

Colonel Edward J. C. Kewen; Los Angeles' Fire-Eating Orator of the Civil War Era

BY JOHN W. ROBINSON

On a hot August afternoon in 1859, a bevy of horse-drawn carriages converged on El Monte. Their destination was Willow Grove, a wooded glen alongside the nearly dry wash of the San Gabriel River. The warm-hearted denizens of "The Monte" were hosting a mass Democratic Party barbeque, and good Democrats from all over Los Angeles County were invited. Hundreds came. After stuffing themselves with barbequed beef and washing it down with gallons of wine, the assemblage settled back to enjoy the feature of the day — a rousing political address by Colonel Edward J. C. Kewen, the premier orator of the southern counties.

Colonel Kewen did not disappoint his listeners. The gaunt, thirty-four-year-old Los Angeles attorney, his full black beard and noble head of hair waving with his gyrations, launched into a two-hour tirade against apostate Democrats and Black Republicans. He directed his choicest invectives against J. J. Warner, Los Angeles Democrat who had broken with the "regular" party. Kewen charged that Warner had stolen mules from the U.S. Army during the Mexican War and was "A traitor to his country and a purloiner of his country's property, . . . eminently entitled to the consideration of the hangman." He climaxed his diatribe by shouting, "This trifling fellow, Warner, is so notoriously corrupt and villainous as to wholly exclude him from any consideration except that which prompts a man to kick a snarling cur that intercepts his path. The reptile's teeth have been extracted, there is now no venom in his bite."¹

Warner, learning of Kewen's verbal assault on him, denied the charges of mule-stealing and answered in like manner: "A slanderer [Kewen] should be met by the lash at every street corner and chased into the wilderness to live among the howling

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wolves.”² The verbal battle lasted two months, with such epithets tossed back and forth as “truckling slave,” “sordid Hessian,” “dirty scribbler,” and “skulking traitor.”³ Kewen delivered the final insult, stooping to a new low in personal invective by labeling Warner “a hoary miscreant, covered over with crimes like Lazarus with sores.”⁴

Florid, vicious political oratory was the rule rather than the exception during the years immediately preceeding the Civil War. Partisanship ran at a fever pitch. The more unrestrained and vitriolic the language, the greater was the popularity of the speaker.⁵ California politics of the 1850s was rough-edged and turbulent, befitting a frontier region lacking the refinements that come with stability and tradition. Compounding the turmoil was the national schism over slavery. As the sectional controversy developed in the East and the Gwin-Broderick rivalry erupted in California, tempers boiled over and many a long-standing friendship ruptured. From 1856 on, the Democratic Party in the Golden State was sundered down the middle between the pro-Southern, or “Chivalry,” wing, supporting Senator Gwin, and the anti-Buchanan Administration faction led by Senator Broderick.⁶

Colonel Kewen was the acid-tongued spokesman of the Chivalry Democrats in the southern counties. His strong, resonant voice and quick wit made him an electrifying orator who could easily sway a partisan audience. He dazzled receptive listeners with emotion-charged eloquence and self-righteous denunciations of the opposition. A contemporary observer marveled that “Seldom before did man have such command of language.”⁷

What manner of man was Colonel Edward John Cage Kewen? L. J. Rose, a San Gabriel Valley neighbor, described him as “Somewhat undersized, but every ounce of his anatomy filled with Southern fire.”⁸ In some ways he was an enigma. Although quick tempered and often violent on the political rostrum, he could radiate geniality and charm when met in person. At one time he aspired to be a poet, and even had a small book of poetry published.⁹ When not on the political stump, Kewen and his devoted wife Fannie were gracious hosts at El Molino Viejo (The Old Mill) near San Gabriel, the Kewens’ residence during his years as a Los Angeles attorney. They were renowned for

Colonel Edward J. C. Kewen



Courtesy of Huntington Library

Colonel Edward John Cage Kewen (1825-1879).

open and generous hospitality, and the doors of El Molino were always open to friends and guests.¹⁰

Colonel Kewen was born and raised in Mississippi, and his Southern upbringing undoubtedly accounted for much of his behavior. He was a product of the ante-bellum South and possessed a Southern sense of honor: chivalrous toward the fairer sex, charming in social matters, but quick to demand vengeance against those who offered insult or otherwise offended his strict code of honor.

His father, Captain Elward Kewen, immigrated from Ireland just before the War of 1812 and fought under General Andrew Jackson in the Battle of New Orleans. After the war he located a trading post on the Tombigbee River in Mississippi and succeeded in a few years in accumulating a modest fortune. In 1820

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he married into the Weaver family of Tennessee. Edward John Cage Kewen, their first child, was born in Columbus, Mississippi on November 2, 1825. Two more sons made their appearance — Achilles and Thomas — before tragedy struck the family. Both parents died within a few months of each other, and Edward was left an orphan at the age of eight. Fortunately, the three Kewen brothers were left what was called a “princely sum” and were placed under the control of a guardian. Edward showed intellectual promise, and at the age of thirteen was sent to Wesleyan University in Middleton, Connecticut. After three years in school he was called home because of “untoward speculations” by his guardian. The princely inheritance had dwindled to a mere pittance. Reduced from affluence to near poverty and with two younger brothers to support, Kewen resolved on the profession of law. Like young Abe Lincoln, Kewen educated himself in the legal profession by studying law books nightly. By day he worked for a Columbus merchant.¹¹

Kewen became fascinated with politics during the James K. Polk-Henry Clay presidential campaign of 1844. The nineteen-year-old lawyer stumped Mississippi for Whig Henry Clay and, in the process, discovered he had a natural gift for political oratory. He became the leading stump speaker for the Columbus Clay Club and was often called upon to deliver orations. After one fiery speech, the electrified crowd “seized hold of the juvenile orator as he finished his glowing peroration and bore him around upon their shoulders, and would not be content until he had given them another specimen of his eloquence the same night in a neighboring court-house.”¹² Despite Kewen’s youthful heroics, Clay lost the election. The young Whig orator’s political enthusiasm was undimmed, however. He edited the *Columbus Whig* from 1844 to 1846.

Columbus, Mississippi was too small for Kewen’s high aspirations. In 1846 he moved to St. Louis, Missouri and opened a law practice. He continued his activity as a Whig, and during the 1848 election campaign he stumped several Southern states for Zachary Taylor.

The California gold rush attracted a restless Kewen west. In the summer of 1849 he abandoned a lucrative law practice and joined a covered wagon caravan bound for the gold fields. The

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caravan was captained by Dr. Thomas J. White, a St. Louis physician. Kewen traveled with the White family and fell in love with Dr. White's oldest daughter, petite and gracious Fannie. The young attorney and Fannie White were married on December 10, 1849, just a few days after the party reached Sacramento.

Kewen wasted no time in establishing himself in Sacramento. Within a month after his arrival he had set up a law practice and entered the political arena. A Sacramento acquaintance described Kewen as "a brilliant young man . . . [who] had a wonderful power of language, occupied a leading position at the bar and was very ambitious politically."¹³ Kewen quickly gained attention as an orator. Shortly after reaching Sacramento he was called upon to address a political gathering: "His appearance, after a three month's trip across the plains, was most uncouth and unprepossessing, but the speedy flashes of his almost matchless oratory were no sooner reflected upon the audience than the name of Kewen was mingled with the wildest and most enthusiastic plaudits. He was at once placed in the front rank of the orators of the Pacific Coast."¹⁴

Kewen's legal and oratorical skills were brought to the attention of the first California legislature, meeting in San Jose in 1850. The legislature selected him as California's first attorney general, a post he relinquished after a few months, ostensibly because it conflicted with his Sacramento law practice.¹⁵ During his short stint as the state's top law officer, he gained a reputation for fearless action by routing squatters from the Sacramento levee by means of "the audacity of his tongue."¹⁶

In 1851 Kewen was chosen as a Whig candidate for Congress, but was narrowly defeated in the general election by his Democratic opponent.¹⁷ Although personally popular and a striking figure on the political stump, his Whig affiliation was apparently too much for Sacramento's predominantly Democratic voters to swallow. He would soon give searching scrutiny to his political ties.

Kewen transferred his law practice to San Francisco in the summer of 1852, probably because the bay city offered greater opportunities to further his career. His fame as an orator accompanied him and he was often invited to address assemblages. He delivered a two-hour oration to the Society of California Pioneers,

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gathered in the Metropolitan Theatre, San Francisco, on September 9, 1854, to celebrate the fourth anniversary of California's statehood. The long speech was a lofty discussion of California's history and destiny, comparing the state with the ancient civilizations of Greece and Rome. The *Alta California* praised it as "eloquent and appropriate."¹⁸

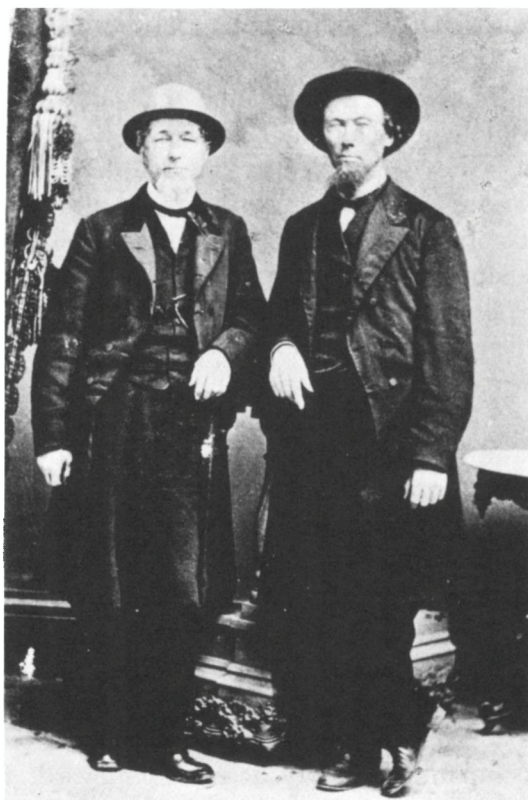
Kewen also dabbled in poetry. He composed and had published *Idealina and Other Poems* in 1853. "Although of no high literary merit, this ranks as the first book of verse printed in the state."¹⁹

Circumstances now intervened to interrupt Kewen's promising career as a San Francisco attorney, and he once again exhibited a facet of his character that one historian has called "a peculiar restlessness."²⁰ His brother, Achilles Kewen, who had only recently joined him in San Francisco, embarked with William Walker on the latter's filibustering expedition to Nicaragua. On July 14, 1855 the news reached San Francisco on the steamer *Sierra Nevada* that Achilles had been killed in the Battle of Rivas and his body unceremoniously buried in the public plaza by indignant Nicaraguans.²¹ Edward Kewen was now the only family survivor, his youngest brother Thomas having died in Panama in 1854. His bereavement at the loss of Achilles, so soon after Thomas' death, drove him to the edge of despair.²² He gave up his thriving law practice and swore to avenge the death and public humiliation of his brother in Nicaragua.

On the evening of October 19, 1855 Kewen carried out the duties of a second in a pistol duel between Austin Smith and H. B. Truett near San Mateo.²³ Next morning he embarked for Nicaragua on the *Sierra Nevada*, in command of seventy-eight men armed with rifles, Colt revolvers and Bowie knives, to join Walker, "the grey-eyed man of destiny."²⁴

Kewen desired to see action in battle and did participate in several minor skirmishes around Lake Nicaragua, twice receiving superficial wounds. But Walker recognized Kewen's talents as a lawyer and early in 1856 appointed him financial agent for the new republic. He was dispatched to New Orleans to sell \$50,000 in Nicaraguan bonds. Soon after his return to Nicaragua, Kewen became involved in the dispute between Walker and Cornelius Vanderbilt, New York capitalist, that was eventually to be a major

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Courtesy of Huntington Library

Henry Hamilton (on the right). Hamilton edited the highly partisan *Los Angeles Star* from 1856 to 1864, and again from 1868 to 1872. He was a political ally of Colonel Kewen.

factor in the downfall of the filibuster leader. Walker claimed that Vanderbilt's Associated Transit Company, a steamer service that transported California-bound passengers up the San Juan River and across Lake Nicaragua, should pay a franchise fee to the new government for the privilege of crossing the Central American country. Kewen was appointed one of three commissioners to ascertain Vanderbilt's alleged indebtedness. The commission decided that Vanderbilt owed the Walker government \$500,000, which sum the New York tycoon refused to pay. Thereupon, and against Kewen's advice, Walker's forces seized Vanderbilt's steamers. This ill-advised action earned Walker the

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enmity of Vanderbilt at a time when, hard-pressed by resistance in Nicaragua, the former could ill afford any more enemies.²⁵

Late in 1856 Kewen, who about this time added the appellation "Colonel" to his name (although he held no such military rank in Nicaragua), was dispatched to the Southern states to recruit men and weapons for Walker's hard-pressed army. From his base in Augusta, Georgia, he traveled and campaigned openly through Georgia, Alabama and Mississippi, and had managed to enlist 800 armed volunteers when the news arrived that the Walker regime had been ousted in Nicaragua.²⁶

With the Nicaraguan escapade ending in fiasco, Colonel Kewen returned to California. He reached San Francisco via steamer from Panama in December 1857. But he made no effort to renew his law practice in the bustling city by the Golden Gate, instead opting to cast his new roots in the dusty cow-town of Los Angeles.

There were probably two reasons for Kewen's decision to settle in Los Angeles. One was personal, the other politically motivated.

Kewen's father-in-law, Dr. Thomas White, had moved to Los Angeles in 1855 and set up his medical practice there. Soon after his arrival he had prospered, purchasing a wholesale and retail drug company and sixty acres of vineyard. By 1857 Dr. White was one of the small pueblo's leading citizens, renowned for his warm hospitality.²⁷ Fannie had lived with her father while Kewen was in Nicaragua, and the combined influence of his wife and father-in-law may have played a large part in Kewen's decision.

Politically, Los Angeles was a Southern-oriented, Democratic town in the years preceding the Civil War, more in tune with Kewen's beliefs than was San Francisco with its predominantly Northern population.²⁸ Kewen had paid a brief visit to Los Angeles in 1856, on leave from his Nicaraguan venture, and had been warmly greeted by Henry Hamilton, the opinionated editor of the *Star*, and a host of transplanted Southerners. Kewen's visit was in the midst of the tumultuous Buchanan-Fremont presidential campaign, and in an address to "the largest and most enthusiastic Democratic meeting that we have ever seen in the southern counties" (according to the *Star*), he declared his transfer of allegiance to the Democratic Party, "the only true sup-

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porters of the Constitution.”²⁹ In a fiery speech that was constantly interrupted with wild bursts of applause, Kewen lambasted the new Republican Party as “a party conceived in sin and brought forth in iniquity . . . not only offensive but poisonous in the nostrils of the Nation. . . . the licentious organization that blasphemes Heaven and profanes patriotism and justice.” He climaxed his oration by shouting, “The issue is now union or disunion, nationality or sectionalism, Buchanan or Fremont!”³⁰ When Kewen departed Los Angeles a week later, his ears must have been ringing from the enthusiastic plaudits accorded him by the local citizenry.

Now, a year and a half later, Colonel Kewen arrived in San Pedro Bay on the steamer *Surprise*, rode one of Phineas Banning’s lighters to the wharf at Old San Pedro, and reached Los Angeles via Banning’s stage on January 6, 1858.³¹ He wasted no time in establishing himself as a Los Angeles barrister. The *Star* of February 6, 1858 carried the announcement that Kewen had opened his practice as “Attorney and Counsellor at Law” with an office on the west side of Main Street opposite the Bella Union Hotel. The newspaper further stated that the Colonel “will practice in the courts of the First Judicial District, the [California] Supreme Court, and the U. S. District Court of the Southern District of California.” Kewen’s Main Street office was evidently not large enough for the business he received; the ensuing August he moved to more spacious quarters on the second floor of Temple Block.³²

Kewen quickly became involved in local Democratic politics. He was elected a delegate to both the Los Angeles County and State Democratic Conventions in the summer of 1858.³³ In June the Los Angeles Common Council picked him for superintendent of the city schools, a post he held for only one year.³⁴ He was selected to give the annual St. John’s Day oration; the *Star* called his long speech “a masterly production.”³⁵ In less than a year’s residence Colonel Kewen had become a well-known community leader.

Kewen came to Los Angeles during a troubled time in California Democratic politics. The national schism over the slavery issue was a cloud fast rising on the horizon, and it manifested itself in California in the intense and bitter rivalry between the

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state's two Democratic senators, William M. Gwin and David C. Broderick. Gwin and his "Chivalry" followers held an essentially Southern point of view and supported the James Buchanan administration, while the Broderick faction rallied behind Illinois Senator Stephen A. Douglas in his opposition to many administration policies, particularly opposition to the admission of Kansas under the so-called Lecompton Constitution drafted by pro-slavery advocates. The resulting political feud divided California into two angry and vociferous camps.³⁶

In Los Angeles the Gwin-Broderick rivalry erupted into open political warfare during the Los Angeles County Democratic Convention in May and June, 1859. Exactly what caused the break-up cannot be determined, as Henry Hamilton's *Los Angeles Star*, supporting the Chivalry viewpoint, gave one explanation and J. J. Warner's *Southern Vineyard*, representing the Broderick wing, another. According to the *Star*, a minority of seventeen of the forty delegates attempted to rule the convention and the majority thereupon seceded to hold its own meeting elsewhere.³⁷ The *Southern Vineyard*, to the contrary, labeled the Chivalry faction "bolters" and declared that they were the real minority.³⁸ The convention split had apparently been caused by a dispute over recognition of several delegates.

Both Democratic factions, meeting separately, nominated a full slate of candidates for county offices. Among those nominated by the Chivalry group was E. J. C. Kewen for district attorney. J. J. Warner was nominated for state assembly by the Broderick faction.

Each side was convinced that the other was traitorous to sacred Democratic principles, and a vituperative, no holds barred political war erupted that lasted all summer. Kewen and Henry Hamilton of the *Star* were the leading spokesmen for the Chivalry cause, while Warner of the *Southern Vineyard* was the big gun of the Broderickites.

Kewen's vicious personal attack on Warner at the Democratic barbeque in El Monte, previously mentioned, was apparently triggered by remarks Warner made about him in the *Southern Vineyard*. In a political editorial, Warner referred to Kewen as "the citizen Corporal from Nicaragua" and accused the latter of the crime of filibustering.³⁹ Kewen must have considered this a

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slur to his honor since, in his mind, he had gone to Nicaragua for honorable motives: to avenge the death of his brother. Also, he probably was infuriated by Warner's habit of calling him "The Corporal," an obvious parody of his honorary title of "Colonel."

Thunderous editorials and denunciatory charges by the two antagonists filled the pages of the *Star* and *Southern Vineyard* during August 1859. Blunt accusations and frantic defenses appeared semi-weekly "to titillate onlookers and exasperate the participants."⁴⁰ Kewen secured depositions from Benjamin Wilson, Archibald Gillespie, Daniel Sexton and other leading citizens to support his charge that Warner committed treason and theft by stealing army mules in 1846. Warner replied with signed statements from equally prominent citizens, including Abel Stearns, that he was guilty of no such crime.⁴¹ Vituperative language sank to below gutter-level in the final days of the campaign.

All of these strenuous efforts to discredit and slander the other proved fruitless. Both Kewen and Warner won their respective races in the September election. Warner went off to his assembly seat in Sacramento, while Kewen settled down to his duties as district attorney of Los Angeles County.⁴²

All was not law and politics for Kewen in 1859. His father-in-law, Dr. Thomas J. White, had purchased the old San Gabriel Mission grist mill (located in today's San Marino) the previous year. The property included the run-down mill structure and 450 acres of surrounding woodland. On April 17, 1859 he transferred ownership to his oldest daughter, Fannie J. Kewen, for the sum of one dollar and his "natural love and affection."⁴³ The Kewens enthusiastically set to work to refurbish the old mill and its grounds. They repaired the adobe building and converted it into a luxurious residence, and ornamented the surrounding grounds with beautiful gardens and a fountain. Early in 1860 the Kewen family moved into "El Molino," as they called their elegant estate. For almost two decades this was the Kewen home. They became noted for their Southern hospitality, and El Molino was frequently the site of elaborate social festivities. Neighboring San Gabriel Valley resident L. J. Rose recalled that "The Colonel himself, very gallant and hospitable, and his wife, possessed of all the grace of her Southern ancestry, were wonderful hosts, and

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social functions at El Molino were considered the *piece de resistance* of the season.”⁴⁴ A visiting Austrian writer called Rancho El Molino “a miniature paradise where the soil is so rich that even without water it bears extraordinary abundant crops. . . . The garden is very delightful with its splendid weeping willows, its nut trees – pecans, black walnuts, hickories – and its bananas.”⁴⁵

In April 1860 Kewen’s violent temper manifested itself in a courtroom scene that was briefly the talk of Los Angeles. The incident began when Kewen, the prosecutor in a criminal case at the new Los Angeles County courthouse, felt insulted by the defense attorney, one Columbus Sims. What started as an angry verbal argument quickly mounted into a pitched battle. The *Los Angeles Star*, April 14, 1860, described what ensued: “Mr. Sims took up a tumbler which was on the table and threw it at Col. Kewen; this was replied to by the inkstand, when the pitcher was sent after the glass. The missiles being disposed of, Col. Kewen drew a Derringer pistol from his pocket, and cocked it, when his arm was seized by a couple of gentlemen by-standers, who disarmed him, but in the struggle the pistol was discharged, the ball lodging in the leg of an unfortunate Mexican, who happened about that time to be standing in the wrong place. Thereupon ensued a scene of indescribable confusion; the court was thronged, and all hands, the jury included, panic-struck, rushed in terror from the room.” In the same issue of the *Star*, Editor Henry Hamilton, usually one of Kewen’s loyal supporters, criticized the latter’s conduct: “It places the District Attorney in a very awkward position, for, after this display of lawlessness, how can he consistently demand the punishment of offenders against the law.”

The courtroom altercation was quickly forgotten in the face of mounting political crisis. The year 1860 saw the Democratic rift widen to a complete break. Kewen was a leading spokesman for the “Chivs,” as some nicknamed the Southern-leaning faction in California, and was a delegate to both the County and State Democratic Conventions in March and April.⁴⁶ He vigorously supported the presidential candidacy of John Breckenridge, the Southern Democrat. During August and September the Los Angeles Breckenridge Club held mass rallies in front of the Mont-

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gomery Saloon every Tuesday evening, followed by noisy torch-light parades up Main Street to the Plaza. A feature of these weekly gatherings was the appearance on the rostrum of Colonel Kewen, who delivered one of his patented harangues to an enthusiastic and partisan audience. In late September Kewen journeyed to Sacramento on behalf of the Breckenridge candidacy. At the capital's Forrest Theatre, according to the *Star*, he delivered "The most brilliant oration ever pronounced before an audience in that city, and was received by the most boistrous and enthusiastic applause, the people, at times, rising *en masse* and cheering."⁴⁷

The outbreak of Civil War found Colonel Kewen and a clear majority of Los Angeles citizens with pronounced Secessionist sympathies. Every local election between 1861 and 1864 resulted in victory for those who espoused the Southern cause.⁴⁸ A correspondent from the San Francisco *Bulletin*, in Los Angeles to cover the 1862 election, wrote afterwards, "Secesh has carried this county again, body and boots, for Dixie. . . . Unionism here is nowhere. To all intents and purposes, we might as well live in the Southern Confederacy as in Southern California."⁴⁹ To keep Los Angeles in line, the federal government was obliged to station army regulars and later California Volunteers at Camp Fitzgerald just south of the city, at Camp Latham along Ballona Creek, and at Drum Barracks outside Wilmington.⁵⁰

In the summer of 1862 the Los Angeles County Democratic Convention selected Colonel Kewen as one of its nominees for the state assembly. The *Star* supported the choice and, in calling for Kewen's election, urged its readers to "Man the guns — give the Black cohorts of Abolition a broadside, and disperse them to the winds!"⁵¹

The military at Camp Latham, charged with keeping Southern California safe for the Union, was obviously frustrated that avowed secessionists continued to win at the polls. Colonel Forman, the camp commandant, decided to take matters in his own hand and change this pattern. According to the *Star*, an "outrage of the Military" occurred on election day. Soldiers from Camp Latham, the newspaper said, seized the ballot boxes of the Ballona precinct, dispensed with the duly appointed civilian officials, and stuffed the ballot boxes with the illegal votes of over 200

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non-resident California Volunteers. Further, citizens of known Democratic inclination were allegedly driven off by "300 bayonets" and refused the right to vote.⁵²

Kewen was in his Los Angeles law office on election day. Upon learning of the "military outrage" at Ballona, he jumped on his horse and rode pell-mell out to the precinct. Upon arriving he entered the polling place and personally challenged the vote of every non-resident member of Colonel Forman's command. "Pistols were flourished and threats of every kind made, but amid all the turmoil Col. Kewen stuck to his post and performed the task he had prescribed for himself."⁵³ The *Star* reported that Kewen was "abused and menaced in a most wanton and outrageous manner" before being compelled to leave the polls.⁵⁴

Despite the army interference, Kewen and all the Democratic nominees won their races handily. This prompted the *Star* to boast, "Democracy have cause for self-gratulation, in the fact, notwithstanding all the bullying and illegal voting, their votes outnumbered the combinations formed against them."⁵⁵ The Ballona vote, obviously a flagrant violation of the election laws, was voided by the County Board of Canvassers after a protest by Kewen and H. N. Alexander, the latter president of the Los Angeles County Democrats. The Board cited the army's seizure of the ballot boxes and the illegality of over 200 votes by non-resident soldiers as reasons for its action.⁵⁶

Unable to win at the ballot box, Union authorities resorted to harsher tactics in an effort to suppress secessionism in Los Angeles. Early in October Kewen's arrest was ordered by Colonel Forman. A detachment of soldiers escorted the fiery assemblyman-elect to Drum Barracks. The charge was treason. He was accused in an affidavit signed by three witnesses of cheering for Jeff Davis and other disloyal utterances.⁵⁷ From Wilmington Kewen was shipped to the army's detention camp on Alcatraz Island in San Francisco Bay. There he was to "subsist in a cell on soldier's rations, straw mattress included."⁵⁸ After two weeks confinement on charges of "disloyalty to the government of the United States," he was brought before the Provost Marshall and allowed to take an oath of allegiance to the federal government. After posting a \$5,000 bond, he was released and allowed to return to Los Angeles. Upon arriving on the steamer *Senator*,

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Kewen was warmly greeted by a number of friends, "showing plainly what a hold he has upon the affections of his fellow citizens," said the *Star*.⁵⁹

Kewen's tribulations were not over. Dr. R. T. Hayes, the Colonel's opponent in the recent election, filed suit in the district court contesting the latter's assembly seat on the grounds that he had lost his citizenship by filibustering in Nicaragua and that he was disloyal, "that you have on various occasions, and at different places, expressed yourself friendly to, and in favor of the existing rebellion."⁶⁰ The court evidently did not feel Hayes had proved his case; the suit was quickly dismissed and Kewen was allowed to keep his assembly seat he "lawfully won" in the September vote.⁶¹

Colonel Kewen took his seat in the California Assembly early in 1863. He quickly earned a reputation in Sacramento that made his secessionist supporters in Los Angeles proud. In April the Colonel introduced a resolution opposing "unconstitutional measures and arbitrary acts" of the Lincoln administration. He listed these alleged illegal actions of the federal government as Lincoln's Emancipation Proclamation, the suspension of habeas corpus, the illegal arrest and confinement of citizens, and the suppression of freedom of speech and press. Shortly thereafter he introduced another resolution asserting that the war had failed and "the time for honorable pacification has arrived." As expected, with Union majorities controlling both houses of the legislature, Kewen was shouted down when he tried to read his resolutions, and threatened with expulsion from the assembly.⁶² Although he remained in the legislature and was elected to a second term in 1863, he was decidedly unpopular among many of his lawmaking colleagues.

Kewen clearly expressed his Confederate viewpoint in a highly acclaimed three-hour address to the Democratic State Convention in Sacramento on April 27, 1863. After a vicious attack on the Lincoln Administration and the "treasonable heresies of the Abolition creed," he stated his belief in white supremacy and the reasons why the war was wrong: "The social and political elevation of the slave . . . has been the sublimity of patriotism. . . . The negro, with all his distinguished characteristics of inferiority, with his physical and intellectual adaptation to the

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condition of servitude, and with the black brand of Heaven's condemnation on his person, has weighed more in the considerations of Lincoln than the sacred compact and unity of States, and the peace and happiness of millions of American freemen."⁶³

Upon the completion of his second term in the assembly in 1864, Kewen returned to Los Angeles and resumed his law practice. He remained active in politics. During the 1864 presidential campaign he was called upon to speak at Democratic mass meetings throughout Los Angeles County. At a partisan gathering before the Montgomery Saloon, "the largest meeting ever held in Los Angeles," according to the *Star*, Kewen spoke for an hour "with the fervid eloquence and charming rhetoric for which he has been long so justly famed."⁶⁴

The end of the war and the complete defeat of the Southern Confederacy apparently had little effect on Kewen's political and social views. As a delegate and the main speaker at the Los Angeles County Democratic Convention in August 1865, the Colonel had a hand in the passage of the following resolutions: "Resolved, That the Democracy in California are opposed to the extension of the right of suffrage in this State to negroes, Indians or Chinamen;" and "Resolved, That neither Congress, nor the President of the United States, have any right under the Federal Constitution, to impose negro suffrage upon any State lately in rebellion, or to regulate the qualifications of voters in any State."⁶⁵

With the Civil War over, Kewen became more active in his law practice. In 1865 he formed a partnership with another Southern-born attorney, Colonel James G. Howard. Together, the two built up a lucrative criminal law practice. "In fact they were so successful in defending criminals that a vigilance committee passed a resolution that Kewen and Howard should be hung." When Colonel Howard met the head of the vigilantes, he said, "We are old friends; be generous, let's compromise. Hang Kewen, he's the head of the firm!"⁶⁶ Kewen and Howard defended some of those accused in the infamous Chinese Massacre of 1871. Their clients were convicted, but then the two attorneys appealed the case on a writ of error to the State Supreme Court. The high court reversed the decision and Kewen and Howard were able to obtain their clients' freedom.⁶⁷

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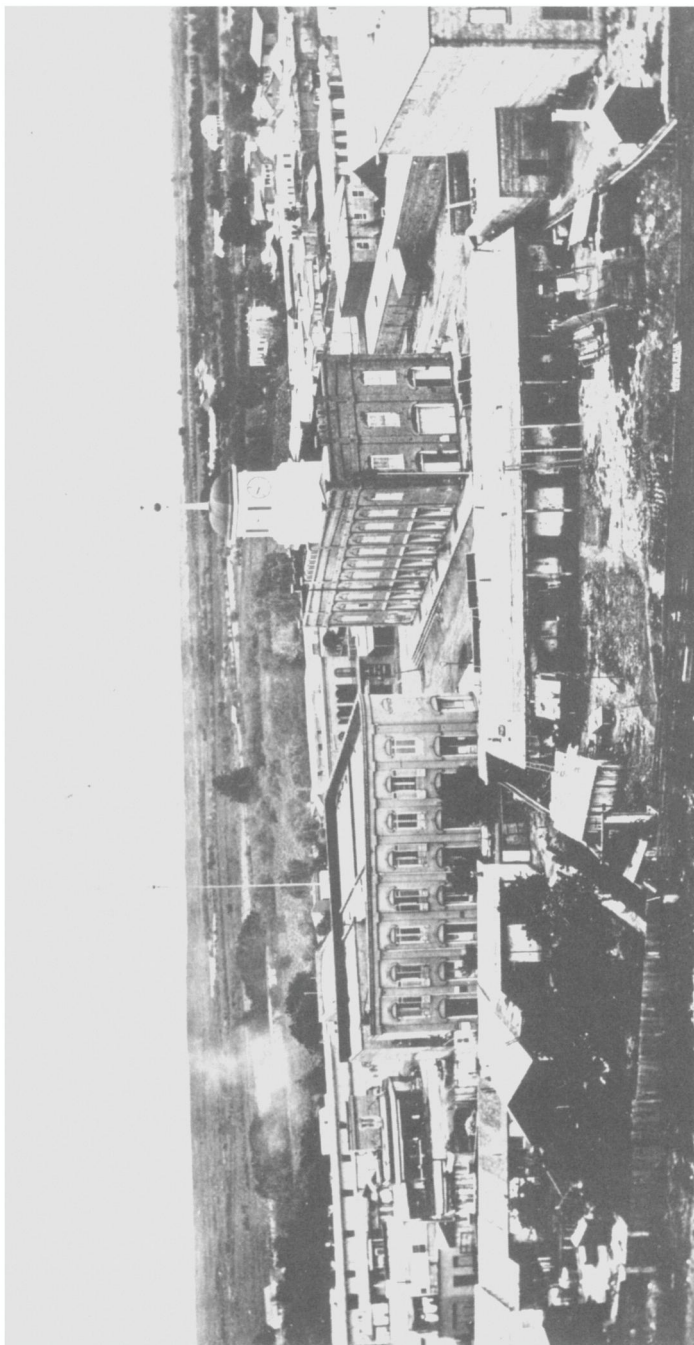
Although Colonel Kewen mellowed somewhat in his later years, he was still capable of fiery bursts of temper and intemperate actions. Harris Newmark recalled a street encounter between Kewen and a German named Fred Lemberg that occurred near Mellus Row in the center of Los Angeles in 1866:

“Lemberg knocked Kewen down; whereupon friends interfered and peace was apparently restored. Kewen, a Southerner, dwelt upon the fancied indignity to which he had been subjected and went from store to store until he finally borrowed a pistol; after which, in front of John Jones’s, he lay in wait. When Lemberg, who, because of his nervous energy, was known as the Flying Dutchman, again appeared, rushing across the street in the direction of Mellus Row, the equally excited Colonel opened fire, drawing from his adversary a retaliatory round of shots. I was standing nearly opposite the scene and saw the Flying Dutchman and Kewen, each dodging around a pillar of the Row, until finally Lemberg, with a bullet in his abdomen, ran out into Los Angeles Street and fell to the ground, his legs convulsively assuming a perpendicular position and then dropping back.”

That ended the gunfight. Lemberg recovered from his wound, and Kewen was apparently never prosecuted for his act.⁶⁶

Kewen ran for political office one last time in 1872. He was chosen the Democratic congressional nominee for the Southern California district. His opponent was Colonel S. O. Houghton, Republican, of San Jose. With registered Democrats greatly outnumbering Republicans in the district, Kewen was considered a shoe-in.⁶⁷ He started the campaign spouting general platitudes, such as his florid, spread-eagle description of Democratic Party principles: “Those principles, founded by our forefathers and baptised in their blood, are as imperishable as the stars! For all matter will perish, but principles never! So the earth itself may yield in time, but amid the crash of worlds and the wreck of matter, principles such as these will take refuge in the bosom of God!”⁷⁰

If Kewen had remained on such a lofty plain of expression, perhaps he would have won his congressional race hands down. But as the campaign heated up and both candidates took to the stump, Kewen began to revert to his outdated mode of fervid, open-gunned, hell-may-care oratory. A month before the election



Courtesy of Huntington Library

Kewen's law office from 1858 until 1879 was on the second floor of the Temple Block, the brick building to the left. The Los Angeles County court house is to the right, the site of many of Kewen's legal battles.

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he made a fatal *faux-pas* in a San Diego speech. At the time the army engineers were busily engaged in building a breakwater between Rattlesnake and Deadman's islands in San Pedro harbor, and the people of Los Angeles looked forward to its completion so as to give them, at last, a reasonably protected anchorage. San Diego citizens were against the San Pedro breakwater and believed that their natural harbor could and should serve both cities, much to the commercial advantage of the southern community. Against this background, Kewen told his San Diego audience that "Every dollar the Government spent at San Pedro might as well be thrown into the ocean for all the good it would do towards the creation of a harbor of any value there."⁷¹ Kewen's Republican opponents pounced upon the speech, and even the Los Angeles *Star*, the Colonel's staunchest supporter, was hard-pressed to defend his reasoning. The speech was widely denounced in Los Angeles, according to Colonel James J. Ayers, and considered treason against the locality. The ill-advised remark allegedly turned enough votes to defeat Kewen in the November election.⁷²

The congressional defeat was Colonel Kewen's final fling at politics. The remainder of his years he divided between his law practice and ranch duties at his beloved El Molino.⁷³

Toward the end of his life, Kewen became mired in financial difficulties. In 1877 he was forced to borrow \$20,000 from John Edward Hollenbeck, a Los Angeles businessman, using El Molino as collateral. The Colonel was unable to pay the mortgage when it came due, causing Hollenbeck to institute foreclosure proceedings in July 1879. There has always been a question as to Hollenbeck's motive for his quick foreclosure. Years before, during the Walker episode in Nicaragua, Hollenbeck had lost a great deal of money and had been imprisoned in the Central American republic. Was he seeking revenge on Kewen for the latter's part as a Walker lieutenant? Hollenbeck never divulged his motive, and since all parties involved in the foreclosure of El Molino have long since passed from the scene, the answer will probably never be known.⁷⁴

Colonel Kewen was frantically attempting to sell El Molino, a task made difficult by poor economic conditions at the time, when he suddenly died of natural causes on November 26, 1879.

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His funeral, held on Thanksgiving Day at St. Athanasius Church in Los Angeles, was attended by most of the prominent citizens of the city. The Los Angeles *Herald*, previously a strong opponent of Kewen's political beliefs, ran a long eulogy.⁷⁵

Fannie Kewen passed away early the following year, her death perhaps hastened by the continuing worry over El Molino. One son, Perry Kewen, survived the family. Beautiful El Molino, encumbered in debt, was taken by Hollenbeck for a consideration of \$26,152.19.⁷⁶

Edward J. C. Kewen outlived his era. When he died, fiery oratory and vengeful duels were no longer in good taste. His peculiar brand of chivalry died with the ante-bellum South. Yet he left a colorful legacy for historians studying the Civil War period in California. And never in the years since has Los Angeles heard such a vociferous and fascinating orator.

Colonel Edward J. C. Kewen

NOTES

- ¹ Los Angeles Star, August 3, 1859.
- ² Southern Vineyard, August 12, 1859.
- ³ See Star and Southern Vineyard, various issues, July and August 1859.
- ⁴ Star, August 31, 1859.
- ⁵ Robert Glass Cleland, *The Cattle on A Thousand Hills* (San Marino, 1964), p. 84.
- ⁶ William Henry Ellison, *A Self-Governing Dominion: California, 1849-1860* (Berkeley and Los Angeles, 1950), contains a discussion of California politics during the 1850s.
- ⁷ Oscar T. Shuck, *Representative and Leading Men of The Pacific* (San Francisco, 1870), p. 341.
- ⁸ L. J. Rose, Jr., *L. J. Rose of Sunny Slope* (San Marino, 1959), p. 46.
- ⁹ E. J. C. Kewen, *Idealina and Other Poems* (San Francisco, 1853).
- ¹⁰ Jean Bruce Ward and Gary Kurutz, "Some New Thoughts on An Old Mill," *California Historical Quarterly*, LII (Summer 1974), 149.
- ¹¹ This sketch of Kewen's early life is derived from Shuck, *Representative and Leading Men*, pp. 341-346; Los Angeles Star, June 22, 1872; and Los Angeles Herald, November 27, 1879.
- ¹² Shuck, *Representative and Leading Men*, p. 342.
- ¹³ Sacramento Daily Record, December 21, 1879.
- ¹⁴ Los Angeles Herald, November 27, 1879.
- ¹⁵ Herald, November 27, 1879.
- ¹⁶ Star, June 22, 1872.
- ¹⁷ Winfield J. Davis, *History of Political Conventions of California, 1849-1892* (Sacramento, 1893), p. 6; and Star, June 22, 1872.
- ¹⁸ Alta California, September 10, 1864. The text of Kewen's address is in Shuck, *Representative and Leading Men*, pp. 346-359.
- ¹⁹ Hugh Baker, "A History of The Book Trade in California," *California Historical Quarterly*, XXX (September 1951), 251.
- ²⁰ Winfield J. Davis, *Illustrated History of Sacramento* (Chicago, 1890), p. 370.
- ²¹ Dorothy H. Huggins (comp.) *Continuation of The Annals of San Francisco* (San Francisco, 1939), p. 54. Achilles Kewen's short career with Walker and the former's death in battle are mentioned in Lawrence Greene, *The Filibuster: The Career of William Walker* (Indianapolis, 1937), pp. 64-77.
- ²² Los Angeles Herald, November 27, 1879.
- ²³ Huggins, *Annals of San Francisco*, p. 68.
- ²⁴ *Ibid.*, p. 69.
- ²⁵ William O. Scroggs, *Filibusters and Financiers: The Story of William Walker and His Associates* (New York, 1916), p. 156; Herald, November 27, 1879.
- ²⁶ Scroggs, *Filibusters and Financiers*, p. 237; Greene, *The Filibusters*, p. 224; Herald, November 27, 1879.
- ²⁷ Ward and Kurutz, "Some New Thoughts on an Old Mill," p. 149; Harris Newmark, *Sixty Years in Southern California, 1853-1913*, 4th ed., Introduction and notes by W. W. Robinson (Los Angeles, 1970), p. 185.
- ²⁸ For a discussion of southern California's pre-Civil War ties with the South, see Helen B. Walters, "Confederates in Southern California," *Historical Society of Southern California Quarterly*, (March 1953); Percival J. Cooney, "Southern California in Civil War Days," *Annual Publications of the H.S.S.C.*, (1924); and George William Beattie, *Heritage of The Valley: San Bernardino's First Century* (Oakland, 1951), pp. 350-351.

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- ²⁹ Los Angeles *Star*, September 20, 1856.
- ³⁰ *Ibid.*
- ³¹ *Star*, January 9, 1858.
- ³² *Star*, August 14, 1858.
- ³³ *Star*, July 10 and 24, 1858.
- ³⁴ *Star*, June 12, 1858; Newmark, p. 54.
- ³⁵ *Star*, July 10, 1858.
- ³⁶ See Lately Thomas, *Between Two Empires: The Life Story of California's First Senator* (Boston 1969); and David A. Williams, *David C. Broderick: A Political Portrait* (San Marino, 1969), for coverage of the Guin-Broderick rivalry and California politics in the 1850s.
- ³⁷ *Star*, June 11 and 18, 1859; William B. Rice, *The Los Angeles Star, 1851-1864: The Beginnings of Journalism in Southern California* (Berkeley and Los Angeles, 1947), p. 182.
- ³⁸ *Southern Vineyard*, June 10 and 14, 1859.
- ³⁹ *Ibid.*, July 19, 1859.
- ⁴⁰ Rice, *The Los Angeles Star*, p. 184.
- ⁴¹ *Star*, August 31, 1859; *Southern Vineyard*, September 2, 1859.
- ⁴² *Star*, September 10, 1859.
- ⁴³ Ward and Kurutz, "Some New Thoughts on an Old Mill," pp. 148-149; see also Robert Glass Cleland, *El Molino Viejo: Spanish California's First Grist Mill* (Los Angeles, 1971), p. 25.
- ⁴⁴ L. J. Rose, Jr., *L. J. Rose of Sunny Slope*, p. 46.
- ⁴⁵ Ludwig Louis Salvator, *Los Angeles in The Sunny Seventies: A Flower From The Golden Land*, translated by Marguerite Eyer Wilbur (Los Angeles, 1929), p. 156.
- ⁴⁶ Davis, *History of Political Conventions*, p. 124.
- ⁴⁷ *Star*, September 29, 1860; see also *Star*, various issues, August and September 1860, for Kewen's other Los Angeles speeches.
- ⁴⁸ John W. Robinson, *Los Angeles in Civil War Days, 1860-1865* (Los Angeles, 1977), pp. 28-29, 45, 49-55.
- ⁴⁹ San Francisco *Bulletin*, September 15, 1862.
- ⁵⁰ Robinson, pp. 58, 79-80, 91-94.
- ⁵¹ *Star*, August 30, 1862.
- ⁵² *Star*, September 6 and 13, 1862.
- ⁵³ *Herald*, November 27, 1879.
- ⁵⁴ *Star*, September 13, 1862.
- ⁵⁵ *Star*, September 6, 1862.
- ⁵⁶ *Star*, September 20, 1862.
- ⁵⁷ *Star*, October 11, 1862.
- ⁵⁸ Sacramento *Union*, October 8, 1862.
- ⁵⁹ *Star*, November 8, 1862.
- ⁶⁰ *Star*, October 11, 1862.
- ⁶¹ *Star*, November 1, 1862.
- ⁶² *Star*, April 11 and 18, 1863.
- ⁶³ *Speech of the Hon. E. J. C. Kewen on The State of The Union, Delivered Before The Democracy of Sacramento in Assembly Hall, April 27, 1863* (Sacramento, 1863), pamphlet in Huntington Library.

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⁶⁴ *Star*, September 24, 1864.

⁶⁵ *Tri-Weekly News*, August 5, 1865.

⁶⁶ W. W. Robinson, *Lawyers of Los Angeles* (Los Angeles, 1959), p. 47.

⁶⁷ Major Horace Bell, *On The Old West Coast*, ed. by Lanier Bartlett (New York, 1930), pp. 175-176.

⁶⁸ Newmark, *Sixty Years*, p. 351.

⁶⁹ James J. Ayers, *Gold and Sunshine: Reminiscences of Early California* (Boston, 1922), p. 267.

⁷⁰ *Star*, July 27, 1872.

⁷¹ Ayers, *Gold and Sunshine*, p. 267.

⁷² *Ibid.*; see also *Star*, every issue, October 1872, for the angry reaction to Kewen's San Diego speech.

⁷³ *Herald*, November 27, 1879.

⁷⁴ Ward and Kurutz, "Some New Thoughts on an Old Mill," p. 152.

⁷⁵ *Herald*, November 27 and 29, 1879.

⁷⁶ Ward and Kurutz, "Some New Thoughts on an Old Mill," p. 152.