

A Confederate Spy in California: A Curious Incident of the Civil War

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Midsummer, 1864. For three years the Civil War had been raging and devastating half a continent. The South had won battle after battle, but victory seemed as far away as ever, and the South was slowly bleeding to death. Southern leaders were beginning to realize, consciously or intuitively, that unless some miracle intervened, unless the South received some great accession of strength, or unless the enemy should be weakened sharply, its cause was doomed.

One major area of the United States remained relatively unaffected by the war—the Pacific Coast. In California, in spite of screams of “tyranny” and “despotism” from certain newspapers, exactly nothing had happened. Union soldiers from California were ranging through the deserts of Arizona and New Mexico into the western part of Texas, and were fighting Indians in the mountains and on the Great Plains, but no Confederates had penetrated to the Pacific, nor did any long casualty lists cause mourning and heartbreak among the people.

This was the general situation when Captain H. Kennedy, C.S.A., landed at San Francisco, on July 7, 1864, emerging from obscurity for a moment and standing in the light. He was an obscure person, so obscure that today we do not even know what given name was represented by the initial letter H. In the records of the war, he is simply “H. Kennedy, Captain, C.S.A.” We may surmise that he was a Texan, solely because he started on his adventures from Texas, and returned to Texas upon completion of his dangerous mission. We may surmise, too, that he was an experienced frontiersman and a soldier of proven courage and ability; otherwise he would never have been charged with the mission of a Confederate agent in California.

On April 7, 1864, after receiving his orders from Colonel S. Hunter, Captain Kennedy left San Antonio for California. Get-

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ting to California was a problem, for the Federals (mostly Californians) held a tight grip on all the transcontinental roads and trails, and would be extremely suspicious of an unexplained traveler from Texas. He made his way across Mexico to Mazatlan, where he obtained passage on a ship sailing for San Francisco. What adventures, or misadventures he may have had traveling across Mexico, we do not know. He never mentioned any. He arrived finally at San Francisco, over three months after leaving San Antonio.¹

Sending a Confederate agent to California was based upon something more substantial than mere "wishful thinking" on the part of the Confederate officials. More than a few highly placed Confederates believed that on the Pacific Coast, particularly in California, there was a reservoir of Southern manpower that might be tapped and used to strengthen the weakening Confederate ranks. And they had what seemed to be a solid basis for their hopeful belief.

Although California had been admitted to the Union with a constitution that forbade slavery, a high proportion of its population came from the South, and, in the decade before the outbreak of the war, California politics had been almost completely dominated by the Southern element. In Washington, the State was represented by Senator William McKendree Gwin, a native of Tennessee who had once served as a congressman from Mississippi. In Congress, the California delegation, throughout the 1850's, consistently supported the South in all the bitter sectional controversies that had marked the decade. The only prominent Californian who had openly opposed the slave power, Senator David Broderick, had been killed in a duel with Judge David Terry, a Southerner of the traditional "fire-eating" kind.

When the secession of the Southern states began to loom as a dangerous possibility, the Southern element of the State's population expected to be able to swing California to secession and the Confederacy, or at least to secession and the formation of a "Pacific Republic" which would maintain a benevolent neutrality toward the South.² And when the secession of the slave states became an accomplished fact, and a civil war an unhappy reality, the Southerners in California became bitterly vocal, leaving no doubt as to where they stood, and giving rise to the idea that their

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strength was much greater than it actually proved to be. For example, on July 11, 1861, in the California Democratic Convention at Sacramento, Edmund Randolph, a native of Virginia, shouted, "For God's sake speed the ball, may the lead go quick to his heart—and may our country be free from this despot usurper, that now claims to the name of President of the United States."³ In Los Angeles, on the Fourth of July, a Confederate flag waved unmolested. In Stockton, on the same day, Southern sympathizers forcibly prevented the ringing of the bell of the Methodist Church in celebration of the day.⁴

Open demonstrations of sympathy toward the Confederacy and disloyalty to the Union occurred in many parts of the State, and continued for the duration of the war. In a number of communities, such as Los Angeles, El Monte, and Visalia, Southern sympathizers were so numerous and so overt that the responsible authorities were gravely concerned. Visalia, in particular, was so rabidly Southern that a garrison was maintained there to prevent a possible outbreak.

As the slave states, one by one, left the Union and formed themselves into the Confederate States of America, certain of the leaders among the Southerners in California formed a super-secret organization with the objective of seizing the State. They planned to capture the Federal arsenals and installations by a swift and paralyzing stroke and to present the world with the accomplished fact of a Confederate California, or, at least, a California that would prove a thorn in the flesh of the Federal Government and that would require an expensive effort to restore to Union control.

In San Francisco, the plotters who conspired and planned to bring this about seem to have been men who were completely unsuspected by their friends and neighbors, men who were high in the business and social circles of the city. They moved cautiously, took no unnecessary chances on being discovered, and to this day, their identity is unknown. The only one of them who has revealed himself in his memoirs mentioned no names except his own. They were bound by an iron-clad oath, and only Southerners who were above suspicion were invited to join.

One afternoon I was told to be at the house of a well-known Southern sympathizer at 9 o'clock in the evening. It was well apart from other

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buildings, with entrances in several directions. The gentleman who owned it lived alone, with only Asiatic attendants, who understood little English and cared less for what was going on. A soft-footed domestic opened the door, took my card, and presently I was ushered into a room where a number of gentlemen, most of them young but well established, were seated at a long table. I recognized among them leading men of San Francisco of various walks of life.⁵

After taking a solemn oath, the initiate was admitted to membership in a "society of thirty members, pledged to carry California out of the Union."⁶

The organization and its proposed plan were so simple and workable that, had the conspirators ever acted, the result was bound to have been a serious challenge to the Union, even if it had failed in the end. Each member of the committee was to select and engage a small, hard core of desperados to fight and serve as a nucleus for a greater organization to be formed later. The members of the committee did not appear openly. Each chose as his agent someone whose devotion to the South was beyond doubt and charged him with the responsibility of enrolling suitable men without giving them any inkling as to the purpose for which they were being engaged. This was not difficult to do, for California was full of desperate characters who were ready and willing to do anything that promised pay and excitement. They were men to whom a filibustering expedition was all in the day's work. These men were to be assembled in small detachments in out-of-the-way places, and, at a signal from the "General" (the mysterious head of the committee, whose identity was unknown even to its members), they would simultaneously attack and seize such important key points as the Presidio, Benicia Arsenal, Mare Island, and Alcatraz Island. "Everything was in readiness by the middle of January, 1861. It remained only to strike the blow!"⁷

The secret conspiracy to force California into the Confederacy in the period when the Southern States were seceding, and before the war had actually started, was scotched by the abrupt refusal of Brigadier General Albert Sidney Johnston to have anything to do with it. Because he was a Southerner, the conspirators counted on his support, but being a man of unimpeachable honor, he was true to his trust, and gave unequivocal orders to resist any at-

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tempts to seize Government property. To the commander of the detached post on Alcatraz, for example, he sent orders "to maintain your post and defend Alcatraz Island against all efforts to seize it, from whatever direction such efforts may be made."⁸

Thwarted by Johnston's rigid conception of his duty and his honor, the conspirators gave up hope, for the time at least. Even though Albert Sidney Johnston was destined to die wearing the uniform of the Confederacy, it was due to him that the Confederacy was unable to make a bid for a foothold on the Pacific Coast at the very start of the struggle.

Nevertheless, the pro-Confederate people in California continued to give the Confederacy reason to believe that there was a vast number of men in the State who would be an invaluable reinforcement for the Confederate army, if they could be made available. Pro-Southern orators and newspapers continued to "froth at the mouth." At Visalia the editor of the local newspaper, L. P. Hall, after a period in jail, and after taking the oath of allegiance, screamed editorially,

Your President, who is supposed to be the representative of the honor and the dignity of a nation, has laid aside all self-respect and made himself a COMMON LIAR. Here, Black Republicans, is your President; take him; conceal him from observation. His natural ugliness is bad enough, God knows; but when his moral deformities are superadded, it is dangerous to look upon⁹

And in March, 1863, the *Mariposa Free Press* burst out with, "What cares Abraham Lincoln for the good of his country? A traitor to God and humanity, his hands dripping with the blood of his countrymen."¹⁰

Throughout the State, but particularly in the southern part, the secret orders—the Knights of the Golden Circle, the Knights of the Columbian Star, the Knights of the White Camelia—flourished under cover, ready to spring to action upon any promise of possible success, and meanwhile doing whatever they could to aid the South and injure the cause of the Union. Together they constituted what a later generation would call a "Fifth Column," and it was potentially a formidable Fifth Column, too.

Unable to take California out of the Union and into the Confederacy, the Southern sympathizers within the State found a

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partial outlet for their emotions by aiding and forwarding men who wanted to join the Confederate armies in the field. A small, but constant, stream of Confederate recruits was kept flowing eastward to the battlefields. At first they traveled mostly via Arizona and New Mexico, but when Carleton's California Column gained a firm hold over those territories, recruits had to travel through Mexico, or by way of Panama, in various guises. Some of them were captured. In the fall of 1861, a party of "peaceful miners, on their way to the mines of Sonora," led by former Assemblyman Dan Showalter, was captured near Temecula.¹¹ In 1862, a party of emigrants traveling across Utah en route to California met a party of six men from Marysville, going in the other direction. "They undertook this ride of some three thousand miles across the Plains, to 'offer their services to Jeff Davis,' as they expressed it." One of the party, who had been badly wounded in a fight with Indians a few days before, "remarked that he would much rather kill a Union man than an Indian."¹² In El Monte, many years after the war, an elderly citizen recalled, "I well remember the meetings that used to be held at my house and at other houses in those days, and dozens of times my father woke me up in the middle of the night with orders to 'Get up and get that fellow a horse; he is going to fight the Yankees.'" In the same little red-hot, pro-Confederate town, another elderly man recalled taking part in a "Bear Flag Parade," in defiance of the Union, and belonging to a "home guard" company, every member of which was a Southerner.¹³ It is said that at Oroville an entire company, posing as Unionists, managed to obtain Federal assistance and equipment, and then gaily departed to join the ranks of the Confederacy.¹⁴

There is no way of knowing just how many Californians succeeded in infiltrating into the Confederacy, but the number was large. From Los Angeles County alone, more than two hundred and fifty men made their way to the Confederate army, as against a mere handful who went to the Union armies in the east.¹⁵ Enough men from California joined the Confederacy to convince the Confederate authorities that larger numbers were merely awaiting their chance, and that there was still a possibility that the State itself might secede and join the Confederacy. Late in the autumn of 1861, Colonel John R. Baylor, in command of Confederate forces in New Mexico, reported happily to his superiors in

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Texas, "California is on the eve of a revolution. There are many Southern men there who would cheerfully join us if they could get to us, and they would come well armed and mounted."¹⁶

Instances which seemed to prove that California was a vast reservoir of manpower for the Confederacy, if only the Confederates could gain access to it, could be multiplied almost indefinitely. By the fall of 1863, the prospects of the Confederacy were beginning to darken, even to the most optimistic among the Southerners. Lee's invasion of the North had been turned back at Gettysburg; Vicksburg, "the Gibraltar of America," had surrendered to Grant at the same time. The blockade was tightening and becoming more effective daily, and the powers of Europe were becoming visibly cooler in their attitude. And the hardest fact of all was that it was becoming increasingly difficult to keep the Confederate ranks full. Volunteers were no longer swarming into the Confederate army. Every battle or skirmish meant casualties that could not be replaced. As the war went into its fourth year, the Confederate armies were dwindling in strength, and no longer held the prestige of unbroken victories.

Consequently, when Judge Lansford W. Hastings, a Californian, appeared in Richmond with a scheme whereby the Confederate sympathizers in California might be used to strike a heavy blow and win a solid advantage for the South, he gained a ready hearing. Hastings was a native of Ohio, but he had been in California for over twenty years. He had, in fact, been associated with Sutter before the discovery of gold at Sutter's Mill, had pioneered in Oregon, and had authored a handbook on the overland trails for the use of emigrants. More recently, he had practiced law and held a judgeship. There is nothing in his career to explain why he had become a secret, but very active, Confederate sympathizer, but he had.

Hastings presented himself, in the middle of September, at the headquarters of General Kirby Smith, at Shreveport, Louisiana. Kirby Smith was in general command of all Confederate forces west of the Mississippi River. Hastings proposed to raise a Confederate force, secretly, in California, for the seizure of Arizona and New Mexico. Once in possession of those territories, he could make them impregnable against Union attack, and open a road between the Confederacy and the Pacific Coast. His plan, as he

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outlined it later in a letter to Jefferson Davis, was basically the same as the plan adopted by the "Committee of Thirty." He would enroll from 3,000 to 5,000 men, in small groups, and transport them in detachments to Arizona under the guise of miners going to the newly opened mines of the territory, or of emigrants going to Mexico. Once in Arizona, they would be assembled at predetermined times and places, and "reduce the forts and capture the troops with all the Federal property now in that Territory. . . ." In a like manner he would capture New Mexico, "thus securing to the Confederate Government not only the immediate and efficient military aid with its best moral influence both at home and abroad, but also a link between the Atlantic and Pacific Oceans. . . ." ¹⁷

General Kirby Smith was fully aware of the importance of Arizona and New Mexico to the Confederacy; he had nothing to say against the practicability of Hastings' plan, but he did not feel that his authority was broad enough to cover approval of such an enterprise. He gave Hastings a letter of introduction to the Confederate Secretary of War, James Seddon, and sent him to Richmond. Seddon and other high officials of the Confederacy were deeply interested in Hastings' proposition, but at the same time they were disposed to be cautious. Hastings was a stranger to them, and he was without military experience. To carry out his plan would cost money, and the Confederate treasury was almost empty. Not that Hastings asked for much. He wanted only a commission as major in the Confederate army and reimbursement for expenses he might actually incur, but he would need a large sum to transport the men he expected to enroll, and to provide arms and equipment for men who could not furnish their own. In November, General Kirby Smith, to whom Seddon had sent Hastings' plan for detailed consideration, replied that "Judge Hastings has wholly failed to satisfy me as to the propriety of trusting him in so important a matter . . . and [I] cannot in any event, either from the Mexican trade or by any other means at my command, furnish the necessary funds." ¹⁸

But Hastings' scheme promised such dividends, and seemed, from Richmond, at least, to be so feasible, that Jefferson Davis himself finally decided to try it. On February 4, 1864, Seddon handed Hastings a letter of instructions to be hand-carried to Kir-

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by Smith. Hastings, the letter said, had been commissioned by the President as a major, and was authorized to raise troops in California and Arizona for the seizure and occupation of Arizona. Kirby Smith was directed to raise the necessary funds (\$10,000 to \$12,000) by the sale of cotton, to the necessary amount, in Mexico. Kirby Smith would designate a disbursing officer, who would proceed at once, with Hastings, to the port in Mexico to which recruits from California would be directed. The disbursing officer would remain at the Mexican port, while Hastings went on to California to set the plan in operation. Seddon had been convinced of Hastings' loyalty and intelligence but was doubtful as to his ability to command the troops. Kirby Smith was authorized to designate a commander, if he saw fit, senior in rank to Hastings.¹⁹

With that, Lansford W. Hastings vanishes from the historian's immediate view. There is no reason to doubt, however, that he made his way back to California, traveling through Mexico to some Pacific port, probably Mazatlan. He must have arrived at San Francisco late in March, or in April, of 1864, but this is pure speculation, based on probability. But, can it be accidental, or purely coincidental, that Captain H. Kennedy, an officer of General Kirby Smith's command, received orders for a secret mission in California on April 7, 1864, putting him practically on Hastings' heels?

Kennedy arrived in San Francisco on July 14. There is nothing in his report, or elsewhere, to indicate that he was expected by anybody in the city, but reading between the lines of his cautiously-worded report, it is obvious that he did not remain unacquainted for long. He spent, he said, a few days "obtaining necessary information." He did not indicate the nature of the "necessary information," nor did he offer the faintest hint as to the persons from whom he obtained it. It is safe to assume that the men with whom he talked, or at least some of them, were the same men who had planned and plotted three years before to carry California out of the Union forcibly. They were men who were unsuspected by their neighbors in 1861, and in 1864, they were equally anxious to remain in complete anonymity. They were men who, to all public appearances, were loyal, wholehearted Unionists.

After a few days of this delicate but necessary phase of his mission, Kennedy left San Francisco and made a leisurely trip via

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Stockton and Sacramento to Virginia City. He seems to have spent several days in Stockton and the State capital but is reticent about what he did and whom he saw. He gave no reasons, in his report, for choosing the particular route he followed, or for selecting Virginia City as his destination, but no sensible person could doubt for a second that his unknown informants in San Francisco gave him good reasons for his choice. In fact, in San Francisco he had gained enough information to commence the operational part of his mission as soon as he arrived at Virginia City. The tough and desperate characters whom the Committee of Thirty had regarded as promising material in the conspiracy of 1861 had largely moved to Nevada, attracted by the newly-opened mines there. These men, it is a fair conclusion, were men in whom Kennedy was interested. At Virginia City, he found enough Confederate sympathy and men who would do anything for pay and excitement, to begin immediately the organization of a force to march overland to western Arizona.

It is almost unnecessary to point out how neatly this fits in with Hastings' plan for a Confederate force marching overland from Nevada to Arizona, while the men enrolled under Hastings' plan were concentrating in the Territory or in adjacent regions of Mexico. A Confederate force from Nevada seems never to have occurred to the Federals. They were totally unprepared for such an attack, and had it actually taken place, the result would have been disastrous, in all probability, for the Union.

Unfortunately for Kennedy's plans, and fortunately for the Government, he seems to have become a bit careless, or possibly he failed to realize how thorough and far-reaching the Federal intelligence services had become by 1864. At any rate, "by the treachery of some unprincipled person who was privy to the plan or organization," the entire scheme became known to the Union authorities in a very short time, and Virginia City was suddenly an extremely unhealthy place for Captain Kennedy. The plan was abandoned, because it was impossible, upon such short notice, to get enough horses or supplies to carry it out before the authorities could strike. Kennedy left Virginia City in considerable haste, "bringing off but a few of those engaged in the enterprise."

He quietly appeared in San Francisco, to the probable consternation of his informants there. If he were recognized and cap-

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tured, only trouble could result from being known as a friend of his. He was warned that both civil and military authorities were searching for him, and that he might be recognized at any moment. He must disappear at once. Accordingly, Kennedy "retired to the mountains," where he remained hidden for over a month, while the hue and cry died down. He did not say just where he hid out, but it must have been a spot not too far distant, for he was obviously in communication with his friends and supporters during that time. He considered returning to Texas via Southern California and Arizona, but his friends warned him against the attempt. Telegraphic orders had been sent to all of the Union garrisons and forces to be on the alert for him. To try to return overland would be sheer suicide. Evidently, he and his superiors had been misled into believing that Union control over Southern California and the roads into Arizona was much less tight and effective than it actually was.

Coinciding in time with Kennedy's clandestine visit to California, a number of incidents occurred in various parts of the United States which, conceivably, bear a relationship, direct or indirect, to his presence on the Pacific Coast. It was in the autumn of 1864 that Confederate agents made a daring and spectacular attempt to burn the city of New York, an event which has been overlooked by most historians of the Civil War. It was in September, 1864, that Confederate agents attempted to seize the *U.S.S. Michigan*, the lone warship which the United States, under treaty with Great Britain, could maintain on the Great Lakes. It was in October, 1864, that Confederates from Canada staged a melodramatic raid upon St. Albans, Vermont, looting the two banks of the little town for the benefit of the Confederate treasury. It was in July, 1864, just after Kennedy arrived at San Francisco, that Confederate raiders, again based in Canada, unsuccessfully attempted a raid on the bank at Calais, Maine, and it was in that same month that a vast plot was uncovered to release the Confederate prisoners held at Camp Douglas, in Chicago.²⁰

During that same period, California had its quota of excitement. On the night of June 30, 1864, the stage from Virginia City was stopped, about thirteen miles above Placerville, by a group of armed men who moved with such precision and obeyed the orders of their chief so unquestioningly that it was apparent that

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they were under close discipline. They did not want a thing from the passengers; all they wanted was the Wells Fargo bullion shipment which they knew was on the coach. Heaving the treasure chest out of the coach, they disappeared into the darkness, but before they left, the leader gave the stage driver a receipt:

This is to certify that I have received from Wells, Fargo & Company, the sum of \$ cash, for the purpose of outfitting recruits enlisted in California for the confederate states' army. [Signed] R. Henry Ingram, captain commanding company, C.S.A.

The next day two of the "Confederates" were captured at Thirteen Mile House, a wayside tavern, by sheriff's deputies from Placerville. At Somerset House, another roadside tavern, an attempt to arrest six suspects discovered there resulted in a sharp exchange of shots, in which Deputy Sheriff Staples was killed, another deputy wounded, with only one suspect wounded and captured. The prisoner proved to be Thomas Poole, a former undersheriff of Monterey County; a man who was highly respected in the community in which he lived. Two weeks later, on the night of July 14 (the very day on which Kennedy landed at San Francisco), several other members of the gang were located, by pure chance, at a farmhouse on the New Almaden road, near San Jose. Surrounded by a sheriff's posse from San Jose, the raiders chose to fight their way out, rather than surrender. One man received three wounds, but escaped successfully. Another, identified as John Clendennin (or Clendening), of Santa Clara, desperately wounded, was captured in the underbrush, and died the next day. With that, and with the execution several months later of Thomas Poole, the California "Confederates" who robbed the stage to help Confederate recruits in California, vanish from history. Nothing further was ever heard of them.²¹

A brief digression to comment upon this episode may be not altogether inappropriate. Nearly all writers who have commented upon the incident have chosen to regard it, by implication, at least, as a simple stage robbery, with the claim to being Confederate soldiers as a subterfuge to justify and conceal a pure felony. But it is certain that Thomas Poole, once undersheriff of Monterey County, was not an ordinary criminal. An exclamation attributed to one of the men surprised at Somerset House: "Did you

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think two damned Yankees could capture six Confederate soldiers?" has a ring of sincerity in it. Winfield J. Davis, to whose *History of Political Conventions in California* reference has been made, says, "It subsequently developed that the robbery was but the ramification of a scheme which had been set on foot in Santa Clara County to recruit and equip soldiers in this state for the confederate army."²²

Earlier in the year, while the high authorities in Richmond were still mulling over Lansford Hastings' proposal, a "Colonel" Palatine Robinson wrote a lengthy letter to General Kirby Smith. Robinson, a somewhat mysterious figure in the pages of early Arizona history, had just arrived at San Antonio after a journey through the five northern states of Mexico, where he had found, "all along the road men who have started from California . . . for the purpose of joining in our country's struggle, and who have been prevented from doing so from inability to prosecute their journey owing to their means having become exhausted. . . ."²³

While Captain H. Kennedy was obviously not connected with the stage robbery near Placerville, nor the subsequent fights between the raiders and sheriffs posses, his mission, as revealed in his report, grew from the same desperate need of the Confederacy for men. Men armed and equipped by Kennedy would then be available for the Confederacy, and to fill the quotas Lansford Hastings had suggested for himself.

From his hide-out in the mountains, kept informed by his friends in San Francisco, Kennedy watched for his opportunity to escape. By this time, California was a dangerous place for him; the longer he lingered, the greater were his chances of dying on the gallows. By means which he did not specify, he boarded a vessel sailing for Mazatlan on October 5, 1864. He probably heaved a sigh of relief when he landed, undetected, at the Mexican port.

At Mazatlan, he found a party of some thirty recruits, assembled and taken there by "Capt. J. Standifer," and undoubtedly a result of Hastings' activities. Assuming command, Kennedy led them across northern Mexico, crossing the Rio Grande into Confederate territory safely on January 19, 1865. Ironically, he encountered his first serious trouble and his first disastrous reverse two days later. Not far from Presidio del Norte, he encountered

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a strong Federal patrol, and in the savage little fight that followed, he lost four men killed, seven wounded, and six missing—over half of the little force that he had led successfully a thousand miles.

The only record of this fight is in Kennedy's own report. Who were those Federals? Where did they come from? The fight occurred in that part of Texas now included in the Big Bend National Park. The only Federals in western Texas at that time seem to have been from General Carleton's Californians. There is no mention in California records of a fight between California volunteers and Confederates in 1865, but it is not beyond possibility, or even probability, that the California Confederates who had escaped from the Pacific Coast were destroyed near their goal by California Unionists.

Shortly after his return to Texas, Captain H. Kennedy was mentioned, along with Colonel Dan Showalter, as a good man to use in a new plan to raise a force of from 8,000 to 10,000 men in California, Arizona, and New Mexico. It was a plan based on an optimistic estimate of the numbers and enthusiasm of Confederate sympathizers in California, but the dying Confederacy was unable, in 1865, to make even a gesture.²⁴

With that, Captain H. Kennedy, Confederate spy and secret organizer, steps back into the wings and vanishes from the stage of history. One would like to know more about him, but probably never will. He must have been a cool, level-headed operator, courageous but cautious, dependable, unexcitable, but willing and able to take a long chance. Otherwise, he would not have survived. He was obviously a capable soldier and a leader of men, along with being an experienced frontiersman. Beyond this, there is no hint as to his background or his previous life and career. He remains, in the dry pages of the *Official Records of the Union and Confederate Armies*, merely "H. Kennedy, Captain, C.S.A."

His connection with the scheme advanced by Judge Lansford W. Hastings is purely conjectural, but it is not too far-fetched to say that both Hastings' plan and Kennedy's mission are two pieces of a huge mosaic, other pieces of which were scattered through the Midwest, in New York, and on the borders of New England. There may not have been any master plan or master brain governing all of the lurid events of late 1864, but a stage robbery near

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Placerville, a bank robbery in Vermont, Greek fire tossed into buildings in New York City, arms and ammunition hidden in Chicago basements, all came from a common root—the desperate need of the dying Confederacy for men to fill the ranks. It is not too far-fetched, also, to surmise that Captain Kennedy's near success proves that the Union hold on California may have been not quite as firm as historians have usually believed.

NOTES

¹*Official Records of the Union and Confederate Armies in the War of Rebellion*, Series I, Vol. LIII, pp. 1044-1046. Hereafter referred to as *O.R.* The item cited here is Captain Kennedy's official report, written on February 20, 1865, after his return to the Confederacy. Since all information about Kennedy and his activities is taken from this report, no further footnote reference to it will be made.

²J. M. Guinn, *A History of California and an Extended History of Its Southern Counties* (2 vols., Los Angeles, 1907), II, 210.

³Winfield J. Davis, *History of Political Conventions in California, 1849-1892*, Publication No. 1, California State Library (Sacramento, 1893), p. 173.

⁴George H. Tinkham, *A History of Stockton* (San Francisco, 1880), pp. 253-254.

⁵Asbury Harpending, *The Great Diamond Hoax and Other Stirring Incidents in the Life of Asbury Harpending*, James H. Wilkins, ed. (San Francisco, 1913), pp. 26-27.

⁶*Ibid.*, p. 28.

⁷*Ibid.*, pp. 29-31.

⁸*O.R.*, Series I, Vol. L, Part I, pp. 434, 443, 444, 446, 448.

⁹Visalia *Equal Rights Expositor*, January 9, 1863, quoted in Wallace Smith, *Garden of the Sun* (Fresno, Calif., 1956), p. 353. Quoted with the author's permission.

¹⁰*Ibid.*

¹¹Clarence C. Clendenen, "Dan Showalter—California Secessionist," *California Historical Society Quarterly*, XXXX (December 1961), 309-325.

¹²Elijah R. Kennedy, *The Contest for California in 1861. How Colonel E. D. Baker Saved the Pacific States to the Union* (Boston and New York, 1912), pp. 340-342.

¹³Percival J. Cooney, "Southern California in Civil War Days," *Historical Society of Southern California Publications*, XIII (January 1924), 58-59.

¹⁴Helen B. Walters, "Confederates in Southern California," *Historical Society of Southern California Quarterly*, XXXV (March 1953), 49. This story seems somewhat apocryphal. The present writer has found no reference to it in the *Official Records*, or any other source to which he has access.

¹⁵*Ibid.*, p. 51. See also Harris Newmark, *Sixty Years in Southern California, 1853-1913* (3rd ed., Boston and New York, 1930), p. 295, and Major Horace Bell, *On the Old West Coast. Being Further Reminiscences of a Ranger* (New York, 1930), p. 74.

¹⁶*O.R.*, Series I, Vol. IV, p. 149.

¹⁷*Ibid.*, Vol. L, Part II, pp. 621, 700-701.

¹⁸*Ibid.*, p. 681.

¹⁹*Ibid.*, p. 962.

²⁰James D. Horan, *Confederate Agent. A Discovery in History* (New York, 1954), *passim*. See also, "The Chicago Conspiracy," *Atlantic Monthly*, XVI (1865), 108-120.

²¹Eugene T. Sawyer, *History of Santa Clara County, California* (Los Angeles, 1922), pp. 133-134; Neill C. Wilson, *Treasure Express: Epic Days of the Wells Fargo* (New York, 1936), pp. 128-136; Winfield J. Davis, *History of Political Conventions in California, 1849-1892*, pp. 204-205. The writer has no knowledge of the relationship (if any) that may exist between himself and the unfortunate "Confederate soldier" mentioned. He never heard of John Clendennin before undertaking research in preparation for this paper. Both of the writer's grandfathers were in the Union Army, and one of them died in the Andersonville prison.

²²Davis, *Political Conventions*, p. 205.

²³*O.R.*, Series I, Vol. LIII, p. 953.

²⁴*Ibid.*, pp. 1046-1047.