

California Rifles at Chattanooga (the Major, the Marshal & the Mazatlán)

By Michael “Mig” Gallagher

Dear readers,

I’m posting this draft of my second novel partly in response to questions regarding what happened to the characters after *California Blood at Gettysburg*. I’m also hoping that some of you will identify spelling and grammatical errors, and offer constructive criticism on the storyline. My intent is to preview a few chapters as I complete *California Rifles at Chattanooga*.

Regarding the footnotes, I intend to clean them up before publishing the book, so you don’t need to attend to them.

Spoiler Alert: The contents of this chapter does reveal elements of *California Blood at Gettysburg*.

Thank you for your interest and time,
Semper Fi,
Mike “Mig” Gallagher

1 – Corps Headquarters, Culpeper, Virginia, December 1863

“Did you know Captain McKay?” asked General Warren.

“Don’t know the gaffer,” Sergeant Roarke responded.

“He’s dead.”

“Sorry.”

“Murdered,” said Warren.

“Who killed him?”

“Please, walk with me,” Warren ordered.

Roarke fell in next to his Corps Commander. They walked toward the headquarters tent on Cole’s Hill, 60 miles southwest of Washington City, just east of Culpeper, Virginia. The camp was quiet. Many of the veterans were home on furlough—a bonus for those who reenlisted after completing their initial three-year contracts.

“Sergeant Roarke, the War Department established a Court of Inquiry to investigate Captain McKay’s murder. Captain McKay was a company commander in the 20th

Massachusetts.”¹

“I knew a *John McKay* in the 20th,” Roarke recalled. “He died at Ball’s Bluff.”

“That was his brother. The family has suffered much. We owe them the truth.”

Roarke nodded and stared at the general. He wondered what he wanted with Roarke. Roarke had heard officers praise Warren’s leadership at Gettysburg back in July. Some credited Warren with saving the Army of the Potomac when he reinforced the left flank at Little Round Top. More important to Roarke, last week, Warren had cancelled a reckless attack against fortified rebel positions at Mine Run. Roarke’s 1st California Regiment, now known as the 71st Pennsylvania Volunteer Regiment, was slated to lead a half-mile charge across frozen ground into the waiting rebel line.

“I have been informed that you have experience investigating homicides,” said Warren. “Is that true?”

“Yeah, before the war, back in Frisco.”

“Were you competent?”

“Once, I found a knife under the sidewalk. It proved that our client had shot a marshal in self-defense. Didn’t matter. Vigilantes hung him anyway.”

“You will work with three officers from the War Department. They are investigating the McKay murder. They will determine if there is ample evidence to bring the case to a court martial.”

“I’ll do my best.”

Roarke followed Warren into the headquarters tent. An officer turned away from a mounted map to face the general.

“Sir, how do you do? Major Henry Mountbatten Cabot-Jingle, from the Adjutant General’s office, at your service.”

Roarke’s jaw dropped.

“Yes, Major Jingle, it is good to have you onboard,” said Warren.

¹ Captain Thomas McKay of the 20th Massachusetts was murdered on October 5, 1863. This fictional narrative loosely presents the facts of the case. Since no one was convicted, I have changed the names of the suspects mentioned here. [Guide to Federal Archives Relating to the Civil War](#), 333, the Court of Inquiry was to meet on or after 12/10/1863. Thomas M. McKay (12/5/1836) and John P. McKay (May 15, 1831 or 1841) from Boston were both listed as sergeants in Company G in [1862. Official Army Register of the Volunteer Force of the United States Army for the years 1861, '62, '63, '64, '65](#), 178.

“That’s *Cabot*-Jingle,” interrupted Jingle.

Warren continued, “This murder has been hanging around my neck like an albatross. I am relying on your team to get to the bottom of the matter. Sergeant Roarke will assist your investigation. He is a qualified homicide investigator.”

Jingle had noticed Roarke standing behind Warren but gave him no attention.

“I am aware of Sergeant Roarke’s history. I will use him sparingly. I do not want to impose on the California Regiment.”

“Do not worry about the Californians. The Corps is encamped for the winter. I do not anticipate any major action until spring. Sergeant Roarke is at your disposal.”

“For all intents, constructions, and purposes, this an open-and-shut case. My investigation shall be completed within the fortnight, sir.”

“Please, do not be hasty,” said Warren. “Justice is our goal.”

“Of course, we shall call and examine the witnesses and the evidence before determining Private O’Toole’s fate,” Jingle smirked, “to court martial or not. We’ll see.”

Throughout the discourse Roarke studied Jingle. Jingle had not changed since Roarke punched him in the nose near Antietam Creek. Roarke lost three stripes for that blow, but the pompous ass deserved it. Jingle’s boots were bull polished; the leather exhibited no evidence of field wear. His uniform was smartly tailored. The Sam Browne belt was immaculate. On his right hip hung a 44-caliber Colt Army revolver. Tucked in a holster under Jingle’s left shoulder was a smaller revolver.

Roarke scrutinized the small revolver and silently concluded, “yes, it is a 31-caliber Beaumont-Adams.” Roarke clenched his fists. “The bastard stole it at Gettysburg.”

“Very well,” said General Warren, “we shall set you up under canvas next door. Keep the Chief of Staff informed of your progress. Sergeant Roarke, please apprise your regimental commander that you have been detailed to my staff until further notice. Dismissed.”

Jingle saluted smartly, about faced, and left the headquarters tent.

Warren tuned to Roarke, “Our goal is justice. You let me know if the proceedings are not being conducted fairly.”

Roarke nodded and left the headquarters tent. He spoke briefly with a short, wiry private outside the tent. The private dashed off with purpose. Roarke strode straight to the ad hoc courtroom in the tent next door. Jingle was sitting behind a table focused on some papers. The two were alone in the tent.

“Jingle,” said Roarke.

Startled, Jingle shivered for a moment then said, “That is Major Cabot-Jingle, soldier.”

“I don’t give a damn about your lineage. I’m here to collect a pistol that ain’t yours.”

“Roarke, you had better leave now, before I have you arrested.”

“I ain’t going nowhere without the Beaumont-Adams.”

Jingle drew the revolver from the shoulder holster and pointed it at Roarke. “How can you be so sure that I did not purchase this revolver in Boston?”

“I know where you got it and how you got it.”

“I suppose that it is your word against mine.”

Three soldiers entered the tent with muskets. The short, wiry private said, “We’ll be fetchin’ Sergeant Cortes’s pistol now.”

Jingle set the pistol on the field desk. He took off the holster and sat it on the desk. He said, “I was holding these items until I could return them to the family of Sergeant Cortes, perhaps to the señorita in California. I suppose I can entrust this task to you men.”

Roarke grabbed the Beaumont Adams, tapped the muzzle once on the table, and stuck it behind his belt. He grabbed the holster and shook it at Jingle, saying, “I know you.” He left the tent followed by the three soldiers.

That afternoon, Jingle called the court of inquiry to order. The other inquiry officers, a captain, and a lieutenant, sat on either side of Jingle. Roarke and a handful of bluecoats sat in wooden chairs arranged in two rows on the coarse wooden floor. Roarke wore the holstered Beaumont-Adams under his left shoulder.

Looking at a sheet of paper on the table, Jingle said, “Our first witness is Assistant Regimental Surgeon John Perry, of the 20th Massachusetts Volunteer Infantry Regiment.”²

The inquiry lieutenant met Perry in front of the table. “Sir, please place your left hand on the Bible and raise your right hand. State your name, rank, and repeat after me. I swear

² Martha Derby Perry, *Letters from a Surgeon of the Civil War* (Little, Brown, and Company, Boston, 1906), 80-89.
https://www.waymarking.com/waymarks/WMZWFK_Sgt_John_P_McKay_Wakefield_MA ;
<https://civilwarbookofdays.org/2013/10/18/letter-to-oliver-wendell-holmes-tells-story-of-union-soldiers-murder/>

that the evidence that I shall give shall be the truth, the whole truth, and nothing but the truth, so help me God.”

“My name is John Gardner Perry, Assistant Regimental Surgeon.” Perry repeated the oath and took a seat facing the table and the three inquiry officers.

The inquiry captain stood and said, “Please describe the events of the night of October 5th, 1863.”

“Thomas and I were sitting in the regimental command post tent.”

The captain interrupted, “Are you referring to Captain Thomas McKay?”

“Yes, yes, I’m sorry. Captain Thomas McKay, Company F, Commanding Officer, and I were chatting about the tactical situation. I talked of my wife. He told me of the joy he received from his recent engagement—despite his suspicion regarding another suitor. Captain McKay was the regimental officer of the day. Most of the other officers were assembled at an officer’s call at the next camp over.

“The evening was quiet until we heard a loud, drunken ruckus. I presumed that the commotion originated with the New Yorkers, camped behind us. That regiment was comprised of unreliable conscripts, prone to violence. I shared my opinion with Captain McKay. He disagreed. He suspected that the ruffians were members of his company. He left the tent to calm his men.”

The inquiry captain asked, “Did you follow Captain McKay?”

“No sir, not immediately. He told me to ‘stand ready’ in the tent.”

“What happened next?”

“I heard Captain McKay order the men to their quarters. Then I heard a shot. I rushed to the spot and found Captain McKay covered in blood lying on the ground. His last words were, ‘Doctor, I am murdered.’ Our good Captain McKay died shortly thereafter.”

“You are excused Doctor Perry. Our next witness is the Company F First Sergeant.” The First Sergeant swore to tell the truth and took a seat.

“First Sergeant, tell the court what you observed,” said the inquiry captain.

“When I heard the shot, I came running out of my tent. I think pretty much every man in the company did the same thing. I saw Doc Perry kneeling next to the captain. Doc said, ‘he’s dead.’ I ordered the men to fall-in with their muskets. I inspected every musket to determine if any had been recently discharged. None had. Then I came to Private

O'Toole.³ He couldn't find his rifle. About this time, the officers come a running back to camp. Major Abbot is carrying a musket that he found at the edge of camp. It is still smoking."

"Was it O'Toole's musket?"

"Yes sir. O'Toole saw the musket in the Major's hand and began balling. He said, 'that's my rifle'."

"What did you do with O'Toole?"

"After Major Abbott got done talking to him, I had the sergeant of the guard place him under arrest."

"Where is O'Toole now?"

"He escaped from the guardhouse. We think he was helped by some of the Irish conscripts."

"Thank you, First Sergeant," said the inquiry captain. "We have no further questions for you."

Roarke stood up and said, "I have a couple questions."

Major Jingle bolted out of his chair and barked, "Sergeant Roarke, sit down at once. You have no authority in this court."

"I'm representing General Warren. I am asking on his authority. Shall I proceed? Or shall I fetch General Warren?"

Steaming, Jingle said, "Very well, be brief."

Roarke approached the First Sergeant and asked, "How well do you know O'Toole?"

"Not that well. He joined the company over the summer with the other replacements, after the draft riots. He didn't mingle much with the regulars, but he would confide in me on occasion. He once told me, 'The South ought to be left alone'."

"Was O'Toole a straggler?"

³ *Fallen Leaves: The Civil War Letters of Major Henry Livermore Abbott*, ed. By Robert Garth Scott (Kent State University Press, 1991), 223. In his letter dated October 17, 1863, Abbott wrote that "McKay was assassinated by a conscript named McClusky." Richard F. Miller, *Harvard's Civil War* (University Press of New England, 2005), 289, indicated "suspicion immediately settled on...John McCuskey."

“I found him to be more reliable than most of the other conscripts.”

“Did Private O’Toole have any reason to kill Captain McKay?”

“Well, no, none that I’m aware of.”

“I have no further questions,” Roarke concluded.

“Our final witness will be Major Henry Livermore Abbott, acting Regimental Commander, 20th Massachusetts Infantry,” said the inquiry captain.

A major stood. He wore a fine wool, blue knee-length, notch-collar frock coat. The coat showed signs of field wear. Despite the major’s youth, Roarke respected him. He had seen Major Abbott act in valor at the stonewall at Gettysburg.

“Sir, please raise your right hand, state your name, and repeat after me. I swear to tell the truth...”

“I am Major Henry Abbott, I swear to tell the truth...” Abbott took the seat facing the three inquiry officers.

Jingle stood and paced in front of Abbott. “Tell me, Major Abbott, what was the condition of Private O’Toole’s musket when you found it?”

“The musket had been recently discharged. I smelled ignited gunpowder. The exploded cap was still on the nipple.”

“Did you or your officers discover any evidence that would indicate that O’Toole did *not* fire his musket at Captain McKay?”

Abbott paused and then answered, “No sir, we did not.”

“Thank you, Major Abbott you are excused,” said Jingle. “This court of inquiry is in recess and will reconvene in thirty minutes to announce the verdict regarding the felon O’Toole.”

Roarke slowly rose. All eyes rested on him.

“This court will not reconvene until General Warren says so,” declared Roarke. “There is additional evidence to be presented.”

The tent was abuzz. Jingle leapt from his seat, banged the table, and screamed, “I object! I object! Don’t listen to this man. He’s a traitor.”

Roarke walked out of the tent. Deep in thought, he walked down the hill toward the forest where the Californians were chopping down trees to build their winter huts.

“Sergeant Roarke, hey Sergeant Roarke,” a friendly voice called.

Roarke whirled about in no mood for idle chatter. He recognized Fred, the negro muleteer, standing in front of a supply tent. A year ago, Fred, Roarke, and Roarke’s best friend, Sergeant Rigo Cortes, had pulled down a Confederate flag in front of a plantation in Poolesville, Maryland. Roarke recalled that it was not one of his finer moments; he had nearly strangled to death the young southern belle attempting to protect the rebel flag.

“Are you alright?” asked Fred.

“That bastard stole Rigo’s gun and left him to die. I’m gonna kill ‘em.”

Fred looked around and whispered, “quiet now. Let’s sit over there on that bench. I’ll fetch some of whiskey. I just hauled in a batch for the soldiers’ Christmas celebration.”

Fred handed Roarke a tin cup with two fingers of red-eye. He raised his own cup and said, “To Sergeant Rigoberto Alonso Cortes-Colon, son of a Mexican lancer, an American warrior who believed in, and died for, freedom.”

“Sláinte.”

“Now tell me what’s goin’ on,” said Fred.

“You’ve heard mention of that fop Jingle?”

“Yes, sah. Isn’t he the one that had an eye on Rigo’s girl?”

“That’s the bastard. He called Rigo a greaser. He once called me a coward. He even put down General Baker after the man had been buried. Worst of all, he’s a rear-area pogue that doesn’t give a damn about the good men that have fallen in battle.”

“Listen to me. I’ve been called worse,” said Fred, “but these are just words. You’re not going to kill a man over words.”

“There’s one more thing. After the fighting at Gettysburg, I found Rigo’s body at the stonewall that we used for cover. Rigo had carried Jingle back to our lines but did not make it over the wall. Somehow, Jingle survived, but Rigo died at the wall. Today I saw Jingle packin’ Rigo’s Beaumont-Adams. That chickenshit abandoned Rigo and stole his pistol.”

“You cannot be sure of that.”

“I know what I know.”

“Jingle’s here to try Private O’Toole, isn’t he?” Fred asked.

Roarke was surprised by the knowledge evident in Fred's question.

"I keep my ears open about the goings-on around here," said Fred.

"Jingle's already convicted O'Toole in his mind," opined Roarke.

"Do you think that O'Toole killed Captain McKay?"

"I don't know. I heard that he's just a half-wit that don't want to be here."

"He rode with me on a run the other day. He's not a killer. Rather than seeking revenge on Jingle, why don't you work on saving O'Toole's skin. There's something called due process in the Constitution. O'Toole deserves due process."

"Okay," said Roarke, "I'll let Jingle off the hook for now. Let's find O'Toole. He's with the 20th Massachusetts."

"The 20th is right over there, by the signal station," said Fred. He led the way to the 20th Massachusetts Volunteer Infantry Regiment bivouac. A soldier directed Roarke and Fred to F Company, where the soldiers were finishing up a hot meal.

"Where's O'Toole?" asked Roarke.

No one answered. Roarke turned to a grizzled sergeant among the soldiers and repeated the question. "Where's O'Toole?"

"Haven't seen 'em since he was arrested," said the sergeant. "Heard that he escaped. Maybe he's over at the commissary."

"Alrighty, you let him know that I need to talk to him."

"Aren't you working on that court martial?" asked the sergeant.

"We're here to help the damn fool. Just tell him that."

"If I see him, I'll think about it."

Roarke and Fred walked away from the campsite. They turned left on the muddy road that ran down the center of the camp. A soldier trotted up from behind them.

"Rawke, Sawgeant Rawke, I'd like to talk to you."

Roarke and Fred stopped. Roarke recognized the private; he was an Irish conscript from Boston.

The conscript glanced over his shoulder and whispered, “please keep walking.”

“What do you know?” asked Roarke.

“O’Toole is my friend. We’re both from East Boston. He didn’t kill anyone.”

“Where is Mr. O’Toole?” Fred asked.

The conscript looked at Roarke.

“If you want us to help him, you gotta tell us where he’s at,” said Roarke.

The conscript examined Fred for a moment. He looked at Roarke and answered, “O’Toole said that even the rebs would treat him bettah than his hoss-shit outfit. He’s heading south.”

“When did he leave?” asked Fred.

The conscript looked at Roarke.

“Just answer the man’s damn question,” demanded Roarke.

“Right after chow this morning. We snuck him a bit of food.”

“Do you know his destination?” asked Fred.

The conscript looked at Roarke. Roarke grabbed the conscript by his collar and whispered tersely, “answer the man.”

“He, he,” coughed the conscript, “he said that he’d hide in a church near Mawton’s Fawd ‘til he figured what to do.”

“Morton’s Ford is eight miles from here,” said Fred.

“Why would O’Toole think that he could hide in this church?” asked Roarke.

“The preachah, named Spring-something, don’t like Lincoln and the Yankee Awmy much. He says that the slave race is inferiaw to others. O’Toole thinks that the preachah will hide him from the Awmy. I told him, ‘y’aw batso’.”

Roarke shooed the conscript away and then asked Fred, “You know the place?”

“I heard there is a Baptist church down there on the Bel Air plantation. An old bigot named Thornton Stringfellow⁴ runs the church and owns the plantation. Rumor has it,

⁴ http://www.13thmass.org/1863/rapidan_2.html; <https://quod.lib.umich.edu/c/clementsead/umich-wcl-M-2786str?view=text>

that the old man was smuggling wheat to the Confederates before Custer's cavalry arrived."

"Tell me how to get there."

"Fred replied. "I have a load to deliver to Custer's Michigan Brigade. Help me load the wagon. We'll go together."