

SAN FRANCISCO VIGILANCE COMMITTEES.

BY THE CHAIRMAN OF THE COMMITTEES OF 1851, 1856, AND 1877.



ON the 14th of August, 1849, my brother and I rode from the Sierra foothills into the Sacramento Valley, intending to reach Sutter's Fort that night. Early in the forenoon we were overtaken by a horseman, a finely mounted, handsome fellow, who asked if we were immigrants. We answered, Yes. He welcomed us into the new country, and said he had arrived some months earlier. I told him that my brother, who was near by, and I were just arriving overland; that we had come from Salt Lake alone in about twenty days, for being well equipped we had made quick time; that he was the first Californian we had met, and, indeed, the first person we had seen in several days. I asked him if gold in California was a reality or a romance. He said it was an assured reality, and, as a ready proof, loosened his waistcoat and revealed a large, long, leathern bag strapped securely to his person, in which he said was about three thousand dollars in gold-dust, the result of his labor for a short time. He stopped his horse, opened his purse, and showed us the glittering metal. Enjoying my surprise and interest, he gave me several handsome specimens as a souvenir. I asked him if it was not hazardous to make such a display of his wealth. He answered, No, it was perfectly safe; that people were honest, or made to be honest; that there was no room in this country for thieves, and there was no such thing as highway robbery; there had been troubles in the country, but the worst men had been summarily punished, the others had learned better, and there was plenty for all who would work. He gave me many particulars about the country, the new population, the gold product; described the new towns, especially Sacramento, which had grown up on the river near Sutter's Fort, and whither he was then going; gave me the distances, and advised me of the best camping-grounds, and, his animal being fresher than ours, bade us good-by, and galloped on.

A few miles farther on, turning the point of a hill, a panorama of the grand, beautiful valley of Sacramento, the land of promise, opened its broad expanse before us, apparently limitless on the south and west, albeit revealing fringes of

trees skirting the streams below. Very soon we met wagons, horsemen, footmen in scores, Americans, Mexicans, Chinese (the first I had ever seen of these), all going to the mines, every man pushing on eagerly. It was altogether a stirring scene, sharply contrasting the quietude of the one thousand miles of mountain, valley, and desert we had just traversed. About 4 P. M. we reached Sutter's Fort, and, as directed, passed around it, forded the American River, which was low, and found excellent grass and a good camping-place where several groups of new-comers were already comfortably located. Having selected our ground and picketed our animals, our new neighbors came with the usual greetings and inquiries, to which we responded in kind, and I reverted to the horseman we had met in the morning, and to what he had told us of the condition of the country, abundance of gold and provisions, and of the safety of life and property. They said it was all true; that no one thought at the present time of taking anything that did not belong to him because of the fear of prompt punishment by the people. I said, "Then is life as safe as property?" They said property was perfectly safe, and life as safe as in any country where people behave themselves. Accustomed as I was to frontier life and to the value of swift and severe punishment, this ideal security for life and property surpassed anything I had ever seen, and made me fancy that Utopia had become a reality in this new western land, and I said, "Here you have, then, a truly golden age with halcyon days."

The second day, after having rested, I went to the new city of Sacramento, and found it a scene of activity and vitality. It was a town of tents, with a few frame buildings, altogether strongly resembling a huge camp-meeting, with many people camping in the open air. The streets were filled with men coming and going, wagons and pack animals loading from the well-filled stores; many vessels were discharging on the river banks cargoes of mining supplies and provisions of all kinds, and there was everywhere a full display of prosperous business and earnest life. New immigrants were daily arriving overland and by sea; surveyors laying out building lots, auction sales of lands, cattle, and merchandise loudly proclaimed

cheerful activity everywhere. Sales were for cash, the currency of the country being placer gold-dust at \$16 per ounce if clean and pure, and \$15 or less for that which was not so good, supplemented by Mexican dollars and Mexican gold doubloons at \$16 each; there was very little European or American coin. I noticed large piles of goods outside the stores and tents, unprotected, and I asked if they were left out at night and were safe. The answers were all affirmative. The doors of houses had no locks, or they were unused; the tents had no fastenings, yet there were no losses of property, as every trespasser knew that in theft he would hazard his life.

This I afterward found was the condition all over the country. The miner without fear or hesitation would leave his bag of gold-dust under his pillow and go to his camp for a day's work. He would leave his gold-diggings and rocker with hundreds of dollars exposed without fear of loss: all, or chiefly, the result of very summary punishment inflicted upon lawless men in San Francisco the year before, and of the trial and quick execution of a few throughout the country when found appropriating to their own use what did not belong to them. This was the common law of the country.

This condition of affairs continued through the winter of 1849 and the spring and early summer of 1850, during which time a large additional immigration came in, embracing numbers of our best people, and including many families of early pioneers, all bringing a sense of home-life and sanguine anticipation of future comfort and happiness. But unfortunately this tide was met by a flow of the worst element in the world, chiefly from Sydney and other Pacific Ocean ports, and, as a little foul matter will taint a large stream, so this matter seriously changed and endangered current affairs in California. Reports of robberies and assaults soon became common; again the public mind began to be excited over the general lawlessness. Wealth was increasing, business prospering, solid improvements progressing throughout the city and State; people were hopeful on the one hand, and fearful on the other, for while our golden era was bright, we had many sad proofs that our halcyon days had departed. This was no longer Arcadia.

The rapid and continued increase of crime in San Francisco impressed on every thinking man the conviction that some more vigorous action of the legal authorities was imperative, and must be stimulated and insisted upon, or self-preservation would make it necessary for the people to take the matter into their own hands, and assert the law and establish order in their own way. The police were notoriously inadequate and inefficient; the courts had been

accused of corruption; the prisons were small and insecure, and it was boldly proclaimed through the streets that with packed juries and venal judges, false witnesses and dishonest officials, our criminal courts had become a failure and a reproach.

On Wednesday night, February 19, 1851, the city was thrown into intense excitement by the report that a bold attack had been made early in the evening upon the store of Jansen & Co., merchants, Mr. Jansen having been brutally assaulted and left on the floor insensible, it was supposed dead, and the house having been robbed. Arrests were soon made, and the person supposed to be guilty, one Burdue, was lodged in prison. A large crowd gathered around that building and made threats to destroy the premises and hang the offender. The officials made conciliatory appeals and the crowd finally dispersed, though dissatisfied, and it was soon reported that on Sunday morning, the 23d, the people would assemble *en masse*. In the early forenoon, I walked quietly toward the premises, and was surprised to find a great crowd of people already on the spot, while others were pushing in from all directions, many bearing side-arms. The eyes of the people I met showed that they were thoroughly aroused, and the clenched hands and quick gestures of many gave evidences of irritation and rage.

The mayor and a few leading citizens were vainly trying to calm the excitement by guaranteeing to hold the prisoner securely, promising a speedy and vigorous trial, and asking the people to disperse; but there was no faith in these promises. All seemed impatient of delay; no one would leave. On the contrary, all moved forward in a solid, sullen mass, surrounded the building, and pressed against every entrance. Though there seemed to be no concerted plan of action, no leadership, yet there was plainly a common thought and a common object. It was evident that unless the people were quickly diverted, and in some way satisfied, they would soon take possession of the building, seize the prisoner, and execute him without a hearing or form of trial. No available power could stop them. I always had had a horror of a mob, and its wild and hasty excesses, and it occurred to me that a middle course might be adopted, and a fair and speedy trial be secured by a court of the people, organized on the spot. So I pushed my way to the front balcony, which overlooked the people below, and catching the ear of the mass, I proposed that those present should immediately form themselves into a court within the building; that the prisoner should be brought before them, counsel on each side allowed, and testimony be taken, and that the

trial should proceed fairly, calmly, and resolutely, and, if the prisoner should be found innocent, that he should be discharged and this intense excitement allayed; but if he should be found guilty, that he should be hanged before the sun went down.

Never in my life had I heard a more instantaneous and tumultuous shout of applause. It was light breaking through the dark overhanging cloud. It solved the problem and satisfied the longings of the people. This note had struck the chord and every nerve seemed to vibrate in harmony. All citizens who could find room were invited to come into the building, while others formed a guard without. Mr. Spence, a prominent merchant, was selected as judge, and twelve well-known citizens formed the jury. Three prominent lawyers, McAllister, Benham, and Shattuck, volunteered to defend the prisoner. I asked for counsel for the prosecution, when the house insisted upon my taking that position. The trial consumed about six hours. The hall was packed to repletion, and the streets surrounding the building were filled with a compact mass of people, about ten thousand in all. There was great impatience and fear of a failure in the trial, and that the prisoner would escape. Several times the people became so clamorous that I was compelled to leave the court-room and make a short speech to satisfy them that everything was going well. Happily, I always succeeded in restoring quiet. Whatever I said and did was satisfactory. So dense was the crowd that, on making my way to the front of the building, I was literally forced to walk over the heads and shoulders of the thickly packed mass of people.

Witnesses were thoroughly examined; the facts of assault and robbery were clearly proved; the evidence was so plainly detailed as not to admit of doubt. Counsel were heard on both sides, the trial continuing until about dark, when the jury retired.

After waiting patiently several hours, toward the middle of the night I was amazed to hear that Judge Shattuck had secretly secured admittance to the jury-room, had made an *ex parte* appeal, and secured a disagreement.

When it was found that the jury had disagreed, the consideration came as to what next should be done. It was within our power to have yet dealt with the accused as we chose, and there were earnest advocates for prompt and summary action, who declared that justice was being tricked and cheated, and it was our duty to prove ourselves more than a match for such villainy, and that it would be but right to put the chief actor in this attempt alongside the criminal. But I said, "No, a thousand times no. Better by far that it should be so, than that we should make a fatal error. We had

done our duty, our whole duty, honestly, loyally. Many before us had thought their prisoner the guilty party, and he had proved not to be; and as our action had been unusually prompt, our time for examination and comparison unusually short, it did not become us to act except on the most unquestioned proof. We could not afford to make a mistake, and surely we could not afford to have innocent blood on our hands. With all my earnestness, I preferred that this prisoner should go his way, or that he be left to those who had promised a full, fair, and impartial trial. We knew the man now too well for him ever to become dangerous."

These views were adopted, and the court and the remaining part of the assemblage adjourned, and the prisoner was left in charge of the county officers. Thus ended the famous "Burdue trial."

The result of this trial was not as fortunate for the safety of life and property as were similar proceedings in 1849. Soon the announcement of outrages in different parts of the State became numerous. In San Francisco the matter grew serious, and there was much discussion as to the remedy. The best people were wholly absorbed in their personal affairs; the worst were following their criminal instincts without fear and without obstruction.

On the 3d of May, 1851, a great fire occurred that destroyed almost the entire city and in which a hundred lives were lost. There were good reasons for believing that the fire was the work of incendiaries who had sacrificed these valuable lives and millions of dollars' worth of property for the sake of plunder, and a very strong and bitter feeling grew up against the newly arrived population of criminal classes. The conviction grew stronger every day that something should be done by the people themselves to rid the city of incendiaries and robbers. With the view of immediate protection, a number of mechanics, merchants, and other respectable citizens agreed to form a private patrol, each member of this volunteer police to take his particular beat, and to be on duty a certain number of hours every night. In case of emergency, the entire force was to rally at a point and be prepared for duty. The effect was good, but the result was not adequate: the criminal classes continued their outrages.

A second great fire occurred on the 3d of June following, and arrests were made of persons believed to be the incendiaries. So violent was the feeling of the people that attempts were made to hang the prisoners, but the mayor and officials promised that they should be severely dealt with. The grand jury was then in session, and found a true bill against

some of the accused, but by technicalities the indictments were quashed and the persons disappeared.

THE VIGILANCE COMMITTEE OF 1851.

THE want of a strong organization among those who wished to preserve peace and enforce the laws was severely felt. Those who had the largest interests at stake felt that unless there could be united action and control, there might be introduced a system of mob law, which would ultimately be more dangerous than the existing state of affairs. It was for this reason that, on the 10th of June, 1851, an organization of prominent business men was effected, and about two hundred names were enrolled under what was styled "The Committee of Vigilance of San Francisco." The objects of the committee were "to watch, pursue, and bring to justice the outlaws infesting the city, through the regularly constituted courts, if possible, through more summary process, if necessary." Each member pledged his word of honor, his life, and his fortune for the protection of his fellow-members, and for purging the city of its bad characters. After arranging for a concert of action, watchwords, and a signal to call the members to the rendezvous, which was three taps of a fire-bell, the committee adjourned for the evening.

Scarcely half an hour had passed before the bell was tapped. On reaching headquarters I found a number of gentlemen, and soon after there was brought in a very large, rough, vicious-looking man called Jenkins, an ex-convict from Sydney, who had been caught in the theft of a safe from a store. He was well known as a desperate character who had frequently evaded justice. The committee was organized immediately into a court, and Jenkins was tried for the offense within an hour. The evidence was overwhelming; he was promptly convicted and sentenced to be hanged that night. Jenkins's bearing throughout the trial was defiant and insulting, and he intimated that his rescue by his friends might be expected at any moment. We were notified by our officers that already the roughest and worst characters throughout the city were mustering in force to resist the committee. At the same time scores of our best citizens came forward and enrolled themselves as members, while others pledged their support in anything we might do.

I strenuously resisted the proposition to execute Jenkins that night, as I held it cowardly to hang him in the dark in such hot haste. I proposed he should be held till next morning and then hanged in broad daylight as the sun rose. Only a few agreed with me; there was much nervousness; the very circumstances of

his crime having been committed at the moment of our organization and in defiance of it, and the threatened attack on us by abandoned criminals, all tended to impress the committee with the necessity of prompt action. Seeing that he must be hanged, I moved that the prisoner have the benefit of clergy. This was granted, but when the minister was left with him, the hardened criminal heaped the vilest insults on his venerable head. This hastened his doom, and his career was quickly closed.

The next morning the work of the Vigilance Committee was heralded throughout the State, and hundreds of citizens came forward and tendered their approval of our acts and asked to be enrolled in our ranks. The unexpected arrest and quick execution of Jenkins spread consternation among all his class. The Governor of the State, McDougal, issued a proclamation and maintained a nominal opposition to the committee, but took no active measures against it. Many arrests were made of desperate characters, and where clear proof of murder within the State was lacking, it was decided that banishment or corporal punishment should be the penalty. During the active operations of the committee, four men were hanged, and about thirty were banished. Nearly all were from Sydney or other British colonies, and as far as possible they were returned to the places from which they had come.

After a session of about thirty days the committee, finding that the country had been purged of a goodly number of the worst people, determined to adjourn quietly. It was decided not to disband, but to preserve the organization ready for any emergency. Happily there was no call for its services for some time; in fact, it was four years before the necessity of such a committee was again felt by the people of California, and brought forth finally the famous Vigilance Committee of 1856.

As contemporary testimony to the value of the work of the first Vigilance Committee, and its significance as an example of self-government, I quote the following editorial from the New York "Daily Tribune" of July 19, 1851:

. . . The summary proceedings of the San Francisco Committee of Vigilance, in the trial, condemnation, and execution of the thief Jenkins, are not to be regarded in the light of an ordinary riot, much less as an example of hostility to the established laws, heralding disorganization and anarchy. Seen from the proper point of view, it is a manifestation, violent, it is true, of that spirit of order which created the State of California. . . . San Francisco presents, therefore, the singular spectacle of a community governed by two powers, each of which is separate and distinct from the



EXECUTION OF JOHN JENKINS. (AFTER A LITHOGRAPH OF THE TIME, PUBLISHED BY JUSTH QUIROT & CO.)

other. They cannot come in conflict, since there is no aggressive movement against the law on the part of the committee, and no attempt on the part of the regular authorities to interfere with the action of the latter. Public opinion universally upholds the course pursued by the committee. This course, under the circumstances, cannot be called mob law or lynch law, in the common acceptation of the term. It more nearly resembles the martial law which prevails during a state of siege.

At this distance we will not venture to judge whether the circumstances demand so merciless a code. But we are sufficiently familiar with the characters of the men composing the Committee of Vigilance, to acquit them of any other motive than *that of maintaining public order and individual security*. We believe they will exercise the power they have assumed no longer than is absolutely necessary to subserve these ends, and that their willing submission to the authority of the law, when the law shall be competent to protect them, will add another chapter to the marvelous history of their State. In spite of these violent exhibitions of popular sentiment, the instinct of order, *the capacity for self-government, is manifested more strongly in California, at this moment, than in any other part of the world.*

THE GREAT VIGILANCE COMMITTEE OF 1856.

WHEN I returned to San Francisco in January, 1856, after an absence in New York of
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about two years, I found a great change and much public excitement in social, political, and financial affairs. There had been a severe financial crisis in 1855, and affairs were still very unsettled. The "Bulletin" newspaper, edited by James King of William,¹ had undertaken local reform, and was boldly assailing all evil-doers who had again become aggressive. Very recently United States Marshal Richardson had been killed by an Italian gambler named Cora. The murderer had been imprisoned and tried, but all efforts to convict him had failed. The excitement over the general lawlessness and the impotence of the courts increased as the months went by, but a crisis was reached only by the assassination of Editor King in the streets, on the evening of the 14th of May. He was shot down by an ex-convict named Casey, whose infamous New York record the editor had exposed. The community was immediately thrown into intense excitement, and the engine-bell on the Plaza was rung—the familiar signal of the old Vigilance Committee.

After a hasty dinner I went to the Plaza, which I found crowded with excited citizens. Members of the old committee sought me in

¹ This designation was chosen by Mr. King to distinguish himself from many others of the same name in San Francisco.—EDITOR.

numbers and urged me to organize a new committee. I declined these importunities; several meetings were held in different places, and urgent appeals made not to allow a repetition of the failure of organization as was done a few months previously when Cora killed Richardson. The result of all was that I finally consented to take charge and organize the committee, provided I should have absolute control—authority supreme. We organized, and within twenty-four hours we had fifteen hundred members, all well-known leading men of the city. They took a strong oath pledging their lives, fortunes, and sacred honor to the cause, and promising to stand by one another under all circumstances, and not to divulge any transactions of the committee. The organization was to be entirely impersonal, and each man was to be known only by his number. An organization in military companies, well officered, was perfected the first evening. Within two days after the first meeting 2500 men were enrolled and equipped with arms, while drilling was carried on constantly day and night. Such was the zeal and intelligence of all, that soldiers were formed of men who but a few days before hardly knew how to handle a gun.

While this work of organization and preparation was progressing we were informed of numerous counter movements by the opponents of the committee. Word was brought that the roughs were organizing in large numbers, arming, and threatening with determined energy to defend Casey, Cora, and their friends, at all hazards, and to lay the city waste if need be to accomplish that end. The next day it was developed that a strong effort was being made

by the mayor and others to organize and bring into action all the militia of the State that were available. The larger and better part of the militia in the city had, however, already joined the committee. Renewed and specific threats were made on the life and property of all who were members of the committee, and a determination was announced to crush the new movement at any cost of life, money, or property.

It thus became too evident that the committee had to prepare for more serious work than was anticipated, or by rights should have been forced upon them. James King of William was honest, brave, and terribly in earnest, but often rash. Unhappily, he had arrayed against him several classes of people. He had severely, though in the main justly, castigated that portion of the press that upheld or apologized for excesses or irregularities in political affairs. He had aroused a Roman Catholic influence hostile to himself by ill-advised strictures on one of their clergy. He had invited the bitter animosity of a large portion of the Southern element by the stinging severity of his criticisms on them in their official capacity, and his denunciation of them as the Chivalry, and the unworthy Chivalry, who had captured and held, or virtually controlled, for their own benefit the offices of the city and State. All of these elements, separately and combined, were inimical to King, who by his impetuous methods and reckless personalities had unfortunately and needlessly made himself many bitter personal enemies. Thus, the committee was assailed as his champion by all these parties, when in fact it was not such, but was merely the champion of justice and of right—the child of the necessi-



THE HANGING OF STUART BY THE FIRST VIGILANCE COMMITTEE.



ENGRAVED BY H. VELTEN. PHOTOGRAPHED BY TAHER.
 JAMES KING, OF WILLIAM. (FROM A DAGUERRETYPE IN POSSESSION OF HIS SON CHARLES J. KING.)

ties of the hour. The committee scarcely thought of or had in view King's personal relations with his former antagonists. It merely looked at the state of affairs in the city and country, and the evils that threatened, and went forward in the direction of the work attempted a few months before, when Cora killed Richardson. Indeed, such was the condition of the public mind at this time that if, instead of King, any other prominent man had been assassinated, a similar demonstration would have ensued, though it would not probably have so clearly divided the community or brought such bitter opposition.

While on previous occasions the city and State authorities had been conservatively passive, they were now unexpectedly active and aggressive, the moral of which we knew might have weight with weak, doubtful, and negative people, and even with many of the best. This warned us to prepare for changes which caprice

of opinion, the turn of fortune, or the course of time might bring forth against us. We felt strong in our resources, numbers, cause, and courage. We had about seven-eighths of the people with us.

With the opposition were some of the best people of the country. Their party and friends had all the city and State offices; they had with them the law and most of the lawyers, and all the law-breakers. Their chief hope was in legal, State, and Government aid. We asked nothing but to be understood and judged rightly.

Our aims and position were soon made plain and satisfactory to the leading army and navy officers on this coast and to the Government at Washington. They soon understood us and always left us to complete our work in our own way. On May 16 I was waited upon by some gentlemen who said that Governor J. Neely Johnson had just arrived,

and was very anxious to see me. He was at the Continental Hotel, and would come to any point that I might indicate; he did not know where I was, or he would have waited upon me at once. I replied that I would do myself the honor to call upon the Governor at his hotel. I did so, and the question of the work of the committee was broached immediately. He asked what we wanted. I answered that we wanted peace. We would like to have it without a struggle, but if it must be at the cost of war, then we must have war. He asked what we wanted to accomplish. I told him, very much what the Vigilance Committee of 1851 accomplished—to see that the laws were executed upon a few prominent criminals whom the officers of the law had allowed to go unpunished; to drive away from the State some notoriously bad characters; to purify the atmosphere morally and politically, and then to disband. I told him the names of the people in this organization were a guarantee to him that there were no personal aims, or ambitions, nothing in view except the work of the public good; that as an officer of the law, and an observer, he must be aware of the frightful condition of affairs throughout the State, especially in San Francisco; that it had been apparent to all that this could not be much longer endured, and that the climax had now arrived in the striking down of King; that the people had resolved that they would correct the mischief if possible, and that they believed they could do it; that done, they would retire from all participation in such matters, and leave the regularly constituted authorities to do their work, if they would. "Now, Governor," said I, "you are called upon by the mayor and a class of people here to bring out the militia and try to put down this movement. I assure you it cannot be done, and if you attempt it, it will give you and us a great deal of trouble. It is not the way to treat the question. Do as McDougal did; see, as he did, that this is a mere local reform, intended to correct local abuses. Allow us to take up the work and get through with it, as he did, without anything more than a formal opposition by the State. Do your duty in issuing your proclamation and manifestos, and maintaining formally the dignity of the law, but leave to us the work, and we shall get through with it in a short time and quit, and quit gladly." He slapped me on the shoulder, and said, "Go it, old boy! but get through as quickly as you can. Don't prolong it, because there is a terrible opposition and a terrible pressure."

I told him I had just realized the position that King had stood in, and that all of King's opponents, or most of them, would become the opponents of the committee, but we could not

retire from the position we had taken; that we did not want to be in opposition to the State; that we were as law-abiding people as any in the world, as long as there was any law; that our real object was to see the laws carried out and executed, and if the officers of the law would not carry them out and execute them, then it devolved on us to do it; we did not want to quit our business, our vocations, and our homes to do all this, but we were compelled to do it, and if he could see his way clear to maintain his status as Governor on the record, to do it by all means. We did not want a single court to adjourn, a single officer to vacate his position, nor to surrender his rights nor fail in his duties. He said he appreciated the situation, that he knew me very well (we had always been close friends), and he knew those associated with me; he had been called down from the State capital; he was now satisfied, and he would leave the field to us in confidence.

About two hours afterward, I was busily engaged at our headquarters when a messenger brought word that several gentlemen, Governor Johnson, Mr. Garrison, and others, were in the anteroom and wanted to see me particularly. Johnson's manner was much changed; he had evidently come under the influence of the opposing party. He asked what we were going to do, and if this trouble could not be settled, addressing me as if he had not asked the same question a few hours before in our former interview. I answered, and naturally addressed the whole party through him, that the people of the city and State were tired of having citizens shot down and other outrages committed as they had been, and were no longer inclined to endure them. He agreed with me, and was of my opinion as fully as any one could be, but he thought the courts could remedy all that; we had good judges and good men, and the people need not rise up in a mob and obstruct the execution of the laws. I told the Governor that ours was not a mob, that it was a deliberative body regularly organized, the officers and men pledged to their duty,—it was a government within a government, if he liked,—and that he must not regard it as a mob, because it was clean and clearly out of the sphere and atmosphere of mobocracy; that we had not seen any laws executed in San Francisco for a long while, and it was because of this failure that we felt called upon by the most imperative sense of duty and of safety to undertake it ourselves; that if it were done by the officers of the law, there was no portion of the citizenship of the State more prompt to aid and support them than the Vigilance Committee would be. He then proposed that we should hold ourselves together if we wished, but leave the trial of Casey and Cora to the regular courts, and of-

ferred to pledge himself that they should have a speedy and fair trial, and if the evidence adduced was sufficient, that they would be executed. I replied that the people no longer had confidence in the officers, that too many of them were unfortunately friends and intimate associates of these very prisoners. I repeated my suggestion that he allow the committee to do

This interview was the next day reported in different forms, and brought forth from the other parties many disingenuous statements. Johnson's dorsal vertebræ proved too weak to stand by his word, and he never recovered; yet the status remained unchanged until Sunday morning, the 18th of May, when the Executive Committee determined on further and



SURRENDER OF CASEY AND CORA TO THE REPRESENTATIVES OF THE VIGILANCE COMMITTEE, MAY 18, 1856.

its work and then disband. Now they had no patience to wait, they were thoroughly aroused and were determined to go through with the undertaking, and there was not power enough in the State to stop them.

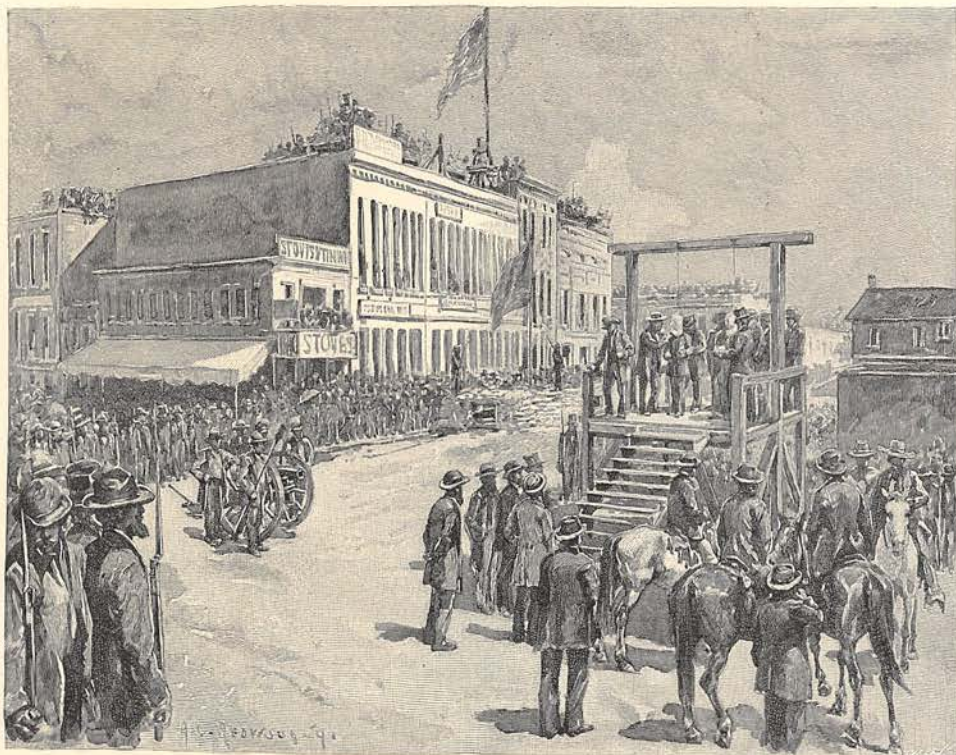
I then asked three members of the executive to join me, and reviewed and repeated what had been said, all of which was clearly understood. It was then asked of us if nothing could be done. And the answer was, Yes. We were solicitous about the safety of the prisoners, feared they would be spirited away, and with a view to their safety we proposed that a small force of our men be placed in the prison as an additional guard, and we pledged ourselves not to take the prison or make any movement against it without giving the Governor notice, all of which was agreed to and complied with.

prompt action, and sent the Governor this communication:

We beg to advise you that we have withdrawn our guard from the County Jail.

The guard was soon after withdrawn from the building. This was a formal and necessary step to conclude our truce with the Governor. Soon thereafter the prisoners were demanded at the hands of the sheriff, and supplementing the demand the troops of the committee, numbering about 3500, marching by different routes, arrived at and surrounded the jail, demanded the prisoners, who were taken for their trial, which became an all-absorbing question and topic, and paralyzed the opposition.

The trial of Casey and Cora was soon begun and carried on with all the attention to legal forms that marked the trials of the first



EXECUTION OF HETHERINGTON AND BRACE AT THE HEADQUARTERS OF THE COMMITTEE, CALLED "FORT VIGILANCE."

[This building was also called "Fort Gunnybags," from the material of the breastworks in front of it. On the roof were cannon and sentinels, and the alarm-bell of the committee.]

committee. No outside counsel were permitted, but all witnesses desired by the prisoners were summoned and gave their testimony in full. Both were convicted of murder in the first degree and sentenced to be hanged. The execution took place on the morning of Mr. King's funeral. The committee's entire military force occupied the streets near the headquarters. As King's funeral train moved, all the bells in the city chimed a solemn requiem. The military force was brought to present arms, and then poor Cora and Casey were swung into eternity from the scaffold in front of the building. That great and solemn act, due to self-defense and the safety of the community, was fulfilled, and these turbulent spirits who had defied the laws of God and man paid the last and severest of penalties. No one more than the chief actors in this drama felt the gravity and solemnity of the occasion. No one would more gladly have been acquitted of these duties than they. But there was not a scintilla of hesitation, doubt, or fear. The work was done under solemn dictates of duty, even with pure Christian spirit, and while technically outside the law, with due and solemn reverence for the law as it should be executed.

At a meeting of the committee on May 20, three members were delegated to wait on the Governor and on the mayor, and assure them

that the committee had no desire or thought of interfering with the regular discharge of their duties, and only desired to take cognizance of outrageous cases of crime and rowdiness which the laws had been tardy in executing or could not reach; that we did not encroach on the regular execution of law or the maintenance of order, and would not, provided the laws were enforced or carried out; but we desired peace and order, and it was that consummation we were aiming at, and we would be pleased to see all legally constituted authorities proceed in civil and criminal cases as though this committee were not in existence. We had not desired and did not desire to encroach on the civil authorities whenever they were properly discharging their duties. Such was the message.

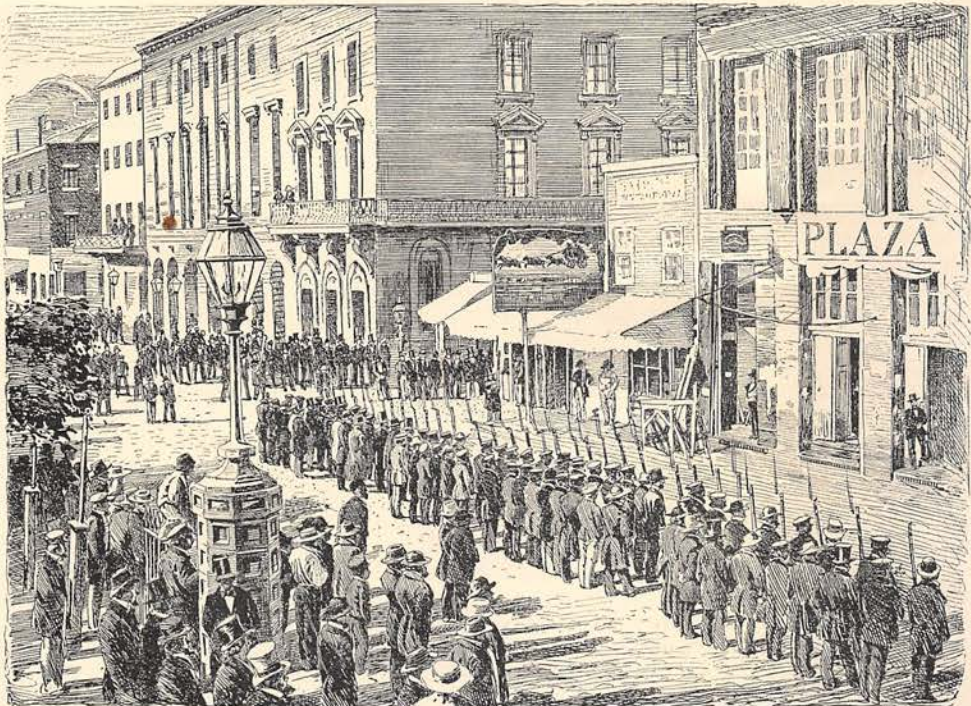
The next important work was the action to be taken with regard to notorious ballot-box stuffers and other desperate characters. They were a curse to the country. Every one admitted it, but no effective action had been taken against them. In many cases they held the polls at election and attacked, maimed, and terrified those voters who were opposed to their friends. If arrested, such was the dread they had inspired, and so great their influence with the courts, that conviction was almost impossible. This immunity from punishment increased

their insolence and violence, and it was evident that no reform could be made while they remained in the State. What was to be done with them? They could not be hanged; they would be a source of expense and trouble; safe and satisfactory imprisonment was plainly impracticable. It was therefore suggested that if, after fair trial, the charges against them were proved, no course would be so satisfactory and safe as banishment, with a warning never again to return under pain of death. This was adopted, and a black-list was made of all these notorious characters. Evidence was collected, and orders were soon given for the arrest of these men wherever they could be found in the State. They were tried, convicted, sentenced, and deported, many of them as first-class passengers, by sailing ships and steamships, at the sole expense of the committee, and in a style far above their deserts; this was not appreciated, but flattered and exalted them to the belief that they were important personages and had suffered great damages, and they brought suits against the committee. Singularly, or perhaps naturally, these suits were only brought by those who were best treated. Those who were shipped in the steerage never brought suits, and were never afterward troublesome.

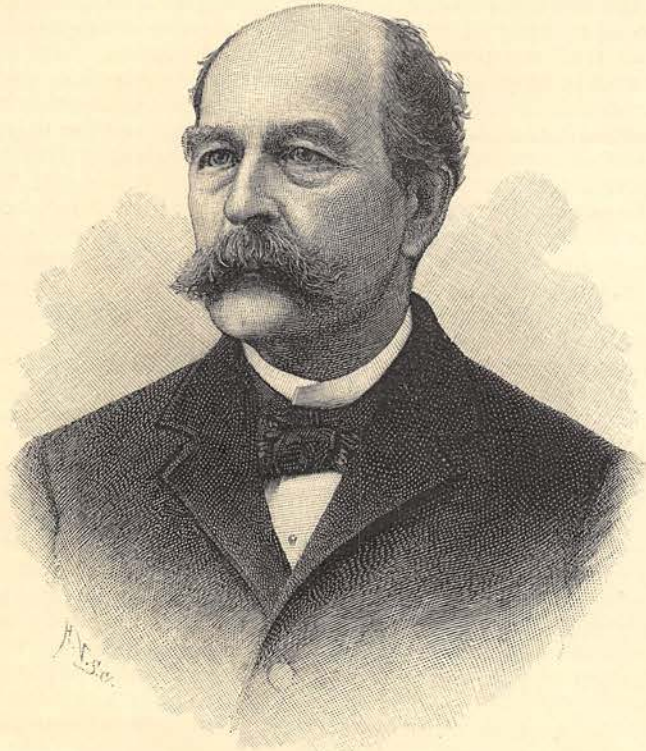
So rapidly were the remnants of the work before the committee cleared away, that on June 18 a special committee decided that on

the 4th of July the General Committee would adjourn, the executive only continuing to meet for needful business. We believed we were far enough along to finish our work speedily; but we were disappointed, for on June 21 there was precipitated upon us the most unexpected and the severest task of the year. Judge Terry of the Supreme Bench of California, a violent, hot-headed man, and an open denouncer of the committee and its efforts, quitted his bench and neglected his duties at Sacramento to come to San Francisco to join in the contest against us. In a quarrel over the possession of arms, Terry plunged his bowie-knife into the neck of an officer of the committee named Hopkins, inflicting a wound which at the time was thought to be mortal. This news came like the bursting of a bomb-shell. We saw instantly the magnitude of the new labor and the new responsibility thrown upon us. It was not only to vindicate the committee law, but to punish the presiding judge of the Supreme Court for violence to one of our own people. Orders were at once given and promptly executed for his arrest, and the arrest of all others who were with him.

Our police and military systems were now equal, if not superior, to any on the continent. Within an hour's time we could put in line 5700 men, well armed, equipped, and officered, ready for any service. And let it be noted that all were volunteers, without pay, direct or



A MEETING OF THE VIGILANCE COMMITTEE ON PORTSMOUTH SQUARE, 1856. (FROM AN OLD DAGUERRETYPE.)



ENGRAVED BY H. VELTEN.

WILLIAM T. COLEMAN.

PHOTOGRAPHED BY TABER.

indirect, for their services, the committee providing only material — arms, munitions, transportation, and commissary. In these ranks were bankers, doctors, lawyers, merchants, mechanics, miners, ministers, sailors, soldiers, salaried men, day laborers, and nearly all the men of property. All cheerfully sacrificed every interest for the cause.

Judge Terry was regarded and treated as a high State prisoner. His trial was delayed by the uncertainty of the recovery of Hopkins, and by the efforts of Terry's friends to make a compromise. All these efforts failed, and on June 25 the trial began. It lasted nearly a month — a long, wearisome, unsatisfactory piece of work. Terry was convicted of resistance to and assault upon the officers of the committee, but as the wound inflicted did not prove fatal, and the officer recovered, the usual punishment in the committee's power to inflict not being applicable, it was finally decided to discharge him. And it was resolved that the interests of the State imperatively demanded that he resign his position as judge of the Supreme Court.

While Terry's trial was going on, the committee had handed over to the authorities a number of men arrested for crimes and misdemeanors, and only two prisoners were held — Philander Brace for the murder of Captain

West, and Joseph Hetherington for killing Dr. Randall. Both were cold-blooded crimes committed in open daylight, within the city, and demanded the full penalty. The men were tried fairly, sentenced to death, and executed. Thus ended the capital punishment of the Vigilance Committee of 1856.

On August 8, 1856, the Executive Committee decided to close their labors, and on the 18th a great parade of all the members was held, and the active work of the General Committee ended *sine die*, the Executive Committee, however, continuing in session to close up financial and other affairs.

The personnel of the committee were men above the average. They were selected for their worth, integrity, and good standing in the community, and no man was admitted whose record was not clear in these particulars, and if he failed in them he was quietly retired. Politics, creed, nationality, or profession were not considered, not thought of. The largest element of the committee was of northern and western men, chiefly representing the mercantile, manufacturing, and vested interests, but embracing every profession and pursuit. It is estimated that about eighty-five per cent. of the population of the city and State were of the committee, or with it as friends, adherents, and

supporters. The little minority, however, were ever active, persistent, and plucky, and made their numbers count as often as possible. The church, as in all such commotions, advised moderation and good order, and maintained a dignified conservatism.

A comparison shows the coincidences of the work of the Vigilance Committee of 1851, and that of the great committee of 1856. In 1851 four men were hanged for high crimes, all clearly and unmistakably proved. Two of these were taken by surprise-parties from the city prison on Sunday morning during church hours, and immediately taken to the committee's headquarters and hanged, their trials and the proofs against them having been previously completed. The other two were held at headquarters, and were more deliberately executed. This committee also banished about thirty bad characters, with notice never to return under penalty of death.

The great committee of 1856 also hanged four men, all clearly guilty, and all convicted of murder in the first degree. Two of these, Casey and Cora, were taken from the same county jail which confined the two taken in 1851. We also banished about thirty.

The chief difference between the work of the two committees arose from the fact that the expatriated of 1851 were mainly ex-convicts from Sydney, while in 1856 more Americans by birth and adoption were sent away, and these were more tainted by political corruption than the others. Another marked difference was that Governor McDougal in 1851 bowed to what he thought was the public will and its demands, and kept faith in his promises not to interfere with the committee, except in form, if he could possibly avoid it; while Governor Johnson in 1856, after making the same promises, was swerved from his purpose and joined in opposing the committee, which greatly increased their labors and their influence, and prolonged their existence. Another point of difference was that in the later organization the reforms needed in the community were far more radical and complete than were those carried into effect by the first committee.

The committee of 1851 completed its work and adjourned within thirty days, and never again convened. The committee of 1856 required three months' service for the entire force, and the executive continued its sessions for a long while thereafter. The committee of 1851 had about 800 members all told; that of 1856 had about 8000 enrolled, with an equal number of active adherents, and earnest friends and supporters.

¹ For further discussion of the San Francisco Vigilance Committees, see H. H. Bancroft's "Chronicles

The conclusion of the Vigilance Committee of 1856 brought a complete revolution, politically, and financially. At the general election occurring soon after, the old political régime with its retainers was retired; the old "hacks" were turned out and put to grass, and but few of them ever saw the "crib" again.

A new era followed; the "people's" party swept everything before them and gave the city the delightful novelty of an honest, non-partizan, and economical administration, which continued for about nine years. It lowered taxation, yet introduced economies which in time so radically reduced municipal indebtedness, that the total of the city's obligations outstanding has since then rarely exceeded the amount of a single year's tax levy. Neither State nor city debts have since increased and are in fact practically nominal. The city's total net debt on June 30, 1891, was \$618,000, while the tax valuation for the year is \$411,000,000, and the tax to be collected about \$3,900,000. No other city in the United States can make such a showing as this.

While a perfectly honest and pure administration was not attained, yet so superior was it to the old, so relatively pure, as to make it seem well-nigh perfect. The reforms of 1856 took deep root, and in their vigor have remained unimpaired to the present day.

The judiciary from that period have done their duty. The people of the country have enjoyed general security of life and property. The political parties are closely balanced, and in San Francisco and the cities generally, since the committee of 1856, partizanship has been largely discredited.

The credit of the city, State, and people, which before was all uncertain, soon after took a foremost rank, which has since been firmly held and maintained.

THE SAFETY COMMITTEE OF 1877.

FOR twenty-one years the good influence of the great Vigilance Committee endured. Then came a movement in July, 1877, the importance of which has never been appreciated, either in California or elsewhere.¹ It was the direct outgrowth of the railway strikes and socialistic agitation in New York, Buffalo, Pittsburgh, and other large eastern cities. At first it was thought no outbreak would occur in San Francisco, even though the Chinese question was troublesome, but on July 23 Mayor Bryant and Chief of Police Ellis, having unmistakable evidences of very serious trouble, called on General McComb, Commander of the State forces, and requested him of the Builders of the Commonwealth," Vol. I, pp. 336-379.

to hold his entire force in readiness to support the peace officers. General McComb, fearing that the militia would not be able to cope with a large riotous element, called a public meeting of leading citizens, and asked their organized aid in protecting the city. I was called to the chair, and on motion of Mr. D. O. Mills and by unanimous vote was given charge of the entire movement, with absolute control. I at once appointed Committees on Finance, Arms, and Enrolment, and in a few hours the organization showed a strong force. The work in many respects was a repetition of that of the earlier Vigilance Committees, unhampered by any opposition from within or without. It was found that the larger part of the guns and ammunition in the city had been bought up during the previous week by unknown persons. Governor Irwin came promptly to the city, approved my plans, and supported my movements. Urgent despatches were sent to President Hayes and to the Secretary of War, asking for arms and ammunition from the Benicia Arsenal, and for the presence in San Francisco harbor of the United States vessels at Mare Island Navy Yard. Both requests were promptly complied with, and within twenty-four hours we had 1760 rifles and 500 carbines with ample ammunition, and the next day three war vessels were ready to furnish aid.

The object and intent of our assembly being to reinforce the civil authorities, and in no way to assume any other power than that of a citizen posse under their formal control, it was my duty to provide men at once, and fit them for the service. Rolls of membership were prepared and opened for signature, a pass-word was given, badges marked "Committee of Safety" were ordered to be distributed to the men, and, under a general authority given by the mayor and the chief of police, our members sent on duty were sworn in as special police. It was my specific aim, and I made it my duty, to confine the powers of each member to aiding the police; and in the whole action of the force and patrol I allowed no step to be taken except by direction and request of the peace officers, conveyed through me.

The membership increased rapidly. On the morning of the 24th we established our general headquarters at the large Horticultural Hall, Stockton street, arranged complete telegraphic communications, ordered all forces to rendezvous there, and began the work of military and semi-military organization and discipline. Although it had been my object first to provide arms to cover every necessity, I at the same time determined to dispense with their use as far as possible. I appreciated the difficulties often arising by having military forces in the presence of mobs, and believed they should be

employed only as a last resort, when they are needed for actual and effective service. This was in harmony, too, with the nature of our call and organization, to act in support of the police and not of the military. I accordingly gave orders for the purchase of six thousand hickory pick-handles, to be shortened, and converted into large police clubs, and to arm every man as a special policeman with clubs and side-arms. I then ordered the entire force into company organizations of one hundred, to select their own officers, and report to me for confirmation. As soon as these were approved, all were ordered under drill, and instructions and general discipline, and kept busily at work within the hall when there was sufficient room, and in the streets adjoining, if room were needed. Before night we had a large and effective force rationed by the Commissary Committee, and we sent out details for active duty, under orders of the chief of police.

An intense feeling existed throughout the city on the night of the 25th, and as the criminal and lawless elements were gathered in crowds and squads in every part of the city, causing much annoyance and fear, I consulted with the chief of police as to the propriety of arresting these people, and keeping them in confinement during the course of the trouble, but we found that the prisons and jails would accommodate only a few, and that there was danger to those already confined there for various offenses. I consulted with the commanders of the vessels of war lying off the city front, and they offered to care for and confine on board their vessels such as might be sent to them, to the number of 1500, and if more, to place them on Goat Island and patrol the island with their small boats. The idle and lawless element, hearing of this movement, and fearing to be gathered in by the police and naval forces, left the city in large numbers, and for days the authorities were in receipt of telegrams calling their attention to the great number of strangers, evidently rough and lawless men, that were reaching the villages and suburbs near San Francisco. Meantime I learned that if these arrests were made, immediate legal action would be taken in behalf of the arrested parties; the *habeas corpus* and jury trials would be brought into play; complications would arise that would give us greater trouble than to meet these forces face to face and treat them effectually on the spot, which would greatly simplify and shorten the work, and render it much more effective than to have this class thus pose as martyrs of deportation.

Hearing that there were more arms in the city than had been reported to me, I caused a careful and reliable survey to be made of the gun-shops, so as to secure control of the arms and munitions against capture by the roughs, and I shipped load after load of material to the men-

of-war in the harbor, together with the guns that were lying in various foundries and chandler-shops along the city front. In the establishment of Little & Keadings I found such a large quantity on storage that I deemed it best not to attempt to move this supply, and therefore, with their consent and approval, I left a heavy guard in and around the building, with careful and considerate officers in charge, with imperative instructions, as a last resort to blow up the building.

Tuesday night passed in these general labors of organization and supply, and on Wednesday, the news from the East still continuing alarming, it was decided to effect ward organizations, to divide the forces now enrolling into detachments and squads, well officered, with orders to patrol the city, and to furnish such assistance as the chief of police might from time to time require. Following a general plan of ward organization adopted at a meeting of the Executive Committee, the city was divided into twelve ward districts, company organizations were effected, halls and rendezvous were selected and opened, clubs and arms were supplied under proper requisitions, and telegraphic communication was established and maintained with the ward headquarters and the chief's office; wagons, couriers, and rations were supplied, and on Wednesday night, as shown by our records and despatches, an average active force of 1500 members was on duty in outside patrol, or awaiting, as reserves, the call of the chief of police at the headquarters, while under this effective organization a total available force of 5438 members could have been rallied in an hour by general alarm.

On Thursday, Friday, and Saturday nights a feeling of fear was general in the city. Much of the information was received through the chief of police, and as such reports of disorder were communicated to me or my adjutant, we either sent telegraphic orders to ward commanders to act, or despatched strong bodies of men from the main hall to the scene of action.

The first danger feared was fire; and the second, the gathering of excited crowds which might be arrayed against the police at any moment. It was clear that general excitement pervaded all classes, and the most careful officials and prominent citizens made frequent reports to me of alarming occurrences or suspicious matters during these three days. From the fact that the criminal classes were in motion, that secret meetings were held, that political agitation was attempted, and that many alarms of fire were sounded, together with the continual calls of the chief of police for detachments—from all these I am assured that the good work of the committee checked the vio-

lent classes and showed them the potency of a large force ready to quell any disorder. In our prohibitive capacity the patrols of the committee prevented lawless gatherings, fire and tumult, especially in the more lonely portions of the town. The cavalry forces of the committee, numbering nearly three hundred men, patrolled on Thursday and Friday nights the manufacturing portion of the city and the outskirts. The immense value of exposed shipping and property along the city front naturally suggested precautions against fire, especially as many threats had been made to burn the Pacific Mail wharves; and Captain Stewart Menzies generously offered to cruise along the city front with his steam yacht *Elaine* and two smaller craft. Crews of special police and committeemen on board these vessels rendered valuable service.

On Friday night we supported the police in the largest and severest engagement of the campaign. We were informed of the enemy's movements, including a proposed attack on our headquarters and barracks. The main attack was designed against the Pacific Mail Steamship Company's properties, because of its connection with the Chinese immigration. It began by firing the large lumber-yards and surrounding combustible material. The attacking force was large. The firemen and fire brigade were soon in action with all the available police; our forces numbering seven hundred men, arrived soon after, on a double-quick in good order. The engagement became general and was stubbornly contested for about two hours, at the end of which time the united forces had routed the rioters in every quarter. Our men displayed coolness, discipline, and courage throughout. Our success was complete, and by midnight the city was quiet and safe. The next day showed the general demoralization and discouragement of the lawless element; they were subdued, and the backbone of their movement was broken.

On Saturday, the 28th, we withdrew all our forces from active duty, and by mutual arrangement General McComb took charge of and policed the city with the National Guard. Only slight disturbances occurred during the day, and the night passed quietly. Sunday proved peaceful and restful, a great boon to our citizens. The storm had passed and the calm was reassuring. The chief of police advised me that he was satisfied he could then take care of the city.

Within five days from the first call we had organized, armed, gone through successful action, completed our undertaking, established peace, order, and security; and, as the signs of the dangers which had called us out were now passed, we resolved that the returning quiet

should see us relinquish our extraordinary powers and public position. The committee determined to adjourn, but not to disband. The executive commander issued a general order.

The retirement of this large force was accomplished as speedily and as quietly as its organization. The headquarters only were retained, and all members advised to be ready to respond to call by messenger or tap of bell. As to our membership the result proved that the Executive Committee, their officers, and the great mass of men enrolled were moved by an unselfish devotion to public duty, and faithfully and intelligently wrought out the problem we had to solve. Their services were entirely voluntary, a generous offering, without a penny's pay or other moneyed compensation. They deemed it their high privilege and their imperative duty as Americans to give promptly their physical, moral, and financial aid as tributes for the maintenance of peace and good order; and all this being assured, they returned quietly to their families and their business.

In the history of California since it became American territory, the Vigilance Committees of 1851 and 1856 and the Safety Committee of 1877 are very important moral movements.

The Vigilance Committee was a new departure in the jurisprudence of the world. It may be called a compromise between the regular course of law, and the action of the people without regard to officers of the law. It was seizing upon the forces of a mob, arresting them in their mad course, harnessing them quietly, and utilizing their powers in regular form, systematically, coolly, and deliberately. It was a demonstration that had never before been made, and it was left to California to make it—while the law was lying dormant on the one hand, and trampled down and disgraced on the other, the people—the power of all government in our system—determined to execute in legal form what their servants had neglected or ignored. While they loved and revered the law, respected, upheld, and applauded its faithful servants, they contemned the faltering, and scorned the false and faithless administrators. In 1851 it cleared the country of Sydney ex-convicts and all the worst elements of the criminal classes. In 1856 it saved San Francisco from the rule of a mob of political outcasts, ballot-box stuffers, and a recent immigration of other criminals. In 1877, in the same place, the same people under different conditions, and yet in some regards similar, finding danger from much the same elements, but on a more formidable scale, determined to act under the law. The State government was in better hands than in 1851 and 1856; the city government was in

better hands; the country generally was in better condition. The influence of the Vigilance Committee of 1856 had continued and prevailed all the time. The ethics of the State were of a higher order than at the earlier date. The early experiences were valuable to individuals as well as to the masses, and when called up for self-government the people again demonstrated a capacity that has few parallels.

The men acting in 1877 believed and still believe, and acted with confidence on the proposition, that of all people in the world Americans are best fitted for self-government; that of all portions of the United States, California was the best fitted: first, because of the general character of the people that constituted the State from 1848; next, because of the value of the experiences of those people, coming from every State of the Union and from every foreign country, and developing here independence of action and thought. Moved always, as much as people can be in ordinary conditions of life, by a spirit of patriotism, unselfishness, and general intelligence, they harmonized and formed a composition of character and citizenship remarkable for breadth and strength. Unhampered by old local influences and free to act on their own judgment, they had the courage to carry out whatever they conceived to be right. This action has been appreciated, not only in California, but in other parts of the world where it has gradually worked its way from doubt and dislike to cheerful acceptance.

The agitation and disturbances of 1877, beginning outside of the State and afterward reaching San Francisco, begot the Safety Committee, the younger sister of the Vigilance Committees, in whose name and under whose banner the people of California sprang at once to the support of the government in the maintenance of peace and the punishment of crime with a promptness, decision, intelligence, and cool determination rarely equaled and never excelled. The citizens gladly accepted the opportunities to avoid independent action, such as had been previously forced upon them, and enrolled themselves as State troops and as city forces in the regular way; that is, they would be volunteers for a short campaign, sub-militia, or special police, under the regular authorities.

The people of the world know little of this movement, and even in California many have not held this matter in the esteem to which it is entitled. The late difficulties in New Orleans exemplified and illustrated, however, the estimation in which these works of the Vigilance Committees and the Safety Committee are really held by the country at large, because these organizations held the power of peace in their hands: the first without the continuous ap-

proval and in opposition to the State and city governments, the second entirely in harmony with them. All showed to the world that the same people have done much the same work—stepped forward and restored and maintained order, and then retired without claiming anything and without wanting anything, except peace and its good results. It was seen that these efforts left no political shock, no moral damage, and practically no legal difficulties; that they did not demoralize the communities; that so far from rousing a spirit of mobocracy they have in California obliterated mobocracy and mobocratic feeling. The mob in San Francisco has not been known in thirty years, except the effort in 1877, which was stifled in the beginning. The people of California are ready and prepared to organize and form military forces, if necessary, to meet a mob and crush it, and if the civil authorities are not sufficiently active, they will furnish the power to supply their place.

Referring to the recent lynching at New Orleans, there surely was ample cause for prompt and severe action, but the mode adopted was frightfully at fault. Californians must forgive it, tacitly pass it by, but it is with regret and not with approval. Under the same influences and circumstances, the people in California would have met as they did in New Orleans, under the impulse that moved them; but they would have organized in full force, and in military form if necessary; they would have taken quarters, formed a court, appointed a judge, and selected a jury of good men; called for evidence in the case that had been before the recreant tribunals, analyzed it carefully, put on trial the people who had been discharged by the perjured jury, given the accused good counsel, the benefit of all doubts that occurred; and finally, with deliberation and in regular form, would have executed those whom they found guilty. Those entitled to the least doubt would have been discharged. Had it required 5000 men in this organization, or 20,000, they would have been found ready for the work. For execution, Californian forms would have been carried out. The criminals would have been allowed time to arrange their worldly affairs, and the benefit of clergy. The execution would have been carried out with gravity, deliberation, and firmness, securing thereby a moral as well as a legal triumph, which is all lost by the wild, stormy, heedless action of a mob. The rule of the leaders of the California Vigilance Committees was that it was better for a thousand guilty men to escape than that one innocent man should suffer.

It is to be feared that even the qualified approval of the New Orleans affair may encourage hasty people in other quarters and in other

cases to adopt the modes of the New Orleans incident; whereas the California fashion has the great advantage of giving time for reflection and examination. A man in the heat of passion does many things that in cooler moments of the next day he would gladly change. None of the California executions, except that of Jenkins, was made within four days after arraignment. Every one who had a right to say anything was given an opportunity to do so; time was given for close inspection of testimony as to all pleas of justification and all equities. The New Orleans episode was a demonstration that could be made by any rude party, but the work of the California Vigilance Committees could only have been done by men who could govern themselves as well as others—men determined to do right and to admit of nothing but the right.

God forbid we should hereafter need vigilance or safety committees. The people of California do not want them. Those who organized and conducted these efforts heretofore as fully appreciate the undesirability of all such proceedings as any one else can, and they would never appeal to them nor encourage an appeal to them except as a last resort in dire necessity. If the delegated officers of law do their duty, neither will be needed, and mobs will be known in history only. But so long as our system is, as now, cursed with the harassing delays of law, new trials, endless technical appeals, shameless and unproved perjury, and daily defeats of justice, hope is liable to lapse into despair, and serious danger to follow. The extent of these dangers no one can measure. The agencies employed, the people brought into action, the circumstances surrounding them, may produce results far less satisfactory than those that fell to the lot of the people of California.

The safety of person and property in California, young as the State is, covering a large area of territory, and sparsely populated, furnishes a record that is hardly to be found elsewhere. The greatest satisfaction, however, given to Californians was that they had thus disproved the assertion often made that the Vigilance Committee was mobocratic and that Californians necessarily acted in an extra-judicial manner. The State authorities by their course in 1877 really adopted and approved the work of 1856. They gladly embraced the opportunity to bring the same people and the same influences to work under the laws of the State. This shows to other countries that with proper regulation and proper encouragement the citizens of New Orleans or other communities may be relied upon to maintain peace and good order, if the State authorities have the breadth and good judgment to incorporate the people as active aids in great crises instead of

doubting them and trying to do without them. The grand result of such a policy is that every good citizen may consider himself a part of the practical workings of the machinery of the State; he may be at his bench, his plow,

or his desk, ready to stop and turn his hand to the service of the State, if only for a day. I regard this as one of the great strongholds of self-government, a source of incalculable strength to Americans.

William T. Coleman.

[In an early number of THE CENTURY will appear a series of letters by General W. T. Sherman, written from San Francisco in 1856, and setting forth his relations to the committee of that year and his reasons for opposing its work.—EDITOR.]



SEAL OF THE VIGILANCE COMMITTEE.

TOPICS OF THE TIME.

Lowell's Legacy to his Country.

It is Man who is sacred, it is his duties and opportunities, not his rights, that nowadays need reinforcement. It is honor, justice, culture, that make liberty invaluable, else worse than worthless, if it mean only freedom to be base and brutal.

THESE golden words, taken from the letter of Lowell now first printed in another column of THE CENTURY, are as level to the needs and the duty of this very hour as they were to those of the moment when they left the poet's pen. This whole letter was written in pain and indignation—the pain of the true patriot, the indignation of the just and far-seeing citizen. It is written with the same fire that inspired the "Biglow Papers" on the one hand and the "Commemoration Ode" on the other. Looking back through all the praise that fills the air above the grave of the poet, it seems amazing that he could have been once so misunderstood and maligned for actions consistent with his entire career,—actions which only proved anew the wise and unfailing patriotism of the man,—a patriotism which is one of the principal causes of his fame, as it is the chief reason for the love in which he is held by his countrymen.

Lowell's legacy as a poet is great, but not greater than his legacy as a patriot. The true patriot does not love his country, labor and suffer for it, simply because he happened to be born in it,—that would be the infatuation of the egotist; but because, *being* born in it, his duty and pleasure are to help on all human progress by helping on first the progress of the land to which he belongs. This is Lowell's legacy as a patriot,—not the sentiment "My country, right or wrong," but "My country—it shall never be wrong if I can help it!" The true patriot is not the one who says it is *my* country, and *its* institutions, that are sacred; but who says, with Lowell, "It is Man who is sacred." The citizen who holds to this sacredness of humanity will be the most useful in securing institutions and a country whose services to humanity will make *them* also sacred in his own heart, and in the hearts of all good men.

Michigan's "Wild-cat" Banks.

THE history of Michigan's "wild-cat" banking experience, while not so applicable to present financial discussion as other cheap-money experiments which we have cited in previous numbers of THE CENTURY, is nevertheless instructive for two reasons: first, because it was an attempt to make "hard times" easier by unlimited issues of irredeemable paper money, and second, because the money so issued was based largely on land as security. For these reasons it has seemed to us worth while to recall it at the present time.

Michigan became a State in January, 1837. Almost the first act of her State legislature was the passage of a general banking law under which any ten or more freeholders of any county might organize themselves into a corporation for the transaction of banking business. Of the nominal capital of a bank only ten per cent. in specie was required to be paid when subscriptions to the stock were made, and twenty per cent. additional in specie when the bank began business. For the further security of the notes which were to be issued as currency, the stockholders were to give first mortgages upon real estate, to be estimated at its cash value by at least three county officers, the mortgages to be filed with the auditor-general of the State. A bank commissioner was appointed to superintend the organization of the banks, and to attest the legality of their proceedings to the auditor-general, who, upon receiving such attestation, was to deliver to the banks circulating notes amounting to two and a half times the capital certified to as having been paid in.

This law was passed in obedience to a popular cry that the banking business had become an "odious monopoly" that ought to be broken up. Its design was to "introduce free competition into what was considered a profitable branch of business heretofore monopolized by a few favored corporations." Anybody was to be given fair opportunities for entering the business on equal terms with everybody else. The act