early on that the arms trade could be a very profitable business—which were far more effective under the circumstances. Moreover, as the whites shot to the north and east, another band of from three to four hundred Paiutes began advancing from the river, apparently a move that was the first step of an attack from the rear.<sup>380</sup>

A rout was now in full progress. "A great panic seized our men," McDonald later wrote, "and a majority of them broke for the river.; the others saw that they had to follow, as the Indians were thus closing in very rapidly. No more control over the men existed." Ormsby himself was hit in the mouth by an arrow and, in the wake of his injury, "lost some of his presence of mind." Henry Merideth climbed from the gulch and made a mad dash on foot for the cottonwoods where he had earlier tethered his horse.<sup>381</sup> The whites on horseback followed and, covered by the trees, rode about south. Paiutes now surrounded them. After the whites had moved two hundred yards to the south and were about a hundred yards east of the river bank, McDonald and Henry Merideth persuaded them to dismount and to try to make another stand. Most immediately tried to remount and ride off. The best index of how things stood at this point is that McDonald threatened to shoot those who tried to run.<sup>382</sup>

A pitched battle began, with the Indians now at a range of sixty yards. Henry Merideth's horse broke loose from its tether in the course of the shooting and ran off. Other horses did likewise. After fifteen minutes, those who still had horses mounted and rode towards the river. The remainder ran on foot. B. Lawrence, an emigrant from Sonoma County, offered Merideth a ride on the back of his mule. "No, sir," Merideth cried, "it would endanger your life." Within five minutes Merideth, now some sixty yards

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<sup>379</sup> McDonald, *op. cit.*

<sup>380</sup> McDonald, *op. cit.*; Egan, *op. cit.*, p. 139.

<sup>381</sup> McDonald, *op. cit.*; Egan, *op. cit.*, p. 140.

<sup>382</sup> McDonald, *op. cit.*

behind those on horseback, was overtaken by mounted Paiutes. "Some fifty Indians fired on him in one charge, " McDonald recalled, "and he fell." Merideth was able to prop himself up on his elbow, fire off two rounds from his shotgun and thereby kill two Indians. When he reached for his revolver, he found it was gone. According to McDonald, "Indians then closed in upon him and cut his to pieces."<sup>383</sup>

Dick Junior, along with McDonald and several others, tried to cover the retreat from the rear. A few men attempted to ride across the Truckee, but the swift and icy current forced their horses back toward the bank. Eugene Angel's horse was shot from beneath him. Angel rolled over, jumped up and started shooting. He was first wounded in the knee, then fell to the ground "riddled with arrows and bullets."<sup>384</sup> William Headly, an unusually tall member of Ormsby's Carson City troops, discovered he had run out of ammunition. In desperation, he turned his horse around and charged one of the Paiute chiefs "with the bridle reins in one hand and a revolver grasped by the barrel" in the other." He was of course, cut down immediately.<sup>385</sup>

Escape was now the only concern. "Everyone fled on his own hook, remembered McDonald, "the men throwing away their arms." The trail by which the men entered the area offered the only way out. To pass from the meadowlands involved climbing the same incline they had descended earlier in the afternoon. When they reached it, Indians flanked it on the east and the west. At its top, one-legged Richard Watkins, now off his horse and supporting himself on a crutch, was attempting to provide some cover. He provided the only protection for the whites. The trail was so narrow that only a few riders at a time could attempt to ascend it. It was in the course of trying to reach the plateau at the top of this ramp that Dick Jr. was picked off by the Paiutes who, under advantageous circumstances, had plenty of time to take aim. Angel's account is the only source I have found that describes his death as he and the others tried to dash to the summit:

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<sup>383</sup> McDonald, op. cit.

<sup>384</sup> Angel, op. cit., p. 155; McDonald, op. cit.

<sup>385</sup> Angel, op. cit., pp. 155-156.

One horse, with a fatal wound, dashed away to the west, and carried its rider to his death in the timber by the river bank. Two men passing to the right in climbing the heights by a more gradual ascent, went rolling with their horses fatally shot down the bank among the enemies. Young Snowden, as he reached the summit, fell from his horse and expired. A few rods farther on, just a little way to the south and west of the trail, another man threw up his hands with a despairing look, and laid down with his face on the ground and died.<sup>386</sup>

Was it a bullet or an arrow that hit Dick Junior? It could have been either, given the number of both that were flying about. But nobody had the time to notice which. The dead were left where they fell. For those who succeeded in reaching the high ground, "all thought of anything except escape was abandoned."

Roughly seven miles miles of fairly level land lay between the top of the rise and the narrow pass to the south which the whites deployed there earlier in the day were presumably still guarding. This stretch became the scene of any number of high-speed chases as Paiutes attempted to overtake the fleeing whites. The Indians generally won these contests, thanks to the better quality of their horses. One by one, they shot the whites or dragged them from their saddles.<sup>387</sup>

The whites might have been able to make a last stand at the pass. But when Ormsby arrived there, now with additional wounds in both arms, he discovered that C.T. Lake and the rest of the rear guard he had placed there some hours before had abandoned their post. The pass, thus undefended, was another deadly bottleneck. Chief Numaga rode up and saw the one-legged R.G. Watkins, again strapped in his saddle, trying to defend Ormsby who was apparently no longer able to lift a weapon himself, and who, in fact, fell from his saddle as he tried to urge his horse to high ground. Numaga, whose past dealings with Ormsby had been extensive and reasonably friendly, wished now to save him from the slaughter. The chief rode toward Ormsby—now staggering and bleeding profusely—and raised his bow as if to shoot. As Ormsby pleaded for his life, Numaga told him, "Drop down as if dead when I shoot, and I will fire over you." Ormsby simply stood there, unable to comprehend the ruse that might have saved his

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<sup>386</sup> Angel, *op. cit.*, p. 156.

<sup>387</sup> McDonald, *op. cit.*

life. Moments later, a warrior raced past Numaga, shot Ormsby in the stomach and let an arrow fly in his face.<sup>388</sup>

The battle ended at sunset. A hand full of whites who beat the Indians to the pass and abandoned their horses thereafter were able to hide overnight among the gulches, ravines and sagebrush and begin their march toward Buckland's Station the following morning. According to Myron Angel's Paiute informants, the whites trapped in and north of the pass begged for mercy which—though the informants were silent on the subject—seems to have been denied:

White men all cry a heap; got no gun, throw um away; got no revolver, throw um away too; no want to fight any more; all big scare just like cattle; run, run, cry, heap cry, same as papoose; no want Injun to kill um any more; that's all.<sup>389</sup>

Given the lack of full lists of the whites who joined in this adventure and the hastiness of their retreat and their dispersion thereafter, precise casualty figures for the Pyramid Lake War are lacking. It appears, however, that of the slightly more than one hundred men who went to the Big Bend of the Truckee River, only about thirty returned. The massacre would therefore not be surpassed until General George A. Custer encountered Chiefs Sitting Bull and Crazy Horse sixteen years later.

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C.T. Lake, who dishonorably though wisely abandoned his post as leader of Ormsby's rear guard, was the first to report that there had been a massacre at Pyramid Lake. He reached Virginia City early on the morning of May 13th, less than twenty four hours after his comrades began to fall, and told of the slaughter perpetrated by Indian forces he numbered at two thousand.<sup>390</sup> His account provided the material for any number of messages that were telegraphed from Virginia City westward over the Sierra Nevadas and incorporated in subsequent editions of California newspapers. The earliest mention I have been able to find of Dick Jr.'s death came in a May 14th telegram from a John Leatch of Virginia City to a man in Sacramento named E.E. Eyre stating,

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<sup>388</sup> Hopkins, *op. cit.*, p. 72.; Angel, *op. cit.*, p. 156.

<sup>389</sup> Angel, *op. cit.*, p. 156.

<sup>390</sup> Egan, *op. cit.*, p. 156, citing the Sacramento Union of May 14th.

among other things, that "there are no hopes of P.N. Snowden Jr. [sic] living."<sup>391</sup> Portions of the telegram were printed in the May 15th edition of the Sacramento Union Uncle Dick and Charlie Fairfax undoubtedly learned of Dick Junior's death, either from one of the telegraphic dispatches or from one of the newspapers which cited them. Given the haste with which the Pyramid Lake expedition was organized, I believe it is quite likely that Uncle Dick and Charlie had no idea of Dick Jr.'s participation in it until they read or otherwise learned that he was among the fatalities.

The manner in which Elizabeth Ridgley Warfield Snowden learned of her son's death was even stranger. Transmission of the news of the massacre to the rest of the nation depended upon the Pony Express. Stories of the rout at Pyramid Lake were ripped from newspapers and placed in Pony Express pouches which reached Saint Joseph, Missouri—the eastern terminus of the Express and the western terminus of the telegraph network which included the eastern seaboard—only on June 1st. That a number of whites had died in their encounter with the Paiutes became known in the nation's major population centers on June 2nd.<sup>392</sup> The earliest widely-published accounts were, of course, based on material that was sparse to begin with and already two weeks old when printed. The Baltimore Sun—the newspaper I believe Elizabeth Snowden was most likely to read—published a story about the massacre on June 4th which included the following paragraph:

The exact number of killed is not ascertained, but it probably exceeds fifty. Among the slain were Major Ormsby, Henry Merideth, a distinguished California lawyer, William S. Speer, Richard Snowden, Wm. Arsington, Dr. Jader, Charles Deraus, James Lee, T. Johnson. Chas. McLeod. John Fleming, J. Anderson, Ander Schealld, M. Kuezorwitch, John Garmbo, A.K. Elliott, M. Hawkins, Wm. Mcintosh, O.M. McNaughton. Total number of killed 21; wounded 3, fate unknown 47, returned alive 38.

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<sup>391</sup> The Sacramento Union article is part of an appendix to Secretary John B. Floyd's annual report to President James Buchanan printed in 36th Congress 2nd Session Senate Executive Documents v. 2 p. 73 (hereinafter cited as "Senate Executive Documents").

<sup>392</sup> The New York Times published a story about the massacre on that date.

Since the article did not further identify Richard Snowden as a "senior" or "junior", Elizabeth Snowden had no way of knowing whether her husband or her son had been killed. Moreover, when the next Sun piece on the Pyramid Lake War appeared ten days later, it made no mention of Richard Snowden in its lengthy list of fatalities.<sup>393</sup> Perhaps at that point she concluded that the first dispatch had been erroneous. Indeed, at least another week passed before she learned that her son had, in fact, died. Richard Nicholas Snowden Jr.'s obituary appeared in the Sun only on July 25th, some seventy five days after his death.

Back in the Carson River Valley, the settlers panicked as the story of the massacre gradually unfolded. "All ranchmen, miners, and others, outsiders, are removing to the towns," reported one May 14th dispatch from Virginia City. "If the Indians knew our condition we should doubtless be attacked at once," reported another. A May 14th telegram from Carson City claimed that "we expect an attack before arms arrive." The same day, the Sacramento Bee claimed that "the Indians are gathering a great force, and are determined to clean the whites out of this country."<sup>394</sup> Martial law—even in the absence of an organized militia—was declared at Virginia City where women and children were herded into the town's few stone houses for greater safety. The same procedure was followed in the other Comstock mining towns. The future strategy of the Paiutes—if any—was, of course, unknown. But this did not stop the journalists from speculating. On the basis of what he was reading in the telegrams and in the other papers, the San Francisco correspondent of the New York Times concluded that "the savages have risen in the Carson Valley" and that "the whole region from Walker's Lake to Pyramid Lake is said to be alive with them." "Without doubt," the correspondent believed, "the Mormons are at the bottom of the trouble." He thus repeated a completely unfounded rumor that, in modified form, would still have life months later when Secretary of War John B. Floyd reported to the President that the Paiutes "were greatly assisted, if not commanded by white men."<sup>395</sup>

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<sup>393</sup> Baltimore Sun, June 14th, 1860.

<sup>394</sup> The telegrams, dispatches and articles are cited by the Sacramento Union, May 15th, 1860, printed in Senate Executive Documents, pp.73-75.

<sup>395</sup> The New York Times dispatch, dated May 16th, appeared June 8th, 1860; Floyd's report is in Senate Executive Documents, p. 4.

Californians, especially those in the gold country, immediately made plans to come to the aid of their Carson River Valley neighbors by mobilizing and enlarging local militias. Their reaction is not surprising, for the vast majority of those who had gone to the Comstock were former Californians. The San Francisco correspondent of the New York Times was exaggerating somewhat when he claimed that "every family in town has some friend who may be in imminent danger," but the point he was trying to make is clear.<sup>396</sup> The name of Henry Merideth, who had formerly practiced law in Downieville, was well known. Joseph Baldwin, who though dead for several days until he straggled in, was the son of a California State Supreme Court Justice. W.S. Spear, who was indeed a casualty, was the brother of Edward Spear, a prominent San Francisco auctioneer.<sup>397</sup> Dick Jr.'s name was also familiar, and if some Californians held his father in less than high regard, most Californians had heard of his uncle who had campaigned state wide for public office.

Uncle Dick and Charlie Fairfax quickly became part of this effort. I believe that Gus Snowden enlisted as well. I believe he is the "A.G. Snowden" whom Myron Angel, in his roster of officers, lists as a captain of the Sacramento Guard.<sup>398</sup> Since I can find no "Snowden" with these initials or with given names that would correspond to them in indices to the 1860 Federal Census of California, and since I believe it would be natural if not obligatory for Gus to have sought vengeance for his brother's death (especially if his father and his uncle were doing so), I make this identification—acknowledging, of course, that I am going beyond what the evidence strictly warrants.

Charlie Fairfax enlisted in the Sutter Rifles of Sacramento less than twenty four hours after C.T. Lake first rode into Virginia City with his account of the massacre. The response in Sacramento was so swift that a mass meeting to drum up support for retaliation was held there on the evening of Sunday, May 14th. Citizens contributed two thousand dollars on the spot to finance the effort. Most of the ranks of the California militia units had been depleted by the recent departure of those who hoped to strike it rich in the Comstock. The Sutter Rifles and the

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<sup>396</sup> New York Times, June 8th, 1860.

<sup>397</sup> New York Times, June 8th, 1860

<sup>398</sup> Angel, op. cit., p. 159

Sacramento Guard opened their rolls for new volunteers early on the morning of Monday, May 13th. By noon their ranks were filled.<sup>399</sup>

The fitness of these units for fighting Indians under conditions such as prevailed in the subsequent campaign near Pyramid Lake should not be overestimated. Of the Sutter Rifles—in which Charlie Fairfax enrolled—a contemporary observer wrote that "They have distinguished themselves for their perfect knowledge of the rifle drill." He provided a lengthier description of the prowess of the Sacramento Guard:

This efficient company of soldiery...[...]...are capable of going through the manual of arms with great accuracy. Their gentlemanly and soldier like appearance, is the subject of general remark. Their splendid uniforms, and towering shakos, glistening bayonets, etc., show off with striking effect, they are the observed of all observers."<sup>400</sup>

Though the "towering shakos", "glistening bayonets" and the ability to perform the manual of arms (however flawlessly) were accoutrements and skills appropriate to July Fourth parades, they promised little advantage in the wet rain and mud of the Utah territory. In the absence of a capable commander, the Sutter Rifles and the Sacramento Guard were little more than tin soldiers.

The gold country towns likewise responded by holding mass meetings and recruiting volunteers. The Downieville friends of the late Henry Merideth raised from scratch a company of 165 within thirty-six hours of their learning of his death. The citizens of Nevada City, Placerville and San Juan formed similar bands.<sup>401</sup> The State of California offered two hundred rifles and five thousand cartridges. Brigadier General N.S. Clarke of the Sixth Infantry of the United States Army agreed to provide five hundred rifles, a hundred thousand rounds of ammunition and a force of slightly more than two hundred men under the command of Captain Joseph Stewart.<sup>402</sup>

In less than a days time, California and Federal officials agreed that the extraordinary moves of sending California militia

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<sup>399</sup> Senate Executive Documents, p. 75 (reprinted from the Sacramento Bee of May 14th, 1860.

<sup>400</sup> Irwin's Sacramento Directory, 1857-1858 (San Francisco: S.D. Valentine, 1857).

<sup>401</sup> New York Times, June 8th, 1860.

<sup>402</sup> New York Times, June 8th, 1860; Angel, op. cit., p. 159.

beyond the boundaries of the state and committing Federal troops to battle without authorization from the Secretary of War—which, given the speed of communications between the east and west coasts, could easily have taken six weeks—were justified by the imminent danger to the settlers of the Carson River Valley. Early on the morning of May 14th arrangements were made for the shipment of arms from the Benecia arsenal and the transport of the men who would use them. By river, by rail and ultimately by wagon track over the Sierra Nevadas the men and their baggage made their way toward Virginia City.<sup>403</sup>

Who would lead the forces—considerably larger and much more heterogeneous than those of William Ormsby—was a question no one had dealt with at the time they were being mobilized.

Fortunately, the Comstock bonanza had lured two seasoned military men to Virginia City: Major Daniel E. Hungerford, a seasoned veteran of the Mexican war who later commanded Downieville's Sierra Guards; and Colonel John Coffee Hays (1817-1833), a former Texas Ranger experienced in fighting Indians who later served as Sheriff of San



Colonel John Hays

Francisco County and United States Surveyor General for California and Utah.<sup>404</sup>

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<sup>403</sup> Egan, *op. cit.*, pp. 178-185.

<sup>404</sup> On Hungerford, see I.I. Murphy, Life of Daniel E. Hungerford (Hartford, CT: Press of the Case, Lockwood & Brainard Co., 1891). On Hays, see James K. Greer, Colonel

Though Hungerford was approached first, and though he participated in the subsequent effort as leader of the Sierra Guards, Jack Hays assumed supreme command. "Having had some experience in the Indian wars of the southwest," Hays later wrote in his report to the Secretary of War, "I was urged in every direction to take command of the expedition. As this was tendered me by the unanimous vote of the officers and also privates, I could not, with a sense of duty, decline."<sup>405</sup> His combined volunteer and Federal forces were thereafter collectively known as the "Washoe Regiment."

Charlie Fairfax and Uncle Dick appear prominently on the roster of Hays' general staff. I attribute this not to their military abilities but to their membership in the closely-knit "old boy" network that was an abiding part of California politics and society. Hays, a native of Little Cedar Lick Tennessee, was a Chiv by birth and wired into the Chiv power structure of California. Indeed, his sister Sarah had married Richard P. Hammond, former head of the San Francisco Customs House and therefore, during his tenure, California's most powerful patronage boss.<sup>406</sup> Charlie knew Hays from Democratic gatherings. Uncle Dick knew Hays from his days as Sheriff of San Francisco County. Hays picked them for his staff even though he must have been aware of Charlie's drinking problems and Uncle Dick's short fuse. In spite of their shortcomings, they were known quantities in the midst of an otherwise largely unknown and definitely dubious corps of volunteers.

Charlie held the rank of "adjutant", and in the lineup of officers compiled by Angel, he appears to have been fourth in command.<sup>407</sup> Placing a man who was probably an alcoholic and who had been run through by a sword not many months before in a position of such authority can best be explained by the fact that Charlie was a public figure, and therefore deserving of a post of honor. As it turned out, Charlie was probably never in a position where his leadership or military skills would have been tested. He seems to have been put in charge of two mountain howitzers

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Jack Hays: Texas Frontier Leader and California Builder, revised edition (College Station, TX: Texas A&M University Press, 1987).

<sup>405</sup> Senate Executive Documents, p. 89.

<sup>406</sup> Greer, op. cit., pp. 291-292.

<sup>407</sup> Angel, op. cit., p. 159.

which the Federal troops brought with them.<sup>408</sup> These artillery pieces were totally unsuited for the terrain—which stretches of trackless desert, steep rock-strewn trails and deep, wet sand—in which the Washoe Regiment operated. The howitzers were never fired. The artillery troops were probably unable to bring them anywhere near the battlefield. Charlie was therefore well in the rear guard and in a position throughout the operation where he was unlikely to do harm to himself or others.

Uncle Dick as "Commissary" was likewise safely in the rear.<sup>409</sup> But in other respects he had his work cut out for him. Finding and paying for provisions for an armed force which eventually numbered 207 members of the regular army and 544 volunteers turned out to be a difficult job. He could no longer call on his friend and relative Hamilton Bowie to ship him several tons of beef, for the bones of Hamilton Bowie had been lying beneath Nicaraguan soil for somewhat more than three years. And in spite of all the patriotic hat-passing west of the Sierra Nevadas, there seems to have been little cash on hand in the field. Moreover, local merchants—who had no idea of who would pay them for their goods and services or when that payment would come—were unwilling to extend credit on reasonable terms. Hays later observed that "prices of all commodities ruled enormously high." He largely attributed this to the "inability of the parties inclined to furnish the forces under my command to remain creditors of the government for long periods of time."<sup>410</sup> The troops thus moved into the field short of supplies and rations. According to Myron Angel, the quality of what was distributed to the men "was the cause of considerable complaint."<sup>411</sup>

Some of the men, in fact, had taken matters into their own hands by requisitioning horses, cattle and equipment from local ranchers and merchants in a fashion that amounted to impressment. Moreover, local thieves, representing themselves as soldiers, seem to have begun to do likewise. Those whose property had been taken—actually, stolen—complained to Hays who, to his credit, hunted down the impressed horses, returned them to their

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<sup>408</sup> George D. Lyman, The Saga of the Comstock Lode (New York: Charles Scribner's Sons, 1934) p. 115.

<sup>409</sup> Angel, op.cit., p. 159.

<sup>410</sup> Senate Executive Documents, p. 90.

<sup>411</sup> Angel, op. cit., p. 159.

owners and dismissed from his service the men who had taken them. An entire company of volunteers from Sacramento was thus cashiered.<sup>412</sup>

Hays, anticipating a linkup with the Federal forces somewhere in the vicinity of the Big Bend of the Carson River, led his troops from Virginia City on May 24th on a march down Gold Canyon that them through Gold Hill and Silver City. The following day, in the midst of rain and sleet, Hays made camp some 20 miles east of Carson City on a sagebrush flat not far from the Carson River. For two days he rigorously drilled his largely untrained men. On the morning of May 27th his troops rode and marched from what they had come to call "Camp Hays" through the Carson River canyon. The following evening Hays and his men reached what was left of Williams Station. From this point the expedition would move north across a dozen miles of desert to the Truckee River. Before making that move, however, Hays wanted to assess the strength of his enemies.<sup>413</sup>

Hays' strategy centered on trying to draw the Paiutes from their hiding places in order to estimate both their numbers and their willingness to fight. He did not want to touch off a pitched battle, for the Federal troops had not yet arrived. But a controlled encounter with the Indians might lead them to underestimate the whites' strength and therefore make it easier to engage them once Major Joseph Stewart's men were in place. Hays, reviving a trick he had used years before in Indian combat, sent a unit of about ten men to camp two miles north of where his main body bivouacked. This small group would provide a first line of defense and also sound a warning once the Indians attacked. Hays next sent out a scouting party of three to ride north, acting as bait to lure the Paiutes south and eventually within range of Hays' guns.<sup>414</sup>

Early the following morning the three scouts made contact with the Indians about fourteen miles north of Williams' Station. As many as 150 Paiute warriors chased them south. The scouts, in accord with Hays' plan, rode at top speed in the direction of the camp of the small advance detachment and the main body of troops at Williams' Station. The front guard saw the scouts

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<sup>412</sup> Greer, *op. cit.*, p. 315.

<sup>413</sup> Greer, *op. cit.*, pp. 314-316; Angel, *op. cit.*, pp. 198-201.

<sup>414</sup> Greer, *op. cit.*, 316; Egan, *op. cit.*, p. 202.

approaching at a gallop. Knowing that this meant that the Paiutes were not far behind, they rode for cover in the cottonwoods near the Carson River and fired a few rounds as the Indians rode into range. This was a successful diversionary tactic, for the Indians broke off their chase of the scouts and began to fire in the direction trees. Hays heard the shots and immediately charged north from the main camp with thirty cavalry. When he met the Paiutes several minutes later they were in the process of trying to ferret the advance guard out of the cottonwoods. After a forty-five minute skirmish, the Indians retreated out of range to the sand hills to the north.<sup>415</sup>

The Indians next tried to lure the whites forward. Paiutes rode back and forth on sand hills well out of range of the rifles of Hays' men. Hays noted that the riders were especially skillful, and that there were horses were in far better shape than those of his men. As the Paiutes disappeared to the north, Hays led two small detachments in their direction. The first would advance directly north. The second would divert to either the north or south if the Paiutes attempted a flanking manoeuvre. A second skirmish, much briefer than the first, followed when Hays' troops came within range of the Paiutes. It abruptly ended when the Indians turned and rode off in the direction of Pyramid Lake. They left behind seven dead. Hays counted three wounded among his troops.<sup>416</sup>

The arrival of Major Stewart's Federal troops coincided with the departure of the Paiutes. Indeed, the sudden appearance of 207 uniformed soldiers may have encouraged the Indians to break off the engagement. For the benefit of any Paiute scouts who remained among the sand hills, Hays made sure the Federal troops were prominently arrayed. He was now fairly certain that this show of force would discourage the Indians from entering into a pitched battle.<sup>417</sup>

Cold, continuous rain blew in from the west as the combined forces of Hays and Stewart began their twelve mile march north across the desert from the Big Bend of the Carson to the Big Bend of the Truckee on May 31st. The rain still fell as they made camp that evening at precisely the same spot Major Ormsby

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<sup>415</sup> Greer, *op. cit.*, pp. 316-317; Egan, *op. cit.*, pp. 203-204.

<sup>416</sup> Greer, *op. cit.*, pp. 317-318; Egan, *op. cit.*, pp. 205-207.

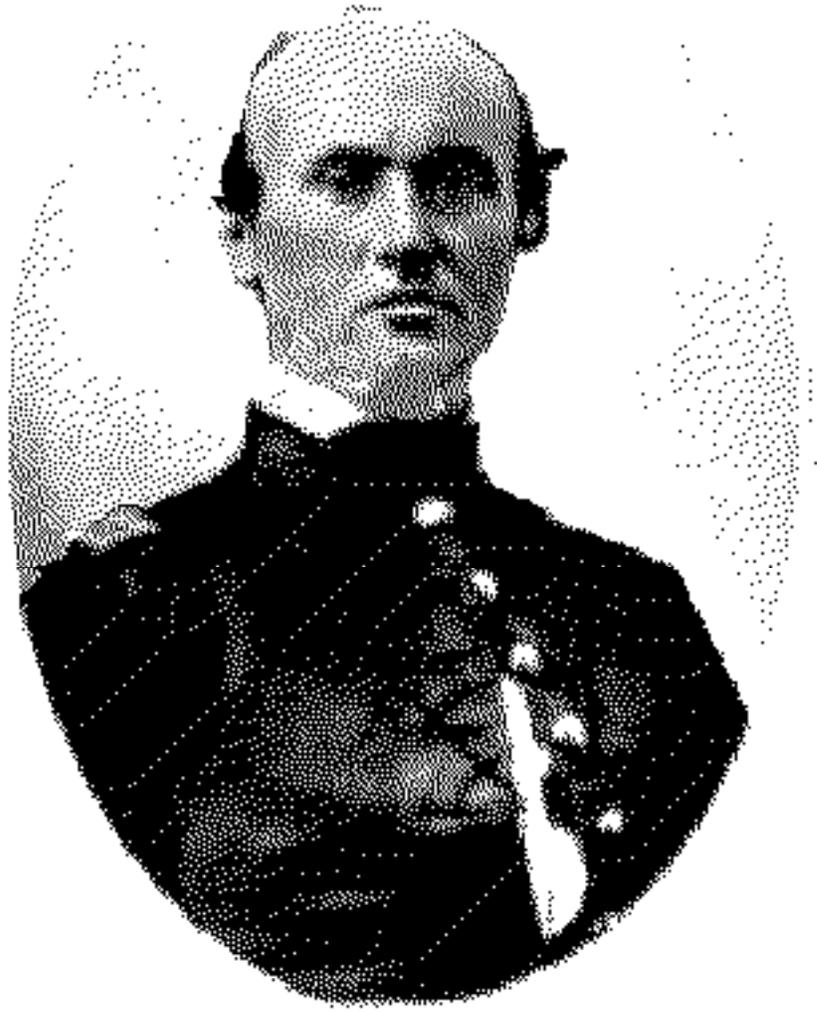
<sup>417</sup> Greer, *op. cit.*, p. 318; Egan, *op. cit.*, pp. 207.

had the night before he and most of his troops were massacred. The rain continued throughout the night and from time to time turned to sleet.

When the rain stopped at mid-afternoon on June 1st, Hays announced that the volunteer troops would continue their march north on the trail to Pyramid Lake. Stewart's regulars would remain in place and head north the following day. Hays reasoned that he might have a better chance of drawing the Paiutes into battle

if he moved forward with a smaller force. If there were an engagement, Stewart's men could quickly join them.<sup>418</sup>

The Truckee had risen during the rain and the trail along its banks had turned into a series of deep bogs through which Hays, his men and beasts moved only with the greatest of difficulty. After slogging through eight miles of mud, Hays decided to make camp in a meadow near the river. The rain had left the campsite half under water, but at least there was forage for the horses. That evening the rain began again. Rations were reduced to half. To be sure, Uncle Dick had driven fifty head of cattle on the trek which



Captain Joseph Stewart

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<sup>418</sup> Egan, *op. cit.*, p. 215

he intended to slaughter from time to time. But on the night of June 1st it was too wet to build fires. The men ate cold food.<sup>419</sup>

Shortly before nightfall, members of a party that had been scouting the area to the north and east returned to camp and reported that they had found the bodies of three members of Ormsby's expedition. Since the scouts were not from Virginia City, they had been unable to identify the remains. Captain Edward Storey, leader of the contingent known as the "Virginia Rifles", volunteered to lead a detail to recover the bodies. Silas Fletcher, another Virginia City resident, agreed to accompany him. But as Fletcher grabbed his loaded rifle, the barrel slipped through his fingers and the weapon fell to the ground. When the stock hit the rocky ground the rifle discharged, sending a bullet directly through Fletcher's throat. He died instantly.<sup>420</sup>

Captain Storey proceeded from the camp with another volunteer and two pack horses. About a mile to the north—presumably the site of the narrow pass C.T. Lake and his rear guard were to have protected on May 12th—they found the bodies of the three men, lying where they had fallen twenty days earlier. They identified the remains as those of Charles McCloud, James McCarthy and A.K. Elliott, the man with the telescopic rifle. They noted that the Paiutes had stripped the bodies of all clothing, slit the throats of their victims and mutilated their genitals. Additionally, they found a slit in McCloud's back that extended along his spine from his neck to his hips. The Indians had apparently removed his spine sinew, possibly to use as a bow string. What Storey and his partner found most remarkable was that the sagebrush around the remains had been beaten down in a circle of wide radius. They theorized that the Indians had danced around their victims after—or possibly before—their deaths. Storey and his partner loaded the bodies on their pack horses and returned to camp. The rain continued until shortly after sunrise.<sup>421</sup>

The three victims of the Ormsby expedition and Silas Fletcher were buried early on the morning of June 2nd. Hays still hoped for a definitive engagement with the Paiutes, but he realized that every moment he remained in camp offered them

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<sup>419</sup> Egan, *op. cit.*, p. 223; Greer, *op. cit.*, p. 320.

<sup>420</sup> Angel, *op. cit.*, p.160.

<sup>421</sup> Egan, *op. cit.*, pp.217-218; Greer, *op. cit.*, p. 320

another moment in which to move north and ultimately northwest of Pyramid Lake into mountainous terrain where pursuit would be next to impossible. Even though Stewart's troops were still as much as eight miles to the rear and slogging northward through the mud in the direction of the volunteers, Hays sent out a company of about forty men, again to scout the territory to the north and to try to draw the Indians southward into battle.<sup>422</sup> Edward Storey led the unit. Gus Snowden may have been a part of it.<sup>423</sup> Following their departure, Hays led the remainder of the volunteers several miles north along the river bank where they began to make camp. Stewart's regulars soon passed them and came to a halt a mile or so beyond.

Storey's men, who were functioning both as a reconnaissance unit and bait, reached the demarcation between high ground and meadowland at about two in the afternoon. This was the point where a narrow trail led steeply downward. It was precisely the spot where Dick Jr. and a number of others in Ormsby's retreating party had been picked off, one by one, by Paiutes on both flanks as they had tried to ride up the trail. Now Storey and those who rode with him counted twenty-three partially decomposed bodies near the trail, among them the remains of Henry Merideth and Dick Jr. Like the bodies Storey had recovered the evening before, these had been stripped of their clothing and mutilated in various fashions.<sup>424</sup>

Storey, however, did not have time to gather the remains. For directly ahead, in what had at first appeared to be an abandoned Paiute camp, he and his company saw fifteen warriors sitting on the ground. Then, a much larger number on horseback appeared from behind the cover. Before long, three hundred mounted Paiutes were riding toward Storey's forty cavalry. What appeared to be an equal number of warriors on foot advanced behind them. This seemed to present the opportunity Hays had been waiting for: a pitched battle into which he could throw most of his forces in hopes of a definitive victory.<sup>425</sup>

Hays had instructed Storey not to engage the Paiutes, if found, but to lure them south. The Indians were now charging

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<sup>422</sup> Egan, *op. cit.*, 225-226; Greer, *op. cit.*, p. 320.

<sup>423</sup> Davis, *History of Nevada*, p. 86

<sup>424</sup> Greet, *op. cit.*, 321; Egan, *op. cit.*, p. 227.

<sup>425</sup> Angel, *op. cit.*, p. 160.

south in a wedge-shaped formation and firing from time to time. Storey and his company began an orderly retreat, successfully climbed the trail from meadowland to high ground, and continued riding southward. But now several hundred more Paiutes, armed with rifles, appeared near the summit of a mountain that rose about two hundred feet above the trail to the south. They also opened fire. The whites later called the prominence "Pinnacle Mount". It gave its name to the battle that followed.<sup>426</sup>

Though the Battle of Pinnacle Mount turned out to be the major engagement of Hays' campaign, it was nowhere near as decisive as he had hoped. The Paiutes, whose scouts had done a good job, were aware of every move the whites had made since they crossed the desert from the Carson to the Truckee. Since there was only one route from the Big Bend of the Truckee to Pyramid Lake, the Indians had only to wait until Hays' forces reached the point along it most advantageous to them. Though the Paiutes could hardly expect to repeat their performance of May 12th, they could prevent a breakthrough by the whites, do some damage to them in the process and thereby discourage them from continuing the campaign further.

Storey ended his retreat about a mile north of the main camp and prepared to make a stand. Hays, with a company of two hundred cavalry, and Stewart, with a force of one hundred, had already begun to advance. When they reached Storey and his men, all dismounted and formed a line that eventually stretched from Pinnacle Mount on the east to the Truckee on the west. The line then advanced through ravines, gulches and sagebrush, trying to drive back a force of what Hays later estimated to be a force of between eight-hundred and a thousand Paiute warriors.<sup>427</sup>

The Indians on the summit of Pinnacle Mount, whose fire was continuous, presented the greatest obstacle to Hays' progress. Captain Storey volunteered to lead a foot charge up the side of the mountain. Accompanied by the men of the Virginia Rifles and assisted by a group of regulars, he was ultimately successful in chasing the Paiutes down the opposite side of the hill. The price of his effort was a bullet wound in the chest which perforated one

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<sup>426</sup> Angel, *op. cit.*, p. 160; Egan, *op. cit.*, p. 229; Greer, *op. cit.*, p. 321.

<sup>427</sup> Senate Executive Documents, p. 91

lung and left him paralyzed. He would die from the wound five days later.<sup>428</sup>

The three-hour battle ended at 6pm with the retreat of the Paiutes. The whites suffered four dead and seven wounded. Hays later estimated the number of Paiute dead at between forty and fifty, though Myron Angel's Indian informants claimed that only four Paiutes had been killed.<sup>429</sup> The Indians had hardly been defeated and certainly had not been "put to complete rout" as Secretary of War John Floyd would later claim<sup>430</sup>. They had simply left the battle field and headed for the mountains to the north and west, a terrain in which Hays would find effective pursuit impossible. In any case, his volunteers had only signed on for a period of ten days. With the conclusion of the Pinnacle Mount encounter on June 2nd, ten days had passed since their march from Virginia City.

Reconnaissance the following day revealed that the Paiute village at Pyramid Lake had been hastily abandoned. In the absence of the Indians, Hays ordered a detail to gather the dead from Ormsby's party that Storey and his men had found the day before. On the afternoon of June 3rd, Uncle Dick, Charlie Fairfax and Gus Snowden stood with the seven-hundred other members of the expedition as Captain Stewart read the burial service from the Book of Common Prayer. Most of the dead would be interred at the encampment, now named "Camp Storey" after the man who would die from his wounds in Virginia City four days later. Uncle Dick would carry his son's remains back to California.<sup>431</sup>

Hays marched his men back to Virginia City and disbanded the Washoe regiment on June 12th. That same day, he wrote that he found those who had served under him to be "true and gallant men, and ready and willing to encounter any danger or hardship."<sup>432</sup> This gallantry did not, however, prevent some from helping themselves to the clothing and other goods of Virginia City merchants once they had mustered out.<sup>433</sup> Nor did it prevent

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<sup>428</sup> Egan, *op. cit.*, p. 232-234; Greer, *op. cit.*, p. 322; Angel, *op. cit.*, p. 162.

<sup>429</sup> *Senate Executive Documents*, p. 91; Angel, *op. cit.*, p. 162.

<sup>430</sup> *Senate Executive Documents*, p. 4.

<sup>431</sup> Angel, *op. cit.*, p. 162.

<sup>432</sup> *Senate Executive Documents*, p. 92.

<sup>433</sup> Dan DeQuille (William Wright), *History of the Big Bonanza* (Hartford, CN:The American Publishing Company, 1877) p. 127.

at least one former volunteer from tying a Paiute scalp to his belt and displaying it at the bar of a Virginia City saloon.<sup>434</sup>

Captain Stewart's regulars, meanwhile, remained in place at Camp Storey in anticipation of further encounters with the Paiutes. Though they waited the remainder of the month of June and through half of July, there were no further hostilities. In fact, by the end of July, a treaty had been signed with the Paiutes. I am therefore at a loss to explain the cause for which Dick Jr. died.

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A remarkable series of national political events began to unfold shortly before the beginning of the Pyramid Lake War. They would shortly lead to the national split of the Democratic Party, the election of Abraham Lincoln as president, the secession from the Union of southern states and the beginning of the Civil War. They would effectively curtail political activity for members of my family in California. For though Uncle Dick and Charlie Fairfax had participated in California politics for a decade, they were both Southerners and Democrats.

The Democratic National Convention opened in Charleston, South Carolina, on Monday, April 23rd. A week later, following the introduction of mutually irreconcilable platform planks on the slavery issue, the delegates of six southern states—Alabama, Mississippi, Louisiana, South Carolina, Florida and Texas—walked out of the convention. The remaining delegates, unable to nominate a presidential candidate after fifty-seven ballots, voted to adjourn the convention and to reconvene in Baltimore on June 18th.<sup>435</sup>

Meanwhile in Chicago, the Republicans scheduled a mass political rally in their hastily-constructed Wigwam for Sunday, May 12th. The wooden meeting-hall, one-hundred feet long and one-hundred eighty feet wide with a capacity of ten-thousand, would shortly be the site of their national convention. "Come all and put the shoulder to the wheel", proclaimed the Republicans' advertisement on the morning of the 12th in the Chicago Journal, "for tonight the ball begins to roll and the signal guns of the

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<sup>434</sup> DeQuille, *op. cit.*, p. 127.

<sup>435</sup> Roy E. Nichols, The Disruption of American Democracy (New York: The MacMillan Company, 1948) p. 196.

approaching contest between Freedom and Slavery will be fired." A capacity crowd, paying twenty-five cents a head, met the challenge and packed the Wigwam. While they sang, shouted and listened to the best oratory the party could provide, a Paiute more than two-thousand miles to the west pumped either an arrow or a bullet into Dick Jr. On Wednesday, May 16th, the convention opened. Two days and three ballots later it nominated Abraham Lincoln as its candidate for the presidency.<sup>436</sup>

The Democrats met again in Baltimore on June 23rd. The following day all the the delegates from Virginia, North Carolina, California, Oregon, Kentucky, Missouri and Arkansas, along with half the delegates from Maryland, joined those who had walked out in Charleston. In their absence, delegates favoring Stephen Douglas were left with a majority of the votes remaining. Douglas was nominated the following day. The seceding delegates thereafter nominated John C. Breckenridge of Kentucky. Subsequent attempts to unify the Democratic party through the withdrawal of one of the two presidential candidates failed.

News of these events, as always, was slow in reaching the west coast. Californians learned only on July 10th—twenty-four days after the fact—that Lincoln had been nominated.<sup>437</sup> They learned only on July 15th—twenty-five days after the fact—that the Democratic Party had split in two, that one group had nominated Douglas and that the other had nominated Breckinridge.<sup>438</sup> The Democratic split presented a unique situation in California where virtually all party members had been born in other states. Democrats had no choice but to take sides, though in the process of doing so they were often faced with the difficult task of weighing the attitudes and values acquired in their native states against the political realities of California and then rationalizing whichever move they made.

The Northern-born, who almost universally supported Douglas, had few problems. They argued that the delegates who had left the Charleston Convention had, by their act of succession, lost the right to participate in the choice of the party candidate. The Southern-born, who were more likely to support Breckinridge,

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<sup>436</sup> William Baringer, Lincoln's Rise to Power (Boston: Little, Brown & Company, 1937), p. 211

<sup>437</sup> Davis, History of Political Conventions, p. 116.

<sup>438</sup> Davis, History of Political Conventions, p. 113.

argued that the seceding delegates had legitimately left the convention; that the party had no regular nominee since neither Douglas nor Breckinridge had received two-thirds of the party vote; and that Democrats could, in good conscience, vote for either.<sup>439</sup>

Still, there were some notable exceptions, especially among Charlie's friends, to the way in which Californians of Southern birth aligned themselves in the 1860 presidential campaign. It is no surprise, of course, that Calhoun Benham, Charlie's brother-in-law, became a strong supporter of Breckinridge (he served on the resolutions committee at the state Breckinridge Convention and on the Central Committee of the state Breckinridge Party thereafter), or that William Gwin did likewise.<sup>440</sup> On the other hand, in apparent contradiction to their birthrights and past performances, Tennessee-born Jack Hays, Maryland-born Phil Keyser and Maryland-born Richard Hammond—former head of the San Francisco Customs House and therefore head of the Chiv-dominated Federal patronage army—backed Douglas. Hammond, in fact, ran as a Douglas elector and spoke widely on his behalf, while Keyser became a member of the California Douglas Party's central committee.<sup>441</sup>

Which side did Charlie Fairfax chose in this contest? Did he—as a man who had become one of California's most popular politicians by presenting himself as an almost idealized Southern gentleman (even if furthering this image occasionally involved making up stories)—follow the lead of his brother-in-law Calhoun Benham? Or would his party loyalty, his sense of personal honor, and the fact that he was an office-holder whose term still had a year to run, have joined other Chivs, equally deep-dyed, who supported Douglas? I can find no record of Charlie's allegiance in the 1860 presidential contest. I can only guess that the recent tragedy of his cousin's violent death kept him from actively campaigning.

The irreparable split within the Democratic Party assured the election of Abraham Lincoln when voters went to the polls on November 6th. It took only eight days for word to reach California that the new president was a Republican. The news that followed

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<sup>439</sup> Davis, History of Political Conventions, p. 113.

<sup>440</sup> Davis, History of Political Conventions, pp. 114, 124.

<sup>441</sup> Davis, History of Political Conventions, pp. 123-124.

at the end of 1860 and the beginning of 1861 was of the secession of the Southern states—South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, Tennessee and North Carolina—and the beginning of the attempt to restore the Union by force.

A new political season in California coincided with the beginning of the Civil War. It was an especially important election year, for Californians would elect a new governor. All the state wide offices were at stake, including that of Charlie Fairfax. With the California Democratic Party more deeply divided than before and with his career as an office-holder on the line, Charlie was forced to make a choice and to take a public stand. As the war which would shortly destroy the Chic way of life began, Charlie sought compromise. It was too late for such a tactic. And to so move in California was, for a man who wished to continue to serve in state wide public office, political suicide.

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Charlie Fairfax cast his lot with the Breckinridge Party in 1861. It was an important political season in California, for the governorship and most of the state wide offices, including Charlie's were up for reelection. Early on there had been some hope that the state's two Democratic Parties might be made whole. But after word reached California on April 25th of the Confederates' firing on Fort Sumter thirteen days earlier, the Douglas Party was less inclined to reunite with its former brethren. The surge in Union sentiments in California reduced the distinction between the programs of the Douglas Democrats and the Republicans, and led to a daily loss of membership for the Breckinridge Party.<sup>442</sup>

The Breckinridge Convention opened in Sacramento on June 11th. The May 12th secession of North Carolina, the final state to leave the Union, was still fresh news in isolated California. The June 3rd death of Stephen Douglas had still not been reported there. Contemporary observers noted that the Breckinridge gathering was a relatively small one, and that some counties had not sent delegates. The outbreak of hostilities had apparently tested the wills of some of the less-committed adherents of the

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<sup>442</sup> Davis, History of Political Conventions, p. 162.

splinter party and found them lacking.<sup>443</sup> Of those who remained, some appeared to be rabid secessionists, among them Edmund Randolph, whose virulent attack against Abraham Lincoln was widely reported:

If this is rebellion, then I am a rebel. Do you want a traitor?  
Then I am a traitor. For God's sake, speed the ball; may the lead go  
quite to his heart, and may our country be free from this despot usurper  
who now claims the name of President of the United States![cheers].<sup>444</sup>

The "cheers", which seem to have been a product of the heat of the moment, were not long sustained. The resolutions committee, of which Charlie was a member, ended up writing a much tamer declaration on this subject. It claimed that the president was "guilty of the violation of the constitution and the usurpation of power, in borrowing and appropriating money, raising armies and increasing the navy without the authority of Congress." But it went on to say that such acts only "tend to convert the government into a military despotism."<sup>445</sup> Delegate Randolph, of course, believed that "despotism" already reigned.

The prescription Charlie and his fellow committee members devised for treatment of the Confederacy was even more conciliatory and, from the outset, stressed the loyalty of those who wrote it:

We are in favor of the preservation of the Union upon constitutional guarantees which will be acceptable to both sections of the confederacy; but if that desirable consummation be impossible, then we are in favor of the recognition of the Confederate States, and a treaty of amity and peace between them and the United States government as the only alternative which will terminate the horrors of a civil war and bring back peace and happiness to our distracted country.<sup>446</sup>

The resolution was remarkably impractical. For though there had thus far been no pitched battle between Union and Confederate forces, one would follow shortly.

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<sup>443</sup> They "attached themselves to parties that were more loyal", according to Davis, History of Political Conventions, p. 162.

<sup>444</sup> Davis, History of Political Conventions, p. 173.

<sup>445</sup> Davis, History of Political Conventions, p. 167.

<sup>446</sup> Davis, History of Political Conventions, p. 167.

Charlie had no opposition in his bid to be slated for reelection as Clerk of the Supreme Court. But elsewhere the Breckinridge Convention had difficulty finding those willing to become candidates and thereby face the increasing certainty of political martyrdom. The name of Richard P. Hammond—who had been a strong supporter of Douglas the previous year—was placed in nomination for one of California's two congressional seats. But Hammond declined. It is not clear whether he attended and actively participated in the convention, or whether the Breckinridge group tried to draft him from a distance.<sup>447</sup>

The Union (formerly Douglas) Democrats met a short time later and nominated a separate slate of candidates. In its strongest resolution, it laid the blame for the rebellion on both the Republicans and the Breckinridge Democrats. Both were "sectional parties—one founded upon anti-slavery, the other pro-slavery—both equally anti-democratic." It proclaimed that the Union Democrats would take a "strong conservative position in this hour of our country's trial, and rally around our national flag."<sup>448</sup> But it did not further elaborate on what that "strong conservative position" might be.

At a July 31st ratification rally in San Francisco the Breckinridge Democrats learned just how difficult their campaign would be. Rowdies in the crowd interrupted all the speakers, and it was only with the greatest effort that Breckinridge gubernatorial candidate John R. McConnell was able to make himself partially heard above the din. Subsequent Breckinridge meetings elsewhere in the state were likewise invaded by the enemy and occasionally broken up altogether.<sup>449</sup> When reached California of the Confederate victory July 21st at the First Battle of Manassas (Bull Run), Union sentiments were galvanized all the deeper, providing an even more hostile environment Breckinridge adherents whose loyalty had been suspect from the beginning.

External events were sufficient to bury the Breckinridge candidates in California. But the imprudence of gubernatorial candidate McConnell dug the pit even deeper. Someone with sharp ears heard him remark in the course of a private conversation that "as Kentucky would go, so he would go, and

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<sup>447</sup> Davis, History of Political Conventions, p. 172.

<sup>448</sup> Davis, History of Political Conventions, p. 177.

<sup>449</sup> Davis, History of Political Conventions, p. 179.

Kentucky would go out of the Union." Kentucky—a border state with a deeply divided population—had become a particularly sensitive issue for the Lincoln administration and for all those with strong Union sentiments. Kentucky's governor leaned toward secession. But its legislature had a slight Union majority. The governor had refused the Federal government's demand for troops. Lincoln declined to press the issue, for fear that the legislature of his native state might thereafter vote to secede. When McConnell's private prediction ended up on the front pages of California's newspapers, the unfortunate candidate was obliged to take out an ad in which he pledged loyalty and promised to provide troops if they were requisitioned.<sup>450</sup> McConnell, as it turned out, was not only imprudent but wrong. The September elections returned a more substantial Union majority to the Kentucky legislature. The same month, Kentucky voted to remain within the Union.

Not surprisingly, Union rowdies staked out San Francisco polling places on September 4th—election day—and barred entry to as many prominent Breckinridge Democrats as they could identify<sup>451</sup>. Likewise predictable was the Republican sweep, led by gubernatorial candidate Leland Stanford, of the state wide ticket. Charlie Fairfax and his Breckinridge colleagues placed third across the board. For Charlie, who vote totals four years earlier suggested he was the most popular Californian on the ballot, it was a miserable showing. It also marked the end of his career as an elected official of the State of California.

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Many with strong Southern sympathies left California in the wake of the rout of the Breckinridge ticket, the increasing hostility of Californians toward those who favored the Confederate cause and the increased hostilities on the battlefield. Some would enlist in the Confederate military. Others would take up residence in the Southern states or abroad. The departures cut into the circle of Charlie Fairfax's family and friends. Thus his brother-in-law Calhoun Benham sailed from San Francisco in the company of

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<sup>450</sup> Davis, History of Political Conventions, p. 180.

<sup>451</sup> Davis, History of Political Conventions, p. 180.

William Gwin in mid-October.<sup>452</sup> His cousin Gus Snowden left to fight for the Confederacy, following the lead of his younger brother George who joined the 2nd Maryland Cavalry. To be sure, Uncle Dick, well past his fighting prime at the age of forty-five, remained in California. Charlie, effectively barred from the sort of political activity that had been his life blood for the better part of a decade, likewise spent the duration of the war in California.

Steve Field—a Northerner whom President Lincoln would shortly appoint to the United States Supreme Court—asked Charlie why he had chosen a course which many who knew him apparently found puzzling. Charlie replied that while his sympathies were, indeed, with his Southern relatives and friends, the circumstances of his life prevented him following them and his sense of honor prevented him from offering them aid:

He told me on one occasion that he could not but wish that they would succeed; but, he said; "Though I am a Virginian by birth, I have adopted California, and whilst I live in a State which has taken her hand with the Northern people, I cannot in honor do anything, and I will not, to weaken her attachment to the Union. If my health were good, I should leave the State and return to Virginia and give my services to her; but, as that is impossible, I shall remain in California, and, whilst here, will not be false to her by anything I do or say."<sup>453</sup>

Field found Charlie's explanation consistent with his reaction to an event which had occurred much earlier. During the legislative session of either 1854 or 1855—Field could not recall which—a group of blacks petitioned the California State Assembly to repeal a law which prevented them from being called as witnesses in court proceedings where one of the parties was white. The Chiv-dominated Assembly reacted, according to Field, with a "perfect outburst of indignation." Indeed, after one assemblyman moved that the petition be "thrown out of the window", the body immediately passed the motion with only one dissenting vote.<sup>454</sup> Field recalled that Charlie was highly critical of the Assembly's action:

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<sup>452</sup> Johnson, *Between Two Empires*, p. 266.

<sup>453</sup> Field, *op. cit.*, pp. 117-118.

<sup>454</sup> I have been unable to find any reference to this motion in the published journals of the assembly.

I was with him when he was informed of the proceeding. He at once denounced it, and said, in energetic terms—"This is all wrong—the petition should have been received. If my horse or my dog could in any way express its wishes to me I would listen to it. It is a shame that a petition from any one, black or white, should not be received by the Legislature of this State, whether it be granted or not." I was greatly impressed at that time with the manliness of this expression in a community which looked with suspicion on any movement in favor of extending any rights to the colored race.<sup>455</sup>

Charlie's words, albeit paraphrased by Field, indicate that he had a depth of character that could not be done full justice by the term "Chiv". His first words—"This is all wrong"—suggest that a fundamental sense of fairness and propriety was one of his strongest motivations, and that it could, on occasion, dramatically override the Chiv tenet that blacks did not inherently deserve all the rights of citizenship. Charlie was by no means an abolitionist. Still, if he had fully explored the implications of the sense of personal honor he had developed—which always centered on compassionate and decent treatment of the people with whom he dealt—he would have seen the contradictions in the Chiv ideology and therefore found it difficult to sustain. Charlie, of course, did not do this.

What could Charlie do as his world gradually crumbled? Bishop Kip came up with a novel suggestion. He proposed that Charlie and Ada leave California and move to England where Charlie could claim his hereditary title of Tenth Baron of Cameron. Indeed, Bishop Kip had spent some time in England during the course of a European trip that had run from at least May to August of 1860.<sup>456</sup> In England, he had been received by a Lord Hertford at a gathering where a number of other "noblemen high in the English government" were also present. In the course of the evening's conversation, Kip told Hertford and his friends about the curious case of Charlie Fairfax, a Californian who, by birth, had a claim to membership in the English peerage.<sup>457</sup> The

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<sup>455</sup> Field, *op. cit.*, p. 115.

<sup>456</sup> These dates are provided by the Episcopal Diocese of San Francisco.

<sup>457</sup> The Lord Hertford of 1860 appears to have been Richard Seymour-Conway, 19th Earl and 7th Marquess of Hertford (Vicary Gibbs *et al.*, *The Complete Peerage* [London: Saint Catherine's Press, 1926] v. VI p. 514)

Lords were fascinated by this tale. Lord Hertford visited again with Bishop Kip several days later and told him the following:

Lord D. . . (who was one of Her Majesty's ministers) was extremely interested in your description of Charles Fairfax the other night at dinner and he consulted with a number of his friends of both parties. We consider it a great loss to England that so illustrious a title should be lost, and he desired me to convey the information to Charles Fairfax through you that he may be assured the restoration of Leeds Castle and sufficient property to maintain him as befits his rank if he will take up his dwelling place and title in England.<sup>458</sup>

Kip, upon his return to California, told Charlie of Hertford's offer, which Charlie could only have accepted by renouncing his United States citizenship and by becoming a British subject. The plan was not to Charlie's tastes. Perhaps he feared that the Scotch whisky would do him in even more quickly than the Bourbon he was already drinking to excess. Perhaps he knew that it would be bad form to carry either a revolver or a bowie knife into the House of Lords as he, along with all his fellow delegates, had carried into the California State Assembly. Perhaps it was simply the sense of honor which now kept him loyal to the Union whose troops, in time, would not only destroy the way of life many believed he epitomized but the Fairfax family estates as well. Charlie only smiled and shook his head when Bishop Kip told him of Hertford's proposal. "Never mind," he said. "Let us not speak of it. It is impossible."

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<sup>458</sup> This quotation and the anecdote of which it is a part are from the anonymously written article which appeared in the January 1st, 1893 edition of the San Francisco Examiner under the headline "Our Only Baronial Estate".

"Bird's Nest Glen" in Marin County, rather than Leeds Castle in Scotland, became Charlie's home for the last seven years of his life. That he came into possession of this somewhat more than modest piece of real estate—presently the site of the Marin Town and Country Club—was due to the generosity of his old friend and former partner in the Virginia Company, Dr. Alfred.W. Taliaferro. Taliaferro, during the winter following his 1849 arrival in California, had received as a gift from Domingo Sais a large tract in the upper Ross Valley. Taliaferro in turn gave Charlie that portion of the tract which ran along Cascade Creek. It was on this land that Charlie and Ada built their home following as the end approached of his second term as Clerk of the California Supreme Court.

Perhaps significantly, the first recorded event of Charlie's tenancy at Bird's Nest Glen was the last of the duels which had characterized California's political history for more than a decade. The



The Fairfax House at Bird's Nest Glen

participants were two members of the California State Assembly: Daniel Showalter of Mariposa County and Charles W. Piercy of San Bernardino. Though both were Democrats who had supported Douglas, Showalter, somewhat surprisingly since he was a native of Pennsylvania, was evolving into a partisan of the Confederacy. A vote in the Assembly on a resolution calling on members to pledge their loyalty to the Union put the two representatives at odds. Showalter in some fashion insulted Piercy, and Piercy challenged Showalter to a duel. Following some delay, the hostile encounter was scheduled for Sunday, May 26th, 1861, in a field west of San Rafael where Showalter and Piercy would shoot at each other with rifles at a distance of forty yards. Piercy and his

party—including second Samuel Smith, law partner of Steve Field and companion of Charlie Fairfax the day Harvey Lee stabbed him—arrived at the appointed site first. Correctly fearing interference from the Marin County Sheriff who had learned when and where the illegal contest had been scheduled, Piercy and his friends hid in the brush. Showalter arrived, meanwhile, and was promptly arrested. During the several hours it took for Showalter to regain his freedom (a Marin County judge ordered his release after the complaining witness failed to appear in court), Charlie entertained the Piercy party at Bird's Nest Glen.

A remote field in Charlie's estate became the de facto site of the duel following Showalter's return. Showalter and Piercy first shots were wide of their marks. Showalter, as the challenged party, demanded a second try. His bullet hit Piercy directly in the mouth. Piercy fell to the ground and died within three minutes.<sup>459</sup> Showalter subsequently joined a Confederate unit in Texas. Following the war he went to Mazatlan where, in a drunken fit, he was shot by a bartender. Since November 6th, 1960, a bronze plaque—erected by the Marin County Native Sons and Daughters of the Golden West—has stood on the periphery of what was Bird's Nest Glen, designating it as California Historical Landmark Number 679 and crediting Charlie for having been the "host to the principals and friends of the two antagonists" on the occasion of the state's final duel.

Contemporary descriptions suggest that Bird's Nest Glen was more wild than rural, and that the Fairfaxes had little inclination to do anything that might tame it. Apart twenty acres given over to wheat and an orchard where apple trees bore fruit until January and where the peaches were said to be the most delicious in the county, the property was unimproved, save for long paths which seemed to lead nowhere through hills choked with what one visitor recalled were "hawthorn bushes, marigolds hollyhocks and roses." Even after the passage of three decades, he could still remember the pervasive scent of the Castillian roses.<sup>460</sup>

At the end of a poplar-lined drive which ran from the main road and terminated in a crescent-shaped arc, Charlie and Ada

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<sup>459</sup> The most recent account of the duel is by Clarence Clendenen, "Dan Showalter, California Secessionist", *California Historical Society Quarterly* XL (1961) pp. 309-325. See also Hittell, *op. cit.*, v. IV pp. 278-279.

<sup>460</sup> San Francisco *Examiner*, January 1st, 1893.

built their house on a the banks of Cascade Creek—so near the creek, in fact, that from the kitchen porch Charlie could drop a line into the deep pool the stream formed there and catch trout and, at certain times of the year, salmon (the largest of which approached ten pounds.) The Fairfax house lay in the shade of three ancient oaks which topped out at a hundred feet or so and which served as moorings for Charlie's hammocks. It was a replica, executed on a smaller scale, of the dwellings Charlie had known as a child:

The house was surrounded by long porches. It consisted of two houses—the building in which was situated the dining room, and to which was attached a large kitchen, and the building in which was the sitting-room with bedrooms at its side and overhead. The kitchen, by the way, was sufficiently removed from the dining room, as to prevent the perfumes of the cooking penetrating.

The buildings were attached to each other by covered porches. About ten yards away was a neat out-house for the servants...

The house contained old fashioned furniture, and there were huge brick open fireplaces with tall brass andirons, where on a cold night logs blazed cheerily. The dining room was about twenty feet long, and this space was needed for the many guests who used to be accommodated.<sup>461</sup>

At Bird's Nest Glen during the Civil War and for a few years after, Charlie and Ada created a what visitors much later imagined to have been a west-coast recreation of life in the antebellum South. The volume of guests the Fairfaxes entertained and the level of generosity Charlie and his wife offered them is what visitors of the 1860's recalled most about Bird's Nest Glen. Callers were most numerous on summer Sundays when "a score of them would drive out from San Rafael and enjoy the balmy breezes." A dozen might spend the night "after the old Southern fashion." There seemed to be no limit to the numbers, but "the house was like an omnibus—'always room for one more'." The cuisine was "always in the old Virginia style."<sup>462</sup> James Wilkins as a child was often there at meal time. He remembered the crowds in the dining room and the free-loaders who had learned how to take advantage of the Fairfaxes seemingly limitless magnanimity:

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<sup>461</sup> San Francisco Examiner, January 1st, 1893.

<sup>462</sup> San Francisco Examiner, January 1st, 1893.

Farmers, cattlemen, even strangers never passed the Fairfax residence. A great table was always spread out, and at the noon meal, what with the regulars and the casuals, it took on the appearance of a vast boarding house.

In those days the cost of living didn't worry anyone. Fruit, vegetables, milk, butter, fish and game were all at hand. The price of beef and mutton was a joke. Labor cost nothing as there were a lot of loose characters who preferred to hang out around the Fairfax home and work for their keep, rather than earn wages elsewhere.<sup>463</sup>

More remarkable than the amount of food served at Bird's Nest Glen was the quantity of liquor consumed with it. Meals, as a rule, were "accompanied by rich wines and a most excellent punch afterward." The whatever trout and salmon lurked in the pool Cascade Creek formed at kitchen side were obliged to swim aside, for that is where Charlie cooled his vintages.<sup>464</sup> Drinking, of course, was not limited to mealtimes. There was an abundance of whiskey. Wilkins noted that "a demijohn or two of the liquor was always on tap, and there were some mighty heavy tankers on those days."<sup>465</sup> The heaviest "tanker" of them all seems to have been Charlie.

Indeed, Charlie by this time could take few steps without taking a drink, as a Bird's Nest Glen regular recalled:

When he would take a lot of guests on a walk up the creek to see the beautiful vista of the valley above stretching into the Tamalpais range, he always provided liquid refreshments in an elaborate fashion of his own invention. For instance, you would be standing at the edge of the creek when Fairfax would reach down into the nook of some pool, and pulling a string, drag forth a bottle of whiskey or cocktails, as the case might be. After each companion had refreshed himself the bottle would be returned to its cooling place. Another fifteen minutes' walk and very likely the host would scoop out the gravel in some shallow riffle and discover a flask of an older brand. Again the delighted guests would partake, and so the pleasant custom continued.<sup>466</sup>

What the anonymous writer of the above, and others—including Dr. Alfred Taliaferro who should have known better—

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<sup>463</sup> Wilkins, cited by Donnelley, *op. cit.*

<sup>464</sup> San Francisco *Examiner*, January 1st, 1893.

<sup>465</sup> Wilkins, cited by Donnelley, *op. cit.*

<sup>466</sup> San Francisco *Examiner*, January 1st, 1893.

found a "pleasant custom" in some fashion evoking "old Virginia" was, of course, helping to lead Charlie to an early grave. Still, he managed to survive his Uncle Dick—ten years his senior—who would be murdered in Nevada late in the summer of 1863 under circumstances I suspect will always remain mysterious.

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On Thursday, September 17th 1863, a group of mourners, described as "large", carried the remains of Uncle Dick—who had died the previous day at the age of forty six—to a burial ground adjacent to the town of Unionville, county seat of Humboldt County in the Nevada Territory. Since Unionville had been settled a scant two years and four months earlier, Uncle Dick became one of its first residents to be laid to rest there. A Masonic funeral rite preceded his burial. For Uncle Dick, in addition to being a sometime miner, California State Printer, newspaper publisher, prison administrator, volunteer soldier and political operative, had also become a member of a fraternal order.

It was only with great difficulty that I was able to find Unionville in my Rand-McNally Road Atlas. The town is not listed in the index. It does not appear anywhere on the map within the boundaries of Humboldt County. Some days after my initial search, I by accident found Unionville in Pershing County, Humboldt County. Unionville, I immediately guessed, must have been partitioned at some point after World War I, and its Southern portion made into a new county named after the hero of the recent war in much the same way Nevadans had named earlier new counties after William Ormsby and Edward Storey, the heroes (and martyrs) of state's first armed conflict, the Pyramid Lake War. Unionville, in any case, is located roughly ten mile west of Interstate 80 (which at that point follows a north-south course) on a side road off of Nevada state highway 400 which follows a crescent-shaped course between Interstate 80's Mill City and Oreana exits. Highway 400 is one of only two numbered state highways in all of Pershing County. It belongs to that class of highways of which Rand McNally says "conditions vary—local inquiry suggested". It is, however, quite sufficient for the needs of Unionville, had long since ceased to be a county seat (that honor, in Pershing County, goes to Lovelock, population 1,680.)

Unionville, Nevadans tell me, has a present population of twelve and consists of nothing more than a few summer homes, a bed-and-breakfast and, of course, the cemetery in which Uncle Dick is buried.<sup>467</sup>

Uncle Dick's violent death is documented only by a single-column obituary of about 235 words that appeared in the Saturday, September 19th, 1863 edition of the Humboldt Register, the eight-columned weekly editor William J. Forbes had begun to publish in Unionville four months before. The obituary states

that Uncle Dick was stabbed with a knife in Star City, Nevada Territory on July 30th and that he died in Unionville on on September 16th. The obituary identifies Uncle Dick's assailant only as a teamster named "— Baker". Editor Forbes did not know Baker's first name and therefore simply designated it with a dash. Curiously, neither the Humboldt Register nor the Territorial Enterprise, the Carson City-based journal which was the Nevada Territory's principal newspaper at the time, published stories concerning Uncle Dick's stabbing when the incident occurred in July. Neither paper published articles concerning the subsequent prosecution, if any,

**DIED**

In this town, on Wednesday 16th inst, RICHARD W. SNOWDEN, aged 55 years, from the effects of a knife wound inflicted by — Baker, in Star City, on the 30th of July last.

Col. Snowden was born in Washington county, Maryland, and emigrated to California in 1849, and this county about a year and a half ago. He was a man of marked character, possessing untiring energy and perseverance, and it could never be charged that he was a sunshine friend. When adversity and reverses surrounded his friends, then his noblest characteristics shone prominently forth—he stood by them as firm as the rock of ages. He held several official positions in California, with credit to himself and to the State, and was for several years an active politician. It has been generally conceded that Mr. Broderick was indebted to Col. Snowden for his elevation to the United States Senate, more than to any other living man. In his death this county has met with a serious loss. Having unbounded confidence in its resources, he has devoted all his energy to its development. He leaves a family in Maryland, and thousands of friends on the Pacific coast to mourn his loss. His remains were followed to the grave, on Thursday, by a large number of friends, where the burial service of the Masonic Order (of which he was a member) was performed.

<sup>467</sup> The Nevadans who have told me this (and who have led me to other materials I use in this chapter) are Lee Mortensen of the Nevada State Historical Society (Reno), and Pansilee Larson of the North Central Nevada Historical Society (Winnemucca).

of Baker. Surviving Nevada court records make no mention of the incident or its sequel. Just as no water flows from the Great Basin, so little information about some of the more violent episodes in its early history has trickled out.

A legal notice which appeared on the same page of the Register as Uncle Dick's obituary, however, offers an intriguing clue as to what Uncle Dick was doing in Humboldt County and who he was doing it with. The legal notice pertained to a petition filed on September 18th by Richard P. Hammond asking that Uncle Dick's will be admitted to probate. The notice indicates that Uncle Dick had named Hammond and Charlie Fairfax as the executors of his estate.<sup>468</sup> Hammond, of course, was the Maryland-born former California State assemblyman, and former Federal patronage boss by virtue of his heading the San Francisco Custom's House. The sparse biographical information available on Hammond following his departure from politics after the Republican's state wide triumph in 1861 indicates that, from 1861 to 1866, he was active in mining in California, Nevada and Arizona, in addition to maintaining substantial farming interests in the San Joaquin Valley.<sup>469</sup> I conclude, quite tentatively of course, either that Uncle Dick and Hammond were partners in a Humboldt County mining operation, or that Uncle Dick was, in some fashion, serving as Hammond's agent there.

Unionville was some two-hundred miles to the northeast of Virginia City, a thirty-five hour trip by stagecoach during the Humboldt's heyday, but a fifteen-day ordeal by pack mule for the pioneer prospectors who first found silver there and for most of miners who followed them as the bonanza accelerated in the weeks and months thereafter. Star City was roughly ten miles due north.<sup>470</sup>

The rush to the Humboldt was touched off early in 1861 by the arrival in Virginia City of several Paiutes who brought from

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<sup>468</sup> Humboldt Register, September 19th, 1863.

<sup>469</sup> National Cyclopaedia of American Biography, XII, p.

<sup>470</sup> Myron Angel's History of Nevada remains the most comprehensive history of the region. See also D. Ashbaugh, Nevada's turbulent Yesterday ((---?: Westernlore Press, 1963); Russell R. Elliott, History of Nevada, (Reno: University of Nevada Press, 1973); Stanley W. Parker, Nevada Ghost Towns and Mining Camps, (Berkeley, CA: Howell-North Books, 1976); and Nevada: a Guide to the Silver State (compiled by workers of the writers' program of the Works Projects Administration in the State of Nevada) (Portland, 1957)..

the region a sample of ore remarkably similar to what miners were finding in the richest lodes of the Comstock. The Paiutes offered to lead whites to the source of their find. A Captain Hugo Pfefersdorff and a J.C. Hamman accepted this offer and headed northeast with two supply-laden donkeys and four Paiute guides. On May 12th, 1861, they arrived on a prominence overlooking a valley Pfefersdorff called "Buena Vista" on account of the remarkable view afforded by the deep green grasses in the valley below and the snow-capped Star Peak to the north which topped out at almost ten-thousand feet.<sup>471</sup>

The ore Pfefersdorff and Hamman found exceeded their expectations and touched off a wild migration from the southwest by those who still hoped to find an El Dorado. A town was organized within weeks of the initial discovery. The first miners were of Southern birth and secessionist persuasion. They decided to call the settlement "Dixie." Subsequent waves of immigration led to a majority of Northerners, and on July 14th, 1861, "Dixie" was renamed "Unionville." The town ten miles to the north, settled a short time later, was given the politically neutral name of "Star City."<sup>472</sup>

Among those lured to the Humboldt was Samuel Langhorne Clemens, who had arrived in Carson City in mid-August of 1861 in the company of his older brother Orion who had recently been appointed Territorial Secretary.<sup>473</sup> Clemens later wrote that he had been seduced by the extravagant report of a Humboldt County correspondent of the Virginia City Territorial Enterprise:

But what of our mines? I shall be candid with you. I shall express an honest opinion based upon a thorough examination. Humboldt County is the richest mineral region upon God's footstool. Each mountain range is gorged with precious ores. . . Have no fears of the mineral resources of Humboldt County. They are immense — incalculable.<sup>474</sup>

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<sup>471</sup> Angel, op. cit., p. 458.

<sup>472</sup> Angel, op. cit., p. 458.

<sup>473</sup> Apart from the numerous references to Mark Twain in Angel, op. cit., see Effie Mona Mack, Mark Twain in Nevada (New York: Charles Scribner's Son, 1947) and Paul Fatout, Mark Twain in Virginia City (Bloomington, IN: The Indiana University Press, 1964).

<sup>474</sup> Cited by Mark Twain (Samuel L. Clemens) Roughing It (Hartford, CN: American Publishing Company, 1872.) p. 195.

A subsequent dispatch in which the correspondent claimed that "the intestines of our mountains are gorged with precious ores to plethora" was all Clemens needed. Grubstaked by his brother Orion's money, he and three companions set out for Unionville on December 10th, 1861 with a wagon, two ancient horses and 1,800 pounds of provisions.<sup>475</sup> They arrived there two weeks later in a blinding snow storm—just in time for Christmas. Clemens discovered that Unionville at the end of 1861 consisted of eleven cabins—arrayed on either side of a deep gorge—and a liberty-pole. A residency of three weeks—during which Clemens and his friends chipped rocks, blasted holes and received generally unfavorable assay reports—was sufficient to convince Clemens that successful mining in the Humboldt would be too much like work. He departed, and not long after became a feature writer for the Territorial Enterprise.

Though other miners would have much better luck at Unionville—and at the Sheba mine of Star City—than Clemens, Humboldt County continued to get the sort of press that might turn back the less motivated potential settler. Thus when J. Wells Kelly compiled Nevada's first territorial directory in 1862 offered little encouragement for its future development:

So far as known, it is pretty much an entire desert, scarce capable of giving support to the savage, or sustenance to the wild beast. North of the [Humboldt] river, and below it and the Oregon line, there is said to be a better country; both grass and water, as well as timber being more abundant. But as this region had been but little explored, it might be premature to claim for it any great superiority over the balance, which is known to be a vicious waste of barren mountains and blowing sands.

Only for the mineral wealth it is supposed to contain, there would be but little to attract even the most adventurous into this dreary wilderness, or to render it tolerable as the abode of civilized man.<sup>476</sup>

Uncle Dick traversed the waste land and arrived at Unionville not long after Clemens had departed. Many more followed him, the warnings of Kelly notwithstanding. And even Kelly had to admit, in the 1863 edition of his directory, that

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<sup>475</sup> Mack, *op. cit.*, p. 126.

<sup>476</sup> J. Wells Kelly, First Directory of Nevada Territory (San Francisco: Valentine & Company, 1862) pp. 235-236.

traffic in and out of Unionville had become so heavy that the tri-weekly stage between the Humboldt County town and Virginia City was turning away passengers for lack of space.<sup>477</sup> That Uncle Dick and his partner (or employer) Hammond met with some success is clear. Otherwise, I can find no reason for his remaining there fifteen months.

Why was Uncle Dick stabbed? Was it an unwarranted attack? I suspect that, in the absence of evidence teamster Baker's prosecution and any public outrage at Uncle Dick's death (which I would expect the Humboldt Register to have expressed), I can only guess that Uncle Dick—a man of documented short temper—somehow had it coming to him. Unionville and Star City were, in any case, wild, hard-drinking towns as the Fourth of July of 1863—the last holiday Uncle Dick celebrated—suggests. The festivities began with Unionville's Grand Military and Civic Ball on the night of the 3rd (tickets \$8 each). The following day the celebration, and the entire town of Unionville, migrated ten miles north to Star City for a day of parading and orating, accompanied by constant drinking and a great deal gun shooting, albeit in the air.<sup>478</sup> The fact that it was wartime could only have heightened the revelry. I wonder how Uncle Dick, Southern born and of apparently variable political allegiance, felt as predominantly Yankee Humboldt County celebrated this Yankee holiday. Did his friends have questions regarding his loyalty? Did they know that he had two sons (not to mention perhaps a score of cousins and relations by marriage) who were fighting for the Confederacy? Might his stabbing at the end of July have been connected to a war related issue? In any case, Uncle Dick lay on his deathbed as the citizens of the Nevada Territory, on September 2nd, 1863, voted to become a state.

I suspect that, during the three weeks that Uncle Dick lived following his wounding, Richard Hammond came to Unionville and that Charlie Fairfax came as well. Given the time it took to communicate (Unionville remained without telegraph service in 1863) and to travel, I suspect that by the time they arrived there was little they could have done apart from helping Uncle Dick write his will and seeing it through probate following his death.

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<sup>477</sup> J. Wells Kelly, Second Directory of Nevada Territory (San Francisco: Valentine & Company, 1863) p. 442.

<sup>478</sup> Ashbaugh, op. cit., pp. 150-151.

The contents of Uncle Dick's will and the pleadings and other documents filed in the Probate Court of Humboldt County would reveal a great deal about the final years of his life. They would show, of course, what sort of a living he had been able to make in the absence of the political patronage jobs that had supported him throughout much of the previous decade. Did Uncle Dick own shares of mining stock? If so, did those shares have any value? Did Uncle Dick own real estate? If so, did it have any value? More important, Uncle Dick's will, through its bequests, would show something about his relationship to his wife Elizabeth and what, if anything, survived of their strange union. They had been married twenty-eight years. They had lived a continent's width apart for fourteen. Uncle Dick's will should have been moved to Winnemucca when the county seat of Humboldt County was transferred there in 1873. Though the archives in the Winnemucca court house contain documents dating from the earliest days of Humboldt County, the file box which presumably contains the probate records from 1863 is missing.<sup>479</sup>

In the absence of court records—which, presented under oath, are generally accurate and objective—I am forced to read between the lines in Uncle Dick's obituary, written by Humboldt Register editor William Forbes. While Forbes, who had formerly worked for newspapers in California including the Marysville Herald, may have had some prior knowledge of Uncle Dick, I presume he received some prompting from Uncle Dick's friends, possibly including Richard Hammond and Charlie Fairfax. The obituary contains all the praise the genre requires. I am not surprised to read that Uncle Dick was a "man of marked character, possessing untired energy and perseverance", that he stood by his friends "as firm as the rock of ages", that he had "unbounded confidence" in Humboldt County and "devoted all his energy to its development" and that, along with his "family in Maryland, of which no further mention is made, "thousands of friends on the Pacific coast" mourned his loss. One sentence, however, stands out as truly remarkable:

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<sup>479</sup> Pansilee Larson undertook the search for me in October, 1991.

It has generally been conceded that Mr. Broderick was indebted to Col. Snowden for his elevation to the United States Senate, more than to any other living man.<sup>480</sup>

Though this claim is highly exaggerated and somewhat misleading (since Uncle Dick worked for Broderick in exchange for political favors, not because he was by nature a Free-Soil Democrat) it must have had an impact on those who read it and may have been included precisely for that purpose. For David Broderick had become an important symbol of anti-slavery idealism who, indeed, could be considered as having given his life for the cause. The symbol of Broderick had assumed even greater proportions as the war continued. Identifying Uncle Dick with Broderick—and with what Broderick represented—further confirmed Uncle Dick's loyalty. And those who still had doubts about this Southern-born man would at least have to admit that Uncle Dick, on at least one occasion, had done the right thing.

It is a shame that Uncle Dick could not have survived a bit longer in Nevada. With the connections he had established he might have successfully assimilated himself into the post-war world and finally found the fortune that had eluded him. His friend Richard Hammond clearly did this and might have helped Uncle Dick in turn. Hammond turned from mining to railroading, which in California centered on completion of a transcontinental link. From 1866 to 1871 Hammond served as General Superintendent of the San Francisco and San Jose Railroad. In 1873 he became Vice-president of the Board of Directors of the California Pacific Railroad. In time, he became a confidant of Leland Stanford, Chairman of the Central Pacific.<sup>481</sup> That the onetime Chiv archetype could become best of friends with California's first Republican governor was neither surprising nor unique. If Hammond's help were lacking, perhaps Uncle Dick could have called on B.B. Redding, his old partner in the State Printer's office, who became the Central Pacific's land agent.<sup>482</sup> For some Californians, the transcontinental railroad became the biggest of all bonanzas.

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<sup>480</sup> Humboldt Register, September 19th, 1863.

<sup>481</sup> National Cyclopaedia of American Biography, v. XII p.

<sup>482</sup> Poor's Railroad Manual

Indeed, the completion of the transcontinental railroad sounded the death knell for Unionville and Star City. The Central Pacific followed the course of the Humboldt River across much of Nevada, and while it passed within twelve miles of Unionville, the forbidding Humboldt Range stood between the right-of-way and the town. Unionville might as well have been on the other side of the moon. The future lay with the towns on the railroad like Winnemucca and Elko. Some residents of Unionville realized this long in advance. William Forbes sold the Humboldt Register in 1867. The new owner suspended publication in May of 1869 and moved his presses and type to Elko.<sup>483</sup> Unionville had reached its peak, with a population of about 1,500, around the time of Uncle Dick's death. As Myron Angel completed research for his History of Nevada in 1880, he discovered that the population of Unionville had dwindled to two-hundred and that only four people lived in Star City which had once numbered 1,200 souls.<sup>484</sup> Star City remains today as a W.P.A. writer characterized it in 1940: "only a name."<sup>485</sup> The biggest issue these days in what remains of Unionville is whether the Federal Bureau of Land Management should build a fence around the old cemetery to prevent grazing cattle from nipping the grass that surrounds Uncle Dick's grave.

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Not long after the end of the Civil War, Charlie Fairfax returned to the world of elective politics. To be more specific, I should say that he decided to dabble in politics in a very small world, for he ran for the post of County Supervisor for the First District of Marin County, hardly a demanding, full-time or even very important job in the still sparsely-populated area.<sup>486</sup> The voters of Marin—that is, the 340 county residents who cared enough about the race to cast ballots—were divided on the issue of whether it was a good idea for Charlie to return to public office. They were, in fact, equally divided. At the September, 1865

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<sup>483</sup> Angel, op. cit., p. 302.

<sup>484</sup> Angel, op. cit., p. 458.

<sup>485</sup> Nevada: a Guide to the Silver State, p.

<sup>486</sup> The first indication I can find of Charlie's candidacy is in the August 16th 1865 edition of the Marin County Journal.

election, 170 voted for Charlie and 170 voted for his opponent, a man named Shaver.<sup>487</sup> By the time the special runoff election was held on Saturday, October 21st, a majority of those who voted thought Charlie's political resurrection was not a bad idea (though the total number of ballots cast was three less than it had been in September, suggesting that the electorate had witnessed more interesting contests than the Fairfax-Shaver race.) Charlie, in any case, won by twenty-one votes and assumed the duties of office in November.<sup>488</sup>

Though Charlie had run as an independent, he again became active in the Marin County Democratic organization and was selected as one of three delegates to attend the California State Democratic Convention at the end of June, 1867.<sup>489</sup> Six weeks later, however, Charlie abruptly cut short his renewed public service career. With two years of his term still to run, Charlie resigned his seat on the Marin County Board of Supervisors.<sup>490</sup> The Marin County Journal offered no explanation for Charlie's move: it merely reported that the remaining members accepted Charlie's resignation, thanked him for the "able and impartial manner in which he had discharged the duties of his office", and scheduled a special election to fill the vacancy left by his departure. Perhaps Charlie's drinking had become a problem. Or perhaps the suicide two months earlier of Gustavus Warfield Snowden, his cousin and house guest, had been a factor.

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The reporting of Gus Snowden's suicide was inaccurate initially and garbled thereafter. That he was extremely troubled young man is obvious. There are many obvious reasons why he should have become so. I have no way of knowing how early in life Gus's troubles began, but I feel reasonably sure in stating that the permanent departure of Uncle Dick from the Snowden household in Maryland in the spring of 1849 could only have been a traumatic event for Gus who was still several months from his thirteenth birthday. To lose, in essence, a father in early

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<sup>487</sup> Marin County Journal, September 16th, 1865.

<sup>488</sup> Marin County Journal, October 28th and November 11th, 1865.

<sup>489</sup> Marin County Journal, June 23rd, 1867.

<sup>490</sup> Marin County Journal, August 17th, 1867.

adolescence must have been difficult. To then become, as the eldest son, the man of the household similarly presented a burden Gus would have been hard pressed to handle. Finally reunited with his father in California, Gus witnessed the death of his younger brother at the hands of the Paiutes. Then, as a soldier fighting for the Confederacy—and presumably witnessing death an maiming on a periodic basis—he learned that his father, thousands of miles distant, had been stabbed to death by a teamster under circumstances that perhaps nobody could adequately explain.

Perhaps most significant, Gus Snowden had witnessed the decimation and defeat of the cause for which he had been fighting. And, back in California, he would have to bear the burden of having fought on the losing side. In the late 1850's his well-connected Democratic relatives had easily found him a post in the United States Mint. In 1865 the incumbent Republicans were unlikely to be so generous to a young man who had just left the rebel army.

Charlie Fairfax was the only family member on whom Gus could rely. But Charlie had growing problems of his own. Indeed, he made Gus a part of them, as an article in the October 21st, 1865 issue of the Marin County Journal demonstrates. On an unspecified day during the previous week, Charlie and Gus were walking somewhere in the vicinity of Bird's Nest Glen when they encountered a man named Juan Peralta. Peralta and Charlie at the time were opponents in a lawsuit involving real estate. Peralta had been enjoined from entering certain property pending the suit's resolution. Upon meeting Peralta on the disputed land, Charlie exchanged harsh words with him. According to the Journal, Peralta then "struck Fairfax on the head with a club, felling him instantly." As Peralta was about to give Charlie a second whack, "Mr. Snowden, who was present, shot Peralta in the thigh which brought him down." Peralta and Charlie were carried to their respective homes where it was determined that Peralta's injuries were serious and Charlie's minor.<sup>491</sup> The sequel to the incident, if any, was not reported.

The next mention of Gus Snowden occurred only on Wednesday, May 23rd, 1867, the day he took his own life. The San Francisco evening Bulletin, the first newspaper to report the

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<sup>491</sup> Marin County Journal, October 21st, 1865

suicide, erroneously identified him as "Richard F. Snowden". Perhaps this was because the story was hurriedly relayed to the Bulletin by the captain of the steamer Contra Costa, very likely the ship that had docked at San Quentin moments before Gus blew out his brains with the port hostler's revolver. The Bulletin article was quite detailed and seemingly accurate apart from its initial mis-identification:

He had been stopping with C.S. Fairfax at his ranch for some weeks past, and this morning went to San Quentin to visit a friend who keeps a stable. His friend left the room for a moment, when he heard the report of a pistol, and on returning found Snowden in a chair dead, with his head thrust back, and the discharged pistol in his hand. He had placed the muzzle of the weapon in his mouth and fired, the ball passing through the top of his head and lodging in the ceiling. Deceased was about 28 years of age, and well known in this city. He is supposed to have committed the act while laboring under a depression of spirits, brought about by poverty and inability to procure employment.<sup>492</sup>

The Marin County Journal provided a somewhat more detailed account in its weekly edition two days later:

It appears that deceased arrived at the Point about six o'clock in the morning and was lounging around Barnard's stable conversing with the man thereof with whom he was on intimate terms. Just before the arrival of the stage which connects with the eight o'clock steamer he asked the hostler for his pistol to shoot some birds, which request was denied as the owner was very particular [sic] about his weapon and did not wish any one except himself to use it. Upon the arrival of the stage at the stable the hostler jumped on board and proceeded to the wharf, when Snowden entered his room and finding the pistol placed the barrel in his mouth, pulled the trigger and blew out his brains. The hostler hearing the noise caused by the discharge of the pistol and fearing that some horses had broken loose, went back to the stable and found Snowden sitting in the chair dead with the pistol lying on his lap.<sup>493</sup>

The Journal noted in the same article that Gus, for reasons unspecified, had been at the paper's office the day before his suicide, "appearing as usual, giving no cause that he was about to commit so rash an act."

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<sup>492</sup> San Francisco Evening Bulletin, May 23rd, 1867.

<sup>493</sup> Marin County Journal, May 25th, 1867.

Marin County authorities held an inquest almost immediately and ruled that Gus had died essentially in accord with the facts as reported by the Journal, which concluded its account of Gus's death by noting that "upon the occasion of the inquisition no facts were brought forward to show the cause of the rash act." There appears to have been no formal mourning for Gus. Charlie Fairfax brought his remains to the San Rafael cemetery and buried them the day after his death.<sup>494</sup>

In the absence of additional facts, the story of Gus Snowden's suicide took on a life of its own in later years. J.H. Wilkins, writing a history of the California State Prison System for the San Francisco Evening Bulletin in 1918 somehow confused Gus with "Richard N. Snowden"—who, of course, was Uncle Dick, Gus's father—and attributed his suicide to alcoholism:

He was related to Lord Charles S. Fairfax—either a nephew or a first cousin. Like his lordship, he was a very handsome man, rather erratic, but courteous and companionable. In later years he came to a sad end. Like most of his generation, he had a taste for liquor that led him into prolonged sprees, followed by protracted sessions with remorse and periods of total abstinence. After one of these unequal contests with King Alcohol, he announced to numerous friends that if he ever got drunk again, he would kill himself. He was as good as his word. Another debauch came and as soon as he sobered up he went into the rear of a livery stable in San Rafael and shot himself in the head, dying instantly.<sup>495</sup>

When Florence Donnelley was researching her 1966 profile of Charlie Fairfax, she came across a 1915 article from the Marin County Independent which again seems to have confused Gus Snowden with his father (it identifies the suicide victim as "Colonel Snowden", the unofficial title by which Uncle Dick was formally known, and states that he was an "assistant in the commissary at San Quentin Prison".)<sup>496</sup> In the Independent article, the stable had become an abandoned mill and the hostler its caretaker, a man named Joe Santos. Snowden, a "tall-handsome fellow" and a friend of Santos, was despondent because the

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<sup>494</sup> Marin County Journal, May 25th, 1867.

<sup>495</sup> The articles appeared in the Bulletin between June 13th and July 10th of 1918; I quote from the tenth installment which is undated in the copy I have.

<sup>496</sup> Donnelley, op. cit., claims that the article appeared in the February 2nd, 1915 edition of the Marin County Independent, though I have been unable to find it there.

woman he loved—the daughter of a wealthy San Rafael resident—had jilted him and married another man. One day he walked into the old mill building, "seated himself in Joe's favorite armchair, put an old army pistol to his head and blew out his brains." Thereafter stories were told, by Santos among others, of a "tall white ghost seen moving in and around the old mill site." After Santos was found dead in the "same old armchair"—albeit from what appeared to be natural causes—there were some who claimed, in accord with what had evolved into a full-blown Marin County myth, that Snowden's ghost had strangled him<sup>497</sup>

Thus by the second decade of the twentieth century, the story of Gus Snowden's death could not have become any better or have strayed further afield. I can only suggest that those familiar with the return of American veterans from war to society in the 1970's may wish to consider Gus Snowden's tragic death in that light.

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Charlie Fairfax survived Gus Snowden—the last of his blood relatives in California—by only twenty-two months. Moreover, he spent the final eleven months of his life on the east coast, first in New York, later in the District of Columbia. Charlie therefore did not have the opportunity to set in motion his first and only business venture outside politics, a logging operation at Fort Ross in Sonoma County in partnership with Nicasio lumber mill operator James Dixon.<sup>498</sup>

Charlie went east, most likely in June of 1868, to serve as chairman of California's ten-man delegation to the Democratic National Convention. The gathering of delegates, which began at Tammany Hall on July 4th, was—like all Democratic National Conventions until 1884—a futile exercise. The Republicans had already nominated Ulysses Grant—eight years earlier a Breckinridge Democrat—and the great hero of the Union was unbeatable. New York Governor Horatio Seymour, who finally became the Democratic Party party candidate after twenty-two

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<sup>497</sup> Donnelley, *op. cit.*

<sup>498</sup> On the lumbering venture see the anonymous article in the San Francisco *Examiner* of January 1st, 1893; and Donnelley, *op. cit.*

ballots, received only 80 of the 294 electoral votes cast at the subsequent polling.

At some point during the third week of July of 1868, Charlie travelled from New York City to the District of Columbia to visit his 62 year-old mother Caroline Snowden Fairfax whom he had very likely not seen since he left for California nineteen years earlier. Walking down Pennsylvania Avenue one evening, he met a California acquaintance who had likewise come east. Charlie mentioned the purpose of his visit. The friend remarked that he would be departing the next day for the Miami Valley of Ohio to see his mother for the first time in eighteen years. "Yes," replied Charlie somewhat wistfully. "You and I have foolishly thrown away money enough in California to have visited our good old mothers scores of times." The pair acknowledged the truth of Charlie's observation, shook hands and walked their separate ways. It was the last time they would meet.<sup>499</sup>

Charlie Fairfax's "good old mother" was, in fact, in considerably better shape than Charlie himself. Indeed, Charlie, not long after the beginning of 1869, was on his deathbed. He was far too ill for a return trip to California—which still required unpleasant stretches of stagecoach travel in the absence of a transcontinental railroad—and was perhaps better off in the household of his physician-brother, John Contee Fairfax, with whom Caroline Snowden Fairfax lived. That his illness was serious—and that the prognosis was hopeless—was clear by February 27th when the Marin County Journal carried a brief article under the headline "The Condition of Charles S. Fairfax":

A correspondent of the Times, writing from Washington, D.C., under the date of January 20th, writes as follows in relation to the health of Charles S. Fairfax who is now lying ill in that city:

"I have heretofore endeavored to stave off a report of his declining health in hopes that a change for the better might take place; but his gradual sinking and inability to receive nourishment constrains me to say that his numerous friends in California may prepare for the worst at any time."

Charlie lingered for another six weeks. Ada came east from California, according to Stephen Field, "to be with him in his last

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<sup>499</sup> The "friend" was the anonymous author of the article "An American Baron" that appeared in the May 8th, 1880 edition of the San Francisco Daily Evening Post.

hours."<sup>500</sup> Charlie died on Sunday, April 4th 1869, just short of a month past his fortieth birthday. Five weeks later, track-layers of the Central Pacific would meet track-layers of the Union Pacific at Promontory Point, Utah, drive a golden spike linking rails stretching 690 miles west to the Golden Gate and 1,085 miles east to the Mississippi and thus complete the nation's first transcontinental railroad. Since telegraph lines had earlier been laid along the right-of-way, news of Charlie's death travelled from the East Coast to California in well under twenty-four hours. The Marin County Journal reported it in its weekly edition of April 10th. But most Californians probably read of Charlie's passing in the obituary printed by the Sacramento Union :

Charley is dead. At last he had to yield to the King of Terrors. The struggle was long and painful. Fairfax died at the residence of his mother, sixteen miles from Washington, on Sunday last. His body was brought into the city on Tuesday and was met at the Baltimore [and Ohio] depot by a large number of Californians, who joined in the funeral procession to Rock Creek Church, six miles from Georgetown, where the funeral took place in accordance with the forms of the Episcopal Church and the Masonic Fraternity. The body is deposited in the vault of a relative for a time, the laws of Maryland not allowing a corpse to be taken out of the State until a certain time has elapsed after the decease. Ultimately the remains are to be interred on the estate in Virginia. Rock Creek Church is one of the oldest in the United States. The bricks of which it is constructed were brought from England. Charles S. Fairfax was by right a member of the House of Lords of England. Everyone in California knew him as a genial, kind-hearted gentleman, and will be sad to know that his career is ended.<sup>501</sup>

Contemporary sources reported little about the cause of Charlie's death. The Marin County Journal speculated that the "change of climate no doubt caused prostration of a system already shattered, and for months past he had been wasting away, slowly but surely until at last the fell destroyer, Death, claimed him for his own."<sup>502</sup> Somewhat later, Stephen Field guessed that "the seeds of consumption, which had long been lurking in his

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<sup>500</sup> Field, *op. cit.*, p. 118.

<sup>501</sup> Sacramento Union, April 22nd, 1869.

<sup>502</sup> Marin County Journal, April 10th, 1869.

system, began to be developed."<sup>503</sup> C.C. Goodwin suspected that the sword wound inflicted by Harvey Lee had been a factor:

When he died, a post-mortem was held and the surgeon said to one of the friends of Fairfax: "Do you say this wound was received eleven years ago?" When answered in the affirmative, the surgeon said: "Then God must have interposed to save his life. Save where the blade entered and made its exit the wound is as fresh and unhealed as though made but an hour ago. It is the most astonishing thing in the history of wounds."<sup>504</sup>

Actually, the recovery made by Richard Snowden Andrews—Charlie's cousin—after a shell fragment tore his intestines from his abdomen on a Virginia battle field some seven years earlier was probably more astonishing. While I have no more clinical evidence than Goodwin, Field, and the obituary writer of the Marin County Journal, I would not discount the role alcohol played in Charlie's premature death.

There is, however, one piece of convincing anecdotal evidence which suggests that Charlie was at least purchasing substantial quantities of alcoholic beverages during the last months of his residency at Bird's Nest Glen, and that Ada Fairfax continued these purchases—albeit in accord with her somewhat differing tastes—following her husband's departure for the East Coast. The evidence is a claim filed against Charlie's estate on November 9th, 1869, by a man named George F. Parker, who was apparently a Marin County liquor merchant. The claim covered spirits, wine and malt beverages purchased by the Fairfax family—but never paid for—between the end of 1866 and the end of 1869. Included were a gallon of "old Bourbon Whisky" bought on November 22nd, 1866 (possibly on the occasion of the relatively new national holiday of Thanksgiving); another three gallons of Bourbon bought on December 31st of 1866 along with two dozen quarts of ale (probably for New Year's Eve); a case of Montraral Claret and another gallon of Bourbon purchased on May 11th, 1867; and three gallons of Marett Brandy, two gallons of Jamaican rum and three gallons of Cream Sherry purchased on December 19th, 1868 (just in time, of course, for the Christmas

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<sup>503</sup> Field, op. cit., p.118.

<sup>504</sup> Goodwin, op. cit., p. 42.

holiday.)<sup>505</sup> Ada must have made the final purchase, for Charlie left for New York in June. Charlie, Ada and their guests during this period had consumed—on credit—\$113 worth of George Parker's booze. I believe that reflects heavy drinking. It certainly lends credence to the "Charlie stories" and the tales of Fairfax hospitality that had been circulating throughout California for more than a decade.

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Ada Fairfax returned to California following Charlie's death. She sold Bird's Nest Glen and moved to the Fort Ross property Charlie and James Dixon had purchased two years earlier in anticipation of jointly running a logging operation. For the next three years, Ada Fairfax—a woman with no prior experience in operating a business—assumed her late husband's role as Dixon's partner.

Fort Ross, located eighteen miles north of Bodega Bay on a stretch of tableland a hundred or so feet above the Pacific, had already assumed a unique niche in the history of the United States by the time of Ada's arrival there. From 1812 to 1841, Fort Ross had served as czarist Russia's easternmost outpost on the North American continent. The name "Fort Ross" is, in fact, an anglicization of *Fuerte de los Rusos*, in turn a Spanish rendering of *Slavyanka*, which is what the Russian-American Company called the fortified hunting, trading and farming complex it built there.<sup>506</sup>

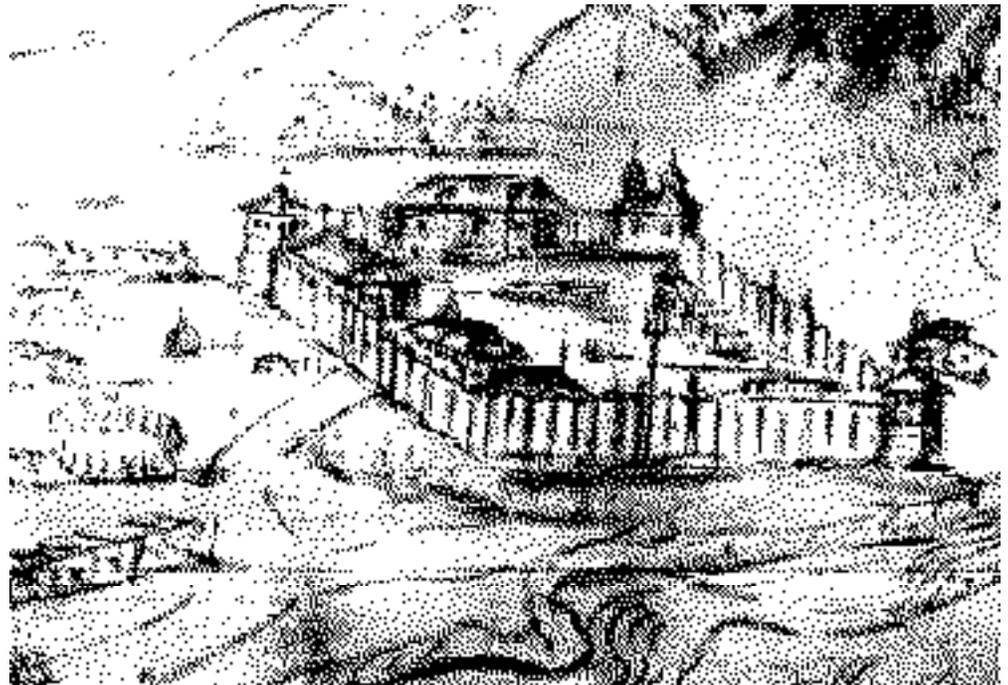
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<sup>505</sup> Marin County Circuit Court, Probate Division.

<sup>506</sup> On Fort Ross see John A. Hussey, Notes toward a Bibliography on Sources Relating to Fort Ross State Historical Park, California (Sacramento: State of California Resources Group, 1979); Robert A. Thompson, The Russian Settlement in California (Santa Rosa, CA: The Sonoma Democrat Publishing Company, 1896; Flora Faith Hatch, The Russian Advance into California, San Francisco: R. and E. Research Associates, 1976); the description extracted from T. Blok's Brief Geographical-Statistical Description of California (Saint Petersburg: Imperial Navy Printing Office, 1850) translated by Henry Lanz and Peter Nekrasoff and printed as "The Russian Colonies in California: A Russian Version" in Quarterly of the California Historical Society XII (1933) pp. 190-191; E.O. Essig, "The Russian Settlement at Ross", ibid., pp. 191-209; Adele Ogden, "Russian Sea-Otter and Seal Hunting on the California Coast, 1803-1841", ibid., pp. 217-239; Clarence John Du Four, "The Russian Withdrawl from California", ibid., pp. 240-276 (including an appendix of numerous

The Russians sailed down the California coast early in the nineteenth century in search of new sources of fur, centers at which the fur could be traded and, eventually, land that could be used for the production of food to supply their fur-hunting colony in Alaska.<sup>507</sup> Initially, beginning in 1803, they had entered into partnerships with Boston ship captains. The Americans provided transportation, the Russians provided teams of highly-skilled Aleut Indian sea otter hunters and their otter-hunting craft, and the partners split the bounty obtained (in essence, through poaching) in Spanish territory.<sup>508</sup> Within a few years, however, they moved on to independent hunting operations and finally, to the construction of their own small colony—Fort Ross—on the California Coast.

The construction of Fort Ross began in 1812. By the time it was



Fort Ross in 1843  
(From a drawing by G.M. Wasseurtz af Sandels)

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documents providing contemporary descriptions and details of the sale); Gertrude Atherton, "The Romance of Fort Ross", The Californian v. V no. 1 (December, 1893) pp. 57-62); Ernest Ingersoll "In a Redwood Logging Camp", Harper's New Monthly Magazine, January, 1883, pp. 193-210; An Illustrated History of Sonoma County, (Chicago: The Lewis Publishing Company, 1889); J.P. Munro Fraser, History of Sonoma County, (San Francisco: Alley, Bowen & Company, 1880); and Henry J. Hanser, Wild Oats in Eden: Sonoma County in the Nineteenth Century (Santa Rosa, California: Hooper Printing, 1961) pp. 15-19.

<sup>507</sup> Essig, op. cit., p. 191.

<sup>508</sup> Ogden, op. cit., pp. 217-219.

completed two years later, the compound consisted of some nine buildings— including a house for the commandant, barracks for officers and soldiers, a kitchen, warehouse, jail and small chapel— enclosed within a twelve-foot tall stockade that measured 300 by 280 feet. There were two-story octagonal bastions at the northeast and southwest corners. Outside the perimeter were houses for the Aleut fishermen and their families, a bakery, carpenter's shop, tannery, mill, stable, more kitchens and eight baths. Everything was constructed from native redwood which, in the Russian fashion, was hewn, not sawed. Beyond the buildings were fenced in fields planted with wheat, flax, barley, rye, corn, beets, potatoes, cabbage, radishes, turnips, lettuce, beans, peas, watermelons, garlic, hemp and tobacco. Apples, peaches, pears, quince, cherries and grapes were grown in an orchard and vineyard in the hills to the east. There was a boat house and landing on the shore to the north, and a sandy beach on the shore to the south. The initial population of Fort Ross consisted of slightly less than one hundred Russian and about eighty Aleut hunters.<sup>509</sup>

Though primitive in its beginnings, Fort Ross had become a sophisticated habitation near the end of its Russian occupation. When the Frenchman Eugène Duflot du Mafras visited commandant Alexander Rotcheff and his Saint Petersburg bride Princess Helena Gagarine, he discovered the commandant's quarters included "a choice library, French wines, a piano and a score by Mozart."<sup>510</sup>

The Russians at Fort Ross became, in large part, long term victims of their short term success. Over three decades the hunting expertise of their imported Aleut Indians effectively decimated the sea otter population. Moreover, their farming venture—supplemented by experiments in tanning, brick making and shipbuilding—never realized significant profits. In 1841, after it became clear that future returns from the outpost would not justify the expenses, they decided to sell Fort Ross. John Sutter— of New Helvetia and Hock Farm—offered \$30,000 (to be paid largely in kind from the fort's subsequent crops) and became the first purchaser.<sup>511</sup> A German named William Benitz, who first

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<sup>509</sup> Essig, *op. cit.*, pp. 192-193.

<sup>510</sup> Cited by Hanser, *op. cit.*, p. 19.

<sup>511</sup> Du Four, *op. cit.*, pp. 246-248.

managed the property as Sutter's agent later bought it, sold it in 1859 to William Muldrew who sold it in turn to George Moore and Daniel W. Welty who, in 1867, sold it to Charlie Fairfax and James Dixon.<sup>512</sup>

A lithograph published in 1877 shows that the stockade, most of the building within it and the outbuildings as well were still standing, and were thus in place when Ada Fairfax began her tenure at Fort Ross in 1869.<sup>513</sup> The orchard had survived with apples impervious to blight, no doubt because a Russian Orthodox priest had sprinkled Holy Water upon the seedlings at the time of their planting. Ada also became the owner in due course of Helena Gagarine's piano (French-built) of the Fort's cemetery where fifty or so Russians had been buried<sup>514</sup>. Among them was at least one ghost, later described as a "tall, gray, venerable transparent Russian" who had appeared before owner William Benitz and his wife one night and admonished them—possibly in their native German, possibly in English, but with a Slavic accent in either case—to "Plant potatoes! Plant potatoes!". The Benetizes had done so and thereafter made a fortune.<sup>515</sup>



Ada Benham Fairfax  
(In later days)

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<sup>512</sup> Essig, *op. cit.*, p. 200.

<sup>513</sup> New Historical Atlas of Sonoma County, California (Oakland, California: Thomas H. Thompson & Company, 1877).

<sup>514</sup> Robert Thompson reported the piano was in the commandant's house in 1896 (*op. cit.*).

<sup>515</sup> Atherton, *op. cit.*, p. 61. Ms. Atherton also mentions the ghost of a Russian woman whose lover had died in passage to Sitka. She would appear on moon-lit nights sitting

Ada's crop was not potatoes. She and Dixon her partner intended to log and mill the redwoods—the *Sequoia Sempervirens*—that grew thick and tall at the base of the Coast Range. That there was a market for lumber in rapidly-growing California is clear. Less so is the extent to which Ada and Dixon were able to successfully exploit that market, for the accounts of those who reported on the venture are not in total agreement. Gertrude Atherton claimed—more than twenty years after the fact—that Ada "for a time made large sums of money with her sawmills."<sup>516</sup> But an anonymous writer—who seems to have known the Fairfaxes well—observed only that the partners "succeeded in making the place pay to some extent."<sup>517</sup>

Ada Fairfax, in any case, seems to have been more adept at spending money than earning it. The seemingly boundless hospitality that was synonymous with Bird's Nest Glen continued in full and probably intensified force at Fort Ross where Ada converted the commandant's house into her home and found plenty of room for guests in the officers' quarters. "Emerging from her widow's weeds, Lady Fairfax entertained in her former splendid fashion at Fort Ross," wrote one recipient of her generosity. "I have known eight wagons loaded with guests," he continued, "to go to Walhalla River or over to Austin Creek or they would go to the beach for picnics, and all of them stopping with her in the great thick-walled picturesque mansion." Indeed, Ada's taste for luxury, in all respects, seems to have surpassed by a good margin that of the previous mistress of Fort Ross, Princess Helena Gagarine. When Ada went to Cazadero—the nearest town with a post office—she reportedly rode in a carriage drawn by four white horses. The carriage had her crest inscribed on its sides.<sup>518</sup> The same writer who had witnessed the eight carriage-loads of guests heading in the direction of Fort Ross also observed that the income of Ada's joint venture with James Dixon could hardly support a life-style so lavish and that the "vast drain on

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on a copper box containing letters from her lover, moaning "long and loud." (*op. cit.*, p. 62.)

<sup>516</sup> Atherton, *op. cit.*, p. 61.

<sup>517</sup> San Francisco *Examiner*, January 1st, 1893.

<sup>518</sup> *Fort Ross Interpretive Association Newsletter*, July-August, 1988.

Mrs. Fairfax's resources because of her hospitality gradually brought failure to them."<sup>519</sup>

Ada Fairfax's reign over Fort Ross ended not long after James Dixon was killed in a log jam. In the absence of the partner who knew the business, the operation was unable to continue. In 1873, Ada sold Fort Ross to a man named George Call. She took up residence in San Francisco and, for a time, lived with her mother and niece. But with the wolf apparently nearing the door, she moved to Washington, D.C., where some benefactor found her a job in the Treasury Department.<sup>520</sup> The accounts of Ada's final years vary. One version claims that she became the "Belle of Washington", a sort of nineteenth-century Pearl Mesta who, "in grand style", entertained President Grover Cleveland and future presidents William McKinley and Theodore Roosevelt in addition to visiting royalty.<sup>521</sup> Another version claims that "a melancholy, brought about by anxiety and mental suffering gradually induced consumption, and the unfortunate lady died almost alone."<sup>522</sup> In any case, Ada Fairfax passed away in Washington, D.C. on September 27th, 1888 following what the Marin Journal said was a "lingering illness." The paper also noted that, during a visit to California about four years earlier, she had "suffered much rheumatism."<sup>523</sup>

The face of Fort Ross changed dramatically following Ada's sale of the property to George Call. An 1880 history of Sonoma County described the transformation that had taken place in only seven years:

The greater part of the stockade is gone. The public road passes through the middle of the enclosure from east to west. The old buildings are now used respectively for a salon, hotel and storehouse, while the old chapel is profaned by being used as a stable. The bastions made excellent pigsties. They are tottering under the weight of years, and are moss-covered and worm-eaten, and will soon pass out of existence. There are at present one hotel, one saloon, one blacksmith shop, one store, one meat market, post and telegraph offices. The post

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<sup>519</sup> San Francisco Examiner, January 1st, 1893.

<sup>520</sup> Fort Ross Interpretive Association Newsletter, July-August, 1988; San Francisco Examiner, January 1st, 1893; Donnelley, *op. cit.*

<sup>521</sup> Fort Ross Interpretive Association Newsletter, July-August, 1988.

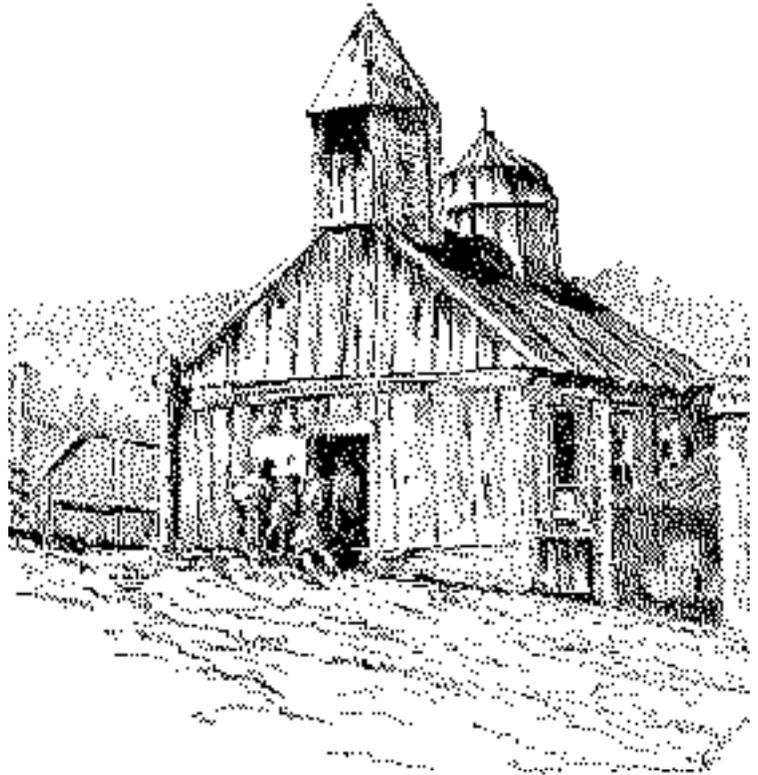
<sup>522</sup> San Francisco Examiner, January 1st, 1893.

<sup>523</sup> Marin Journal, October 4th, 1888.

office was established May 23rd, 1877, with George W. Call, postmaster.<sup>524</sup>

Late in 1892 one of Ada's old friends returned to the property. "I visited the house the other day," he later wrote, "and it is still in its original condition. During the last storm the roof of the church was blown down, but the timber house will stand for centuries as far as water is concerned."<sup>525</sup> But Gertrude Atherton, who found the chapel cupola and the bastions tilting off axis during her visit a year later, was far less certain about the durability of the redwood structures:

Mr. Call, the present owner of Fort Ross—and of many thousand acres round about—takes great pride in his historical possessions, but unfortunately his pride stops short of repair, and in a few years he will have little beyond memories and acres to contemplate. Nature has done her share.<sup>526</sup>



The Russian Chapel at Fort Ross (1893)

The forces of nature that worked away upon Fort Ross included weather, termites and white ants who found the redwood structures a continuing source of nourishment, and the 1906 earthquake which destroyed the chapel. Three years earlier, the Call family transferred the Fort Ross property to the California Landmarks League, but the restoration of the complex was slow in its completion. When E.O. Essig visited the site in late 1927, he reported that "the whole place is a grass and weed patch." The

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<sup>524</sup> Munro-Fraser, *op. cit.*, p. 153.

<sup>525</sup> San Francisco *Examiner*, January 1st, 1893.

<sup>526</sup> Atherton, *op. cit.*, p. 61.

chapel had been rebuilt but coated with a "somewhat offensive weatherworn paint." The barracks, barns, gates and shops were gone. The north bastion had been "reduced to a low mass of logs which were rapidly crumbling." The dwelling where Princess Helena Gagarine held court and where Ada Fairfax dispensed her legendary hospitality was barely recognizable:

The outside of the commandant's house was modernized with a shingled roof and mill-sawed siding, while the inside has been polluted and soiled by man, birds and beasts for years. One looks with remorse at the walls and ceilings shedding portions of the numerous coats of paper and paint and at the floors with the half-soles of narrow pine boards. The double fireplace alone has withstood the attacks of time with the exception of the bricks at the back which have been burnt clear through. The neatly-hewn sandstone facing and mantels are still almost perfect.<sup>527</sup>

The only bright spot of Essig's visit came when he climbed to the orchard. There he found fifteen lichen-covered trees planted by the Russians as much as 107 years earlier. They still bore Gravenstein and Bellflower apples, Russian pears and cherries. The blessing of the Russian priest at the end of the second decade of the nineteenth century had been effective and long-lived.

Bird's Nest Glen, the Fairfax residence in Marin County, fared far better in the years following the death of Charlie and the departure of Ada. The tradition of "good times" associated with the property was sustained and, on occasion, carried to extremes. The completion in the early 1880's of a north-south rail line through Marin County meant that the old Fairfax estate was a short boat and train ride from San Francisco. The property, for a time, became a public picnic ground and the destination of Sunday excursions which drew large crowds of sometimes uncontrollable merry-makers. Three-thousand participated in the first such event. described as a "one grand drunken shindy." Of a subsequent picnic in May, 1884, the Marin County Journal reported that "about two-thousand attended and fifty fights occurred."<sup>528</sup>

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<sup>527</sup> Essig, op. cit., pp.201-203.

<sup>528</sup> Jack Mason and Helen van Cleve Park, The Making of Marin (Inverness, CA: Marin County Historical Society, 1975)

Charles and Adele Pastori—he was descended from a long line of chefs, she was a former opera singer—continued the Fairfax hospitality in 1905 when they converted Bird's Nest Glen into an Italian restaurant. Fire claimed Charlie and Ada's old home in 1911, but the Pastoris rebuilt and remained in business until 1925. During the same period, Hollywood producers discovered that the rugged hills on the property were ideal location settings for low-budget westerns. The likes of Tom Mix, William S. Hart, Bronco Billy Mason and Slim Summerville thus galloped across the terrain where Charlie had once hiked with his guests in search of the next hidden wine bottle.<sup>529</sup>

Even with Charlie and Ada long gone, the neighborhood around the old Bird's Nest Glen continued to be known as "Fairfax's", a name synonymous with good times. Thus, when the 2,250 souls who lived in the vicinity voted on February 26th, 1931 to incorporate as a town, they chose "Fairfax" as the name for their village. They did so not so much because they wished to honor its first resident. Rather, that was what they had always called the place.<sup>530</sup> Fairfax today remains a small community which is trying to limit its growth and which is still trying to forget the last major local revelry, a 1969 Arts and Crafts Festival during which thousands of young people played rock music, smoked dope, took off their clothes and generally behaved in a fashion Charlie—had he been alive—could have appreciated.

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Caroline Snowden Fairfax, Charlie's twice-widowed mother, survived her son eldest son by thirty years. She lived, during her later years, with her younger son John Contee Fairfax, to whom the nominal title of "Lord Fairfax, Baron of Cameron" had passed following Charlie's death. She died on December 28th, 1899 at the age of 92.

John Contee Fairfax, a successful physician, had no interest in taking the measures necessary to legally assume the hereditary title. But his eldest son Albert Kirby Fairfax became an investment banker posted in London. For reasons probably related to business as much as anything else, Albert Fairfax renounced his

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<sup>529</sup> Mason and Park, *op. cit.*, pp. 126-127.

<sup>530</sup> Mason and Park, *op. cit.*, p. 127.

United States citizenship and became a British subject. In 1908 a committee of the House of Lords recognized him as the twelfth Baron of Cameron. Nicholas John Albert Fairfax, Albert's grandson, assumed the title of fourteenth Baron of Cameron in 1964 at the age of eight. As long as neither he nor his descendants emigrate or otherwise renounce their British citizenship, Bishop Kip's wish will remain fulfilled.

The long-suffering Elizabeth Ridgley Warfield Snowden survived her husband and at least four of her six children. I apply to her the term "long-suffering", for she had become a "California widow" by virtue of Uncle Dick's apparently permanent departure to the West in 1849, then become a widow in fact when Uncle Dick was fatally stabbed by a Nevada teamster in 1863. She had learned in 1860 that one son—Dick Jr.—had been killed by Indians, and in 1867 that another—Gus—had taken his own life. Along the way, she had experienced whatever anxieties attended a mother who had two sons—Gus and George—fighting for the Confederacy.<sup>531</sup>

From at least 1880 (but probably long before) until the end of her life, Elizabeth Snowden lived in the Howard County, Maryland household of her daughter, Elizabeth Warfield Snowden Dorsey, her son-in-law, William Thomas Dorsey, and her four (and only) grand-children<sup>532</sup>. The world she knew had evolved dramatically since January 1st, 1835—the day when Uncle Dick, "in excess of proud rapture" (or so it had seemed at the time to her sister Martha Ann), had taken her as his bride at Longwood. In a number of ways, Maryland was no longer the place "for frolic and fun" (again, the words of Martha Ann), and had not been so for many years. Elizabeth Ridgley Warfield Snowden died on May 7th, 1903 at the age of eighty-six.

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<sup>531</sup> George Thomas Snowden (who served as a Captain in Company S of the 2nd Maryland Cavalry) had, in fact, been captured by a Union officer—a Captain Boring—on January 2nd or 3rd, 1865 near Wheeling or Moorefield, West Virginia. He was charged with "disloyalty" and with being a "Rebel recruiting officer, and taken first to Cumberland, Maryland, later to Atheneum Prison in Wheeling. He escaped from Atheneum Prison on July 18th, 1865. Since the war had ended, there appears to have been no attempt made to capture him.

<sup>532</sup> United States Federal Census, 1880, Howard County, 104th enumeration district, sheet 41; and United States Federal Census, Howard County, 85th enumeration district, sheet 6.

Among the belongings of Elizabeth Ridgley Warfield Snowden was the collection of locks of hair clipped from the heads of Warfield and Snowden children and tied with ribbons during the years from 1752 to 1853. Following Elizabeth Snowden's death, possession of the collection passed to her daughter, Elizabeth Dorsey. When Elizabeth Dorsey died early in 1935 at the age of eighty-five, possession passed to her son, William Shepherd Dorsey and, in turn, to his son, Shepherd Snowden Dorsey. In August of 1972, Shepherd Snowden Dorsey presented the collection to the Howard County Historical Society. At the Society today one can therefore see on display the childhood ringlets of Elizabeth Ridgley Warfield Snowden; her husband (and first cousin), the murdered Uncle Dick; their middle son, the massacred Dick Jr.; and their eldest son, Gus Snowden, the suicide.