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Bloody Bay: Grassroots Policeways, Community Control, and Power in San Francisco and its Hinterlands, 1846-1915

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**BLOODY BAY:
GRASSROOTS POLICEWAYS, COMMUNITY CONTROL, AND POWER
IN SAN FRANCISCO AND ITS HINTERLANDS,
1846–1915**

by

DARREN ALAN RASPA

B.A., History, California State Polytechnic University, Pomona, 2008
M.A., History, California State University, Northridge, 2010

DISSERTATION

Submitted in Partial Fulfillment of the
Requirements for the Degree of

**Doctor of Philosophy
History**

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Albuquerque, New Mexico

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DEDICATION

For Bo, and the blue sky he taught me to see again.

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ABSTRACT

“Bloody Bay: Grassroots Policeways, Community Control, and Power in San Francisco and its Hinterlands, 1846–1915” follows the history of San Francisco’s spectrum of formal and informal policing from the American takeover of California in 1846 during the U.S.–Mexico War to Police Commissioner Jesse B. Cook’s nationwide law enforcement advisory team tour in 1912 and San Francisco’s debut as the Jewel of a new American Pacific world during the Panama-Pacific International Exposition in 1915. These six decades functioned as a unique period wherein a culture of popular justice and grassroots community peacekeeping were fostered. This policing environment was forged in the hinterland mining camps of the 1840s, molded in the 1851 and 1856 civilian vigilante policing movements, refined in the 1877 joint formal and informal Committee of Safety, and perfected by the Chinatown Squad experiment of the last quarter of the nineteenth century. I argue that San Francisco’s culture of popular justice, its multiethnic environment, and the unique relationships formed between informal and formal policing created a more progressive policing environment than anywhere else in the nation. From an isolated gold rush boomtown on the margins of a young nation, San Francisco would rise to become a model for twentieth-century community policing and police professionalism.

TABLE OF CONTENTS

LIST OF IMAGES	xiv
INTRODUCTION: CITY ON FIRE	1
PROLOGUE: JULY, 1877	30
Anti-Chinese Violence in the West	33
Historiographical Gap: The Committee of Safety in the Scholarship	38
“Not to Kill or Maim”: The Committee of Safety and a New Law Enforcement Alternative	39
CHAPTER ONE: OF HEROES AND HOUNDS: THE CHILEAN ORIGINS OF POLICING IN SAN FRANCISCO, 1846-1849	50
Policing the Plaza	51
<i>Salus populi suprema lex esto</i> : the Spectrum of Popular Justice	66
CHAPTER TWO: “ADIOS, CABALLEROS”: MULTIETHNIC VIGILANCE AND <i>DERECHO VULGAR</i> IN THE HINTERLANDS	102
Abandoned Mines—Camp Order in the Bay Hinterlands	105
“Por la razón o la fuerza”: Chileans in the gold camps	113
“The Chilean Disturbance” at San Antonio	117
The Uncertain Road to Stockton	131
Justice Inverted: Mob Order	139
Clearing the Mines: <i>Evacuación</i>	145
Pyrrhic Victory	148
Labetoure’s Revolution	150
Tuolumne’s Example	152
<i>Adios, Caballeros</i>	156
CHAPTER THREE: ENGLISH JIM, THE DECLINE OF THE SAN FRANCISCO POLICE DEPARTMENT, AND THE RISE OF GRASSROOTS POLICEWAYS, 1851	160
From Boomtown to Mining Metropolis: Ascendant San Francisco	163
The Seeds of Disobedience	167
Mapping the Metropolis	170
City Services at Mid Century	171
A Neglected History	175
The Tipping Point: Public Frustration and Response	179
William Tell Coleman and a New Vigilantism	185
San Francisco’s Splintering Justice System	188
The Bells of Vigilance	190

Test Case	195
Duck Hunt	199
Meeting in the Middle: Policing Cooperatives and the Decline of the SFPD	204
CHAPTER FOUR: VIGILANT CITY: ORGANIZED VERNACULAR JUSTICE IN SAN FRANCISCO, 1856	207
The Closing Months of the 1851 Committee	209
Aftershocks on the Fault Lines of Justice	213
A Multiethnic Committee	215
Interrugnum	218
Policing Politics	219
Corruption’s Cup Runneth Over	223
The Bells of Vigilance: the Vigilance Committee Reorganizes	224
The Changing Face of Vigilance: 1856 Committee Profile	231
New Order	235
Disbanding the Committee—Vigilance Professionalized	238
INTERLUDE: PICK-HANDLES ON THE PLAZA: THE POLITICS OF PROTECTING CHINATOWN, 1856–1877	243
Pacific Politics: Post-Vigilance Committee San Francisco	243
An Orderly Influence: Civil War San Francisco	247
The Strange Case of Race in Post-Civil War San Francisco	250
CHAPTER FIVE: KING OF CHINATOWN: COMMUNITY POLICING ALLIANCE AND DISSOLUTION, 1880–1906	259
Chinatown’s Historiographic Legacy	261
The Chinese Roots of American Tongs	264
Tongs on the Plaza	266
Inter-tong Ordering and Violence in the Hinterlands	267
Ordering the Disordered City	272
Fong Ching and a New Enforcement Vernacular	275
The Chinatown Squad Experiment	280
Enforcement during Exclusion	283
Sergeant Cook’s Chinatown	286
King of Chinatown: Vernacular Enforcement Unification and Dissolution	289
Aftermath: Shutting Down the District	302
EPILOGUE: TIGER EYES: JESSE COOK, THE JEWEL OF THE PACIFIC, AND REORIENTING THE NATIONAL POLICING MODEL	307
Hinterland Youth and Eclectic Enforcer	309
A National Police Model	312
Cops, COPS, and a Legacy of Progressive Enforcement	319

A More Westerly View: Realigning the History of American Policing	321
CONCLUSION: CHINESE PLAYGROUND	323
BIBLIOGRAPHY	330

LIST OF IMAGES

Chinese residents and San Francisco Police officers in Portsmouth Square 18 April 1906	2
Police Headquarters at Portsmouth Square, 18 April 1906	3
SFPD Chinatown Squad, 1898	29
Portrait of Fong Ching in his youth	31
“The Chinese Agitation in San Francisco, 1877”	40
Committee of Safety Summons, 1877	44
William Tell Coleman, ca. 1880	46
Committee of Safety Armband, 1877	48
Yerba Buena Cova, ca. 1845	51
Map of San Francisco, 1847	53
Portsmouth Square Plaza at Statehood, 1850	54
San Francisco, ca. 1850	57
View of San Francisco from Telegraph Hill, ca. 1849	60
The Hounds Attacking Chiletown	78
Chili Gulch Historic Marker	148
William Tell Coleman, ca. 1851	185
James Stuart Hung by the Committee of Vigilance	203

Fort Gunnybags, Vigilance Committee headquarters	229
San Francisco Vigilance Committee patrolmen	231
Vigilance Committee Capture of the Federal Armory	237
Fong Ching and his family	260
Fong Ching and family in Golden Gate Park	275
Escape Path of Fong Ching’s Assassins	298
Fong Ching’s funeral procession	300
Sgt. Jesse Cook and Chinatown Squad	302
Refugees in Portsmouth Square	304
Chief Cook ridding the city of corruption and vice	308
Sgt. Jesse “Tiger Eyes” Cook	311
SFPD Chief Dan White, Commissioner Jesse Cook, and Mayor Rolph reviewing the police force	315
Fong Ching’s former residence	328
Portsmouth Square Plaza	329

Introduction: City on Fire

The Hall of Justice was burning down. It was 18 April 1906 and San Francisco's water mains and gas lines had been simultaneously severed in an earthquake seismologists retrospectively estimate at approximately 8.0 on the Richter scale, one of the largest in California and North American history. As gas lines ignited and engulfed upwards of eighty percent of the city, frustrated firefighters attempted to tap into a splintered city hydrant system bled dry. Buildings that were not destroyed by the initial shaking, many still occupied by injured or unconscious residents, were dynamited to create a firebreak.¹

San Francisco Chief of Police Jeremiah Dinan was roused from his bed by the shaking and saw the orange glow from his window. He dressed quickly, one destination in mind: the old city plaza of Portsmouth Square in Chinatown where the Hall of Justice—and the city's central police records—were housed. To Chief Dinan's horror, flames leapt from the building as he arrived. Thinking fast, he rushed across the Plaza to a saloon, breaking open its doors while shouting at dazed officers from the night watch stumbling out of the Hall of Justice: fill as many beer steins as you can, he cried, and grab the records. Six decades' worth of arrest records, mug shots, and patrol reports burned as cinders rained down over the Plaza. However, luckily for the modern researcher, some of them survived thanks to Chief Dinan's impromptu order for his officers to pour beer on the remaining documents.²

As the city crumbled and burned around them, the residents of Chinatown fled for the Portsmouth Square Plaza, one of the only open spaces not in danger of building collapse in the

¹ Jessica Morrison, "7 Biggest Earthquakes in California History," *National Geographic Magazine*, August 2014.

² "History of the San Francisco Police Dept.," (San Francisco: San Francisco Planning and Research Dept., 1974), San Francisco Public Library, 5–6.

vertically-growing turn-of-the-century city; Chinatown's buildings were still relatively low at two to three stories. With City Hall destroyed, Chief Dinan and Mayor Eugene Schmitz immediately went about the work of setting up a command post and police headquarters on the Plaza. Chinese residents and police officers intermingled as the "Jewel of the Pacific" burned around them.³



Chinese residents and San Francisco Police officers in Portsmouth Square, 18 April 1906. Hall of Records amid whited-out region in background, indicating flames and billowing smoke. California Historical Society, San Francisco, Calif.

Portsmouth Square Plaza would be established as police headquarters and a relief camp for several weeks following the earthquake. The Plaza, formerly the vibrant heart of the city and the site where popular justice and formal law enforcement coalesced, had been relegated to a

³ Brig. Gen. Frederick Funston, "Personal Narrative of the Acute and Active Commanding Officer of the Troops at the Presidio," *Cosmopolitan Magazine* 41, no. 3 (July 1906).

trash-strewn and seldom-used public green. As the city modernized architecturally and expanded even further following the post-quake rebuilding, Portsmouth Square would be reduced in civic significance even further, becoming a place where orientalist tourists would eat their sack lunches and marvel at the “mysterious” Chinatown residents passing by. However, for a few short hours in the spring of 1906 the old Plaza, named sixty years earlier for the ship that announced that the small Mexican pueblo of Yerba Buena now belonged to a government thousands of miles to the east, was once again the multiethnic site where justice was meted out. As this dissertation explores, the Plaza was an often multicultural meeting ground where a panoply of ethnicities and nationalities met and interacted to order San Francisco’s urban environment.⁴



Police Headquarters at Portsmouth Square, 18 April 1906. Ruins of the Hall of Justice in background. W. J. Street, Photographer. Anne T. Kent California Room, Marin County Free Library, San Rafael, Calif.

“Bloody Bay” follows the history of San Francisco’s spectrum of formal and informal policing from the American takeover of California in 1846 during the U.S.–Mexico War to Police Commissioner Jesse B. Cook’s nationwide law enforcement advisory team tour in 1912

⁴ Andrea Davies Henderson, “Reconstructing Home: Gender, Disaster Relief, and Social Life After the San Francisco Earthquake and Fire, 1906–1915” (PhD diss.: Stanford University, 2005).

and San Francisco's debut as the Jewel of a new American Pacific world during the Panama-Pacific International Exposition in 1915. These six decades functioned as a unique period wherein a culture of popular justice and grassroots community peacekeeping were fostered. This policing environment was forged in the hinterland mining camps of the 1840s, molded in the 1851 and 1856 civilian vigilante policing movements, refined in the joint formal and informal Committee of Safety of 1877, and perfected by the Chinatown Squad experiment of the last quarter of the nineteenth century.

I argue that San Francisco's culture of popular justice, its multiethnic environment, and the unique relationships formed between informal and formal policing created a more progressive policing environment than anywhere else in the nation. From an isolated gold rush boomtown on the margins of a young nation, San Francisco would rise to become a model for twentieth-century community policing and police professionalism. This legacy would be lost, however, with the entrenchment, militarization, and alienation of urban departments from civilian communities during the second half of the twentieth century.

My dissertation places law enforcement into the broader context of *policeways*. I use *policeways*—a term of this author's invention—as a spectrum to describe the concept, ideology, and practice of policing. On one end of this spectrum *policeways* are formal, as with city and state police, county sheriffs, and federal marshals enforcing written law and on the opposite end, informal *policeways*, or *grassroots policeways*, are observed in a community's distinctive method of enforcing the law. Grassroots *policeways* may be influenced by immigrants' countries' of origin, as in the case of San Francisco's Chinese community tong organizations, or adapted from experience in the United States, as with Chilean and American popular justice committees in the city and its hinterlands. Grassroots *policeways* enforcement may be political,

as with the actions of the People’s Party of San Francisco following the Vigilance Committees of the 1850s; punitively, as with the methods of armed Chinese tong leaders in the 1870s, ‘80s, and ‘90s, and the anti-Regulator movement and Calaveras incident of 1849; or protectively, as with the Committee of Safety of 1877.

I contend that these policeways culminated in the nexus of combined formal-informal enforcement organization that was mustered to prevent the slaughter of Chinese San Franciscans during the Great Upheaval of 1877, the episode that opens this project. This event would lead to the partnering of informal enforcement organizations and the San Francisco Police Department, the series of events with which this project concludes. At several pivotal moments in the period of this study—most notably in the anti-Regulator incident, the justice cooperatives in the hinterlands, and the Vigilance Committees of the 1850s—grassroots policeways organizations performed the work and superseded the power and control of a weak formal law enforcement infrastructure and its often-corrupt personnel. Rather than stamping out these popular justice movements, formal city law enforcement incorporated the methods of informal policing organizations and often worked alongside them. These street-level, reciprocal relationships shaped a twentieth-century San Francisco Police Department (SFPD) that was built on discretionary, bottom-up, beat-level law enforcement—methods that were subsequently incorporated by top police officials such as former Chinatown Squad leader and SFPD Police Commissioner Jesse Cook, and which were disseminated and implemented into the wider force.

The root etymology for policeways can be found in the work of historians of deathways in the North American southwest. In scholarship such as Martina Will de Chaparro’s *Death and Dying in New Mexico*, the idea of deathways is deployed as tool of analysis to explore the differing ways people lived and died in Spanish, Mexican, and American New Mexico. In de

Chaparro’s southwestern cultural crossroads, death was understood in a variety of ways, or deathways—individuals from around the world brought with them varying models of a good and proper death. Yet this ideal model was reformed in the meeting zone of the Southwest as the converging models eroded and transformed into a new ideal of death and dying.⁵

Policeways can similarly be deployed to explore how people ordered their community in nineteenth- and twentieth-century San Francisco. During this period of deep social transformations, settlers and short-term residents alike converged in the Bay City and its hinterlands, bringing differing notions of policeways, or ways of keeping order in a community. These policeways reveal distinct models—some based in traditional Spanish law, others in English common law, still others in imperial Chinese administration. Each of these imported and adapted legal frameworks shared the ultimate objective of ideal community peace and order. For example, the Spanish legal notion of *derecho vulgar*, a term translated as “popular justice” but more accurately interpreted as the local modification of formal law, was used to order American San Francisco’s Spanish- and Mexican-period predecessor, Yerba Buena. Thousands of miles from the central governing authority, first Californios and then gold rush-era arrivals had to “make do” without any easily employed mechanisms of legal infrastructure: such things as reliable courts and established legal officials. San Francisco existed on the geographic periphery of all of the countries from which those profiled in this dissertation hailed. But newly arrived San Franciscans did not live in isolation from the ideas of order and justice imbued in them from an early age in their countries of origin. It is these ideas, notions, and conceptions of order—or policeways—which form the central analytical tool of my project. By deploying this tool to

⁵ Martina Will de Chaparro, *Death and Dying in New Mexico* (Albuquerque: University of New Mexico Press, 2007).

analyze the law enforcement environment of nineteenth- and twentieth-century San Francisco, I hope to reveal the convergences, intersections, and commonalities of order among a mixed populace. This, in turn, should improve our understanding of cultural identity. As San Francisco urbanized and expanded and became incorporated into the larger American nation, policeways provided an ordering model for local administration of justice. The published and unpublished travel narratives, diaries, journals, and newspaper accounts of individuals comprise a large portion of the source base that allows a glimpse of San Franciscan policeways. In writing about policeways, therefore, I use the stories of individuals as models of the larger ordering processes that are central to this dissertation.

This is the first comparative study of formal and grassroots policeways and the first comprehensive study of policing in a city that incorporates not only the actions and influence of sworn officers, but individuals in ethnic minority and immigrant neighborhoods who have not traditionally been viewed as enforcers of the law, such as Chilean vigilantes and Chinese tong officers, but who are nonetheless essential to the history of urban policing. I propose that formal policeways appropriated and relied upon grassroots ethnic policeways and granted ethnic minorities, such as Chinese and Chilean populations, a meaningful degree of agency. This last feature differentiates San Franciscan urban policeways from the history of policing in major northeastern American cities like New York.

My project focuses on several crucial historical questions. How did grassroots community organizations influence the functioning and behavior of formal urban institutions? How did public agencies rely on and appropriate methods of informal community policing? How did informal community policing change over time? Methodologically and tactically, how did formal and informal policing operate differently? How did agents of formal law enforcement

agencies interact with agents of grassroots policing organizations, and how did these relationships change over time? In what manner did institutions developed in the West affect the nation as a whole? These are some of the questions I answer in this dissertation.

This project sets out to accomplish several tasks. First, it illustrates how a study of San Francisco generally, and of the development and interaction of formal and informal policeways in this city specifically, can help us rethink the history of the urban environment and the role of minority agency in the North American West. In a uniquely multiethnic city like San Francisco, public officials had to rethink who a peacekeeper was from the 1840s onward—a distinctively early period compared to other cities of similar size—and were compelled to realign the relationships of both immigrant residents and American citizens to the exercise of public power. The SFPD was professionalized decades prior to other departments in the United States. This was largely due to the highly-organized and early vigilante movement of the 1850s examined in this project’s middle chapters—the most extreme form of grassroots policeways. The formal municipal police department that was dismantled and reassembled from this movement was thereby uniquely suited to incorporate informal methods of law enforcement. Second, this project examines how the SFPD incorporated immigrant policeways, such as plainclothes officers, small specialized squads, and dynamic building entry methods, decades before other departments followed suit. Finally, I will demonstrate how the symbolic meaning of the law enforcer—whether sworn or unsworn—changed over time.

Against this backdrop, my dissertation analyzes several key figures integral to the story of San Francisco’s unique law enforcement heritage. One of the most pivotal of these individuals was entrepreneur and community leader Fong “Little Pete” Ching. Immigrating to San Francisco as a boy during a period of growing anti-Chinese sentiment in California and the West in the

1870s, Fong rose from a small-time errand boy to the owner of a conglomerate that employed white workers and white security guards. As the leader of a traditional policing organization, Fong maintained unique relationships with the SFPD, and with Chinese and American communities, allowing him to amass an enormous degree of autonomy, both for himself and for the Chinatown district. One of the key relationships was with Jesse B. “Tiger Eyes” Cook, leader of the elite and experimental SFPD Chinatown Squad in the 1890s and early 1900s. Cook’s experience with Fong Ching and the Chinese community provided him with a unique perspective on police management. The bottom-up approach that was forged in his Chinatown experience would serve as a model for dozens of American police departments following an extraordinary international law enforcement tour in 1912 in preparation for the Panama-Pacific International Exposition three years later.

This dissertation explores the lives of other key figures who intersect with the growth of policeways in San Francisco, such as Samuel “Captain George” Roberts, errant peacekeeper and leader of the San Francisco Regulator police force. One of the decommissioned members of Col. Jonathan D. Stevenson’s New York Volunteer Regiment, Roberts and his fellow soldiers were appointed as the first peacekeeping force in the American city in 1847 by Thaddeus Leavenworth, fellow crewman and new town alcalde. Following a racial attack on San Francisco’s Chilean community, Roberts and the Regulators—nicknamed “the Hounds” by many San Franciscans for their less-than-reputable graft ring—would be overthrown by a mixed American and Chilean popular justice movement that would launch San Francisco on its unique policeways trajectory.

In the gold rush hinterlands, hispano miners such as Ramón Gil Navarro and Dr. Manuel Concha allied with local formal law enforcement to apprehend and transport their American

antagonists for trial, only to have that system fail them in the end. The experience of these and other miners with popular justice in the bay hinterlands would inform the decisions of Samuel Brannan, William Tell Coleman, and other civilian San Franciscans in organizing the largest community policing movement in American history. For upwards of a decade, their Vigilance Committee and People's Party controlled the San Francisco justice system, rooting out political corruption and crime, and refashioning the city's formal law enforcement in the process. Based on their experiences as former Vigilance Committee members, Chief Martin J. Burke, Chief Henry Hiram Ellis, Chief Isaiah Lees, and several other police command staff would go on to professionalize the SFPD at an extraordinarily early time period compared to other urban police departments.

Pacific Policeways: A Western Model of Law Enforcement Development

In the broadest terms, this project seeks to demonstrate that the development of law enforcement institutions in North America occurred in a far more west-to-east pattern than has previously been acknowledged. The current law enforcement historiography dictates an east-to-west trajectory for the development of law enforcement institutions in the United States. This common theme proposes that the antecedents of modern American policing developed first across the Atlantic and then across the continent following an original London model. This largely static narrative rarely wavers from the following historical plotline: policing in colonial North America and the early republic was based on a somewhat informal constabulary and watch system. The muddy lanes of early Boston and New York were policed primarily through civil obligation. Anglo Americans in seventeenth-century northeastern towns formed a "watch" comprised of a handful of watchmen, a constable, and several volunteer nightwatchmen who patrolled at night.

This early watch typically reported fires, maintained a semblance of order in the streets, cried out a vocal alarm when a possible crime was committed (e.g., raising the “hue and cry”), and—rarely—pursued and captured suspects. The job description for early constables was similar, but oriented more towards the maintenance of community health with the added duty of being charged with corralling suspects and witnesses into court. The most common violations squelched by the constabulary were working on the Sabbath, cursing in public, and improperly penning animals. Rural areas outside the major towns were under the police supervision of the sheriff, who was appointed by the governor and whose duties included serving legal documents, appearing in court, and collecting taxes. The sheriff’s wages were entirely from a fee system in which he was paid a fixed amount for each enforcement task he performed—which, considering the lack of supervision, encouraged corruption. This reactionary rather than preventative policing structure mirrored the English system which dated to the tenth century.

As northeastern American towns grew into cities in the eighteenth and early nineteenth century—and then exploded during the industrial revolution—police work became more all-consuming and, with the anonymity afforded by the urban environment to the criminally-minded, more dangerous. Fewer men volunteered for the watch, and those who did were largely incompetent and easily bought off by those whom they were charged to police. A change in law enforcement was needed. According to the current historiography, the above process underwent a shift in 1829 when English home secretary Sir Robert Peel and his commissioners sought to establish what has commonly been referred to as the first modern police force—the London Metropolitan Police. Peel’s officers, or “bobbies” as they came to be known, were uniformed and used the English Constitution rather than community norms to enforce laws. To create impartiality, bobbies were recruited from rural areas outside London to avoid personal

relationships or allow community standing to interfere with their devotion to the law. It was believed that the new police would be more consistent and display more restraint while on patrol.

In North America, populations were growing, along with the collective disorders of working-class food riots and wage protests. This disorder was increasingly disruptive of the new affluent urbanite class, who began the process of self-segregating themselves into communities removed from the lower classes. Early police reformers, many of whom were the most prosperous residents of New York, Philadelphia, Boston, and other growing major American northeastern cities, saw potential in Peel's London model. The American adoption of English urban policing standards coincided with the broader movement to establish rational municipal governmental services in urban health, safety, and welfare in the 1830s and 1840s. Traditional law enforcement historiography largely narrates that the transfer and implementation of this English model rolled westward with the manifest destinies of an expanding nation and its geopolitical machinations against competing continental powers. As cities like Detroit, Chicago, and Denver began to emerge and grow in the West, they followed the standard set by London and New York in the establishment of law enforcement.⁶

Foundational law enforcement scholars such as Eric Monkkenon, David Johnson, Roger Lane, and Wilbur Miller have each produced excellent histories of the above process. Scholars such as Sam Mitrani in his study of the police in Chicago and Edward Stringham in his

⁶ Eric H. Monkkenon, *Police in Urban America, 1860–1920* (Cambridge: Cambridge University Press, 1981); Wilbur R. Miller, *Cops and Bobbies: Police Authority in New York and London, 1830–1870* (Chicago: University of Chicago Press, 1977); Roger Lane, "Urban Police and Crime in Nineteenth-Century America," in *Crime and Justice: An Annual Review of Research*, vol. 2, edited by Norval Morris and Michael Tonry (Chicago: University of Chicago Press, 1980); David R. Johnson, *American Law Enforcement: A History* (Wheeling, Ill.: Forum Press, 1981); Samuel Walker, *Popular Justice: A History of American Criminal Justice* (New York: Oxford University Press, 1980); and Craig D. Uchida, "The Development of the American Police: An Historical Overview," in *Critical Issues in Policing: Contemporary Readings*, 5th ed., edited by Roger G. Dunham and Geoffrey P. Alpert (Long Grove, Ill.: Waveland, 2005).

exploration of the roots of private enforcement provide exciting departures from the traditional narrative, but do not deviate substantially from the London-to-New York model.⁷

The history of law enforcement development in San Francisco and its gold camp hinterlands from 1846 to 1915 proves a decisive divergence from this entrenched, static narrative. Examining the community policing methods of an intermingling international populace during this period provides an alternate narrative to the traditional police historiography and offers a great deal to our understanding of the development of American and global policing institutions. This San Francisco policeways vernacular would go on to influence the development of dozens of other policing institutions both nationally and internationally.

My work directly engages a substantial volume of recent urban, law enforcement, cultural, and state-building historiography. Many valuable works have been written about these fields separately, yet none has managed to synthesize all of the above into a comprehensive analysis of law enforcement in a diverse multiethnic cityscape. I intend to engage with four important recent works in particular: Timothy Gilfoyle's *A Pickpocket's Tale*; Jennifer Frone's *New York Undercover*; Lisa Keller's *Triumph of Order*; and Joshua Paddison's *American Heathens*.

Just as Timothy Gilfoyle uses individuals as representatives of a distinct order of gangs and professional criminals in New York, I wish to illustrate how San Francisco during my period of analysis saw a similar process in its grassroots policeways. Gilfoyle's *A Pickpocket's Tale: the Underworld of Nineteenth Century New York* is simultaneously a biography of a late nineteenth-century urban criminal, an account of the underworld in which he existed, and an analysis of the

⁷ Sam Mitrani, *The Rise of the Chicago Police Department: Class and Conflict, 1850–1894* (Urbana-Champaign: University of Illinois Press, 2014); and Edward Peter Stringham, *Private Governance: Creating Order in Economic and Social Life* (New York: Oxford University Press, 2015).

societal changes that spawned him.⁸ In Gilfoyle's half-Chinese, half-Irish New York pickpocket, George Washington Appo (named after the president by his patriotic Chinese émigré father), we find a veritable nineteenth-century Forrest Gump whose life intersects with major developments in the professionalization of crime, policing, and Progressive-Era reform. Using selections from Appo's unpublished autobiography in the collections of Columbia University, Gilfoyle organizes his book chronologically, from Appo's birth in 1856 to his death in 1930, and thematically as he encounters the various public and private institutions developed through the Gilded Age and Progressive Era in response to New York's rising crime.

The overlapping and often symbiotic relationships between city police and criminal organizations and the changing structure of crime and punishment in the nineteenth century are revealed in the experiences of Appo. He is arrested dozens of times over the course of his nearly half-century career as a pickpocket and incarcerated in the experimental prison ship *Mercury*, Blackwell's Island, Rikers Island, Sing Sing, Clinton, and the "Tombs" of New York City's Halls of Justice. In nearly every penal institution Appo encountered in the nineteenth century, Gilfoyle illustrates how he and his fellow inmates were systematically abused and psychologically emasculated. We see Appo's life intersecting with major national cultural trends as he becomes addicted to opium in the 1860s along with men and women of every class and ethnicity following its widespread usage in the Civil War, all of whom intermingle in intimate heterosocial and heteroethnic spaces in the urban environment to form the first bohemian recreational drug subculture. As Appo becomes involved in the "green goods game" in moving counterfeit goods and currency we see for the first time the advent of the professional criminal

⁸ Thomas Gilfoyle, *A Pickpocket's Tale: The Underworld of Nineteenth-Century New York* (New York: W.W. Norton & Co., 2006).

connected to a national network of organized crime. This nationwide illegal activity was for the first time linked less to ethnicity and the neighborhood and more to the economy and social structures of the urban environment. Gilfoyle correctly notes that although twentieth- and twenty-first-century professional criminal underworlds have been studied quite a bit, the history of nineteenth century deviant networks remains relatively unmapped.

A Pickpocket's Tale goes beyond the published diaries of elites to reveal a somewhat hidden world of criminal life in the nineteenth century in which “city police act as de facto regulators over New York’s underworld economy” and as “arbitrators[s] over various criminal economies”.⁹ In addition to Appo’s mixed relationship with the police (he was one of the key witnesses uncovering criminal networks and police complicity during the Lexow Committee hearings of 1894–1895), case studies of individuals such as Tom Gould, who ran dives and was also heavily involved in municipal and statewide politics, illustrated the fluidity of the line that separated the political establishment and the underworld; NYPD Detective Thomas Byrnes, who instituted a system of espionage in neighborhoods to monitor crime and personally registered known criminals while sitting at the back of a local bar; Chinese immigrant Tom Lee, the unofficial “mayor” of Chinatown and sworn New York county deputy sheriff who, while under the auspices of official law enforcement, ordered his fellow immigrants to open gambling and opium dens. Although popular with city and county politicians and police, he was less popular with his fellow Chinese immigrants.

Gilfoyle answers questions that are similar to the issues raised by my own project: how the changing urban social environment of the late nineteenth and early twentieth centuries affected law enforcement and the criminal underworld and how the two interacted; how

⁹ Gilfoyle, 249.

individuals defined as criminals organized their lives; how the underground economy shaped male subcultures and the emergence of modern gangs; how the organization of the nineteenth century underground street culture influenced twentieth century crime and punishment; the effectiveness—or lack thereof—of Gilded Age and Progressive Era penal reform; how the gender and sexuality of the nineteenth century underworld became modeled by society at large; and how informal networks of secret personal criminal-police relationships evolved into a formal, centralized, bureaucratic system of crime control.

Indeed, in many ways the distinct orders and rules of community subcultures in New York were in reality preceded by those of San Francisco, especially in their cooperation and interconnectedness with the formal policeways of sworn law enforcement officials. As George Appo's life reveals how previous studies of the nineteenth century carceral state need to be complicated, so too do the cases of individuals such as Fong Ching in San Francisco expose the need to deepen our analysis and understanding of Gilded Age and Progressive Era policing.

Jennifer Fronc narrates the interactions between unofficial law enforcement organizations in Progressive Era New York her *New York Undercover: Private Surveillance in the Progressive Era*.¹⁰ Fronc's monograph is both a history of undercover investigation in the United States and the private social activist policing organizations that inadvertently erected the architecture for modern federal surveillance of ordinary Americans. Fronc eschews previous and oversimplified definitions of Progressive Era reform and uses private social-activist law enforcement organizations to prove that the 1890-to-1920 period was an impossibly complex era of vast industrial and urban growth and social change in need of deeper study. She correctly surmises

¹⁰ Jennifer Fronc, *New York Undercover: Private Surveillance in the Progressive Era* (Chicago: University of Chicago Press, 2009).

that previous historians have paid little attention to the role of civilian reformers in the expansion of state power during and after World War I. In the agents of the Committee of Fifteen, the Committee of Fourteen, the Colored Auxiliary, and the People's Institute, she identifies grassroots policing methods yielding "new types of knowledge about urban neighborhoods and their residents, which enabled them to intervene and attempt to reconstruct social conditions in New York City and beyond." By illustrating the vacuum in paid and sworn state and local law enforcement in the late nineteenth and early twentieth centuries, we see the unique intervention made by grassroots policeways and its implications for twenty-first-century policing methods.

New York Undercover answers similar questions to my own project. Who could be categorized as law enforcement in the late nineteenth and twentieth centuries? How did the corrupt and lackadaisical American policing environment of this period allow greater influence and agency for individuals who were not traditionally bestowed with such power? How did grassroots community policing organizations compensate for a lack of municipal social services? How were the methods of extralegal law enforcement groups in the city were adopted by larger municipal and federal police agencies? How did vice organizations, commonly perceived as "gangs," succeed and operate as policing bodies in marginalized communities due to the dearth of municipal enforcement? And how did grassroots policeways emerge in this period affect modern American and international policing and society?

Lisa Keller's *Triumph of Order: Democracy and Public Space in New York and London* responds to a trend in law enforcement historiography that is directly implicated in my own work.¹¹ Keller begins with a question: Why do modern New York and London look the way they

¹¹ Lisa Keller, *The Triumph of Order: Democracy & Public Space in New York and London* (New York: Columbia University Press, 2009).

do, and why do we allow them to look thus? More directly, Keller attempts to unravel the underpinnings of New York and London's preeminence as the world's two most influential cities, despite the decentralization and deindustrialization of the second half of the twentieth century that negatively affected many other urban centers. She proposes that the precarious balance between freedom and order developed in these cities, and therefore the larger developed world that used them as a model, has direct roots in the nineteenth century and the negotiated peace between resident and government that was forged at that time.

Keller highlights both the similarities and the differences between the nineteenth-century development of order in both cities. She explains that the key difference is that London has always been a national city, dating back to the Roman period when all roads in the region converged—and still converge—on this central outpost. New York, by contrast, has followed the American pattern of local administration by officials overseeing municipal affairs and reporting to the state government. Although it has not been an actual capital since 1790, Keller nods to the Empire City's place as a symbolic capital and staging ground for national movements. Another divergence between the two cities is illustrated in the differing rights of assembly. Throughout the nineteenth century, London's government saw a greater sensitivity to the rights of protestors and public speakers than New York, which experienced more lethal violence by both demonstrators and police and greater discretion by police to use force, deadly if needed. This, the right to use public space, Keller posits as the defining aspect of democracy. As nineteenth-century New York grew drastically in population, diversity, and political infrastructure, marked physical stress on the city also increased. In this new urban environment, the New York police, who reported to often-corrupt captains, police chiefs, and Tammany Hall politicians, were the first to decide how to order the metropolis. Uneducated, working-class cops thereby determined

in an *ad hoc* fashion what to police, how to police, and what was and was not acceptable in interactions with assembled crowds. Keller argues that the 1870s were the most important decade for American cities as a whole, as ordinances became established by the police empowering them to govern legally and totally. Although mistakes were made, *Triumph of Order* proposes that the result was primarily positive. For the first time in history, people were punished for disposing of trash, human waste, and animal corpses in the streets, fined for the manner in which they kept their domiciles, and held legally accountable to the wishes of their fellow urbanites. As increasingly volatile labor strikes interfered with the functioning of daily urban life, a majority of the public accepted the concurrent increase in armed, uniformed police officers ordering personal liberties. Keller states, “The public accepted this as normative, as a means for achieving success and prosperity.” Moreover, this “increasing division between public and private life translated into public life becoming more controlled.” The desire for order increased sharply as the nineteenth century turned into the twentieth, Keller asserts, due to the majority’s growing desire for political, economic, and social stability and predictability. *Triumph of Order* concludes that freedom of speech and assembly were increasingly trampled upon by the realities of city life, but that our previous toleration for the strictures of order have decreased with the rise of state surveillance and loss of personal privacy in the twenty-first century.¹²

Most law enforcement historians fall into two camps—one claiming that American police were formed to prevent crime and disorder, and the other proposing that they were formed to retain class structure and elite control. Keller argues for a third, more realistic reason for its formation and success over other informal methods of law enforcement. “The mandate for the city to grow and prosper,” Keller asserts, “propelled the formation of policing. The new attitude

¹² Keller, 234.

was one of zero tolerance for anything that promoted disorder.” She continues, “The nineteenth century marks the first time that it was widely believed that police could accomplish such a goal.” I agree with this view, but with the amendment that this was due to the better-funded public relations campaign initiated by the fledgling nineteenth-century police forces in order to supersede similar grassroots law enforcement groups originating in working-class ethnic and immigrant communities. As Keller and many other historians in the field state, “The idea of a civil force to control public order was novel and [initially] met with resistance.” Vigilante organizations employing grassroots policeways such as the Bow Street Runners, the Dead Rabbits, and the Bowery B’hoys actively—and often more successfully—competed with paid city police for control of urban space in the 1850s to 1870s. This was common in eastern cities, but even more so in the West. However, the city police were backed by moneyed middle-class business owners and politicians and thus better able to sell themselves on a wider scale to the city entire than the smaller informal groups with whom they were actively competing. Well into the 1860s and the carnage of the Draft Riots, the public did not perceive the New York Metropolitan Police Department as a reliable method of protection, with Wall Street bankers constructing sulfuric acid bombs, businesses handing out guns to employees and setting booby traps, and large homeowners arming servants to become their own private police force rather than relying on city police. It is within this alternate, more messy, street-level history of policing wherein my work resides.¹³

Joshua Paddison’s *American Heathens: Religion, Race, and Reconstruction in California* takes the discussion of race following the Civil War and shifts it westward. He strongly asserts that multiethnic California and its experience with primarily non-Christian, Native American and

¹³ Keller, 117.

Chinese “heathens” as the central arena in the national post-bellum debate to define citizenship.¹⁴ The “grassroots prayerways” discussed in the book are similar to the grassroots policeways my own project dissects. Relying heavily on minutes of the California State Legislature, the San Francisco Board of Supervisors, and accounts both by Catholic and Protestant missionaries and their Chinese and Native subjects, Paddison organizes his book chronologically, from the mid-1860s to the 1890s, and thematically as nationhood became increasingly intertwined with religious belief and formed and reformed along an axis of Christian manhood.

Paddison explores a post-Civil War California that was a laboratory of American citizenship and race. California and the larger West was a land filled with almost the entirety of the nation’s Chinese immigrant and Native American population, a land that saw Catholic Mexican residents automatically made citizens and legal “whites” in 1848 with the signing of the Treaty of Guadalupe Hidalgo. With the discovery of gold at Sutter’s Mill shortly thereafter, a world of nationalities and ethnicities rushed to the riverbanks, foothills, and mountains of northern California and worked alongside one another with varying levels of conflict and cooperation. As Paddison explains, California was a unique place full of promise and precedence for marginalized individuals, “geographically and imaginatively at the far edge of the nation.” With the completion of the Transcontinental Railroad in 1869 and the linking of San Francisco to the rest of the nation, lawmakers feared rights bestowed on African Americans during Reconstruction would give power not only to local blacks, but to the questionable non-Christian Native and Chinese residents of the state as well. Paddison strongly makes the case that religion trumped land availability, labor, and other economic excuses previously cited as pretexts to deny

¹⁴ Joshua Paddison, *American Heathens: Religion, Race, and Reconstruction in California* (San Marino, Calif: Huntington Library, 2012).

citizenship to Chinese immigrants and Natives.

American Heathens goes on to assert that Reconstruction was a national reimagining that ended not in 1877, but with the knitting together of North, South, East, and West around a solid white Christian identity during the decades that would follow. Paddison pins Chinese exclusion and the termination of the Indian Peace Policy in 1882, the deliberate splintering of reservations into allotments under the Dawes Act in 1887, and the persecution of Mormons as more accurate dates for the end of Reconstruction. Indeed, harsher Chinese immigration and Indian policies allowed Republicans to unite with Democrats and distance themselves from the charges of radicalism they faced since before the Civil War. Although there was no more room for racialized heathens in the halls of white Christian American citizenship by the 1890s, this was not a preordained result. Rather, Paddison deftly and convincingly illustrates how national categories of race, religion, and citizenship were contested and dynamic in the 1860s, 1870s, and 1880s, and turned on the local social and political contexts of California.

Paddison engages modes of inquiry similar to those addressed in “Bloody Bay.” How were San Francisco and California the testing grounds for national questions of citizenship and power? How did the complex ethnic dynamics of San Francisco create unique social intersections, conflicts, and possibilities? How did the desire for autonomy and inclusion in the face of prejudice and exclusion aid in combining new and traditional beliefs and social structures into unique grassroots community organizations? And how were ethnic and immigrant community leaders active in their own destiny and create greater group autonomy? Paddison illustrates how Chinatown scholars and ministers such as Fong Noy and Jee Gam formed their own renegade offshoot missions unsanctioned by the larger Presbyterian and Methodist missions. These spaces served as community meeting zones for both Christian and non-Christian residents

and held instruction that was an amalgamation of Confucian philosophy and secularized American Christian wisdom. The Gilded Age and Progressive Era San Francisco social organizations I examine likewise retained the traditional elements their particular communities desired in order to retain continuity, but adapted enough to the American urban environment to thrive as something new. Indeed, these transformed social organizations in San Francisco became the model for other city and federal enforcement methods as city and state leadership attempted to police an increasingly multiethnic nation. Indeed, as Paddison demonstrates how Washington lawmakers looked to the diversely populated cities of California in the nineteenth century as a model for how the entire nation should operate, I propose that the policing of San Francisco similarly served as a model for police agencies nationwide. As Paddison states, “the West highlights interconnections between African Americans, Native Americans, Asian Americans, and Mexican American history and demonstrates that the multiracial, multireligious encounters that made the West a zone of tumultuous cultural contact also indelibly shaped national politics.”¹⁵

“Bloody Bay” is organized into five chapters with a prologue, interlude, and epilogue. The Prologue, “July, 1877,” illustrates the culmination of three decades of vernacular policeways in a city growing into a hub for industry and transportation. During the Great Uprising of 1877 that wracked railroad and industrial centers in Chicago and the east coast, San Francisco’s workers unleashed their frustration at high unemployment and a faltering economy on the city’s Chinese community. Rather than allow the residents of the new Chinatown surrounding Portsmouth Square to be massacred like in Los Angeles, the city relied upon a heritage of mixed formal-informal popular justice to enforce order. Federal troops, the U.S. Army and Navy, the

¹⁵ Paddison, 198.

SFPD, and the California State Militia operated under the authority not of formal martial authorities, but a six-thousand-person vernacular policing organization called the Committee of Safety and nicknamed the “Pick-Handle Brigade.” Federal officials sanctioned this informal body by arming them with pick-handles and opening the state and federal arsenal for their disposal in protecting the city’s Chinese inhabitants. Moreover, federal soldiers, sailors, and city police officers operated under the command of the Pick-Handle Brigade’s civilian leadership and effectively put down the revolt with minimal collateral damage to civilians and property. As with the 1851 and 1856 movements, the 1877 committee increased the professionalism and policing infrastructure of the SFPD. At the same time, a policing partnership between the traditional Chinese law enforcement entities and the SFPD formed in Chinatown. The Prologue asserts that, while the NYPD operated as little more than the enforcement wing of party machine political corruption during this period, the SFPD thrived as a fully professionalized department due to its experience with popular justice organizations.

Chapter One, “Of Heroes and Hounds: The Immigrant Origins of Policing in San Francisco, 1846–1849,” introduces the multiethnic city of San Francisco and its equally multiethnic first police force. The American acquisition of Yerba Buena from Mexico in 1846 saw the town policed by the Society of Regulators, a group of former U.S. Army expeditionary soldiers from Col. Jonathan D. Stevenson’s New York Regiment. However, the group was known more popularly by their sobriquet, the Hounds, for their practice of graft, blackmail, and viciousness against the town’s Spanish-speaking populace. An alternative multiethnic police force comprised primarily of Chileans was developed to dismantle the Hounds, who were summarily arrested, tried, punished, and exiled by this vernacular policeways organization. This chapter argues that Spanish-speaking individuals were given remarkable law enforcement agency

at an extremely early period in U.S. history, shifts the trajectory of American law enforcement history from West to East, and proposes that the interaction of formal institutions and informal policing created the environment for a professionalized police environment decades before other American cities.

Chapter Two, “*Adios, Caballeros: Multiethnic Vigilance and Derecho Vulgar in the Hinterlands*,” explores vernacular policeways and popular justice in the gold camp hinterlands. It highlights the Chili Gulch incident of December 1849. After their gold claim near Mokelumne Hill was jumped by Yankee miners, a group of Chilean miners traveled to Stockton where they were deputized by county officials as deputy sheriffs and armed with a warrant for the arrest of the Americans. The Chileans enlisted the aid of a local Mokelumne judge and several other sympathetic Americans to help them arrest and bring the offenders to justice in Stockton. This chapter also underscores mixed American and Latin American popular justice organizations in other hinterland gold camps, and argues that these events were part of an ongoing legacy of creative and bottom-up policing which influenced the unique development of San Francisco’s municipal law enforcement structure.

Chapter Three, “English Jim: The Decline of the San Francisco Police Department and the Rise of Grassroots Policeways, 1851,” illustrates how criminals like James “English Jim” Stuart could easily employ connections on the police force and in the underworld to obtain their freedom and be aboard a ship bound for ports thousands of miles away with little effort. The complicity of the SFPD that would later be found in the English Jim case this chapter profiles and unchecked criminal activity generally led to a lack of faith by San Franciscans in formal policing. Although the police department was not entirely corrupt, with some officers less inclined to graft and criminal collusion, dissension within the institution and residual corruption

from the Hounds-Regulator era created an unreliable enforcement enterprise that was all-too-readily-apparent to the public. The police could not be relied upon. In the absence of reliable formal law, a vernacular law and enforcement by the people arose in the form of the 1851 Vigilance Committee.

Chapter Four, “Vigilant City: Organized Vernacular Justice in San Francisco, 1856,” investigates the largest community popular justice movement in North American history—the 1856 San Francisco Committees of Vigilance. This community policing enterprise was established by San Franciscans to rid the city of corrupt political practices blamed partially on David Broderick’s transplanted New York Democratic political machine. This chapter argues that the 1856 committee—even more multiethnic than the 1851 Committee and numbering in the thousands—and its preceding popular justice movement created the groundwork for a new standard of police professionalism not seen in New York and other East Coast departments until the Progressive Era. Moreover, the 1856 Committee created its own political party which held power in the city for over a decade and counted several of the SFPD’s successive police chiefs and command staff among its members. It increased the force by hundreds of men, and established the highest patrolman salaries in the nation.

The Interlude, “Pick-Handles on the Plaza: The Politics of Protecting Chinatown, 1856–1877,” explores the period following the popular justice movement of the 1850s and the anti-corruption People’s Party that would develop from the Vigilance Committees. The SFPD of this period was unencumbered by political corruption and thus could devote energy to operational improvements regarding discipline, officer retention, technological communication, and riot-control training, which would prove essential during the events of 1877 and community policing and departmental developments to follow.

Chapter Five, “King of Chinatown: Community Policing Alliance and Dissolution 1880–1906,” analyzes the influence of Chinatown’s traditional *huiguan* (Chinese Consolidated Benevolent Associations), Chinese merchant societies, and the district’s tong enforcement collectives in ordering San Francisco. During the Chinese Exclusion Act period, wealthy merchants such as Fong “Little Pete” Ching and Chin “Big Jim” Sing held enormous influence in Chinatown and city law enforcement affairs. The small strike teams that comprised the tongs were modeled and emulated by the new SFPD Chinatown Squad. Formed in 1878, this crack law enforcement unit utilized the policing methods of the tongs that were later modeled by the NYPD and, nine decades later, specialized urban SWAT and federal urban combat strike teams. However, the partnership between the SFPD and tong enforcers dissolved in April 1906 as the city was physically and institutionally reordered by the San Francisco Earthquake. The city was reimagined as a tourist destination and sanitized appropriately for a travelers’ consumer economy. Popular community justice organizations that ordered the city for the previous six decades were thereby redefined and criminalized as gangs. This chapter argues that the Chinese community law enforcement experience was the culmination of a unique policeways environment in San Francisco that influenced the trajectory of American urban law enforcement.

The Epilogue to this dissertation, “Tiger Eyes: Jesse Cook, Chinatown, and Reorienting the National Policing Model,” illustrates the story of Chinatown Squad sergeant, chief of police, and police commissioner Jesse Cook’s law enforcement experience. Cook saw the policeways of San Francisco transformed from a vernacular amalgamation of formal and informal community ordering rooted in the Bay City’s multiethnic gold rush past, to a new model, which would be hailed by more than one president and emulated by nearly two-dozen cities. Cook’s apparent ability to avoid corruption became renowned throughout the force, and he worked to make the

SFPD a modern, twentieth-century department whose practices would be emulated by other agencies following an extraordinary international law enforcement tour in 1912.

This project is controversial in its largely positive interpretation of popular justice and vigilantism in San Francisco during this period. I propose that vigilante justice in the form of lynch mobs and racist “Minute Man” civilian border patrollers are not the only form of popular justice. There is a difference, I argue, between the vigilante posses that would hang people for being Mexican in Los Angeles in the 1850s and the vigilantes who put an end to the Hounds’ reign of terror, or attempts to see justice met for Chileans in the gold camps. Formal law is just as, if not more, subjective than informal, which is often rooted in tradition. Justice is far more than that which is meted out in a courtroom with paid state judges and lawyers and lengthy deliberations. Indeed, slavery and Jim Crow once were legal and enforced by sworn legal authorities. Those who opposed these “just” laws were defined as criminals or outlaws and prosecuted and imprisoned or even executed accordingly. When a formal justice system is stacked against a particular group, how might that group attain justice? With the specter of justice denied and continuing to be denied, the only option for many of the marginalized is thus to associate, to band together into enforcement organizations that appear to formal law enforcement as “gangs” or mobs. Indeed, the modern urban youth gang itself is a manifestation of justice delayed or denied. Solving the problem of community justice is a violent, often-bloody affair in any period. This is no less true for the informal community enforcement mechanisms profiled in the pages to follow in this “Bloody Bay.”



SFPD Chinatown Squad, 1898. Dong Tying, Chinatown resident and Squad interpreter, to left of seated officer. The ropes in foreground were used by officers to rappel from the flat-roofed, pre-earthquake buildings of Chinatown and into second-and-third-story windows. This was the first example of skilled, dynamic entry by city law enforcement emulating the tactics of tong enforcers. Kevin J. Mullen Personal Collection, San Francisco History Center, California.

Prologue: July 1877

The governor came to the city, and told Mr. Coleman that the power of the city, so far as it could be given, was his, at once, and that the people looked to him. They had learned to know him in previous work of the kind, and they leaned upon him, and the military, in fact, was at his command.

—Hubert Howe Bancroft
San Francisco, Calif., 1891

Fong Ching worked as an errand boy at a shoe factory on Sacramento Street during the day and perfected his English at the Methodist Mission on Washington Street at night. In July 1877 he was thirteen years old, and the sources indicate he had immigrated to San Francisco between eight and three years earlier following his father, brothers, and uncles seeking financial security in the wake of the crippled economy in post-Taiping Rebellion Guangdong, China. The worker uprising that began in the rail towns of Martinsburg, West Virginia, Baltimore, and Pittsburgh was spilling west to Chicago and in the last week of July 1877 had arrived in San Francisco. Rather than the factories and great houses of the railroad barons, in the Bay City the target of rioters was a single populace: the city's Chinese residents. As one of the youth of Chinatown, it is highly likely that Fong Ching joined the dozens of other women and children as they sheltered with their missionary instructors in the Methodist Mission in the heart of the old city center near the Plaza, now diminished in financial and civic importance by the city's expansion and defined more rigidly as the Chinese District. Outside, the sound of the mob pushing against the hastily-erected barricades mingled with screams of residents as they were attacked in their businesses and residences. And then came another sound from across the Plaza, one not heard in over two

decades: a strange staccato tolling of the Monumental Fire Company bell.¹⁶



Alleged portrait taken of Fong Ching in his youth. Henry Alexander, artist.
James M. Leonard Collection, Stanford University

During the Great Uprising of 1877 San Francisco's workers unleashed their frustration at high unemployment and a faltering economy on the city's Chinese community. However, rather than allow the residents of the new Chinatown surrounding Portsmouth Square to be massacred as they were earlier down the coast in Los Angeles, the city once again relied upon a popular justice movement to enforce order. In response, federal troops, the U.S. Navy, the San Francisco

¹⁶ Hubert Howe Bancroft, *Brief Account of the Safety Committee of 1877: Being an Extract from the Chronicles of the Builders of the Commonwealth, Vol. I, as Embraced in the Biography of Wm. T. Coleman* (San Francisco: The History Company, 1891), 357; "Little Pete's Career," *San Francisco Call* 81, no. 55, 24 January 1897; and Hubert Howe Bancroft, *History of the Life of William T. Coleman* (San Francisco: The History Company, 1891), 354.

Police Department, and the state militia operated under the authority not of formal martial authorities, but a six-thousand person vernacular policing organization called the Committee of Safety and nicknamed the “Pick-Handle Brigade.” Indeed, federal officials sanctioned this informal body by opening the state and federal arsenal to their disposal in protecting the city’s Chinese inhabitants. Moreover, federal soldiers and sailors, and city police officers operated under the command of the Pick-Handle Brigade’s civilian leadership and effectively put down the revolt with minimal collateral damage to civilians and property. As with the 1851 and 1856 Vigilance Committees, the 1877 committee increased the professionalism and policing infrastructure of the SFPD. This dissertation argues that, while the New York Police Department operated as little more than the enforcement wing of party machine political corruption during this period, the San Francisco Police Department thrived as a fully professionalized department due to its continued experience with popular justice organizations, which would prevent chaos and save thousands of lives during the worker uprising of July 1877. Additionally, this dissertation proposes that the Committee of Safety was a continuation of the vernacular policing environment of the mining camps in the late 1840s, as well as the 1851 and 1856 Vigilance Committee civilian policing organizations. Similar to the community policing organizations that preceded it, the 1877 committee fashioned San Francisco city government to be more amenable to unique relationships between informal and formal policing and created a more grassroots, bottom-up policing environment than any other city. Indeed, this dissertation proposes that the groundbreaking policeways observed in the partnership between municipal, federal, and civilian community law enforcement in the events surrounding the July Days Riots of 1877 has largely been lost to the twenty-first century historical community and is worthy of further investigation. In order to discuss this event, however, we must investigate why San Francisco diverged so

sharply from other instances of anti-Chinese riots. The political stability created by the Vigilante-Peoples Party in the 1850s and 1860s ensured San Francisco's law enforcement, unlike other urban police departments, would be relatively free of corruption at the dawn of the 1870s. This highly ordered policing environment would allow for a partnership to develop between the SFPD and the informal citizens' group, the Committee of Safety, in pacifying the anti-Chinese uprising of 1877.

Anti-Chinese Violence in the West

The significance of the 1877 Committee of Safety's response to the anti-Chinese uprising cannot be understated. An armed body of white men, comprised of both civilian and sworn police and military, came to the aid of the most reviled group in the state—Chinese residents. Historically, this phenomena is unique in that every other instance of white aggression towards Chinese members of the community resulted in horrific loss of life and property destruction.

This is most evident in actions against the Chinese community of Los Angeles, which was miniscule compared to San Francisco of 1870, with only 178 Angelenos out of 5,728 claiming ancestry from China. As Los Angeles expanded in the 1860s and 1870s, new residential districts with more modern sewage and water facilities spread from the city center, known as Sonoratown and comprised primarily of old adobes. The Chinese, as in San Francisco, began to be corralled into a ghettoized neighborhood east of the Plaza along a dilapidated stretch of buildings known as "Negro Alley." Chinese Angelenos provided the cheap labor formerly performed by Native Californians, who had been steadily decimated by violence and disease over the previous century. As the number of Chinese grew, so too did the anxiety of Anglo residents that an invasion was underway and designed to steal white jobs. A "Chinese menace"

was lurking in Los Angeles, the press argued, and war was taking place between “the Chinese worker and the citizen laboring man.”¹⁷

Violence against Chinese residents increased, which came to a tipping point in October 1871, when an Anglo and two Californios were accidentally shot during a dispute between two Chinese fraternal organizations. Nathan King, a local railroad security guard, caught wind that “the Chinese were killing white men wholesale in Negro Alley.” He and dozens of other white Angelenos grabbed revolvers and rifles and rushed to Chinatown with a single lethal intent.¹⁸ In a matter of minutes, the crowd rushing into Negro Alley had grown to almost one hundred armed men. Los Angeles Marshal Frank Baker, roused by the shouting and gunfire, arrived quickly. Rather than attempting to organize his officers and resolve the situation peacefully, however, he organized the incensed residents into a posse, declaring, “If any Chinamen come out, let them have it.” Several of the Chinese who attempted to escape through the crowd were beaten and dragged up Temple Street to the gate of Tomlinson’s old corral, where they were lynched from the crosspiece. As the bodies swung they were defiled and riddled with bullets.¹⁹

As the marshal continued to organize against the Chinese, the sheriff, seeing the situation spiraling out of control, attempted to regain order. District Attorney Cameron Thom mounted a barrel and called for order and due process, but was shouted down. Sheriff Burns himself then arose to address the crowd and plead for law and order, but was laughed at when the wood collapsed and he tumbled to the ground. A correspondent for San Francisco’s *Daily Alta California* wrote, “[T]he sheriff and civil authorities have given up all attempt to restrain the

¹⁷ *Los Angeles Star*, 28 September 1870.

¹⁸ *Los Angeles Star*, 28 October 1871.

¹⁹ *Los Angeles Star*, 27 October 1871.

mob, and no one can tell how far they may go.”²⁰ The crowd took to the roofs of the adobes as the sun set. The Chinese inside cowered in terror as the men dug holes in the roof, inserted their rifles, and indiscriminately fired at the defenseless individuals screaming within. A torch was thrown inside the buildings to smoke them out, at which point the innocent victims were beaten, stabbed, and shot to death. One man, attempting to escape, was pulled down by his tied hair queue and dragged by a crowd of a hundred to Tomlinson’s, where he was strangled to death.²¹ Within a half hour, fourteen Chinese residents had been murdered, with the expressed approval and aid of formal law enforcement authorities directing an informal posse. Men were hung at whim from the front porch beams of surrounding houses amid a jovial atmosphere. One individual, a local physician named Dr. Gene Tong, pleaded with the crowd, offering them gold and silver; the crowd stripped him, robbed him, shot his face off, and hanged him.²² Sheriff Burns attempted to turn the tide with an ad hoc vigilance committee of peacekeepers, but it was too late; Los Angeles’s Chinatown was destroyed.²³ The failure of vigilantism to keep the peace and the perversion of formal law enforcement during the anti-Chinese massacre in Los Angeles was only rivaled by the success of the forces of order a few years later in San Francisco.

Anti-Chinese riots flourished throughout California and the larger West in the 1870s and 1880s. In August 1878, residents of Reno, Nevada took advantage of a fire in the city’s Chinatown to drive its residents from town limits.²⁴ Two years later, in October 1880, Denver residents descended on Chinatown, destroyed businesses and residences and assaulted and

²⁰ *Daily Alta California*, 24 October 1871.

²¹ Faragher, 477.

²² *Los Angeles Star*, 27 October 1871.

²³ Faragher, 480.

²⁴ Russell R. Elliott, *History of Nevada* (Lincoln: University of Nebraska Press, 1987), 167.

murdered its inhabitants.²⁵ Rock Springs, Wyoming saw the largescale slaughter of its Chinese residents in 1885, which touched off a series of violent and unchecked anti-Chinese murders in Seattle, Tacoma, and smaller towns in Washington. A similar massacre near the Snake River in Oregon in 1887 followed not long after, bringing a total of fifty-five anti-Chinese riots and massacres throughout the West in the late nineteenth century.²⁶

San Francisco's swelling Chinese population was met by an expanding city population overall. Gov. Henry Haight's term saw the voting electorate increase by nearly half, from 17,314 in 1867 to 24,995 in 1871.²⁷ The population surged two more times within a few years, once with the completion of the transcontinental railroad in 1869 and again with the declining economy of 1873, swelling the city by sixty-three percent between 1870 and 1880, an increase of 84,000 individuals.²⁸ As the economy shifted and individuals found steady employment more difficult to attain, a scapegoat was sought for the vacillations of the market, and working-class whites found an easy target living in the aging buildings around the Plaza. San Francisco's Chinese were loathed as the less-than-human source of the economy's ills. Governor Haight sealed his fate as a single term governor when he extended the diplomatic courtesy of a banquet for a visiting envoy from China. Banners snapped in the bay wind in San Francisco, declaring, "Brother Haight will

²⁵ Mark R. Ellis, "Denver's Anti-Chinese Riot," in David J. Wishert, ed., *Encyclopedia of the Great Plains* (Lincoln: University of Nebraska Press, 2004), 142.

²⁶ Patrick Joseph Healy and Ng Poon Chew, *A Statement for Non-Exclusion* (San Francisco: The History Co., 1905); Jules Alexander Karlin, "The Anti-Chinese Outbreak in Tacoma, 1885," *Pacific Historical Review* (August 1954): 271–83; Jules Alexander Karlin, "The Anti-Chinese Outbreaks in Seattle, 1885–1886," *Pacific Northwest Quarterly* 39 (April 1948): 103–30; and Roy T. Wortman, "Denver's Anti-Chinese Riot, 1880," *Colorado Magazine* 42 (Fall 1965): 275–91.

²⁷ *San Francisco Examiner*, 14 September 1867; *San Francisco Examiner*, 22 September 1871.

²⁸ United States Bureau of the Census, *Ninth Census*, 3 vols. (Washington, D.C., 1872), 1:91; United States Bureau of the Census, *Tenth Census*, 22 vols. (Washington, D.C., 1883–8), 1:671; *California Great Registers* (Sacramento, 1871–80); and Henry G. Langley, *Langley's San Francisco Directory for the Year Commencing April, 1880* (San Francisco: Francis, Valentine & Co., 1880).

preach at the Mission in Canton in 1872,” “God Speed Haight and Brother Chinamen,” and “Ah Sin—elder Brother of H. H. Haight.”²⁹

Chinese San Franciscans found themselves increasingly physically restricted by city ordinance. In 1870 the San Francisco Board of Supervisors passed a “Cubic Air Law,” aimed specifically at Chinese individuals forced to live in crowded, squalid conditions, as well as a law banning items from being carried with a pole. The nation’s first zoning ordinance was passed in 1873 with racial implications banning laundries in Chinatown and thus designed to damage the primary means of income for many residents. Democrats and Republicans both used the Chinese as a political scapegoat to kowtow to the disgruntled voting masses in California and San Francisco, declaring their very presence was “offensive to the exalted American idea of the dignity of labor, detrimental to the prosperity and happiness of our laboring classes, and an evil that ought to be abated.”³⁰

San Francisco of 1877 thus seemed ripe for the tragically customary anti-Chinese violence and murder observed elsewhere in the state and region. Yet, this did not occur. The answer to why the anti-Chinese riot of July 1877 in San Francisco, although violent, did not end in mass bloodshed but in strictly enforced order can be found in the unique policeways environment of nineteenth-century San Francisco. The ramifications of the operations and cooperation of formal and informal law enforcement during this incident are tremendous, not

²⁹ “Speech of Hon. John S. Hager, of San Francisco, in the Senate of California, January 28, 1870, on Senator Hager’s Joint Resolution to Reject the Fifteenth Amendment to the Constitution of the United States,” pamphlet, n.p., California Ephemera Collection, Bancroft Library, University of California, Berkeley, Calif.

³⁰ Sucheng Chan, *Asian Americans: An Interpretive History* (Boston: Twayne Publishers, 1991), 45–102; Linda C. A. Przybyszewski, “Judge Lorenzo Sawyer and the Chinese: Civil Rights Decisions in the Ninth Circuit,” *Western Legal History* 1:1 (Winter/Spring 1988): 23–56; Alexander Saxton, *Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of California Press, 1975), 67–112; quote in Winfield J. Davis, *History of Political Conventions in California, 1849–1892* (Sacramento: Publications of the California State Library, 1892), 308.

only to the history of San Francisco, but to larger national, urban, and policing history. Although on the order of the New York City Draft Riots in scale and importance, however, this incident has been only briefly touched upon or ignored outright in the historiography.

Historiographical Gap: The Committee of Safety in the Scholarship

The closest study of the so-called “July Days” of 1877 may be found in the work of Phil Ethington. In *Public City* and his earlier article, Ethington examines the incident in light of the development of the Workingmen’s Party of California. Although a superb political history of San Francisco, Ethington uses the July riot as a point of departure for a larger narrative analysis of the origins of the first labor party of the political insurgency known as the Great Upheaval; the actions of the Committee of Safety and the details of law enforcement operations during this incident are absent in the monograph and minimally detailed in the article.³¹ Both have stood the test of time, but are over two and three decades old, respectively, and describe a topic in need of further analysis.

The most recent study of vigilantism in San Francisco, Nancy Taniguchi’s *Dirty Deeds: Land, Violence, and the 1856 San Francisco Vigilance Committee*, focuses on the real estate claims of the executive members, with primary emphasis on the 1856 committee. Taniguchi touches on the July Days of 1877 and their aftermath, but does not explore the Committee of Safety to any depth, using less than a full page to cursorily survey this monumental event. Rather, Taniguchi’s asserts that the 1851 and 1856 Vigilance Committees and all forms of

³¹ Philip J. Ethington, *The Public City: The Political Construction of Urban Life in San Francisco, 1850–1900* (New York: Cambridge University Press, 1994), 242–244; and Philip J. Ethington, “Vigilantes and the Police: The Making of a Professional Police Bureaucracy in San Francisco, 1847–1900,” *Journal of Social History* 21, no. 2 (winter, 1987): 197–227.

vigilantism is a social evil to be eradicated. The uprising of the 1850s was not based on eradicating any lawlessness in the gold rush town, but selfishly on the land deeds to precious waterfront property that would allow them to control the commerce into and out of the San Francisco Bay.³² Likewise, law enforcement historian Kevin Mullen utilizes a mere paragraph to describe the events in his *The Toughest Gang in Town* and two pages in *Chinatown Squad*. Using little analysis, Mullen gives a basic history of the police department as a whole in *Toughest Gang* and a stereotypical portrayal of Chinese vice and opium use in *Chinatown Squad*. Both read as nonacademic popular histories, and do not dissect the significance of the law enforcement response to any degree.³³ The same can be said for Herbert Asbury's classic, if perhaps fanciful, brief rendition of the Pick-handle Brigade in his *Barbary Coast*.³⁴

“Not to Kill or Maim”: The Committee of Safety and a New Law Enforcement Alternative

San Francisco seemed on the precipice of outright economic and environmental collapse by the summer of 1877. Eyewitness John Hittell described the bleak conditions:

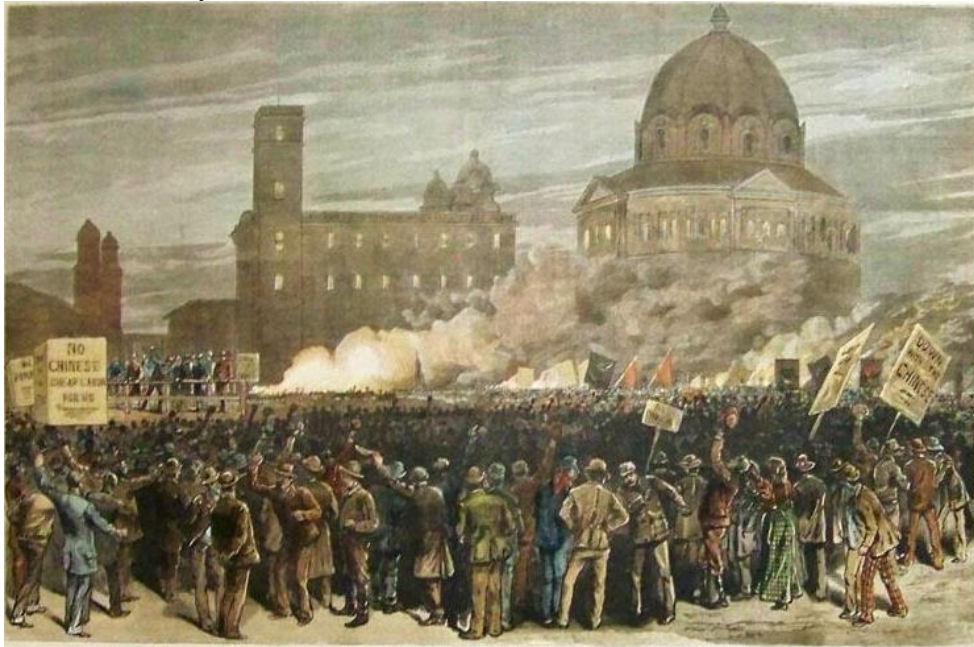
A great depression of business, resulting from a severe drought, and a fear that the rich deposit of ore in the Consolidated Virginia and California mines would soon be exhausted, [and] the organization of the workingmen's political party [...] were among the most notable events of 1877. The scantiness of the rainfall of 1876–77, the amount being less than ten inches at San Francisco, and less than that of any other season within a quarter of a century, caused a general failure of the grain crop, a large mortality in the herds of cattle, and a serious decline in the yield of the placer mines. The direct pecuniary loss to the state by the drought was

³² Nancy J. Taniguchi, *Dirty Deeds: Land, Violence, and the 1856 San Francisco Vigilance Committee* (Norman: University of Oklahoma Press, 2016), 228–229.

³³ Kevin J. Mullen, *The Toughest Gang in Town: Police Stories from Old San Francisco* (Novato, Calif.: Noir Publications, 2005), 133; and Kevin J. Mullen, *Chinatown Squad: Policing the Dragon from the Gold Rush to the 21st Century* (Novato, Calif.: Noir Publications, 2008), 43–44.

³⁴ Herbert Asbury, *The Barbary Coast: An Informal History of the San Francisco Underworld* (New York: Alfred A. Knopf, 1933), 156–158.

estimated at twenty million dollars.³⁵



“The Chinese Agitation in San Francisco—A Meeting of the Workingmen’s Party on the Sand Lots” from *Frank Leslie’s Illustrated Newspaper*, 1880.

San Franciscan Anson Blake was only a small boy in the summer of 1877. Chairman of the National Recovery Act Code Committee in the 1930s, his description of the events of that summer offer us a glimpse of the city’s volatile social environment. On Monday, 23 July 1877, thousands of workers began to gather in the empty sand lots in front of the new city hall at Larkin near Grove, the old city hall abutting the Plaza having been abandoned as the surrounding neighborhood was transformed by city ordinance into the Chinese District. Here, at the site of what is today the San Francisco Library Main Branch and city archive on Civic Plaza, laborers gathered as a show of support for the railroad workers in Baltimore and Pittsburgh. Nearby, a “Chinese laundry was burned and several others sacked,” Blake later recalled. Former vigilante, now SFPD chief Hiram Ellis’s entire force of 150 officers circled the square, but “were entirely

³⁵ John S. Hittell, *A History of the City of San Francisco, and Incidentally of the State of California* (San Francisco: A. L. Bancroft & Co., 1878).

inadequate” for the roiling mass numbering in the thousands.³⁶

However, other than the burned laundry, the rally began peacefully enough, with several speakers imploring the crowd for calm and to not be distracted by anti-Chinese sentiment, but to focus rather on the injustice of the labor system. Near eight o’clock in the evening, the mood shifted: shots were fired into the crowd near a rooming house on McAllister Street, hitting three people. The crowd began to grow wary and depart at the specter of violence. However, in a moment hearkening back to the bombastic parading of the Hounds organization thirty years earlier, a group of fifty members of the local anti-Chinese association marched up Market Street in a *mélange* of uniforms and playing brass instruments. Their members took to the platform, negating the calm urged in the previous speeches and calling for the destruction of Chinatown and the eradication of its residents. The dispersing crowd halted and listened, the gifted orators playing on the emotions of the crowd. The Chinese, the incendiaries shouted, were taking jobs from good, hard-working white men. The answer was simple, they continued: Chinatown and its residents must be destroyed. It was nine o’clock when the previously peaceful assembly began to concern Chief Ellis as large collections broke off from the group and march northeast—the direction of Chinatown.³⁷

The crowd arrived on the edge of Chinatown, roughly a mile and a half away, in approximately fifteen minutes. However, when they arrived at Dupont (now Grant Avenue) and California, the crowd encountered something anti-Chinese rioters had never seen in any other incident: a double line of police, extended riot clubs crossed. The efficient training of SFPD

³⁶ Anson S. Blake, *A San Francisco Boyhood 1874–1884*, an oral history conducted by Suzanne B. Riess, “Blake Estate Oral History Project,” p. 410, Catalogue II of the Regional Oral History Office, 1980–1997, Regional Oral History Office, Bancroft Library, Berkeley, Calif.

³⁷ San Francisco *Examiner*, 24 July 1877; and Blake, 410.

officers in peaceful riot control tactics by Chief Burke during the Civil War period a decade-and-a-half earlier had paid off, at least temporarily, for the Chinese residents living around the Plaza. Capt. William Douglass, commanding the force at California Street, ordered his men to push forward one uniform step at a time, their double line unwavering as the crowd tried to slip past them to the north. Capt. Isaiah Lees, former vigilante, twenty-year SFPD veteran, and protégé of Chief Burke himself, held the men under his command in a similar double-line phalanx at Broadway and Dupont. When the rioters attempted to push past Douglass and his men and gain entry into Chinatown from north of the Plaza, they were rebuffed by Capt. Lees and his force.³⁸

The San Francisco Police had performed in a manner unlike anywhere else encountering similar anti-Chinese incidents. The police had not broken under the pressure and run, nor had they joined the ranks of the rioters themselves, as was the case in other cities during anti-Chinese riots. Rather, the remarkable professionalism of the SFPD was on display in several ways. SFPD command officers were able to recognize the intent of the crowd, quickly remove from the sandlots near city hall, and reorganize into separate companies almost two miles away before the rioters arrived in an attempt to protect the most vulnerable of city residents. Indeed, the community policing methods and patrol organizational skills many of the police commanders learned while members of the Vigilance Committees created a department more capable of effectively enforcing order in the often disordered urban environment. Yet the size of the crowd still outnumbered the assembled officers by the thousands, and continued to grow. Officers staging in front of Chinese residences and shops heroically engaged the roving bands singly or in

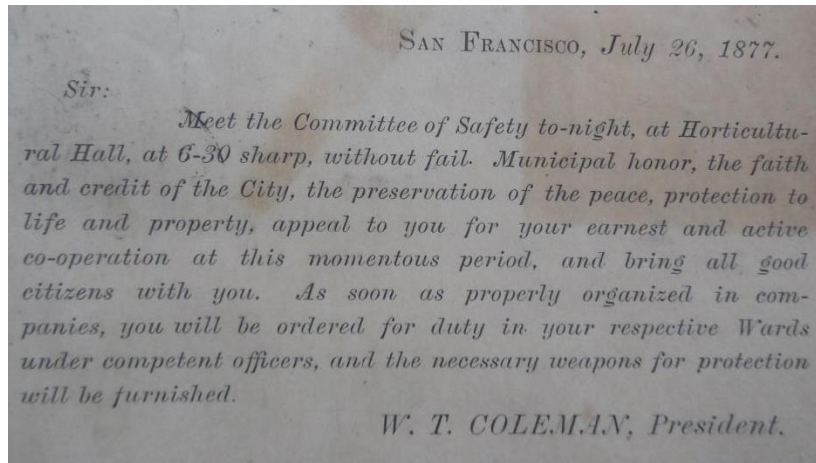
³⁸ “Letter to Henry H. Ellis,” undated, 1877, San Francisco Chief of Police Department Correspondence, MS 141, box 1, folder 2, Special Collections and Archives, University of California, Santa Cruz; “Correspondence,” 1877, Isaiah W. Lees Collection, Collection 1548, California State Library, Sacramento, Calif; *San Francisco Examiner*, 24 July 1877.

pairs in hand-to-hand combat, but were soon overwhelmed.³⁹

Early the next morning the superintendent of the Central Pacific Railroad announced that a proposed wage cut had been withdrawn, hoping to calm the crowds; the intent fell flat on the incensed mass of disgruntled white laborers. Chief Ellis activated the Police Specials, the unique vigilante-inspired wing of the department, and swore in new specials. Mounted SFPD officers used horses trained in riot control, but it was clear the strength of the rioters was unflagging. As evening fog enveloped the Plaza and its surrounding blocks and night fell on the city, it was clear a new tactic had to be taken. Thirteen-year-old Chinatown shoe shop worker Fong Ching and other residents hid in the brick structure of the Methodist Mission as the Monumental Fire Company bell rang out, alerting wide-scale civil unrest for the first time in twenty years. City leaders quickly gathered at the offices of the Chamber of Commerce to discern how best to save the city from anarchy. Police actions to put down the uprising were noble, but floundering, the assembly determined. Federal aid had been sought, but no response had been received; something had to be done. It seemed fated that members of this improvised assembly began to look in the direction of a particular businessman in the room who had some experience with this type of work: William Tell Coleman. At fifty-three, he was approaching what was considered old age for the period, but Coleman, once summoned, wasted little time. “Rolls should be opened for men to sign,” Coleman unwaveringly declared.⁴⁰

³⁹ *San Francisco Chronicle*, 25 July 1877.

⁴⁰ *San Francisco Chronicle*, 25 July 1877; and Ethington, *Public City*, 206.



Committee of Safety Summons, Postcard,
John Boessenecker Personal Collection

Central Pacific Railroad founder Charles Crocker balked. After all, the Civil War was a mere decade in the past and there was not a single person in the assembly who had not been touched in some form by it. It was possible that the vigilante actions of twenty years earlier in San Francisco may not be looked upon with such ambivalence by the larger, more powerful federal government of the 1870s. Former Chief Burke, who had stood with the vigilantes in the 1850s and professionalized the department in the 1860s, concurred. The new police department was well-trained, he explained, and could handle this incident. “[W]e could arrive better at keeping within the laws,” he gravely intoned.⁴¹

However, Burke knew that the SFPD needed help in saving Chinatown, and needed it quickly. In 1851 and 1856 the Vigilance Committee had taken over the entire law enforcement apparatus of the city for months. If a committee could be formed that placed the formal authorities as the governing command, perhaps a new type of policeways partnership could be formed; the SFPD could be relied upon as a center of command for a legally organized auxiliary

⁴¹ “Martin J. Burke, Dictation to H. H. Bancroft,” p. 6, Miscellaneous California Dictations, 1887–1889, MSS C-D 810, Bancroft Library, Berkeley, Calif.

army. “By strengthening the...[police] ranks with our own clerks and with men upon whom we could rely...we could act with more advantage.” This would not be a Committee of Vigilance, Burke and like-minded leaders intoned, but rather a “Committee of Safety.”⁴²

Within hours, two hundred of San Francisco’s most influential businessmen donated \$75,000—roughly twenty-three million dollars in modern currency.⁴³ In a radical law enforcement strategy but one that was based on the unique relationships between informal and formal policing in San Francisco during this period as well as previous successful outcomes using this tactic, SFPD Chief Ellis and William Coleman were given dual control of a combined citizens’ police force. As in the past, the tolling of the bell brought mass numbers of civic-minded civilians to the enrollment tables. The first two hours of the Committee of Safety’s formation on 24 July saw three-thousand men enlisted. Coleman later recalled, like the previous committees, members were given a password and “badges marked ‘Committee of Safety.’” He formed the volunteers into hundred-man companies, all of whom “reported to me for confirmation.”⁴⁴ Coleman, realizing the federal government should be included in order to evade any possible later repercussions, wired Washington, D.C., requesting arms and support. In an event with remarkable implications, Washington responded quickly to supply Coleman, an ordinary citizen, with the services of the U.S. Army Commander of the Pacific Division, Civil War Union veteran Maj. Gen. Irvin McDowell and his men, five-hundred revolvers, and ten-thousand rounds of ammunition.⁴⁵ The man whom writer Robert Louis Stevenson called the

⁴² Burke, “Dictation,” 12.

⁴³ See, www.measuringworth.com for rate conversion calculation.

⁴⁴ William Tell Coleman, “Statement,” William Tell Coleman Statements and Other Materials, 1870–1893, BANC MSS C-D 755, Bancroft Library, Berkeley, Calif.; and William T. Coleman, “San Francisco Vigilance Committees,” *Century Magazine* 43, no. 1 (November 1891), 146.

⁴⁵ “Telegram,” Maj. Gen. McDowell to H. H. Ellis, 25 July 1877, California Ephemera, California Historical Society Library, San Francisco, Calif.

“lion of the vigilantes” now had the teeth of the federal government at the disposal of his Committee of Safety.⁴⁶



William Tell Coleman, ca. 1880.
San Francisco Chronicle, 23 November 1893

Young Anson Blake recalled the night of 25 July vividly. Unable to make a significant impact in Chinatown with the newly combined SFPD Committee of Safety force, the rioters dissolved east to the docks of the Pacific Mail Steamship Company, the shipping line that transported a majority of Chinese San Franciscans to their new home. “Great crowds congregated in the neighborhood” of the wharf, Blake recollected. Soon, “fire was set to several nearby lumber yards,” amid the echo of the Monumental Fire bell.⁴⁷ Members of the city fire companies arrived, but the rioters pushed them back. The firemen retreated, but soon returned, this time with highly-trained riot police, their ranks swelled with six-thousand civilians wearing white armbands reading “Committee of Safety”. In a remarkable episode of restraint and

⁴⁶ Robert Louis Stevenson, *The Wrecker* (New York: Charles Scribners’ Sons, 1908), 142.

⁴⁷ Blake, “San Francisco Boyhood,” 410.

foresight, Major General McDowell's authorization to lethally arm the civilian Committee were turned down by William Coleman. His committeemen were bakers and lawyers, not trained police or soldiers. It was the 1870s, a different era from twenty years earlier when armed civilians patrolled the city and held trials and executions. The city had changed, the nation had changed, and the police had changed and evolved and professionalized in response to the movement and in large part by using the training of former vigilante police commanders. Coleman wisely chose to let those trained to use firearms handle them, and instead armed the Committee of Safety with surplus pick-handles from the warehouse of one of its members. From this point onward the Committee of Safety would be known by its sobriquet—the Pick-handle Brigade.⁴⁸

The combined forces of order engaged the rioters, creating a passage for the fire engines to go to work on the burning docks. Remarkable law enforcement techniques were on display as a two-hour battle ensued. The front rank of police/pick-handle brigade members held tightly together, using a right pinwheel pattern to steadily push the rioters further and further away from vulnerable properties and people similar to riot control used by modern urban police. “The object of the police and committee was not to kill or maim the rioters but to disperse them,” remembered Blake. A reporter from the *Chronicle* was on hand and remarked incredulously: “The mob wavered, broke, and fled.”⁴⁹

However, the disorder was not over. Under Chief Ellis and Pick-handle Brigade commander Coleman the combined unit was divided into patrols in the vicinity of Chinatown and the surrounding blocks where scattered Chinese residents had fled. Small skirmishes

⁴⁸ Coleman, “Statement”; and Blake, 411.

⁴⁹ Blake, “San Francisco Boyhood,” 411; and *San Francisco Chronicle*, 24 July 1877.

between the Brigade and bands of anti-Chinese rioters bent on murder and destruction ensued over the course of the week. As the week of unrest came to a close, the rioters made a final stand southeast of Chinatown on Rincon Hill. The entire force of civic-minded citizens and police amassed for one final push against the rioters. A pitched battle ensued, but the laborers were quickly dispersed, their fighting spirit extinguished by the overwhelming force of order; the uprising had been put down.⁵⁰ Unlike any other circumstance anywhere else in the nation, white civilians and law enforcement had risen and joined together to protect the most marginal of urbanites and Chinatown and its residents had been saved.



Committee of Safety armband, ca. 1877.
John Boessenecker Personal Collection.

Throughout the events of the week of 23 July 1877, pick-handles and police batons and brilliant crowd disbursement tactics alone were used against the rioters without a single shot fired. Federal soldiers were on hand and at the ready to back the civilian Brigade, but never needed. Unlike the bloody confrontations between federal militia and police and striking workers in other cities during the Great Uprising, the loss of life was nonexistent and the property loss minimal due to the influence of Coleman's civilian community policing organization. Rather than cling to power for weeks or months, Coleman and Chief Ellis dissolved the remarkable

⁵⁰ *San Francisco Chronicle*, 27 July 1877; *San Francisco Chronicle*, 28 July 1877; and *San Francisco Chronicle*, 29 July 1877.

Committee of Safety on Sunday, 29 July 1877, leaving peacekeeping in San Francisco to its police professionals. The events of 1877 illustrated to the state legislature that the SFPD were professionals, but that they suffered only in their lack of manpower. As such, in April of 1878 the McCoppin Act was signed into law trebling the size of the SFPD from 150 to 450 officers.⁵¹

The combined formal-informal police force to avert the massacre of Chinatown in 1877 was the culmination of San Francisco's heritage of popular justice and grassroots policeways. As a new decade dawned, this larger, better trained police force would continue to interact in unique and surprising ways with its Chinese residents. In the last half of this dissertation, the forge in which the iron of law enforcement would be molded into a new type of department for a new century would once again be based on experience and encounters between formal and informal law enforcers in the several blocks fanning out from the old city Plaza. However, in order to understand the origins of this different type of bottom-up, grassroots policing, the origins of San Francisco's unique law enforcement environment three decades earlier must first be considered.

⁵¹ *Journal of the Senate during the Twenty-Second Session of the Legislature of the State of California* (Sacramento: Harrell Pub., 1877-78), 369.

Chapter One: Of Heroes and Hounds The Chilean Origins of Policing in San Francisco, 1846–1849

Life here is chaos.

-Chilean émigré letter home from San Francisco
El Comercio de Valparaíso, 28 August 1849

It began in what became Chinatown. The Spanish-speaking population of the booming gold rush town referred to them alternatively as *la sociedad de los cuarenta y dos*, the society of forty two, and *los galgos*, the greyhounds. They called themselves the Regulators; the rest of San Francisco referred to them by the speed at which they would respond to a slight, whether real or imagined, and called them simply the Hounds. And on the night of Sunday, 15 July 1849, the pack ruthlessly attacked its prey, leaving scorched earth, bloodied and dying bodies, and the decimated remains of a formerly thriving community.⁵² In response to these, what would prove to be the final actions of the Hounds—one of the first appointed and organized municipal law enforcement institutions in the North American West—ended with the creation of the largest popular tribunal and multiethnic police force the continent had ever seen.

This would be the first of many such incidents of vernacular policing in San Francisco and its hinterlands. Moreover, the multiethnic community-policing episode profiled below would be sponsored by the leading members of the community, a majority of whom were white Americans, indicating it diverged from the fringe incidents of popular justice seen elsewhere.

⁵² Roberto Hernández Cornejo, *Los Chileños en San Francisco: Recuerdos históricos de la emigración por los descubrimientos del oro, iniciada en 1848* (Valparaíso: Real Academia de Historia, 1930), 92; Sergio Sepúlveda G., *El Trigo Chileno en el Mercado Mundial: ensayo de geografía histórica* (Santiago: Editorial Universitaria, 1966), 43; *Daily Alta California*, 2 August 1849; and Jay Monaghan, *Chile, Peru, and the California Gold Rush of 1849* (Berkeley: University of California Press, 1973), 128.

The common story of vigilantism in the West and elsewhere is of a small armed body of whites enacting lethal summary vengeance against hispanos, Native Americans, or African Americans for perceived infractions and ill-defined crimes without any semblance of trial or habeas corpus. This chapter and those that follow alters this paradigm significantly in terms of who has the power to impose order on the city. This incident also sets San Francisco on a course of law enforcement development and governance that was more amenable to unique relationships between formal and informal policing than any other American city and started the Bay City down a path of highly progressive, bottom-up policing.



Yerba Buena Cove, ca. 1845
Roy D. Graves Pictorial Collection, Bancroft Library, Berkeley, Calif.

Policing the Plaza

The Hounds primarily drew their membership from the disbanded First New York Volunteer Regiment under Col. Jonathan D. Stevenson dispatched to California in 1846 during the U.S.–

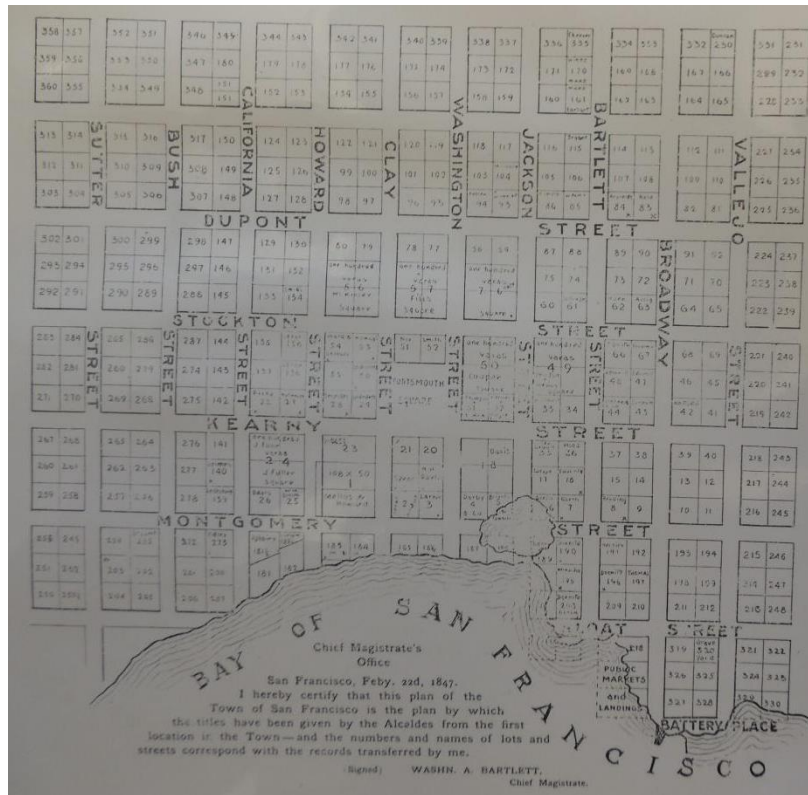
Mexico War.⁵³ As the gold rush picked up steam at the end of 1848 and the early months of 1849, the muddy lanes of San Francisco became plagued with runaway sailors. Indeed, by the end of 1849, some three-to-four-thousand vagabond sailors wandered the waterfront. With no formal, organized city police force to speak of, shop owners and saloon keepers began to hire former marines and soldiers to protect their businesses, apprehend suspects, and retrieve stolen goods. The legitimacy of the Hounds gang was further reinforced through their partnership with the town's *alcalde*, or mayor, Thaddeus Leavenworth, who was unable to enforce order with the single constable he had, thus causing him to rely on the services of roving bands of ex-soldiers who had honed their street skills in the Bowery Boys, Dead Rabbits, and similar youth gangs in New York's Five Points district.⁵⁴

In Portsmouth Square, or simply “the Plaza” as it was referred to by residents and new arrivals, the Hounds established their headquarters—a rough canvas tent named after a familiar feature of their old lives in New York: Tammany Hall.⁵⁵ From this command center (and saloon) on Kearny between Clay and Sacramento, the motley crew of ex-soldiers and sometime-criminals fanned out on patrol through the lanes, alleys, and nearby docks of the burgeoning

⁵³ James Lynch and Francis D. Clarke, *The New York Volunteers in California: With Stevenson to California* (Glorieta, N.Mex: Rio Grande Press, 1970); *The Times* (London), 3 Oct. 1849; and Patrice Dillon, “La Californie dans les derniers mois de 1849,” *Revue des Deux Mondes* V (15 Jan. 1850): 193-219; for English translation, see Abraham P. Nasatir, *French Activities in California; an Archival Calendar-Guide* (Stanford University, 1945), pp. 542-59.

⁵⁴ The office of *alcalde* was a holdover from the Mexican legal system in California and served a multiplicity of functions, combining judicial, legislative, and executive powers into one administrative office. See David J. Langum, *Law and Community on the Mexican California Frontier: Anglo-American Expatriates and the Clash of Legal Traditions, 1821-1846* (Norman: University of Oklahoma Press, 1987), 51. Frank Soulé, John H. Gihon, and James Nisbet, *The Annals of San Francisco* (San Francisco: 1855), 554; and Kevin J. Mullen, *Let Justice Be Done: Crime and Politics in Early San Francisco* (Reno: University of Nevada Press, 1989), 56-57.

⁵⁵ The bartender of the Tammany Hall saloon was Joseph T. Downey, former member of the crew of the *U.S.S. Portsmouth*, which had landed off Yerba Buena Cove two years earlier in July of 1846. He tended bar for the Hounds on a daily basis and would go on to serve as the secretary of the Regulators. Joseph T. Downey, *Filings from an Old Saw: Reminiscences of San Francisco and California's Conquest*, ed. Fred Blackburn Rogers (San Francisco: John Howell Publishers, 1956).



Map of San Francisco, 1847. Portsmouth Square between Washington, Clay, Kearny, and Stockton. Bancroft Library, Berkeley, Calif.

wooden haven of vice and hope seeking runaway sailors to apprehend for alcalde Leavenworth at a bounty of 25 dollars a head, no small prize when considering the sum's modern value of approximately 650 dollars.⁵⁶ Like many mineral strike boomtowns both in the North American West and around the world, the rapid growth of San Francisco's population and built environment preceded the gradual development and evolution of its formal urban institutions.⁵⁷ As such, the common trajectory in the growth of law enforcement institutions from a loosely-sworn constabulary and night watch system to a more regimented, military-style sworn and

⁵⁶ John Henry Brown, *Reminiscences and Incidents of the Early Days of San Francisco: Actual Experience of an Eye-witness, from 1845-1850* (San Francisco: Mission Journal Publishing Co., 1886),102.

⁵⁷ Eric Monkkonen and Christopher Fuhrmann both discuss this trajectory in their excellent monographs. See Eric H. Monkkonen, *Police in Urban America*; and Christopher J. Fuhrmann, *Policing the Roman Empire—Soldiers, Administration, and Public Order* (New York: Oxford University Press, 2013).

uniformed police force did not take place in San Francisco's formative period.⁵⁸ The town grew by the thousands per month as word of the strike in the Sierra foothills and river tributaries in the Sacramento Valley spread, and yet the structures of enforcing order remained relatively nonexistent. Indeed, from approximately eight-hundred individuals in March of 1848 the town exploded to over twenty-five-thousand inhabitants at the close of 1849, a 3,025% increase.⁵⁹



Portsmouth Square Plaza at California Statehood, 1850,
Roy D. Graves Pictorial Collection, Bancroft Library, Berkeley, Calif.

San Francisco was a great place to spend money. Men returning from the diggings were eager to squander their payout on liquor, women, bawdy dancehall performances, and tools and supplies before their return home or back to the mines.⁶⁰ Pockets were full from the seemingly endless claims to be had, and the fullest pockets belonged to the Mexican, Chilean, and other Spanish-speaking miners. This was due to the proximity of Central and South America to the

⁵⁸ See Gordon Morris Bakken, *Law in the Western United States* (Norman: University of Oklahoma Press, 2000).

⁵⁹ *California Star*, 18 March 1848. According to the *Star*, there were 575 male adults, 177 female adults, and 60 children of age to attend school, with 375 total registered as white. Soulé et al., *The Annals of San Francisco*, 554: "...at the close of 1849, the population of the town numbered, at least, twenty, and probably nearer twenty-five thousand souls."

⁶⁰ Malcolm J. Rohrbach, *Days of Gold: The California Gold Rush and the American Nation* (Berkeley: University of California Press, 1997), 146.

mines. Another contributing factor was that many of the individuals hailed from regions with long histories of mining and therefore claimed an upper hand in previous mining knowledge. In short, Central and South American miners were simply better at it than their American and European counterparts. Evidence for this can be found in South American newspapers extolling the success of their émigré miners. As one such paper, Lima Peru's *El Comercio*, illustrated:

The Yankees, totally ignorant of this work, ridiculed this digging of pits in the ground. The Chilean, wearing his short poncho and his dagger in his belt, proceeded step by step, gave a few scoops, gathered the earth in his pan, returned it to the bank of the stream, pocketed his ounce of gold and went off to eat his beef jerky and his porridge.

Indeed, Spanish-speaking miners were not oblivious to the jealousy they saw in the eyes and actions of their American and European counterparts, commonly referring to them as *gringos envidiosos*—envious gringos.⁶¹ The historical record also abounds with accounts of Yankee witnesses to the enormous success of Spanish-speaking miners. Joseph Revere, a former sailor aboard Commander Montgomery's *Portsmouth* when it landed in Yerba Buena Cove in 1846, described the multiethnic setting and triumph of an obvious few: "All nations were represented in the Sacramento dry diggings; but the luckiest miners were always the Mexicans and South Americans. They possessed all the qualities which insure success—skill in prospecting, quick eyes for gold-bearing formations, rapidity in extracting or washing the auriferous earth, and great industry and patience."⁶²

Jealousy may also have been incurred due to the domestication of the diggings by

⁶¹ Edward Dallam Melillo, *Strangers on Familiar Soil: Rediscovering the Chile-California Connection* (New Haven, Conn.: Yale University Press, 2015), 71; and Enrique Bunster, "Vida y Milagros," 59–60.

⁶² Joseph Warren Revere, *Keel and Saddle: A Retrospect of Forty Years of Military and Naval Service* (Boston, Mass.: James R. Osgood & Co., 1872), 160–61.

Spanish-speaking miners. The majority of miners from the United States and Europe arrived at the camps without their wives and children, or were single, young adventurers. Susan Lee Johnson has brilliantly challenged this view of the gold region, depicting a borderlands society far more multiethnic and dynamic than previously assumed, where sexual, national, and ethnic identity were reformed. Philadelphia clergyman Daniel Bates Woods confirms this in his witnessing the surprising difference between Yankee and Chilean camps. In his own prospecting, Woods met “a large settlement of Chilinos [*sic*], who have come from their own gold mines to try their fortunes here. I saw one family, the father of which, assisted by the older children, was ‘panning out’ gold on a stream near his rude home-made of hide. . . . An interesting girl of five years, with a tiny pick and spade, was digging in a hole, already sunk two feet, and putting the dirt in a pan, which she would take to the stream and wash, putting the scale or two of gold into a dipper a little larger than a thimble.”⁶³ To European and Yankee miners who had left family life behind for the harshness of the diggings, the presence and sight of intact domestic spaces would have magnified the loneliness many of them expressed in their letters, further exacerbating their envy.

Not all Yankee and European miners merely looked on; others saw the potential benefit of their Spanish-speaking peers and sought their aid in the extractive art. British miner William Kelly, cognizant of his lack of mining proficiency, “spent a novitiate of three days amongst the Chileans and Mexicans, looking on at their operations, and getting odd lessons in the art of imparting the rotary motion to the contents of the wash-basin.” This particular Chilean would go on to guide Kelly and his group to an ideal bank of the river to hunt for the metal. Indeed, this

⁶³ Melillo, *Strangers on Familiar Soil*, 71–72; and Daniel Bates Woods, *Sixteen Months at the Gold Diggings* (New York: Harper & Brothers, Publishers, 1851), 99–100.

was not an isolated incident or one reserved for European miners: “Nine-tenths of the new arrivals were Americans, who resorted, as we did in the first instance, to the Chilians and Mexicans for instruction and information, which they gave them with cheerful alacrity.” New



San Francisco, ca. 1850
Roy D. Graves Pictorial Collection, Bancroft Library, Berkeley, Calif.

Yorker Stephen Fowler confirmed the generosity and expertise of Chileans in the mines, describing how he and his brother, James, had “been digging with a Chillanian [*sic*], they understand mining very well.” Other Yankee prospectors, such as New York banker Samuel Ward, were known to employ Chileans in investigating claims. Ward hired “an old Chilean miner who had once been a *capatz* [foreman] of similar works in his native country....[He] formed a highly favorable opinion of our vein,” which eventually yielded tens of thousands of dollars. Indeed, Chileans were so far superior in mining to the Yankees that particularly ripe

veins were known as “Chileans.”⁶⁴

It was not only the expertise of Spanish-speaking miners that Yankees and Europeans relied upon, but also their advanced excavation technology. One such piece of technology was the Mexican *arrastre*, a stone wheel teen feet in diameter pulled by a mule over gold-bearing quartz. Once the quartz was pulverized, mercury would be used by miners to amalgamate the gold material from the stone. Chileans brought their own more efficient version of the *arrastre* known commonly in the mines as the Chilean Mill or simply the Chile Mill. Heavier and utilizing a hot water trough to improve the gold amalgamation process, the two-wheeled Chile Mill extended the period of small-scale prospecting. Indeed, U.S. Special Commissioner Henry Willis Bardey noted it to still be in effective use in Grass Valley in the 1860s, years after most prospectors had long since moved on. This Chilean technology was adopted not only in the California gold diggings, but thousands of miles to the east in North Carolina in 1854, illustrating the true impact of Spanish-speaking miners in the United States.⁶⁵

Chileans also made their names in the California mines due to the role of Valparaíso as a seaport for whalers and merchant ships and the presence of American capitalists who resided

⁶⁴ William Redmond Kelly, *An excursion to California over the prairie, Rocky Mountains, and great Sierra Nevada. With a Stroll through the Diggings and Ranches of that Country* (London: Chapman and Hall, 1851), vol. II, p. 19; Stephen L. Fowler, “Journal of Stephen L. Fowler and James E. Fowler of East Hampton, Long Island,” October 29, 1849, p. 31, BANC; Samuel Ward, ed. by Carvel Collins, *Sam Ward in the Gold Rush* (Palo Alto, Calif.: Stanford University Press, 1871; repr. 1949), 31, 46; and “Letter from Sonora,” *Daily Alta California* 28 November 1849.

⁶⁵ Rodman W. Paul, *California Gold: The Beginning of Mining in the Far West* (Lincoln: University of Nebraska Press, 1969), 135; John S. Hittel, *The Resources of California: Comprising Agriculture, Mining, Geography, Climate, Commerce, etc. etc. and the Past and Future Development of the State* (San Francisco: A. Roman & Co., 1863), 279; Rodman W. Paul, *Mining Frontiers in the Far West, 1848–1880* (New York: Holt, Rinehart and Winston, 1963), 31–32; Thomas Edwin Farish, *The Gold Hunters of California* (Chicago, Ill.: M. A. Donohue & Co., 1904), 36; Alonzo Delano, *Alonzo Delano’s California Correspondence; Being Letters Hitherto Uncollected from the Ottawa (Illinois) Free Trader and the New Orleans True Delta, 1849–1852* (Sacramento, Calif.: Sacramento Book Collector’s Club, 1952), 136; “Letter from Turtletown,” *Daily Alta California*, 16 April 1858; Henry Willis Baxley, *What I Saw on the West Coast of South and North America, and at the Hawaiian Islands* (New York: D. Appleton and Company, 1865), 426; T. A. Rickard, *Journeys of Observation* (San Francisco: Dewey Publishing Company, 1907), 122–23; Owen Cochran Coy, *Pictorial History of California* (Berkeley: University of California Extension Division, 1925), 140; and *Athens (N.C.) Post*, 5 May 1854.

there. Even those living on the most distant of Chilean ranchos also learned of the strike up north quickly. The first to receive news lived along the express rider route across the Andes from Argentina. Indeed, many gold hunters from the United States and Europe would disembark at Buenos Aires, cross the Andes, and reach Valparaíso before their original vessel docked there.⁶⁶ Americans arriving in the town in 1849 would have noticed the hundreds of vessels filled with Chileans already bound for San Francisco and the gold fields beyond, with dozens more having left in the previous months. Local shipowner Don Pedro Rio y Cruz sent the entirety of his seventy-vessel outfit north with cargo in 1849. An American ex-patriot living in Valparaíso, Josue Waddington joined with Don Pedro and other merchants to organize the “Compañía Nacional de Valparaíso” a shipbuilding conglomerate to transport more local miners and to supply the Chileans who were reaping the rewards the rivers and hills of the Sacramento Valley offered them. The company established seven shipyards at Constitución, which was a much safer harbor than the rocky port of Valparaíso.⁶⁷

Chileans arriving at port in San Francisco would have found a harbor much calmer than their native Valparaíso. Upon docking, the town’s treacherous hills would have seemed much more easily navigable and perhaps even familiar to Chileans than they would have to other argonauts, with Valparaíso known for its lung-searing, steep lanes and twisting alleys. Certainly miners struggling to ascend the alternatively dusty and muddy Clay and Washington Streets

⁶⁶ Monaghan, *Chile, Peru*, 209; Enos Christman, *One Man’s Gold*, (New York: Florence Morrow Christman, 1930), 62; Robert B. Forbes, *Personal Reminiscences* (Boston: Little, Brown, and Co., 1876), 250; Friedrich Gerstäcker, *Narrative of a Journey round the World: Comprising a Winter-Passage across the Andes to Chili; with a visit to the gold regions of California and Australia, the South Sea Islands, Java, & c.* (New York: Harper & Brothers, 1853), 59, 80, 86–88; James Melville Gillis, *Chile: Its Geography, Climate, Government, Social Condition, Mineral and Agricultural Resources, Commerce, etc.* (Washington, D.C.: A.O.P. Nicholson, 1855), 6.

⁶⁷ Monaghan, 201; Hernández Cornejo, *Los Chilenos*, pp. 173, 67; Ramon Perez Yanez, *Forjadores de Chile*, (Santiago, Chile: Editorial Antera, 1953), 455; Gilliss, 135; Enrique Bunster, *Chilenos en California: Miniaturas Históricas*, Santiago, Chile: Editorial del Pacifico, 1965), 81; and Sepúlveda, 37.

would have been irked to see others easily chatting in Spanish while doing the same with little effort. One such Chilean miner was Domingo Alegria, who arrived in San Francisco in 1848 with his wife and sons, Rinaldo and Ignacio.⁶⁸ The Alegrias lived with other Chilean men, women, and families on a rocky, sandy outcropping below Telegraph Hill named Clark's Point not far from the plaza in a tent and board shanty village nicknamed "Chilitown."



View of San Francisco from Telegraph Hill, ca. 1849
Roy D. Graves Pictorial Collection, Bancroft Library, Berkeley, Calif.

From this elevated precipice three-hundred feet above Yerba Buena Cove on the southeastern slopes of Telegraph Hill, Chileans could watch as the soaring timbers of ships' masts grew larger from between the Golden Gate.⁶⁹ Surely the competitive spirit drove most from the Chilitown community almost immediately. After arriving in San Francisco and settling his family in the city, Latin Americans like Alegria would have had a journey of almost one-

⁶⁸ *Daily Alta California*, 2 August 1849; and Soulé, 558.

⁶⁹ Asbury, *The Barbary Coast*.

hundred-and-fifty miles ahead of him. He would have inquired from other Spanish-speaking residents or in one of the myriad saloons on the plaza about gaining passage on one of the ferry boats in operation. Perhaps he would have encountered one of the Spanish-speaking American adventurers who had previously called Valparaíso home like Sam Roberts.

Samuel Roberts, or “Captain George” as he was sometimes referred, would rise to become the natural leader of the San Francisco Hounds and advisor to the new alcalde. When not sleeping off a drunk at the tawny Washington Hall brothel-saloon-gaming house, Roberts could be found operating a lucrative business ferrying miners from San Francisco to the East Bay. A former mercenary aboard a Chilean naval vessel, Roberts originally hailed from the streets of New York before shipping to sea, likely aboard one of the many whaling vessels operating out of the northeastern American seaboard in the 1840s, and eventually calling Valparaíso home. While in Chile, Roberts became acquainted with many of the local women, relationships he used to his advantage in San Francisco in order to secure passage for women to work in the city’s booming laundry, cookhouse, and sex industry. Roberts had arrived in 1846, likely recruited to fight in the impending war with Mexico—or perhaps poised to take advantage of the war. Once Colonel Stevenson’s New York regiment disbanded in San Francisco in 1847, Roberts would have likely recognized many of the faces he saw disembarking from his days as a youth in New York. Indeed, Connecticut chaplain and doctor—and future alcalde—Thaddeus Leavenworth himself was counted among the crew.⁷⁰ As such, Roberts found himself in a key position of potential power, unequalled in his knowledge of the urban environment of San Francisco, its nuances and quirks, its potential pitfalls—and potential to make money. These would have been attractive

⁷⁰ James Lynch, *With Stevenson to California, 1846–1848*, vol. II (Glorieta, N. Mex.: Rio Grande Press, Inc., 1882), 49.

features to the rootless sailors, castoff Bowery thugs, and newly arrived transplants from Britain's new Australian penal colony.⁷¹

It is men like Roberts whom Alegria would have encountered on the five-mile ferry ride across the bay. Once disembarked in the East Bay, Alegria would have set off by carriage or foot for the mouth of the Sacramento River, whereupon he and other Latin Americans like him would have booked passage aboard one of the many riverboats that operated between the mouth of the river and Sacramento. From Sacramento, Alegria would have had access to the American River and the northern mines or, if he had disembarked below Sacramento, the San Joaquin River and the southern mines.⁷² Alegria, like many of his other Latin American compatriots, experienced a great deal of success at the mines. This was due to familiarity with mining techniques as mentioned previously, as well as the general success all miners in the early period experienced. Indeed, individuals like alcalde Leavenworth worked alongside draymen and servants. Sierra Miwok, Yokut, Nisenan, and Washo peoples, although dwindling in numbers from violent and disease-ridden contact with European and Latin American transplants for over a century, were known to mine alongside emigrants from England, who worked claims beside French, Chilean, Mexican, and Chinese miners. This is not to paint the early goldfields as a riverine idyll. Indeed, as we shall see later in this chapter, the goldfields were epidemic sites of extreme individual and group violence. However, the late-1848-to early-1849 period was marked by unnatural calm and interethnic coexistence and even cooperation—at least among non-Native peoples—due to the general prosperity of the diggings. If unceremoniously jumped off one's claim, there were

⁷¹ "Testimony of Domingo Cruz and Colonel Stevenson," *Daily Alta California*, 2 August 1849; "Testimony of George Rige," *Daily Alta California* 2 August 1849.

⁷² Richard E. Warner and Kathleen M. Hendrix, *California Riparian Systems: Ecology, Conservation, and Productive Management* (Berkeley: University of California Press, 1984), 54.

countless other equally successful diggings from which to mine.⁷³

This environment began to shift with the dawning of 1849 and the coming of more and more miners and entrepreneurs from the United States and Europe.⁷⁴ What these miners found was hundreds of choice claims being worked by men, and sometimes women, speaking various dialects of Spanish. Although the region had only been ceded from Mexico in the Treaty of Guadalupe Hidalgo less than a year earlier, this detail nonetheless began to rile the American and European newcomers. The increasing competition among a converging global population in the bay area hinterland for a limited mineral resource created tensions between all prospectors, regardless of national origin or ethnic background. However, the initial achievements of Chileans and other Latin Americans in the diggings combined with Jacksonian-era racial ideology to create an increasingly tense and outright dangerous environment for the region's Spanish-speaking population.⁷⁵ Gen. Persifor Smith, hero of the Second Seminole War and the recent war with Mexico, commander of the Pacific Division of the U.S. Army, and soon-to-be military governor of California, heard of the discontent of American prospectors and their enmity towards Latin American miners while passing through Panama that January of 1849.⁷⁶ In a letter to the U.S. consul at Panama, William Nelson, General Smith correctly perceived that currying favor with his future constituents could only aid his success in the territory of California when he

⁷³ Rohrbough, *Days of Gold*, 20.

⁷⁴ California, ceded during the U.S.-Mexico War, would not gain statehood until 1850 and remained under military government until that time.

⁷⁵ Rohrbough, 216; Susan Lee Johnson, *Roaring Camp: the Social World of the California Gold Rush* (New York: W. W. Norton & Company, 2000), 185-87; Tomás Almaguer, *Racial Fault Lines: the Historical Origins of White Supremacy in California* (Berkeley: University of California Press, 1994), 69; Eric Foner, *Free Soil, Free Labor, Free men: the Ideology of the Republican Party before the Civil War* (New York: Oxford University Press, 1970), 11; David R. Roediger, *Wages of Whiteness: Race and the Making of the American Working Class, Revised Edition* (New York: Verso Books, 1999), 7, 20, 27.

⁷⁶ Durwood Ball, *Army Regulars on the Western Frontier, 1848-1861* (Norman: University of Oklahoma Press, 2001), 67.

stated:

As nothing can be more unreasonable or unjust than the conduct pursued by persons, not citizens of the United States, who are flocking from all parts to search for and carry off gold from the lands belonging to the United States in California, and as such conduct is in direct violation of law, it will become my duty, immediately upon my arrival there, to put those laws in force, and to prevent their infraction in future, by punishing, by the penalties provided by law, all those offend....[I]t would be well to make it publicly known that there are such laws in existence, and that they will be in future enforced against all persons, not citizens of the United States, who shall commit any trespass on the lands of the United States in California.⁷⁷

Although he would not act on his threats upon his arrival, the damage had been done: the letter was published in every major newspaper in the country, including San Francisco's *Daily Alta California*. Although the foreign miner's tax lay in the future, General Smith's proclamation became a rallying cry for disgruntled, outmatched American miners. Violence against Latin Americans increased exponentially following the proclamation, and the streets of San Francisco became filled with bruised and battered Spanish speaking prospectors pummeled out of the northern mines.

Smith's decree coincided with the massive Yankee emigration to California in the spring of 1849 and a drastic shift in the largely positive and lucrative experience of Spanish-speaking prospectors. California had not yet achieved statehood, but Yankee miners correctly perceived the anti-foreigner tide of the period and how it might be used to their own selfish advantage. Physical intimidation, restrictive labor codes, and taxation policies further contributed to the increasingly negative environment for Spanish-speaking miners. The contract labor system many Chilean prospectors utilized (as did many wealthy Yankees and Europeans) made them further

⁷⁷ H.R. Doc. No. 17, 13th cong., 2d sess., 1849, p. 715.

targets of aggression under the mid-nineteenth century American free soil labor ideology against “unfree” Chileans and their supposed overlords. Chilean historians estimate “around 200 unpunished murders” of their countrymen during this period, not to mention the countless others who “disappeared in California without anyone ever knowing their fate.”⁷⁸ One New York miner describes approaching a fellow miner with intent to kill him, the justification being, “At a distance he looked very [*sic*] suspicious. I supposed him to be an Indian or a Mexican.”⁷⁹ Argentine-born miner Ramón Gil Navarro remarked that, Americans directed their ire against all Mexicans and South Americans somewhat equally. Indeed, Navarro and other Spanish-speaking miners from this period explain that Yankee miners “had enough hate to go around,” but reserved an “irrational hostility...especially directed against the Chileans.”⁸⁰ The few grateful miners who employed and learned from Chilean expertise noted with ire the often woeful response from their Yankee pupils. British miner William Kelly described a situation in which a party of Americans learned all they could from a Chilean guide in the diggings, “but as soon as Jonathan got an inkling of the system, with peculiar bad taste and ungenerous feeling he organised a crusade against those obliging strangers, and ran them off the creek at the pistol mouth.”⁸¹ As Chilean prospector Roberto Hernández Cornejo lamented, to those forced from the mines it appeared that the Americans “believed themselves to be the only ones with the right to

⁷⁸ Kelly J. Sisson, “Bound for California: Chilean Contract Laborers and Patronos in the California Gold Rush, 1848–1852,” *Southern California Quarterly* 90, no. 3 (Fall 2008): 287; and Hernández Cornejo, *Los Chilenos*, I:27.

⁷⁹ Dwight Hiram Pierce, *A Forty-niner Speaks: A Chronological Record of the Observations and Experiences of a New Yorker and His Adventures in Various Mining Localities in California, His Return Trip across Nicaragua, Including Several Descriptions of the Changes in San Francisco and Other Mining Centers from March 1849 to January 1851* (Sacramento, Calif.: Sarah Wisewall Meyer, 1930), 60.

⁸⁰ “Ramón Gil Navarro,” in *We Were 49ers! Chilean Accounts of the California Gold Rush*, ed. and trans. Edwin A. Beilharz and Carlos U. López, (Pasadena, Calif.: Ward Ritchie, 1976), 103.

⁸¹ Kelly, *An Excursion to California*, II: 19.

look for gold, as well as the only owners of this conquered territory.”⁸² As the response to the actions of the Hounds in the city in the summer of 1849 and the Chilean War in the bay hinterlands later in the year would prove, Latin Americans would not take expulsion lying down.

Salus populi suprema lex esto: the Spectrum of Popular Justice

Gold Rush San Francisco would see episode after episode of informal law enforcement arise, both in the camps and urban environment. However, California had a legacy of popular justice that far preceded the American period. Governor Juan Bautista Alvarado of Mexican California in 1836 declared that the outlaw spirit of Alta California was a spirit of justice and independence. Governor Alvarado and other leaders of the Mexican state in California valued the rampant *justica populares*, or vigilance committees, which were known to arise in the region and which he believed would usher forth “a new era in California history.”⁸³ Throughout history, interpersonal violence is known to arise and increase during periods of upheaval and social transformation. The forging of institutions is often a violent confrontation between opposing forces of static tradition and progress, a process that is magnified in weak-state frontier environments. Mid-to-late-nineteenth-century-San Francisco was a Borderlands of law enforcement, a middle ground wherein institutions of justice were formed in the kiln of outlaw justice and lethal violence. In this furnace, as French philosopher Montesquieu would put it, “*salus populi suprema lex est*”—the safety of the people is the highest law.⁸⁴

Frontier San Francisco and its hinterlands was nonetheless a complicated nexus, not only

⁸² Hernández Cornejo, I:130; Tomás F. Summers Sandoval, *Latinos at the Golden Gate: Creating Community and Identity in San Francisco* (Chapel Hill: University of North Carolina Press, 2013), 43.

⁸³ Juan Bautista Alvarado, *Historia de California: vol. 3, 1834-1837* (1876), 67–69.

⁸⁴ Benjamin Straumann, *Crisis and Constitutionalism: Roman Political Thought from the Fall of the Republic to the Age of Revolution* (New York: Oxford University Press, 2016), 301.

for the ideology of race and ethnicity, but also for the development of policing. Indeed, in an environment where traditional institutions of justice were enfeebled, informal policing often performed the service of more formal institutions. California was a violent place, which is not surprising considering the honor culture that ran high in the masculinist environment of San Francisco and the gold camps. Indeed, as former prison psychiatrist and writer James Gilligan explains, “all violence is an attempt to achieve justice,” a justice that was perceived to be “up for grabs” to a certain extent in the weak state of territorial and early American-period California.⁸⁵ However, it was not simply the nativist rogue or ruffian who relied upon vigilance committees and other forms of informal policing institutions in the Bay Area. Rather, faced with imminent questions of law and order where justice delayed was justice denied, decisive action was often required to cause even the wealthiest and most tawny of émigrés to rely on popular justice. As such the North American borderlands, generally, and the Bay Area specifically saw familiar characters acting in unexpected ways, where immigrants would unite and rise up against racist lawmen that would have been praised in other towns in the West. For example, in Los Angeles during the same period, a Hound-like nativist American vigilante police force would drive Californios and Mexicanos from institutions of justice and go so far as to remove the progressively minded, anti-slavery American town marshal John Purdy from power.⁸⁶ As this project will illustrate, the Hounds and the police force established to put them at bay were not lone occurrences of popular justice in San Francisco and California’s history. As John Mack Faragher explains in his excellent work on Los Angeles, by the end of the nineteenth century,

⁸⁵ James Gilligan, *Violence: Reflections on a National Epidemic* (New York: Knopf Doubleday, 1997), 11–12, cited in John Mack Faragher, *Eternity Street: Violence and Justice in Frontier Los Angeles* (New York: W. W. Norton & Company, 2016), xii.

⁸⁶ Faragher, 210.

“the roar of popular justice had been heard hundreds of times in California, resulting in the execution by vigilance committees or mobs of nearly three hundred individuals.”⁸⁷

As John Joseph Stanley has stated, “popular justice did not begin in California, but it came to its full flower there.”⁸⁸ Organized extralegal law enforcement has a long history in human society, and North America is no exception. One of the first successful vigilante movements in British North America took place in the South Carolina Regulator Movement from 1767 to 1769. Richard Maxwell Brown has cited over three-hundred nationwide vigilante movements since the eighteenth century, while law enforcement historian David A. Johnson has identified almost four hundred in California alone between 1849 and 1902. Indeed, the first recorded instance of organized grassroots policing in American territorial California took place in the bay hinterland gold mining town of Placerville in January 1849.⁸⁹ However, the Hounds association cannot be included in this list. As citizens employed by alcalde Leavenworth receiving city funds for public and private protection work, no matter how dastardly that work may have indeed been, Sam Roberts and his “officers” were considered paid public servants. According to local barman John Brown, the Hounds performed somewhat admirable work for many private business owners, protecting property, apprehending assailants, and returning stolen property (if for a fee). Many, including Roberts and his ferry company, held reputable employment outside of their policing duties, and some had served with distinction in Stevenson’s regiment. Initially it seemed the Hounds were providing a key city service, as there was no sworn

⁸⁷ Faragher, *Eternity Street*, 22.

⁸⁸ John Joseph Stanley, “Vigilance Movements in Early California,” in *Law in the Western United States*, ed. Gordon Morris Bakken (Norman: University of Oklahoma Press, 2000), 71.

⁸⁹ Philip J. Ethington, *The Public City*, 88; Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975), 103; David A. Johnson, “Vigilance and the Law: The Moral Authority of Popular Justice in the Far West,” *American Quarterly* 33 (Winter 1981): 558-86; and Hubert Howe Bancroft, *Popular Tribunals*, 2 vols. (San Francisco: History Company, Publishers, 1887), 1:144-45.

San Francisco law enforcement. Brown the barkeep was not the only person to testify to the Hounds' initial success in keeping order. Future *Pacific News* publisher Jonas Winchester attested to the strong police powers wielded by the group, as did the physician and diplomat Charles F. Winslow.⁹⁰

However, as more and more Latin American miners were booted from the hinterlands due to increased competition, General Smith's shipboard decree, and mid-nineteenth-century American nativism, the city at large and tent districts like Chilecito specifically began to fill with Spanish-speaking occupants. The Hounds, as entrepreneurs always on the lookout to make an easy buck, fed forcefully out of the flayed pockets of the new arrivals.⁹¹ Fluctuating from account to account from roughly forty men to over a hundred, the *los galgos* took to parading every Sunday evening from their Tammany Hall headquarters at Kearny and Commercial in exaggerated naval dress uniforms incorporating military coats and epaulets with Mexican serapes and crimson Chinese sashes.⁹² Their power and arrogance swelled as their penchant for intimidation and assault increased as the spring months of 1849 gave way to an unseasonably warm summer for the region. Roberts and his men would openly rob businesses, enter saloons and restaurants, gorge themselves on food and whip themselves into a drunken rage before smashing a few more bottles before declaring the bill was to be forwarded to the meek Alcalde Leavenworth. Although unwilling to speak when Latin Americans were assaulted, the Hounds' violent incursion into the arena of American business owners would prove to be a cobblestone on

⁹⁰ Jonas Winchester to Ebenezer Winchester, 8 July 1849, Box 332, "Outgoing Correspondence, 1829-1849," MSS 335-338, Winchester Papers, California History Room, California State Library, Sacramento, Calif.; Stanton A. Coblenz, *Villains and Vigilantes: the Story of James King of William* (New York: Wilson-Erickson Inc., 1936), 34; and Roger W. Lotchin, *San Francisco, 1846-1856: From Hamlet to City* (New York: Oxford University Press, 1974), 191.

⁹¹ Brown, pp. *Strain of Violence*, 102-104; *Daily Alta*, 2 July 1849; and Bancroft, *Popular Tribunals*, 1:78

⁹² *Daily Alta*, 2 August 1849; and Asbury, *Barbary Coast*, 41.

the road to their undoing.⁹³

Hound assaults against the city's Spanish-speaking population continued until June. It was the first day of summer, and Benjamin B. Beatty, a former private in Stevenson's regiment, and another member of the *galgos* gang decided to make a little cash. The pair strolled the short distance from the plaza to Little Chile and entered the tent of the merchant Pedro Cueto. Beatty and his compatriot demanded to be paid for a nonexistent service—being robbed, beaten, or killed, and the store's contents destroyed or sold off being the standing threat of noncompliance. Cueto then did something Beatty and his partner could not have expected: he fought back. In the flash of an eye the bullied shopkeep pulled a gun and fired. Beatty fell dead, his partner fleeing back to Kearny and Commercial to Hound headquarters in Tammany Hall. Cueto, realizing he did not have much time before the would-be robber's friends appeared, fled the scene.⁹⁴

When Sheriff Pulis arrived the next day, Cueto had fled; this was a wise decision considering the affiliation of the sheriff), the tent shop was burned to the ground, and the contents sold off to the highest bidder. The Hounds, incensed at the nerve of an individual they would have deemed a slovenly “greaser” to defend his property with force of arms, took steps to further their legitimacy in the public eye and thereby increase their already-powerful base. The Hounds assembled in their saloon command center on the Plaza. In what must have been a scene rife with the scent of whale oil lamps, sweat, and grog and peppered with the sounds of nativist venom dripping from their lips. A constitution of authority was drawn up and officers were appointed. C.R.V. Lee was elected president, W. Anderson was elected vice president, Tammany Hall bartender Joseph Downey secretary, J.A. Patterson treasurer, John C. Pulis, steward (and the

⁹³ Asbury, 42; and Bancroft, *Popular Tribunals*, 1:91.

⁹⁴ *Daily Alta*, 28 June 1849; and Bancroft, *Popular Tribunals*, I: 92.

sheriff of San Francisco)⁹⁵, and Sam “Captain George” Roberts military commander. A new name was needed for this law enforcement organization to complete their vision of legality: for the remainder of their existence the *la sociedad de los cuarenta y dos*, the vicious society of forty two, the greyhounds, would draw on years of self-righteous American vigilantism in choosing and would hereafter be known as the San Francisco Society of Regulators.⁹⁶

As a rule, Americans did not recognize any distinctions between Latin Americans. Native Californios, Chileans, Peruvians, and Mexicans, and whether living in the region for a week or a lifetime, Spanish-speaking people were lumped together as “greasers.” Three months earlier, in April of 1849, nativist American miners at Sutter's Mill drove away masses of Chileans, Mexicans, and Peruvians. A similar event on July 4 along the Sacramento pushed more than a thousand Chileans into San Francisco.⁹⁷ As more and more Latin American miners filed into the city having often been forcibly removed by the growing American contingent in the diggings, Regulator agitation grew—it is unknown whether the irony of the self-induced situation was lost upon them. Two weeks went by since the Chilean shopkeeper defended his store with lethal force against Hound assault and the city was experiencing a rare heat wave. It was Sunday, July 15, and Sam “Captain George” Roberts and his compatriots decided to beat the heat on a morning excursion across the bay to Contra Costa on his ferryboat. Back in the city, *chilena* Felice Alvarez, a former associate and love interest of Roberts in Valparaíso who had recently arrived in the city, was entertaining a German immigrant named Leopold Bleckschmidt at her place of employment, the Washington Hall. Roberts and his men, who were also presumably

⁹⁵ Lynch and Clarke, 54.

⁹⁶ *Daily Alta*, 2 August 1849.

⁹⁷ Abraham P. Nasatir, “Chileans in California during the Gold Rush Period and the Establishment of the Chilean Consulate,” *California Historical Quarterly* 53, no. 1 (Spring 1974): 62.

members of the Hound-Regulator Society, spent the first half of that Sunday as most men of the 1840s did—drinking copious amounts of grog.

Like many members of the Chilecito community, Domingo Alegria and his sons Ignacio and Rinaldo were lounging near their tent when Sam and his men returned to the city, already leaning heavily towards inebriation. Roberts stumbled home to Washington Hall, where he had lived with Alvarez since she arrived in port a month previous. Not one for manners, Roberts did not knock on the door of the room he shared with Alvarez before striding in. Alvarez knew her companion had a short fuse from events which transpired a week and a half earlier. As a cruel Independence Day surprise, Roberts stole ten ounces of gold and Alvarez's life savings from her as she opened the box containing the valuables to fetch a pair of shoes. She implored alcalde Leavenworth for his assistance, as Roberts was employed by him to supposedly protect the city's residents, but received only a passive response. Sam would return to Alvarez daily, flaunting the money and gold she had brought from Valparaíso to help her survive in San Francisco before viciously snatching it away. Felice and Sam's relationship crumbled after his threats against her increased. Alvarez later testified, "I feared him, and admitted him [to their room]; he has threatened to break in the door of both houses in which I have resided."⁹⁸

What Roberts found when he entered sent him into a rage—Bleckschmidt and Alvarez lounging on her bed. Roberts left the room and returned with a plank and beat Bleckschmidt, knocking him to the ground. Sam, always one for public flair, dragged the stunned man from the room and out into the mud of the street, laying blow after blow of the club into the now unconscious face and body of his victim for all to see before mounting his horse. As the shocked

⁹⁸ "Felice Alvarez—Testimony," *Daily Alta California*, 2 August 1849; and "Maria Alvarez—Tetsimony," *Daily Alta California*, 2 August 1849.

crowd watched, Roberts brought the horse to bear on Bleckschmidt and used his spurs to slash at the neck and face of the unconscious victim before the crowd drove him off.⁹⁹

Sam Roberts parted the crowd who had gathered to witness the bludgeoning and left the bleeding and unconscious Bleckschmidt and terrified Alvarez at the Washington House and strode across the plaza to Tammany Hall to drown himself in drink and his own rage. Witnesses noticed Sam was more grave than his usual demeanor, which edged towards a dangerously unhinged elation. As the afternoon rolled into evening, more members of the Hound-Regulators began to trickle into their headquarters. Sam ordered a gin cocktail as an appetizer. When the drink did not arrive at an approved pace he kicked over the table, sending glasses and plates flying. He recounted to the assembly his tale of misperceived infidelity by Alvarez, whose gold and savings Roberts had likely already spent on other women, each supporting their friend by adding to the growing fire with their own tales of the wrongdoing they had been assailed with. Ben Bailey, Hound and would-be robber of Pedro Cueto's store, was in the ground less than two weeks, dead at the hands of another Chilean; a pattern began to form in the ignorant, nativist group-mind assembled with Sam at Tammany Hall that evening in mid-July.¹⁰⁰

Any semblance of a rational ensemble devoted to the maintenance of community law and order disappeared as the San Francisco Society of Regulators dissolved into their trademark hound clothing, their old naval uniforms outrageously accented with stolen pieces from the city's Latino and Chinese residents. The Hounds made the rounds of the plaza's drinking establishments, stealing cigars and booze at whim as the evening wore on, the group getting heavily intoxicated and armed with clubs, sabers, axes, and pistols. The party broke into the

⁹⁹ "Leopold Bleckschmidt—Testimony," *Daily Alta California*, 2 August 1849; "Alfred Miller—Testimony," *Daily Alta California*, 2 August 1849.

¹⁰⁰ Bancroft, *Popular Tribunals*, I: 93, 94.

Pedro Danino's National Coffee House to caffeinate themselves for the night's undertaking, washing the coffee down with four bottles of champagne before taking their fill at the nearby Shades saloon. Around nine thirty a man in a florid red blouse produced a drum and began to beat a military marching cadence, a sound familiar to the former members of Commander Montgomery's 1846 landing and Colonel Stevenson's a year later. A fife was produced and a marching direction chosen: northward, to the site of the old embarcadero where the men would have first set foot in Yerba Buena, at the edge of Telegraph Hill at a sandy outcrop called Clark's Point—now referred to as Chilitown or Chilecito. When a witness along their macabre parade route called out to the gang inquiring about their intentions, one among them responded: "We are going to whip and drive out every damned Chileno in town."¹⁰¹

The sound of gunfire was not exactly a rare occurrence in any boomtown filled with unattached young men far from home, and San Francisco was no exception to this general rule of the North American West. However, the behavior that would produce gunfire was usually confined to the saloons and brothels of the plaza, and not the more settled locations where families chose to live, such as the Chilecito district from which the sound of gunfire could now be heard from the plaza. A friend of Roberts's, an army captain named Andrews, saw the intent of the motley uniformed men and knew that Sam was attached to the group in a leadership role. He knew that if he could simply talk to his friend, whom he had seen drinking at the Parker House around eight that evening, the attack could be prevented. Andrews stopped several of the band he found in the plaza, but all said Sam had already departed on his mission to Clark's Point to satiate his own inadequacies in the blood and misery of others. Among the party that day

¹⁰¹ Soulé, et. al., *Annals of San Francisco*, 557; Bancroft, *Popular Tribunals*, I: 95; "Captain Andrews—Testimony," *Daily Alta California*, 2 August 1849; "Pedro Danino—Tetsimony," *Daily Alta California*, 2 August 1849; and "Ben Hudson—Testimony," *Daily Alta California*, 2 August 1849.

witnessed was Sheriff Pulis.¹⁰²

Domingo Cruz was one of the first to experience the full wrath of the Hounds at hunt. Around ten o'clock a party of about twenty armed Regulators appeared at the saloon tent he kept in Chilecito. They brandished pistols and demanded to be given drinks. Cruz describes them as striding confidently behind the bar to help themselves before recklessly smashing bottles. Cruz, attempting to flee the scene, encountered a man wheeling on a horse, a broken sword in his hand. The rider's face was a familiar one to him from Valparaíso, a man he knew as a friend and only as Captain George—it was Sam Roberts. As he watched, the mounted Roberts cornered another Chilean and swung the broken sword, the man crumpling beneath the assault. Cruz cried out, seeking a reason for this sudden and ferocious random violence. The men leaving his obliterated saloon responded: they “had an order from the alcalde to destroy all the tents of the Chilenos.”¹⁰³ As the Hounds fanned out through the settlement on Clark's Point, Roberts issuing orders to them from a speaking trumpet, Cruz reported volleys of gunshots and the echoing screams of his neighbors and their families.¹⁰⁴

Nearby, Domingo Alegria was meeting with an Englishman friend in his tent when he heard men appear at the tent next door followed by the sound of gunshots. His two sons, Ignacio and Rinaldo, were sleeping in the tent next to his own when he heard one of them cry out, “do not kill me, I am already wounded.” To his horror, Domingo heard three more shots. Rinaldo and Ignacio, both bleeding from defensive wounds to the hands and body, fled from the tent, Rinaldo

¹⁰² “Andrews Testimony,” *Daily Alta California*, 2 August 1849.

¹⁰³ Invoking the name of the Alcalde Leavenworth was a common tactic of the Hound-Regulators to justify their history of theft and violence. Earlier in the month, a group of Hounds attempted to extort Pedro Cueto in the name of the alcalde. When Leavenworth arrived to investigate the shopkeeper's claim the next day, he disavowed any such standing order for theft against his city's inhabitants. “Pedro Cueto—Testimony,” *Daily Alta California*, 2 August 1849.

¹⁰⁴ “Domingo Cruz—Testimony,” *Daily Alta California*, 2 August 1849.

towards the beach and Igancio to a grove of trees to hide. A party of six men rode Rinaldo down, firing as they ran. Rinaldo was struck in the groin by the butt of a rifle, bringing him to the ground. Exhibiting doleful cowardliness, the half-dozen armed men pinned Rinaldo, already bleeding profusely from a gutshot, to the ground before shooting him in the face. Leaving him for dead, Rinaldo was found by his father, Domingo, on the beach. Domingo carried his son into a boat and rowed out, avoiding vessels with American flags, aiming instead for the nearest vessel arrived from Chile, the *General Freire*. Leaving his son in the safety of the well-armed Chilean ship, Domingo raced back to his tent and toward the sound of fife and drum mixed with screams and gunshots echoing off of Telegraph Hill and down across the beach, only to find the tent destroyed and \$3,500 in coin and jewelry missing, an amount valued today at close to \$100,000.¹⁰⁵

The Hounds, noticing that their victims were fleeing to the beach for shelter in the anchored ships offshore, preempted their escape by breaking apart the moored longboats. Two parties of marauders commandeered a pair of boats and rowed out to the sheltering vessels, presumably to continue their attack.¹⁰⁶ In Chilecito Roberts continued to rally his band of rowdies, eyewitness after eyewitness claiming to have seen him striding in his gold embroidered lieutenant's jacket and shouting orders into a speaking trumpet: "Fire, men, fire upon them!"¹⁰⁷ A path of destruction spread at the foot of Telegraph Hill as the so-called Regulators rampaged from canvass house to canvass house, shooting the men and boys, stealing their belongings, and raping the women. Some Chileans defended themselves, one bravely wielding an axe to defend

¹⁰⁵ "Domingo Alegria—Testimony," *Daily Alta*, 2 August 1849; "Rinaldo Alegria—Testimony," *Daily Alta*, 2 August 1849; and "Ignacio Alegria—Testimony," *Daily Alta*, 2 August 1849.

¹⁰⁶ "Asa A. Dimmoch—Testimony," *Daily Alta California*, 2 August 1849.

¹⁰⁷ Pedro Cueto—Testimony," *Daily Alta California*, 2 August 1849.

himself and his property from assault, ensuring that not all the Hounds walked away from Sunday night's violence unscathed.¹⁰⁸ At midnight, after three hours of satiating themselves on the misery of innocent victims, the Hounds dissolved into the city's brothels, hotels, and saloons. Roberts chose to room that night with another Hound in the Parker House rather than the Washington Hall room he shared with Felice Alvarez.¹⁰⁹

Although they had been used by alcalde Leavenworth, lacking a police force, to carry out the ends of justice, by all accounts the Hounds had superseded this sanctioned role for rampant thuggery and personal profit, regardless of how they rebranded themselves. Certainly this is not far removed from the corruption of the fledgling east coast city police forces of the 1840s. Indeed, eastern departments of the period were little more than the private security forces of the reigning political party despot, the most famous being Boss Tweed's New York Tammany Hall, for which in a case of purposeful connection Hound San Francisco headquarters were named.¹¹⁰ If the so-called Regulators had earned popular endorsement for community protection initially, this agreement had faltered and collapsed on that midsummer Sunday evening and been revoked as the city awoke on Monday morning to find dozens of its members bleeding and dying at the hands of its pseudo-guardians. The Hounds were San Francisco's first experiment in private community policing, but certainly not the last; the public response to their acts of terrorism would set the city and its hinterlands on a decades-long course of grassroots policing that would drift the law enforcement spectrum between vigilantism on one end, to private security, and sworn government police on the other end.

¹⁰⁸ "Joseph T. Downy—Testimony," *Alta*, 2 August 1849.

¹⁰⁹ "Peter Earl—Testimony," *Alta*, 2 August 1849.

¹¹⁰ Eric H. Monkkonen, *Crime, Justice, History* (Columbus: Ohio State University Press, 2002), 151; and Marilyn Corsianos, *The Complexities of Police Corruption: Gender, Identity, and Misconduct* (Lanham, Maryland: Rowman & Littlefield Pub, 2012), 3.



The Hounds attacking Chiletown,
Fernando Alegria Papers, Bancroft Library, Berkeley, Calif.

Indeed, the strange career of law enforcement during this period in San Francisco was evidence of a “legal utilitarianism” that combined two diverging developments in nineteenth century law. The middle years of the nineteenth century are unique due to its episodes of legal evolution. The first half of the century is noted for its “release of energy” principle whereby the law was used as an instrument to propel capital interests and exploration; the second half of the century saw the legal environment evolved from this capital release to a “hold the line” mentality in which legal infrastructure began to become more solidified and less subject to extreme change.¹¹¹ The grassroots community policing that arose in the Bay Area during this period

¹¹¹ James Willard Hurst, *Law and the Conditions of Freedom in the Nineteenth-Century United States* (Madison: University of Wisconsin Press, 1956); and Lawrence M. Friedman, *A History of American Law* (New York: Simon & Schuster, 1973); Stanley, “Vigilance Movements,” 55.

exemplified this process. However, the San Francisco case is unique in that the exploratory period of legal evolution that solidifies and coalesces into a more rigid law enforcement structure in other North American cities in the middle decades of the nineteenth century remains fluid and dynamic for far longer, indeed, even in to the present period. Economist Edward Stringham is the most recent scholar to address the history of private legal systems in *Private Governance: Creating Order in Economic and Social Life*. Although he does not focus on the particularity of the West or San Francisco, he does highlight the unique case of San Francisco and the Hounds. Noting the relative vacuum of state power in Mexican Yerba Buena and American San Francisco, Stringham describes the efficient organization of private policing in the 1840s and 1850s without taxation or official sanction. However, he does not acknowledge at least the initial official sanctioning of Sam Roberts and his Hound-Regulator patrolmen by Leavenworth's city government and leading merchants, referring to them merely as a "criminal group." Stringham's work is nonetheless valuable to my own work, as it highlight's San Francisco's notable historic contribution to private policing that arose during the period examined. Indeed, private policing in San Francisco has notably lasted to the present day in the form of the fully deputized San Francisco Patrol Special Police. This last group is unique and may be differentiated from private armed security in that they are deputized with the full powers of arrest by municipal government. As Stringham rightly notes, at the beginning of the twentieth century San Francisco has more than a thousand special police officers, which is more peace officers than 99.5% of American jurisdictions today.¹¹²

Stringham is not alone in highlighting the carnage inflicted by Roberts and *los galgos* on

¹¹² Stringham, *Private Governance*, 113–115, 120; and "Local Government Police Departments and Full-Time Employees, by Number of Sworn Personnel," U.S. Department of Justice (2010), 9.

the Chilean *argonautas* in San Francisco. In his superb study, Tomás Summers Sandoval analyzes the roots of modern Latino identity, solidarity, and interconnectedness and the challenges to *latinoamericanos* across the decades. His is a story of competing dynamics that creates historical surprises and sorrows as a community “marked by the effects of empire at every turn” coalesces into a twenty-first desire for political and social change.¹¹³ However, similar to Stringham, Summers Sandoval passes through the case of the Hounds and the extraordinary case of multiethnic popular justice that followed their violent spree only briefly on his way to the role of the Catholic Church and other topics related to unity based on *latinidad*. He rightly notes that San Francisco’s nineteenth-century makeshift legal system was derived from a complex set of forces. Latin Americans were uniquely considered part of the community by the city’s Yankee and European residents and deserving of the right to be protected by the law, a unique feature differentiating Bay Area towns from other settlements in other regions ceded after the Treaty of Guadalupe Hidalgo.¹¹⁴

The Hounds howl through other recent studies of Chileans in California, notably Edward Melillo’s *Strangers on Familiar Soil: Rediscovering the Chile-California Connection*. Environmental, social, and economic linkages between North and South America are explored in detail in Melillo’s study of transnational influence between the two nations. His exploration of the impact Chilean mining techniques on the outcome of the gold rush is superb. Law enforcement and popular justice is not Melillo’s focus, and as such the Hound-Regulators are depicted not surprisingly once again as merely “gang” with a “reputation for fanciful attire and reckless behavior.” Although this is indeed true of at least their manifestation in Chilitown in

¹¹³ Summers Sandoval, *Latinos at the Golden Gate*, 5-6.

¹¹⁴ *Ibid.*, 44-47.

July of 1849, it glosses over San Francisco's law enforcement environment and their role in law and order in protecting the city's businesses from destruction by roving bands of runaway sailors over the previous year. Melillo notes that justice favored the Chileans in the disbanding of the Hound *junta*, but stops short of exploring the role and contributions of Spanish-speaking residents to the formation of law enforcement.¹¹⁵

Perhaps the most extensive treatment of the July 1849 Hounds-Chilecito incident to date is Chilean historian Fernando Purcell's 2004 doctoral dissertation on white hegemony in California. He argues that the July attack was a selective process and—considering the ill-fated relationship between Sam Roberts and *chilena* Felice Alvarez—rooted in revenge. A shortage of women and racial animosity, however, were the real key to the violence for Purcell. His account of the incident is detailed, but the larger study unfortunately does not address the contribution of the Hounds or Spanish-speaking San Franciscans to popular justice and law enforcement.¹¹⁶

As the morning fog cleared reports began to pass like a chilled wind through the city populace of the previous night's bloody outrages. Alcalde Leavenworth, an anxious, timid man by all accounts, listened with growing dread as a line of abused victims and witnesses poured into his office on the plaza with accounts of rape, robbery, and bloodshed by the security force he himself had appointed. In total, Leavenworth's Regulators had stolen approximately \$6,300, wreaked unknown thousands more in damage, shot, stabbed, and bludgeoned thirty-eight men and women and by the end of the affair killed at least one teenage boy.¹¹⁷ Although the questionable enforcement methods of Roberts and his fellows had troubled the meek former

¹¹⁵ Melillo, *Strangers on Familiar*, 58–62.

¹¹⁶ Fernando Purcell, "'Too Many Foreigners for My Taste'—Mexicans, Chileans and Irish in California, 1848–1880" (Doctoral dissertation, University of California, Davis, 2004), 66–73.

¹¹⁷ *Daily Alta California*, 2 August 1849; and Summers Sandoval, *Latinos at the Golden Gate*, 15.

chaplain, Leavenworth knew that this time he could not merely settle an unpaid tab out of his own purse or soothe an abused restaurateur with an appointment to the city *ayuntamiento*; this time was different, and no more excuses could be made: a town meeting was called for 3 P.M. on the Plaza in front of the alcalde's office.¹¹⁸

As the sun climbed in the sky and San Franciscans of all backgrounds and origins began to fill the open space around the flag raised two years hence by the crew of the naval ship *Portsmouth* for which the surrounding plaza had been named, a local merchant of some acclaim peered down from his office on the south side of the square directly opposite the alcalde's office. Community policing and vigilantism are often guided by the personalities at their core, and this merchant's personality had already left its indelible mark across the short but growing history of his adopted bayside city. Samuel Brannan knew the Hounds and knew them well, having employed many of them to protect his myriad business interests; indeed, he had introduced many of them to the city, having arrived in San Francisco two weeks after Commander Montgomery in July of 1846 with over two hundred of the first American civilians to occupy the town.¹¹⁹ Born in Saco, Maine, Brannan worked as an itinerant printer in New York, in all likelihood being acquainted with the Bowery toughs who would partially form the membership of the Hounds. Brannan was a man plagued by a character of "cheerful recklessness" regarding wine, women, and money, and had been excommunicated from the Mormon Church once and negotiated his way back in by the time he proposed to lead a contingent of fellow LDS members to establish a

¹¹⁸ *Daily Alta California*, 2 August 1849.

¹¹⁹ Mary Sparks to Maria and Holly Clark, 15 November 1846, LDS Archives, Salt Lake City, Utah, as cited in Will Bagley, ed., *Scoundrel's Tale: The Samuel Brannan Papers* (Spokane, Wash.: The Arthur H. Clark Company, 1999), 160.

Mormon colony in Alta California.¹²⁰ Brannan’s dreams of a creating an independent Mormon state with himself as its lord were dashed when he saw the American flag snapping in the breeze above the town raised by Commander Montgomery two weeks earlier, the same flag he looked at now from his office.¹²¹ Described as “a young man and very much of a dandy,” Brannan, aware of the power of the media in any society, carried his printing press with him around Cape Horn and established San Francisco’s first newspaper, the *California Star*, later combining it with Monterey’s the *Californian* to create the *Daily Alta California*, whose offices were adjacent to his own on the plaza.¹²² When members of his colony working at Sutter’s Mill caught news of the gold strike in 1848, Brannan did not announce the strike in his newspaper: first he bought every pan, shovel, and pick he could capture for his dry goods business in San Francisco—then he ran through the streets of San Francisco screaming, “Gold! Gold on the American River!” California was always a sparsely populated space, and the foggy, windswept bay rarely housed more than a handful of individuals, mostly whalers and residents of the small Spanish then Mexican outpost. In March Samuel Brannan changed the history of the United States, indeed the world, and hammered San Francisco forever into the halls of record with a mere fifteen words: “Gold has been discovered in the Northern Sacramento Districts, about forty miles above Sutter’s Fort.” Indeed, it was Brannan’s *Star* article re-published in the August 1848 *New York Herald* that would ignite the fire of gold fever in the United States—and the world.¹²³ Brannan paid 20 cents per pan in January 1848; his San Francisco store would sell them for fifteen dollars each. Within nine weeks of his declaration Brannan had made \$36,000. As he looked out at the

¹²⁰ Bancroft, *Popular Tribunals*, I: 209.

¹²¹ Anonymous, “Samuel Brannan, Fragmentary Remarks, Re: His Expedition to California with the Mormons, Brannan Collection, Huntington Library, San Marino, Calif.

¹²² Bagley, *Scoundrel’s Tale*, 169.

¹²³ “Herald of the Gold Rush—Sam Brannan,” in *Reminiscences and Incidents of Early Days of San Francisco, 1845-50* by John Henry Brown, ed. Douglas S. Watson (San Francisco: Grabhorn Press, 1933), 299.

citizens he had summoned with his words on the plaza in which he had cried them, the thirty-year-old Brannan had made over \$100,000—over three million dollars in today’s market.¹²⁴

By 2:30 PM the relatively small space of the plaza had filled with San Francisco’s concerned populace, many of them the Chileans who had been so wretchedly abused the night previous by Roberts and his gang. One of the individuals gathered in the mud and shattered glass of the plaza was Chilean farmer, cattleman, herbalist, shopkeeper, bootlegger, smuggler, journalist, and publisher Vicente Pérez Rosales. His 1886 memoir describes the scene in the plaza the day after the horrific events. Sam Brannan, a gifted orator (and former employer of the protective services of the Hounds for his businesses), saw the gathering as a chance to disassociate himself from his connection to the implicated individuals. Alcalde Leavenworth was nowhere in sight, and if he was indeed present he did not raise his voice. Hundreds of eyes turned upward as Brannan began to speak. An example must be made of these miscreants, Brannan said. Colonel Stevenson, who had previously served as the captain to many of the Hounds during their navy days, also found motivation to wipe clean his association with the previous evening’s assailants by joining Brannan on his office roof.

The friendship between Chile and the United States and the contribution of imported Chilean flour to feed California’s ballooning population was invaluable, Brannan continued. As more gathered in the square, Brannan’s voice rose.

“To make the fullest amends,” he shouted, “I propose that some Chileans of good will, led by citizens of the United States, proceed immediately to arrest these disturbers of the peace.”¹²⁵ The crowd, whipped into a frenzy by young Brannan, roared its approval. The

¹²⁴ Browning, *To the Golden Shore*, 41; and Bagley, *Scoundrel’s Tale*, 38.

¹²⁵ Vicente Pérez Rosales, trans. John H. R. Polt, *Times Gone By: Memoirs of a Man of Action* (New York: Oxford

assaulted parties attempting to salvage their belongings from the previous night's destruction reported hearing the cheers rise up from several blocks away. A fund was raised for the relief of the Chileans and a subscription list was quickly created to enlist for this grassroots vigilante police force at the Parker House. Two-hundred and thirty individuals enlisted, many of whom hailed from Chilecito. Thirty-year-old merchant and ayuntamiento member William Howard, whose business of Mellus & Howard was the first brick building in San Francisco erected the previous year, was elected to lead a "committee of safety" who would oversee the actions of this police force. It would not be the last vigilance committee he would be involved in.¹²⁶ Lawyer James Ward and twenty-six year old William H. Davis, both of whom would figure in future grassroots police action in San Francisco, were elected vice presidents; young Dr. Victor J. Fourgeaud, the renowned physician whose office in the Jones Hotel would be used to perform one of the first recorded open heart surgeries, was appointed secretary.¹²⁷ William Spofford was chosen to lead the new police force in the field.¹²⁸

The law enforcement environment of the July incident and popular law and order uprising to follow was truly unique: This was the first time in the history of North America that a police force was established to destroy another police force appointed by the same administrative body in the same city. Moreover, this body was formed by the most influential and elite Yankee and European members of the city to protect the legal rights of their fellow Spanish-speaking residents, a force that was comprised of those same individuals themselves—an even greater

University Press, 1886; repr. 2003), 272; and *Daily Alta California*, 2 August 1849.

¹²⁶ Howard would lead a vigilance committee the next year in Sacramento during the Squatter Riots and again in 1851 during the San Francisco First Committee of Vigilance affair. Gertrude Howard Whitwell, "William Davis Merry Howard," *California Historical Society Quarterly*, 27, no. 2 (June 1948): 105-112; and William Heath Davis, *Seventy-five Years in San Francisco* (San Francisco: J. Howard Publishers, 1929).

¹²⁷ George D. Lyman, "Victor J. Fourgeaud, M.D.," *California Historical Society Quarterly*, vol. 11, no. 2 (June 1932), pp. 138-149: 141; and Davis, 311.

¹²⁸ Nisbet, et al., *Annals*, 554.

anomaly, both in the West or the United States as a whole. The closest parallel—which is nonetheless quite a stretch regarding the circumstances involved—would come almost a decade later in New York, which had a small, unreliable, police force in 1849 that had been established four years earlier. Their corruption and extortion, similar to the practices of the San Francisco Regulators, ran rampant. In early 1857 the New York state legislature dissolved the New York Municipal Police, which acted as Mayor Fernando Wood’s personal security service. Faced with the loss of power in the city, Mayor Wood and his police force refused to disband and continued to patrol the city illegally. A new police force, the Metropolitan Police, was appointed by state lawmakers in an attempt to destroy the Municipal Police. A crisis of law and order occurred in the streets of New York similar to the crisis facing San Francisco ten years earlier. A situation developed wherein two law enforcement bodies patrolled the same jurisdictions at the same time. Unsurprisingly conflict on developed between the two organizations. The Metropolitan Police would arrest a suspect, only to be confronted by outlaw officers of the Municipal Police. Altercations would erupt and the Municipals, more accustomed to knocking heads in street fights, would often gain the upper hand and release the suspect. Municipal Police officer began demonstrating outside Metropolitan stations, ordering them to honor the law in the name of civic order. Chaos reigned in the city until June, when the state legislature ordered the immediate arrest of Mayor Wood and all Municipal officers. On June 18, a force of Metropolitan officers approached city hall with Mayor Wood’s arrest warrant. However, Wood and his junta would not go down without a fight. As the Metropolitans approached, Municipal officers poured from the building, pistols firing and clubs swinging. The fate of law enforcement in the city hung in the balance as hundreds of uniformed men fought one enough in a bloody melee. The Municipals, once again showing the prizefighting prowess learned in the same Five Points slums and

Tammany Hall urban power structure from which Sam Roberts and many of his Hounds hailed, managed to gain the upper hand and thwart the Metropolitan peacekeepers. The two competing law enforcement bodies continued to battle on the streets throughout the summer of 1857.

Vigilante gangs like the Dead Rabbits, Bowery Boys, and Atlantic Guards battled each other for control of popular justice in the city until fall, when the Court of Appeals ruled in favor of the Supreme Court decision to disband the Municipals in favor of the Metropolitans.¹²⁹

The Committee of Safety organized the volunteers into patrols immediately and divided the town into official districts for the first time, with each district assigned to a guard of men under arms. Twenty-seven-year old William “Kanaka” Davis was born and raised in Hawai’i and was of Hawaiian heritage and was appointed the head of one of these seven-man patrols. Davis was particularly passionate in his reaction to the Hounds outrages as he maintained close ties to the Latino community of San Francisco. His wife, María de Jesus Estudillo, came from a prominent Californio family in San Diego. Davis was known to speak Spanish fluently and visited Chile several times and maintained ties with contacts in Valparaíso. When Doña Rosa Gaskell, a local Chilean woman, arrived at the Davis’s home late the previous night with several other terrified Chileans in tow, he and his wife provided them welcome refuge. Davis’s patrol detail was tasked to guard the area north of Washington and east of Montgomery streets, running to the bay from these thoroughfares. For several weeks Davis and the rest of what amounted to the largest police force on the continent shouldered muskets with bayonet and patrolled all night

¹²⁹ “The Police Riots of 1857—The Cases Against Mayor Wood Resulting in Judgment for \$4,000 Each Against Him,” *New York Times*, 16 December 1862; J. T. Headley, *The Great Riots of New York, 1712 to 1873, Including a Full and Complete Account of the Four Days’ Draft Riot of 1863* (New York: E.B. Treat, 1873), 129–131; Herbert Asbury, *The Gangs of New York: An Informal History of the New York Underworld* (New York: Alfred A. Knopf, 1928), 97–102; and T. J. English, *Paddy Whacked: The Untold Story of the Irish American Gangster* (New York: Harper Collins, 2005), 27.

near the known hangouts of the city's roughest elements.¹³⁰

This police force, which was more organized and effective than the formal, uniformed police forces of New York, Boston, or Philadelphia, was largely comprised of the abused Chileans themselves. One such patrolman was Jose Espinoza. The previous evening Espinoza was resting in his tent with an American companion when the Hound attack began. He could hear the screams of his countrymen and women intermixed with the joyously macabre sounds of the gang's fife and drum. Two Hounds dressed in naval uniforms burst into his tent and began hauling off his provisions of food and alcohol. Espinoza's friend screamed at the marauders that his was an American tent, which likely saved Espinoza from any further violence; the men consumed everything Espinoza had and left. Unfortunately for his attackers, two of their faces were seared into his memory. On Tuesday, the day after Brannan's epic oration and the formation of the vigilante police force of which Espinoza and his compatriots were a part, the same men visited his tent once more, this time threatening to burn it down. Fearing for his life at being outnumbered, he fled the scene and approached alcalde Leavenworth. The alcalde, in the ineffectual manner the people of his city had become accustomed to, dismissed the terrorized Espinoza and told him to do his duty and arrest one of the men and deliver him to his office.

Espinoza went on patrol. Late in the evening he happened upon not one but both of his assailants. In an act of sheer bravery, the outnumbered victim engaged the suspects and managed to overpower, subdue, and take them both into custody simultaneously, an extraordinary feat for any modern urban police officer to accomplish with a utility belt of lethal and nonlethal

¹³⁰ Davis, *Seventy-five Years in California*, 311; and Melillo, *Strangers on Familiar*, 60. Modern Justice Department standards dictate there should be 1.8 officers per 1,000 residents. San Francisco with an 1849 population of approximately 25,000 would have had an officer-to-citizen ratio of 9.2 officers to 1,000 residents, an extraordinary statistic, or one officer for every 108 residents. Albuquerque is 1:520, NYC 1:243, Boston, 1:312. See FBI Uniform Crime Reporting, www.ucr.fbi.gov.

armaments and communication devices for swift backup; Espinoza likely carried an unreliable musket or pistol and possibly a club. Once in custody, Espinoza waited for the citizen guard to patrol past his beat to aid in their transport to confinement. He struggled with the pair for half an hour, likely under a barrage of insults and escape attempts, before deciding to transport the suspects on his own to the Committee of Safety headquarters newly established on the plaza. On the impossible walk six blocks south one of the suspects offered to pay Espinoza half of the amount his stolen goods were worth, an offer that was stonily declined. As the trio approached the square, the men attempted to flee. Espinoza, continuing his herculean policing efforts, gained the upper hand once again over the pair by striking them and hauling them bodily into the alcalde's office. Espinoza had done the alcalde one better and delivered both suspects into custody.¹³¹

With armed men with official authority like Jose Espinoza among the enormous police force, the so-called Regulators scattered in terror. Justice in the history of law enforcement is often tenuous and subjective. However, it difficult not to see the true justice of the scene as the multiethnic force of peacekeepers scoured the muddy lanes and bottle-strewn alleys around the plaza and the ill-lit recesses of the docks, the hunting down the hunters of the previous day, arrest after arrest being performed by the victims themselves and their unlikely allies in San Francisco's business community. Seventeen men with eyewitness connection to the crimes of Sunday night had been summarily rounded up within a day of the mass meeting in Portsmouth Square. However, one more Hound ran loose.

Sam Roberts was steaming away from San Francisco as fast as the ship *Mary Ann* could take him. Concealed below-decks, he hoped to reach Stockton across the bay and disappear into

¹³¹ "Felice Alvarez—Testimony," *Daily Alta California*, 2 August 1849.

the millions of acres of anonymity that lay in the Sierra Nevada Mountains and their foothills before the law caught up with him. Spofford, the appointed chief of the new community police force, was delivering a final round of captured Hound prisoners to the prison ship *Warren* when he was given a tip: their ringleader, the disturbed and misguided lover who had whipped the assailants into a frenzy of bloodlust and rapine, lay aboard a steamer pushing east across the bay. Chief Spofford, whose name would mark an alley known for its own bloody form of community policing in years to come, quickly made pursuit in his skiff. Coming alongside the vessel, Spofford hailed the captain, whom he asked after his passenger payload.¹³² He sailed with three men aboard, the captain stated; Spofford ordered him to present the men. The captain ordered the men brought on deck: Samuel Roberts—Hound, Regulator, and fugitive from justice, stood before Spofford. Roberts was taken into custody and shared a confined space below-decks on the *Warren* with his fellow Hounds, awaiting trial.¹³³

The trial began in haste on Thursday July 19 in order to avoid any possible breakouts or rescue attempts of the prisoners. The previous Tuesday a grand jury of twenty-four city residents met to hear testimony and evidence against the known members and affiliates of the Hound-Regulator organization. After deliberation the court produced charges of riot, robbery, conspiracy, assault with intent to kill, against Samuel Roberts and Regulator members William Mickle, Phil A Higgins, David Gale, James H. Harruson, August St. John, Lewis Burns, George Betchelor, Peter Gardener, J. F. Barker, Thomas R Orander, George Childs, Robert Starkie, James Robinson, John Kanaka, Alex McGuire, James Leatherby, John Curley, John Powers, and John Styles. The highlighted the leadership role of Roberts throughout the charges, most notably

¹³² See chapter three, “Tong War: Little Pete, Big Jim, and Chinese Community Policeways.”

¹³³ *Daily Alta*, 2 August 1849.

the vicious assault on Ignacio and Rinaldo Alegria, as well as the event that had inaugurated the July 15 bloodshed—his beating, pistol whipping, and slashing of Leopold Blechschmidt, whom Roberts suspected of engaging in an illicit relationship with his lover, *chilena* Felice Alvarez.¹³⁴ The charges were signed by the leading men of the community—foreman William D. Howard, Frank Ward, Anest Priest, A. M. Van Nostrand, William C. Parker, F. C. Gray, David Dring, William H. Tillinghast, Robert Petch, Victor J. Fouregeaud, Talbot H. Gireen, James Creighton, William L. Hobson, B. Cecil, C. V. Gillespie, R. M. Sherman, Samuel Brannan, A. T. Lawton, S. W. Haight, W. A. Buffum, N. K. Benton, William Stout, Seth S. Lancom, and Samuel Kyburz. The next day, the court assembled at the Public Institute building, a one-room former schoolhouse erected two years earlier to instruct the town’s children. After the school’s teacher had abandoned the venture and his students for the gold fields, it now served as a multi-purpose public building housing the city court on the west side of Portsmouth Square.¹³⁵

The old school house was filled to capacity to see justice weighed in by the largest vigilance committee in the history of North America organized against the city’s first exercise in policing. The shackled former law enforcers were hauled in one by one have the above chargers read against them. The growing cruelty of the Hounds over the late spring and early summer was a concern for all residents. However, it was a tolerated cruelty for many: “Though we were every day getting more and more afraid of this volunteer police, as they pretended to be, no one made a move against them. First, because we did not know our own strength at the time, and, secondly, because everyone had too much of his own private business on hand to make it all prudent or

¹³⁴ *Daily Alta California*, 2 August 1849.

¹³⁵ Mullen, *Let Justice Be Done*, 66.

safe for him to meddle in any business of a public nature.”¹³⁶ Rather than a low-grade fear experienced by English-speaking Anglo San Franciscans, San Francisco chronicler Herbert Asbury notes that this cruelty was far more real for the city’s black and Spanish-speaking residents: “On one occasion a Negro accidentally touched the august person of a Hound in passing, and his ears were promptly shorn from his head.” Asbury continues, “A few days later a Mexican’s tongue was torn out by the roots because he had replied in kind to an insult hurled at him by one of the thugs.”¹³⁷ Certainly the capture and incarceration of this legitimized mob of deviants assured that the audience in attendance at their trial would be multiethnic and multilingual.

William Gwin, James C. Ward, Francis J. Lippitt, Horace Hawes, Hall McAllister and Frank Turk lead the legal team against P. Barry and San Francisco chief magistrate Myron Norton and their Hound defendants. Presiding over the trial was the uninspiring (and possibly complicit) alcalde Leavenworth. The first witness called was an Army captain. He claimed he was drawn to the plaza by loud shouting and drumming on Sunday night. The Hounds were in full bacchanalian uniform and heading north toward Chilecito when he approached, attempting to stop them from their obviously bloody intent. The testimony continued that the captain followed the Hounds on their journey to Chilitown and witnessed as several members tore down a tent. When he attempted to intervene, the captain the lone officer was forcibly rebuffed and made to fear his life. Outnumbered, the captain departed.¹³⁸

California in 1849 was an American military territory. As such, military governor Col.

¹³⁶ Helen Irving Oehler, “Nantucket to the Golden Gate in 1849: From Letters in the Winslow Collection,” *California Historical Society Quarterly* 29, no. 2 (1950): 168.

¹³⁷ Asbury, *Barbary Coast*, 42.

¹³⁸ “Capt. Andrews—Testimony,” *Daily Alta California*, 2 August 1849.

Bennett Riley or his local magistrate, Thaddeus Leavenworth, had the legal right to be the sole deciding party in the arrest and trial of the so-called Regulators, However, it is of note that the court drew upon English law in its empaneling of a jury. Perhaps it was lack of faith in the alcalde which led the community to take the legal actions it did in the Hounds case. As prosecuting attorney Francis Lippitt testified, “The object was that the community might share the great responsibility which would otherwise fall upon the alcalde; and I trust and believe that they will not be found recreant to their duty, but that they will carry out the wishes of the public and see justice done, and the integrity of this community vindicated.”¹³⁹

Next to take the stand was the alcalde himself. When questioned by the prosecution why he had allowed his police force to go unchecked in their rampant criminal behavior, Leavenworth, acting in the capacity of witness, retorted from the stand that he could have the attorney arrested. The prosecutor correctly responded that he could not, as Leavenworth was serving in the capacity of a witness rather than justice of the court. The two almost came to blows, uncharacteristically hot behavior for such a usually milquetoast chaplain, before order returned to the court. Leavenworth, once again prodded to answer for the Hounds’s crimes, chose to place the blame on the very people he represented, stating “I considered the citizens remiss in not reporting them to me for judicial action.” When Jose Espinoza’s testimony that he had indeed formally filed a complaint with the alcalde’s office was raised, Leavenworth responded, “Some person complained to me relative to a tent, but I do not know who complained.” The alcalde proceeded to then incriminate Espinoza himself, stating, “I think he was a Hound and disapproved of the proceedings.”¹⁴⁰ Although Espinoza was not called to the

¹³⁹ “Francis J. Lippitt—Opening statement,” *Daily Alta California*, 2 August 1849.

¹⁴⁰ “Thaddeus Leavenworth—Testimony,” *Daily Alta California*, 2 August 1849.

stand to respond, he likely still bore the marks of physical abuse he received at the hands of the two actual Hounds he had singlehandedly taken into custody.

Leavenworth's heated response to inquiry may be found in a recent electoral controversy. In a town election held the previous February, voters created a San Francisco district government and an elected legislative assembly for that district. Tellingly, this new assembly's first act was to eliminate the position of alcalde, effectively removing Leavenworth from office. However, Leavenworth refused to resign or relinquish town records. With Leavenworth blockading the law, the new Chief Magistrate, (and future Hound defense counsel) Myron Norton, ordered the sheriff to seize the town records. Sheriff Pulis and a posse of city residents arrived at Leavenworth's office on 31 May 1849 and forcibly seized all of the town records over Leavenworth's vociferations. Leavenworth, refusing to yield, brought his case before the military governor in Monterey. Properly moved by the chaplain's sermon, Military Governor Riley issued a proclamation on 4 June 1849 declaring the new legislative assembly to be null and void, taking time to emphasize his outrage at the actions of the sheriff and his posse, and ordering a new election to take place August 1—a date less than two weeks from the Hound trial, possibly explaining Leavenworth's cracked nerves. A month before the trial, Leavenworth dispatched a man to retrieve the confiscated records being housed at the town Register. Fifty San Franciscans rallied to derail the alcalde and governor's orders, bringing a stalemate.

Thomas Kittleman, a former town constable and fellow member of the 1847 Stevenson crew from which the Hounds largely drew their membership, was next to describe the lead-up to the carnage of bloody Sunday. He said that the ringleader of the uniformed hooligans appeared to be Sam Roberts, adding that a sheriff simply referred to as "Andrew" was among the rioters. This may refer to famed mountain man Andrew Sublette, who is recorded as serving as sheriff of

San Francisco in the first half of 1850.¹⁴¹ Sublette would have joined the company of other law officers such as Sheriff John Pulis, making the resulting vigilante response against the Hound-Regulator policing organization all the more revolutionary. Certainly the West was not devoid of cases of lawmen riding a fine line between criminal and peacekeeper and being held to task by the citizenry, but never on the multiethnic, cross-class scale as found in San Francisco and its hinterlands during the gold rush period.¹⁴² Witnessing the assailants on their spree of carnage, Kittleman flagged down Leavenworth: “I went and saw the alcalde and asked him if people were to be robbed in this way.... He said he knew all about it, and that they would be brought to account for it.” In addition to known Hound-Regulators George Batchelder, John Powers, William Mickle, and a gentleman simply known as “Twitcher,” Kittleman also noted observing at least one of the Lees among the horde. This may refer to Isaiah W. Lees, future lifelong San Francisco Police Department detective and private investigative genius who would be hired onto the fledgling force in 1854 and serve an astonishing forty-seven years, three of which were served as chief of police, until retiring in 1900.¹⁴³ Once again the legitimate forces of American legal authority in the city seemed to be criminally negligent at best and simply criminal at worst.

Next to testify against Sam Roberts and his gang was the owner of the U.S. Restaurant on the plaza, a Frenchman names Jules Rousson. He cited a history of Regulator thefts over the past

¹⁴¹ Harry Laurenz Wells, *History of Siskiyou County, California* (Oakland, Calif.: D. J. Stewart & Co., 1881), 22; *The Overland Monthly* vol. 10, ser. 2 (July-December), 1887, p. 221; Anne F. Hyde, *Empires, Nations, and Families: A History of the North American West, 1800–1860* (Lincoln: University of Nebraska Press, 2011), 74; and Doyce Blackman Nunis, *Andrew Sublette: Rocky Mountain Prince, 1808–1853* (Los Angeles, Calif.: Dawson’s Book Shop, 1960).

¹⁴² Laurence Yadon and Robert Smith, *Outlaws with Badges* (New York: Pelican Press, 2013).

¹⁴³ “Thomas Kittleman—Testimony,” *Daily Alta California*, 2 August 1849; William B. Secrest, *Dark and Tangled Threads of Crime: San Francisco’s Famous Police Detective Isaiah W. Lees* (Sanger, Calif.: Word Dancer Press, 2004), xvi; Philip J. Ethington, “Vigilantes and the Police: The Creation of a Professional Police Bureaucracy in San Francisco, 1847–1900,” *Journal of Social History*, 21:2 (Winter 1987), 197; and “Isaiah W. Lees Collection, 1863–1903,” California State Archives, Sacramento, Calif.

several months in which a party led by Roberts would repeatedly enter his restaurant accompanied by drum and fife and take their fill. When Rousson would ask for payment, the men would tell him Leavenworth would reimburse his losses. When Rousson then approached the alcalde, Leavenworth summarily refused to pay. Questioned by the court how he could be certain the men were indeed working under the charge of the alcalde and not simply random thugs, Rousson stated that an insubordinate sailor whom Leavenworth ordered publicly flogged in the plaza for an unknown crime was flogged by one of the men from the restaurant attacks.”¹⁴⁴

The prosecution now saw fit to call the actual victims, the Chileans themselves, to the stand. The first to testify was Domingo Cruz, Sam “Captain George” Roberts’s acquaintance from Valparaíso whose saloon tent was destroyed by twenty members of the Hounds, followed by the harrowing testimony of Domingo Alelgría and the hunting down of his sons Rinaldo and Ignacio. Pedro Martínez then proceeded to give an account of Sam’s bludgeoning of his lover (and employee) Felice Álvarez’s German suitor. Later in the day at the height of the evening’s descent Martínez witnessed Roberts firing his flintlock pistol madly and randomly at fleeing Chileans.

After several more witnesses to Hound atrocities while on the alcalde’s payroll the prosecution rested. Myron Norton and the defense team opened with a seething indictment of the behavior of the court and the vigilante police force established to counter the effects of the Hound outrages. Shouting above the din of the crowded courtroom, Norton jeered that the self-appointed Committee of Safety “had armed vagrant Chilenos with loaded muskets to patrol [*sic*] the town, and to protect American citizens!” He then continued his tirade, declaring that foreign peace officers were themselves inciting the violence the community experienced, that

¹⁴⁴ “Jules Rousson—Testimony,” *Daily Alta California*, 2 August 1849.

General Smith's warning about foreigner success in the mining camps must be heeded.¹⁴⁵

Victim after victim took to the stand describing the horror of that day, among them Domingo Alegria. However, the most damning and moving evidence of the trial came from Domingo's son and Hound victim, Rinaldo: "It was about 8 o'clock when they entered the tent. My brother was with me. My father was in the next tent. They commenced pulling down the tent. I ran out, was struck, caught and held by five or six, and shot by another. Ignacio and I then escaped from them, and Ignacio and I went on board a ship for the night. I heard the drum and fife as I lay on the beach. I was [then] wounded in the groin, I think with the butt of a gun." Rinaldo was dying. Without the strength to continue his testimony, the teenage Rinaldo was helped from the courtroom and his attending physician, Dr. S. R. Gerry, took the stand. On the night of the fifteenth Dr. Gerry heard of the attack and the wounded victims aboard the *General Fereire*. Without hesitation he bravely took to the waterfront and rowed out to the ship to perform his duty. What he found did not give him hope for the young Alegria: "I found the ball had entered the lower part of the left side of the abdomen and passed out on the right side in the direction of the navel. The ball passed entirely through the body....My impression was at first that the wound was mortal. Since then I think there is some hope. The event, however, is very uncertain. The patient is a little weaker than when I first saw him." However, the severity of the boy's wounds and the limitations of 1840s medical technology and sanitation proved too much for young Rinaldo's body; he would lose his battle for life shortly after his testimony, raising the charges against Roberts and his men to murder.¹⁴⁶

With witness accounts to the last person—including Sam Roberts' ex-lover, Felice

¹⁴⁵ "Myron Norton—Opening Statement," *Daily Alta California*, 2 August 1849.

¹⁴⁶ "Domingo Alegria—Testimony"; "Rinaldo Alegria—Testimony"; and "Dr. S. R. Gerry—Testimony"; "Felice Alvarez—Testimony," *Daily Alta California*, 2 August 1849.

Alvarez—publicly implicating the defendants in their heinous spree of theft, rape, assault, and murder, the previous Sunday night, the defense quickly fell asunder. The defense rested on the afternoon of Friday the twentieth after two days of bludgeoning in the old schoolhouse. At ten in the morning the next day the court gathered one last time to render their verdict: “We, the jurors in the case pending, the case of the People vs. Samuel Roberts, do hereby render the following verdict—Guilty of conspiracy, riot, robbery, assault with intent to kill, with shooting with intent to kill; and that the jury unanimously and earnestly recommend that the prisoner be placed at once on a man of war now lying in the harbor of San Francisco, and there closely confined, in irons, and as soon as circumstances will allow... never to return, under penalty of death.” Theodore Saunders, John Curley, David Gale, John F. Barker, William Mickle, Augustus S. John, James H. Harrison, George Batchelder, and John Powers would each receive similar sentences, including fines. Heroes like Jose Espinoza, Domingo Alegria, Dr. S. R. Gerry had remarkably defeated the forces of Sam Roberts and the Hounds.¹⁴⁷

Banishment. To the modern reader this sentence may at first seem light when compared to the alternative—and more common—form of vigilante committee punishment found at the end of a rope over a tree branch or on a hastily constructed gallows. Perhaps the earliest form of punishment in human history, banishment—the forced removal and lifelong separation of a person from all forms of communication and sustenance with a community—would have been especially powerful in the growing, yet still largely sparsely populated, Territorial California.¹⁴⁸ San Francisco was not yet equipped with a jail, making a lengthy incarceration anywhere other than on the rotting and overcrowded prison ship at dock an impossibility. Moreover, it was

¹⁴⁷ *Daily Alta California*, 2 August 1849.

¹⁴⁸ James Stryker, E. C. and J. Biddle, eds., *American Quarterly Register and Magazine*, vol. 3, no. 1 (September 1849), 386.

rightly believed by the court that members of the Hound community who had not been identified or captured by the Committee of Safety would burn the wooden metropolis to the ground if nine of their members hung for crimes against Spanish-speaking immigrants, individuals who were considered by a majority of American society to be little more than “greasers.”¹⁴⁹ Thus, banishment was the only viable option to the court. However, the enormity of what was accomplished cannot be understated.

Samuel Roberts and his men, all former uniformed Army officers and peacekeepers, were led in shackles at gunpoint from the schoolhouse into the July afternoon light, out of the plaza that had been their dominion and past the assembled town, among whom their victims of the past week and the past several months likely stood, toward the waterfront to the awaiting transport ship which would carry them to their banishment. The ship weighed anchor and pulled away, and Roberts for the final time in his life watched the city so full of seemingly limitless opportunity fade into the fog.

A momentous event had just transpired in law enforcement history and the history of race and ethnicity—the first of many such moments in San Francisco. In the San Francisco borderlands of justice, the largest popular tribunal and multiethnic police force the continent had ever seen arose, illustrating a western environment far more multiethnic and dynamic than previously assumed. In an era when Spanish-speaking civic leaders were being driven from law enforcement occupations by American residents in Los Angeles, a more true justice played out in the territory’s northern region as the multiethnic force of peacekeepers scoured the city, hunted down the false lawmen, arrested them, and convicted them before a multiethnic court. Popular

¹⁴⁹ Melillo, *Strangers on Familiar*, 62; Bagley, *Scoundrel’s Tale*, 313; Bancroft, *Popular Tribunals*, 1: 100-101; and Mullen, *Let Justice Be Done*, 64, 66.

justice was certainly not rare in the West, but never on the formalized, multiethnic, cross-class scale as found in San Francisco and hinterlands during the Hound incident and after. To the point, the diverse citizenry of San Francisco had risen against the abuses of customary American policing and legal development and disassembled and refashioned the enforcement apparatus of justice and would continue to do so for the next half century.

Sam Roberts should have been a success: The traditional narrative of American law enforcement and race and ethnicity in the 1840s dictates as such. So what went wrong for Sam and the other members of alcalde Leavenworth's police force? Perhaps he found himself in the wrong place and wrong time. Indeed, many of Roberts's disbanded fellow New York Volunteers who had served with him under Col. Jonathan D. Stevenson during the U.S.-Mexico War saw great success in other California cities like Los Angeles, where their racist actions in law enforcement positions against the town's Californios and Mexicanos went unchecked. An *ad hoc* American territorial court, hearing an array of Spanish-speaking and female witnesses, arose in the unlikely early period of the 1840s to dismantle the racist violence of a legally-appointed police force and appointed its own multiethnic volunteer force to defend the rights of a historically marginalized and abused group of its residents. The diverse citizenry had risen against the abuses of customary American policing and legal development and disassembled and refashioned the enforcement apparatus. In the coming decades San Francisco would prove to be the stage for many such apparent anachronistic episodes of creative and progressive policing which would come to influence the unique development of its municipal law enforcement structure, as well as the trajectory of formal uniformed policing across the continent.

However, as the banished members of the dismantled Society of Regulators were led from the ship and unshackled at their final destination in the wild and remote Bay Area

hinterlands, they would find a policing environment where justice was as multiethnic as the city, but far more deadly in its enforcement.

Chapter Two:
“Adios, Caballeros”
Multiethnic Vigilance and *Derecho Vulgar*
in the
Hinterlands

He was then run up by the butcher's derrick by the Vigilance Committee, all the members having hold of the rope, and thus sharing the responsibility of the act.
-J. D. Borthwick, Mokelumne Hill, 1851,
from *Three Years in California*

Winter in the gold camps was not a pleasant experience. Five months had passed since the Hounds affair, and many prospectors from the southern mines were holed up for the rainy season in the bay hinterlands one-hundred-and-twenty miles east of the Plaza, south of the Calaveras River in a dry ravine called Chili Gulch.¹⁵⁰ It was December 1849 and the camp near Mokelumne Hill was ablaze with the news of what had transpired in the past few days. Thirty miles west, rain poured down on mining *patrones* Jose del Carmen, Terán, Dr. Concha, Maturano, and roughly a dozen other Chilean miners as they marched toward Stockton. This was no ordinary mining excursion, as indicated by the clubs, Bowie knives, and firearms they carried. The curiousness of the scene was compounded by the men who accompanied the Chileans: Marching before them, hands bound behind their backs, were thirteen American miners. In their possession the Chileans held a court order signed by the Stockton sub-prefect, justice of the peace, judge, and sheriff stating:

¹⁵⁰ Chileans were often so far superior in mining compared to their fellows that particularly ripe veins were known as “Chileans.” See ‘Chapter One’ in this piece, as well as William Redmond Kelly, *An Excursion to California over the prairie, Rocky Mountains, and Great Sierra Nevada. With a Stroll through the Diggings and Ranches of that Country*, vol. II (London: Chapman and Hall, 1851), vol. II, p. 19; Stephen L. Fowler, “Journal of Stephen L. Fowler and James E. Fowler of East Hampton, Long Island,” 29 October 1849, p. 31, BANC; Samuel Ward, *Sam Ward in the Gold Rush*, ed. Carvel Collins (Palo Alto, Calif.: Stanford University Press, 1949), 31, 46; and “Letter from Sonora,” *Daily Alta California*, 28 November 1849.

Messrs. Concha and Maturano are authorized to arrest and bring to Stockton either freely or by force all of the individuals residing in Calaveras who have defied the legal authority of this sub-prefecture and who have recognized Mr. Collier as a judge. They are authorized likewise to arrest and bring to Stockton all individuals who took part in the robbery, violence, and expulsion carried out against the aliens living in Chili Gulch...The lawful judge of Calaveras, Mr. Scollan, will authorize the execution of this order by his presence. The rebels will be brought to Stockton for trial by a jury with competent authority. Given in Stockton, December 22, 1849. W. Dickenson, G. Belt.¹⁵¹

This unexpected episode in the Bay Area's history of popular justice is one of many such incidents in the legacy of creative and progressive, bottom-up grassroots policing—bottom-up policing defined as order enforcement characterized by the application of local circumstances and intelligence from the street/beat level to policing policy—which would come to influence the unique development of San Francisco's municipal law enforcement structure. As with the multiethnic vigilante police force that arose to rid the city of the failed Hound-Regulator police model in the urban environment in previous chapter, the diverse population of San Francisco's hinterlands rose against the abuses of customary American policing and legal development and disassembled and refashioned the enforcement apparatus to achieve justice along an informal, community policing model. Indeed, the Hounds and the ethnically diverse police force established to eradicate them were not lone occurrences of what local mining country hispanos termed *justica popular*—popular justice—in California history, but indicative of a larger bottom-up, discretionary model of police development in San Francisco.

The city of San Francisco and the gold camps in the mid-nineteenth century were violent spaces. Indeed, the forging of institutions in this quintessential weak-state frontier environment was often a violent confrontation between opposing forces of static tradition and progress.

¹⁵¹ Ramón Gil Navarro, "Los Chilenos en California," (8 January 1853); and Navarro, "Gold Rush Diary," p. 281, n. 53.

Having experienced injustice and violence at the hands of the *gringos envidiosos*—envious gringos—a group of Chilean miners used the mid-to-late-nineteenth-century San Francisco Borderlands of law enforcement to achieve *derecho vulgar*, or local justice. Once again, in this legal middle ground on the edge of North American empires, this chapter will show familiar characters acting in unexpected ways as they work to order their communities. Incidents in Chili Gulch, San Andreas, Sonora, and other mining camps illustrate that it was not simply the nativist rogue or ruffian who relied upon popular justice, vigilance committees, and other forms of vernacular policing institutions in the Bay Area to enforce racial hierarchy. Rather, faced with imminent questions of law and order and in an environment where justice delayed was often justice denied, decisive action was required to cause a diverse array of newcomers of all classes to rely on popular justice. In this, what David Igler would term a “cultural island,” the dynamics of global trade, international power struggles, identity formation, and legal transformation generated by the California gold rush and ensuing decades would shape the history of the region and places far beyond.¹⁵²

Although physically separated from the city center across the Bay, the mining hinterlands would be the proving ground for a vernacular policing environment rooted in the unique relationships between formal and informal law enforcement. Unlike the racist lynch mobs of the

¹⁵² The world of popular justice this dissertation explores is only one such environment in many “Pacific worlds” that have been highlighted in recent years. As David Igler explains, drawing on the work of Matt Matsuda, the eastern Pacific (e.g., California and the North and South American Coastal West) of the eighteenth and nineteenth centuries is a unique environment of intercultural encounters, imperial projects, and human dramas. I propose that the episodes of popular justice and community policing this project explores in San Francisco and its hinterlands is yet another one of these transformative Pacific worlds. See David Igler, *The Great Ocean: Pacific Worlds from Captain Cook to the Gold Rush* (New York: Oxford University Press, 2013); Matt K. Matsuda, *Pacific Worlds: A History of Seas, Peoples, and Cultures* (New York: Cambridge University Press, 2012); Mansel G. Blackford, *Pathways to the Present: U.S. Development and Its Consequences in the Pacific* (Honolulu: University of Hawai’i Press, 2007); and Kornel Chang, *Pacific Connections: The Making of the U.S.-Canadian Borderlands* (Berkeley: University of California Press, 2012).

post-Civil War American South, most members of extralegal mining camp vigilance committees believed they operated in positive assistance of the law, not in its opposition. As in the city, this chapter argues that the multiethnic vernacular policeways experiment in the San Francisco hinterlands formed the basis for formal enforcement at the local, state, and federal level. As the Chileans brought their American tormentors to justice with the aid of American supporters in the city, a similar occurrence would transpire in the city's hinterlands. However, the distance from the metropole and the necessity for a multiethnic populace to coexist in a limited space in the peninsular city would find a similar event in the hinterlands would ultimately have a diverging ultimate outcome.

Abandoned Mines—Camp Order in the Bay Hinterlands

Frontier San Francisco and its hinterlands were a complicated legal nexus, a direct result of the aftermath of both the U.S.-Mexico War and the discovery of gold at Sutter's Mill. In 1848 and 1849 the inland Sierra Nevada Mountain runoff in the Sacramento, American, and Feather River tributaries saw a sudden influx and conversion of a transient, ethnically diverse, and primarily unattached male population in a region that lacked clear formal local systems of control. This region, which saw its Native populace decimated, was spotted with boomtowns that mixed saloons, gambling, prostitution, and armed men. It should not be surprising that violence developed under these conditions; however, what is surprising is the amount of local justice and formalized-popular legal practice in the camps existed. The local rules of law in place in the Bay hinterlands operated tenuously and often in an uncertain, messy way, but this often allowed for a multiethnic panoply of individuals to achieve a unique degree of agency in the ordering of their communities. Indeed, the Hounds incident and the ordering of the gold rush-era hinterlands

indeed served as a precursor to the eventual incorporation of ethnic policing in San Francisco.

The central feature of order in the hinterland camp was the written and unwritten mining codes that oversaw specific delineated mining districts. The mining camp vigilantes of the hinterlands are an example of a larger nineteenth-century American phenomena addressed by several foundational legal scholars. As with the Wisconsin Pike Creek Claimants Union of 1836 in Willard Hurst's classic legal history, *Law and the Conditions of Freedom in the Nineteenth-Century United States*, while the Bay hinterlands waited for formal government to take root, mining communities operated under what would be deemed unlawful vernacular policing organizations. Minorities and individuals who were marginalized out of the sphere of ordering their community in other parts of the United States thus had the potential to hold an active hand in protecting themselves and their earnings in their new home. As holds true for Hurst's Pike Claimants, so too with the frontier communities of the Bay hinterlands; often there is more to be learned from the squatters than the judges in the legal environment of the nineteenth-century United States. William Novak in his pioneering *People's Welfare: Law and Regulation in Nineteenth-Century America* also highlights the importance of Hurst's argument. He explains the "law of community" during the period, wherein "individuals were expected to conform their behavior to local rules and expectations." These nineteenth-century communities, however, could not be deemed free unless its members governed, organized, and regulated themselves directly. Similarly, in Michael Willrich's more modern classic *City of Courts: Socializing Justice in Progressive Era Chicago*, he found a new way to see the Progressive Era through the juvenile justice system. Under this same intellectual tradition, this chapter and the preceding and subsequent chapters propose that a parallel claim exists of individuals working out the uneasy

interaction between legal officials and informal enforcement committees.¹⁵³

The communities from which these committees hailed, previously described as lawless in the historiography, were highly ordered and far more complicated than mere lynch mobs, and retained a more multiethnic composition and dynamism than previously acknowledged. Moreover, the extralegal structure and trappings of vernacular policeways in the diggings became the foundation for the legal framework for the region. Although violence did occur, the early gold rush period was marked by unnatural calm and interethnic coexistence and even cooperation due to the general prosperity of the diggings. After all, if unceremoniously jumped off one's claim, there were countless other equally successful diggings from which to mine.

Following California's acquisition from Mexico in 1848 and before American statehood in 1850, a different course was charted than other acquired American territories in the West. Article 4 section 3 of the U.S. Constitution states that only Congress had the power to provide rules and regulations for new territories. However, due to the debate over the issue of slavery in newly acquired territory, Congress failed to create a territorial government for California. Thus, thousands of potential miners arrived in 1848 and 1849 with no legal institutions such as legislatures, courts, formal police forces, or reliable jails. Moreover, since this was the first major gold rush in an unsettled territory, there were no remembered laws or customs on how to govern in diggings in an acquired region. Mexican and European mining claim practices, rather, were utilized in the northern and southern mines and modified for usage in the particular montane and riparian environments of the California gold rush. Rules, regulations, and their enforcement were

¹⁵³ J. Willard Hurst, *Law and the Conditions of Freedom in the Nineteenth-Century United States* (Madison: University of Wisconsin Press, 1964); Rohrbough, 20; William J. Novak, *People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996), 11; and Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* (Cambridge: Cambridge University Press, 2003).

therefore developed at the will of the individual mining communities. Indeed, in an example of informal, vernacular policeways influencing formal institutions, the federal government not only did not interfere with the mining codes, they later formalized and codified them into federal law.¹⁵⁴

Individual mining codes varied in detail from camp to camp, and could be modified at a camp meeting, which were held regularly. Although the sentences of mining court trials could be quite harsh and laced with racist undertones, the system and its enforcement was rather stable and could on occasion be used to the advantage of Spanish-speaking miners. As one government official visiting the mines noted regarding the efficiency of gold camp policeways, “[when a miners' meeting adopts a code; it apparently is the law. Sometime after, on a few days' notice, a corporal's guard assembles, and, on a simple motion, radically changes the whole system by which claims may be held in a district.”¹⁵⁵ Mining law was therefore fluid and subject to change based on changes in the camp or the local prospecting environment, with all rules and regulations passed by the miners themselves rather than a distant governing body. As legal scholar Andrea McDowell has noted, it was the local “terms of the mining custom and codes...made effective and speedy self-government possible.” McDowell's focus on property law in the mines is compelling, but loses sight of the larger implications of some of her claims, that being, that

¹⁵⁴ Gary Lawson and Guy I. Seidman, “When Did the Constitution Become Law?,” Boston University School of Law Working Paper No. 01-7; Rodman W. Paul, *California Gold: The Beginning of Mining in the Far West* (Lincoln: University of Nebraska Press, 1969), 200, 228; Andrea McDowell, “From Commons to Claims: Property Rights in the California Gold Rush,” *Yale Journal of Law & the Humanities* 14 (2002): 3; and Andrea McDowell, “Real Property, Spontaneous Order, and Norms in the Gold Mines,” *Law & Social Inquiry* 29 (Autumn 2004): 771–72. Congress formalized gold camp popular justice in the Chaffee laws of 1866 and the placer law of 1870. See Curtis H. Lindley, *A Treatise on the American Law Relating to Mines and Mineral Lands* (San Francisco: Bancroft-Whitney Pub., 1914); and Karen Clay and Gavin Wright, “Order Without Law? Property Rights During the California Gold Rush,” *Explorations in Economic History* 42 (2005): 155–83; and ed. John F. Burns and Richard J. Orsi, *Taming the Elephant: Politics, Government, and Law in Pioneer California* (Berkeley: University of California Press, 2003).

¹⁵⁵ McDowell, “From Commons to Claims,” 11–17; and J. Ross Browne, *Reports upon the Mineral Resources of the United States* (Washington, D.C.: Government Printing Office, 1867), 228.

criminal organizations founded the formal law of the land.¹⁵⁶

One of the earliest mining laws arose in early 1849 dictating that a miner could hold a small claim for as long as he was working it or left his tools at the site. However, this basic law of claim would be modified if a particularly rich vein was struck and the potential for “jumping” was elevated. When a mining law needed revision and reexamination, a camp meeting was held, a chairman was appointed by majority, and a committee was elected to draft a new mining code, which would then be put before a camp-wide vote that included not only miners, but also merchants and other proprietors in residence in the delineated camp. A majority of the mining laws were established to define the rights and limits of claim-holding more clearly by setting maximum claim sizes and work requirements. In the initial years of the gold rush, claims were generally small, from ten-by-ten to twenty-by-twenty feet which would be worked on average two-to-three weeks before a miner moved on to new diggings. Many of the codes also limited miners to one claim at a time to avoid any single individual gaining an unfair advantage of multiple claims, an item which would influence the “Chilean War” to follow. More to that end, the claim holder was required to work his claim at least one day in three, five, seven, or ten days depending on the camp.¹⁵⁷

Although there was a great deal of order in the gold camps, violence was of course not a rare occurrence. Indeed, many have proposed that the gold rush country of mid-nineteenth-century California was one of the most violent places to date in North America.¹⁵⁸ The common

¹⁵⁶ McDowell, “From Commons to Claims,” 68.

¹⁵⁷ McDowell, “From Commons to Claims,” 31–48.

¹⁵⁸ Clare V. McKanna, “Enclaves of Violence in Nineteenth-Century California,” *Pacific Historical Review* 73, (August 2004): 391–424; Roger D. McGrath, *Gunfighters, Highwaymen, and Vigilantes: Violence on the Frontier* (Berkeley: University of California Press, 1987); Hubert Howe Bancroft, *History of California: vol. 23, 1843–1850* (San Francisco: The History Company, 1889); ed. Kevin Starr and Richard J. Orsi, *Rooted in Barbarous Soil: People, Culture, and Community in Gold Rush California* (Berkeley: University of California Press, 2000); David

impetus for the full lethal force of popular justice in the diggings was a claim jumping. However, contrary to popular imagining, claim jumping itself was not necessarily a criminal offense in mining policeways. Rather, jumping a claim was quite common and almost routine when a miner took possession of a claim that appeared to be abandoned. Miners frustrated with their current diggings who moved on did not have to post notice—they oftentimes simply packed their pick, shovel, and pan, and headed to new grounds. Oftentimes miners newly arrived in an unfamiliar camp inquired immediately about the local rules and regulations of the particular diggings regarding jumping. However, it goes without saying that the intentions of all miners were not particularly pure, and disputes did arise of criminally false jumping of occupied claims. If there was indeed a dispute, many mining codes established a procedure for settling claim disputes, either by arbitration, elected official, jury, or full miners' camp meeting.¹⁵⁹ If a miner believed his claim had been jumped it was customarily enough for him (or, her, in the case of the more diverse gender breakdown of Chilean camps) to appear at the claim and order the jumper off. There were occasions, however, when the alcalde was involved to order the jumper to cease and desist. Cases such as the following between a miner named Reed and a stubborn would-be jumper known only as "Leather breeches" was not entirely uncommon:

Quite a dispute arose this morning between two persons respecting a certain claim next to mine. A miner can hold but 15 feet at any one time. I had marked out my 15 feet and commenced digging; now as all supposed it was a good spot for digging there was quite a rush at the place and the ground was soon taken up. Among others old "leather breeches"

A. Johnson, "Vigilance and the Law: The Moral Authority of Popular Justice in the Far West," *American Quarterly* 33 (1981): 558–586; Richard Maxwell Brown, *No Duty to Retreat: Violence and Values in American History and Society* (New York: Oxford University Press, 1991); and Robert R. Dykstra, "Quantifying the Wild West: The Problematic Statistics of Frontier Violence," *Western Historical Quarterly* 40 (Autumn 2009): 321–347.

¹⁵⁹ McDowell, "Real Property, Spontaneous Order," 11; and Jonathan Wheeler Bryant, "Letter to brother George Quincy Adams Bryant," dated 18, 19, 20 November 1852, Diamond Springs, Calif., WA Ms 51, Beinecke Library, Yale University, New Haven, Conn.

marked out his claim adjoining mine and stuck his pick axe into the ground but instead of working it immediately he proceeds to work in another place which if he had a right to one he forfeited the other. Accordingly another man sets in to work on the above mentioned claim; leather-breeches seeing this, comes onto the spot and blusters & swears at a great rate declaring he will not give up the hole[.]¹⁶⁰

Contrary to popular depiction, miners rarely attempted to physically assault another in order to steal a claim. However, this chapter will illustrate that this was far more common behavior towards miners from Spanish- or French-speaking countries, Native Americans, and Chinese miners. More commonly, a jumped miner's fellow camp members would exile the offender from the diggings. If an individual was seeking to make money through illicit means in the hinterlands, an urban model of deviance was the norm: going rogue or highwayman and robbing a miner of his profits on the road or at his domicile once he had performed the dirty work of mining.¹⁶¹

As previously mentioned, during the pre-statehood period most camps—and urban centers like San Francisco—elected an alcalde to decide civil matters and preside over a dispute.¹⁶² However, the sources indicate that, much like the ineffectiveness of San Francisco's Alcalde Leavenworth, these officeholders in the hinterlands also vacillated on the spectrum of legal efficiency and were often easily corruptible. Descriptions by miners are candid regarding the state of alcalde leadership in the hinterlands. The alcalde of Columbia, California, about thirty miles southeast of Chili Gulch, an individual named “Major Sullivan” elected in 1850, is described as “charged with a regular system of swindling everybody with whom he had dealings;

¹⁶⁰ William F. Reed, “22 February 1850,” in “Journal,” Banc Mss C-F 214, Bancroft Library, University of California, Berkeley.

¹⁶¹ Rohrbough, *Days of Gold*, 220–229.

¹⁶² See, “Chinese Camp Mining Code, 17 September 1850: “the alcalde elected by this meeting shall have power to decide upon all disputed claims in this vicinity, and in all cases that come before him.” J. Heckendorn, and Wilson, W. A., *Miners' and Businessmen's Directory* (Columbia, Calif.: Clipper Office, 1856), 83.

and though this charge may not have been entirely true, it seems certain that he always managed to get large fees and not always from the proper parties.”¹⁶³

The unreliability of alcalde justice in California mines may also be seen in other Pacific coast mining camps such as in Jackson Creek in southwestern Oregon in autumn of 1852 in the case of the town’s alcalde, a man referred to simply as “Rogers.” After a man named “Sprenger” became injured and could no longer work his joint claim, his partner, a man named “Sim” removed Sprenger from his claim contract. This was to a certain extent legal behavior under mining policeways, but raised eyebrows when Sim would not compensate his former partner for his half of the claim, tools, and prior work performed. Sprenger, understandably, cried foul. Sim, however, would not stand down, being so bold as to do Sprenger one better by taking the issue to Alcalde Rogers, (along with a not-insubstantial bribe to grease the wheels of justice). Unsurprisingly, Rogers ruled on behalf of Sim. In an example of camp justice outweighing the obvious corruption of the sworn public officials, Sim appealed his case to the camp assembly at large. In a remarkable case indicative of the importance of camp order in the diggings, all Jackson Creek miners abandoned their claims at the summons and met to decide the fate of Sim and Sprenger. They moved that a retrial should commence, which was rebuffed by Rogers. A riot was on the alcalde’s hands. If justice could not be served for one, the camp argued, what was to save any of them from the same fate at the hands of corrupt officials? One bold miner stepped forward and proclaimed, “Who but the people made this damned scoundrel alcalde anyhow? We can organize our own court of appeals,”—which they did. Word was sent across the hills and quarries and river tributaries of surrounding camps for a district-wide trial. As per their custom, a new election was held among the camp, and a Jackson Creek miner named Hayden was elected

¹⁶³ John S. Hittel, *A History of the City of San Francisco* (San Francisco: A. L. Bancroft & Co., 1878), 225.

to serve as chief judge, who in turn initiated the election of a clerk and new sheriff. When Hayden approached Alcalde Rogers for the records and evidence for the case, the new miners' court was rebuffed. Rather than tarry until Rogers's immaturity passed, the court decided to proceed and hear the case anew. It did not take long for the facts of the case to be heard, the jury deciding in favor of Sprenger. Sim was convicted of bribery and ordered to pay the costs of the illness that had laid Sprenger low, reappoint him as a full mining partner on the claim, and allow him to move back into their shared cabin. The claim dispute settled, the court adjourned to the cabin of Alcalde Rogers, who was informed that his days as Jackson Creek's chief authority had come to an end.¹⁶⁴ The Jackson Creek case exemplifies two legal themes inherent to the hinterlands, those being the unreliability of sworn agents of the law and its enforcement, and the detail and care miners used in organizing ad hoc committees to achieve de facto justice.

“Por la razón o la fuerza”: Chileans in the gold camps

The tenuous racial harmony based on the plentitude of gold to be had characterizing the early gold rush period began to shift with the dawning of 1849 and sharp increase in miners and entrepreneurs from the United States and Europe.¹⁶⁵ What these miners often found was hundreds of choice claims being worked by men, and sometimes women, speaking various dialects of Spanish. Majority hispano, multiethnic camps like Sonora and largely African American camps like Negro Hill, Little Negro Hill, and Downieville likely unsettled the new

¹⁶⁴ Charles Howard Shinn, Paul, Rodman, ed. *Mining Camps: A Study in American Frontier Government* (New York: Charles Scribner's Sons, 1884; 1965), 190–198.

¹⁶⁵ California, ceded during the U.S.-Mexico War, would not gain statehood until 1850 and remained under military governorship until that time.

white arrivals.¹⁶⁶ The spring of 1849 saw a massive Yankee emigration to the mines and a shift in the largely positive and lucrative experiences of Spanish-speaking prospectors. California had not yet achieved statehood, but Yankee miners correctly perceived the anti-foreigner tide of the period and how it might be used to their own selfish advantage. What many disgruntled Americans would use as the basis for their outrage was the contract labor system many Chilean prospectors—and wealthy Yankees and Europeans—utilized. Mid-nineteenth-century American free soil labor ideology against “unfree” Chilean peons and their supposed overlords exacerbated this exceedingly tense legal environment. Chilean historians estimate “around 200 unpunished murders” of their countrymen during this period, not to mention the countless others who “disappeared in California without anyone ever knowing their fate.”¹⁶⁷

Chileans were among the largest group of California immigrants to arrive during the gold rush period, and the largest Spanish-speaking population, a slim second only to Mexican *argonautas*. Estimates range between two-and thirty-thousand individuals, with the actual number likely hovering around five-thousand Chileans emigrating to San Francisco and the hinterlands between 1848 and 1860.¹⁶⁸ News of the gold strike arrived in Chile on the vessel

¹⁶⁶ Hubert Howe Bancroft, *California Inter Pocula* (San Francisco: The History Co., 1888), 235–36; Richard Brown Cowley, “Journal of a Voyage on the Barque ‘Canton’ from New York to San Francisco... [and] Life in the Mines on the Mokelumne,” np, manuscript collection, Huntington Library; John David Borthwick, *The Gold Hunters: A First-Hand Picture of Life in California Mining Camps in the Early Fifties*, ed. by Horace Kephart (New York: Outing Publishing Company, 1917) 275; and Quintard Taylor, *In Search of the Racial Frontier: African Americans in the American West, 1528–1990* (New York: W. W. Norton & Company, 1998), 84.

¹⁶⁷ Kelly J. Sisson, “Bound for California: Chilean Contract Laborers and Patrones in the California Gold Rush, 1848–1852,” *Southern California Quarterly* Vol. 90, No. 3 (Fall 2008), 287; and Hernández Cornejo, *Los Chilenos*, I:27.

¹⁶⁸ The 1850 census indicates 1,121 people of Chilean origin resided in California, but this number is not entirely reliable, nor are the census records of 1850 and 1852. Census agent J. Neely Johnson in 1850 reported that, “the result of this enumeration when completed will, with all reasonable probability fall short of the entire population of the state from thirty-three to fifty percent.” Quoted by Allyn C. Loosley in *Foreign Born Population of California, 1848–1920* (San Francisco: R. and E. Research Associates, 1971), 13. Dennis Harris furthers the confusion over an exact number for Chilean émigrés by noting that geographic mobility compromised the accuracy of this census. Dennis Harris, “The California Census of 1852: A Note of Caution and Encouragement,” *The Pacific Historian* 28

J.R.S in the port of Valparaíso. It was not long before exaggerated reports began to flood the country's newspapers. Santiago's *El Progreso* published a letter of questionable authenticity from a Chilean abroad who wrote that miners had "discovered already a 100-mile long terrain with ponds of native gold of different sizes." The pages of Valparaíso's *El Mercurio de Valparaiso* similarly exclaimed: "plenty of gold in the public squares, in the streets and everywhere. Ordinary people obtain it wherever they want, but decent people do not need it any longer."¹⁶⁹ Hundreds put on hold their affairs, kissed loved ones goodbye, and braved the seventy-day sea journey north to become the founders of the ill-fated Chilecito community in San Francisco. However, the Chilean government, which in the 1840s was engaged in a long-term colonization project of the Native-controlled southern section of the country, was not eager to see a large proportion of its able-bodied male population depart, especially given the country's slim population of one and a half million.¹⁷⁰

Gold-seekers, regardless of their country of origin, were an assorted lot. However, in Chile and elsewhere, individuals braved the dangerous journey and uncertainty of camp life usually due to one of two reasons: an excess of capital that would allow for an investment in labor (whether personal or hired) that could likely yield a sizeable profit, or the chance to rise above their given station with a fortunate mineral strike, as was the case with most miners.¹⁷¹

According to passport lists, labor contracts, and reports of government officials, of those who

(1984): 60-61. See also, Hernandez, *Los Chilenos en San Francisco*, 1: 190; Carlos López, *Chilenos in California. A Study of the 1850, 1852 and 1860 Censuses* (San Francisco: R. And E. Research Associates, 1973), xvii-xix; and Purcell, "Too Many Foreigners," 8.

¹⁶⁹ *El Progreso*, Santiago, Chile, 3 February 1849; *El Mercurio de Valparaíso*, Valparaíso, Chile, 27 January 1849; Purcell, 9.

¹⁷⁰ See, Cristián Gazmuri, *El "48" Chileno: Igualitarios, Reformistas Radicales, Masones y Bomberos* (Santiago, Chile: Editorial Universitaria, 1992).

¹⁷¹ J. S. Holliday, *The World Rushed In: The California Gold Rush Experience* (New York: Simon & Schuster, 1981), Rohrbough, *Days of Gold*.

traveled to California from Chile during the 1840s and early 1850s a majority were comprised of lower-class individuals from central Chile. As the Chilean consul cited of the 1851 émigrés, these individuals were of the “inferior classes of the Chilean population.”¹⁷² Young, wealthy, urbanite Chileans took advantage of the presence of this large populace of *peones*, many of whom were usually quite experienced in mining the silver and copper of the Atacama region, in forming California-bound mining companies.¹⁷³ Travel costs of the mining crews were covered by both these wealthy city dwellers and middle-class businessmen and adventurers like Vicente Pérez Rosales and Ramón Gil Navarro, who would be one of the individuals to document the Chilean War in the camps to come.¹⁷⁴ Companies could reach up to fifty-one peons, but averaged closer to about eight individuals. The terms of the contracts dictated an average twelve, eighteen, or twenty-four-month work period, with the laborers dividing half the profits amongst themselves, with the remainder going to the company financiers.¹⁷⁵ Although many peons were known to wander from their contracts and the watchful eye of their *patrones* in the mines of Chile—and indeed many did once the possibility for independence could be achieved in the hectares of rivers, mountains, forests, and city lanes of the San Francisco hinterlands—the increasingly antagonistic attitude of Yankee and European gringos envidiosos caused Chilenos and Mexicanos to band much closer together in California for protection. This organizational skill could be seen in their martial reaction to the destruction of their neighborhood in San

¹⁷² Report of the Chilean consul in San Francisco to the Chilean minister of Foreign Affairs. San Francisco, September 2, 1851. Fondo del Ministerio de Relaciones Exteriores, vol. 73 in Archivo Nacional, Santiago, Chile.

¹⁷³ *El Mercurio*, Valparaiso, 27 January 1849.

¹⁷⁴ Purcell, 12; Ricardo Nazer, “Jose Tomas Urmeneta (1808–1878). Un Empresario Minero del Siglo XIX,” in Ignacio Domeyko, *Jose Tomas Urmeneta, Juan Bruggen. Tres Forjadores de la Minería Nacional* (Santiago, Chile: Instituto de Ingenieros de Minas de Chile, 1993), 85; and Arnold Bauer, *Chilean Rural Society from the Spanish Conquest to 1930* (Cambridge: Cambridge University Press, 1975), 154–157.

¹⁷⁵ See, Purcell, 12; and Fondo Notarial de Valparaiso, vols. 80, 83, 84, 86, 90, 96, 97, 102; Fondo Notarial de Talcahuano, vols 3 and 4; and Fondo Notarial de Concepción, vol. 40; Gabriel Salazar, *Labradores, Peones y Proletarios* (Santiago, Chile: Editorial LOM, 2000).

Francisco the previous summer, and with events that would soon play out in December of 1849.

“The Chilean Disturbance” at San Antonio

In San Francisco, five months had passed since Sam Brannan stood in Portsmouth Square crying out for Chileans to take up arms against their oppressors in order to wipe the city of the Hounds scourge. Readers of Brannan’s *Daily Alta California*, which was printed in his offices on the Plaza, many of whom had also witnessed the fortitude and resolve of Chilecito’s residents that summer prior, would not have been surprised to read the story just in from Stockton dated 2 January 1850:

By a gentleman who came passenger in the *Mint*, which left Stockton on Saturday last, we are pained to learn that a disturbance has taken place in the mines on the Calaveras between the Chilenos and Americans. The facts, as near as we can get at them are as follows: On the night of the 26th instant a party of armed Chilenos, numbering some 200 attacked an American camp at the Calaveras diggings consisting of about twenty persons. Three Americans were killed, three others severely wounded, and some sixteen taken prisoners. The Chilenos said they were acting under orders from the authorities.

On a curving stretch of California Highway 49 just north of the town of San Andreas an historical landmark marks a seldom-visited and largely unknown space that figures prominently in the history of race, ethnicity, and law enforcement in the North American West. James Ayers, one of the eyewitnesses to the events to follow, described the area as it figured in the closing days of 1849: “Situated on an elevated flat, about two miles from our camp, was a settlement of Chilean miners. One Dr. Concha was the chief and moving spirit in this settlement, supported by some eight or ten lieutenants. The rest of the people consisted of peons whom they had brought

from Chile, and who stood in relation to the headman as dependents, in fact as slaves.”¹⁷⁶

Although Ayers betrays his ignorance of Chilean labor customs in his description of Chilean “slavery,” he is correct that a wealthy Valparaísoan named Dr. Manuel Concha and another *patron* named Maturano were working the North Fork of the Calaveras River along with a large community of Chilean miners, many of whom were contracted to work. Chileans in the diggings had developed a reputation among the Yankee and European miners for open resistance rather than acquiescence to racially-motivated aggression that predated the Hounds uprising. Moreover, rather than move along once their claims were jumped, Chileans were known to utilize *derecho vulgar*—local justice—to achieve satisfaction in the legal middle ground of the mines. Indeed, the Yankee method of intimidating, assaulting, killing, and driving other marginalized groups from the diggings did not work as successfully against Chileans who were true to the national motto of Chile: *Por la razón o la fuerza*—By right or by might.

It was not unusual in the diggings for Chileans to be so numerous as to comprise a small town. One such community, San Antonio, consisted of roughly one-hundred miners under the leadership of Concha and Maturano. This community, known to the surrounding Yankee camps as “Chili Gulch,” grew to infamy with events that took place beginning on December 6, 1849. We are left with four accounts of the incidents to follow: one, by local American miner and eyewitness James Ayers, another by Massachusetts miner and eyewitness John Hovey, another by local eyewitness and Argentinian expatriate Ramón Gil Navarro, and the American newspaper account, which largely is drawn from the two American perspectives. Although they differ in tone and where blame is ultimately placed, both corroborate similar events that

¹⁷⁶ James J. Ayers, *Gold and Sunshine, Reminiscences of Early California [by] Colonel James J. Ayers; illustrations from the collection of Charles B. Turrill* (Boston: R.G. Badger, 1922), 46.

transpired. According to Hovey, four Americans decided to mine along the Calaveras unreasonably close—or perhaps directly upon—the Chilean claims of San Antonio. A party of twenty Chileans from San Antonio caught wind of this incursion and approached the Americans, asking them to depart. As Hovey recalled, the Americans refused, using the nativist language of the period to exclaim that they would not be “driven from their own soil.” The Americans believed the affair to be settled when the Chileans departed. They realized their error, however, when the Chileans returned—this time armed with knives and revolvers. “Vamos,” the party of Chileans flatly instructed; the Americans, Hovey concludes in his diary, complied.¹⁷⁷

The American miners in the region, furious at the insolence of the Chileans for defending their own claims, met three days later to discuss what should be done about the San Antonio incident. The meeting, held at the log cabin of miner Abraham Nash and known simply as “Iowa Log Cabins,” was formed to “to make laws to have our rights as American Citizens,” wrote Hovey. Similar to other camp meetings discussed previously, the miners elected officials, in this case a judge, L. A. Collier (whom they also appointed acting alcalde, due to their dislike for the actual Calaveras alcalde, John Scollan), and a military captain, L. Wood. At the miners’ congress it was established that “the foreigners and especially these D’d copper hides every one of them should be driven from our diggings they’ve got no business here in the first place” and that no foreigners would be allowed to work any previously-staked claim after the following day, December 10. Ayers seconds Hovey’s opinion, but with the proviso that the Chileans were often the menacing authority. He writes, “Small parties of Americans complained that whenever they discovered a new gulch and attempted to mine in it, they were driven off by a superior body of

¹⁷⁷ John Hovey, “Historical Account of the Troubles between the Chilians and American Miners in the Calaveras Mining District, commencing Dec. 6 1849 and ending January 4, 1850,” in *Journal of a Voyage From Newburyport, Mass to San Francisco, California*, 84, MSS 322, Huntington Library, San Marino, Calif.

these Chilians [*sic*] who laid claim to the gulch.”¹⁷⁸

Mokelumne Hill shop owner Ramón Gil Navarro had a positive relationship with the miners of San Antonio who hailed from his adoptive country of Chile. He kept a diary, now housed at the Bancroft Library, which describes in detail the events that next transpired. A group of American miners approached a few Chileans working their claim on the Calaveras with an eviction notice signed by the newly-elected Judge Collier. The temporarily unarmed men, realizing their disadvantage against the Yankees, retreated back to San Antonio where the remainder of their compatriots were about their daily affairs. The men, not in a negotiating mood, had a simple response for the Americans: “the only way [we] will leave is if [we] are dead.” The Americans, incensed, departed with the promise that this could be arranged. As members of the Calaveras mining district, neither Navarro nor the Chileans recognized the authority of the mining court. This was due both to the fact that the Chileans were not included in the meeting, and because Calaveras already had an appointed judge and alcalde, a man who attempted to foster positive relations with their community, Navarro’s avowed best friend, a man named John Scollan. According to Navarro, when informed of the Americans’ ultimatum, Scollan stated he would “go with us to set things straight in a hurry.”¹⁷⁹

The next day was rainy and cold when Chilean miner Abel Quiroga arrived at Navarro’s residence with remarkable news from Chili Gulch. Several armed American miners had arrived at the Calaveras and proceeded to fire upon the Chileans working nearby, who fled. However, not ones to take a beating lying down, the Chileans returned *en masse* and drove off the Yankees and barricaded their community. Under the perceived duress what Ayers describes only as

¹⁷⁸ Hovey, “Historical Account,” 85, 88; and Ayers, 46.

¹⁷⁹ “Ramón Gil Navarro Papers, 1845 March 24 –1883 June 8,” Vol. 1: Diary, March 24, 1845–October 16, 1852, BANC MSS 81/159 c.v.1, Bancroft Library, Berkeley, Calif.; and Navarro, *Diary*, 42.

“peculiarly aggravating circumstances” and “exasperating aggression,” the Americans sounded the alarm, calling on similarly-minded nativists to rally to them.¹⁸⁰ Waxing dramatic, Navarro states the Chileans, “entrenched and proud as the heroes of Saragossa,” continued to rebuff American attempts at their position. Illustrating the dissimilarity between the response of the Chili Gulch residents to American aggression towards Mexican miners, Navarro notably states, “I do not think the Americans will end up laughing at them so easily as they did at the people from Sonora.”¹⁸¹

Judge Collier and the American raiders by now realized that the Chileans would not be easily pacified, and therefore decided to vary their tactics. According to Navarro, Thursday, December 13 dawned sunny and fair as two men from the Chilean camp left the barricaded San Antonio to hunt for game. The pair made a small party, and so were easily disarmed by a party of almost two-dozen American miners en route to ambush San Antonio. The Americans tied the outnumbered hunters to a tree and told them they would hang on the spot if they sounded the alarm. Meanwhile, the remainder of the party continued on to the camp at Chili Gulch under the guise of coffee and truce, behaving “in a friendly sort of way.” The Chileans believed that perhaps the Americans had realized the belligerence of their actions, and failed to notice as their firearms and other weapons were secreted away. The teeth taken out of the Chilean’s bite, the Americans showed their true intentions and surrounded the surprised camp and tied up the patrones. However, Terán, Suterna, and Picarte broke free, fleeing into the brush, dirt flying as the Americans fired in their direction.¹⁸² There is no mention of this affair in either Hovey’s or Ayers’s account of the unrest, other than the unknown “peculiarly aggravating circumstances”

¹⁸⁰ Ayers, *Gold and Sunshine*, 47.

¹⁸¹ Navarro, “Diary,” Wednesday, 12 December 1849; and Navarro, *Diary*, 69.

¹⁸² Navarro, “Diary,” Saturday, 15 December 1849; and Navarro, *Diary*, 50, 51.

and “exasperating aggression” that would fuel the following events. Although believable, several sections of the timeline are nonetheless one-sided and as such must be viewed with a degree of skepticism.¹⁸³

Navarro was at home that evening when he writes a party of Chileans burst into his tent to tell him the news of what happened next. As the Chilean camp residents were bound, one man broke free and grabbed a knife. He lunged at the leader of the American party, but was disarmed before he could cause any damage. The Chileans were then led before Judge Collier, rather than the formally-elected Judge Scollan, who demanded one-hundred-and-fifty ounces of gold from the captives, the fine for defying American orders to leave the diggings. According to Navarro, several patrones, under clear duress, agreed to pay the fine, but said they would need to send back to the camp for the gold. A man was unbound and sent back to Chili Gulch to retrieve the money. When he did not return, the Americans were enraged. On Saturday the 15th the Americans stormed San Antonio, and in a replay of the events in Chilecito the previous summer, ransacked the community and one by one destroyed the homes of the miners. American participant John Hovey does not mention the ransacking, but writes he and his fellow belligerents then “went before the alcalde [Collier] and received our share of the spoils we have obtained from the Mexicans [*sic*] in the shape of fines.”¹⁸⁴ In the minds of the Americans, they had firmly and effectively reestablished the racial hierarchy of mining in the Calaveras district and expected the Chileans would acquiesce to the new rules or move on.

However, the law enforcement environment of the San Francisco hinterlands was a place of familiar figures acting in unexpected ways. Rather than simply moving on like many Mexican

¹⁸³ Ayers, *Gold and Sunshine*, 47.

¹⁸⁴ Hovey, “Historical Account,” 76; and Purcell, “Too many Foreigners,” 107, 108.

and Chinese miners did when confronted with the stacked deck of nativism, the residents of Chili Gulch sought to achieve an amalgamated hybrid of native and origin-country legal satisfaction to realize *derecho vulgar*. Concha, Maturano, and several other Chileans decided to appeal to a higher authority, as it seemed highly suspect to the mid-nineteenth-century political environment they were familiar with in Chile that an arbitrary collection of rough-hewn middle and lower class miners should have the authority to appoint their own judicial authority. Indeed, in the cosmopolitan capital of Santiago, let alone in the bleak Atacama mining district of northern Chile, *ad hoc* meetings of common people simply did not have the power to appoint public officials.¹⁸⁵

On Sunday morning the Chilean company leaders braced themselves with a light lunch before setting out on the forty-mile trip to Stockton, which was more settled and, presumably to the patrones, civilized in its legal mindset. According to Navarro, Henrique Green, a British international traveler lately of the Galapagos Islands, took sympathy with the cause of the San Antonio residents and volunteered to accompany the group on their journey. Navarro sent four-hundred-and-fifty pesos with Green to help the Chileans on their expedition, or roughly eight days' earnings in the diggings. The patrones traveled unmolested on the road and arrived in Stockton with a singular purpose: justice for a perceived severe debasement of the law. Sub-prefect Dickenson, Justice of the Peace Belt, Sheriff Young, and Judge Reynolds were alerted to the party of Chileans and gathered to hear their side of the story: one Collier of Mokelumne Hill had been illegally elected as mining district judge of Calaveras district and illegally detained the residents of San Antonio in order to elicit extorted funds to remain on legally staked claims. Not

¹⁸⁵ Florencia E. Mallon, "Decoding the Parchments of the Latin American Nation-State: Peru, Mexico and Chile in Comparative Perspective," *Studies in the Formation of the Nation State in Latin America*, ed. James Dunkerley (London: Institute of Latin American Studies, University of London, 2002), 13.

only were the officials willing to listen, they were sympathetic; Dickenson, Belt, Young, and Reynolds, respected American legal authorities, issued a warrant for the arrest for the pretender Judge Collier, instructing the Chileans that they were hereby officially “authorized likewise to arrest and bring to Stockton all individuals who took part in the robbery, violence, and expulsion carried out against the aliens living in Chili Gulch.”¹⁸⁶ Like their countrymen in the Little Chile community of San Francisco, *señores* Dr. Concha, Maturano, Terán, and the roughly one-hundred residents of San Antonio were granted official law enforcement status in an American territory to exercise justice and apprehend American suspects. Once again, the unique environment of the San Francisco hinterlands had created an alternate narrative to the traditional history of heavy-handed policing at the expense of a marginalized minority populace, an environment that allowed for enormous possibilities that are largely absent in race, ethnicity, and law enforcement historiography.

The Chileans returned to the Calaveras the day after Christmas, 1849, charged with the official duty from the American legal establishment to impose order in the camps. This point cannot be overstated, as the traditional historiography indicates that the opposite should have been true in the case of Chili Gulch. This narrative dictates that the Chileans should have been rebuffed by the Stockton authorities at the very least, or arrested and hanged on site by a lynch mob for upsetting the racial status quo of Anglo superiority in the diggings. However, not only did the San Antonio posse upset this paradigm, but it was yet another example among many of interethnic cooperation and agency in policing among the region’s racial minorities that as the nineteenth century wore on would reach its penultimate example, ironically, in the law

¹⁸⁶ Navarro, “Diary,” Sunday 16 December- Wednesday 19 December 1849; Ayers, *Gold and Sunshine*, 51; and Navarro, *Diary*, 281 n. 53.

enforcement relationships founded in the several square blocks fanning out from the original San Francisco central town square highlighted in the coming chapters.

Concha, Maturano, and a majority of the Chilean leadership gathered in Navarro's tent to plan their next move. The men had two orders in their hands, according to Navarro, one that allowed them "to take in the bandits, dead or alive, and another one for all the district judges, instructing them to help the men with whatever they need (weapons, horses, etc.)."¹⁸⁷ While one may suspect that the legal orders were fabricated by Navarro *ex post facto* to lend legitimacy to their party's action, Ayers confirms the documents, writing of the "certif[ication] to our arrest by the authority of a warrant that had been issued by Judge Reynolds, of Stockton, Judge of the Fifth Instance" and Sheriff who "authorize[d] his people to serve it."¹⁸⁸ In perhaps the first time in American history, citizens of a foreign nation had been given *carte blanche* to mete out justice against American citizens by an American territorial government, and the local Calaveras authorities were ordered to back their play to see those orders properly executed.

The next day, the Chileans presented the order to Navarro's friend and their reluctant ally, Judge Scollan, the official district judge for Mokelumne Hill. Scollan was incredulous at the legal feat the Chileans had achieved in being granted full police powers by the local authorities, and Navarro describes his demeanor as somewhat nervous. Scollan's nerves are understandable given the uncertain racial environment created by the gringos envidiosos and the tendency for Yankee miners' assemblies to quickly dissolve into lynch mobs. Nonetheless, Scollan and three Chilean representatives—in all likelihood Concha, Maturano, and Terán—steadied their fortitude and made the short trip to the American encampment, prefect's order in hand. Their hope was

¹⁸⁷ Navarro, "Diary," 26 December 1849.

¹⁸⁸ Ayers, *Gold and Sunshine*, 51.

that the offenders would recognize the authority of Scollan and the American-backed warrant and willingly submit themselves into custody. The response of the miners was both disturbing and indicative of the legal state of the mid-nineteenth-century Bay Area hinterlands. Navarro claims the Americans responded, “[We] are not subject to the authority of Stockton or that of anyone else in California.... [We] are the people and that only the voice of the people can elect their representatives.”¹⁸⁹ The tone of bravado of the Americans is not difficult to imagine. However, we are unfortunately left only with Navarro’s claims to their response. According to Ayers, legal writs were not presented to the Americans until after the following events had transpired.¹⁹⁰ If we are to believe Navarro’s claims of sworn legitimacy and Ayers’s apparent corroboration of this fact, the established legal authority for the region had spoken; the response of the popular authority in the camps indicates that traditional institutions of justice were enfeebled and had been replaced by informal policing entities. In San Francisco, popular justice and an interethnic vigilance committee had stamped out the violence and corruption of the established Regulator-Hound police force for the betterment of public welfare. However, would the same hold true for the situation in the Calaveras, where the cross-cultural legal authority was being subsumed by mob rule bent on establishing racial superiority? The actions of the Chileans that followed would soon determine the answer.

Navarro states that Scollan, realizing the deadly intent of the Yankee miners, cautioned the Chileans that perhaps they should let well enough alone and return to their claims with the hope that they would not be harassed. “There are many Americans,” he reportedly told Navarro,

¹⁸⁹ Navarro, “Diary,” Thursday, 27 December 1849; and Navarro, *Diary*, 74.

¹⁹⁰ Ayers, *Gold and Sunshine*, 51.

and he was “frightened by the entire affair.”¹⁹¹ He read over the warrant, seeking a loophole or miswritten line that would void the order and allow for the situation to deescalate. Yet the orders were clear: all district judges were instructed “to help the persons charged with executing the said order from the prefect.” Ignoring Scollan’s vacillations, Maturano returned to the remains of San Antonio in Chili Gulch to rally his men for their law enforcement duty. Like Sam Brannan in Portsmouth Square the previous summer, Maturano shouted for action to his countrymen. Scollan has failed us, he said, we cannot wait for the other judges or rely on efforts that will in all likelihood never come. All of us must go, Maturano cried; the Americans must be taken by force.¹⁹²

At dusk the Chileans made their move. Navarro’s account states that of the approximately one-hundred residents of San Antonio, thirty took up Bowie knives, clubs, rifles, and revolvers and set out with Maturano for the American encampment at the Iowa Log Cabins. It was midnight before the party arrived at the camp. The camp was unusually well-lit with torches and lamps for such a late hour and it quickly became apparent that the Yankees were expecting the Chileans’ arrival. By the light they could see they were outnumbered, with approximately forty Americans silhouetted against the campfires. The Chileans drew to within one-hundred yards of the fires and organized themselves into a tight formation, readying their weapons. An English speaker among them stepped forward and, raising his voice so the Yankees who had destroyed his home and the homes of his companions could hear, read the order from the Stockton authorities once again: they were hereby wanted under suspicion of extortion, arson, kidnapping, and destruction of property and would be taken into custody by officers of the law of the territory

¹⁹¹ Navarro, “Diary,” Thursday, 27 December 1849, and Navarro, *Diary*, 74.

¹⁹² Navarro, “Diary,” Friday 28 December 1849; and Navarro, *Diary*, 75.

of California and the district of Calaveras—in this case, the Chilean miners—and would stand for trial. A silence followed as the Americans considered this highly unusual outcome to their not uncommon actions against the Chileans two weeks prior, weighing their options. The residents of San Antonio were not the first group of foreign miners to be abused, robbed, and driven off their claims by jealous Americans during this period, but this was certainly the first time the victims had filed a formal complaint, been issued an arrest warrant, and given full police powers to execute that warrant. After consideration, the Americans gave the Chileans their response: three or four bullets cut through the air above the Chileans' heads.¹⁹³

The next actions Navarro records of the Calaveras peacekeepers would baffle anyone who has had the misfortune of experiencing being shot at—the Chileans not only did not duck for cover, they charged. A man named Jara engaged in the first volley of hand-to-hand combat with one of the Americans. Jara gained the upper hand, slashing at the neck of his foe, but his felled opponent's companion took aim and shot his attacker through the eye, killing Jara instantly. Maturano, who was leading the assault, and his companions saw Jara fall. As Navarro recounts, at the death of their friend, the Chileans “went totally wild.” Maturano pulled his pistol from his belt and leveled it at the head of his friend's killer—it misfired. The American took the opportunity and shot at Maturano at point blank range. The bullet missed its target, but sent Maturano's pistol flying.¹⁹⁴

Not waiting for a second chance, Maturano dove headlong at the American, pulling his knife at the same time. The two grappled. One can easily imagine the sound of gunfire, the dust and smoke from the burning torches and campfires, and the screams in both English and Spanish

¹⁹³ Navarro, “Diary,” Friday, 28 December 1849; and Navarro, *Diary*, 75.

¹⁹⁴ Navarro, “Diary,” Friday, 28 December 1849; and Navarro, *Diary*, 75.

as the two parties engaged one another in open combat, the stakes set at whose order would be imposed: fear and racial oppression, or justice before the law. Maturano, quick with his knife, avoided the American's blows and drove the blade deep into the chest of the American up to the hilt. His adrenaline surging, Maturano continued to stab the man two more times, but was distracted as another American slid behind him, raising his own knife above his head to finish off the Chilean. Seeing his peril, another Chilean jumped to Maturano's aid and grabbed the man's arm, struggling to hold the knife at bay. Maturano, returning to his senses from his macabre endeavor, finally heard the struggle behind him. He pulled the knife from the dead American at his feet, turned and stabbed his would-be attacker in the neck, who quickly bled out. Maturano heard the report of a rifle, and the man who had helped stop his would-be assassin from stabbing him in the back was shot through the ears. Only a matter of seconds had passed since the Chileans stormed the American camp and already several men lay dead. One must remind oneself that none of these men were trained fighters. In fact, mining patrones such as Maturano were primarily white collar businessmen from Santiago and Valparaíso and had likely only picked up a weapon to hunt for leisure. However, the outrage at their treatment under the pseudo-law of the American miners and their commitment to seeing justice done fueled their gladiatorial-style showing at the American encampment.¹⁹⁵

The Americans had not expected this. Maturano and his men, including an elderly man from Nacimiento named Pérez, had acted so swiftly and with such passion that the residents of the Iowa Cabins camp, although outnumbering the Chileans, were quickly intimidated into submission and they soon found themselves in the boggling situation of surrendering. The Chileans shouted at the kneeling men: *Suelten las armas*. Drop your weapons. *Manos arriba*.

¹⁹⁵ Navarro, "Diary," 28 December 1849.

Hands up. *Pongan sus manos en la cabeza*. Put your hands on your head. *No se muevan*. And don't move. The Americans, terrified, breathless, and incredulous, complied. The Chileans had achieved a feat not unlike their countrymen in San Francisco against the Hounds and taken the American suspects into custody.¹⁹⁶

The American account of the incident is unsurprisingly quite different from that of the Chileans' record-keeper, Navarro. Ayers states that the American camp had long since forgotten about the Chileans, and were idling one evening around eight o'clock. "Suddenly," Ayers writes, "our tent flaps were thrown aside and a dozen guns were pointed at us." Ayers, who spoke fluent Spanish, inquired of the Chilean leader, whom he identifies later as Tirante, what the meaning of this assault was. Tirante did not respond, but led Ayers and the captured Americans to join other Americans who had been captured in another location on the hillside. Once at the neighboring camp, Ayers describes a bloody scene in which "an old man named Endicott" was "in the last agony of a gutshot wound," while another "old man named Starr" lay bleeding out from a shoulder wound. Tirante called Ayers to his side and asked if Endicott was the false-alcalde, Collier, whom Ayers assured him it was not. "When I assured him it was not," Ayers writes, "he seemed greatly disappointed." Starr was forced to march with the rest of the captives, but was later found dead from suspicious circumstances.¹⁹⁷ Indeed, the Ayers account differs from the Navarro account sharply, the Chileans in recording acting as the aggressors and the Americans as unwitting victims. It is likely that the truth lay somewhere in the middle, with the Chileans indeed attacking the American camp with deadly fury and the Americans caught unawares. However, it is not difficult to imagine the rage of the hispano prospectors who had been forced

¹⁹⁶ Navarro, "Diary," 28 December 1849; and Navarro, *Diary*, 76.

¹⁹⁷ Ayers, *Gold and Sunshine*, 49–50.

off their claim and had their homes destroyed and the reaction that rage might produce. Ayers account, if possible, must be relied upon somewhat more due to his actually being at the event, while Navarro was at his home during the attack and only told later about the events by the Chileans.

The Uncertain Road to Stockton

Warrant in hand, the Chileans were still somewhat uncertain of their unique judicial prerogative. They had killed Americans in the exercise of serving a court order—was this legal? To calm their nerves, Maturano and another leader, Santiago Herrera, marched their American prisoners to the closest ally they could find, the residence of their friend, Ramón Gil Navarro, who knew many of these same men from his time in Concepción. Was this still legal?, they asked Navarro. Did they still hold authority? The heat of battle had worn off and the blood of dead American citizens lay on their hands in a foreign country quickly filling with more and more Yankees of equal racial mindset as their prisoners. Maturano could see the resolve fading in his men and the dissolution quickly growing in their eyes. “Cheer the people up,” he told his friend. Take heart, Navarro rallied the Chileans. He had re-read the order, which was in English and thus unreadable to most of the Chileans; Navarro read the writ and determined that the bandits were indeed ordered to be taken dead or alive before the Stockton authorities. Based on Navarro’s translation, their legal appointment was intact. Now, they just had to get the men before the prefect forty miles away.¹⁹⁸

Navarro, who had witnessed and been the butt of the racism of the bound men before him, relished in the newfound deference of the men, calling them “scoundrels.” He provided the

¹⁹⁸ Navarro, “Diary,” 28 December 1849.

Chileans with biscuits, nuts, and figs for their journey. A miner named Herrera embraced Navarro for his generosity. An American nearby saw the kindness of Navarro and believed he saw an opportunity. As Navarro writes, the man “spoke to me in English and asked me to speak in his favor that he was a Christian and that he loved and respected the Chileans.” The other Americans, realizing that Navarro spoke English, turned to hear his reply. Navarro told the American not to worry. Your leader has a bullet in his chest. Navarro does not state how comforted the Yankees were by his words as they were rounded up at gunpoint and turned onto the road to stand for their crimes in Stockton.¹⁹⁹

Before they left, the Chileans wanted to ensure one last time that their legal authority was secure. According to the account of one of the American prisoners, James Ayers, they were marched to the south fork of the Calaveras to the trading store kept by their wilting ally, Judge John Scollan, seeking his final approval before they embarked.²⁰⁰ Scollan, who notably had served with Sam Roberts and many members of the San Francisco Hounds in Stevenson’s New York regiment before landing in San Francisco, paled at the site before him.²⁰¹ He had specifically instructed the Chileans not to push the matter further, yet here they stood before him in his shop with nearly two-dozen bloodied and bound American miners standing outside.²⁰² Did they hold authority, they asked him? Judge Scollan had, if reluctantly, sided with justice in the case of the Chileans of San Antonio. However, Scollan knew more than most, given the attitude of his previous sailing companions, the reality of race and ethnicity in the gold camps. By

¹⁹⁹ Navarro, “Diary,” 28 December 1849.

²⁰⁰ Ayers, *Gold and Sunshine*, 50.

²⁰¹ James Lynch and Francis Clark Lynch, *The New York Volunteers in California: With Stevenson to California and Stevenson’s Regiment in California* vol. II (Glorieta, N. Mex: The Rio Grande Press, 1970), 25.

²⁰² The *Pacific News* and *Daily Alta California* reported sixteen prisoners taken, while Ayers reports thirteen, and Navarro twenty. *Pacific News*, San Francisco, 3 January 1850; *Daily Alta California*, 2 January 1850; Ayers, 50; Navarro, “Diary,” 28 December 1849.

sending the Chileans on with their American prisoners in the hope that justice could be achieved, he was not only risking their lives but possibly his own if perceived by the Yankee residents of Calaveras as being a “greaser lover.” There was only one course of action he could take: he implored the Chileans to release the prisoners. You will be “held as criminals responsible for these acts,” Ayers recalls the alcalde as saying.²⁰³ Indeed, this account of Alcalde Scollan ordering the Chileans to release the prisoners and the Chileans refusing is also corroborated by the *Alta California* and the *Pacific News* dispatches.²⁰⁴

The Chilean leader who was witness to Scollan’s impotence and whom Ayers calls by the name “Tirante”—translated roughly as “tense” or “taut” and who may refer to Terán or Maturano—returned to the waiting Chileans and prisoners outside the store. Their wings clearly clipped, the Chileans marched back to Chili Gulch with their prisoners for the evening to reconsider their options. According to Ayers, the prisoners were tied to trees just outside the main camp area while the patrones discussed their plan. They had the legal authority of the judge, sheriff, and sub-prefect of the region, and a signed warrant that stated as such. They had the uncertain approval of the local judge, even if he was afraid to give the document the teeth of enforcement. However, the American majority of the district had appointed a new judge, Collier. If other Americans in the district caught wind of the prisoner transfer across the open road to Stockton, the Chileans would be in dire, perhaps lethal trouble. For the past week the Chileans were the sole formal law enforcement authority in the district besides the county sheriff, who supported their cause. However, the legal environment of the region dictated that the informal executors of popular justice were certainly more numerous and possibly more influential than the

²⁰³ Ayers, *Gold and Sunshine*, 51.

²⁰⁴ *Pacific News*, San Francisco, 3 January 1850; and *Daily Alta California*, 2 January 1850.

Chileans could hope to be. As dawn broke on the eastern hills, Ayers, who could understand Spanish, heard the patrones asked themselves: what can be done?²⁰⁵

The American prisoners hoped that Scollan's deflated endorsement would also take the wind out of the Chileans sails. However, this hope was dashed when they saw the patrones emerge from San Antonio, which was still in tatters from the havoc the bound men had wreaked only days earlier. The Chileans were now on horseback and carrying provisions—they were to be taken to Stockton to stand trial, they were told. The Chileans had made their decision.²⁰⁶

Ayers was later told by his compatriots, in the morning Scollan went to the mostly abandoned camp of the Americans to reconnoiter the previous evening's events. Two miners, who had apparently escaped from the Chileans, descended on the judge. They blamed him for the actions of the Chileans, for not destroying the warrant the minute the Chileans presented it to him. The ex-prisoners demanded to see the order. Scollan, the flame of justice still flickering somewhere beneath his mewling disposition, said he did not have the order, and that if he did he would not give it to them. As Navarro recounts, the Americans, seething, "swore to him that the next time he comes by they will kill him, just as they will kill any Chilean they run into from now on." Later that day, Scollan confessed the situation to his friend, Navarro, who told him that another American had dropped by looking for information who was likely a spy, but that he had sent him away without information. Navarro refers to a mine company owner named "Biggs" who was friendly to the Chilean cause during this diary entry, alluding to the possibility that there were perhaps a silent group of supporters among the American mining community for the enforcers of Chili Gulch, further illustrating that the intersection of race, ethnicity, and law

²⁰⁵ Ayers, *Gold and Sunshine*, 51.

²⁰⁶ *Ibid.*

enforcement were far more complex in the Bay Area and at a far earlier period than previously supposed.²⁰⁷

With no news from the Chilean peacekeepers and news of the past days' events beginning to circulate, Navarro and Scollan realized they should organize themselves for protection in case any other American miners chose to seek revenge. In all, twenty-six men from the surrounding camps joined the cause of the Chileans and began to stockpile weapons. The American judge and Argentine shop owner assigned a series of sentries and patrols on the surrounding hilltops who would sound the alarm with a single gunshot if it appeared that the anti-Chilean contingent was making an assault on their positions. At half-past midnight the day after the Chilean prisoner transport left camp, Navarro heard the gunshot. Lightning quick, he and his troops climbed the hill overlooking Scollan's encampment, but found nothing amiss. When they descended into the valley they learned one of his sentries had gotten drunk and mistook a mule for a raider and shot at it. Navarro explains that the group was "uneasy because these unpleasant surprises continue to occur." It had been two days with no word from the Stockton-bound group. Scollan, Navarro, and their allies were growing exceedingly nervous with American sentiments beginning to coalesce in a singular direction. It was decided that the next day Scollan and Navarro and two other American allies would make the journey to Stockton, both for an update on their Chilean comrades and to acquire a court order that would allow them to arrest the remainder of the American raiders. The four set out at three in the morning the following day on the heels of some disturbing news: an assault squad of ten heavily-armed Americans had left the previous day in pursuit of the Chileans.²⁰⁸

²⁰⁷ Navarro, "Diary," Saturday 29 December 1849; and Navarro, *Diary*, 76.

²⁰⁸ Navarro, "Diary," Sunday 30 December 1849; and Navarro, *Diary*, 77.

According to the captive Ayers, Concha, Terán, Maturano, and their prisoners had proceeded as quickly as possible toward Stockton. Once on the main road west, the group stopped at the tent of Frank Lemon at the lower crossing of the Calaveras to provide refreshment for the detainees. This act of kindness would not go unpunished for the Chileans. Ayers explains that while at Lemon's, they managed to get word to a local sympathizer to the prisoners' cause named Rainer. "He was greatly wrought up about it," Ayers writes, "and said he would ride into Stockton and bring out a rescuing party" for the Americans. Back on the main road, the transport party passed by the ranch owned by Rainer. From a distance the Chileans could see Rainer and several other men loading rifles and pistols for their journey to Stockton and correctly feared the worst.²⁰⁹

If they stayed on the main road their party could be seen and overwhelmed by the superior forces of the American sympathizers the Chileans now began to suspect were organizing. Maturano and his captains decided they could no longer be seen on the main road, and pushed and prodded their charges across the bramble-covered plains adjacent to the road to provide cover for the remainder of their journey. The route was rough, and many of the Chilean peacekeepers, growing weary from fear, nerves, and exhaustion at keeping their prisoners from escaping, began to slowly desert and disappear into the surrounding countryside. When their route would happen to come close to the main road, armed men on horseback could be seen riding hard toward Stockton. Men on foot bristling with arms could be seen idling along the road in an apparent attempt to reconnoiter their position. As Ayers describes, the mood of the Chilean lawmen began to shift, each acting "like men who felt they might at any moment be confronted

²⁰⁹ Ayers, *Gold and Sunshine*, 52.

with the most serious difficulties.”²¹⁰ They were not wrong.

Ayers describes a miserable journey as the sky had opened up and rain began to pour down on the Chileans and their captives when Maturano and the man Ayers calls Tirante began to argue. They had come to a grove of large oak trees near what Ayers describes as the Mokelumne River to shelter from the downpour when two Chilean scouts rode up to the huddled party. If this was the Mokelumne and not the more direct Calaveras, this would imply that the Chilean party had taken a northern route that indeed avoided the main road to Stockton and that they were about half a day’s journey from delivering their prisoners to Sheriff Young and Judge Reynolds’s court. An armed party was on the road, the scouts reported, actively seeking to release the Americans and hang the Chileans. The prisoners should be executed here and all of us should flee into the countryside, Tirante exclaimed. Several other voices seconded Tirante’s opinion, “but a large, fine-looking Chilean called Maturano” opposed the proposal, realizing that if their present actions did not condemn them, executing the prisoners certainly would seal their fates. Following a vote, Maturano’s reason prevailed, and the prisoners and captors pushed onward across the plains and into the storm.²¹¹

The storm lasted throughout the day, and as night approached, exhaustion was setting in among the remaining Chileans, a fact that did not go unnoticed by their prisoners. The Chileans were given a weighty deed when they were deputized as law enforcers by the county authorities. However, they were businessmen and laborers from a country thousands of miles away who spoke little to no English, were not trained as peace officers, and were unfamiliar with the requirements of prisoner transport: Manacles and ropes loosen with varying weather and

²¹⁰ Ayers, *Gold and Sunshine*, 52.

²¹¹ Ayers, 54.

temperature, and the same held true for the bindings holding the American suspects. “By each other’s help,” Ayers writes, “we had loosened our cords that we could rid ourselves of them at any moment.”²¹² They stopped for the night and built a large fire, prisoners and captors alike stretching out beside its warmth. The Americans noticed the Chileans’ heads begin to nod as the fire lulled them into a stupor.

Ramón Navarro, Judge Scollan, and their two American companions had been traveling by horseback through the night. They stopped at Frank Lemon’s encampment thirty miles from Chili Gulch at dawn, following the trail of Maturano, Terán, and the rest of the Stockton-bound party. At the camp, Navarro stopped short from what he saw: “the captain of the American rebels” who had set off in pursuit of the Chileans the previous day, as well as a growing party of armed and angry miners milled about. Jim, one of Navarro and Scollan’s companions, led their party through the American camp hoping they would not be recognized from Chili Gulch. It appeared that luck was on their side as they approached the open road on the outskirts of Lemon’s encampment, when they heard the order to halt from behind them. “In an instant we were surrounded by fourteen or sixteen Americans with their pistols cocked,” Navarro recounts. Navarro’s hand fell to his holster, ready to pull clear the pistol he carried at his hip. He looked to Jim for the signal. The leader of the Americans hailed Jim, asking him who he and his party were. The tension of the encounter leaps vividly from the handwritten pages of Navarro’s diary at the Bancroft:

“And who are you?” Jim retorted, evading the question.

“Where are you going?” demanded the American captain.

“It is none of your business,” Jim bravely countered.

²¹² Ayers, *Gold and Sunshine*, 54.

Jim spurred his horse and galloped past the American party, Navarro and Scollan riding hard behind.²¹³ Their friends needed help and justice was still left undone in Chili Gulch, and they were not about to be stopped only ten miles from Stockton.

One by one the Chileans nodded off. Word was passed through whispers and facial signals between the Americans. “Gun after gun was quietly moved from the sleeping guards,” Ayers recounts, “until every prisoner had one within easy reach.”²¹⁴ The Chileans snapped back to awareness, but it was too late: they awoke to their prisoners standing above them with pistols and rifles aimed. As the sun rose Maturano and his men were heckled by the Americans and bound tightly and marched toward the main road to Stockton, the need for stealth no longer an issue. The party approached the ranch of an American named O’Neill, who heard the news of the American coup over the officially sanctioned Chilean peace officers with relish. A party had arrived the previous night to intercept the group and were now resting inside, O’Neill said. He hailed the men, and the Chileans’ must have grown pale from the sight of who emerged: the heavily armed nativist Yankee vigilantes known as the Stockton Rangers. A cheer was brought up among the Americans as the Chileans were roughly passed over to the authority of the Rangers. As the Chileans looked on, the freed American prisoners sat down to a large breakfast prepared by their hosts.²¹⁵

Justice Inverted: Mob Order

Ayers knew how justice was meted out in the diggings, and knew that the present situation could not unfold much differently than expected. Taking their morning respite as an opportunity, he

²¹³ Navarro, “Diary,” Monday 31 December 1849; and Navarro, *Diary*, 78.

²¹⁴ Ayers, 55.

²¹⁵ Ayers, 56.

walked over to Maturano, who was seated with the rest of his bound companions. “I walked with him past the tent,” Ayers describes, leading him toward a spot where the brush was especially tall. Historical actors often fall victim to scholarly depiction that removes their agency and depicts them in terms that are one-sided or incomplete. In these terms the American miners are villainous to a man and the Chileans heroic avengers. Ayers’s next action toward Maturano, however, defies this paradigm: “I told him to stoop and get away as fast as he could.” Maturano had argued on behalf of the Americans’ lives when Tirante and the others had called to hang them and be done with the affair, and Ayers had not forgotten the episode. Stunned, Maturano kissed Ayers’s hand and fled into the countryside.²¹⁶

Navarro, Jim, and Scollan evaded the Americans and arrived in Stockton on New Year’s Eve. “All along the way,” Navarro recounts, “everyone was talking of the troubles between the Chileans and the Americans.”²¹⁷ The search party was met with grave news upon entering the electrified town. The Stockton Rangers and former American prisoners from Calaveras had entered as triumphant victors returned from battle dragging their Chilean victims behind them. The Chili Gulch miners had been victimized three fold: first as their homes were ransacked and goods and earnings stolen at San Antonio, again when their charges managed to escape their bindings, and now in Stockton as wagers were taken on how many of the Chileans would hang. This was not the reception that the Chileans were expecting. The Chileans could have taken matters into their own hands and killed every one of the Americans of Calaveras as they slept or after they surrendered. With an original force of close to one-hundred individuals, they could easily have overwhelmed and dispatched the entire Yankee party at Iowa Cabins. Instead, they

²¹⁶ Ayers, *Gold and Sunshine*, 57.

²¹⁷ Navarro, “Diary,” 1 January 1850; and Navarro, *Diary*, 54.

had risked life and limb by traveling to Stockton to follow the ways of their adopted country and resolve the situation in a legal manner. They had followed the letter of the law, they had executed the signed orders of the court, and were now repaid by being paraded through the streets as the spoils of war.²¹⁸

Ayers describes signs erected throughout Stockton calling for a general town meeting that evening. The residents were incensed—how could Judge Reynolds and Sheriff Young been influenced by these foreigners, and been so possessed to officially sanction their actions with legal writ? Public sentiment was quickly turning in a particular direction. The pretender judge of Calaveras, Judge Collier, was represented at the meeting by his nephew, Samuel A. Booker. The young Booker, who would go on to serve several terms on the bench of San Joaquin County, delivered an impassioned soliloquy in favor of the Yankee raiders and the against the murderous actions of the foreigners. The sheriff and judge, sensing the town’s sentiments, fled under cover of darkness across the bay to San Francisco, where they quickly disappeared into the anonymity the already growing metropolis afforded. The Chileans were now alone without legal representation in Stockton. Ayers, still shaken by the death of his friends Endicott and Starr and the long march to Stockton, remarked that the “soundness of [Judge Booker’s] opinions and the clearness of his exposition of fundamental principles” was astounding.²¹⁹

The former American prisoners and residents of Stockton enjoyed a raucous New Year’s Eve, with drunken revelers parading outside the stockades where the Chileans were imprisoned, jeering at the men with oaths and death threats. Navarro stayed the night with them, perhaps for his own protection. Around two in the morning, a group of six or eight men gathered outside,

²¹⁸ Ayers, *Gold and Sunshine*, 57.

²¹⁹ Ayers, 58.

their intentions unknown. Nerves were quickly quelled when the party began to serenade the beleaguered prisoners with “nearly divine voices, especially a bass whose voice Sánchez and I greatly admired.” The Chileans were then sent back to Mokelumne Hill to stand trial before a miners’ court for their crimes: their magistrate—Judge Collier; their jury—the Yankee raiders of San Antonio.²²⁰

News of the escape of the Americans and capture of the Chileans “spread like wildfire through the different mines,” attracting hundreds of spectators interested in seeing nativist justice meted out.²²¹ Throughout the course of the trial, not a single individual defended the legal actions of Judge Reynolds and Sheriff Young in deputizing the San Antonians and their sanctioned arrest and transport of the Yankee raiders. In an example of the legitimacy of popular justice and vigilantism in San Francisco, its hinterlands, and the larger state of California, Ayers explains how mining court justice superseded the formal law of Reynolds and Young. According to Ayers, the elected judge, sheriff, and sub-prefect of Stockton “had no authority of law to invest a ...mob with any such semblance of legal power,” and that “[t]he mining laws of the districts were confirmed by statutes by one of the earliest sessions of the [California State] Legislature, and they were universally accepted from the beginning as the governing codes of all the mining communities.” He continues:

The early alcaldes recognized them in setting the local contentions brought before them, and the Judges of the Several Instances into which the higher judiciary of the Territory was divided were governed in their rulings by the provisions of the local mining laws. They were the laws of custom of the time, and were therefore invested with all the force, dignity and sanction of regularly enacted statutes. When the miners of Calaveras assembled together in the usual way, organized their district and passed a system of laws

²²⁰ Navarro, “Diary,” 1 January 1850; and Navarro, *Diary*, 79.

²²¹ Hovey, *Journal of a Voyage*, 80.

conforming in principles to the recognized laws of civilized communities and to the exigencies of the situation, those laws possessed all the sanction, force and validity it was possible for any law-making power to impart to them.²²²

In San Francisco and its hinterlands, popular justice and vigilantism had been formalized into law. According to Ayers it was the duty of the law-abiding citizens of Mokelumne Hill to “get rid of so defiant and turbulent a neighbor” as the San Antonio Chileans.²²³

Navarro reveals confusion at the peculiarities of justice in California in his journals where a mob provides order, sworn officials must flee for their lives, and peace officers stand at trial for properly executing the law simply due to their country of origin. “How have they done wrong,” Navarro implores the reader, “in attempting to carry out the orders of the judge of Stockton?”²²⁴ Ramón Navarro, who had stayed behind in Stockton, learned of the results of the trial of his friends at Mokelumne Hill from two of the victims, Herrera and Picarte. Their heads had been shaved and they had undergone a brutal flaying by the mining court before the wife of one of the raiders pleaded on their behalf and the men were released. Other San Antonians, however, were not so lucky. According to Herrera and Picarte, the Yankee court of Mokelumne Hill meted out their bloody justice quickly and brutally.²²⁵

The miners’ court, comprised of many of the raiders themselves, found the Chileans guilty of assault, murder, and kidnapping. The Chilean peace keepers were marched to the grove of oak trees near Iowa Cabins where they had committed their supposed crime to receive the court’s sentence. The men were lined up, stripped, their bound hands tied to branches of the

²²² Ayers, *Gold and Sunshine*, 60–61.

²²³ Ayers, 62.

²²⁴ Navarro, “Diary,” Thursday, 3 January 1850; and Navarro, *Diary*, 81.

²²⁵ Navarro, “Diary,” Tuesday, 8 January 1850; and Navarro, *Diary*, 83.

trees, and one by one were viciously whipped. A man named Ignacio Yañez was held still as a knife was produced and his ears were torn from his head. According to Navarro, the ears, with part of the man's cheek still attached, were raised high to display to the cheering crowd who had assembled. The screams of the Chileans could be heard from far away, Navarro writes, the sounds of "pain such as one might hear in the last agony of a martyr."²²⁶

Blood poured down the bodies of the Chileans, soaking their remaining clothing. The spectacle of punishment and reestablishment of racial superiority nearing its conclusion, Damian Urzúla, Francisco Cárdenas, and the fiery Terán were separated from their fellows and butted against the oak trees ringing the site. The men certainly ascertained their coming fate as their executioners began loading their rifles. Rather than stand with their pride, the Chileans were forced to sit on the stumps of trees the raiders had been sitting on before they were killed at Iowa Cabins. Terán burned with rage at the opportunity that was missed when Maturano had urged caution and reason when it was proposed the Americans be executed that stormy evening on the road to Stockton. He also likely wondered why Maturano was not sitting beside him among the condemned for the killings he had participated in that fateful night of the arrest at Iowa Cabins. The Americans took aim and fired at each man, one by one snuffing their lives out rather than as a group as was customary in order to create the most terror. Among the crowd was the eight-year-old son of one of the victims, forced to witness his own father's execution.²²⁷

The intentions of the executioners, however, did not cow the inimitable Terán. He shouted to his watching companions, "Give me a knife and, by God, if I have to die I will kill

²²⁶ Navarro, *We Were 49ers!* 145.

²²⁷ Purcell, "Too many Foreigners," 115–116; Navarro, "Diary," 26 January 1850; Navarro, *Diary*, 87; Navarro, *We Were 49ers*, 146.

three or four of those devils and die fighting.”²²⁸ The Chileans, petrified, made no move to assist him. His friends lying dead beside him and in a voice clear above the din, he shouted: “I only regret not being able to kill two or three more of these bandits before dying.”²²⁹ He would not have heard the crack of the rifles as he was reportedly gunned down. Maturano, however, was to live, they said, “in a show of generosity and gratitude for kindnesses.... Thus did the Americans greet the New Year.”²³⁰ Although the scene depicted by Navarro is gripping and indeed believable, some of the more macabre moments are perhaps questionable. Certainly the American miners would have wanted revenge against the individuals who had arrested them, but the time needed for the dramatic flair would most certainly have taken from time spent making money at the diggings—the top priority of all miners. Thus, without the corroboration of a source other than Navarro’s for these final scenes of the residents of San Antonio, a degree of skepticism must as always be employed.

Clearing the Mines: *Evacuación*

Word of the Chili Gulch incident spread quickly across the bay to San Francisco. Accounts in the *Daily Alta California* are marked by their outrage, not at the treatment of the Chileans by the American raiders, but that the local constabulary would bless and sanction the appointment of foreigners as peace keepers. The *Alta*, which was owned by the organizer of the largely-Chilean peace keeping force to oust the Hounds the previous summer, Sam Brannan, depicted a slaughter of an innocent camp of Americans by a ruthless horde of Chileans numbering two-hundred individuals. Leading gentlemen of Stockton had met, the article of 3 January 1850 explains, and

²²⁸ Navarro, *We Were 49ers*, 148.

²²⁹ Navarro, “Diary,” Saturday, 12 January 1850; Navarro, *Diary*, 84.

²³⁰ Navarro, *We Were 49ers*, 145.

determined that the Chileans “by false swearing, procured from the Prefect of this place, a writ for the arrest of Judge Collier and other persons.” The article continued: “If this writ had been placed in the hands of a proper officer, its injunctions would have been promptly obeyed. Instead of which it was given to a parcel of the lowest order of Chileans—none of whom could speak a word of English—who, instead of presenting it in open day-light, stole upon their unsuspecting victims, in the dark, and dragging them from their beds, tied them; murdering all who offered the least resistance.” Action was needed, the piece continues, for “the good order and welfare of this District,” and that “the authorities have acted in the premises as in duty bound by the laws of the land.”²³¹

An article in the local *Placer Times* similarly decried the behavior of the Chileans, whom it was claimed had driven the Americans from their rightful place in the diggings rather than the other way around. The article further posited that the Americans had not been warned in English about the intent of the Chileans, and that they were mostly asleep peacefully in their cabins when the murderous San Antonians descended on them, murdering indiscriminately at the slightest provocation. The “men who were killed were aged,” the article states, “one of them leaving a wife and ten children in the States, and the other a wife and five children.”²³² The editors of the *Placer Times* and *Daily Alta* were clearly attempting to pull the heartstrings of a largely nativist American audience in their reporting. It is to be noted that none of the local newspaper accounts take the time to describe the ultimate fate of the Chileans.

News began to filter into the Chilean port of Valparaíso and the capital of Santiago about the state of their countrymen in *Norteamérica*. Chilean politicians began to learn of argonautas

²³¹ “The Disturbance at the Mines,” *Daily Alta California*, 2 January 1850; and “The Chilean Disturbance,” *Daily Alta California*, 3 January 1850.

²³² “The Disturbance at the Mines,” *Placer Times* (Sacramento, Calif.), 19 January 1850.

being driven from the mines and subjected to vile abuse and murder by the Yankees they encountered. American boldness and hostility increased with California statehood in September of 1850, and as fewer and fewer ships set sail from Chile, penniless miners found themselves stranded in a largely hostile foreign territory.²³³ *El Comercio* correctly labeled the law enforcement credibility of the American raiders in reporting that measures “not born of any constitutional authority” had driven Chileans from their rightful claims.²³⁴ Three months after the incident in Chili Gulch, Thomas Jefferson Green, one of California’s first state senators, took the torch passed by military governor Persifor Smith and proposed that a Foreign Miners Tax of twenty dollars, an equivalent of roughly five-hundred and seventy-five dollars in modern American currency, a month be officially levied against all miners originating from beyond the United States. Green used the rhetoric of mid-nineteenth century slavery debates when he argued that the patrones-peones labor system of the Chileans and other South American miners “benefited capitalists and ‘taskmasters’ outside of California such that individual American miners were unable to compete with hirelings and masters.”²³⁵ The outrage among the foreign-born population was immense, but did not halt California from passing the measure on 13 April 1850. From the halcyon days of ’48 and ’49 when the Chileans had taught the Americans how to mine for gold, by the middle of September 1849 to February 1850 not a single mining group departed for California from Chile. The problem in California could no longer be ignored by Santiago; rescue ships began to be outfitted for the trip north to evacuate their beleaguered sons

²³³ Kelly J. Sisson, “Bound for California: Chilean Contract Laborers and Patrones in the California Gold Rush, 1848–1852,” *Southern California Quarterly* 90, no. 3 (Fall 2008), 289.

²³⁴ *El Comercio de Valparaíso*, 17 August 1849.

²³⁵ “Sacramento and Placer Intelligence,” *Daily Alta California*, 5 April 185; and Sisson, 289.

and daughters.²³⁶



California Historic Landmark 265: Chili Gulch

Pyrrhic Victory

The incident at Chili Gulch did not end well for the Chileans, many of whom were held for several weeks following the scourging and executions and made to cook for the Americans before fleeing the region. Mining court judge John Collier would rise to legitimacy as the judge of nearby Double Springs, and John Scollan and Ramón Navarro would soon depart the gold fields, Navarro for Chile to write for Valparaíso's *El Mercurio* newspaper and Scollan to start anew in the more-settled Santa Barbara.²³⁷ However, like the Chilean peace keepers in San Francisco, what the residents of San Antonio accomplished must be underscored. The diverse population of San Francisco's inland bay hinterlands had risen against the abuses of customary law and used the formal law enforcement apparatus to achieve justice. The gold fields and the city of San Francisco was a complicated legal nexus, a site of institution formation wherein

²³⁶ Sisson, 290.

²³⁷ Navarro, *We Were 49ers*, 148; and Navarro, *Diary*, 256, 272.

interethnic coexistence and even cooperation existed. The Chileans were ultimately overwhelmed by the nativist conditions and increasing Yankee population, but the partnership between the American Judge Scollan, the legal authorities of Stockton, and several dozen American miners who forged an alliance with the Chileans during their plight should not be ignored or under emphasized. A lesson was also learned by those marginalized in the weak-state frontier environment of the San Francisco legal Borderlands. If justice was to be achieved, communities of outsiders could not rely on the formal law to protect them; they had to organize themselves like the American raiders had done to defend themselves. If vigilantism was the law of the land in California, then vigilantism would be employed to order the environment of marginalized communities and govern their interaction with outsiders, as would be seen in San Francisco's Chinatown later in the century and in this dissertation.

The formal judicial prerogative granted the Chilean miners was indeed unique in that it eschews the customary narrative of the law establishing and imposing Anglo superiority from an early period. Indeed, between 1849 and the turn of the century there were three-hundred-and-eighty cases of lynching by vigilance committees and rough informal posse, with over half that amount occurring during the 1849 to 1853 period alone. Of this amount, non-English speaking individuals accounted for a disproportionately high segment.²³⁸ However, those at Chili Gulch did not embrace the racial status quo lying down. Indeed, this process of organization and resistance and interethnic alliance occurred in other nearby camps and coalesced around the Foreign Miners Tax.

²³⁸ Purcell, "Too Many Foreigners," 111.

Labetoure's Revolution

Thirty miles south of Chili Gulch, the town of Sonora was the site of interethnic cooperation that coalesced in the late spring of 1850. The twenty dollar fine levelled against non-Americans made not only the local Chilean population bristle, but Mexican and French miners as well. According to the *Stockton Journal*, a large collection of Spanish- and French-speaking miners began to organize on the outskirts of Sonora, their purpose to uncover some manner in which to overcome the obvious dearth in justice taking place. The collection of Chileans, Mexicans, and French miners said that they were not necessarily against a small tax, but that the twenty dollars levied was beyond reason. The collective organized themselves in an encampment roughly seven miles from Sonora where they openly flew the flags of Chile, France, and Mexico, to the great ire of passing Americans. The United States was a country of supposed representative democracy, the group cried. If this was indeed true, they should be heard. A massive march to Sonora was organized, the tension in the air electric.²³⁹

The international congress of miners swept into town, led by the fiery Frenchman, Casimir Labetoure. The *Stockton Times* report that the purpose of the group was to “burn the town that night” is likely false and designed to weigh favor with the pro-Foreign Miners Tax contingent. Labetoure, a witness reported, “was the vital spirit of sedition,” giving impassioned speeches in both French and Spanish to anyone who would hear. The “foreigners on the coast largely outnumbered the Americans,” Labetoure shouted, and salvation for the downtrodden lay in their united front against the comparatively small Yankee populace.²⁴⁰ Like the Chileans of San Antonio, the Sonora assembly sought redress through official channels. A meeting with Ben

²³⁹ *Stockton Journal*, (Calif.), 25 May 1850.

²⁴⁰ *Stockton Journal*, 25 May 1850; Benjamin Butler Harris, “Journal of B. B. Harris: Crumbs of '49,” (1890), MSS 00350, Huntington Library, San Marino, Calif.

Lytton, the tax collector, was sought by twelve representatives of the international miners. As they approached the tent of Lytton, a “giant” American named Josh Holden stood before them, a twelve-foot by four-inch tent support pole slung over his shoulder. With a massive swing, Holden “brought half of the delegates to the earth.” The remainder of the group, understandably, fled.²⁴¹

Perceiving that a revolution was brewing in the local foreign population, the next day four-hundred American miners flooded into Sonora to “aid the town people in case of another outbreak,” the term ‘outbreak’ used in this instance to describe the proposed peaceful meeting by Labetoure’s miners with the tax collector that was literally stamped down by brute force. The equanimity of American law, illustrated so remarkably in the case of the scourged and executed Chilean miners five months previous, was on display once again in Sonora. The day after the pine pole incident, the local deputy sheriff, a man named Clark, approached a Mexican miner who was wanted for unspecified crimes. The man brandished a pistol. Rather than pull his own sidearm in response, Clark managed to subdue the suspect. Observing no reason to take the suspect into custody in order to stand trial, as the Chileans of San Antonio had with their prisoners, the sheriff pulled a Bowie knife and sliced into the man’s neck. An assemblage of Americans nearby “elevated a tall pine, and flung from it the brilliant star spangled banner, saluting it with tremendous shouts of applause and volleys [*sic*] of small arms.” Such was the efficacy of American law for foreigners in the bay hinterlands.²⁴²

Labetoure’s men, however, would not be cowed. Two days after the Mexican suspect was viciously executed without due process in Sonora by Deputy Sheriff Clark, the international

²⁴¹ Butler, “Journal.”

²⁴² Butler, “Journal”; *Stockton Times*, 25 May 1850; *Stockton Times*, 1 June 1850; and Purcell, 137.

assembly gathered in nearby American Camp (soon to be renamed Columbia). In an act of unintimidated unity, they raised the French and Mexican flags high, a brazen move to the local Yankee populace. The French, Chilean, and Mexican collective, which also included at least one Native American, marched through the town carrying banners, streamers, and flags, “all singing the Marseilles [*sic*] and other Revolutionary songs.” The Americans could take no more—they charged the peaceful protestors and subdued them, by what degree of force we do not know, but based on previous encounters we may accurately surmise the ferocity. The foreign flags were shot full of holes by the howling Yankee mob, whereupon they were then torn down and replaced with the American flag, once again to great cheers.²⁴³ Labetoure’s Revolution was effectively quelled.

Tuolumne’s Example

Similar foreign protests to the miners tax occurred throughout the multiethnic, multinational southern mines branching off the American and Feather Rivers of the Sierra Nevada Mountains (compared to the more American-dominated northern mines of the Sacramento River). In Sonora, hoping to remove the threat of future uprisings, Americans preemptively arrested the town’s entire Mexican populace. A Tuolumne County miners convention held in July called for the ejection of all foreigners within two weeks. Foreigners still residing in the district after the two weeks were required to carry a permit, could not carry firearms, and could be disarmed by any American citizen at any time. This law was tested a short while later when an arrest attempt was made on a Chilean named Contreras. As Sonora City Marshal James McFarlane attempted to arrest Contreras, the Chilean’s friend, Jose Sebada grabbed his pistol, but he was killed by

²⁴³ Harris, “Journal,” 11–12.

another peace officer, John Sheldon, before he could do any damage.²⁴⁴

However, Chileans, Mexicans, and other targeted groups in the mines did not abandon the mines immediately in the face of such injustice. Rather, like the multiethnic band of peace keepers in Chili Gulch and Sonora, Americans and non-Americans continued to work together to see justice done. Seven months after Labetoure's Revolution, an altercation took place in nearby San Andreas between two Chileans which led to the murder of one by the other. To decide the case, it was decided that the best justice would come from a tribunal and jury that consisted of six Chileans and six Americans (a jury composed entirely of Chileans was possibly too much for the American miners to tolerate). Victoriano Valencia, the defendant, was found guilty by the mixed jury, his sentence: death. But how would the villain be dispatched?, the jury pondered. The Chileans voted in favor of death by firing squad, a custom in Chile, while the Americans sided with the option that saved bullets—a taut rope tossed over a tree branch. On 15 January 1851 the matter was decided: Victoriano Valencia hung.²⁴⁵ Thus, at this early stage we see that a shared space for the exercise of justice still existed in what was becoming an increasingly bloody bay.

California was admitted to the union as a free state, but how free was it, and indeed, how orderly? With statehood, mining districts were organized into counties and camps into towns, alcaldes relinquishing their Mexican-era labels for the title of mayor. Yet, popular justice did not dissipate with the establishment of more formal modes of judicial control and law enforcement. In the case of San Francisco and its hinterlands, reliance on popular justice and vigilantism actually increased with statehood. In Tuolumne County, the citizens met to discuss the problem

²⁴⁴ Margaret Hanna Lang, *Early Justice in Sonora* (Sonora, Calif.: Mother Lode Press, 1963), 28, 29, 33.

²⁴⁵ *Stockton Journal*, 18 January 1851.

of increasing violence in the region. The words of the vigilance committee that was formed from that meeting illustrate the dearth in justice many felt:

Whereas the present Judicial organization of this State is insufficient for the prevention and punishment of crime, at least in the mining regions, and whereas, owing to its inefficiency, crime has increased to an alarming extent, and the perpetrators have been walking amongst us without arrest or molestation--the time has arrived when all good and faithful citizens should combine together to ferret out the guilty, whether in high places or low places, and to mete out such punishment as the good of society and the paramount law of self-preservation may dictate. We are not opposing ourselves to the courts of justice already organized. We are simply aiding them in doing work which they should do, but which under the imperfect laws of the State, they are unable to accomplish.²⁴⁶

Further evidence of the continuing, if not increasing, power of popular justice in post-statehood California is evident in the very words of the Sonora city charter. Article VII of the 1851 Sonora City Charter indicates that the Tuolumne County Vigilance Committee was to be consulted on all jury selections for court cases, and it was urged that vigilance committee members should be chosen to serve on all noteworthy cases. Consulting the city charter illustrates a legal amalgamation of formal and informal justice: “Article VIII—All examinations shall be made by a court appointed for the occasion, which shall consist of a Judge, a Jury, a Counsel for the Prosecution and Counsel for the Defense, all of which shall be taken from the Committee [of Vigilance] and the Verdict of the Jury shall always be submitted to the whole Committee for their approval.”²⁴⁷

Hinterland vigilance committees often used flogging as a common means for punishment rather than lethal verdicts. As in the example of Tuolumne’s sworn officials conceding to the local vigilance committee to decide matters, hinterland community justice often employed

²⁴⁶ *Sonora Herald*, 12 July 1851.

²⁴⁷ Lang, *Early Justice*, 37.

popular justice well into statehood. For example, in the aptly named town of Rough and Ready, offenders found guilty in the county courts were sentenced to “forty stripes save one,” a court-enforced punishment no longer seen in any other region of the United States.²⁴⁸ Indeed, in Sonora the very hands of justice were bound with the rope of the vigilance committee, as the formal workings of the law could only operate under consultation by the local vigilance committee. This fusion of formal and informal policeways would reach its penultimate manifestation across the bay in the growing city of San Francisco.

We see further examples of mixed multiethnic and combined formal-informal justice in the hinterlands in the more remote Siskiyou County town of Scott Bar. In the 1851 trial of a man accused of murdering another miner, we see the sheriff, R. M. Martin, and the alcalde, R. B. Snelling working with the local vigilance committee to enact justice. Once the vigilance committee rendered their verdict, the regular Siskiyou county court agreed to back their decision and rendered a sentence of death by hanging. According to the history of the county written by one of its former miners, Harry Wells, the sheriff was unaccustomed to executions, and blanched at the prospect. While the sheriff contemplated the duties his chosen profession, the alcalde was stirred by “a diminutive Kanaka [native Hawaiian]” who volunteered his services. A struggle ensued between the condemned and the volunteer executioner, but the Hawaiian vigilante soon “placed the noose over his [the condemned man’s] head,” who soon “descended to the ground.”²⁴⁹ That a county court would once again yield to an informal committee well into the statehood period is extraordinary; that the sheriff would demur his duty is peculiar; but that the

²⁴⁸ Holliday, *The World Rushed In*, 316; and Shinn, *Mining Camps*, 170.

²⁴⁹ Harry L. Wells, *History of Siskiyou County, California: Illustrated with Views of Residences, Business Buildings, and Natural Scenery* (Oakland, Calif.: D.J. Stewart & Co., 1881), 104, Siskiyou County Historical Society, Yreka, Calif.

sheriff would take under his employ to discharge the duties of the court a Hawaiian man is doubly remarkable. Sworn legal authorities working hand-in-hand with extralegal popular justice committees to perform their duties is an unimaginable circumstance to twenty-first century society. However, in the mining camp hinterlands and its metropole center, such circumstances occurred with regularity as to become a pattern of law enforcement development.²⁵⁰

Adios, Caballeros

The Chilean relief ships ordered by the government at Santiago had arrived in San Francisco Bay and continued to load miners with little more baggage to stow than crushed dreams. However, not all Chileans were aware of the rescue party and remained on the edges of California society. It was late one cool April night in Sonora when Deputy Sheriff John Sheldon, who had famously killed a Chilean attempting to rescue his friend from custody, was walking his beat on Washington Street. Suddenly, a scream was heard, and Sheldon came stumbling into the United States Hotel, mortally stabbed. “Greasers” had slipped up behind him, he said between gasps, expiring before a more thorough description of his assailants could be gathered. This did not stop the upright citizens of Sonora from seeking out the murderers of their beloved sheriff. If they did not know exactly who the villains were, they knew where they resided: Dragoon Gulch, Mormon Creek, Tuttle town, or Sonorita, the dirty, crowded areas known as “Greasertowns” on the outskirts of the American communities where the Foreign Miners Tax had driven many formerly successful miners who happened to speak the wrong language.²⁵¹

“All clues pointed to foreigners,” and those clues of undisclosed specifics led Sheldon’s

²⁵⁰ Wells, 107–110.

²⁵¹ Lang, *Early Justice*, 49.

fellow lawmen to Tuttletown, where a large collection of Chileans and Mexicans were forced to call home. As they rode into town they saw a man sharpening a knife at a grindstone, a common occasion in a mining camp. The man, knowing that white men with badges on horses rarely ended well for people who looked like him, fled into the darkness. The sheriff and his deputy were too quick for the man, however, and they soon overtook him. The man's name was Jose Sebada, a thirty-two year old local, and he was now suspect number one in the John Sheldon murder case. The people of Sonora did not need to see any evidence to know this was the man who had struck down their beloved sheriff in cold blood. "Hang him!" was shouted from the growing throng of townspeople, desperate for justice. Sebada and another man randomly arrested based on questionable clues, Jose Maria Escobar, stood trial, more of a formality given the identities of the slain sheriff and his suspected assailants. Guilty was naturally the verdict found by the jurors, the obvious sentence: hanging.²⁵²

Escobar and Sebada were conveyed to the site of execution by a carriage made of polished spruce, likely the finest vehicle either had ever ridden. The site chosen was reportedly beautiful, "surrounded on every side by gently rising hills, and none who felt desirous of witnessing a human being in his last throes could go away disappointed, as the view was full and complete." The condemned descended from the carriage and ascended the scaffold, whereupon they were read their death sentence one last time before being allowed to address the crowd. Both chose to speak to the assembly in their native Spanish. Those who could understand describe their words dripping with pent-up rage at untold numbers of slights and grievances received at the hands of American miners, including this final injustice. Breathless, each then knelt to receive their last rites from the Catholic priest, and took their place above the hangman's

²⁵² Lang, *Early Justice*, 49–61; *Columbia (Calif.) Gazette*, 5 May 1855; and *Columbia (Calif.) Gazette*, 7 July 1855.

traps. Hands bound behind their backs and nooses fitted tightly around their necks, a silence fell upon the crowd. Before the black hoods were pulled over their faces to save the audience the indecency of bulging eyes and bloated tongues death by hanging produced, perhaps they saw the hills of Valparaíso ringing the platform. The men inhaled, exhaled. “Adios, caballeros,” each called out before the trap doors swung free.²⁵³

In the early summer of 1852, Ramón Gil Navarro decided, like many other Chileans, that the supposed wealth of California was chimeric and that fortune’s fickle hand alighted only on the few. Many of his old friends from Chili Gulch had been executed, exiled from civilization by the local authorities, or had disappeared into the relative anonymity of growing San Francisco. In the city, these exiles would share the space with another group recently driven from the mines by the Foreign Miners Tax, a collection of Irish and Australian brigands called the Sydney Ducks, who would soon be the targets of one of the largest episodes of vigilantism in world history (see Chapter Three in this work). Shortly before boarding the ship that would carry him away from the new state of California for the familiar shores of Valparaíso, Navarro learned that Sonora had burnt to the ground, the victim of the gravest threat to an infrastructure based almost solely on canvas and wood. The place he had known and grown fond of was changing, with new rules and new hands holding the ruler. It was time to rejoin his compatriots where they were welcome. It was time to go home.

“Saturday, 26 June 1852: It is eight o’clock in the morning,” Navarro writes in his final diary entry, “and we have a magnificent wind blowing.”

Yesterday we lost sight of the beaches of California just when it was getting dark. With the last rays of sunshine we lost sight of the golden land of California, the country of

²⁵³ *Columbia Gazette*, 4 August 1855; and Lang, 61.

marvels, the country of the thousand and one nights, the country that was the scene of so much happiness and so much suffering of mine. The last hills of Monterey with their beautiful pine trees disappeared with yesterday's last light of day. Today there is nothing to see but the sky and the water, and we have left the coast behind with a good tailwind. The *Copiapó* separated from us yesterday with a cannon shot for a salute. We also left behind the *Cape Breton*, but who knows which of us will make it to Valparaíso first. That will be told by the winds and the good fortune of our trip. . . .²⁵⁴

Although the sons and daughters of Valparaíso and Santiago have gone, their mark has been left upon the land. On a curving stretch of California Highway 49 just north of the town of San Andreas an historical landmark and crumbling wall meekly heralds the site of the burnt-out Chilean town of San Antonio and an event that transpired just after Christmas of 1849. The experience of the Chileans of Mokelumne Hill would be a failed precursor for informal ethnic neighborhood committees working with established formal justice to keep the peace in the urban environment that would soon follow in the capital of the hinterlands in San Francisco's Chinatown.

The local graveyards of Calaveras bear the rapidly deteriorating names of several Chilean miners born two centuries hence and thousands of miles distant who helped redefine who a law enforcer could be. As the following chapters will illustrate, the Bay lands would be further soaked with more bloodshed and marked with more graves as the customary American policing and legal development seen elsewhere in the United States was disassembled and refashioned in San Francisco. The agents of this process would each have a unique cause and purpose, would hail from all corners of the globe, and speak a myriad of languages, but each spoke a common refrain in the back-alley barbershops, tawny hotels, seedy taverns, city halls, and police stations chosen as their headquarters: vigilance. As the next chapter explores, the local rules of law of

²⁵⁴ Navarro, "Diary," Saturday 26 June 1852; and Navarro, *Diary*, 251.

vigilance committees in place in the Bay hinterlands that operated tenuously and often in an uncertain, messy way would be refined and codified and function on a much larger scale in the growing metropolis of San Francisco. San Antonio was on the geographic periphery, on the edge of the multiethnic urban environment of San Francisco. It is possible that the hinterland location of the preceding events contributed to the different outcome from that seen in the anti-Hounds arrest and trial in the city. However, this and succeeding events in the Bay City's history of vernacular law enforcement would set the stage for a legacy of creative, bottom-up policing that would go on to influence the development of urban law enforcement nationwide.

Chapter Three:
English Jim
The Decline of the San Francisco Police Department, and the
Rise of Grassroots Policeways, 1851

We are the mayor, and the recorder, the hang man, and the laws.

-Samuel Brannan
San Francisco, Calif.,
23 February 1851²⁵⁵

Jim was a hunted man. Several months had passed in the bay hinterlands since Casimir Labetoure's impassioned revolution against the bigotry of the Foreign Miners Tax in Sonora. It was December 1850 and the sheriff of Yuba County lay dead, and a holding cell on the Sacramento River brig *La Grange* lay empty. James Stuart, alias Long Jim, alias Carlisle, alias Mason, alias Campbell, alias English Jim was on the run. The body of the victim, Charles E. Moore, was found crumpled with pockets turned out in upper Yuba County just north of Sacramento near Dobbins Ranch. Moore's partner followed the trail of Stuart and his accomplices from Marysville to Sacramento and to the prison ship English Jim was being held on burglary charges. Moore's partner stated the case of his murder and Stuart's implication to the Sacramento authorities and demanded he be transported to Marysville to stand trial.²⁵⁶ Stuart and his gang would continue to evade authorities for months before eventually being brought to justice, not at the hands of formal authorities—many of whom were in collusion with his outfit—but by one of the most organized examples of grassroots community policing in American history.

²⁵⁵ HM 19479, The Huntington Library, San Marino, Calif.; and *Daily Alta California*, 23 February 1851.

²⁵⁶ *Marysville (Calif.) Herald*, 13 December 1850; *Marysville Herald*, 17 December 1850; San Francisco Committee of Vigilance Papers, box 2, folder 139, "Confession of James Stuart, 8 July 1851," BANC MSS C-A 77, Bancroft Library, University of California, Berkeley; and Mary Floyd Williams, *Papers of the San Francisco Committee of Vigilance of 1851* (Berkeley: University of California Press, 1919) vol. III, 225.

The justice system of the Bay in the late 1840s and early 1850s was designed for communities much smaller than the urban metropolis San Francisco had become, or bustling, multiethnic mining towns like Sonora. Criminals like English Jim could easily employ connections on the police force and in the underworld to obtain their freedom and be aboard a ship bound for ports thousands of miles away with little effort. The complicity of the SFPD that would later be found in the English Jim case and unchecked criminal activity generally led to a lack of faith by city residents in formal policing. Although the police department was not entirely corrupt, with some officers less inclined to graft and criminal collusion, dissension within the institution and residual corruption from the Hounds-Regulator era created an unreliable enforcement enterprise that was readily apparent to the public. The police, as it were, could not be relied upon. In the absence of reliable formal law, a vernacular law and enforcement by the people had to be made.

All were immigrants in this Borderlands city on the edge of the Pacific. Apprehending, trying, and effectively incarcerating and punishing individuals in the nineteenth century was difficult work, and caused a great deal of frustration in city populations nationwide. Add to this the isolated physical environment and exploding international population of antebellum San Francisco, and a recipe for vernacular policeways such as the 1851 and 1856 Vigilance Committees superseding formal police authority was created. As the power, organization, and effectiveness of the informal committee grew, formal law enforcement declined due to the active passage of legislation reducing the size and authority of the SFPD. In order to survive and thrive on the spectrum of policeways, the San Francisco Police Department would need to learn to adopt the bottom-up methods of the informal community law enforcement that developed to eradicate English Jim Stuart and his gang.

From Boomtown to Mining Metropolis: Ascendant San Francisco

The Plaza was the only thing that remained from the small Mexican outpost of 1846 Yerba Buena when English Jim and his “Sydney Ducks” gang arrived five years later in early 1851. From a village of a few hundred only three years before, the town had exploded to a city of approximately thirty thousand.²⁵⁷ Unlike other boomtowns isolated in the continent’s interior, San Francisco’s ideal natural harbor boded well for the life of the city lasting beyond the brief surge brought on by the local mineral strike. The Golden Gate connecting the Pacific Ocean to San Francisco Bay is described by writers of the period as being large enough to fit all of the navies of the world simultaneously. Although this may be a literary exaggeration, as a “Mrs. Bates” of New England describes in her journal of 1851, the bay afforded a “depth of water sufficient to admit ships of the largest size; and so completely land-locked and protected from the winds is the harbor that vessels can ride at anchor in perfect safety in all kinds of weather.”²⁵⁸ This physical harbor town would become the figurative harbor and safe haven for people from around the world. Moreover, the unique law enforcement environment that developed in the city was mirrored by the unique physical and urban landscape of mid-nineteenth-century San Francisco.

Travelers to the mid-century “Jewel of the Pacific” would have first been greeted with the sight of a forest of abandoned ships’ masts in row upon row leading to the waterfront hundreds

²⁵⁷ The population of the city in January 1851 is reported to have been between 25,000 and 30,000 individuals. However, the transient nature of a mineral rush boomtown populace makes an exact number difficult to determine. See census statistics in Soulé, et. al., 357.

²⁵⁸ D. B. Bates, *Incidents on Land and Water, or Four Years on the Pacific Coast, Being a Narrative of the Burning of the Ships Nonantum, Humayoon and Fanchon, together with Many Startling and Interesting Adventures on Sea and Land* (Boston: James French and Company, 1858), 96.

of yards away.²⁵⁹ According to Scottish traveler J. D. Borthwick, the city in 1851 was comprised of “a succession of bleak sandy hills covered here and there with brush wood.”²⁶⁰ However, San Francisco was already an exceedingly urban environment by 1850, as indicated by its most readily noticeable built feature—its succession of meandering wharves. Nine wharves with piers linked the amassing ships to the city. Cross-streets comprised of little more than wooden beams hovering over the mud flats and briny bay waters connected the spreading metropolis.²⁶¹ Engineers rushed to fill in the watery mire between the rotting wooden streets over a half mile from the original water front at the appropriately named Front Street, but many journals recall the terror of traversing a glorified plank a hundred feet long and twelve feet over the slimy dock water.²⁶² Ships became unwittingly and permanently moored and mired in the fill and were immediately incorporated into the built environment of the city. Store ships like the *Niantic* and *Apollo*, at one time safely anchored in the bay, found themselves well within city limits and surrounded by fill in 1851 and transformed into hotels and warehouses. Grading was low, causing entire streets to flood and buildings to sink overnight, as often happened on Montgomery Street. Newcomers disembarking for the city of promise and wonder squinted their eyes and crinkled their noses: The scent of mid-century San Francisco was tar and stagnant water.²⁶³

The city quite literally roared. A majority of the streets that were not mired in mud were paved with wooden planks on which, Borthwick describes, “continuous streams of drays drawn by splendid horses...and horsemen galloped about, equally regardless of their own and other

²⁵⁹ Lula May Garrett, “San Francisco in 1851 as Described by Eyewitnesses,” *California Historical Society Quarterly* 22, no. 3 (Sept., 1943): 253. *Daily Alta California* editor Frank Soulé counted 451 vessels in October 1851. See, Soulé et al., *Annals*, 355.

²⁶⁰ J. D. Borthwick, *Three Years in California* (Edinburgh: William Blackwood and Sons, 1857), 42.

²⁶¹ *Daily Alta California*, 19 July 1851.

²⁶² Borthwick, 45; and Bates, 106.

²⁶³ Alexandre Holinski, *La Californie et les routes interocéaniques* (Bruxelles: A. Labroue et Compagnie, 1853), 106; and Soulé et al., *Annals*, 421.

men's lives.” The sound produced by the horses’ hooves and pedestrians’ boots created a cacophony likened by one Frenchman as comparable only to a chariot race.²⁶⁴ Sidewalks were piled high with goods and crates to be shipped to the mines and merchandise for the shops, offices, and houses of the growing city.

Tents with wooden fronts leaned beside wood-frame houses with zinc siding; brown warehouses contrasted with the prim white and green shutters of the new American city elite. Ships never again to feel waves rushing beneath their hulls lay forever moored, sailors scrambling on deck replaced with tired boarders and rushing clerks within. The temporary planks that paved the city were known to become easily worn down and destroyed, creating the unattractive possibility of falling through the street into the muddy mire below. San Franciscans would have heard the hissing sound of the steam-driven leveler called a “steam paddy” as it cleared away the sand hills near the Mission district and filled in the tide flats to build up Sansome, Battery, and Front Street. As German traveler Friedrich Gerstäcker noted about the once-watery Sansome: “[W]here a few months ago only large ships used to discharge their cargo, there is now a colossal brick playhouse.”²⁶⁵ The constant physical transformation of the city through excavation and filling created a peculiar and dangerous situation for San Franciscans navigating the streets. Many building owners had begun construction before a fixed level had been set for the city, meaning some buildings were on a separate grade from the street beside them. Thus, if one built on a hill that had been graded down, gaining access to one’s home or business may entail climbing a ladder from street level forty or fifty feet up to a precipice on

²⁶⁴ Borthwick, 51.

²⁶⁵ Frederick Gerstäcker, *Gerstäcker's Travels: Rio de Janeiro—Buenos Ayres—Ride Through the Pampas--Winter Journey across the Cordilleras—Chili—Valparaiso—California and the Gold Fields*, translated from the German (London and Edinburgh: T. Nelson and Sons, 1854), 280–81.

which the building stood or, alternatively, climbing a ladder down into a trench, a feature that remains in twenty-first-century San Francisco. Modern drainage was nonexistent in 1851—cellars and lower levels of homes flooded; a lake had formed at the foot of Montgomery Street; bogs manifested overnight mid-city with a passing Pacific storm.²⁶⁶

In San Francisco, “Everything bore the evidence of newness,” wrote Borthwick.²⁶⁷ Waylaid miners with flowing hair, thick beards, and belts stuffed with knives and pistols passed the most dignified of New England’s gentry, beside African Americans enjoying the remarkable liberty of walking unmolested wearing “cravats of the most dazzling colors, fingers loaded with rings, and dress of delicate tints and textures.”²⁶⁸ Central and South Americans in “bright-coloured serapes...rows of silver buttons...silver-handled Bowie knife, in stamped leather leggings” rubbed elbows with Chinese residents in silk tunics of blue, black, bright silks, and tied queues. Other Chinese immigrants emulated the Americans and Europeans they encountered in the city and adopted western haircuts and dress.²⁶⁹ The city’s Chinese occupants, not yet cloistered by ordinance into the district surrounding Portsmouth Square, lived side-by-side with an international panoply of urbanites.²⁷⁰ Cooperation was needed to survive in a small, confusing environment such as this. Moreover, the closeness and familiarity between people of all classes and ethnicities inherent to such an environment bred unlikely relationships. It was these relationships and a daily familiarity with “the other” that produced the unique formal-informal community enforcement alliance to protect Chinese San Franciscans in 1877 as profiled in the

²⁶⁶ Borthwick, 79; and *Daily Alta California*, 10 November 1851.

²⁶⁷ Borthwick, 44.

²⁶⁸ Fanny Loviot and trans. Amelia B. Edwards, “A Lady's Captivity Among the Chinese Pirates in the Chinese Seas,” *Magazine of History* 39, no. 4, Extra No. 156 (1930): 172.

²⁶⁹ Borthwick, 56; Hinton Rowan Helper, *The Land of Gold: Reality versus Fiction* (Baltimore: H. Taylor, 1855), 187; and Samuel Francis Marryat, *Mountains and Molehills, or Recollections of a Burnt Journal* (London: Longman, Brown, Green, and Longmans, 1855), 298.

²⁷⁰ Borthwick, 44.

first chapter of this dissertation, and informed the overall development of policeways in the city. This unique environment would also allow for a new, more efficient manner of enforcing justice against criminal enterprises like English Jim and the Sydney Ducks.

The Seeds of Disobedience

James Stuart's biography was a common one in the mid-nineteenth-century Bay hinterlands; the dearth of formal law enforcement allowed him and others like him to thrive. English Jim was a resourceful individual who had forged the tools of his nefarious trade in the British penal colony in another bay halfway around the world, in Botany Bay, New South Wales, Australia. Born in Brighton in Sussex County, England, Stuart was only sixteen when he was convicted of forgery and exiled for life along with thousands of other British subjects to the Australian penal colonies. North America—the historic destination for England's unwanted until the late eighteenth century—was no longer a viable option following the independence of the United States in the late eighteenth century.²⁷¹ Stuart languished his formative years laboring in the infamous prison colony before “the intercession of friends,” as he later termed it under interrogation, secured his freedom. He meandered the port of Adelaide, Australia for five more years before shipping to sea aboard various vessels as a hand. Like his contemporary, Hound leader Samuel Roberts, his adventures took him to the ports of South America, including Valparaíso. English Jim spent a great deal of time in the ports of Callao and Paita, Peru aboard the *J. W. Coffin* before news of the gold rush in California reached him. Hearing of a steamer bound for San Francisco, Stuart did not hesitate. He arrived in San Francisco in November 1849 and proceeded directly to the

²⁷¹ Jay Monaghan, *Australians and the Gold Rush: California and Down Under, 1849–1854* (Berkeley: University of California Press, 1966).

mining country, joining the Rock Mining Company of Fosters Bar.²⁷²

The diggings were a difficult place for those with a suspiciously non-American accent and composure and thus, like the Chileans, the need to band together with one's own people struck the young sailor. In the hinterlands, Stuart befriended other recent émigrés from the Australian carceral system to work various claims in his possession. Also like the infamous Hound Roberts, Stuart purchased a boat and used it to charge argonauts for its use as a ferry in the Sacramento River basin. English Jim's story was much like hundreds of other hopeful miners—golden dreams proved to be just that. Stuart soon tired of the long, treacherous hours in the often-harsh weather. He built a house with a garden for boarders, but could not keep from the monte tables and the opportunity for a quicker, easier dollar. Believing himself cheated one night at the tables, Stuart tracked his gambling opponent to his tent, where he robbed him (and the mining company he owned) of forty-three-hundred dollars, or nearly one-hundred-and-twenty-five-thousand dollars in modern American currency.²⁷³ It did not take long for the mine company owner to report the money missing and the Stuart to be taken in by the sheriff on robbery charges to the Marysville prison. According to Stuart, a lynch mob quickly formed to pronounce summary justice on him, and he was only saved by the sheriff's hastily-deputized squad of about sixty miners. Stuart admitted his guilt in court, but before the trial could be concluded, he broke his bonds and escaped, his destination: south to Sacramento.²⁷⁴ Faced with the sheer size and numbers of informal committees of community justice such as existed in the Calaveras diggings profiled in the previous chapter, formal authorities often were forced to rely on their own manner of impressed, informal poses to accomplish the work of the written law. Midcentury law

²⁷² "Confession of James Stuart"; and Williams, *Papers*, 225–26.

²⁷³ "Confession," 227.

²⁷⁴ "Confession," 227.

enforcement was unreliable, as the Chileans of San Antonio could certainly attest. James Stuart and others like him took full advantage of this legal environment. However, the frequency of vigilante enforcement created the normalization of informal justice and grassroots policeways that were becoming more effective and organized with increasingly sophisticated modes of surveillance.

English Jim traveled by night, stealing a mare to complete the forty-mile journey to Sacramento. Once there, he acquainted himself with other Australian immigrants and like-minded Americans on the fringe of society. Unable to hold a steady job, Stuart and his newly-acquired mutual aid society roamed the town making money by stealing horses and selling them off. The Australian community looked after one another much like any merchants' collective, each informing the other of possible business opportunities to be had. One such opportunity was brought before Jim and his cohort by someone he describes only as "a boy": Laying at anchor in the Sacramento River was a brig holding approximately twenty-thousand dollars. The collective wasted no time—they boarded and made off with the money. It soon became apparent that Sacramento was quickly becoming too familiar for the Stuart gang and a change of environs was in order. They needed anonymity, the chance for quick capital, and the benefits of an ill-equipped and under-staffed law enforcement structure. It was only natural that their eyes would look ninety miles southwest to the growing city amid the hills on the edge of the San Francisco peninsula. However, English Jim and his compatriots would find that, although they could individually disappear into the mixed populace of the city, the name of their organization preceded them—the Sydney Ducks.²⁷⁵ Although the police department of the city was notoriously lackadaisical, they would find the vigilance of the city's average residents in

²⁷⁵ "Confession," 227–28.

ordering their community far less so.

Mapping the Metropolis

The flag carried by Commander Montgomery aboard his *USS Portsmouth* five years earlier still snapped in the bay breeze above the city center named for his ship, the town square known to locals simply as “the Plaza.” In the Plaza the most important affairs of the city were decided. In the Plaza the city had gathered to mete out justice for the corrupt Hounds-Regulator association. In the coming decades the area around the Plaza—Dupont, Clay, Kearny, and Washington—would be marginalized, cordoned off and isolated by city charter, its Chinese residents demonized and ghettoized into an impossibly-cramped district. But in the middle decade of the nineteenth century, the Plaza remained the heart of the city, a bustling multiethnic center that contained San Francisco’s most striking buildings.²⁷⁶

English Jim Stuart had just robbed two ships in the harbor, nearly beating to death the captain of one before setting foot in the city, and the best way to get rid of the newly-acquired funds was on the Plaza. He and his Sydney Ducks cohort, who included men with names like “Jimmy-from-Town,” “Long Charley,” “Long Bill,” “Activity,” and the peculiar, overly-descriptive *nom de la guerre*, “Billy Sweet Cheese,” would have learned from contacts on the Plaza the well-defined sections of the city and the possible safe havens from justice. North of the Plaza between upper Stockton and Kearny lay the dissolving remnants of Little Chile that was reclaimed by its residents after the punishment and exile of the Hound-Regulators. It was rumored the Chileans who had not yet returned to Valparaíso from Chili Gulch in the Calaveras had proven their fortitude and were to be avoided by those looking to make a quick fortune off of

²⁷⁶ *Daily Alta California*, 18 July 1851.

stolen property. Just west of the Plaza on Dupont (renamed Grant Avenue after the 1906 earthquake, but still currently referred to as “Dupont Gai” by the local Chinese American residents) was the French settlement, a district where the rough attire of the Ducks would be too-quickly noticed. East of the Plaza on Washington, Clay, and Commercial Streets, many of the city’s German Jewish residents called home, individuals with a long history of informal community surveillance that could be counted on to protect the district. In 1851 the ghettoizing Cubic Air Ordinance was two decades in the future, so many of the city’s Chinese residents chose to call the area south of the Plaza along Sacramento Street home. Many were working off enormous travel debts from China, and therefore would not be lucrative ventures for the Ducks to rob. For English Jim and his crew there were two locations that would serve their residential needs best: the unpopulated outlying scrub-and-oak underbrush and sand dunes on the outskirts of town in the Mission district, or beneath the slopes of Telegraph Hill in a place called Sydney Valley, or Sydneytown, along Broadway and Pacific.²⁷⁷

City Services at Mid Century

Formal city services were lacking in San Francisco, just as they were in every other American city of the period. San Francisco was a city of many languages, but perhaps the most terrifying word that could be heard in the largely wooden lanes and thoroughfares was the shout of “Fire!” Hastily-erected wood frames and canvas ceilings and walls made this city on the bay a potential incendiary tinderbox. Between December 1849 and June 1851 the city was decimated by half a

²⁷⁷ Holinski, 122; Hubert Howe Bancroft, *California Inter Pocula* (San Francisco: The History Company, 1888), vol. 35, 261; Soulé, et. al., 566; and *Daily Alta California*, 29 June 1851.

dozen major infernos that threatened to burn the boomtown to the ground.²⁷⁸ However, rushing to the aid of citizen and structure were not paid, professional fire departments; indeed, it would be almost twenty years before the San Francisco Fire Department would see its fledgling beginning.²⁷⁹ The hue and cry of the alarmed populace in this and every other mid-nineteenth-century American city was answered by the echoes of the tolling bells of private volunteer fire companies. Companies such as transplanted New York politician David Broderick's Empire Engine Company, the Monumental Engine Company at Brenham Place on the Plaza, and the California Engine Company at Bush and Market were barely reliable enterprises that served more as fraternal political organizations and whose members often competed in dangerously distracting displays of bravado rather than in consistent fire protection service.²⁸⁰ The inefficiency of informal fire protection in San Francisco, as it were, was contrasted by the organization, sophistication, operability, and success of its informal policing.

In addition to rampant fires and the loss of tens of millions of dollars in city and private money, the months leading up to the summer of 1851 saw a press obsessed with crime in the city. "There are some three hundred thieves in this city," declared the *Daily Alta*, "who live by their profession, and prefer to live so rather than work."²⁸¹ Religious tones were conjured, the press declaring "the floodgates of crime, which seem opened by the devil's hand and flowing from his infernal abode through our very midst."²⁸² A transient population and a general lack of surveillance meant that tracking offenders was difficult, to say the least. This was compounded

²⁷⁸ Mullen, *Let Justice Be Done*, 83.

²⁷⁹ Mullen, *Let Justice Be Done*, 85.

²⁸⁰ Williams, *Papers*, 169; Soulé, et al., *Annals*, 614–625; Borthwick, *Three Years*, 87–90; and Ernest Frignet, *La Californie: Histoire des Progrès de l'un État-Unis d'Amérique et des Institutions qui font sa Prospérité* (Paris, France: Schlesinger Frères, 1867), 156–159.

²⁸¹ Robert M. Senkewicz, *Vigilantes in Gold Rush San Francisco* (Palo Alto, Calif: Stanford University Press, 1985), 75; and *Daily Alta California*, 1 January 1851.

²⁸² *Daily Alta California*, 21 February 1851.

by an unreliable city peacekeeping force. Two constables for the entire city had been appointed in 1847, which was soon reduced to one. The chaos and bloodshed of the Hounds incident in 1849 highlighted a need for a more reliable peacekeeping force. As the first mayor of American-period San Francisco, John W. Geary, exclaimed to his city council, “You are without a single police officer or watchman and have not the means of confining a prisoner for an hour.”²⁸³

The local multiethnic peacekeeping force assembled to apprehend Sam Roberts and dismantle his so-called Regulators had returned to their lives following the arrest, trial, and expulsion, leaving the city in a veritable law enforcement vacuum. It was in this environment Mayor Geary approached a thirty-five-year-old Irish immigrant and former New York police officer named Malachi Fallon to organize a police department for the city to be paid through a special police tax. Fallon, as de facto chief of the first San Francisco Police Department, appointed an assistant chief, three sergeants, and thirty officers to patrol a city of approximately thirty thousand, a dangerously low citizen-to-officer ratio compared to modern urban departments.²⁸⁴ The low wages—officers were paid only six dollars a day, compared to an average laborer’s wages of eight to twenty dollars a day—guaranteed a force that was not overly-ambitious in its effective surveillance and enforcement efforts.²⁸⁵ Records of the recorder’s court exist for only approximately thirty-five percent of the period. There are, however, uncorroborated arrest statistics from the *Daily Alta* which indicate there were seven-hundred-and-forty-one arrests for the September 1849 to March 1850 period, for crimes primarily consisting of assault and battery and petty larceny. An article from the end of 1853—although it

²⁸³ Mullen, *Let Justice Be Done*, 74, 75; and Soulé, et al., *Annals*, 228.

²⁸⁴ Mullen, *Let Justice Be Done*, 76; and Kevin J. Mullen, *The Toughest Gang in Town: Police Stories from Old San Francisco* (Novato, Calif.: Noir Publications, 2005), 28–29.

²⁸⁵ Mullen, *Let Justice Be Done*, 77.

must be regarded with a degree of skepticism—indicates there were twelve-hundred total murders over the previous four years, or at least one murder a day every single day.²⁸⁶ Certainly more than thirty officers of varying degrees of morality were needed to order such an apparent pandemic.

Chief Fallon’s dangerously understaffed police force and their questionable relationship with the city’s underworld was not properly ensuring the safety of San Francisco’s citizens. The conditions at the department’s headquarters at City Station House, located centrally on the Plaza in a dirty cellar, were abysmal.²⁸⁷ Lacking natural light or ventilation, the site also served as the city’s court and jail and was known for the ease at which prisoners came and left of their own accord. One particularly adept suspect referred to in the records as “Mrs. Gilligan” was arrested somewhere between forty and fifty times before the police simply stopped trying.²⁸⁸ In April 1851, eight prisoners escaped; in May, fourteen more.²⁸⁹ Former Texas Ranger and San Francisco County Sheriff, Col. John C. “Jack” Hays attempted unsuccessfully to raise funds through subscription before resorting to his own personal funds to help reinforce the cellar jail.²⁹⁰ The prison brig *Euphemia* at port near what is now Battery and Sacramento Street, was sold by Hawaiian city councilman Kanaka Davis to the city to act as a multifunction prison and insane asylum, but in 1851 reliable incarceration still remained lacking.²⁹¹ In mid-nineteenth-century San Francisco, any major contribution to the infrastructure of crime management and community ordering came from the private sector rather than intelligent city government.

²⁸⁶ Senkewicz, 75; Williams, *Papers*, 113; *Daily Alta California*, 2 May 1850; and *San Francisco Chronicle*, 15 December 1853.

²⁸⁷ Mullen, *Toughest Gang*, 29; and Williams, *Papers*, 169.

²⁸⁸ Holinski, *La Californie*, 122.

²⁸⁹ Williams, *Papers*, 169; *Daily Alta California*, 24 April 1851; and *Daily Alta California*, 9 May 1851.

²⁹⁰ Williams, 246.

²⁹¹ James P. Delgado, “Gold Rush Jail: The Prison Ship *Euphemia*,” *California History* 60, no. 2 (Summer 1981), 134-141:136.

A Neglected History

Although enormously significant to United States and global history, a relatively small body of literature has explored the work of the San Francisco Vigilance Committees. Legendary nineteenth-century California historian Hubert Howe Bancroft was the first to explore the committees in his *Popular Tribunals*. Bancroft's contemporary, Theodore Henry Hittell also cited the committees in his three-volume *History of California*. These largely positive accounts were preceded by a handful of similarly glowing accounts from Josiah Royce in 1886, Mary Floyd Williams in the 1920s, and James Scherer in the 1930s, and were only countered by the more objective work of Roger Lotchin, Richard Maxwell Brown, and Peter Decker in the 1970s, Robert Senkewicz in the 1980s, and bookended by Kevin Mullen and Phil Ethington's work and a lone dissertation in the 1990s. Considering the San Francisco Vigilance Committees of 1851 and 1856 were the largest episodes of popular justice in American history, with enrolled membership in the thousands, and that the committees controlled the policing and enforcement apparatus of all urban affairs, a new examination of this movement is needed. This is further compounded by the movement's contribution to the protection of Chinatown twenty years later in 1877 and to discretionary, bottom-up policing in San Francisco as the nineteenth century wore on.²⁹²

²⁹² Hubert Howe Bancroft, *Popular Tribunals* (San Francisco: The History Company, 1887); Theodore Henry Hittell, *A Brief History of California* (San Francisco: The Stone Educational Company, 1898); Josiah Royce, *California: A Study of American Character: From the Conquest in 1846 to the Second Vigilance Committee in San Francisco* (New York: Houghton, Mifflin, and Company, 1886); Mary Floyd Williams, *History of the San Francisco Committee of Vigilance of 1851: A Study of Social Control on the California Frontier in the Days of the Gold Rush* (Berkeley: University of California Press, 1921); James Scherer, *"The Lion of the Vigilantes": William T. Coleman and the Life of Old San Francisco* (Indianapolis: The Bobs-Merrill Company, 1939); Roger Lotchin, *San Francisco, 1846- 1856: From Hamlet to City* (New York: Oxford University Press, 1974); Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University

Regardless of the actual number of crimes, the public *perception* of crime had increased in the late spring and summer of 1851. Apprehending, trying, and effectively incarcerating and punishing individuals in the nineteenth century was difficult work, and caused a great deal of frustration in city populations nationwide. Add to this the isolated physical environment and exploding international population of antebellum San Francisco, and a recipe for vernacular policeways such as the Vigilance Committee superseding formal police authority was created. Power is not, as Max Weber has stated, simply force of will, but more aligned with what Hannah Arendt has famously said: “When we say of somebody that he is ‘in power,’ we actually refer to his being empowered by a certain number of people to act in their name.”²⁹³ Indeed, despite Senator Broderick and the few voices in dissent in the Plaza that night before dawn on June 11, the Vigilance Committee’s authority was not bestowed by the state, but by the people directly for a foreseen lacking or absence of legitimacy in the state justice apparatus. The vigilantes performed nothing that individuals did not sanction in their cross-class membership and support of the committee and in their widely-reported cheering presence at the macabre stage plays enacted on the Plaza and elsewhere.

As Phil Ethington states in his excellent study of political life in San Francisco, “Lynchings are a particular, collective kind of murder.”²⁹⁴ Coleman, Brannan, and the vigilantes chose the plaza at Portsmouth Square for their first public act of lethal enforcement due to its centrality and publicity. Sloping toward the bay, the Plaza forms a natural amphitheater (in 1851

Press, 1975); Peter R. Decker, *Fortunes and Failures: White Collar Mobility in Nineteenth Century San Francisco* (Cambridge, Mass.: Harvard University Press, 1978); Robert M. Senkewicz, *Vigilantes in Gold Rush San Francisco* (Stanford: Stanford University Press, 1985); Kevin J. Mullen, *Let Justice Be Done: Crime and Politics in Early San Francisco* (Reno: University of Nevada Press, 1989); and Philip J. Ethington, *The Public City: The Political Construction of Urban Life in San Francisco, 1850–1900* (New York: Cambridge University Press, 1994).

²⁹³ Hannah Arendt, *On Violence* (New York: Harcourt Brace, 1970), 44.

²⁹⁴ Ethington, 98.

it sloped toward City Hall; today, the Hilton Hotel), a central forum for public urban life for this small but vibrantly-multiethnic peninsular republic on the edge of the Pacific. Although the execution took place at night, the sounding of the fire company bells were intended to draw a large crowd, thus implying public legitimacy rather than secrecy was one of the committee's primary motivating factors. The vigilantes of 1851 often cited the lawlessness of the city and the inefficiency of the justice and carceral systems as the necessity for their existence, a view that was seconded both by the popular press and by many letter writers and diarists of the period whose accounts are left to posterity in the collections of the Bancroft Library and Huntington Library. The view of one such writer, Robert LaMotte, in a letter to his mother expressing his belief that, "It is well known that there have been within the last twelve months fifty-four murders committed in San Francisco alone [and] not one of which has ever been punished," was a common refrain of mid-nineteenth-century San Franciscans.²⁹⁵ This was a period, it was reported, in which "at least one hundred murders had been committed within the space of a few months."²⁹⁶ An analysis of criminal activity in the first half of 1851 available in the press indicates that there was approximately one homicide per month, a rate that is concurrent with previous year averages.²⁹⁷

Similar to the popular justice found in the bay hinterlands and the vernacular urban policing that would last into the twentieth century, a lynch mob the San Francisco Vigilance Committee was not, but rather a popular tribunal that turned upon the collective experience of

²⁹⁵ Robert S. LaMotte to Mother, 3 June 1851, 11 June 1851, LaMotte Family Papers 1802–1970, BANC MSS C-B 450 box 1, Bancroft Library, Berkeley, California.

²⁹⁶ Soulé, et al., *Annals*, 567.

²⁹⁷ *Daily Alta California* 23 January 1851; *Daily Alta California* 29 January 1851; *Daily Alta California* 16 March 1851; *Daily Alta California* 28 March 1851; *Daily Alta California* 13 April 1851; *Daily Alta California* 4 May 1851; *Daily Alta California* 21 May 1851; *Daily Alta California* 3 June 1851; *Daily Alta California* 23 June 1851; and Mullen, 144.

punishment that was a holdover from previous eras in which enforcement infrastructure was weak or absent. For most of human history until the end of the eighteenth century, punishment was designed to affect the perpetrator only partially. Although the doomed individual would be scourged or killed, the public was the true intended target. Louis Masur, among others, has posited that execution day was key to keeping order in primarily pre-Enlightenment communities as “the entire community assembled for an effective lesson in morality and piety.”²⁹⁸ Late-eighteenth-century penal reformers such as Dr. Benjamin Rush, however, were instrumental in altering the emphasis from punishment to reform of the convicted. In this new paradigm, the ever-living soul was the target of healing and, as Foucault has famously stated, “the body as the major target of penal repression had disappeared.”²⁹⁹ Public executions—which now utilized the more efficient killing methodology of the trapdoor gallows to snap the convicted neck rather than the more drawn-out strangulation of being pulled up from the ground as used on Jenkins—began to be outlawed in turn. Pennsylvania (1834), New York, New Jersey, and Massachusetts (1835), and the remainder of the New England and Mid-Atlantic States (1845) removed the site of execution from the town square to the private interior of the new state and federal penitentiaries concurrently with the rise of the new middle class and the resultant need by said class to separate and differentiate themselves from the lower orders present in the public arena.³⁰⁰

California, however, was slow to adopt the new privatized execution, perceiving perhaps correctly that indoor executions deprived citizens of rights inherent to republicanism. After all, as famed abolitionist Wendell Phillips argued in his case for abolishing the death penalty, “if this

²⁹⁸ Louis P. Masur, *Rites of Execution: Capital Punishment and the Transformation of American Culture, 1776–1865* (New York: Oxford University Press, 1989), 96; and Ethington, *Public City*, 99.

²⁹⁹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1995), 8.

³⁰⁰ Masur, 5, 95; and Ethington, *Public City*, 100.

idea of hanging men...is correct, then why do you not make your executions as public as possible?"³⁰¹ In this unique Bay City, founders perceived themselves to be members of a shining republic and fashioned San Francisco as a new Rome in which republican virtues were realized through participation in the public sphere on all levels. State-sanctioned public executions continued in California for over a decade after they were halted in other American cities. Indeed, like the sites chosen by the Vigilance Committee and other popular justice community organizations both preceding and following, legal executions were held in the most public of venues. In 1852 José Forni was legally executed near the top of Russian Hill in San Francisco and drew three-thousand men, women, and children. The state execution of William Sheppard in 1854 was constructed in the natural amphitheater provided by the valley near the Presidio, this time drawing ten thousand. Indeed, public executions continued for another four years following this, indicating that something was very different in the relationship of the community to law and its enforcement in San Francisco.³⁰² It was this republican communication and collective experience of justice that the Vigilance Committee was drawing upon in the Plaza.

The Tipping Point: Public Frustration and Response

Crime was rampant and fires of questionable origin were threatening the very existence of the city. A certain degree of crime inherent to boomtowns was accepted by the populace. However, blame began to coalesce around a specific group of newly-arrived city residents from the Australian penal colonies alternately referred to as the Sydney Ducks, and their leader, James

³⁰¹ Masur, 113; and Ethington, *Public City*, 104.

³⁰² *Daily Alta*, 10 December 1852; *Daily Alta* 11 December 1852; and *Daily Alta* 29 July 1854.

Stuart.³⁰³ Public ambivalence about order in their city would rapidly shift in February of 1851 with the robbery and bludgeoning of a particularly popular storeowner named C. J. Jansen. Police and volunteers scoured the city and soon arrested a man with a suspicious cockney accent. Although he answered to the name Thomas Berdue, the suspect fit the description of another infamous Australian gang leader wanted for the murder of a sheriff across the bay in Marysville.³⁰⁴ The public response to the Hounds illustrated the possible effectiveness of informal community policing in the urban environment. The experience with successful vernacular justice many San Franciscans had as former miners in the hinterlands reinforced this perspective, as did their perspective of unreliable formal law enforcement, as exemplified in the cowardly sheriff of Stockton during the Chilean incident on the Calaveras. This heritage and public memory of informal justice and the corruption and collusion of San Francisco's law enforcement with the criminal element created an environment amenable to a more creative solution to the problem of the Sydney Ducks.

English Jim Stuart was living in the cemetery just east of the Sacramento River near where today lies the interchange of the 5, 50, and 80 freeways. Since returning inland from Sydneytown in San Francisco he had kept a boardinghouse for thieves on L Street in Sacramento until one of his boarders robbed him, forcing him to live in the cemetery. It was not long, however, before he was engaged once more in his chosen career. He engaged in a firefight with a lumber yard owner who caught Jim in the process of carrying off his profits from the house he kept on site. A shot went cleanly through his hat and narrowly missed his brain before the

³⁰³ *Daily Alta*, 19 July 1851; and Soulé, et al., *Annals*, 257.

³⁰⁴ Soulé, et al., *Annals*, 314–20; and Hubert Howe Bancroft, *Popular Tribunals*, 2 vols. (San Francisco: History Company, Publishers, 1887), 1:179–200.

authorities managed to pursue and apprehend Jim as he fled. Stuart was held in custody awaiting a hearing aboard the Sacramento River brig, the *La Grange*, but this did not stop his pursuit of capital; throughout his incarceration he continued to operate his enterprise by sending out fellow Australian companions like “Big Brummey” on robbery missions.³⁰⁵

It was during his stay aboard the *La Grange* that Stuart’s past began to catch up with him: silhouetted in the opening to his cell one morning was the constable from Fosters Bar, arrived to check on a description of a suspect wanted in the robbery and murder of Sheriff Moore. Stuart was manacled and brought ashore before Judge Sackett, who determined he should be extradited back to Marysville to stand trial for the crime. When the sheriff arrived the next morning to transport English Jim, his lawyer, a man of questionable morals named Frank Pixley, claimed the sheriff’s warrant was not sound on a technicality; that night Stuart escaped the brig. He fled on foot south across the oak-covered valley fifty miles to the bay port of Stockton. There, he cloaked himself in a disguise and snuck aboard a steamer. Perhaps back in San Francisco Jim could finally achieve financial success and anonymity.³⁰⁶

Back in the city, Stuart quickly re-acclimated himself with his old partners in Sydneytown. There he learned from his team that local proprietor C. J. Jansen kept large quantities of currency at his store on Washington and Montgomery a block northeast of the Plaza. On Wednesday evening, 19 February 1851, Jansen was preparing to shut down for the evening when a man entered the shop. His name was “Morgan,” and he needed a dozen blankets. Outside, Morgan’s friends, who included English Jim Stuart and his companion, Sam Whittaker, stood watch at a back window. He was taking too long, thought Jim. Stuart easily pried open the

³⁰⁵ “Confession,” 8 July 1851.

³⁰⁶ “Confession,” 8 July 1851.

window and slipped inside. Jansen noticed the sound behind him and turned to see Stuart standing before him in a hooded night cloak.

“What do you want?” inquired Jansen, startled.

“I also want blankets,” Jim replied.

Jansen, perceiving the intent of the pair, turned to run. Stuart released the metal ball of shot attached by a leather sling to his wrist he had been holding in his hand, raised his arm in a high arcing swing, and felt the ball connect with the shop owner’s head with a crack. Jim and Morgan cleared out the cash drawer and safe—containing a total of approximately two-thousand dollars—and leapt over Jansen’s crumpled body and out into the enveloping fog of the night.³⁰⁷

The next day two men were arrested. The first suspect, apprehended by the waterfront, answered to the name Robert Windred; the other suspect bore a resemblance to an Australian wanted for murder and robbery named James Stuart, but who claimed to be a man named Berdue.³⁰⁸ Meanwhile, the real James Stuart was blocks away. English Jim later explained the preceding events: “I then counted out the money, found \$1586 in gold coin—I divided it into eights [*sic*] making \$196 each, we then came down town as though nothing was the matter.”³⁰⁹ After returning to their home in Sydneytown, Jim and his fellows heard of the arrest of Windred and Berdue—and the public assumption that they had a hand in the previous night’s assault and robbery. According to Stuart, he and the Ducks were infuriated for this case of mistaken identity and the public’s call for the execution of men innocent of their crimes. “[W]e all agreed on Sunday night,” Stuart later explained, “that if they hung them to burn the town down.”³¹⁰

³⁰⁷ “Confession,” 8 July 1851; and Senkewicz, *Vigilantes*, 3.

³⁰⁸ Senkewicz, *Vigilantes*, 2–3.

³⁰⁹ “Confession,” 8 July 1851.

³¹⁰ “Confession,” 8 July 1851.

Rather than lay low in light of the public sentiment against Jansen's supposed attackers in custody, Stuart and his Ducks moved to rob a local bank near the Plaza. The Ducks were aided in their scheme by Officers Rob McIntire and Andy McCarty—sworn members of the San Francisco Police Department. Adding to the complicity of the SFPD and the justified lack of faith city residents had in formal policing, members of the department later admitted to not arresting Stuart although they recognized him as the actual perpetrator of the Jansen assault and robbery and not Berdue. The Australian cooperative continued to rob banks around the Plaza until two members of the outfit were caught and arrested by more reputable members of the police department.³¹¹

Meanwhile, a crowd was forming outside Chief Fallon's jail on the Plaza that housed Windred and Berdue. They were taken to the room where Jansen was recovering. Stuart's slung shot had damaged the storekeeper's brain, but this was not taken into account when Jansen promptly—if a bit waveringly—identified the pair as his attackers. The mob, with obvious intent, began to balloon as word of Jansen's semi-positive identification of the two spread. A handbill circulated the Plaza calling for justice, and reminded San Franciscans of the success in vernacular policeways in the arrest and punishment of the Regulators. "Yesterday was a day of excitement," wrote the *Daily Alta* on 23 February 1851, "such as has not been witnessed in San Francisco since the celebrated Hound trials."³¹² At two in the afternoon on Saturday, Windred and Berdue were brought before the Records Court on the Plaza for examination in a courtroom filled to capacity. The room began to swell as the proceedings unfolded, citizens interjecting violent verbal threats into the court record. A handbill circulated implying a grim

³¹¹ "Confession," 8 July 1851.

³¹² "The Excitement Yesterday," *Daily Alta California*, 23 February 1851.

fate for Windred and “Stuart”: “We deprecate Lynch Law, but the outraged public will appeal to that soon unless some far more efficient measures be adopted in other quarters.”³¹³ The sound of splintering wood rang out in the courtroom as the gallery rail began to give way under the surging mass of people. The police force could not hold the people back, so the local militia, the Washington Guards, stormed the proceedings, bayonets fixed and leveled. The Guards mounted the deck and benches, thrusting their rifles at the crowd converging on the cowering Windred and Berdue. Hissing and booing, the crowd eventually retreated outside to the Plaza while the prisoners were led to their cells below.³¹⁴

Outside the mob grew to the thousands. A rush was made for the militia armory, which was pushed back only under the persuasion of Guard Captain Bartol, who shouted to the crowd his men had acted in the name of the law and for the sake of order. The crowd thinned with the setting sun, but not before a group of citizens formed an ad hoc committee comprised of many of the same players from the Hounds trial—W.D.M. Howard, A.J. Ellis, H.F. Teschemacher, T.H. Green, W.H. Jones, Ralph Dorr, E.A. King, J.B. Huie, Benjamin Ray, A.H. Sibley, J.L. Folsom, F.W. Macondray, and Theodore Payner. The most vocal member and leader of this group was the irascible editor of the *Daily Alta California* and anti-Hounds firebrand, excommunicated Mormon leader Samuel Brannan. The committee held a meeting into the early hours of Sunday and published a handbill calling for the trial of “Stuart” and Windred by a people’s court, as the corruption and vacillations of the current justice system was proving a stumbling block to the safety of the city. “We are the mayor,” declared Brannan in insurrectionary populist tone, “and the recorder, the hang man and the laws! The law and the courts never yet hung a man in

³¹³ *Daily Alta*, 21 February 1851.

³¹⁴ *Daily Alta*, 23 February 1851.

California!”³¹⁵ Formal law was inept, claimed Brannan and the as-yet-unnamed committee. As with the response to the Hounds’ mayhem, in the absence of reliable and trustworthy law enforcement, a vernacular enforcement by the people was the clear solution.



William Tell Coleman, ca. 1851
Portrait File of the Bancroft Library, ca. 1860–1960

William Tell Coleman and a New Vigilantism

On Sunday, Portsmouth Square filled with a crowd that numbered anywhere from five-to-ten-thousand San Franciscans eager to see summary justice performed in the case of Windred and the false Stuart. However, what differentiates the case of San Francisco’s community ordering and uncontrolled lynch justice seen elsewhere was in its sophistication and attempt at due process. Mayor Geary strode out onto the landing of the balcony of City Hall. Order must be maintained, he claimed, and the proper functioning of the legal apparatus must not be tampered with by mob justice. Brannan, outnumbered in his opinion for summary justice, refused to acquiesce to the majority of his committee’s belief that the authorities should be allowed to see their case against the alleged assailants in custody. We must hang them now, cried Brannan to the cheers of the assembled masses. It seemed the fates of Windred and Berdue were sealed when a new speaker emerged onto the elevated balcony. His name was William Tell Coleman, a

³¹⁵ *Daily Alta*, 23 February 1851.

twenty-seven-year-old shipping agent from Kentucky. The crowd was growing out of control as Coleman leaned over the railing to get their attention. It is true, he cried, a miscarriage of justice had indeed taken place in the city's courts of late. But these men should not be hung without trial, he continued. A court comprised of the people should be appointed this very day, Coleman shouted. Evidence should be brought forth, and testimony should be heard, and by the end of the day Stuart and Windred should be either exonerated and freed or hung for their crimes.³¹⁶ The crowd thundered its approval. Coleman, a previously unknown clerk in his twenties from the upper South, in a few measured words had launched San Francisco down a road of popular community justice that would forever alter the trajectory of law enforcement.

Significantly, the committee chose to use the trappings of legality and held its people's trial of Windred and Berdue in the same Recorders Courtroom that saw its proceedings interrupted the previous day. According to one of the individuals selected as a juror, G. E. Schenck, the trial unfolded quickly. The twelve jurors heard testimony all day, each witness declaring the guilt of Windred and "Stuart." However, when the time for the jurors to vote arrived at nine in the evening, the decision was split, nine to three in favor of conviction. As Schenck explains, "when I suggested that they should have a fair trial by the authorities, as we had not seen the prisoners, they not being before us, and as Mr. Jansen had not fully identified them, there was room for doubt. Two others coincided with me in regard to it, and we agreed to bring a verdict that we could not agree."³¹⁷ Outside, a horde of San Franciscans awaited the decision of the jurors. When they emerged from the courtroom with their split decision, chaos

³¹⁶ William T. Coleman, *Statement*, "Vigilance Committee of 1851 Papers," MSS C-A 77, Bancroft Library, University of California; Berkeley; and William T. Coleman, "San Francisco Vigilance Committees," *Century Magazine* 43 (1891), 134–35.

³¹⁷ G.E. Schenck, *Statement*, "Vigilance Committee of 1851 Papers," MSS C-A 77, Bancroft Library, University of California, Berkeley.

broke out on the Plaza. The crowd rushed the building, smashing in windows and breaking down the doors to attack the jurors. Not a wilting set of individuals, the jurors pulled revolvers and aimed them at the crowd as they backed into the jury room. They barricaded themselves inside until after midnight, when the crowd subsided enough for them to make a safe passage out of the court. It was clear that there was only one verdict the crowd was willing to accept. Outside, Coleman could see he had lost control of the Plaza and attempted to calm the crowd; Brannan countered Coleman's attempt at pacification, urging the crowd to do their duty.³¹⁸ The crowd made a final push past the handful of sworn city police to storm the jail and lynch the prisoners. Bloodlust had not infected the entirety of the crowd, however, and two-hundred-and-fifty citizens came to the assistance of the police, pushing the mob back and keeping guard the remainder of the night.³¹⁹ Where elsewhere the pair would have been summarily lynched by any form of popular justice, in San Francisco's example the informal committee chose to release the suspects back to the formal authorities for further examination, and a final chance at legal justice.

Windred and Berdue were hidden for their safety for the next several days and returned to the formal justice system. However, when the pair was again put on trial in mid-March, the legal apparatus quailed under the specter of public anarchy and were quick to convict both on questionable evidence.³²⁰ The harsh sentences handed down were indicative of both public frustration at the disorder of San Francisco and the popularity of Jansen the shop owner. Windred was sentenced to ten years. Berdue, who was carrying the weight of English Jim Stuart's crimes, was sentenced to fourteen years for the robbery and assault on Jansen and remanded to

³¹⁸ Schenck, *Statement*, "Vigilance Committee Papers."

³¹⁹ "Letter to John Goff," Williams, *Papers*, 222.

³²⁰ William Henry Ellison, *A Self-Governing Dominion: California, 1849-1860* (Berkeley: University of California Press, 1950), 214.

Marysville prison to stand trial for the murder of Sheriff Moore.³²¹ Windred was not long for incarceration, however: Sam Whittaker, who along with the real Stuart was one of Jansen's actual assailants, managed to utilize his contacts on the police department and secret a key to his cell. Windred was last seen living in Mission Dolores cemetery until he fled the city with his wife back to Australia.³²²

One possibility for the severity of their sentences was due to a recent fire that broke out at the Central Wharf, burning the *Santa Clara* and the *Hartford*. For the first time, but certainly not the last, the new seven-hundred-pound bell above the Monumental Fire Company house at the head of Portsmouth Square rang out. Soon it would ring out to alert the citizenry of San Francisco of an altogether different type of fire.

San Francisco's Splintering Justice System

Robberies continued, as did the work of arsonists. The justice system, designed for a town far smaller than the urban metropolis San Francisco had become, was increasingly showing signs of wear. Many suspects were able to easily obtain bail and disappear into the crowded streets; others, like Windred, could easily employ connections on the police force and in the underworld to obtain their freedom and be aboard a ship bound for ports thousands of miles away with little effort. Still other criminals, like English Jim, could count on both friends in law enforcement looking the other way when a crime was committed and juries that were easily bribed. In mid-century San Francisco, the officers of the justice system were by no means just, making the conditions ripe for an alternative ordering apparatus.

³²¹ "Letter to John Goff," Williams, *Papers*, 222–223.

³²² Ellison, *A Self-Governing Dominion*, 214.

As previously mentioned, this ineffectiveness was represented physically in the built carceral environment in the lack of proper jail construction, which ensured that an arrest and conviction did not translate into a lengthy incarceration. Indeed, by early April, Australian thieves escaped en masse with the aid of members of the police department through a hole in the wall of the city hall cell in which they were housed.³²³ Out of seventy-five officers on the protean SFPD, only twelve to fifteen were actually known to attempt to keep peace.³²⁴ The San Francisco justice system was coming apart at the seams. Also in April, the San Francisco county judge resigned under investigation for corruption, causing the California state legislature to appoint one judge and the citizens of San Francisco to popularly elect another. On the first day of court following the election both arrived to hear cases and immediately held the other judge in contempt of court.³²⁵ When the press decried the questionable rulings of local district court judge Levi Parsons, the judge held the editors in contempt of court. As might be expected, the editors refused to pay the fine, causing Parsons to issue an arrest warrant for the newspapermen, which Fallon's officers saw served. A crowd of four-thousand San Franciscans promptly marched to the city station house to see that the staff was freed.³²⁶

Elections and party politics were one possible solution to the inefficient ordering of San Francisco. It was clear that civic affairs were in disarray. However, San Francisco did not wish to be a new New York, which was plagued with its own ordering problems but on a much larger scale. Like Sam Roberts and his paid city Regulators before them, SFPD Chief Fallon was implicated for his personal association and the association of a majority of his officers with many

³²³ *Daily Alta California*, 8 April 1851; *Daily Alta California*, 9 April 1851; *Daily Alta California*, 24 April 1851.

³²⁴ *San Francisco Evening Picayune*, 6 January 1851; and *Daily Alta*, 14 February 1851.

³²⁵ *Daily Alta California*, 15 May 1851.

³²⁶ Williams, *Social Control*, 177.

criminals who had mysteriously escaped justice. Public outrage proved too powerful, and Chief Fallon was removed from office. A second session of the legislature was therefore called to take place in April to reorder the city and to create a new city charter and correct the inconsistencies and vagaries of the first. This lack of efficiency in public life caused an entirely new slate of Whig candidates to sweep office on 28 April 1851. Mayor Geary, worn from his term, declined to run again. His office was taken not by a businessman or tried politician, but by a popular steamboat captain and saloon rowdy named Charles Brenham. Whig candidate Robert Crozier took the office of SFPD chief. Whigs took the recorder's seat, the city attorney vacancy, and a majority of the city council, contrasting San Francisco from New York and other Democrat-controlled cities of the time.³²⁷ Rather than the party of Tammany-type ward boss politics, the party of commercial success had won the day in San Francisco, a fact that would affect the Bay City's distinctive vernacular law enforcement environment.

The Bells of Vigilance

On the evening of 3 May 1851, the Plaza reverberated with the clanging of the Monumental Fire Co. bell—for the fifth time, the city was in flames. The flames burst from the upper floor of a paint store on Clay Street across from the Plaza and leapt at terrifying speed from building to wooden-and-canvas building. It was a Saturday night, and many of the city's fire companies were understaffed due to travel, liquor, or incompetence, making a concerted effort against the inferno impossible. Depending on accounts, over eight dozen San Franciscans burned alive or suffocated to death in the worst disaster the city had seen yet or would see for another half century. Three-quarters of the city was destroyed overnight, totaling twelve million dollars in

³²⁷ *Daily Alta*, 30 April 1851; Soulé, et al., *Annals*, 326; and Mullen, *Let Justice Be Done*, 133–134.

damage. Accident was determined to be the cause, but the belief that it was the work of incendiaries was corroborated by the discovery of over ten-thousand-dollars-worth of stolen money and goods in the homes of various Sydney Duck associates.³²⁸ Although the loss of life and property was devastating, the chance to physically and figuratively reorder San Francisco had arrived.

With summer of 1851 on the horizon, the justice system of the city buckled, its seams of enforcement splintering under the weight of an overwhelmed and outdated carceral environment. The city was still smoldering on May 5 when five prisoners broke free of the station house jail once again. Only three days later, a full dozen convicts fled with minimal effort. Four days later, two more prisoners broke free of the prison brig *Euphemia*. Not long after, steamboat captain Mayor Brenham sold the hulk for seventy dollars to pay a judgement against the city; the prisoners from the crowded brig were crammed into the overstuffed station jail house on the Plaza, creating deplorable conditions.³²⁹ A general unease brought about by the increased crime and fire that nearly leveled the city prompted a meeting of the city council and mayor. Rather than hire more patrolmen to Marshal Crozier's police force, Mayor Brenham commissioned a unique group of special patrol officers. In place since 1847 and continuing to operate to this day, the San Francisco Patrol Special Police were and are a volunteer private police force cursorily supervised by the SFPD and authorized by the city council and police commission to patrol the business districts like regularly sworn officers. Mayor Brenham and the council voted to increase the strength of the volunteer force by fifty citizen officers to combat the apparent wave of

³²⁸ *Daily Alta*, 9 May 1851; *San Francisco Herald* 15 May 1851; Williams, *Papers*, 179; and Mullen, 141.

³²⁹ *Daily Alta*, 29 May 1851; and Mullen, 145.

disorder plaguing the Bay City.³³⁰ That the official governing body of the city would choose to appoint informal police rather than expanding the full-time police force to combat the rise in crime is significant. Moreover, the decision one month earlier to actually reduce the size of the police department indicates a no confidence vote in formal enforcement from not only the average San Franciscan, but also the city government itself. Rather than an anarchic movement, the revolution in community policing that was to soon follow was sanctioned by the city's elected officials.

June saw the work of burglars and incendiaries continue with little abatement. During an impromptu forum on the Plaza to address the chaos in the city, Mayor Brenham and Marshal Crozier were hooted and booed. Sensing a spotlight, firebrand editor-merchant Sam Brannan took the stage once again, demanding that prisoners be turned over to the volunteer police for "proper" justice. Seeing the situation spiraling out of control, Mayor Brenham ordered the militia to show force and disburse the crowd. However, the ember that Brannan and the crowd had forged did not depart with the gathering. The *Herald* praised the gathering to protest the lenient treatment of arsonists: "[W]e yet must declare that we regard the demonstration of yesterday with the highest gratification; and we trust that, if the man be proved beyond a reasonable doubt to have committed the crime, the citizens will supply any deficiency that may exist in

³³⁰ As of 2017, the northern, highly commercial section of the city is divided into sixty-five volunteer police beats served by the San Francisco Patrol Special Police. They remain protected by city charter and have an enormous support from the residents and business owners in the neighborhoods they patrol, which is quite the opposite of their perception by regularly sworn SFPD officers, many of whom perceive the "specials" as interlopers on their authority. Their payment is negotiated on a case-by-case basis by the individuals and businesses that employ them, and is often competitive with the SFPD patrol officer salary. The closest equivalents to the volunteer private community police force are private railroad and company police/security forces, and particular campus police forces such as that at Duke University. However, the extensiveness, historic roots, and authorization by formal police commission and city charter is not replicated in any other American city. Ron DeLord, Burpo, John, et al., *Police Union Power, Politics, and Confrontation in the 21st Century: New Challenges, New Issues* (Springfield, Ill.: Charles C. Thomas Publisher, 2008), 284; Bruce L. Benson, *To Serve and Protect: Privatization and Community in Criminal Justice* (New York: New York University Press, 1998), 86; Stringham, *Private Governance*, passim.

the law.”³³¹

On June 8, San Franciscans opened the broadsheet *Daily Alta California* to find many of their beliefs echoed by a special correspondent referred to only as “Justice”: in light of the dearth in effectiveness in city law enforcement, a lesson from the mining hinterlands must be applied in the city. Beginning in April in towns like Coloma and Stockton, a surge in the formation of special committees to apprehend, try, and execute judgement upon breakers of community law took place.³³² Population in the region was only increasing with each passing month. As individuals established businesses and homes, it became apparent that formal law enforcement was insufficient at providing effective peacekeeping, and protective community associations and volunteer patrols were becoming more common.³³³ In the *Daily Alta*, “Justice” continued his editorial, concluding that a committee of residents, “a committee of vigilance,” as it was termed, must be established from each ward of the city to protect the people of San Francisco.³³⁴

Things moved quickly after this. Members of the one-hundred-man volunteer special police force had been meeting regularly at central locations in each of the wards since mid-May with the approval and sanction of the press and sworn city authorities.³³⁵ Fourteen of the volunteer force began to meet with more regularity at the building of the volunteer police captain, F.W. Macondray, which acted as a situation room for the new vernacular policeways

³³¹ *San Francisco Herald*, 4 June 1851.

³³² *Daily Alta*, 1 April 1851; *Daily Alta*, 16 April 1851; and Josiah Royce, *California from the Conquest of 1846 to the Second Vigilance Committee in San Francisco: A Study of American Character* (Boston and New York: Houghton, Mifflin and Company, 1856), 454–455.

³³³ Royce, 456.

³³⁴ *Daily Alta*, 8 June 1851.

³³⁵ “26 May 1851,” *Manual of the Corporation of the City of San Francisco containing A Map of The City; The Declaration of Independence; The Constitution of The United States; The Constitution of The State of California; The Charters of the City; The Revised Ordinances; The General Repealing Ordinances; The Ordinances still in force, and certain laws relating particularly to the City of San Francisco* (San Francisco: G.K. Fitch & Co., Printers, 1852), 49.

being formed in San Francisco. On the night of Sunday, June 8 it was decided that Sam Brannan should be contacted regarding the formation of something more organized than simply a volunteer patrol. At his office on Bush and Sansome a plan was forged to send out invitations to members of the volunteer force and community to meet the next day, Monday, June 9, at the California Engine Company at Market and Bush. Forty individuals from all classes—clerks, small-time shopkeepers, and tradesmen gathered at the engine house. The assembly concurred that the government of the city of San Francisco should be reformed, and agreed to meet later in the evening at Brannan’s office. A governing body’s inauguration should have a set of codes to which to adhere, it was decided. A constitution was drafted, a copy of which appeared in both the *Herald* and the *Daily Alta*:

Whereas, It has become apparent to the citizens of San Francisco that there is no security to life and property, either under the regulations of society as it at present exists, or under the laws as now administered, therefore, the citizens whose names are hereunto attached, do unite themselves into an association, for the maintenance of the peace and good order of society and the preservation of the lives and property of the citizens of San Francisco, and do bind ourselves, each unto the other, to do and perform every lawful act for the maintenance of law and order, and to sustain the laws when faithfully and properly administered. But we are determined that no thief, burglar, incendiary or assassin shall escape punishment either by the quibbles of the law, the insecurity of prisons, the carelessness or corruption of the police, or laxity of those who pretend to administer justice. And to secure the objects of this association we do hereby agree: First, That the name and style of the Association shall be the Committee of Vigilance, for the protection of the lives and property of the citizens and residents of the city of San Francisco.³³⁶

William Coleman, who was one of the first several-dozen members of a committee that would eventually number over seven hundred, describes the conclusion of this, the first meeting of the San Francisco Vigilance Committee: “After arranging for concert of action, watchwords, and a

³³⁶ *Daily Alta California*, 13 June 1851; and *San Francisco Herald*, 13 June 1851.

signal to be used to call the members to the rendezvous....the committee adjourned for the evening.”³³⁷ The volunteer police was absorbed into the vigilante police force, which was immediately assigned to patrol the city. With the approval of the mayor and city council, formal, sworn law enforcement had been subsumed by informal, vernacular policeways. The largest city west of the Mississippi River was now policed entirely by vigilantes.

Test Case

John Jenkins lived in Sydneytown with English Jim and his Ducks. Only a few hours had passed since the Committee had been formed when a shipping agent noticed Jenkins rowing away from the agent’s office on Long Wharf with his company’s safe. Boatmen in the area heeded the agent’s cry for help and overtook Jenkins. The police station was relatively close, so it was decided to drag the thief there for holding. Committee member George Schenck was leaving the meeting when he came across the group transporting Jenkins to the authorities. Schenck questioned the men holding Jenkins, reminding them that cases before the grand jury were endlessly piled up and postponed indefinitely. A new authority had been formed, continued Schenck, which could see to his trial immediately, and in fact were just concluding their first official meeting just now. The group was easily convinced, and the prisoner was hustled away from the city station house jail and toward the committee meeting room; the Vigilance Committee had just received its first test case.³³⁸

Just before ten o’clock on the evening of 10 June 1851, the low hum of the day’s dwindling activity on the Plaza was interrupted by a curious sound: a few blocks southeast the

³³⁷ William T. Coleman, “Statement,” San Francisco Committee of Vigilance Papers, 17–18, BANC MSS C-A 77, Bancroft Library, University of California, Berkeley.

³³⁸ Schenck, “Statement,” 35–38; and J. D. Farwell, “Statement,” 6.

bell of the California Engine Company at Bush and Market rang twice, paused, rang twice more, paused, and continued for eight more intervals. Murmurs began to rise among people passing through the Plaza, wondering at the import of this bizarre signal, but were cut short when the enormous Monumental Engine Company bell facing the square rang out its predetermined staccato response. People ran toward the sounding of the first bell and entered Brannan's building at a run. A trial was to be held immediately to determine the fate of the Australian brigand John Jenkins. A jury and council were chosen from among the members assembled with Brannan himself as judge. In a perversion of due process, Jenkins was not allowed defense, but could speak on his own behalf. Benjamin Ray, captain of the local police precinct, caught wind of the ad hoc trial and pushed through the crowd in an attempt to gain entry to the trial to rescue the prisoner into SFPD custody, but was rebuffed. Jenkins cursed the committee for cowards and refused to defend himself. Within two hours the committee jury pronounced their verdict: guilty. Grand larceny, the crime for which Jenkins stood trial, meant he was eligible for the death penalty under 1851 California state law. The committee members looked to one another, even Brannan at first blanching at passing the sentence. A vote would be taken to decide the ultimate fate of Jenkins.³³⁹

At just before one in the morning on June 11, Brannan emerged from the building and climbed a nearby sand dune to address the assembled crowd. John Jenkins, known Sydney criminal, had been apprehended committing a crime, had been tried by a jury of fellow San Franciscans, and convicted. The courts of the city had proved deficient time and again, continued Brannan, and too often criminals went free, unpunished. The committee had therefore voted:

³³⁹ Coleman, "Statement," 19-20; Schenck, "Statement," 37; *San Francisco Herald* 11 June 1851; Farwell, "Statement," 7; and Ryckman, "Statement," 4.

Jenkins would hang for his crimes this very night. Brannan, however, did not wish to be a new Robespierre, and therefore asked the assembled crowd for a vote of approval or denial. A resounding “Aye!” echoed across the dunes of what would become the Financial District. The more level-headed William Coleman protested, citing the unmanliness of a hasty execution under cover of darkness, but was quickly shouted down.³⁴⁰

Dawn was still three hours off when the prisoner was led from the committee room. The entire committee formed four columns of twenty ranks around Jenkins, a rope being used to keep the crowd at bay as they jeered and grabbed, the bells of the California and the Monumental fire companies tolling on the three-block journey to the Plaza. At Clay and Kearny, SFPD Captain Ray once again attempted to rescue Jenkins, but his handful of officers were no match for the thousands assembled against him. Commander Montgomery’s flag snapped in what was reported to be an unusually clear night’s bay breeze as the execution party entered the Plaza. California state senator David Broderick cried out from atop a hay bale, screaming for the sheriff. Sheriff Hays was nowhere to be found, so he implored the crowd: in the name of the law, rescue the prisoner.³⁴¹ A small party of supporters and city police rallied and made a rush for Jenkins, but were pushed back at gunpoint.

Brannan and the vigilante executive committee assembled on the porch of the Old Adobe Custom House as a block was rigged on Montgomery’s flag pole at the Plaza center and a noose wrapped around his neck. Schenck describes the enfolding scene: “While some one was taking down the block, a rush was made by some of the friends of Jenkins, who attempted to rescue him. They got hold of his legs under the rope and pulled him down while the rope was being put

³⁴⁰ Coleman, “Statement.”

³⁴¹ Royce, *California*, 420.

around the beam of the old adobe building at the corner of the Plaza, the old Custom House.”³⁴² Brannan, seeing chaos at the fringes, stepped forward, crying, “Let every lover of liberty and good order lay hold of the rope!” Countless hands grabbed hold of the line, knocking Jenkins from his feet and dragging him the one-hundred-and-twenty-five feet from the liberty pole to the custom house framework, his friends still holding fast to his legs in a vain attempt to save him.³⁴³ Jenkins was hoisted free of the desperate grip of his Sydneytown companions and raised aloft by the hands of dozens of San Franciscans, his body convulsing as he strangled to death. His body continued to slowly swing from side to side as dawn broke, a macabre warning to those who would challenge the seriousness of the Vigilance Committee’s mission.³⁴⁴

In a few short days the community policing enterprise had accomplished what formal law enforcement had not in the previous five years. The perpetrator Jenkins had been caught in the act. Once apprehended, he was carefully guarded and not allowed to escape confinement. Although brief and lacking certain due process elements, Jenkins had stood trial and was allowed to defend himself in a court setting. Although lacking by twenty-first-century standards, one must be reminded that the conditions of the formal mid-nineteenth-century justice system was far from just, with bribed juries and false testimony and conviction or exoneration commonplace. Thus, the eventual—if hasty—trial, conviction, and punishment of the witnessed perpetrator of a crime by the new vigilante enforcement network was considered a success by San Franciscans. This public approval and trial by jury methodology inherited from the hinterland system would ensure that the actions of Brannan and the committee would not be a brief incident of lynch mob justice, but rather a lasting movement and trend toward progressive formal policing.

³⁴² Schenck, “Statement,” 39.

³⁴³ Coleman, “Statement,” 22.

³⁴⁴ Schenck, “Statement,” 39; Williams, 214; and Mullen, 160–161.

Duck Hunt

English Jim Stuart had no knowledge of this new committee and shifting law enforcement environment of the city when he returned to San Francisco on Monday night, 30 June 1851. Thomas Berdue was awaiting execution in Marysville for Stuart's crimes when two miners recognized Stuart on the street in the town of Mariposa. He fled immediately to the anonymity the Bay City had always afforded him. He had dinner at the El Dorado on the Plaza, mere feet from where Jenkins met his end two weeks earlier. On Tuesday, 1 July 1851, Jim met with his cousin in the Mission about an unsecured safe in a local business. Local dragnet patrols by vigilance committee members, meanwhile, had increased the minimal police presence in the city to which Stuart had grown accustomed. Jim reconnoitered the safe in the Mission and decided he needed more help if he was to pull this one off, and so headed north toward Sydenhams. Stuart was unaware of the man being robbed at California and Powell as he was making his way through the scrub oak that comprised Nob Hill. The man cried out and alerted his neighbors, who came across a well-armed man among the trees. This was not the man who had robbed him, the victim stated when they brought Stuart before him. However, why was this man meandering in an armed manner in such an unpopulated section of the city? the neighbors questioned. A new Vigilance Committee had recently been established in the city to right the wrongs committed by the failed SFPD, mused the growing crowd; it was decided that the man should be brought before this committee for questioning.

He gave his name as Stephens, claiming he had just walked from the gold camp at Sonora and as yet had no lodging or knowledge of the city. The committee seemed appeased, and was impressed by the man's neat appearance and his openness to their questions. However, if he had

just walked from Sonora, nearly one-hundred-and-fifty miles inland, how were his clothes so clean? The committee resolved to hold the man overnight and release him the next morning. “Stephens” sat quietly in his cell awaiting the morning’s freedom. Sometime that evening local ferryman and committee member John Sullivan was ordered to guard the prisoner. Having perhaps a too-close familiarity with San Francisco’s underworld, the working-class Sullivan recognized Stuart immediately. The dawn did not greet Stuart with the freedom he had hoped for, but rather with the staccato tolling of fire company bells.³⁴⁵

The full committee harangued Stuart with questions. He continued to deny his accused identity, but using means that remain absent from his written confession on file at the Bancroft Library, he soon gave in. He told of his life in England, stealing to survive, his exile to Botany Bay, his escape and journey around the world by sail, his life in Peru, and his fateful decision to go north with countless other gold seekers to San Francisco. He told of his failure at mining, his attempt at keeping a boardinghouse, and his decision to mine the miners the only way he knew how. Stuart was promised a deal and transport to the interior for additional trial for his candor. He named dozens of his community of ex-Botany Bay criminals, including Robert McKenzie and Sam Whittaker, with whom he had robbed Jansen’s store. He implicated Sheriff Roach of Monterey, as well as SFPD Capt. Andrew McCarty, Asst. Capt. Robert McIntire, and several other members of the force as rogue officers and Sydney Duck operatives. He spoke of his fury at hearing of Berdue and Windred’s implication for his crime: “We did not intend to do anything more until the arrested parties got clear of the scrape, as we did not wish to see them hung, as they had nothing to do with it—we all agreed on Sunday night that if they hung them to burn the

³⁴⁵ San Francisco Committee of Vigilance Papers, box 2, folder 203, “Confession of James Stuart, 8 July 1851,” BANC MSS C-A 77, Bancroft Library, University of California, Berkeley; and Mullen, 180.

town down.”³⁴⁶ On Stuart’s information, Whittaker was later apprehended by the vigilante police and gave a similar admission to a plotting to burn the city “in several places.”³⁴⁷

Sheriff Jack Hays did not agree with the direction of law enforcement in San Francisco toward informal committee policing. On the eve of John Jenkins’s execution, it was Sheriff Hays for whom Senator Broderick cried out to rectify what he perceived as a dissolution of justice. As Stuart languished in the vigilante headquarters holding cell—which was far more secure than the city jail house cell operated by the SFPD—awaiting the decision of the committee as to their fate, Hays caught wind of the arrest and determined that English Jim and any other criminal indicted by this citizens’ committee would see proper trial and punishment. Warrant for Stuart in hand, Hays demanded entry to committee headquarters, but upon searching the premises found him missing. Hays frantically searched the grounds and exited the building to see a carriage with the prisoner speeding away. Hays mounted his own horse and pursued the carriage in a race for concepts of justice. The pursuit wound past the sand dunes of the Mission, where Hays overcame the carriage and delivered the prisoner to the city jail on the Plaza. It is likely Stuart was never so happy to see a sheriff in his life.³⁴⁸

However, the committee was numerous, standing at four-hundred members and growing, and the sheriff and his deputies stood no chance at holding the prisoners, who were quickly abducted by vigilantes and returned to headquarters on the morning of July 11. Before this nearly full assemblage Stuart’s list of crimes were read. Although he had been guaranteed release for his extensive confession, the committee reported that he had violated the terms of their

³⁴⁶ James Stuart, “Confession,” folder no. 203, p. 195.

³⁴⁷ Samuel Whittaker, “Confession,” San Francisco Committee of Vigilance Papers, folder no. 438, BANC MSS C-A 77, Bancroft Library, University of California, Berkeley, Calif.

³⁴⁸ Isaac Bluxome, Jr., “Statement,” folder no. 228, p. 553; Bancroft, *Popular Tribunals*, 1: 350–64.

agreement. For this and the extensiveness and egregiousness and far-reaching nature of the crimes committed, Stuart would be hung by the neck until dead. Colonel Stevenson, commander of the ship that carried the New York regiment from which the Hounds drew their numbers, went out to meet the crowd that had assembled. The committee existed at the pleasure of the city's residents, and so Stevenson continued a tradition of approving all its decisions with the general public. He identified the man in custody, listed his crimes, a brief survey of the evidence, and the committee's verdict. Did they have the approval of the city? It is not difficult to imagine the hopelessness felt by Stuart as he heard the lion of popular justice roar its approval outside.³⁴⁹

The account of a local police officer, who did not mention any attempt to save Stuart's life, named Phineas Blunt, described what he saw that morning. It was only a two-block walk from the committee headquarters at Bush and Market to the Long Wharf at Market and Battery. English Jim hobbled out into the early morning sunlight, his arms and legs bound with heavy manacles. When asked if he wished to make a final statement, he reportedly uttered defiance to the end: "This is damned tiresome business. Get it over with." Armed vigilantes flanked him, while the entire membership of the Vigilance Committee marched behind in columns of two. Arrayed along Market like grim parade patrons were thousands of San Franciscans, forming a forbidding file to the water's edge. Perhaps he would be exiled, that these were theatrics to merely frighten him, the terms of his original agreement with the committee upheld. As the procession arrived at the water's edge, he saw that this would not be: a freight derrick with a rope and noose attached swayed over the bay. Stuart collapsed. Four guards lifted him to his feet and carried him the remainder of the way.

³⁴⁹ Mullen, 182; and Williams, 290.



“James Stuart Hung by the Committee of Vigilance on Market St. Wharf, on the 11th of July 1851, Baird’s California Lettersheets, Portrait File of the Bancroft Library, ca. 1860–1960.

A souvenir print in the collection of the Bancroft illustrates the festive scene, the dock from which English Jim had embarked and disembarked many times in his trade crowded with spectators. In the image the wharf is crowded and the bay is filled with onlookers from various small craft, American flags with thirty-one stars aboard ships at anchor billowing in the wind. Resigned, English Jim, “didn’t complain but said his sentence was just,” wrote Blunt. The noose was slipped over his neck and hundreds of hands clambered to pull the rope as English Jim was lifted high above the bay. Several ships’ cannon saluted another trial concluded by the San Francisco Committee of Vigilance as Stuart’s body slowly swayed, a warning to newcomers entering the bay like the gibbets containing eradicated pirates in eighteenth-century ports.³⁵⁰ A

³⁵⁰ Phineas Blunt, “Notes of travel from New York to the gold region in California in the year eighteen hundred and forty nine , 1849 February 5 - 1852 January 14,” 11 July 1851, BANC MSS 77/125 c, Bancroft Library, Berkeley, Calif.; Asbury, *Barbary Coast*, 71; Mullen, *Let Justice Be Done*, 182; and Ethington, 111. For an excellent study of

courier departed for Marysville immediately and secured the exoneration and release of Thomas Berdue.³⁵¹ James Stuart had committed dozens of crimes. However, ironically, he was innocent of the theft that had brought him into the clutches of the Vigilance Committee. Without the intercession of the informal committee and given the complicity and unreliability of sworn law enforcement, it is likely that English Jim would have been allowed to continue his list of crimes unchecked and unpunished.

Meeting in the Middle: Policing Cooperatives and the Decline of the SFPD

In the face of what could be considered insurrection, the official authorities of the city of San Francisco—excepting Sheriff Hays—and the state of California responded impotently to the executions and the committee in general. Mayor Brenham issued a proclamation in the press shortly after the execution, decrying the outlaw nature of the committee and calling on the citizens of San Francisco to resign from the organization and devote their efforts to supporting the legal authorities.³⁵² This is ironic given his support for filling the SFPD’s ranks with special police rather than sworn full-time officers. Strikingly, California Gov. John McDougall officially condemned the actions of the committee, but backpedaled by endorsing similar “protective associations” formed by citizens, so long as they supported civil authorities in their pursuit of justice.³⁵³ This partnership of protective associations and formal law enforcement would conunte to be a theme in San Francisco. Perhaps heeding the governor’s statement, a week after Stuart’s hanging James “Jimmy-from-Town” Burns was arrested by Marysville authorities. In a telling

piracy as a social institution in the eighteenth-century Atlantic world, see Marcus Rediker, *Villains of All Nations: Atlantic Pirates in the Golden Age* (Boston, Mass.: Beacon Press, 2011), use of gibbeting, 121.

³⁵¹ Asbury, *Barbary Coast*, 72.

³⁵² *San Francisco Herald*, 14 July 1851

³⁵³ Williams, 274.

move regarding the views of the committee's legitimacy outside of the city proper, rather than try Burns for crimes committed in town limits, the Marysville authorities extradited him to San Francisco, not to the sheriff or the police department, but to the Vigilance Committee. The committee examined him in their headquarters and determined his guilt and association with the condemned Stuart. However, rather than deal with him in a similar manner, the committee turned Burns over to Sheriff Hays for trial, whereupon he was found guilty in court and sentenced to the state prison at Point San Quentin for ten years.³⁵⁴ Robert McKenzie, also named by Stuart in his confession, was found by authorities in Sacramento. He too was arrested and turned over to the San Francisco Vigilance Committee rather than the sheriff, as were James Welch, George Adams, and "Dab the Horse Thief." The latter three were either released or exiled, but McKenzie kept for further examination.³⁵⁵

As the 1851 committee grew in strength, formal law enforcement declined due to the ruling of the new April city charter. From an ineffective, and sometimes criminal, force of seventy five, the SFPD was reorganized in July and reduced by thirty officers, the number of police districts reduced from three to two due to lack of officers, and their wages cut. The armed robbery of a miner on July 26 by two police officers at Lombard and Dupont did nothing to boost the public's confidence in formal authorities.³⁵⁶ Governor McDougall made no move to put down what he rightly saw as a protective association working in tangent with city government for public order, thereby granting the committee further legitimacy.

The city policed by the Vigilance Committee was one marked by change. By August the

³⁵⁴ Williams, 290. Perhaps proving the committee's accusations that formal law enforcement and carceral systems were lacking in efficiency, Jimmy-from-Town escaped the state prison less than three years later and was never found. See F.C. Ewer, ed., *The Pioneer; or, California Monthly Magazine* vol. I (San Francisco: W.H. Brooks and Company, 1854), January to June 1854, p. 362.

³⁵⁵ Mullen, *Let Justice Be Done*, 184–185.

³⁵⁶ *Daily Alta California*, 26 July 1851.

city had been completely repaired from the devastating May fires which partially spurred the formation of the Vigilance Committee. For the first time in its history, street addresses were placed on buildings so that newcomers could navigate more efficiently.³⁵⁷ New streets and entire districts began to appear in the press. In 1851 placer mining was almost entirely phased out of the gold extraction process in the hinterlands, and a dividing line between gold rush boomtown and urban metropolis had been reached. However, the pan and shovel of the placer miner was replaced by the heavy machinery of industrial quartz extraction. San Francisco became the center of mining firms and the mineral extraction industry, ensuring that it would survive the boomtown phase that similar western mineral strike towns did not. The fires of 1851 had refashioned the city physically, with little structurally remaining of its American founding period five years earlier. However, the Plaza where Commander Montgomery had erected the stars and stripes remained the vibrant heart of the city. This particular district would continue to be a forge wherein San Francisco's history of progressive civilian-sworn, public-private policing coalitions and officer discretion was created and allow for civilian community enforcement organizations to continue to thrive in the 1870s, the ultimate example being the peaceful outcome of the joint SFPD-Committee of Safety operations protecting Chinatown in July 1877.³⁵⁸ However, the work of the Vigilance Committee in reforming the history of law enforcement in the 1850s had only just begun.

³⁵⁷ *Daily Alta*, 14 August 1851.

³⁵⁸ Garrett, 275.

Chapter Four: Vigilant City Organized Vernacular Justice in San Francisco, 1856

Think of a body of men numbering about six thousand; of whom a little more than one third are foreigners who scarcely speak our language nor understand our laws; just think of their arming themselves and endeavoring to produce a revolution at the point of the bayonet among Americans. Bah! It is absolutely sickening even to think of.

-“Letter to Ben and Sue from Ed”
San Francisco, Calif., 19 July 1856³⁵⁹

Although the full seven-hundred member list of the 1851 Vigilance Committee is lost to history, there are a few things we know about the population from which they hailed. Canvas was replaced by wood, and wood by brick; a sense of permanence began to settle in to this remarkably young, male town. A man in his early forties was considered old in 1851 San Francisco, with the mean age of adult males being thirty-one. Indeed, William Coleman, leader of the vigilantes, was twenty-seven when he chose to refashion the face of law enforcement in the city. By 1852 only fifteen percent of the population was female, a lacking which is an enormous influence on the civic life of any urban environment.³⁶⁰ Although schools would begin to be established and men would send home for their families in this year, it is possible that the violence of this period was influenced by the repercussions of an almost entirely young, male population.³⁶¹ San Franciscans were transient by nature, with only five percent of individuals found in the 1852 census remaining in 1860.³⁶²

³⁵⁹ “Letter to Ben and Sue,” HM 19479, The Huntington Library, San Marino, Calif.

³⁶⁰ California Census of 1852, “Recapitulation,” 812; and U.S. Bureau of the Census, *Eighth Census*, (Washington, D.C., 1864), 1:31, 34–35.

³⁶¹ Not until the turn of the twentieth century would this imbalance get anywhere close to being equalized, with 187,982 men and 154,765 women in 1900. See, U.S. Bureau of the Census, *Twelfth Census*, 10 vols. (Washington, D.C., 1901–02), I: lxix.

³⁶² Garrett, 275; and Ethington, *Public City*, 49.

Like other port towns globally, San Francisco was marked by its extraordinary ethnic and national diversity. In 1852 foreign-born men outnumbered American-born men 16,537 to 14,088; in 1860—18,166 to 16,610. Only in the decade preceding the twentieth century did this, like the sex-ratio, begin to reach equilibrium.³⁶³ At the dawn of the new century, three-quarters of the city populace still had at least one foreign-born parent.³⁶⁴ Of the American-born population, the largest group hailed from New York, other Middle Atlantic states, and New England, which is in contrast to the American population of Los Angeles during the same period, a majority of whom emigrated from the American South.³⁶⁵ This may be one explanation for the marked difference between the organized, popularly-supported vernacular policeways in San Francisco targeting corruption and inefficiency in formal law enforcement to the starkly racialized, anti-*hispano* nature of vigilantism in Los Angeles to the south as explored in the recent work of John Mack Faragher.³⁶⁶ Indeed, the Southern backgrounds of many American Angelenos and the entrenched history of racial brutality endemic to that region inspired popular justice that was far more lynch mob than formal committee on the policeways spectrum. Indeed, regarding class identity, the youth of the city ensured there were no old, established great families of San Francisco as there were in east coast cities like New York or Boston. The middle and working classes were nebulous, and there were no official upper-class gentry.³⁶⁷ The “big four” railroad kings,

³⁶³ Manuscript schedule of the California Census of 1852, “Recapitulation,” 812; U.S. Bureau of the Census, *Eighth Census*, vol. I, 33; *Ninth Census*, 3 vols. (Washington, D.C., 1872), I: 91; *Tenth Census*, 22 vols. (Washington, D.C., 1883–88), I: 671; *Eleventh Census* (Washington, D.C., 1897), vol. 2, pp. 668–69.

³⁶⁴ U.S. Bureau of the Census, *Twelfth Census*, 10 vols. (Washington, D.C., 1901–02), I: 868.

³⁶⁵ See *supra*, above, for pertinent census schedules analyzed.

³⁶⁶ John Mack Faragher, *Eternity Street: Violence and Justice in Frontier Los Angeles* (New York: W.W. Norton & Company, 2016).

³⁶⁷ Frederic Cople Jaher, *The Urban Establishment: Upper Strata in Boston, New York, Charleston, Chicago, and Los Angeles* (Urbana: University of Illinois Press, 1982); Sam Bass Warner, Jr., *The Private City: Philadelphia in Three Periods of Growth* (Philadelphia: University of Pennsylvania Press, 1968); Robin Einhorn, *Property Rules: Political Economy in Chicago, 1833–1872* (Chicago: University of Chicago Press, 1991), 28–60; and Ethington, 52–53.

Stanford, Huntington, Hopkins, and Crocker, were still simply hardware store owners.³⁶⁸ By 1860, the intensely international port of San Francisco was unique among American cities in that roughly two-thirds of voters were foreign born. This familiarity and closeness between peoples of many nations, the heritage of mainstream organized vernacular justice, and the success of the 1851 and 1856 committees in keeping community peace would lead directly both to the astounding protection of Chinatown in 1877 by a mixed formal-informal policing cooperative, and the flourishing of a bottom-up policing methodology that would then translate nationally.

The Closing Months of the 1851 Committee

In August 1851, the *Alta* praised the vigilante police force that had kept the peace in the city for the entirety of the summer, glittering that “the new police are now entered in the active discharge of their duties [and] were winning the opinion for the quiet orderly manner in which the city [is] kept.” By the August 8 there was not a single crime to report, and by the end of August the *Alta* cheekily hoped “somebody would get up a fight or shooting match on the Plaza, so there would be some police news to report.”³⁶⁹ Rather than tear down the structures of justice and enforcement, the informal committee contributed to the growth of its infrastructure and raised money for a county jail of stone to be built rather than clay.³⁷⁰

With a more rigid and structured enforcement network established, it became clear for former residents of Botany Bay that San Francisco and the hinterlands were no longer welcome grounds. Stuart and his Ducks had been executed or exiled, and Sydneytown absorbed into the

³⁶⁸ James Rawls and Bean, Walton, eds., *California: An Interpretive History* 10th ed. (Columbus, Ohio: McGraw-Hill Education, 2011), 154–63.

³⁶⁹ *Daily Alta*, 8 August 1851; *Daily Alta*, 14 August 1851; and *Daily Alta*, 29 August 1851.

³⁷⁰ Mullen, *Let Justice Be Done*, 203.

larger community. English Jim's associate, Robert McKenzie, was awaiting the committee's decision regarding his fate. Sam Whittaker, who had freed the innocent Robert Windred, was apprehended fleeing to San Diego by the Santa Barbara county sheriff. Once again, in a striking display of formal-informal law enforcement cooperation and the legitimization of the committee by sworn authorities, the sheriff hand-delivered Whittaker to San Francisco. Upon arrival in the city, the sheriff sought any city or formal police official he might transfer custody of the prisoner to, but finding none, delivered Whittaker to the vigilantes, whose patrols were omnipresent.³⁷¹

Whittaker believed that a quick confession could possibly spare his life. His story was similar to Stuart's, a tale of living from one stolen piece of property to another. He corroborated the public's fear in civic corruption, citing his avoidance of a ten-day prison sentence with a payment in gold to the right official. Further, he claimed he had been cajoled into forcing twelve voters to cast their ballot in favor of ousted Chief Malachi Fallon. Whittaker openly named the SFPD police captains who regularly accepted bribes and looked the other way to crime.³⁷²

McKenzie likewise implicated members of the SFPD, but would say little else. The committee had heard enough and believed that the city needed to be reminded of the wages of sin. An execution date was publicly announced for August 18, which was pushed back to August 20.³⁷³

Governor McDougall had hoped that the hanging of Stuart would be the last public display of impertinence toward the law by the committee, but could not complain at the lack of crime in the city since their formation in June. However, with the committee brazenly announcing their intentions to kill two men outside the halls of formal justice, McDougall knew he had to act. As Bancroft noted, "The existence of a popular organization for the suppression of

³⁷¹ Bancroft, *Popular Tribunals*, 1:335–49.

³⁷² Whittaker, "Confession."

³⁷³ *San Francisco Herald*, 18 August 1851; and *Daily Alta*, 18 August 1851.

crime was a standing reproach on the honesty and efficiency of the authorities.”³⁷⁴ The governor raced from Sacramento and arrived in San Francisco late on the evening of the nineteenth, the night before the scheduled execution. He met in secret at the Union Hotel on the Plaza with Mayor Brenham, who informed him he planned to muster the entirety of his police force at eight the next morning and remand the prisoners into city custody. The pair then sought out Sheriff Hays, imploring him to rescue the prisoners as he had briefly accomplished with Stuart two months earlier. Hays, Brenham, and McDougall then sought out superior court judge Myron Norton (former soldier in Stevenson’s New York regiment who had served as the defense attorney for his former shipmate, Sam Roberts, and the San Francisco Hound/Regulators) to issue an arrest warrant for McKenzie and Whittaker, which was granted.³⁷⁵

The committee counted among its members workers at the Union Hotel, who heard of the plan to storm the headquarters at eight the next morning. Realizing the possibility they had been spied upon, Brenham, Hays, and McDougall decided to raid the building five hours earlier at three in the morning. The mayor remained with the horses on the street; Governor McDougall pressed himself against the inside landing of the front door of vigilante headquarters and Sheriff Hays and his deputy prepared to rush into the building. An insider had given the sheriff the password for admittance, which he gave upon knocking. The door opened a crack, whereupon the sheriff cried out that he had a warrant for the arrest of Whittaker and McKenzie. The door was thrust shut, but the governor, in an act of courage and stamina rarely seen in politicians, smashed the door open, and the sheriff and deputy rushed in; the vigilantes froze in disbelief. The sheriff and deputy quickly found the prisoners in their holding cell and fled with the

³⁷⁴ Bancroft, *Popular Tribunals*, 1:357.

³⁷⁵ Bancroft, *Popular Tribunals*, 1:357; and Mullen, *Let Justice Be Done*, 206.

governor to the mayor and the awaiting horses, the ringing of the fire company bells sounding as they escaped. By the time the committee was mustered, the prisoners were locked away in the new brick county jail the vigilantes themselves had helped build.³⁷⁶

Governor McDougall, perhaps nervous at their growing power, publicly called on San Franciscans to disassociate themselves from the vigilantes and their form of justice and to cooperate with the formal authorities.³⁷⁷ The *Alta*, usually in support of the committee, waffled, stating perhaps the authorities should be allowed to keep the prisoners in custody.³⁷⁸

A few days later, on August 24, church services were held in the county jail for the inmates. Sheriff Hays was in the Mission attending a bullfight. As was the custom, the jail services were open to members of the community, several of whom arrived that morning to attend. On cue, at two in the afternoon, as services were still underway, a member of the congregation opened the jail door and thirty armed vigilantes rushed in, interrupting Rev. Albert Williams's service. Whittaker and McKenzie were seized as the vigilantes held the guards at bay and kept the remainder of the prisoners from escaping. The pair were ushered out the back door and into an awaiting carriage, pistols cocked against their heads. The driver sped up Broadway to Stockton, along Stockton to Washington, down through Dupont, Sacramento, Montgomery, and California to the committee rooms on Battery.³⁷⁹

The tolling of the Monumental Company bells brought the city out. The account of the driver, James R. Duff, is clear concerning the proceeding actions of the committee. The chambers were situated near the wharf at the time, and had two beams for hauling freight above

³⁷⁶ *San Francisco Herald*, 21 August 1851; and Mullen, *Let Justice Be Done*, 207.

³⁷⁷ Bancroft, *Popular Tribunals*, 1:357.

³⁷⁸ *Daily Alta*, 21 August 1851.

³⁷⁹ *San Francisco Herald*, 21 August 1851.

the second-floor windows. Within seventeen minutes thousands had gathered outside the headquarters, all of whom were reportedly silent as the window covers of the top floor were thrown open. Ropes were quickly secured to the freight beams. The silence held and was broken by only a few gasps as Samuel Whittaker and Robert McKenzie were thrust onto the ledge of the window, hands tied and ropes tight around their necks, before being pushed. As the bodies swung and bobbed in their death throes, Sam Brannan appeared from behind them: the men had confessed their guilt, had acknowledged the committee's sentence, and the lackadaisical formal authorities who had allowed their life of crime in the city. He said if the community believed they had done wrong to dismantle their organization and form another, or to affirm justice with a cry. Brannan looked down over the crowd that numbered upwards of fifteen thousand, and the crowd cheered. A contemporary illustration from the period in the Bancroft Library shows a crowd, hats and arms held aloft in confirmation of Brannan and the Vigilance Committee's power of enforcement and punishment.³⁸⁰ At no point did any citizens attempt to overpower or contradict the actions of the committee, nor did any police officer or officers attempt to intervene. This large-scale public support for vernacular justice created the environment wherein vigilantism could thrive.

Aftershocks on the Fault Lines of Justice

The taking of a life is legal only when under the function of the state; murder is the act of intentionally ending a person's life outside the bounds of formal law enforcement, legal finalities being just as true in 1851 as they are today. By this logic, four citizens—John Jenkins, Jim

³⁸⁰ "Account of James R. Duff," *San Francisco Chronicle*, 3 October 1915, p. 6; Williams, 300–301; and Mullen, 208.

Stuart, Sam Whittaker, and Bob McKenzie—were kidnapped and murdered by a group of citizens styling themselves a Vigilance Committee. And yet, none of the committee members stood trial for their actions in the summer of 1851. Although the press measured their response to the actions of the committee, it was strongly urged that the formal authorities were to be blamed “for permitting the miscarriage of justice that evoked such interference on the part of private citizens.”³⁸¹ The San Francisco vigilantes were not formally recognized by the state, and yet their authority and their lethal enforcement was at all times performed with the permission of the city populace. In each instance, the people confirmed their support in their massive attendance and in their shouted salutes and praise; formal law enforcement confirmed its inadequacy or criminal collusion in their inability to dismantle the committee or halt its actions during its operation, or punish the committee members afterward. Stuart had been allowed to escape by city police officers while an innocent man was sent to hang in Marysville; formal authorities could not accomplish what the vigilantes had, that being capturing known outlaws Jenkins, Whittaker, and McKenzie and lowering at least the public perception of rising crime. In this capacity the 1851 Vigilance Committee was a success.

English Jim and his Sydney Ducks had been executed, exiled, or fled of their own volition due to the activity of vernacular order enforced in San Francisco in the summer of 1851. In the final four weeks of the committee’s official operations, approximately thirty cases were heard, half of whom the defendants were exiled and the other half dismissed. There had not been a fire or assault on the scale of the Jansen robbery for four months, a record in the city who chose its symbol as the phoenix rising from the ashes. The work of the Committee of Vigilance had been accomplished; the question remained, however, should the committee continue to operate,

³⁸¹ *San Francisco Herald*, 26 August 1851.

or should it be dissolved and hope that the legal authorities had learned their lesson? A committee of fourteen from within the group, which included William Coleman, determined that perhaps the best way to enact change in the system was from within. A slate of committee candidates for the city, county, and state election to be held on 3 September 1851 were assembled on a non-partisan ticket. In a nod to his bravery at every turn and attempt to do as much as one man could do, the Vigilance Committee backed Sheriff Jack Hays for another term in office, which he handily won. Committee members Jacob R. Snyder and P. A. Roach were elected to the California state senate; A. J. Ellis and Herman Wohler were sent to the state assembly; James W. Stillman was elected city comptroller; Caleb Hyatt and J. H. Blood were elected alderman, and D. W. Lockwood and W. H. Cromwell were elected assistant aldermen.³⁸²

The police department was now comprised of former vigilante police officers, and for the first time in San Francisco history (and perhaps the history of any major city), the month of September had no reported criminal activity. Although this may be merely a problem in reporting, none of the major newspapers recorded any criminal incidents. Clearly the penultimate expression of vernacular justice had helped solve the city's crime problem and, once the problem was solved, had embedded themselves into the official workings of civic affairs. This, in turn, contributed to a formal law enforcement structure amenable to alternative ideas about community policing and the legitimization of informal enforcement as would be seen in the combined Pick-Handle Brigade/Safety Committee actions in 1877.

A Multiethnic Committee

One of the features of popular justice in the city that held true from their derivations in the

³⁸² *San Francisco Herald*, 14 September 1851; Soulé, et al., 348–350; and Williams, 326.

hinterlands was the multiethnic dimension. Vigilance Committee member #187 is listed in the committee records as Felix Argenti, an Italian immigrant. A small-time bank merchant by trade, Argenti gained fame within the committee in June for leading a party of vigilantes on a brazen search and seizure of reportedly stolen goods from the home of a man named Peter Metcalf. Rather than easily disavow Argenti, the committee stood by him in court when Metcalf was sued for twenty-five-thousand-dollars damages. Indeed, even the moderate *Herald* backed Argenti and the actions of the committee. The committee revised and cemented its “right of search” policies due to the actions of Argenti, demonstrating the amenability to the participation of immigrants in incidents in informal community policing.³⁸³

Additionally, the Vigilance Committee performed a service that the SFPD did not at the time, that being service to San Francisco’s Chinese community. In July a man recently emigrated from China named Norman Assing approached the committee with a charge against four individuals from his community whom he declared were running a “disreputable resort.” Rather than dismiss the man as had the official channels of state government in the Foreign Miners Tax in 1850, the committee heard the evidence of a man the records describe as “a man of some importance in the small Oriental colony.”³⁸⁴ Assing had dazzled the city in February 1851 when he hosted the first recorded Chinese Lunar New Year celebration in North America in Portsmouth Square. Held for the city’s American population, Assing showcased the richness of Chinese culture for an audience almost entirely unfamiliar with their history and principles.³⁸⁵

It is perhaps for this reason and his pull among his own people as a community leader

³⁸³ “Argenti, Felix,” San Francisco Committee of Vigilance Papers, box 8, folder nos. 58, 616, 667, BANC MSS C-A 77, Bancroft Library, University of California, Berkeley; *San Francisco Herald*, 17 July 1851; and Williams, 243.

³⁸⁴ Williams, 318.

³⁸⁵ *Daily Alta*, 2 February 1851.

that caught the attention of the committee when he approached them in July. Among the four charged was Ah Toy, the most successful Chinese madam in San Francisco history. Assing reported that he wished to return her and three others to China to their awaiting husbands. Selim Woodworth, president of the vigilante Executive Committee, investigated the individuals charged, and in a case of remarkable forward-mindedness for the period, described the case against them as racially-motivated. American women openly operated houses of ill repute, Woodworth argued, why could not the Chinese? To Assing's chagrin, the four were set free.³⁸⁶ Perhaps emboldened by being heard in vigilante court, Assing would later gain fame for publicly rebuking California's third governor, John Bigler, for his call in restricting Chinese immigration in 1852. Assing's chastisement included a rebuke of America's slavery policy, and the observation that "we would beg to remind you that when your nation was a wilderness, and the nation from which you sprung barbarous, we exercised most of the arts and virtues of civilized life."³⁸⁷ Although the committee judged against Assing, their equal legal dealing with Chinese San Franciscans would come to inform the positivist relationship of informal law enforcement with Chinatown during the 1877 Pick-Handle affair and beyond.

By 15 September 1851 the prisoners' rooms at Vigilance Committee headquarters were empty. At a general committee meeting comprising the full seven-hundred members, it was voted that the committee be dissolved. However, a committee of fourteen individuals, which included William Coleman, would remain active in the city and would "watch with vigilance" San Francisco's civic affairs. This committee was empowered to raise the general committee

³⁸⁶ Gunther Barth, *Bitter Strength: A History of the Chinese in the United States, 1850–1870* (Cambridge: Harvard University Press, 1964), 84–85; Albert Benard de Russailh, *Last Adventure; San Francisco in 1851* (San Francisco: Westgate, 1931), 88–89; and "Pioneer Days," *San Francisco Examiner*, 23 January 1881.

³⁸⁷ "To His Excellency Gov. Bigler," *Daily Alta California*, 5 May 1852.

once more in the future in a case of civil emergency on the scale of the Hounds and Sydney Ducks.³⁸⁸

Interregnum

The 1851 San Francisco Committee of Vigilance was disbanded. The Sydney Ducks were eradicated. The police department, at least temporarily, had been cleared of all criminal connections, and a new standard trickled onto the force due to the power of popular justice. The press reported the SFPD was now “eager to do their duty because suspicion and blame had attached to them.” Rather than being paid for individual acts of enforcement, the police would now be paid a steady regular wage in cash to avoid the possibility for corruption from bribes.³⁸⁹ Sam Brannan, Will Coleman, Felix Argenti, and the former committee members went back to concentrating on living their daily lives and resigned enforcement to the officials (some of whom, as of the September election, were former vigilantes).

Things were quiet for a month. Then, in late October, word spread of dozens of angry sailors from the sloop *Challenge* collecting along the waterfront and raising a cry over their treatment aboard ship by the captain and officers while on their journey from New York. The sailors recruited the city longshoremen, who began to recruit members of the general populace in general mayhem. Despite the improvements from the vigilante actions, Mayor Brenham’s police force was still far smaller than the number of *Challenge* sailors. A lynch mob comprised of sailors was organized to track down the ship’s captain and officers. Something had to be done and quickly. Rather than enlist more police officers, Mayor Brenham once again summoned the

³⁸⁸ *San Francisco Herald*, 18 September 1851.

³⁸⁹ *Daily Alta California*, 16 September 1851.

vigilantes to perform the work of formal law enforcement, contributing to the blurring of lines between formal and informal policing in the city.³⁹⁰

Mayor Brenham contacted Coleman and the remainder of committee of fourteen, explaining that order must be returned to the city; the committee immediately responded. On the night of 31 October 1851 a sound San Franciscans had not heard in months echoed across the Plaza: the death-knell staccato tolling of the Monumental Engine Company bell. As if no time had passed, the streets filled and former vigilance committee members halted their work to gather for debriefing by the mayor at their headquarters over Middleton & Smiley's dry goods on Sacramento and Battery. The committee acted quickly, fanning out among the assembled crowd. The surprisingly quick and organized response by the vigilantes put the sailors off of their intentions. As the *Alta* wrote, "Where now are those who called the Committee a mob—who predicted that they would establish riot and ruin in our midst? Where are they who mourned over the ruins of the Constitution of the United States, the ruins of the laws, of the courts and of all legal forms? Let the events answer."³⁹¹ With the constituted authorities calling on the aid of the community enforcers, an extraordinary phenomenon in vernacular policeways had been achieved which would be mirrored in 1877 to protect Chinese San Franciscans.³⁹²

Policing Politics

By the end of 1852 the city had grown to forty thousand, and a sense of permanence began to be observed in the city's infrastructure. However, the corruption of law enforcement that the 1851 committee had put down now threatened to manifest in the political arena. By 1855 the city was

³⁹⁰ *Daily Alta*, 1 November 1851.

³⁹¹ *Daily Alta*, 1 November 1851; and Williams, 344.

³⁹² *Daily Alta*, 10 December 1852; and *Daily Alta*, 11 December 1852.

one far different economically from the city of 1848 as the financial importance of the gold rush faded to a more broad commercial economy mirroring other contemporary cities. Single men intent on fortune at any cost began to depart for other mineral rushes, such as the Victorian gold diggings—ironically, in the original haunts of Australia from whence English Jim and his Ducks hailed.³⁹³ Individuals in more-settled enterprises sent for their wives and families, further altering the environment of the city. Middle-class gentility would not afford men bristling with Bowie knives and flintlock pistols striding about the Plaza.³⁹⁴ San Francisco experienced not only the turmoil of national politics as the slavery issue grew increasingly divisive in the east, but rumors of political corruption locally began to seep into the press and public life. The election of September 1854 drew allegations that Democratic Party boss Ned McGowan had attempted to bribe the election inspector for two-thousand dollars to alter the returns in favor of his party in the second ward.³⁹⁵

In October, city alderman Henry Meiggs used blank city checks to pay off his debt for building a two-thousand-foot wharf in North Beach. The wharf was located closer to the entrance of San Francisco Bay than the usual Jackson Street wharf at which most ships docked, and Meiggs rightly presumed his wharf and warehouses would therefore be used more prevalently. When his scheme was uncovered, he fled to South America.³⁹⁶

The spring 1855 elections also brought allegations of Tammany Hall-type corruption, a foundation of northeastern politics San Franciscans did not wish to emulate. The *Alta* decried the corruption, far more vast and insidious than that enacted on the city by the Sydney Ducks: “We

³⁹³ *Sydney (Australia) Morning Herald*, 28 March 1854, p. 2.

³⁹⁴ Michelle E. Jolly, “The Price of Vigilance,” *Pacific Historical Review* 73, no. 4 (November 2004): 549.

³⁹⁵ *Daily Alta*, 27 September 1854

³⁹⁶ Asbury, *Barbary Coast*, 76. Millions of visitors to San Francisco each year enjoy the area of Meiggs Wharf, now known as Fisherman’s Wharf.

look upon an act of this kind as crime of the darkest dye, and whoever has been guilty of it—whether Whig, Democrat, or Know Nothing—we hope may never know the blessings of liberty again. May he be shut up in a prison till he is taken out to be hanged.”³⁹⁷ In a new low, city police officers on the Democratic payroll were observed forcing Know-Nothing party ballots into the hands of Irish workers at gunpoint. To his credit (and perhaps in enraged embarrassment) the Democratic mayor, Cornelius Garrison, informed of the crooked police, alighted upon a polling place and tore the badges from the officers he found there.³⁹⁸

One of the primary causes for the resurgence of the Vigilance Committee was the life’s work and death of James King of William. In 1855 thirty-four-year-old James King’s bank had failed, again. As a young boy in Maryland, he had eccentrically begun calling himself James King of William (his father’s name), due to a terror that he would be mistaken for several other young James Kings he knew in the area. He had worked as a journalist and clerk before landing in the goldfields in ’49 before a more civilized life in urban banking drew him to settle in San Francisco. After a stint on the 1851 Vigilance Committee and two failed banking ventures, King decided to mirror Sam Brannan’s venture and start a newspaper. The *San Francisco Evening Bulletin*, with “James King of William, editor” on the masthead appeared on 8 October 1855.³⁹⁹ It began as a small, four-page sheet, dwarfed by the massive *Daily Alta California, Herald*, and *Chronicle*. However, a knack for gathering advertisers ensured King’s dynamic growth of the *Bulletin* to rival San Francisco’s other dailies by March of 1856. Soon the *Bulletin* became known for the lively, personal writing style of its editor and sold quickly every morning. King

³⁹⁷ *Daily Alta*, 30 May 1855.

³⁹⁸ Senkewicz, *Vigilantes*, 113.

³⁹⁹ Stanton A. Coblentz, *Villains and Vigilantes: The Story of James King of William and Pioneer Justice in California* (New York: Wilson-Erikson, 1936); and Asbury, *Barbary Coast*, 79.

was not afraid to call out the agents of growing city corruption by name, an editorial extravagance that would ultimately cost him a great deal and forever entwine him with the history of popular justice in San Francisco.⁴⁰⁰

A particular enemy of the city, King argued repeatedly, was New York's transplanted Tammany Hall Democrat, San Francisco political boss, and California state senator, David Broderick, who had cried out atop a Portsmouth Square hay bale for the sheriff to halt the execution of Jenkins as the man was led to his vigilante execution four years earlier. City public funds were Broderick's wallet, cried King from the pages of the *Bulletin*: "Of all the names that grace the roll of the political wire-working in this city, the most conspicuous of all...as high over his compeers as was Satan over the fallen angels, and as unblushing and determined as the dark fiend, stands the name of David C. Broderick."⁴⁰¹ Another particular subject of King's soliloquys was Broderick's supporter, James Casey, election inspector for the sixth ward and county supervisor. His election to the board of supervisors was considered a suspiciously miraculous feat, as his name had not even appeared on the ballot.⁴⁰²

Not only was political corruption on the rise in late 1855, but so too were several significant high-profile murders. On the night of 15 November 1855, the play *Nicodemus, or, The Unfortunate Fisherman* was playing at the American Theatre. Theatrical performances drew members of all classes, and San Francisco was known for its vibrant performing arts (which were often mirrored in the city's political arena). Among the patrons that evening were U.S. Marshal William Richardson and his wife, as well as the notorious Italian gambler Charles Cora and his mistress, Arabella "Belle" Ryan, proprietress of a noteworthy gambling brothel on Waverly

⁴⁰⁰ Senkewicz, *Vigilantes*, 158–159.

⁴⁰¹ *San Francisco Evening Bulletin*, 12 October 1855.

⁴⁰² Ethington, *Public City*, 120.

Street off the Plaza. During the performance, Richardson's wife complained that a man was staring at her. The marshal glanced the man's way, and noticed he was not staring at Mrs. Richardson, but at the woman behind her—Madame Ryan and her gambler beau. Richardson, recognizing them both instantly, asked them to leave the theatre, as the American Theatre was not a bawdy house. Cora and his companion refused, so the Richardsons left the performance. Three days later, Marshal Richardson met Cora just east of the Plaza at Clay and Montgomery, whereupon Cora pulled a derringer from his sleeve and shot him through the heart, killing him instantly.⁴⁰³

The city of San Francisco was shocked at the bold murder of a federal officer in the middle of one of the most popular thoroughfares, and King used the pages of the *Bulletin* to rage against the laxity in law enforcement that would allow an environment such as this to develop. Cora was arrested and stood trial, but his wealth was spread through enough coat pockets of the jury to produce a hung jury in December, mirroring the conditions of the formation of the 1851 Vigilance Committee.⁴⁰⁴ No date was set for a retrial, and Cora was reportedly enjoying the comforts of home, and Belle Ryan, in the county jail. King's solution in the columns of the *Bulletin* was simple: "Call on the people! In five minutes a hundred men can be collected."⁴⁰⁵

Corruption's Cup Runneth Over

The spring of 1856 saw a surge in the dissolution of public moral and the increase in New York-style political corruption. In March 1856, the Sisters of Mercy requested reimbursement from the

⁴⁰³ *Daily Alta*, 25 November 1855.

⁴⁰⁴ *Evening Bulletin*, 20 November 1855; *Evening Bulletin*, 22 November 1855; *Daily Alta* 8 December 1855; and *Daily Alta* 5 January 1855.

⁴⁰⁵ *Daily Alta*, 21 January 1856; and *Evening Bulletin*, 22 December 1855.

city supervisors, James Casey included, for the maintenance and operation of the disintegrating hospital they operated on behalf of San Francisco.⁴⁰⁶ Their request was rejected. By April massive market speculation in flour and other dry goods began to chip away at the stability of the port city's economy.⁴⁰⁷ With the dawning of May, the Tammany corruption and patronage policies of port collector Milton Latham were uncovered.⁴⁰⁸ On Wednesday, 14 May 1856, James King published his fateful editorial lambasting the general political corruption the city had descended into, a new New York of bosses and payoffs, and highlighted in particular the fraudulent election and previous prison terms of Supervisor Casey.⁴⁰⁹ King was not altogether surprised to see James Casey himself stride into his office later that day to confront him over the allegations. King's assertions regarding Casey's violent past were affirmed, however, when Casey put a revolver against his chest and pulled the trigger.⁴¹⁰ Mortally wounded, King staggered across the street to the Pacific Express Company. Casey was quickly arrested by the police; King would be dead within the week.⁴¹¹ As with the robbing and assault of Jansen in 1851, a brazen public crime had roused the civilian populace to enforce order with their own hands.

The Bells of Vigilance: The Vigilance Committee Reorganizes

Ten-thousand San Franciscans—a third of the city—filled Montgomery Street and the Plaza awaiting news of King's condition. The news of the shooting of one of the city's most popular celebrities, and former vigilante of '51, sent shockwaves through the city. The din of the crowd

⁴⁰⁶ *Evening Bulletin*, 19 March 1856.

⁴⁰⁷ *San Francisco Chronicle*, 3 April 1856; and *Chronicle* 9 April 1856.

⁴⁰⁸ *Evening Bulletin*, 6 May 1856.

⁴⁰⁹ *Evening Bulletin*, 14 May 1856.

⁴¹⁰ *Herald*, 15 May 1856; and *Herald* 15 May 1856.

⁴¹¹ *Bulletin*, 20 May 1856.

was silenced as a sound not heard in five years echoed from the west side of the Plaza: the strange, triple-pattern ringing of the Monumental Engine Company bell. Word quickly passed through the crowd that the Vigilance Committee was reorganized.⁴¹² Early the next day, all of the major newspapers published a simple notice: “The members of the Vigilance Committee, in good standing, will please meet at No. 105 ½ Sacramento Street, To-day, Thursday, 15 inst., at 9 AM. By order of the Committee.”⁴¹³ The response was enormous. Not only did nearly the entire membership of the 1851 committee appear at the chosen time, but by midnight two-thousand individuals rushed to enroll, who were organized quickly into patrol companies of one-hundred individuals each, using as its basis the Roman century-legion organization rather than English and American military or police organization.⁴¹⁴ A single vigilante police patrol unit of the twenty units assembled now outnumbered the entire SFPD by nearly double, providing one officer for every fifteen individuals, a staggeringly high police-to-citizen ratio even by modern standards.⁴¹⁵

By evening the jail was surrounded by a crowd of thousands demanding the release of Casey to the reorganized vigilance committee. Mayor James Van Ness attempted to disperse the crowd, to no avail. He mustered the local state militia, who quailed and faltered when the crowd brandished their own pistols and muskets in the face of the militia bayonets. After it was determined the jail was now far more secure than in '51 (due the funding of the committee), the

⁴¹² W.O. Ayers, “Personal Recollections of the Vigilance Committee,” *Overland Monthly* 2, no. 8 (1886), 166; and “J.D.B. Stillman, Statement,” Box 1, Unclassified Papers, 1853–1856, San Francisco Committee of Vigilance of 1856 Records, 1853–1858, Huntington Library, San Marino, Calif.

⁴¹³ *Daily Alta*, 16 May 1856; and *Herald* 16 May 1856.

⁴¹⁴ Christopher J. Fuhrmann, *Policing the Roman Empire: Soldiers, Administration, and Public Order* (New York: Oxford University Press, 2011).

⁴¹⁵ Williams, 400; and “Applications for Membership,” Box 4, 5, 6, San Francisco Committee of Vigilance of 1856 Records, 1853–1858, Huntington Library, San Marino, Calif. Calculation based upon an 1856 San Francisco population of approximately thirty thousand.

crowd slowly dispersed to vigilance committee headquarters on Sacramento Street. Mayor Van Ness, fearing for his life, requested asylum and passage on a federal ship; the captain politely refused. This was a local matter and therefore did not concern the government of the United States. The captain's observation would soon be revised.⁴¹⁶

On May 17 San Francisco banker and commanding officer in the California Militia, William Tecumseh Sherman, met with the committee's new president, William Coleman, regarding the obvious militant intentions of the organization. Coleman, more rational than the hot-headed Brannan, clearly explained to the future Civil War general that "the purpose of the association was not to subvert the law but to assist it in purging the community of the clique of shoulder-strikers, ballot-box stuffers, and political tricksters generally."⁴¹⁷ The political nature of the 1856 Vigilance Committee is indeed unique in the history of vigilantism, which often focuses on civic crime, as was the swiftness of its sophisticated organization and massive enrollment within a few hours of the King shooting. Indeed, the ballot box was the central icon for the 1856 committee, which appears illustrated on all membership certificates with the goddess Justice crippled before it, her scales shattered, as the goddess Liberty flies above. The false-bottom box used by the Democratic machine in San Francisco was likewise displayed at public functions and was housed in the central committee meeting hall.⁴¹⁸ However, the actions of the committee over the next few days indicated that their actions would be more punitive than political.

The night before Sherman's meeting with Coleman, members of the volunteer state militias began to desert to enroll in the committee, leaving the jail and King's shooter to be

⁴¹⁶ *Herald*, 15 May 1856.

⁴¹⁷ William T. Sherman to Major Turner, Sunday, 18 May 1856, "Sherman and the San Francisco Vigilantes: Unpublished Letters of General W.T. Sherman," *Century Magazine* 43 (December 1891), 299.

⁴¹⁸ "Papers Relating to Ballot-Box Stuffing and Fraudulent Elections," San Francisco Committee of Vigilance of 1856 Records, 1853–1858, Huntington Library, San Marino, Calif.

guarded by a handful of lawyers under the direction of the new sheriff, David Scannell. Like his predecessor, Governor McDougall, the new governor, J. Neely Johnson, was informed by courier that the San Francisco Vigilance Committee had reorganized and were attempting to abduct a prisoner in county custody. He departed immediately for the city and entered vigilante headquarters on Sacramento, enraged. “[W]e are tired of having our people shot down on the streets,” Coleman replied to Johnson’s interrogations. Johnson concurred that it was a bad situation in the city, but pleaded with the young Coleman to cease all vigilante actions and the law would run its course to see Casey was punished. Coleman considered, but proposed that the legal authorities had not yet begun to effectively execute the law in the city or the state. Like the SFPD’s use of the vigilance committee to control the waterfront mobs four years earlier, the governor reasoned that he could possibly utilize a formal-informal law enforcement partnership with the committee. The governor decreed a vigilante police guard be allowed to be posted inside the jail to ensure Casey did not escape.⁴¹⁹

Content that the matter had been resolved, Governor Johnson decided to stay the weekend in the city. Sunday morning dawned cool and clear when Johnson received a note at his hotel near the Plaza: “We beg advise you that we have withdrawn our guard from the County Jail. By order of the Committee.”⁴²⁰ Confused, the governor ascended the stairs to the rooftop in order to see if there was any activity at the jail and found Major General Sherman and Mayor Van Ness already gathered there, their faces ashen: a crowd of three-thousand vigilantes was assembled around the jail, an artillery piece donated by the defectors from the state militia pointed at Sheriff Scannell on the footsteps of the jail. Leading the vigilantes and pointing the

⁴¹⁹ Sherman to Turner, 18 May 1856; and Senkewicz, *Vigilantes*, 172.

⁴²⁰ Walter Van Tilburg Clark, ed., *The Journals of Alfred Doten, 1849–1903* (Reno: University of Nevada Press, 1973) vol. I, 278.

cannon was militia officer and committee chief marshal, Charles Doane, the future sheriff of San Francisco. James Casey was quickly hauled out of the jail, along with Marshal Richardson's murderer, Charles Cora. To the rooftop party's horror, Casey and Cora were ushered into an awaiting committee carriage and driven to vigilance headquarters. Although the formal authorities grimly observed the proceedings, a majority of the community hailed the actions of the committee. Joseph Paxson, a local clerk, noted in his diary, "This has been the greatest day I ever saw in San F. The Vigilance Committee have possession of the Jail. At about 12 they marched up to the jail & brought out Casey & took him to their room on Sac St. below Front and then went up again & brot [sic] Cora. Everything was conducted most beautifully & quietly. A great day for San F., and long to be remembered."⁴²¹

The abducted prisoners were taken three blocks east of the Plaza toward the waterfront to the headquarters of the committee in the wholesale liquor warehouse of committee member Miers Truett. Renamed Fort Vigilance by the committee and nicknamed Fort Gunnybags due to the reinforced sandbag barricade measuring ten feet high, six feet thick, and extending twenty feet out from the building, the building was located at 41 Sacramento Street and bounded by Front, Davis, and California Streets. Fort Vigilance sat in the middle of the block and was accorded only one narrow entrance through the sandbag fortification which was guarded by committee sentries, which were also placed at the door of the headquarters, on the stairs leading to the roof, and on the second-floor roof itself. Doorways between adjoining warehouses had been cut to allow the committee to occupy a majority of the entire second-floor block to house prisoners and committee offices, with the ground floor reserved primarily for the meeting room and committee armory. In order to save time in sounding the alarm, the Monumental Engine

⁴²¹ "Diary of Joseph S. Paxson," 18 May 1856, MSS HM 68388, Huntington Library, San Marino, Calif.

Company donated their seven-hundred-pound bell to the committee, which was hoisted atop the roof of Fort Vigilance.⁴²²



Fort Gunnybags, Vigilance Committee Headquarters. Monumental Fire Co. Bell on roof
Vigilance Committee Records, Bancroft Library, Berkeley, Calif.

It was this bell that rang out on May 20 announcing the trial of Cora and Casey, both for murder. According to witness Lell Woolley, “The Committee sat all night and took no recess until the next morning when the trials were ended,” with attorneys making impassioned pleas for the innocence of their clients. However, a verdict of guilty was rendered for both and a date set for their execution in two days to coincide with the King funeral.⁴²³ On Thursday morning, 22 May 1856, Cora and Casey could hear the peeling bells throughout the city as King’s funeral cortège proceeded to Lone Mountain Cemetery. Outside on the street, the entire vigilance

⁴²² Lell Hawley Woolley, *California, 1849-1913; Or, the Rambling Sketches and Experiences of Sixty-Four Years’ Residence in That State* (Oakland, Calif.: DeWitt & Snelling Publishers, 1913), 14. In a city still largely comprised of dangerously flammable material, this was no small gesture by the fire company.

⁴²³ Woolley, 15.

committee, now between three-and-six-thousand strong, was arrayed armed and at attention in an assortment of military and police uniforms and everyday attire reflecting the range of occupations of its members. As former mayor Stephen Palfrey Webb describes:

Great crowds had poured into the City from all parts of the State, and the streets were black with the masses.... They swarmed upon the housetops, filled windows, and such, portion of the streets as was open to them, and from which they could obtain a view of the proceedings, and waited in anxious expectation the infliction of the penalty of their crimes upon the two assassins in the hands of the Committee. From an early hour in the morning, movements in and around the Rooms had plainly indicated the purpose for which they were made. Riflemen were stationed on the roofs of the Committee building and those adjoining. A detachment was sent out, which cleared and thoroughly searched a building opposite. Cannon were placed at points to command and sweep the streets in the vicinity. Cavalry patrolled in all directions, and large bodies of infantry were gradually placed in position, and formed an immense square enclosing the entire block, and allowing no new approach to the Rooms. Ominous preparations were also making in the building by projecting from two of the second story windows in front, platforms with hinges just beyond the window sills, supported by ropes running to the roof of the building.⁴²⁴

Eyewitness Joseph Paxson notes a difference from the rowdy executions of English Jim and his cohort in '51. Rather, as the committee had expanded and matured in organization, a maturity had entered the crowd as well as a stillness pervaded the city as the second-floor doors opened one last time to reveal the condemned prisoners: "Everything was quiet & orderly as possible, not a shout or cry of any kind."⁴²⁵ At one o'clock Casey and Cora were led onto the platforms above Sacramento Street and looked down onto the silent crowd and over the building tops out to the bay. James Casey proclaimed his innocence and his love for his mother. His knees

⁴²⁴ Woolley, 15; William T. Coleman, "San Francisco Vigilance Committees: By the Chairman of the Committees of 1851, 1856, and 1877," *Century Magazine* 43 (November 1891): 143; and Stephen Palfrey Webb, "A Sketch of the Causes, Operations and Results of the San Francisco Vigilance Committee in 1856," *The Essex Institute Historical Collections* 84 (April 1948), 23–24.

⁴²⁵ "Diary of Joseph S. Paxson," 22 May 1856.

buckled beneath him as the noose was placed around his neck; Charles Cora stoically stared forward and refused to address the crowd. As Woolley observed, “The signal was given at twenty minutes past one o'clock and the cord cut, letting the bodies drop six feet. They hung for fifty-five minutes and were cut down and turned over to the Coroner. We, the rank and file of the Vigilance Committee, were immediately afterwards drawn up in a line on Sacramento street, reviewed and dismissed after stacking our arms in the Committee room, taking up our pursuits again as private citizens.”⁴²⁶



San Francisco Vigilance Committee Patrolmen, 1856
Vigilance Committee Records, Bancroft Library, Berkeley, Calif.

The Changing Face of Vigilance: 1856 Committee Profile

In analyzing the actions of the 1856 committee it is important to understand the composition of

⁴²⁶ Woolley, 16. The bodies of Casey and Cora lie interred to this day in Mission Dolores Cemetery in San Francisco beneath a prominent monument commemorating their deaths at the hands of the 1856 committee.

its membership. Sam Brannan's 1851 committee was primarily comprised of American-born working class and merchants. William Coleman's 1856 committee was unique, both from the 1851 committee and regarding vigilantism movements generally in its enormous size, mainstream popularity, and organization. However, it did align with other vernacular policeways in the bay area and its hinterlands in one important capacity, that being in its ethnic composition. Similar to the deputized force to eradicate the Regulators, the membership of the 1856 San Francisco Vigilance Committee was extraordinarily multiethnic, no small matter in the nativist environment of the 1850s. Surviving membership applications in the collections of the Huntington Library list the birthplace of all applicants. Perusal of these documents indicates a surprisingly diverse membership. Committee members hailed from France, Germany, Norway, Austria, Belgium, Hungary, Poland, Denmark, Switzerland, Holland, Ireland, Sweden, Russia, Bohemia (the modern-day Czech Republic), Italy, Mexico, Chile, Ecuador, and the Azores. Indeed, immigrants from outside the United States comprised nearly forty percent of the 1856 Vigilance Committee.⁴²⁷

Many of the accounts in the form of diaries and journals in the collection of the Huntington, Bancroft, and scattered throughout other repositories in published and unpublished form, indicate a San Francisco populace that was simultaneously open to the ideals of the committee and nervous about its obvious armed, multiethnic composition. For example, a letter in the collection of the Huntington from a writer known only as "Ed" to recipients "Ben and Sue" highlights the disgust some San Franciscans had at the specter of being policed by immigrants and is evidence of the committee's multiethnic composition: "Think of a body of

⁴²⁷ "Applications for Membership," Box 4, 5, 6, San Francisco Committee of Vigilance of 1856 Records, 1853–1858, Huntington Library, San Marino, Calif.

men numbering about six thousand; of whom a little more than one third are foreigners who scarcely speak our language nor understand our laws; just think of their arming themselves and endeavoring to produce a revolution at the point of the bayonet among Americans. Bah!⁴²⁸ The beliefs of a Minor King are more indicative of the common, positive attitude toward the work of this multiethnic vigilante movement:

You have no doubt ere this heard of the very exciting times we have had in this city for the last two months, the fact is San Francisco is undergoing a purification, and is now in a measure regulated, the work is still going on but when the end will be no one can tell. For a long time the city has been under the control of the vilest of creation, desperadoes of every cast, the gambler, the thief, the murderer and assassin have been our rulers, from the judge on the bench to the smallest police officer all have pandered to their influence and obtained their positions through it—a good citizen has stood no chance whatever, he has not dared to speak his sentiments, lest some shoulder striker at his elbow should check him with pistol or knife—but a change has taken place, retribution has come upon them at last.⁴²⁹

With the dawning of June, hundreds continued to enroll every day in the vigilance committee, most notably the city's immigrant population. San Francisco's French community rallied the most remarkably for the committee, three-hundred francophone members organizing into their own patrol detachment. As former mayor Webb describes, these individuals were on constant patrol: "In all the streets men on foot and horseback were constantly passing and repassing, apparently engaged in their ordinary pursuits; but a close observer could detect by the interchange of a word, a motion, or a significant glance, that they had a mutual understanding and a common purpose, and were on the alert and quick and observant of all that was passing."⁴³⁰

⁴²⁸ "Letter to Ben and Sue," HM 19479, The Huntington Library, San Marino, Calif.

⁴²⁹ Minor King, "Letter to Minor Meeker," 2 August 1856, HM 16532, Huntington Library, San Marino, Calif.

⁴³⁰ Webb, 17–18.

A select group of San Franciscans, most notably those individuals in political power during the period, saw the mass of French vigilantes keeping order on the street as a dangerous omen. An anonymous account of the 1856 committee later attributed to traveler Henry Gray in the collection of the Huntington describes an entire company of French *gardes mobile* who were exiled from Paris following the revolutions of 1848 and the reestablishment of the French Empire four years earlier in 1852 who then enlisted en masse in Coleman's policing organization. The pages of the pamphlet describe the French committee membership as sowing revolutionary discord into American institutions, and proceeds to describe a dangerously-multiethnic law enforcement network: "Joined with them [French committee members] were a number of Hebrews of the lowest class, as well as a large number of inhabitants of other countries who knew little about the character of American institutions or the rights which were secured either to citizens or aliens under them."⁴³¹

As the vigilance committee held control of San Francisco during the summer of '56, its well-organized multinational membership was not the only remarkable feature. Indeed, in perusing the membership certificates on file at the Huntington, one particular application in Box 4, Folder 1, letter category "A" leaps from the page dated 29 May 1856: the vigilante certificate for a woman, German immigrant Helen F. Aden.⁴³² Indeed, the 1856 San Francisco Vigilance Committee is remarkable not only for its ethnic element, but in its gendered dimensions. Although summary executions did indeed take place during the 1851 and 1856 committee reign, they were not the norm, exile and/or release being the most common of punishments for their

⁴³¹ Anonymous [Henry Gray], *Judges and Criminals: Shadows of the Past; History of the Vigilance Committee of San Francisco, California, with the Names of Its Officers* (San Francisco: Printed for the Author, 1858), 41–42.

⁴³² "Membership application for Helen F. Aden," Box 4, Folder 1, letter A, Records of the San Francisco Committee of Vigilance, Huntington Library, San Marino, Calif.

prisoners. Only three decades after the episode, California historian Josiah Royce declared that the success of the 1851 and 1856 committees had less to do with the martial tactics of the committee but by the ordering effect that women and families had among its adherents.⁴³³ Roger Lotchin concurred, declaring that “a distinctive character and much of the moral fervor to the struggle” was owed to female San Franciscans who held “the main role in the most important political movement in the city.”⁴³⁴ Mary Ryan similarly highlighted the participation of women in support of the committee in the *Daily Alta* and the *Evening Bulletin* and the growing moral and temperance movement this participation symbolized.⁴³⁵ As one “Laura Lynch,” opined in the editorial of the *Evening Bulletin*, the actions of the committee against corruption, “made me wish I was a man; Oh! Wouldn’t I have helped to execute that justice.”⁴³⁶ When committee rooms were opened to the general non-member public, it was found they were draped in bouquets from parades and banners and flags given to vigilante police companies by “the ladies of San Francisco,” with a shrine erected in the chambers for the late James King’s wife.⁴³⁷ Although we do not know much more about Helen Aden, her presence on the committee indicates a dramatic gendered dimension to Coleman’s enterprise and the role of women on informal community policing organizations.

New Order

Gray describes a highly ordered, multinational vernacular policeways environment, with

⁴³³ Royce, 546.

⁴³⁴ Roger W. Lotchin, *San Francisco, 1846–1856: From Hamlet to City* (Champaign, Ill.: University of Illinois Press, 1974), 255, xxii.

⁴³⁵ Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825–1880* (Baltimore: Johns Hopkins University Press, 1992), 106–107.

⁴³⁶ “Laura Lynch to Editor,” *Daily Evening Bulletin*, 13 June 1856.

⁴³⁷ “Visitors to the Vigilance Committee Rooms,” *Daily Evening Bulletin*, 25 August 1856.

patrolmen organized into regiments and companies and a mayor and governor scrambling to control a local situation increasingly ballooning beyond their ability to subdue. Vigilance committees in the hinterlands in towns like Placerville and Tuolumne pledged their assistance to the San Francisco vigilantes. Governor Johnson soon found himself surrounded, and on June 3 issued a proclamation declaring the county of San Francisco to be in a state of armed insurrection and ordered Major General Sherman to muster the militia and put down the insurgents. Recruiting stations were established throughout the city, but these were sparsely visited, and the order it attracted was reportedly less than savory.⁴³⁸ To the governor's horror, the state militias called up to suppress the uprising proved unreliable. The First Infantry Battalion, consisting of the Marion Rifles under Captain E. Rigg, the Blues under J. J. Farran, the National Guards under Captain Pollock, the Wallace Guards under Captain McDonald, the Sarsfield Guards under Captain R. F. Ryan, the Continentals under Captain Fenn, the mounted National Lancers under Captain T. Hayes, and the City Guard refused orders to put down the vigilantes and destroy Fort Vigilance, choosing instead to join the ranks of the committee patrols and provide Coleman with the arms, ordinance, and uniforms of their battalions.⁴³⁹

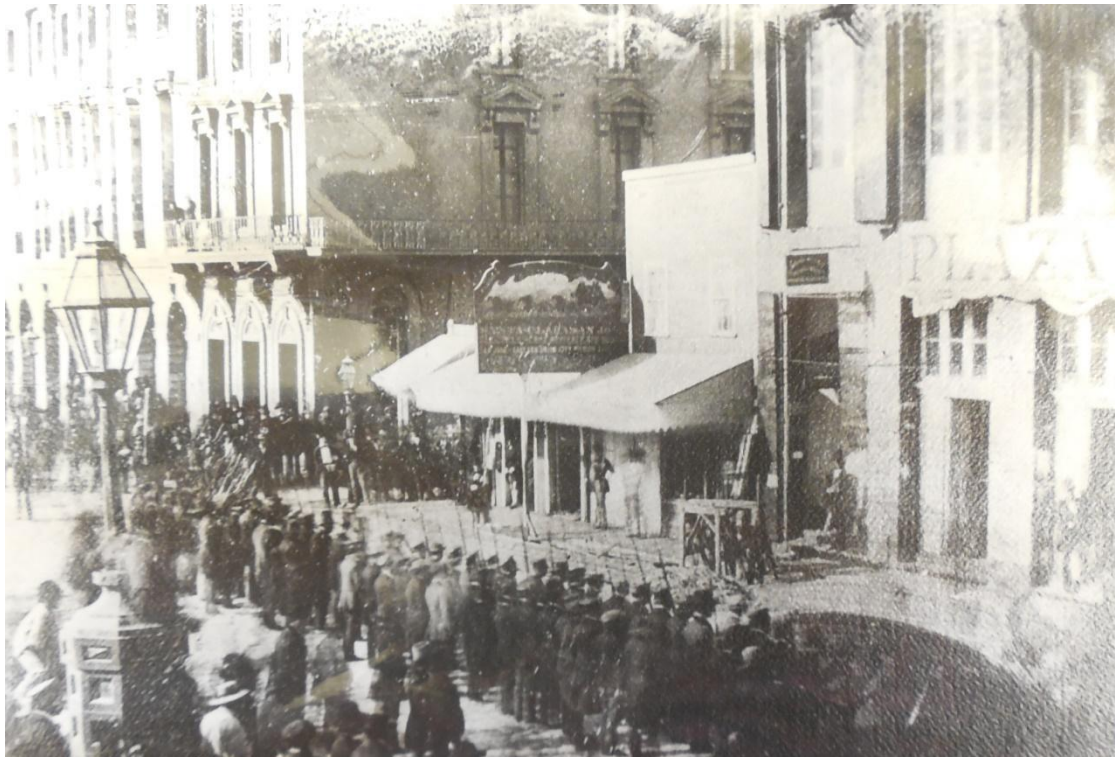
Sherman, seeing the situation spiral out of control, called on the Pacific division of the United States Army to render assistance. On June 5, division commander Maj. Gen. John E. Wool replied to Sherman—he had analyzed the situation and the laws of the United States and determined that the citizens of San Francisco were not to be harmed and the federal government would not involve itself in local state matters; Sherman's request was denied.⁴⁴⁰ Considering the viciousness of his Savannah campaign less than a decade later, one cannot help but wonder how

⁴³⁸ Webb, 26.

⁴³⁹ Anonymous [Gray], 42, 93, 100.

⁴⁴⁰ *Daily Alta California*, 5 June 1856; Webb, 26; Senkewicz, 175.

the history of San Francisco would have been altered if Wool had granted Sherman the full military might of the United States Army he had requested. Observing the lack of support from Governor Johnson, who rejected his request to issue a mutual disarmament agreement for the vigilantes and the wilting anti-vigilante “Law and Order” forces, Sherman summarily resigned his commission.⁴⁴¹ This is to be compared to the later instant response and approval of the federal government to William Coleman’s informal Pick-Handle Brigade twenty years later, indicating a unique, positive relationship between formal and informal authorities partially rooted in the successes of the 1851 and 1856 committees.



Vigilance Committee Capture of the Federal Armory at Clay and Kearny
Vigilance Committee Records, Bancroft Library, Berkeley, Calif.

Appointed to replace Sherman was Texan Volney Howard, who convinced the officers at the federal arsenal in Benicia across the bay to lend assistance. The eyes and ears of the vigilance

⁴⁴¹ Webb, 26.

committee, however, were nearly everywhere, and news of the federal steam transport soon docking in the city reached Fort Vigilance on Sacramento Street. Ship captains and ferry pilots were plentiful on the committee, so it was not difficult to muster a vigilante naval expedition to intercept the Benicia schooner, which was halted and its arms requisitioned before it could make landfall. Although the sailors transporting the Benicia shipment were initially released, the committee thought they could possibly be of assistance in procuring future federal arms, and dispatched a small squad of vigilante police to the offices of the U.S. naval agent to arrest the pair. Barring the door of the agency was California State Supreme Court Judge David S. Terry, a pro-slavery Chivalry Democrat, and a band of “miners from the mountains who would sweep the damned pork sellers into the bay.”⁴⁴² As the arresting party awaited reinforcements, Judge Terry stabbed vigilante police captain Sterling Hopkins in the neck with his Bowie knife. In less than fifteen minutes, four-thousand armed cavalry and vigilante patrol regiments surrounded the agency offices. Terry and his companions took shelter in the nearby federal armory on Clay and Kearny, which was quickly overrun by committee members. The vigilance committee could now count a Supreme Court judge among its prisoners and the contents of the federal armory at their disposal.⁴⁴³

Disbanding the Committee—Vigilance Professionalized

Vigilante officer Hopkins slowly recovered from his stabbing wound, much to the relief of Coleman and the committee, who did not necessarily want to be forced to begin executing state

⁴⁴² A. Russell Buchanan, *David S. Terry of California: Duelling Judge* (San Marino, Calif: Huntington Library, 1956), 71; William T. Sherman to Stephen J. Field, 25 February 1858, Records of the San Francisco Committee of Vigilance, Huntington Library, San Marino, Calif.; and Senkewicz, 176.

⁴⁴³ Frank Meriweather Smith, *San Francisco Vigilance Committee of '56, with Some Interesting Sketches of Events Succeeding 1846* (San Francisco: Barry, Baird, & Co., 1883), 74.

officials. Judge Terry's charge of attempted murder was therefore reduced to resisting arrest, for which he stood trial and was released. Philander Brace, a lower-level political operative convicted of double murder by the committee, was sacrificed in his stead. On July 29, Brace and another murderer, Joseph Hetherington were executed; on 18 August 1856, the full, six-thousand members of the vigilance committee staged a review and parade ending in the Plaza to celebrate their disbandment. Dozens of criminals and corrupt politicians were tried and exiled from San Francisco and four executed in a matter of three months, a remarkable record of justice meted out. The day was declared a city holiday; businesses closed; buildings were draped in bunting; a large banner declaring the word "Vigilance" and displaying the unsleeping Eye of Vigilance hung prominently between the city's two largest buildings.⁴⁴⁴

How can one situate the 1851 and 1856 San Francisco Vigilance Committees in the history of law enforcement? General Sherman, who was known for his deftness and viciousness at helping stamp down another insurrectionary movement five years later that would embroil the entire nation, wrote of the San Francisco vigilantes in the most negative of terms in his *Memoirs*, as have several more recent authors such as Robert Senkewicz, who declared the organizations nothing more than efforts by wealthy nativist merchants to control city politics.⁴⁴⁵ A perusal of the committees' multiethnic (and in the case of Helen Aden, dual-gendered) membership applications at the Bancroft and especially the Huntington would quickly dispel any fears that the vigilance committees were mere nativist lynch mobs. Phil Ethington's fine work on how the vigilance committees fit into the history of the public sphere corrects some of the mistakes of previous work, and highlights the nature of rhetoric and republicanism in San Francisco, "where

⁴⁴⁴ *Daily Alta*, 19 August 1856.

⁴⁴⁵ William T. Sherman, *Memoirs of General William T. Sherman* (New York: Charles L. Webster & Co, 1875), vol 1; Robert M. Senkewicz, *Vigilantes in Gold Rush San Francisco* (Stanford, Calif.: Stanford University Press, 1985).

participants engaged one another in rational debate about the governing relations of their state and society.”⁴⁴⁶ Nancy Taniguchi’s most recent work explores the 1856 committee in some depth, but highlights the real estate ventures of its members rather than its revolutionary law enforcement and ethnic ramifications.⁴⁴⁷ The work of former SFPD Battalion Chief Kevin Mullen unsurprisingly highlights the extralegal nature of the committees, as does the scholarship of Doyce Nunis and Richard Maxwell Brown.⁴⁴⁸ Although Nunis incorrectly labels the city’s ethnic population as the committees’ targets, she does correctly note that the movements, especially the 1856 Vigilance Committee, was a type of “new vigilantism” that was the product of urbanization and separate from the more infamous vigilante lynch mobs of the American South. Jennet Kirkpatrick too-briefly glides through the San Francisco vigilance phenomena in her chapter on frontier popular justice but aptly notes that the bayside committees put teeth to the idealized language of America’s founding.⁴⁴⁹ Jill Leovy’s recent *Ghettoside: A True Story of Murder in America* about modern Los Angeles neighborhoods resorting to policing by gangs due to a dearth in formal justice in their isolated districts offers a fascinating study of modern urban vigilantism in the style of many of the committees under investigation in this project which could, along with my project, redefine the definition of the word “gang.”⁴⁵⁰

The grand parade of August 1856 marked the end of an extraordinary episode in the

⁴⁴⁶ Ethington, *Public City*, 15.

⁴⁴⁷ Nancy J. Taniguchi, *Dirty Deeds: Land, Violence, and the 1856 San Francisco Vigilance Committee* (Norman: University of Oklahoma Press, 2016).

⁴⁴⁸ Kevin J. Mullen, *Let Justice Be Done: Crime and Politics in Early San Francisco* (Reno: University of Nevada Press, 1989); Doyce B. Nunis, Jr., “The San Francisco Vigilance Committee of 1856 Revisited,” *Los Angeles Westerners Corral* no. 128 (September 1977), 7; and Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975).

⁴⁴⁹ Jennet Kirkpatrick, *Uncivil Disobedience: Studies in Violence and Democratic Politics* (Princeton, New Jersey: Princeton University Press, 2008).

⁴⁵⁰ Jill Leovy, *Ghettoside: A True Story of Murder in America* (New York: Spiegel & Grau, a division of Random House, 2015).

history of American law enforcement. Off and on over a period of five years, the city's leading citizens and lowest clerks and immigrants together operated in open defiance of laws and legal authorities that were seen as either corrupt or nonexistent; a fringe movement the San Francisco Vigilance Committees were not. The vernacular policeways developed in the urban environment of San Francisco was not the negative, racialized violence of Southern lynch mobs and assassins, but rather more akin to the popular, constructive movements seen in such North American uprisings as the Revolutionary War or the Civil Rights Movement.

The actions of the San Francisco Vigilance Committees reformed the SFPD, tripling the force to one-hundred-and-fifty members and making the office of Chief of Police an elected rather than appointed position.⁴⁵¹ The first Chief of Police of the reformed SFPD was James F. Curtis, former chief of the vigilante police force of 1856, with vigilante chief marshal Charles Doane serving as the San Francisco County sheriff. Moreover, vigilantes Martin Burke, Henry Ellis, and Isaiah Lees would follow Curtis's term and serve as SFPD chiefs during the succeeding decades. This continuity of leadership and their Peoples Party credo that would be birthed from the vigilance movement created a stability in law enforcement, as noted by Ethington, which professionalized the San Francisco Police Department decades before any other department in North America, including the oft-cited New York Police Department.⁴⁵²

As the 1850s drew to a close, San Francisco and its hinterlands were changing and becoming more urbanized and incorporated into national fights over sovereignty and citizenship. The region's Chinese population increased with each passing year, as did its American working

⁴⁵¹ Capt. Thomas S. Duke, *Celebrated Criminal Cases of America* (San Francisco: James H. Barry Company, 1910), 9.

⁴⁵² Philip J. Ethington, "Vigilantes and the Police: The Creation of a Professional Police Bureaucracy in San Francisco, 1847–1900," *Journal of Social History* 21, no. 2 (Winter 1987): 210.

class residents, a possible recipe for disaster that threatened to boil over as the local and national economy began to falter in the 1860s and 1870s. The professionalized SFPD made the formal authorities more prepared than other cities at combating the urban strife that would follow. When vernacular community policeways would once again be called upon by city, state, and federal government in 1877 to maintain order and the roar of popular justice would once again be heard, this time to protect the Chinese residents of the city, the partnership between formal and informal authorities founded during the vigilance committee era would be utilized in the joint SFPD/Pick-Handle Brigade. As the late nineteenth century wore on, this partnership between city police and informal community policing entities would directly lead to a new type of urban policing that would be exported and adopted by the nation as a model. Once again, this movement found its roots in Chinatown.

**Interlude:
Pick-Handles on the Plaza
The Politics of Protecting
Chinatown
1856–1877**

Pacific Politics: Post-Vigilance Committee San Francisco

The bunting and banners declaring “Vigilance” still hung across the Plaza, the detritus of the Grand Parade disbanding the official business of the 1856 Committee of Vigilance on 18 August 1856 as the Executive Committee made plans for the movement’s lasting influence in urban affairs. The city of San Francisco could not remain under the committee’s martial eye under its current form for long; after all, its members needed to return to their various businesses and trades which had gone virtually ignored in the previous three months. In order to create a lasting influence, the committee moved to make their enforcement organization into a political party. In mid-August a notice in the *Alta* declared the formation of a “People’s party” with a slate of committee member candidates to coincide with the November presidential election.⁴⁵³ This new People’s Party was unique, its vigilante proponents claiming disinterest in meddling in national or state party politics, choosing to focus instead on local city issues alone. The reasoning behind this move was that professional politicians and party managers used national divisiveness to “hoodwink and control the voters” and create “corrupt rings of the plunderers of the city” that had led to the formation of 1856 Committee in the first place.⁴⁵⁴

The People’s Party won the local elections of November 1856, with vigilante police chief James Curtis winning the chief’s office of the reformed and expanded SFPD, vigilante military

⁴⁵³ *Daily Alta*, 9 August 1856; Bancroft, *Popular Tribunals* 2: 531; and *Alta*, 12 August 1856.

⁴⁵⁴ Bancroft, *Popular Tribunals*, 653; and Ethington, *Public City*, 162.

chief Charles Doane winning the office of San Francisco sheriff, and Richard M. Jessup winning a seat on the California state assembly.⁴⁵⁵ Although the thirty-two-year-old leader of the committee, William Tell Coleman, was one of the most popular men in the city in 1856 and could have won any number of local or state positions, he chose to close up his affairs in the city ten days after the Grand Parade. On August 28, “laden with the heartfelt gratitude of all good citizens” Coleman boarded a steamer for New York to develop a shipping company, Coleman’s California Line.⁴⁵⁶ His experience in quelling the criminal element of San Francisco would come in handy as one of the principal advisors to Governor Seymour and General Wool in putting down the 1863 New York Draft Riots.⁴⁵⁷ However, as we observed in the Prologue to this dissertation, it was not long before the City by the Bay called once more to Coleman and implored his political and martial prowess in ensuring the city did not tear itself apart.

Aiding the People’s Party in their victory was a surprising fundraising source: San Francisco’s Chinese community. Perhaps observing the level dealings the committee made with community leader Norman Assing and their community in 1851, Chinese San Franciscans donated to the committee during their vigilante operations in July, and once again to its political arm as the city readied for the polls in October.⁴⁵⁸ This backing by the most vulnerable of San Franciscans indicates the Vigilance Committee was not the lynch mob Taniguchi and others have depicted them. The investment by the Chinese community, individuals whose right to due process was marginal at best, would also disprove the assertion by Faragher and others that all

⁴⁵⁵ “People’s Ticket,” *Daily Herald*, 12 September 1856; and Taniguchi, 184.

⁴⁵⁶ James A.B. Scherer, *The Lion of the Vigilantes: William T. Coleman and the Life of Old San Francisco* (New York: The Bobbs-Merrill Company, 1939), 222.

⁴⁵⁷ Scherer, 242.

⁴⁵⁸ San Francisco Committee of Vigilance of 1856, *Executive Minutes*, 22 July 1856, Theodore H. Hittell Family Papers, 1869–1922, MSS 1752, California State Library–Sutro Branch, San Francisco, Calif; *Minutes*, 14 October 1856.

forms of popular justice are negative, racist defilements of justice. As observed in the prologue to this dissertation, the loyalty of San Francisco's most vulnerable residents would not be forgotten by committee members in events to come twenty years later. However, one individual the People's Party hoped would be more forgetful of their insurrection was thirty-one-year-old California Governor J. Neely Johnson, who had officially declared the city of San Francisco in an open state of rebellion and the Vigilance Committee as an enemy of the state a few months earlier. Johnson refused to lift his proclamation, with the proviso that it would be dissolved only if all state arms stolen from the armory earlier in the summer were returned; the governor went on to threaten that the votes of San Francisco would be nullified if the armory was not replenished. The remaining "Committee of 21" former vigilantes leading the post-martial dealings of the committee, facing an ultimatum, returned the weapons on 3 November, the day before the election; Governor Johnson lifted the Proclamation of Insurrection. On 5 November 1856 the news was reported: "The Peoples Ticket has carried this city, upholding the Vigilance Committee, and turning out the rowdies who have had sway." The vigilantes' political party had successfully routed San Francisco of the Democratic machine running urban affairs in New York, and would remain in complete political control of the city for the next decade. The bell atop Fort Vigilance was returned to the Monumental Fire Company on the Plaza.⁴⁵⁹

Despite the insularity of People's Party San Francisco, national politics caught up with the City in 1857 with the U.S. Supreme Court's ruling in *Dred Scott v. Sandford*, which declared

⁴⁵⁹ "William C. Kibbe to the Executive Committee," 15 October 1856, Vigilance Committee Records, 1856, Box 324, California State Library, Sacramento, Calif.; J. Neely Johnson, "Proclamation," 3 November 1856, John Neely Johnson Papers, 1848–1860, box 1 folder 78, MSS C-B 604, Bancroft Library, Berkeley, Calif.; "R.B. Wallace to Mother," Wallace Letters, box 2, folder 7, San Francisco Committee of Vigilance Records of 1853–1858, Huntington Library, San Marino, Calif.; and *Minutes* 7 November 1856; *Minutes*, 11 November 1856.

all African Americans as perpetual non-citizens and denied Scott's claim of freedom.⁴⁶⁰ In California, the pro-slavery Chivalry Democrats, led by state senator William Gwin and California Chief Justice David S. Terry, viciously opposed the Free Soil Democrats, who argued against the spread of slavery and who were led by former state senator David Broderick. Differences between Terry, who had almost been hanged by a vigilante rope in the summer of 1856 for stabbing a committee police officer in the neck, and Broderick, who had stood atop a bale of hay in 1851 crying for order as John Jenkins was led to his execution by the first Vigilance Committee, grew to a fury in September 1859. True to Southern Chivalry form, Terry challenged Broderick to duel; in a foggy marsh in south San Francisco, David Broderick took a fatal shot through the lung.⁴⁶¹ Broderick's martyrdom at the hands of Terry ruined the former chief justice's reputation and crippled the waning political power of pro-slavery Chivalry Democrats in California.⁴⁶² The creation of the anti-slavery Republican Party of California three years earlier in 1856 by Collis Huntington, Leland Stanford, Charles Crocker, and several other progressive industrialists and its popularity (along with the populist People's Party) in San Francisco ensured the largest city west of the Rocky Mountains would remain valuable to the Union cause in 1861. The city overwhelmingly voted for both Sen. Abraham Lincoln's presidency in 1860 (47.9% for Lincoln versus Stephen Douglas's 27.9%) and against slavery (75.8% against), further contrasting itself from the Southern Chivalry Democrat-controlled city of Los Angeles to the south. With its strategic presidio fort on the edge of one of the largest

⁴⁶⁰ *Dred Scott v John F. A. Sandford* [1856] USSC 9; 60 U.S. 393; 19 How. 393; 15 L.Ed. 691 (1 December 1856)

⁴⁶¹ "The Broderick and Terry Duel: The Dueling Correspondence from the *San Francisco Herald*, Sept. 17" *New York Times*, 4 October 1859.

⁴⁶² Broderick's casket laid at the foot of Montgomery's flag in Portsmouth Square where San Franciscans draped it in black muslin and flowers. Col. Edward Baker, friend of Illinois senator Abraham Lincoln, delivered Broderick's funeral oration. Oscar T. Schuck, *Masterpieces of E. D. Baker* (San Francisco: Oscar T. Schuck, 1899), 287–313; and Benjamin Franklin Gilbert, "The Confederate Minority in California," *California Historical Society Quarterly* 20, no. 2 (June 1941): 154–170.

natural harbors in the world and its political atmosphere, San Francisco's place as the administrative Union center of the far western theater was cemented.⁴⁶³ In addition to its small geographic size and multiethnic composition, this environment of political progressivism would further contribute to the city's development of progressive, bottom-up policing.

An Orderly Influence: Civil War San Francisco

On Christmas Eve 1860, South Carolina seceded from the United States, setting off a chain of events directly leading to the Civil War. Prior to the southern secession winter of 1860 to 1861, the 1851 and 1856 San Francisco Committees of Vigilance were the largest anti-establishment movements on the continent (barring, of course, the American Revolution eight decades earlier). As they had during the vigilante movement, a majority of the city's voters, however, leaned against state independence and joined the Union cause. Indeed, a majority of the former vigilantes who had themselves revolted against local, state, and federal authorities in the 1850s joined the federal movement. This further highlights the contrast of the reform-minded, positivist popular justice community institutions in San Francisco compared to other, more common racist lynch-mobs of other American cities and regions.⁴⁶⁴ The early months of 1861 saw a grand Union parade with many of the same participants as the Grand Vigilance Parade of August 1856,

⁴⁶³ Winfield J. Davis, *History of Political Conventions in California, 1849–1892* (Sacramento: California State Library, 1893), 267; and *Daily Alta*, 10 November 1860; John W. Robinson, *Los Angeles in Civil War Days, 1860–1865* (Norman: University of Oklahoma Press, 2013), 42. See also, Durwood Ball, *Army Regulars on the Western Frontier, 1848–1861* (Norman: University of Oklahoma Press, 2001); and Ethington, *Public City*, 170. As highlighted in chapter two in this work, the multiethnic, positivist, and reform-minded popular justice movements of San Francisco and its hinterlands were markedly different from those of Los Angeles, which were often little more than white lynch mobs targeting Hispanic Angelenos and the Chinese. See, John Mack Faragher, *Eternity Street: Violence and Justice in Frontier Los Angeles* (New York: W. W. Norton & Co., 2016).

⁴⁶⁴ *Daily Alta*, 27 April 1861.

as well as the formation of ward-based Union military clubs throughout the city.⁴⁶⁵ Moreover, the SFPD of this period was unencumbered by political corruption and thus could devote energy to operational improvements regarding discipline, officer retention, technological communication, and riot control training which would prove essential during the events of 1877 and departmental development to follow.

The pro-Union, progressive, constitutionalist political environment of Civil War-era San Francisco spilled over into the city's race relations. A multiethnic hub from its establishment as the Spanish Yerba Buena outpost in 1776, San Francisco of a century later was nonetheless governed by a political establishment exhibiting the endemic racism of the period. Although Republican and People's Party San Franciscans committed themselves politically to equal rights among racial groups, African Americans were nonetheless disfranchised by the California state constitution of 1850 and not allowed to testify in court. However, the pro-Union, free labor environment of Civil War San Francisco created enough white allies for African Americans to see progress. The *Mirror of the Times*, the *Pacific Appeal*, and the *Elevator* newspapers were established during this period in San Francisco to speak to the growing political awakening of black San Franciscans.⁴⁶⁶ Additionally, the new anti-slavery Union Party in California saw political victory in September 1862, and the state's new Republican governor, Leland Stanford, signed legislation overturning previous laws banning African Americans from testifying in court in March 1863. However, the victory of black San Franciscans was won on the backs of the city's Chinese residents, who were depicted by the struggling African American community as

⁴⁶⁵ *Daily Alta* 23 February 1861; Bancroft, *History of California* 7: 275–87; Robert J. Chandler, "Vigilante Rebirth: The Civil War Union League," *The Argonaut: Journal of the San Francisco Historical Society* 3:1 (Winter 1992): 10–18; and Ethington, 183.

⁴⁶⁶ Robert J. Chandler, "Friends in Time of Need: Republicans and Black Civil Rights in California during the Civil War," *Arizona and the West* 24 (Winter 1982): 320–7.

more unfit for political power than they and therefore less-deserving of the right to testify; Civil War-era Chinese San Franciscans remained voiceless in the city's courts.⁴⁶⁷

San Francisco's Union allegiance was steadfast to the point of hysteria. Provost marshals were posted throughout the city to ensure that the civilian populace remained loyal to the federal cause. Former vigilante police chief and Civil War-era SFPD Chief Martin Burke charged his patrolmen with arresting any and all citizens heard "uttering treasonous language." Indeed, a special detective force was hired to investigate rumors of sedition in the city.⁴⁶⁸ Chief Burke commended the actions of his young, professional police force, who "exhibited a laudable desire to equal and excel the older [officers] in diligence and efficiency."⁴⁶⁹ Using his experience with mobs during the vigilante movement of the 1850s, the chief reorganized enforcement methods of his department. Anticipating a form of policing a century in the future, Burke organized his force into elite, highly-trained and specialized units drilled in methods of urban riot control.⁴⁷⁰

In New York, the former "lion of the vigilantes," William Tell Coleman, also continued his work on behalf of order by organizing the response to the Draft Riots of the summer of 1863. However, in San Francisco the overzealousness of Chief Burke's SFPD enforcement of Lincoln's wartime policies, as well as the unpopularity of the Emancipation Proclamation, saw the resurgence of the Democratic Party in the state and the slipping hold the Vigilante-People's Party held over municipal politics over the past decade.⁴⁷¹ It became increasingly clear that the

⁴⁶⁷ *Elevator*, 15 December 1865, in Chandler, "Friends in Time of Need," 329, 338.

⁴⁶⁸ San Francisco Board of Supervisors, *Municipal Reports for the Fiscal year 1862-'63* (San Francisco: Charles P. Robbins & Co., 1863), 130.

⁴⁶⁹ San Francisco, *Municipal Reports*, vol. 1862-1863, 142; San Francisco Board of Supervisors, *Municipal Reports for the Fiscal year 1863-'64* (San Francisco: Charles P. Robbins & Co., 1864), 122; *Daily Alta*, 7 October 1864; and 11 October 1864; Winfield J. Davis, *History of Political Conventions in California, 1849-1892* (Sacramento: California State Library, 1893), 192, 203.

⁴⁷⁰ *Daily Alta*, 7 October 1864; and Ethington, "The Vigilantes and the Police," 205-206.

⁴⁷¹ Theodore Henry Hittell, *History of California*, vol. 4 (San Francisco: N.J. Stone & Co., 1898), 393-394.

People's Party, although it had run on the platform that it would not involve itself in national politics, clearly held Unionist beliefs among its former vigilante adherents. This was confirmed on 15 April 1865 when the news of Lincoln's assassination reached the city. Unionist crowds swarmed the city, destroying the offices of Democratic press newspapers such as the *Occidental*, the *Monitor*, the *News-Letter*, and the *Democratic Press*. Chief Burke's riot police oddly did not intervene as these buildings were ransacked. However, when the mob turned its unchecked wrath on the offices of the Unionist *Daily Alta California*, his squads quickly sprang into action and put down the uprising.⁴⁷² Indeed, these and other actions of the former vigilantes indicates that the committee was not a fringe, lynch mob, anti-government, separatist uprising like other vigilante movements, but a progressive ordering institution for the city.

The Strange Case of Race in Post-Civil War San Francisco

By supporting the Union cause during the Civil War, the former vigilantes of the 1850s embroiled themselves in the construction of protean racial ideology in the 1860s. The civilian members of the 1877 Committee of Safety had for twenty-six years maintained strong commercial ties to San Francisco's Chinese community; the slaughter of an enormous and essential labor pool would reflect negatively on the capital potential of the thirty-year old city for eastern investors. Likewise, formal law enforcement was bound to maintain the safety of Chinese San Franciscans in order to create the perception of a safe domestic environment for potential settling by eastern and Midwestern families. These dual goals created the impetus to form a partnership between the formal SFPD and federal troops, and the informal "Pick-handle

⁴⁷² *Daily Alta California*, 16 April 1865; *Daily Alta*, 17 April 1865; *Daily Alta*, 18 April 1865; *Daily Alta* 19 April 1865; *Daily Alta*, 20 April 1865; and Bancroft, *History of California*, 7: 311–312.

Brigade” to maintain order and protect Chinatown during the July 1877 attack and its aftermath.

Race in California and San Francisco diverged sharply from the black-white binary that characterized the cause of the rest of the Union and American South due to its Native American and Spanish-speaking Californio population. In 1870 African Americans comprised a slim subset of the population, less than one percent of the state’s 560,000, and Native Americans just over one percent. However, individuals of Chinese descent comprised nearly nine percent of the population, the largest percentage outside of China.⁴⁷³ The first Chinese immigrants arrived in California to work the mines similar to other émigrés in the late 1840s and early 1850s. However, state foreign miners tax legislation and the market for shoe manufacturing and other mercantile goods and services in the city caused a decrease in Chinese population in the hinterlands and an increase in San Francisco. As the 1860s wore on, Chinese immigration to San Francisco only increased, with 12,000 individuals residing in the city by 1870, more than ten times the number of black San Franciscans during the same period.⁴⁷⁴ Anti-Chinese sentiment was relatively subdued until after the Civil War, at which point unskilled white labor began to filter into the city primarily from Ireland and Cornwall, thereby competing directly with Chinese immigrants for manufacturing jobs. California’s Democratic Party correctly surmised they could return to power in the state by exploiting this competition with their historically-loyal Irish constituents.⁴⁷⁵

As with recent political victories in the White House, race was a vital element to political mobilization in the 1860s. Following the Union victory in 1865, many white San Franciscans

⁴⁷³ U.S. Census, 1870, vol. I, *Population*, 91; *Langley’s San Francisco Directory* (San Francisco: Henry G. Langley, 1871), 11.

⁴⁷⁴ Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of California Press, 1975), 3–5.

⁴⁷⁵ Saxton, 67–91.

feared that the race policies of the Radical Republicans in California would enfranchise not only African Americans, but the city's Chinese population, who at that time comprised one in twelve residents. Chinese San Franciscans were largely ignored by white Americans in the pre-Civil War period due to their lack of political and civil rights. However, the federal contract awarded to California Republican scions Stanford, Hopkins, Crocker, and Huntington to build the western half of the transcontinental railroad changed the racial environment of the city and state. The "Big Four" learned that Chinese labor could be bought cheaply; thus ten thousand laborers were imported to cut the grade through the Sierra Nevadas as the project closed in on the Bay at the end of the Civil War.⁴⁷⁶ U.S. minister to China Anson Burlingame's negotiated treaty with the Chinese government in the summer of 1868 did not help to put the minds of San Francisco's white laboring class at ease. The Burlingame Treaty reaffirmed the sovereignty of China, sought to amend the injustices Chinese émigrés often faced when abroad in the United States, guaranteed Chinese citizens the right to immigrate to the U.S., allowed them to naturalize as American citizens, and enter American educational institutions. This treaty, the ascendant Democratic Party claimed, was a tool for Republican capitalists such as Stanford, et al. to gain a reliable and pliable workforce and disfranchise and unman white labor.⁴⁷⁷

Republican-led efforts at civil rights for African Americans—and, with the Burlingame Treaty, Chinese Americans—terrified California's Democratic leadership, who stoked the disgruntled rage of its white, laboring constituents. In the late spring of 1869 the Central Pacific met the Union Pacific at Promontory, Utah, completing the transcontinental railroad. Released

⁴⁷⁶ "Speech of H.H. Haight, Democratic Candidate for Governor, Delivered at the Great Democratic Mass Meeting at Union Hall, Tuesday Evening, July 9th, 1867," 2–3, pamphlet, Bancroft Library, Berkeley Calif.

⁴⁷⁷ Jonathan H. X. Lee, *Chinese Americans: The History and Culture of a People* (Santa Barbara, Calif: ABC-CLIO, 2015), 22–23.

from their ill-paid and downplayed exertions in linking San Francisco to the rest of the nation, thousands of Chinese workers returned to the city to start a new life. Within months the multiethnic “Little Canton” area of laundries, pharmacies, grocers, and restaurants around the physical nexus of civic life in the Portsmouth Square plaza established only two decades earlier by Commander Montgomery increased its Chinese population by several thousand. The city was growing, trebling in size to 149,473 individuals in 1870, some 12,000 of whom claimed Chinese ancestry.⁴⁷⁸ Chinese-owned businesses and homes began to spread north and west from the Plaza toward Powell Street to the north and Broadway to the west. Chinese residents previously resided throughout the city, but as the 1870s dawned and white working class violence increased, consolidation and de facto social confinement in the roughly fifteen-block Chinatown zone bounded by Kearny, Broadway, Sacramento, and Powell Streets began to solidify. Italians, Irish, Portuguese, and white Americans continued to reside alongside their Chinese neighbors in the blocks fanning out from Portsmouth Square, but the district began to be increasingly racially identified as Chinatown, a distinct zone of the city abutted by the Latin Quarter (formerly Chilicito or Chiletown) to the north, the growing affluence of Nob Hill to the west, and the central business district to the south and east.⁴⁷⁹

The transformative effect of the final spike being hammered home in Promontory in May 1869 cannot be understated. The railroad altered the history of San Francisco, previously a physically isolated republic only reached by arduous sea or land travel. Manufacturing in the city increased exponentially due in part to the discovery of an enormous silver ore east of the city in

⁴⁷⁸ Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley: University of California Press, 2001), 25.

⁴⁷⁹ William Issel and Cherny, Robert, *San Francisco, 1865–1932: Politics, Power, and Urban Development* (Berkeley: University of California Press, 1986), 56, 59.

northwestern Nevada called the Comstock Lode which made capitalists more eager to invest in local markets. New factories spread throughout the city with a new unemployed railroad labor force to fill them. In addition to the former Central Pacific employees, an estimated 50,000 workers from the eastern United States traveled to the city in search of employment between 1868 and 1869. The 1873 depression in the eastern United States and the grasshopper plague in Kansas and Nebraska ensured an additional 154,300 men and women would flock to the Jewel of the Golden Gate.⁴⁸⁰

The women and families who had trickled into the city in the 1850s and early 1860s after the ordering influence of the '51 and '56 Vigilance Committees on law enforcement found themselves surrounded once again by a mostly single, young male metropolis resembling San Francisco of the 1840s and early '50s. Nearly entirely-male neighborhoods like South of Market became tightly packed with cheap lodging houses filled with Irish, German, British, and American transplants living beside the belching smoke of the factories and warehouses in which they labored away their days. Prosperous middle and upper-class, native-born Americans increasingly began to use the new cable car system to abandon the multiethnic city center around the Portsmouth Square plaza and Rincon Hill and cloister themselves amid the heights of Nob Hill.⁴⁸¹ They would have joined William Tell Coleman, returned from his ventures in New York in 1870 and owner of one of Nob Hill's first homes at the southwest corner of Washington and Taylor.⁴⁸²

⁴⁸⁰ Neil Shumsky, "Tar Flat and Nob Hill: a Social History of Industrial San Francisco During the 1870s," (PhD diss., University of California, Berkeley, 1972), 22; and Ira B. Cross, *A History of the Labor Movement in California* (Berkeley: University of California Press, 1932), 60–61, 69.

⁴⁸¹ Shumsky, 141, 137; Albert Shumate, "A Visit to Rincon Hill and South Park," (San Francisco: n.p., 1963), 15–17; and Michael Kazin, "The July Days in San Francisco, 1877: Prelude Kearneyism," in David O. Stowell, ed., *The Great Strikes of 1877* (Urbana and Chicago: University of Illinois Press, 2008), 141.

⁴⁸² Senkewicz, *Vigilantes*, 198; and Scherer, 254, 262.

Signs that the economic boom of the 1860s could not last first appeared in 1869 with the completion of the transcontinental railroad and the attempt by Jay Gould and Jim Fisk to corner the gold market. To forestall a panic, the Grant administration released government gold into the market, and the collapse of gold prices seemed inevitable. Thus in 1873 the United States government enacted the Coinage Act making gold, rather than both gold and silver, the sole standard and creating an immediate depression in silver. In September 1873 railroad investor Jay Cooke & Company declared bankruptcy after overinvesting in a proposed second transcontinental railroad that the government refused to back. Cooke & Company's anchoring of a majority of the American banking industry triggered a series of bank failures nationwide and shut down the New York Stock Exchange.⁴⁸³

Workers were laid off on an enormous scale, impacting the formerly burgeoning San Francisco industrial economy and exacerbating the already tense situation between the city's Chinese and white labor. The surplus of laborers harmed trade union-backed skilled workers, who saw major construction projects like the new Palace Hotel on Market pass into the hands of novice carpenters and plasterers rather than experienced—and thus expensive—union labor. A noticeable collection of unemployed workers wandered the spreading streets of San Francisco in the 1870s.⁴⁸⁴ The national economic downturn was further exacerbated in the city as the dividends from the Comstock silver mine—the boon of Pacific Slope investors—began to decrease toward the mid-seventies. The very land seemed pitted against the city's success when the drought of 1876 to 1877 decimated the crops and cattle of the San Joaquin Valley to the

⁴⁸³ Fawn-Amber Montoya, *Making an American Workforce: The Rockefellers and the Legacy of Ludlow* (Boulder: University Press of Colorado, 2014); and J. Michael Martinez, *Coming for to Carry Me Home: Race in America from Abolitionism to Jim Crow* (New York: Rowman & Littlefield Publishers, 2011), 177–178.

⁴⁸⁴ Shumsky, 23–24; Gunther Barth, *Instant Cities: Urbanization and the Rise of San Francisco and Denver* (New York: Oxford University Press, 1975); and Kazin, 140.

south. Trade exports leaving the city decreased with the rise of cheaper manufacturing in growing Chicago, causing hundreds of San Francisco factory workers to be laid off in an attempt to limit corporate expenses.⁴⁸⁵ The city's labor grew increasingly agitated and disgruntled as the seventies wore on. "California is extremely important to me," wrote Karl Marx, "because nowhere else has the upheaval most shamelessly caused by capitalist concentration taken place with such speed."⁴⁸⁶

San Francisco's formal law enforcement was professionalized, yet still unprepared to handle the events of the summer of 1877 effectively. The institutional professionalization of the San Francisco Police Department that occurred during and after the Vigilante-People's Party era of the 1850s and 1860s wavered with the population boom of the 1870s. Although the SFPD still held one of the highest officer-to-citizen ratios in the nation, the rapid influx of labor in the post-railroad period created an understaffing situation for the first time since the 1840s. In 1875 there was only one officer assigned for every 1,300 San Franciscans, a stark comparison to the modern SFPD ratio of one officer to only 386 citizens.⁴⁸⁷ However, by 1875 former vigilante Chief Henry Ellis's department had earned the respect of a majority of the city populace as immune from political meddling. Also unique among U.S. cities, the department was staffed by career peace officers rather than temporary political appointees, many of the command staff having served since the mid-1850s.⁴⁸⁸

Public transportation was increasing during this period, but officers still relied primarily

⁴⁸⁵ Anson S. Blake, "A San Francisco Boyhood, 1874–1884," *California Historical Quarterly* 37, no. 3 (September 1958): 218–219.

⁴⁸⁶ Karl Marx and Frederick Engels, *Letters to Americans, 1848–1895: A Selection* (New York: Hill and Wang, 1989), 141.

⁴⁸⁷ Kevin J. Mullen, *Chinatown Squad: Policing the Dragon* (Novato, Calif.: Noir Publications, 2008), 41; and "Police Employment, Officers Per Capita Rates for U.S. Cities: San Francisco" (Federal Bureau of Investigation: Uniform Crime Report, 2015).

⁴⁸⁸ Ethington, "Vigilantes and the Police," 199–200.

on physically walking a beat, which could be difficult with the city's notable hills. This geographic predicament was transcended through the SFPD's groundbreaking use of the world's first police telegraph call box system. Developed by vigilante Chief Burke in 1867—possibly with the vigilantes' fire bell call system in mind—and utilizing the preexisting fire alarm telegraph system, the police call box was adopted by every major police department globally in the decades and centuries to come. This groundbreaking technological feat increased the communication ability and centralization of the SFPD, each officer being required to report in to station at regular intervals, thus avoiding the nineteenth-century police officer's penchant for saloon lounging.⁴⁸⁹

Police Chief Ellis and the Police Commission knew that there were not enough officers to patrol the rapidly growing city of the mid-seventies. However, without private donations there were not enough civic funds to hire new officers. Maine native and former ship captain Henry Hiram Ellis had served both under the vigilance committee and for the previous twenty years in all ranks of the SFPD. As a merchant who had established trade with Mexico and a pack trail to the Trinity mines, and with memories of the turbulent 1850s, Chief Ellis realized the need for security by private business owners. As such, Ellis chose to boost the city's police specials. As mentioned previously, established in 1847 and continuing to operate to this day, the San Francisco Patrol Special Police were and are a volunteer private police force cursorily supervised

⁴⁸⁹ San Francisco, *Municipal Reports*, vol. 1863–1864 (San Francisco: Charles P. Robbins & Co., 1864), 346; San Francisco, *Municipal Reports*, vol. 1864–1865 (San Francisco: Charles P. Robbins & Co., 1865), 138; San Francisco, *Municipal Reports*, vol. 1865–1866 (San Francisco: Charles P. Robbins & Co., 1866), 126; San Francisco, *Municipal Reports*, vol. 1866–1867 (San Francisco: Charles P. Robbins & Co., 1867), 163; San Francisco, *Municipal Reports*, vol. 1867–1868 (San Francisco: Charles P. Robbins & Co., 1868), 164; San Francisco, *Municipal Reports*, vol. 1868–1869 (San Francisco: Charles P. Robbins & Co., 1869), 175.; San Francisco, *Municipal Reports*, vol. 1869–1870 (San Francisco: Charles P. Robbins & Co., 1870), 92; San Francisco, *Municipal Reports*, vol. 1870–1871 (San Francisco: Charles P. Robbins & Co., 1871), 84; and San Francisco, *Municipal Reports*, vol. 1873–1874, (San Francisco: Charles P. Robbins & Co., 1874), 116.

by the SFPD and authorized by the city council and police commission to patrol the business districts like regularly sworn officers.⁴⁹⁰ This history of grassroots civilian-sworn, public-private policing coalitions and officer discretion allowed civilian community enforcement organizations to continue to thrive in the 1870s, the ultimate example of this being the peaceful outcome of the joint SFPD-Committee of Safety operations of July 1877. As the next chapter illustrates, by preserving the district, the Pick-Handle Brigade allowed for the survival and evolution of Chinese community self-policing and a new type of specialized police squad that would become the model for a nation.

⁴⁹⁰ Henry Hiram Ellis, Laurence R. Cook, ed., *From the Kennebec to California; Reminiscences of a California Pioneer* (Los Angeles: W. F. Lewis, Pub, 1959), 68; Ron DeLord, Burpo, John, et al., *Police Union Power, Politics, and Confrontation in the 21st Century: New Challenges, New Issues* (Springfield, Ill.: Charles C. Thomas Publisher, 2008), 284; Bruce L. Benson, *To Serve and Protect: Privatization and Community in Criminal Justice* (New York: New York University Press, 1998), 86; Stringham, *Private Governance*, passim; and chapter three in this dissertation.

**Chapter Five:
King of Chinatown
Community Policing
Alliance and Dissolution
1880–1906**

Jerry Chorn made a clean breast of his connection with the “Little Pete” clique when confronted by his employer and benefactor, Barney Schreiber, and, if possible, gives the mongolian’s attempted vindication of himself and the boys a sicklier hue. Chorn admits all that has been stated about the operations of the ring, but for himself he says he was giving the Chinamen the “double cross.” He frequently had “Pete” down on a certain horse that had a good chance to win and if he could not win with his mount, he would get a “rake-down” from “Pete’s” winnings. Chorn says all the guilty ones have not been punished yet.

*--The Breeder and Sportsman,
4 April 1896*

Fong Ching, or "Little Pete," as he was better known, was one of the prominent business men of San Francisco, though a Chinaman. He was shrewd, tactful and successful, and was probably as noted a Chinese character as there is in the United States. At the time of his death he was positively known to be worth not less than \$100,000, and the total value of his estate in San Francisco is estimated by various white men connected with him in a legal and representative character to be anywhere from \$100,000 to \$500,000.

*--San Francisco Call,
24 January 1897⁴⁹¹*

The four shots rang out at 9:10 PM. San Francisco Patrol Special Police Officer George Welch was walking his beat on Washington Street in Chinatown just north of the Plaza when he heard the gunfire. He saw two armed men burst out of the barbershop at 817 Washington, and he immediately gave pursuit. Sergeant Mooney and his plainclothes SFPD Chinatown Squad unit joined in the foot race down Ross Alley. Soon a total of fourteen officers swarmed the scene as the two made their escape into a lodging house on Waverly Place, dropping a revolver in their haste. Officers Welch and Murty Callinan burst into the lodging house and made the arrest.

Wong Sing and Chin Poy, the men seen fleeing the barbershop, were booked at the California

⁴⁹¹ *The Breeder and Sportsman Magazine*, vol. 38, no. 14, Saturday, 4 April 1896, p. 216, MSS 0783, Barry Whitehead Collection of Horse Prints: Breeder and Sportsman Horseman Magazine, 1755-1934, Stanford University Manuscripts Division Special Collections, Palo Alto, Calif.; and “Little Pete Murdered by His Enemies,” *San Francisco Call*, 24 January 1897, p. 1.

Street police substation. Their charges: the murder of 33-year-old civic leader, businessman, and transnational community order enforcer Fong “Little Pete” Ching.⁴⁹²



Fong Ching and his family, ca. 1895
The Wave, January 1897

Over the course of his short life Ching rose to become the most powerful man in Chinatown, and one of the most powerful men in all of San Francisco. His strong English skills and charming demeanor made him many friends among white San Franciscans, to whom he operated as a bridge-builder. This chapter illustrates how Ching and other Chinatown community policeway leaders formed unique law enforcement relationships with San Francisco’s formal police department. For three decades, from the multiethnic community response in the wake of the San Francisco Regulators/Hounds’ Chilecito massacre, the Vigilance Committees of the 1850s, and the Safety Committee of 1877, the vernacular policing environment formed in the several square blocks fanning out from the Portsmouth Square Plaza continued to influence the

⁴⁹² “Little Pete Murdered” *San Francisco Call*, 24 January 1897.

distinctive trajectory of formal law enforcement development in the city.

The early history of the Chinese in the United States is one fraught with vicious legal and extralegal discrimination and abuse. However, prior to the historical pivot of structural reordering—both physical and societal—of the Plaza and its law enforcement structure following the 8.0-magnitude 1906 earthquake, Chinese urbanites had an unexpectedly influential role in the affairs of order and justice in their community. This chapter argues that the influence and agency of traditional civilian law enforcers as applied in San Francisco’s Chinese community would be modeled not only by the SFPD but also serve as an example for other urban police departments and elite military units decades later. This phenomenon could not have occurred without the pattern in San Francisco of familiar historical figures acting in unexpected ways in the vernacular policing environments of the mining camp hinterlands in the 1840s, the 1851 and 1856 urban civilian policing organizations, and the 1877 citizens’ safety committee. The spectrum of grassroots informal and formal policeways, this chapter proposes, came to its ultimate merging in San Francisco’s Chinese District in the last three decades of the nineteenth century.

Chinatown’s Historiographic Legacy

The Chinese experience in San Francisco’s Chinatown has been analyzed in a historical context by many gifted scholars.⁴⁹³ Among the seminal works portraying the victimization of the

⁴⁹³ Some of the most noteworthy include Judy Yung’s *Unbound Feet: A Social History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1995); Judy Yung’s, *Unbound Voices: A Documentary History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1999); Mae Ngai’s *The Lucky Ones: One Family and the Extraordinary Invention of America* (New York: Houghton Mifflin Harcourt, 2010); Jean Pfazler’s, *Driven Out: The Forgotten War Against Chinese Americans* (New York: Random House, 2007); Yong Chen’s, *Chinese San Francisco, 1850–1943: A Trans-Pacific Community* (Stanford: Stanford University Press, 2000); Victor G. and Brett de Bary Nee’s *Longtime Californ’: A Documentary Study of an American Chinatown* (New York: Pantheon Books, 1972); Sucheng Chan’s *Entry Denied: Exclusion and the Chinese Community in America, 1882-1943* (Philadelphia: Temple University Press, 1991); Benson Tong’s *Unsubmissive Women: Chinese*

Chinese in nineteenth-century San Francisco is Elmer Sandmeyer's 1939 *The Anti-Chinese Movement in California*. Sandmeyer proceeds to provide one of the first modern accounts of Chinese immigration into California. Unfortunately, Sandmeyer does not provide the reader with a sense of nineteenth-century Chinese San Franciscans and Californians other than as a passive, faceless, and nameless collective. Writing thirty years later, Helen Virginia Cather makes the assertion that the Chinese never planned to stay and live in San Francisco, rather, "the sooner they [the Chinese] saved the amount they wished, the sooner they could return home." According to Cather the return en masse of Chinese laborers to the city from railroad and mining work, combined with a two-year drought and a panic on Nevada silver stocks, as well a local economy destroyed by declining tourism and declining land and real estate values created an extremely volatile environment. Cather explains that the public was ready to have a tangible enemy to place their fears upon, and the Chinese were found to perfectly fill that capacity. In his 2001 book *Contagious Divides: Epidemics and Race in San Francisco's Chinatown*, Nayan Shah focuses on the role of public health policies in 19th century Chinatown and its assault on the Chinese community. Shah expands upon previous scholarship in the field by explaining how the community actively strived for full inclusion into American society. Shah's work is groundbreaking in its argument and detail and his focus on the Chinese as actively engaged in their own fate is unique and rare in the historiography of San Francisco's early Chinese

Prostitutes in Nineteenth-Century San Francisco (Norman: University of Oklahoma Press, 1994); Robert Eric Barde's *Immigration at the Golden Gate: Passenger Ships, Exclusion, and Angel Island* (Westport, Conn.: Praeger Press, 2008); and Iris Chang, *The Chinese in America: A Narrative History* (New York: Viking Press, 2003). Works such as Lucy E. Salyer's *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995) and Adam M. McKeown's *Melancholy Order: Asian Migration and the Globalization of Borders* (New York: Columbia University Press, 2008) have explored the interaction of Chinese San Franciscans with the American legal system, but depict Chinatown residents as largely voiceless in the ordering of their community. The reason this scholarship has collectively depicted Chinatown as lacking in this degree of agency is that the community has not been analyzed through the lens of its law enforcement relationships with the SFPD, wherein Chinese San Franciscans retained a remarkable degree of formative power.

community. This chapter takes Shah's work as inspiration in this capacity, arguing that law enforcement and community ordering were an instrument utilized by the Chinese as another means for possible independence.

As evidenced above, the historiography of Chinese San Francisco is quite voluminous. However, the available scholarship on the interaction of the San Francisco Police Department and Chinatown is startlingly slim. In his 1989 book, *Let Justice Be Done*, retired SFPD deputy chief Kevin Mullen claims to have written "the full story of the criminal justice history of early-day San Francisco." However, the Chinese district abutting the Portsmouth Square Plaza is nonexistent in the work. This is remedied somewhat in his self-published *Chinatown Squad, Policing the Dragon: From the Gold Rush to the 21st Century* (Novato: Noir Publications, 2008). Mullen, a former SFPD Deputy Chief, has written the most extensively on the history of policing in San Francisco. However, Mullen's work does not offer an in-depth critical analysis of the department and the community they were charged with ordering, but rather an informal, uncited overview. His passion and love for the department on which he served can be felt by the reader, but an academic audience is left wanting.

Although there are many fine works on the Chinese experience in San Francisco, none examine the interaction of informal and formal law enforcement in their community. Additionally, any study that includes the ordering influence of the tongs, treats them and Fong Ching (if he is mentioned at all) as mere gangs and Fong as a mere pimp. Certainly a more nuanced examination that takes into account the ghettoized nature of Chinatown and the limited options for Chinese immigrants during this period is in order. Although Fong Ching may have skirted the edge of the law, this differs little from the behavior of the sworn police officers charged with protecting official public order. This chapter seeks to address this historiographic

gap.

The Chinese Roots of American Tongs

Informal law enforcement organizations have deep roots in Chinese history. Membership in these associations dates to the end of the Song Dynasty in the thirteenth century. In 1674, thirty years after non-ethnically Chinese Manchurians raided the kingdom and established the Qing Dynasty, an underground movement began against the Manchu to reinstate the Ming house. When monks at a Shaolin temple were executed and their temple destroyed after being discovered to be agents of this resistance tong, the movement gained momentum. As a rallying point, the tong took upon itself the name of the first Ming ruler, Hong We. The group organized itself into a paramilitary structure with leaders, foot soldiers, and recruitment measures. They called themselves the Family of Hong or the “Elder Brothers” and created cryptograms only members could decipher, as well as a series of recognition signals to determine affiliation. Their logo was the triangle, or triad, symbolizing heaven, earth, and humankind, influencing Americans to refer to them as Triads and “Heaven-Earth Leagues” by the symbols they would find on the walls near their meeting rooms.⁴⁹⁴

After its formation in Fujian Province, the Hong Men movement spread throughout China and into Guangdong Province in the south and attracted laborers and those on the economic margins of society, including many women. The nineteenth century saw the largest Hong movements arise against the Ming Dynasty, the largest being the Taiping Rebellion. Lasting from 1850 to 1864, the rebellion cost the lives of an estimated twenty to one-hundred-

⁴⁹⁴ Eve Armentrout-Ma, “Urban Chinese at the Sinitic Frontier: Social Organizations in United States’ Chinatowns, 1849–1898,” *Modern Asian Studies* 17, no. 1 (1983):

million people. Hong society members, crushed by the imperial army, fled into exile, a great majority for the ripe labor markets rumored to exist in San Francisco and the North American West.⁴⁹⁵

News of the gold strike at Sutter's Mill reached China before it reached the eastern United States, and the Bay Area therefore became a refuge for the first Chee Kung Tong, or Active Justice Society, which split into roughly thirty sub-tongs as the nineteenth century wore on. Although membership in the family Chinese Consolidated Benevolent Associations (CCBAs) was contingent upon a particular family name or regional credentials, tong membership, by contrast, was open to all Chinese residing abroad. Without the backing of a major family benevolent association like Sam Yup or See Yup, finding semi-lucrative employment was difficult in North America. Therefore many members of tongs were forced to make their living through illicit means, such as gambling, prostitution, and acting as hired thugs. The passage of the Chinese Exclusion Act in 1882 only exacerbated an already-poor social situation in the district.

However, even prior to the racist legislation of the 1880s, Chinatown of the 1870s was becoming more isolated from the larger multiethnic community, causing its residents to rely on the informal policeways of tongs and association houses for order.⁴⁹⁶ This set of circumstances ensured that the primary ordering influence that Chinese San Franciscans would know prior to the formation of the SFPD Chinatown Squad in 1878 were the law enforcement mechanisms of the tongs and CCBA. This forced insularity determined that members of the police department

⁴⁹⁵ Armentout-Ma, 107–135.

⁴⁹⁶ Sucheng Chan, *Entry Denied: Exclusion and the Chinese Community in America, 1882–1943* (Philadelphia: Temple University Press, 1994); Jean Pfaezler, *Driven Out: The Forgotten War Against Chinese Americans* (Berkeley: University of California Press, 2007); and Florence C. Lister and Lister, Robert H., *The Chinese of Early Tucson: Historic Archaeology from the Tucson Urban Renewal Project* (Tucson: The University of Arizona Press, 1989), 81, 85–86.

had to learn from and emulate the tongs and form complex, if often antagonistic, reciprocal relationships with the people, policing institutions, and the physical environment of Chinatown.

Tongs on the Plaza

The history of Chinese Triads or tongs in San Francisco can be traced to the first Chinese settlers of the town. Similar to the formation of the Vigilance Committees of the 1850s, without reliable city law enforcement, the Chinese community turned to vernacular justice to order their communities. The Chinese mercantile leadership and elite family heads ingratiated themselves with the town's American segment. Although individuals like Norman Assing, who organized the first Chinese New Year celebration in San Francisco (and, likewise, North America) in 1851 for an American audience, gained significant autonomy, the lives of ordinary Chinese residents remained dismal.⁴⁹⁷ The answer to this was the formation of the Kuang-te t'ang, or Kwong Duck Tong, as it was known by its Yankee Anglicization. Nineteenth-century Hip Sing Tong leader, Eing Ying "Eddie" Gong, in his 1930 memoirs describes this period as one of internal divisiveness along class lines. The Kuang-te was the means by which marginalized, working-class Chinese San Franciscans without a prominent, CCBA-worthy family name could order their own lives and their own community.⁴⁹⁸ The CCBA could negotiate the interests of well-heeled families and successful merchants with the American community but, at least prior to the hiring of their own Chinese special police officer details, did not have the martial enforcement mechanisms necessary to protect Chinese residents either from other Chinese immigrants or the

⁴⁹⁷ *Daily Alta*, 2 February 1851.

⁴⁹⁸ Eing Ying Gong, *Tong War: The First Complete History of the Tongs in America; Details of the Tong Wars and their Causes; Lives of Famous Hatchetmen and Gunmen; and Inside Information as to the Workings of the Tongs, their Aims and Achievements* (New York: Nicholas L. Brown, 1930), vii, 10; and *Daily Alta California*, 10 December 1849.

race hatred of white San Franciscans. The function of the tongs, therefore, was not far removed from the sworn function of modern police departments when performing at their ideal best, that being to serve and protect all city residents, no matter one's name or income level.⁴⁹⁹

Yet, the fledgling nature of the early San Francisco formal police force determined that non-Chinese San Franciscans of the 1850s could rely on city law enforcement with little more confidence than could Chinese residents. As such, informal law enforcement was the key ordering feature of San Francisco's Chinese community as well. Like the Vigilance Committees, tong members participated in a series of mandatory closed-door initiating proceedings. At the satisfactory conclusion of this process, tong initiates received written contracts delineating pay and assigned duty. This similarity between the semi-extralegal ordering function of the Vigilance Committee and the function of the tongs was not lost on the city's Chinese residents. As Gong explains the legal environment of 1850s San Francisco, "The courts were not to be relied upon, but the vigilantes were, with their quick, grim methods." Gong goes on to explain that tong member Mock Wah drew together the Kuang-te t'ang to inform them of the workings of the Vigilance Committee, and how "its founders took an oath to protect the interests of their tong brothers," thus legitimizing similar actions of their own tong, which they began to style a "Chinese Vigilance Committee...which, by the judicious use of violence, forced the largest family groups to act less despotically."⁵⁰⁰

Inter-tong Ordering and Violence in the Hinterlands

Soon, other tongs splintered off independently from the Kuang-te to accommodate the

⁴⁹⁹ Eve Armentrout-Ma, 110.

⁵⁰⁰ Gong, 28.

burgeoning Chinese community in San Francisco. These included the Hip Sing, Hop Sing, Bow On, Gee Kung, On Yick, Suey Sing, Hep Sun, Sem Suey Ying, Bing Kung, Suey On, and Bow Leong tongs. By contrast, only two tongs existed in New York City's Chinatown.⁵⁰¹ As the number of tongs grew in San Francisco, order did not follow suit. On the contrary, the larger American community began to witness inter-tong rivalries erupt into public battles, most evidently in the gold mining hinterlands east of the Bay, often involving hundreds of individuals. In Mariposa, El Dorado, Calaveras, Butte, Yuba, and Sierra counties, blacksmiths were kept busy forging swords, spears, and pikes for tong members who battled for ordering authority of their mining communities in the 1850s. Many skirmishes were small and isolated, but two large-scale struggles for camp enforcement autonomy can be found: one in Weaverville in Trinity County in 1854 and the other at the aptly named Chinese Camp in Tuolumne County in 1856, not far from the Chileño uprising in 1849 profiled in Chapter Two of this dissertation.⁵⁰²

Weaverville's Chinatown was sprawling in 1854, encompassing two town blocks housing upwards of two-thousand Chinese resident miners. There arose two opposing ordering tongs each rivaling for supremacy over the other. In the course of a dispute, the leader of one organization was murdered by a member of the rival group. According to local witness, miner Franklin Buck, one faction swore loyalty to the Ming emperor, while the other wore "red turbans," indicating the possibility that the conflict was transnational and rooted in Taiping Rebellion politics still playing out in the 1850s in North America. The week of 9 July 1854, eight years to the day that Commander Montgomery had planted his flag in the San Francisco square to be named after his *U.S.S. Portsmouth*, the two parties began drilling. In his letter to his sister

⁵⁰¹ Gong, 37.

⁵⁰² Samuel Chu and Chu, Daniel, *Passage to the Golden Gate: A history of the Chinese in America to 1910* (New York: Zenith/Doubleday, 1967), 103.

describing the event contained in his papers at the Huntington Library, the nervousness of the town can be felt, as both groups were “armed with long pikes, fifteen feet long, with red streamers.” “Some had three prong spears,” he continues, “Some swords five feet long set in a handle six feet long, and an awful two handed weapon it was, too.”⁵⁰³

The red turban organization paraded through the week, 110 armed members strong. Buck makes note of the cooperation of at least one Caucasian miner, a man referred to as “Sites,” who acted as a cavalryman contingent astride one of the horses from the local fire brigade. However, as we shall see later in this chapter, white Americans participating in Chinese ordering enterprises was not as rare as one might imagine. On Saturday, 15 July, the loyalist group, numbering approximately 250, met the red turban tong near Ten Cent Gulch in Weaverville. When the town’s formal authority, Sheriff William Lowe, attempted to halt the obvious carnage soon to transpire, the white residents, eager to see a fight, overpowered him. The battle soon ensued, both parties

armed with long spears with sheet iron helmets and tin shields, enormous squirt guns filled with some infernal liquid, gongs beating and horns blowing, marching out to battle...they would halt, with their poles upright, looking like a forest of trees. Then, lowering the points of their spears, with awful yells, they would run two or three hundred yards. Then stop, the front rank dropping on one knee, forming a perfect rampart of spears and shields. Their movements elicited shouts of admiration from the outsiders and showed us the Chinese in a new character.

In total, eight individuals, including one white man, were killed and eight injured. The red turban tong prevailed and thenceforth kept order for the town’s Chinese community. The coolness and courage of both parties were remarked upon, not only by Buck, but several other Weaverville

⁵⁰³ “Franklin A. Buck to His Sister, Mary Sewel Bradley,” 18 July 1854, Franklin Augustus Buck Papers, 1826–1966, Box 2, pp. 137–138, HM 60504, Huntington Library, San Marino, Calif.

residents, with more than a hint of trepidation at the misperceived docility in their Chinese neighbors.⁵⁰⁴ The local *Shasta Courier* undersold the sophistication, however, of each community policing group, describing the outburst as mere “sectional hatred and clannish difference.”⁵⁰⁵ As we shall see, tongs operated with far more sophistication and segmented organization than the journalists of the *Courier* imagined.

The inter-tong unrest found in Weaverville spread to other Bay camps and towns, from Marysville to Greenwood to Sacramento. In September 1856 as the affairs of the San Francisco Vigilance Committee transitioned to politics, the Sam Yup organization came to organizational blows with the Yan Wo tong group over authority in the local diggings at Two-Mile Bar on the Stanislaus River. Once again, pikes, tridents, and cleavers were obtained by members of both groups, with the addition of handmade chainmail vests. The chainmail vest would also be used by members of urban tongs, as we shall observe later in this chapter. The Sam Yups, with more resources at their disposal, sent emissaries from Two-Mile Bar to their offices on Washington Street off the Plaza in San Francisco where they quickly were able to obtain one-hundred-and-fifty rifles and ammunition. According to reporters from the *Sacramento Daily Union* who were on hand to witness the events, the Sam Yups “succeeded in enlisting fifteen white men, who donned the Chinese costume and painted faces and entered the ranks of the Sam-yaps [*sic*].”⁵⁰⁶

The cooperation between Chinese tong enforcers and white American formal police can be seen in a similar case in Sacramento during this period. An ordering dispute in the Chinese quarter of the growing river port led to one tong member being severely wounded with a blade. A bystander, sympathetic to the man’s bloody appearance, took him to the police station,

⁵⁰⁴ “Franklin A. Buck to His Sister, Mary Sewel Bradley,” 18 July 1854, pp. 138–139.

⁵⁰⁵ “From Weaverville,” *Shasta Courier*, Saturday, 22 July 1854.

⁵⁰⁶ “Origins of the Chinese Battle in Tuolumne,” *Sacramento Daily Union*, 11 November 1856.

whereupon he told the officers his story. Rather than dismiss him and his case as merely a “Chinese problem,” the officers accompanied the wounded man to the quarter and confronted the armed rival tong agent. The man was soon apprehended, but not before his fellow tong associates attempted to rescue him from police custody, who were rebuffed. The writer of the article describing this event in the *Sacramento Daily Union* and several staff members, alerted by the scene near their offices, met with the police to ascertain the situation. The writers were appalled and, along with Deputy Marshal Welborn and several other Sacramentans, began a search of the Chinese quarter for members of the tong who had lacerated their rival. As the writer describes, “the police were aided in their operations by several Chinamen” who were presumably members of the opposing ordering group. The rival members were not found, but an extensive network of raised underground wooden platforms beneath the quarter were, as was a cache of the tong’s medieval weaponry. Underground structures and passageways seemed to be a feature of San Francisco’s Chinatown during this period, and could possibly have been a mechanism by which a community receiving only unwelcome attention from the outside society retained autonomy and privacy.⁵⁰⁷

Similar to the tong disputes at Weaverville and Two-Mile Bar, a Chinese law enforcement institution in the growing city of Sacramento had enlisted white advisors and participants in their ordering enterprise. Moreover, in the Sacramento example just discussed, white formal law enforcement authorities inserted themselves in a Chinese community dispute and enlisted the aid of an informal Chinese policing authority in an attempt to dismantle the power base of another particular tong. Although this may be perceived as merely attempting to maintain the order of Sacramento as a whole, one must look to other similar examples of tong

⁵⁰⁷ *Sacramento Daily Union*, 9 September 1854, p. 2.

disputes in other Western cities. As we have seen in Chapter Four, in towns like Los Angeles and Denver, similar tong ordering disputes allowed law enforcement to simply sack Chinese communities entirely without differentiating between one group or another and to assault and murder their residents. This unique relationship of ordering would remain a feature of policeways evolution in San Francisco and the Bay Area through the course of the nineteenth century and would prove reciprocal in how these separate communities merged to enact vernacular and formal justice.⁵⁰⁸

Ordering the Disordered City

William Tell Coleman was the leader of the San Francisco Chamber of Commerce in the mid-1870s, and he may have experienced déjà vu as he listened to complaints from the city's business owners about a growing problem that harkened back to the vigilante days of the '50s. Like the Hounds of the 1840s and the Sydney Ducks of midcentury, confederacies of urban young male laborers trolled the growing city's streets and alleys trawling for the leavings dropped from the table of San Francisco's industrialists. In 1870s San Francisco these collectives or "gangs" of urban youth were referenced for the first time as "hoodlums," from the Bavarian German word *hodalump*, the language of many of its members; the name stuck in the lexicon of frustrated young urbanites worldwide. "The Hoodlum is a distinctive San Francisco product," wrote *The Century Magazine* in 1875. "Certainly no treatise on the resources of California would be complete that did not include him. He may be somewhat vaguely defined as a ruffian in embryo."⁵⁰⁹

⁵⁰⁸ Charles Caldwell Dobie, *San Francisco's Chinatown* (New York: D. Appleton-Century Co., 1936), 143.

⁵⁰⁹ "The City of the Golden Gate," *The Century Magazine* vol. 10 (New York: Scribner's, 1875), 276.

These hoodlums called themselves the Kearney Street Gang, the Telegraph Hill Rockrollers, the Russian Hill Gang, the Hayes Valley Gang, the Folsom Street Gang, the Brannan Street Gang (much to former '51 vigilante leader Sam Brannan's chagrin), the Old Mission Gang, the Brady Street Gang, the Tar Flat Gang, and the Sunrise Gangsters, and each worked a geographically specific urban district.⁵¹⁰ A letter from Mexican refugee Guillermo Prieto from the period speaks of "gangs of hoodlums" patrolling the city streets practicing "robbery, seduction, and every kind of wickedness," drugging and robbing newcomers. These gangs became so emboldened as to crash upscale performances of Verdi at the Grand Opera House.⁵¹¹ Assaults against lone police officers walking poorly-lit beats, possibly separated from one of the scattered police call boxes and without any means of contacting other officers than his nightstick rapped against the pavement increased as the seventies wore on. On 15 September 1873, SFPD Officer Forner was bludgeoned with a brick while on patrol at Broadway and Dupont. Forner, recovering his senses, managed to manacle his assailant, a member of the Hill Boys gang. The suspect's colleagues, however, in a common scene to urban policing during the period, set upon Forner to rescue their friend. A fellow officer heard Forner's cry and attempted to take members of the rescue party into custody, but Forner's assailant escaped.⁵¹² The next year a watchman was bludgeoned to death by hoodlums at Mission and Seventh. Not long after this incident, SFPD Ofc. Charles Coots was shot in the back of the head and killed by another member of the Hill Boys as he walked a suspect to the jail in Chinatown at Kearny and

⁵¹⁰ Mullen, *Toughest Gang*, 129.

⁵¹¹ Guillermo Prieto, *San Francisco in the Seventies: The City as Viewed by a Mexican Political Exile*, trans. Edwin S. Morby, (San Francisco: J. H. Nash, 1938), 75–76; and "A.C. Ranger to Chief Henry H. Ellis," 13 October 1876, San Francisco Chief of Police Department Correspondence, MS 141, Special Collections and Archives, University Library, University of California, Santa Cruz.

⁵¹² *San Francisco Evening Bulletin*, 15 September 1873.

Washington.⁵¹³

By the mid-1870s, San Francisco's Chinese district had grown to house between eleven- and twenty-thousand individuals—roughly eight-and-a-half percent of the 150,000-person city.⁵¹⁴ According to a contemporary account, one of the most common pastimes of the young street toughs plaguing the city “is stoning Chinamen,” which “has [been] reduced to a science.”⁵¹⁵ Indeed, the Telegraph Hill Rockrollers gained their name from their practice of rolling large boulders down the hill into Chinatown with the hope of hitting a Chinese resident below. Other individuals would gather South of Market at the bridge over the Second Street cut at Rincon Hill to pelt the wagons of Chinese immigrants newly arrived from the nearby Pacific Mail Steamship dock.⁵¹⁶ Future New York Yankee center fielder Francesco Stephano Pezzolo, also known as Frank Stephen “Ping” Bodie, practiced what would become his famous swing and his hard right-hand pitch with rocks aimed at Chinese heads as a Telegraph Hill Rockroller in the 1880s.⁵¹⁷ To protect themselves from this type of harassment, Chinese San Franciscans turned to similar, if less belligerent, forms of martial street-level organizations to order their lives.

⁵¹³ Mullen, 133, 132.

⁵¹⁴ U.S. Bureau of the Census, *Ninth Census*, 3 vols. (Washington, D.C., 1872), vol. I: 91; and *Tenth Census*, 22 vols. (Washington, D.C., 1883–88), I: 671. Figures are estimated from the following—1870/Chinese: 11,728, White: 136,059; 1880/Chinese: 21,213, White: 210,496.

⁵¹⁵ “The City of the Golden Gate,” *Century Magazine*, 276.

⁵¹⁶ Mullen, *Chinatown Squad*, 133; Gary Kamiya, *Cool Gray City of Love: 49 Views of San Francisco* (New York: Bloomsbury Publishing, 2013), 343.

⁵¹⁷ Glenn Stout, ed., *Top of the Heap: A Yankees Collection* (New York: Houghton Mifflin, 2003), 42.



Fong Ching and family in Golden Gate Park, ca. 1895
Roy D. Graves Pictorial Collection

Fong Ching and a New Enforcement Vernacular

One such immigrant that Ping Bodie and his Rockrollers may have aimed at as he traveled beneath Second Street on his way to Chinatown as he experienced San Francisco for the first time was an eleven-year-old boy named Fong Ching. This terrifying entry into his new life surely marked the young Fong and perhaps influenced his future career pursuits.⁵¹⁸ However, he and his fellow Chinatown residents were not without their own informal urban enforcement networks to defend themselves.

Fong Ching's story is a common one to Chinese emigrating to the United States in the post-gold rush period. According to an unpublished audio recording interview with his son in the collection of the Bancroft, Fong Ching, depicted alternatively as Fung Jing, Fung Ching, and Fung Jing Doy in the press, was born 6,500 miles across the Pacific Ocean in a small village called Deng Hoi in the Nam Hoi District of Guangdong in Southern China at the end of the

⁵¹⁸ To clarify, I refer to Fong Ching as Fong rather than Ching here and throughout not out of over familiarity, but due to the Chinese custom of listing family names before given names. Thus, Fong Ching's surname was Fong and his given name Ching.

Taiping Rebellion in 1864. Like others in the Chinese quarter that was becoming increasingly sequestered around the Plaza, Fong worked in menial manufacturing labor from a young age as an errand boy for his uncle, Fong Yuen, and brother, Fong Shun at their Hung, Yuen & Co. Hee Kee shoe company. The warehouse was located one block west of the Plaza at 817 Washington Street in a three-story shared commercial and residential space at the corner of Waverly Place, above which the Fong family lived at 819 Washington. The bottom floor was reserved for a barbershop where men would have their faces and foreheads shaved and their long braided queues trimmed and shampooed to meet the customs of appearance in China at the time.⁵¹⁹

As a member of a merchant family, Fong was enrolled in the Sam Yup (“Three District”) Benevolent Society, which included individuals from Namhoi, Punyui, and Shuntak, just north of Canton. By contrast, the See Yup (“Four District”) Benevolent Society included primarily the farming regions of Sunwui, Toishan, Hoping, and Yanping near the mouth of the Pearl River. Like other Chinese children, he worked all day and went to school at night at the nearby Methodist Mission to learn English, which he was particularly adept at, as was his knack for making American friends. In school he and other students were given an American name, in Fong’s case the name of Peter. Young Peter Fong was soon known for his small size and big personality in the American community he had ingratiated himself with. He became known as Little Pete.⁵²⁰

When Fong arrived in 1875, the city’s economy began to turn and the Bank of California closed its doors. White San Franciscans feared that the Chinese, who worked twelve-hour days and remained in increasingly American-imposed isolation, would take over jobs in

⁵¹⁹ “An Interview with the Son of Little Pete,” Tom Leong and James M. Leonard with Fong Ching, 16 May 1959, audio recording, BANC MSS CD 283, Bancroft Library, Berkeley, Calif.

⁵²⁰ Leong and Leonard, “Interview.”

manufacturing and domestic labor, which indeed seemed to be taking place. The shoes, cigars, and clothing made in Chinese factories like the Fong family's Shun, Yuen, & Co. were purchased on a scale much larger than the more expensive materials made in white-run factories. As such, the white agitators who increasingly shouted for the expulsion of the Chinese as the 1870s wore on were likely wearing Chinese-manufactured products and possibly employing Chinese domestic labor to cook, clean, and take care of their children at home. Chinese immigrants, it was believed, were imbued with an unapproachable, Eastern mentality that could never align with Western, American values. The Chinese were thus a "permanent, perennial other" that were therefore not worthy of treatment equal to other immigrants gaining white status such as the Irish. Slowly, the Burlingame-Seward Treaty of 1867 between the United States and China which had stimulated Chinese immigration, began to erode. The absence of domesticity in the Chinese District due to laws banning the immigration of Asian women meant "for immoral purposes" ensured all Asian women would thereby be labeled and banned from entry. Many men therefore experienced a life of lonely isolation and worked long enough only to afford passage back to their families in China.⁵²¹

However, many stayed, if only for the prospect of making more money and setting themselves and their families up well upon their return. Lew Chew, who immigrated to the United States in the late nineteenth century for work, describes the reason many stayed:

I worked on my father's farm till I was about sixteen years of age, when a man of our tribe came back from America and took ground as large as four city blocks and made a paradise of it. He put a large stone wall around [it] and led some streams through and built a palace and summer house and about twenty other structures, with beautiful bridges over the streams and walks and roads. Trees and

⁵²¹ Sucheng Chan, *Asian Americans: An Interpretive History* (Boston: Twayne, 1991) 64; and Ronald Takaki, *Strangers from a Different Shore* (Boston: Little, Brown and Co., 1989), 121.

flowers, singing birds, water fowl and curious animals were within the walls.⁵²²

A similar vision of success back home may have floated in the dreams of Fong Ching. The dream of Chinese immigrants was therefore the dream of most migrant laborers throughout history—making a better life for their families back home. Thus, many chose to bear the brunt of white San Francisco’s wrath and remain for months, years, and sometimes decades longer than they originally intended when they left their world behind on the Pacific Mail Steamship Company dock in China.

Although American law enforcement in 1870s San Francisco was better than other cities in protecting its Chinese residents from attack due to the influence of vernacular policing and its relationship with their community during the Vigilance Committees and the recent 1877 Pick-Handle Brigade, many Chinatown residents were forced to rely on the protection of neighborhood tongs; all could be members of a tong, regardless of family or title. Without the wealth of the major family associations, however, tongs were forced to survive via profits from gambling, opium sales, and prostitution, the majority of which was supported by white patrons. With such an environment of forced illegality and ballooning population figures, it was not long before the SFPD had an increasingly keen interest in the order maintained in Chinatown.⁵²³

Fong Ching’s experience in San Francisco’s ordering enterprise may be analyzed as the quintessential blending of formal and informal policeways in the city’s law enforcement vernacular. As Eing Ying Gong describes, “No appeals were made to the police” by the Chinese community. Rather, once violence ensued, “The police gathered up the wounded and took them

⁵²² Lew Chew, “The Biography of a Chinaman,” *The Independent* 55 (Feb. 1903), 413–23.

⁵²³ Thomas Scharf, “The Late United States Chinese Inspector at the Port of New York,” in *The North American Review* (Boston, 1900): 167.

to hospitals without making a single arrest.” Until the late 1870s and beyond, Chinatown residents therefore relied solely on informal community policing to achieve justice in their neighborhood. Fong Ching, his son recounts, as well as other agents of community ordering, took charge of their own destiny in the face of structural forces of oppression through financial and educational empowerment. Fong “was very quick and adapted himself to various tasks given him as he had lots of ambition, even to the extent of going to school at night after working fourteen hours a day to better educate himself.” While still a teenager, Fong earned enough money to buy out his brother, Fong Shun, and uncle, Fong Yuen, and take over the Hung, Yuen & Co. Hee Kee shoe company. He learned English, and learned it well enough to practice at losing his accent. According to his son, he grew “very renowned and very popular in the Chinese section of San Francisco and was very well known on the famous Dupont Street, which is now known as Grant Avenue, as well as Washington Street, Jackson Street, and all throughout the Chinese sector.”⁵²⁴ Fong became involved in importing and exporting, and saved his money to buy a grocery store on Dupont Street. The shoe sales at Hung, Yuen, & Co. allowed him to buy the Jackson Theater on the edge of Chinatown. The young community leader was looked to by his fellow Chinese residents for “advice, both legal and personal advice, to help them in solving their problems.”⁵²⁵

As a merchant, Fong Ching was a member of the mercantilist Sam Yup association, who utilized his excellent, unaccented English and native fluency in Chinese as a court interpreter on their behalf as an interpreter for their members during trial. His precise translations in court and natural charisma attracted the attention of the SFPD, who began to use Fong as a police

⁵²⁴ Leong and Leonard, “Interview.”

⁵²⁵ “Little Pete Murdered” *San Francisco Call*, 24 January 1897; and Leong and Leonard, “Interview.”

interpreter as well. He quickly realized the advantageous position in which this placed him, and designed the accuracy of his translations accordingly. If the testimony of a non-English speaking Chinese witness would prove detrimental to the Sam Yups or their mode of district order, Fong would gladly interpret the court's questions, while including a threat that would ensure the proper amount of discretion on the part of said witness. The knowledge that he and other Chinese interpreters acquired of the San Francisco court system was invaluable, as were the relationships with notable criminal attorneys such as Thomas Riordan and former Vigilance Committee and Safety Committee member Hall McAllister, the latter of whom prosecuted Sam Roberts and the Hound-Regulators on behalf of the Chileans over three decades earlier as a young man and whose statue now stands before the Superior Court on Civic Plaza.⁵²⁶

The Chinatown Squad Experiment

These unique reciprocal relationships between agents of ordering institutions in the Chinese community such as Fong Ching and the larger white society would prove key to the merging of formal and informal law enforcement in San Francisco. The relationship of the SFPD with Chinatown was growing progressively complex as the 1870s wore on. By analyzing the annual reports of the city's police chiefs, the environment of law enforcement in Chinatown may be perceived. In his 1872–73 report, Chief Patrick Crowley wrote that although SFPD officers attempted to dispatch gambling houses, their attempts were thwarted. The reason for this is that he found the officers' "presence is expected." Crowley does not elaborate on how the operators of Chinese gambling houses were somehow always aware of an impending raid, but tongs were

⁵²⁶ Capt. Thomas S. Duke, *Celebrated Criminal Cases of America*, (San Francisco: James H. Barry Co., 1910), 106; and Gong, 70.

known to employ a surprisingly effective surveillance system.⁵²⁷ Crowley did not fault the Chinese for their penchant for gambling houses, but his successor, Chief Theodore Cockrill, did not look upon them with such benevolence. In his 1875 report, Cockrill explained, “the passion for gambling exists in great strength in a majority of our Chinese inhabitants.” He proceeds to display a defeatist attitude regarding the law enforcement capacity of his department, stating “the united efforts of the Police Department, even if discharged of all other duty, would fail to eradicate” the order maintained by a perceived culture of vice among Chinatown’s residents.⁵²⁸

The experience of the combined SFPD-Committee of Safety/Pick-Handle Brigade in Chinatown in 1877 revealed the vacuum in safety for the district abutting Portsmouth Square and its residents to the police board. The traditional method of lone officers walking a beat and observing for suspicious activity proved ineffective in Chinatown. This was compounded by the multitude of competing interests of the consolidated fraternal organizations, the merchant companies, and the tong organizations in the ordering enterprise of the community. Added to this was a meandering network of alleys and underground passageways constructed by its residents to accommodate the swelling population of the Chinese ghetto.

The SFPD Chinese Detail, or “Chinatown Squad” as it was popularly known, signified a different approach to law enforcement in Chinatown by the police board. The McCoppin Act of 1878 not only tripled the police force from 150 to 400 officers, but also established this detail of officers to specifically patrol the district bounded by Montgomery to the east, California to the

⁵²⁷ “Chief of Police Patrick Crowley Report, 1872–1873,” San Francisco Board of Supervisors, *San Francisco Municipal Report, 1872–73*, 149, 150.

⁵²⁸ “Chief of Police Theodore Cockrill Report, 1874–1875,” San Francisco Board of Supervisors, *San Francisco Municipal Report, 1874–75*, 498, 499.

south, Stockton to the west, and Jackson to the north.⁵²⁹ This small strike-team of officers trained in special weapons and tactics would form the first such effort at a specialized police unit engaging in dynamic entry and other uncustomary law enforcement efforts beyond the capabilities of ordinary patrolmen. The Chinatown Squad predated by nearly a century what would become known as the first official special weapons and tactics (SWAT) teams organized in Los Angeles by Daryl Gates and John Nelson in 1965 following the Watts Riots.⁵³⁰ The Chinatown detail was the first organization of a police force with a designated specialty beyond the customary patrolman or inspector/detective duties to be designed specifically to work within a unique urban ethnic environment. Indeed, the reciprocal relationship formed between the traditional community ordering elements within Chinatown, such as tongs and their members, and formal police in the form of the SFPD Chinatown Squad would merge and connect the informal/formal policeways spectrum.

The physical effect of the Chinese community on the SFPD squad assigned to patrol the district could readily be seen in the manner in which its members were outfitted; Chinatown officers altered their uniforms to accommodate the cultural environment of their precinct. Uniforms were considered a sign of subservience to Qing-era Chinese, both in China and abroad in the United States. As such the Chinatown detail did not wear uniforms, adopting instead a gentleman's suit and trousers, a duty badge pinned to the inside lapel of the officer's vest. In their memoirs, Chinatown visitors Madeleine and Jacqueline de Bryas note the modifications to the standard police armaments to include two pistols, a Bowie knife, and a club, all stowed and

⁵²⁹ San Francisco Police Board. "A Compilation of the Laws Regulating the Organization and Control of the Police Department of the City and County of San Francisco." (San Francisco: Bunker & Hiester, Printers, 1878) sec 1, p. 5, San Francisco History Center, San Francisco, Calif.

⁵³⁰ Daryl Gates, *Chief: My Life in the L.A.P.D.* (New York: Bantam, 1993).

concealed beneath the coat in a leather scabbard and hip pockets for quick drawing.⁵³¹ The squad was comprised of a sergeant and at least four or five officers, as well as, extraordinarily, a member of the Chinese community to act as liaison and interpreter, enterprising cultural agents such as Fong Ching.⁵³²

Enforcement during Exclusion

In the spring of 1882, President Arthur signed “An act to execute certain treaty stipulations relating to Chinese,” in effect, an Exclusion Act to bar the immigration of a particular group of people. This act, the first national immigration act of its kind (but certainly not the last), barred Chinese laborers created a ten-year moratorium on labor importation from China on the premise that their presence endangered the order of the nation.⁵³³ The transnational ties that Chinatown residents maintained were effectively cut off, further alienating the Chinese ghetto. Through city health ordinances and a provision of the 1882 Exclusion Act, the Chinese were formally quarantined to the streets of Washington, Dupont, Jackson, Sacramento, Commercial, Waverly, and Pacific, just west of the city’s financial district. As the enforcement of Chinese isolation increased in the last quarter of the nineteenth century, the officers of the SFPD Chinese detail became ad hoc representatives of the larger American San Francisco society to the Chinese population. Tong membership increased as stranded migrants looked to order their criminalized lives and community. As such, engaging in gambling, opium, and prostitution enterprises increasingly became one of the only options to succeed financially for Chinese San

⁵³¹ Comtesse Madeleine De Bryas and De Bryas, Jacqueline, *A Frenchwoman's Impressions of America* (New York: The Century Co., 1920), 236.

⁵³² San Francisco Police Board. “A Compilation of the Laws,” sec 1, p. 5.

⁵³³ Forty-Seventh Congress of the United States, “An Act to execute certain treaty stipulations relating to Chinese,” HR 5804, 6 May 1882.

Franciscans.⁵³⁴

Some Chinatown residents would not be dogged by the new legal climate. Fong Ching's wholesale shoe company was doing well, as were the sales at his Dupont Street grocers and Jackson Street Theater. Loans from the Sam Yup association allowed Fong to make a brilliant business move: using the name "F. C. Peters," Fong applied to rent a commercial space at 314 Montgomery, on the edge of Chinatown and the growing financial district. Fong knew that middle-class San Franciscans would be less apt to buy from a Chinese shoe salesman than working class shoppers. As such, he named his new retail shoe store "F.C. Peters & Co. Shoes." Rather than Chinese customer service representatives, Fong hired a staff of white workers and a white bookkeeper; for perhaps the first time in the United States, white Americans received their paycheck from a Chinese man. Realizing the uncomfortable position this might create for some, Fong paid his employees double what any other employer could pay; any qualms whites had towards working for a Chinese man were quickly vanquished.⁵³⁵ It was becoming clear that Pete's proficiency in English and his business sense were matched only by his knowledge of human nature. This unique understanding would aid him and other business-savvy Chinese San Franciscans in their interactions and transactions with the SFPD.

Fong's knowledge of both the court system and the tong system in Chinatown made him realize that, as his influence grew, so too did his danger. For this reason in the mid-1880s, in his early twenties, he formed a tong of his own, the Gi Sin Seer tong. Almost immediately Fong found himself a marked man by other Chinatown ordering institutions and their agents. Worth an

⁵³⁴ Yong Chen, *Chinese San Francisco, 1850–1943: A Trans-Pacific Community* (Palo Alto: Stanford University Press, 2000), 63; Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley: University of California Press, 2001), 37.

⁵³⁵ "Little Pete Murdered" *San Francisco Call*, 24 January 1897; and Leong and Leonard, "Interview."

increasing amount of money from his many commercial operations, Fong began to hire out for bodyguards. His most loyal bodyguard, Lee Chuck, received a tip on 23 January 1886 from a Chinatown Squad patrolman that an attempt on Fong's life was going to be made. When Lee came across the gentleman, an assassin from Fong's opposing tong rival, Chin Ten Sing, or "Big Jim," a member of the See Yup Benevolent Association—Fong's bodyguard managed to wrest the gun from the would-be assassin and kill him. Chinatown Squad officer J.B. Martin rushed to the scene and arrested Lee Chuck for murder. When his bodyguard failed to return, Fong visited each arresting officer individually, making an offer to each in exchange for Lee Chuck's release. These particular officers, however, were above bribery, and Fong found himself under arrest for attempting to bribe a law officer, a felony offense.⁵³⁶

Utilizing funds from his shoe business, court work, alleged gambling houses and emigration facilitation, Fong could afford to hire one of the foremost attorneys in San Francisco—Hall McAllister. With Justice Dennis J. Toohy presiding, several SFPD officers and rival tong men took the stand to testify regarding the Fong's charges. After two mistrials, the second due an analysis of Fong's receipts showed Justice Toohy and District Attorney Stonehill were on Fong's payroll, he was convicted and sentenced to five years in Folsom State Penitentiary. Of the hundreds of Chinese inmates admitted to Folsom in the possession of the San Francisco History Center archives, Fong "Little Pete" Ching was the only man allowed to keep his long braided queue. Whether this was a sign of respect, fear, or both from the prison authorities is unknown.⁵³⁷ By analyzing the arsenal of tools that Chinatown Squad officers used

⁵³⁶ "Little Pete' Again," *Daily Alta California*, 3 May 1887.

⁵³⁷ *People v. Fong Ching*, 78 CA 169 (1889): 20, p. 396; "Little Pete' Again," *Daily Alta California*, 3 May 1887; "Little Pete Convicted!" *Daily Alta California*, 25 August 1887; and "Mug Books 1870–1944," San Francisco Police Department Records, 1870–1983, SFH 61: 4.1, San Francisco History Center and Archives, San Francisco

in their work in the district, one may presuppose that it was the latter more than the former.

In addition to tripling the size of the SFPD and establishing the Chinatown detail, the 1878 McCoppin Act established a new district station in Chinatown on California St. in the heart of the district. Photographic evidence in the Kevin Mullen collection of SFPD documents at the San Francisco History Center Archives vividly illustrates the unique tools employed by Chinese Detail officers. In an image of John Donovan's 1880 Squad, ropes and grappling hooks can be seen along with specialized drilling equipment, devices never before used by law enforcement but commonly used by tongs to gain access to secured buildings from rooftops. The vastly different landscape of Chinatown, both physical and cultural, as well as the dialectical relationship between the police and traditional community policing entities, thereby began to affect the advancement and development of policing methodology that would be common in SWAT-type scenarios nearly a century prior to their usage beginning in the late 1960s.⁵³⁸ Dynamic entry, however, was only one piece of law enforcement heritage that was adopted by departments nationwide and put into effect by one of the Chinatown Squad's most dynamic members.

Sergeant Cook's Chinatown

In order to effectively police the Chinese district, Chinatown Squad officers had to become intimately familiar with the unique urban environment of the area around Portsmouth Square. In the two decades before the 1906 earthquake, what appeared to the wider San Francisco community as an impossibly complex and confusing network of underground passageways,

Public Library, San Francisco, Calif.

⁵³⁸ "Sgt. Donovan and Squad, ca. 1880s," Kevin Mullen SFPD Collection, SFH 61: 2010-58, San Francisco History Center and Archives, San Francisco Public Library, San Francisco, Calif.

narrow alleys, shoddy brick buildings and rooftop dwellings were well-known spaces to Chinatown squad officers. Jesse B. Cook, chief of the department from 1908 to 1910 and later police commissioner, had his first assignment with the SFPD on the Chinatown detail in 1889. Cook, who taught himself fluent Cantonese and whom the Chinese residents referred to as “Tiger Eyes” because of his piercing blue eyes, served in various capacities on the squad until 1905, when he took a leave of absence for unknown health reasons. Cook’s record of his experiences on the Chinatown Squad yields valuable information about the relationship between formal and informal policing in the district. “The Chinese had their own names for the alleys in Chinatown,” Cook writes. In his conversation with district residents over several decades, Cook and Squad officers began to realize that main streets were always known to the Chinese by their English names; side streets and alleys, however, were referred to by their Chinese vernacular. “For instance,” Cook writes, “Sacramento Street was known as ‘China Street’—in Chinese as *Tong Yen Guy*. Ross Alley was originally settled by the Spanish, but when the Chinese came they crowded the Spaniards out. This alley was, therefore, given the name of *Gow Louie Sun Hong*, or ‘old Spanish Alley.’ Spofford Alley was another alley from which the Spaniards were crowded out; this was called *Sun Louie Sun Hong*, or ‘new Spanish Alley.’” On Washington Street east of Stockton there was an alley where horses were stabled late into the nineteenth century. As such, it was referred to as *mah fong hong*, or “stable alley.” Likewise, an alley off of Ross was known as *on new hong*, or “urinating alley,” perhaps for obvious reasons. St. Louis Alley was known by a fire that had broken out there in the 1850s, and was thus known as “fire alley,” or *fo sue hong*. Duncombe Alley off of Jackson Street had perhaps the most unique sobriquet: *fay chie hong*, or “Fat Boy Alley.” As Cook describes, “This was named after a young boy living on the street

who, at fifteen years, weighed about 240 pounds.”⁵³⁹

In addition to the intimate cultural knowledge of San Francisco’s Chinatown that Squad officers had to utilize to perform their jobs well, unique breaching and disguise tactics also had to be used. Indeed, the law enforcement methodology, many of which is commonplace in modern policing, were utilized for the first time in pre-1906 Chinatown. This may best be observed in the manner in which certain Chinese gambling establishments were raided. On 17 February 1888, SFPD Chinatown Squad Sergeant Flanders conducted a raid on the Great American Lottery Company at 937 Dupont. In order to ensure that the perpetrators did not attempt escape, officers were assigned to each of the several exits to the building. In order to gain access to the heavily armored doors, the officers used a type of battering ram to create a hole in the shutters. Nine Chinese gambling workers were found and summarily arrested without incident. The raid, considered a success, was followed by another raid later in the evening at the Woe Sing Low Restaurant. Rather than a shuttered metal door that could be easily bent, the lottery ring at the Woe Sing Low was completely encased in iron, making access via brute force impossible. In order to gain access, the SFPD had to use advanced tactics to gain entry. The *San Francisco Evening Bulletin* makes note of officers disguising themselves in dark silk tunics and long false beards and make-up; thus disguised, the officers were admitted through the front door. Thirty-four suspects were arrested from the Woe Sing ruse.⁵⁴⁰ The unique enforcement methodology utilized by the SFPD Chinese detail that took into account the landscape and people of an individual community would form the basis for specialized police units well into the twentieth and twenty-first centuries.

⁵³⁹ Jesse B. Cook, “San Francisco’s Old Chinatown,” *San Francisco Police and Peace Officers’ Journal*, (June 1931), p. 2.

⁵⁴⁰ “Raiding Lotteries,” *San Francisco Evening Bulletin*, 17 February 1888.

King of Chinatown: Vernacular Enforcement Unification and Dissolution

The life of Fong Ching was an extraordinary one, and his life was not like other Chinese San Franciscans as far as his amassed wealth is concerned. However, prior to the twentieth century, there was perhaps no other Chinatown resident who had more intimate experience within both the world of vernacular and formal policing. He associated and embedded himself in the apparatus of San Francisco law enforcement while remaining an active agent of traditional community administration. As such, although a unique case, his is the quintessential example of the merging of the policeways spectrum.

Fong Ching was released from Folsom in 1891, his sentence served. Judging by his behavior following his release, it is likely that his time in prison was difficult. Although he has left no known record of his return trip into Chinatown upon his release, Fong certainly would have welcomed the familiar sights and smells of his old neighborhood. A number of travel writers from 1895 to 1905 have left written accounts of Chinatown's built environment. Writers describe the streets of the period as a cacophony of sound and sights. Fong would have heard—and smelled—the fish mongers in Fish Alley. The colorful banners hanging from the two-and-three-story brick buildings may have snapped in the sharp breeze blowing off the bay and perhaps cast shadows against the brightly colored red, green, and yellow exterior of the shops and tiny flats. These “ill-smelling corridors” described by European travelers were places filled with vibrancy and life. The sweet aroma of incense would have filled the block surrounding Waverly and Clay where the two-story Tin How Temple sat and black-clad penitents left offerings of an orange or flowers and prayed that the goddess of the sea would yield a bountiful

crop of fish to be sold at market. As one French travel writer noted, along Waverly, “incense rises like a perpetual adoration in front of curious divinities carved in wood.” Having been behind bars for years, Fong may have wanted assurance that his papers were still in order at his tong house. He would have headed north on Dupont, past sweet meat stands and shops selling wooden toy carriages to the Gi Sin Seer Tong house at 1031 Dupont, of which he was a founding member. The tong guard stationed at the door would have greeted Fong or any other member first to ensure he was not a member of a rival fraternal group. Entering the facility, Fong would have encountered “a lovely room filled with Chinese works of art.” As he headed home to 819 Washington to see his wife, an actress named Chun Li, perhaps Fong could hear a song being sung from the local Chinese concert theater in the adjoining building on Dupont or southwest of the tong house on Washington.⁵⁴¹

Fong Ching began to attract more attention from Sgt. Cook and his Chinatown Squad. He began to emulate Loke Tung, the leader of the Sam Yups and most influential tong in Chinatown. Loke was known to wear a vest of chainmail similar to the tong members in the hinterlands. He only emerged in public under the guard of two men and maintained constant vigilance in case of attack by a rival tong. This vigilance lapsed in the stairwell from his home to the street one evening, however, when a See Yup assassin stabbed him to death with an ice pick. As the second in line to Sam Yup and tong power in Chinatown, Fong Ching ascended to a position of near complete autonomy in ordering the district. Fong maintained a slush fund from which he padded the salary of Chinatown Squad officers. As Eing Ying Gong remembers, Fong Ching continued Loke Tung’s attempts to undermine the rival See Yup organization. Fong

⁵⁴¹ “Not in this City: ‘Chin Pau Kwai Now in China,’ Says Little Pete,” *San Francisco Call*, 13 November 1893; Emily Faithfull, *Three Visits to America* (Edinburgh: D. Douglas, 1884), 236; and Susie C. Clark, *The Round Trip from the Hub to the Golden Gate* (Boston: Lee and Shepard; New York: C.T. Dillingham, 1890), 74–75.

“informed the authorities of their gambling and opium dens, and had them closed up.” Not long after the operations were stalled and See Yups arrested, Fong “calmly reopened them under his own protection.”⁵⁴²

Fong called upon American friends in the Health Department to enforce the cubic air ordinance against rival tong members. F. C. Peters Shoes had grown to become the largest shoe manufacturer on the West Coast. Success in Bay View Racetrack bets, and apparent jockey bribery, as well as in business ventures in China, allowed Fong to live more and more extravagantly. He began wearing an \$800 diamond ring, an equally valued watch, \$600 match and cigarette holder, and luxurious fur coat.⁵⁴³

With success brings fear of its loss, however. By 1896, Fong “Little Pete” Ching was thirty-two years old, had two sons and a daughter, and his paranoia at assassination by the See Yup organization and Chin Ten “Big Jim” Sing’s Bo Sin Seer Tong, rival to his Gi Sin Seer Tong, had grown unstable. Fong resorted to wearing chain mail like his predecessor and a steel helmet and left his home at 819 Washington Street only when accompanied by his retinue of white bodyguards and two German shepherd police dogs.⁵⁴⁴ Although shrewd, he continued to help his fellow Chinese San Franciscans, to whom, “he gave... advice, both legal and personal advice, to help them in solving their problems.”⁵⁴⁵ His business sense, ordering ability, knowledge of the American court system, familiarity with the power of bribery, and charisma made him more and more popular in the American press, who followed the career of their “Little Pete” Fong with increasing fascination. Fong envisioned a Chinatown with one family

⁵⁴² “Interview,” Leong and Leonard; and Gong, 57.

⁵⁴³ “Interview,” Leong and Leonard; and Gong, 69.

⁵⁴⁴ “Little Pete Murdered by His Enemies,” *San Francisco Call*, 24 January 1897; and “Interview,” Leong and Leonard; Gong, 87.

⁵⁴⁵ “Interview,” Leong and Leonard.

association and one tong, similar to the example of mainstream city leadership he experienced in San Francisco. In Chinatown there was one SFPD Chinatown Squad led by one sergeant, in a law enforcement structure with one chief, under one mayor. One may argue that Fong's experience was not simply one of unbridled ambition and personal power, but was a mirror of the American legal institutions he had encountered since departing the Pacific Mail Steamship company dock as an eleven-year-old boy. It was not difficult, as one newspaper article remarked, to imagine the young Fong Ching as the chief of his district, a "king of Chinatown."⁵⁴⁶

To Sgt. Jesse Cook and the Chinatown Squad of the 1890s, Fong represented a double-edged sword. He enforced order in the district where they could not, and attempted to consolidate the fraternal companies and tongs into one, the Sam Yup organization and the Gi Sin Seer tong. However, his gambling enterprises, known racetrack bribery, and possible prostitution empire (he had dodged the renewed exclusion laws of the 1892 Geary Act through a special act of Congress and the city to import two-hundred-and-sixty Chinese "actresses" for the Chinese pavilion of the Midwinter Fair of 1894, only thirty-four of whom return to China at the fair's conclusion), tainted his mainstream credibility.⁵⁴⁷ Chinatown Squad members found tong enforcers difficult to work with and the internecine group rivalry frustratingly violent. The family benevolent associations, often comprised of more settled, middle-class merchants and agriculturalists, was therefore more appealing for mainstream city law enforcement to conduct its affairs. For benevolent associations during the 1890s, the best Chinatown was a Chinatown that stayed in the good favor with SFPD authorities. Thus it came to pass that in 1893 that they

⁵⁴⁶ "Tongs Organized by Little Pete: Jesse B. Cook Declares that Old King of Chinatown Founded Societies," *San Francisco Call*, 16 April 1913.

⁵⁴⁷ "Must Land Them: Little Pete Aided By Our Congress" *San Francisco Call*, 3 January 1894; and "Cunning Little Pete," *San Francisco Call*, 24 December 1895.

established the Merchants Law and Order League and appointed a series of private Chinese security officers charged with the suppression of open armed conflict on the streets in Chinatown. Chinese association officers took as the inspiration for their uniforms from the SFPD. Each security officer wore a modified navy blue *changshan*—traditional blouse and trousers—and “under the lapel of the blouse each man wears a badge on which are the initials of the league [benevolent association name] and the man’s [assigned] number.” These individuals were paid thirty dollars per month, an amount almost comparable to wages earned by sworn SFPD officers patrolling the streets and alleys at the same time. These individuals patrolled singly or with SFPD officers and reported directly to the association leadership and consul general of Chinatown. Each company appointed two special officers, but could add additional officers depending on the wishes—and wealth—of the particular association’s ruling families.

What is remarkable is the blending of formal and informal law enforcement in the policing of the district. Not only would these special Chinese peace officers police their community on their own, but would also work together with Chinatown squad officers. When called upon by the SFPD or benevolent association to assist squad officers in an informant or raiding capacity, the security force would wear their assigned badge on the outside of their clothing so as to differentiate them from the individuals being scrutinized and further ingratiate themselves with the police force. Chinese officers observed the state of order in the quarter, investigated criminal acts, testified in city court, and functioned as the eyes and ears of the SFPD when city officers were absent.⁵⁴⁸

⁵⁴⁸ “Chinese Act as Police Six Companies Employ Detectives to Watch San Francisco Mongolians,” *Omaha World Herald*, 4 November 1896. For example, in May of 1894 Chinese police testified in the murder trial of a Chinese woman by a man named Choy Son. Further, the lack of real martial ability of the Chinese police can be seen in July

Yet, it was the tongs and their multi-class, widespread membership that maintained order in Chinatown where the SFPD and benevolent associations could not. Most Chinese San Franciscans were either members of a tong or had family or friends in tongs. To keep their district informed, so-called “proclamation walls” were constructed throughout the district by the tongs to inform the people of Chinatown of affairs both inside and out of the district. News items from American newspapers of interest to the Chinese would be translated by tong members and posted, as would notices regarding the occasional birth and (more common) deaths, as well as outstanding debts to tongs. Also posted would be notices of inter-tong conflict. Although primarily peacekeeping, tongs were vigilante organizations that enforced peace through stern tactics that occasionally led to violence. Sergeant Cook was witness to this violence in several fights between rival tong security members. He notes:

At one time, I stood at the corner of Grant Avenue (then called Dupont Street) and Clay Street with Patrolman Matheson (now Captain Matheson, City Treasurer), and Ed Gibson, then a detective sergeant, talking about two tongs that were holding a meeting to settle their troubles. These tongs began fighting among themselves, and inside of a half-hour there were seven Chinamen lying on the streets wounded; one on Waverly Place, one on Clay Street, two in Spofford Alley, two in Ross Alley, and one on Jackson Street. The one in Waverly Place was shot, the bullet cutting the artery in his arm. Captain Matheson and myself took this Chinaman out of the shop where he fell, and stopped the flow of blood by means of a tourniquet.⁵⁴⁹

of 1896 when they announced to the press they were unable or unwilling to stop See Yup violence after the murder of Lee Li, one of their own members. The easy relationship of the Chinese company police with the city police can be most explicitly seen in November of 1896. Under the order of Chinese consul general Fung Yung Hang, who in turn took his orders from both Beijing and the San Francisco mayor’s office, a dozen Taoist temples were destroyed in Chinatown as a sign of “the bond of good behavior” between the white and Chinese communities. Indeed, as temples were sacred sites to rich and poor inhabitants of the district alike, one cannot imagine the average resident looking favorably upon the Chinese police. See, “The Six Companies Have a Regularly Organized Force,” *Morning Olympian*, Olympia, Washington, 24 May 1894; “Open War Declared Among Factions in San Francisco’s Chinatown,” *Kansas City Star*, Kansas City, Missouri, 21 July 1896; and “War on Highbinders,” *Plains Dealer*, Cleveland, Ohio, 1 November 1896.

⁵⁴⁹ Cook, “San Francisco’s Old Chinatown,” 2.

A unique feature of Sergeant Cook's statement is not the violence of the inter-tong dispute that it reveals, but rather the ineffectiveness of the police officers charged with the district's formal law enforcement. As he admitted, they did nothing to stop the violence. Indeed, the blood shed between the tongs was not random internecine violence as portrayed by the press and police of the period. Rather, members of tongs were often those most marginalized in society, both in China and in San Francisco, and members were fighting for their very livelihood and survival. For example, the Sui Sing Tong was established in 1880 to counter the occupational hegemony of the Wong family in Chinatown manufacturing interests. Altercations between tongs were often in response to rights to work or slights by one labor interest over another, an aspect which distinguished tongs from the more geographically-organized and elite membership of the benevolent associations. Reminiscing about his time growing up in nineteenth-century Chinatown, an anonymous resident explained, "if you form a tong, you can all get together and fight back [against oppression], it's stronger."⁵⁵⁰ Indeed, although formed in China for protection against the violence of changing dynasties, the tongs in the United States appear to have transformed into something entirely different based solely on the labor and social conditions of Chinatown—something of which the SFPD and benevolent associations appeared entirely ignorant.

By January 1897, Fong Ching was a marked man. Competing See Yup and Bo Sin Seer gambling and narcotics rings were growing wearisome of the SFPD shutting down their

⁵⁵⁰ "Oldtimers' Tales," Victor Nee and Nee, Brett DeBary, *Longtime Californ': A Documentary Study of an American Chinatown* (Palo Alto: Stanford University Press, 1986), 69.

operations simply to have Fong's open in their stead.⁵⁵¹ Racetrack barons Barney Schreiber and Lucky Baldwin had been swindled by Fong's jockey connections.⁵⁵² The rival See Yup organization claimed Fong had sent his agents back to China to retaliate against their relatives in Canton in order to extort them for company unification under his Sam Yup association, and overseen by the Chinese Consul Fong Wing Hung, a member of the Fong clan. News of unrest in the Chinese colony between the Sam Yup and See Yup in San Francisco eventually reached the court of the Guangxu Emperor Zaitian, as did the name of the man attempting to consolidate power. San Francisco's See Yup leadership, enraged that the Chinese Consul was punishing their families in China for events in the United States at the behest of Fong Ching, sent representatives to President McKinley's Secretary of State Richard Olney in Washington, D.C. They received the notice that their request to remove the consul from power was denied on Thursday, 21 January 1897, but not before Chief Patrick Crowley, who had been chief of the SFPD for the first two decades of the Chinatown Squad experiment, was chastised by Secretary Olney for not keeping his city under control.⁵⁵³

It was at this time that Fong Chun Li boarded up the bathroom window that could be seen from the street three stories below out of fear for her husband's safety.⁵⁵⁴ The race results from the Bay View Racetrack would come in every Saturday evening. Fong's son recalled that Saturday evening of 23 January 1897 when his father "went to the barbershop below our home for a haircut and a lemon shampoo, which was one of his hobbies...somehow he always liked to

⁵⁵¹ *San Francisco Chronicle*, 25 January 1897, p. 12.

⁵⁵² *The Breeder and Sportsman Magazine*, vol. 38, no. 14, Saturday, 4 April 1896, p. 216, MSS 0783, Barry Whitehead Collection of Horse Prints: Breeder and Sportsman Horseman Magazine, 1755-1934, Stanford University Manuscripts Division Special Collections, Palo Alto, Calif.

⁵⁵³ *San Francisco Chronicle*, 31 January 1897, p. 37.

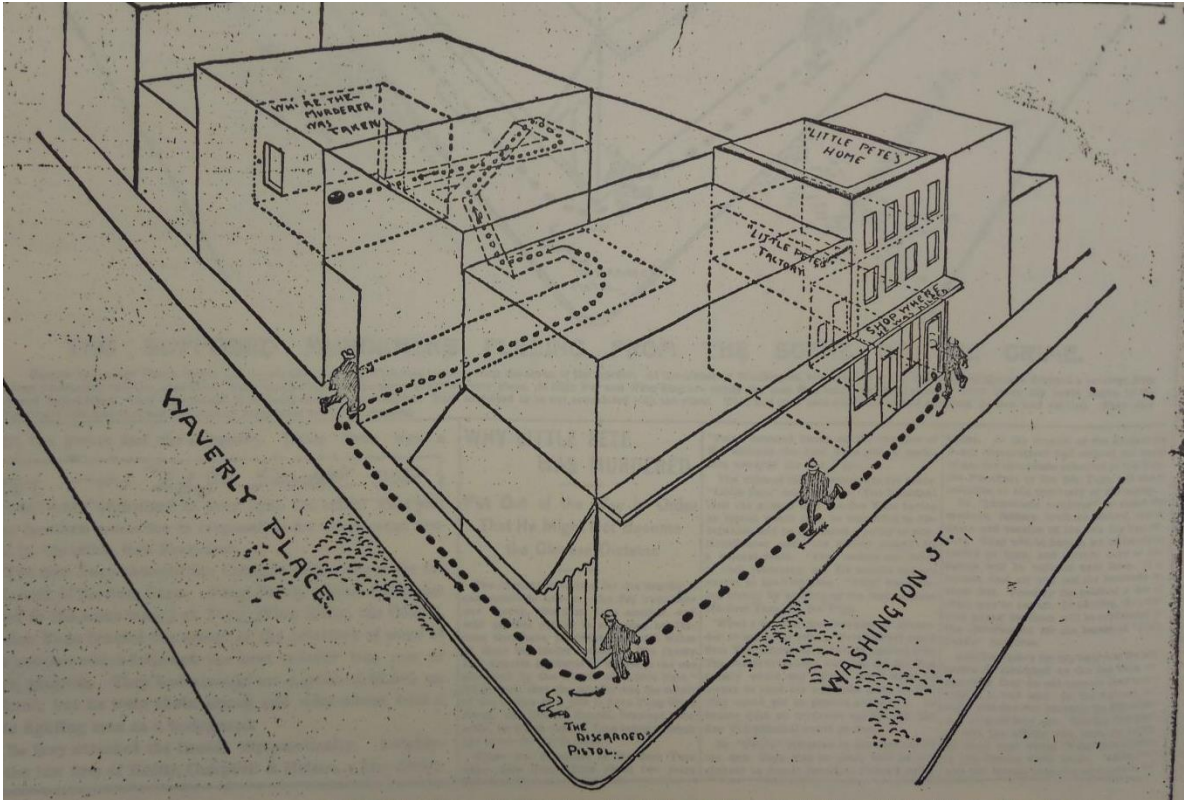
⁵⁵⁴ Gong, 82.

have a lemon shampoo.”⁵⁵⁵ See Yup members Chew Tin Gop and Lem Jung had been recalled by San Francisco headquarters leadership from the Oregon gold country near Baker City three days before on special assignment: they were to rent a room at 818 Washington Street, on the third floor, directly across the street from the Fong residence.⁵⁵⁶ The afternoon of the 23rd Fong’s son recalled his father declaring to his mother his frustration at his circumstances, wherein his father declared, ““They can’t shut my mouth!”” Fong had dinner with his family, and said goodbye to his wife, two sons, and infant daughter, and went down through an interior stairwell. He passed through the shoe warehouse where he had worked as an eleven-year-old errand boy for ten dollars a month and which he built into a retail empire. Fong continued downstairs, entering Wong Lung’s Barbershop through a private rear entrance and dismissing his bodyguard, Ed Murray, to get the paper for the race results. Murray protested, for obvious reasons, but Fong insisted. The barber shaved the front of Fong’s forehead, as was the Chinese custom, trimmed his queue, and led him over to the wash basin. “He applied the soap to my father’s head,” Fong’s son was later told by eyewitnesses, “and after that the queue was thrown over his head, covering his face.” He likely heard the bells of the front door chime, eagerly anticipating the race results. Lem Jung and Chew Gop found him in his barber’s chair. It was reportedly Jung who quickly approached him and said, “Fung Jing Doy, I am going to give you a birthday celebration.”⁵⁵⁷ Fong “Little Pete” Ching, the “King of Chinatown,” was dead at thirty-three.

⁵⁵⁵ “Interview,” Leong and Leonard.

⁵⁵⁶ Gong, 82.

⁵⁵⁷ “Interview,” Leong and Leonard; and Gong, 88.



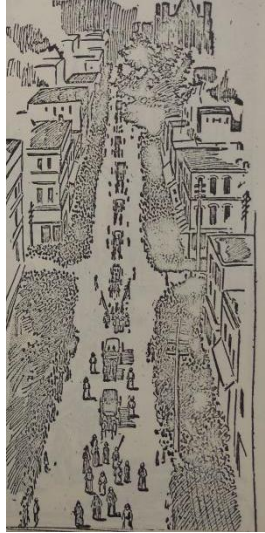
Escape Path of Fong Ching's assassins
San Francisco Examiner, 25 January 1897

Officer Welch, Sergeant Mooney, and the Chinatown Squad pursued the two running men down Waverly, who were quickly arrested. However, the alleged perpetrators were Wong Sing and Chin Poy, not Chew Tin Gop and Lem Jung, the men who had arrived from Oregon at See Yup request, rented the third floor opposite the Fong residence, and just as quickly departed following the assassination, all within a week's time; Bo Sin Seer tong leader and See Yup officer Chin Ten "Big Jim" Sing left the city on the first steamer north. The autopsy would show that Fong's supposedly bulletproof vest did him little use: he had been shot twice in the head and once in the heart from point blank range. The significance of Fong Ching in city order and his popularity is evidenced in his murder making the front page headlines the following day,

followed by a steady stream of articles in the coming weeks, months, and years.⁵⁵⁸ The precise motive and case for Fong Ching's murder remains unsolved today. Fong Chun Li was the first to suspect that the men captured were not the men who had murdered her husband. However, it may be argued that the internal and external political ramifications of consolidating vernacular policing under one company and one leader were directly responsible for the community leader's murder either from forces within or outside the district. The Vigilance Committees and Pick-Handle Brigade had stepped aside willingly following their ordering enterprise; Fong Ching did not. It is possible this clinging to power proved his undoing in the eyes of the larger American community and to rival forces within the district. Moreover, with the turn of the century three years away and more tourists visiting the city, Fong as an elaborately dressed, armed, and proud Chinese community leader did not coincide with the American racialized idea of a degraded and subservient population of opium fiends. It is certainly plausible that civic and law enforcement leaders with cognizant of this and sealed the fate of Fong Ching.

Fong Ching's funeral was the largest the city of San Francisco had ever seen. Tens of thousands of mourners, both Chinese and white, turned out to witness the procession from his home on Washington Street to the nearby cemetery. His son remembered the floral tributes that were donated to his memory and the brass bands that marched stoically behind his elaborate hearse, which was drawn by six black-clad white stallions. His casket, composed of California

⁵⁵⁸ "Little Pete Murdered by His Enemies," *San Francisco Call*, 24 January 1897.



Fong Ching's funeral procession
San Francisco Examiner, 27 January 1897

redwood, was marched four miles west through the city that had expanded so rapidly in the half-century since its founding. After a short waiting period for the shipping papers to be settled, Fong's body was disinterred and transported to the same Pacific Mail Steamship Company dock he had disembarked from as a boy, and then on to China for burial at Hok Gong Cemetery in his home village of Deng Hoi.⁵⁵⁹ Fong Ching had lived only thirty-three years and attained a level of power in American city affairs unlike any other Chinese immigrant. Perhaps the greatest triumph for the Chinese immigrant boy who had spent his first years in the U.S. making three times less than railroad laborers and who would strive to create a single community enforcement entity could be witnessed by the estimated ten-thousand Chinese and American mourners who turned out that cold day in January, over three percent of the entire city. Preceding the body of this immigrant marched a platoon of San Francisco police officers in full dress uniform.⁵⁶⁰

⁵⁵⁹ Leong and Leonard, "Interview"; "Little Pete's Funeral," *Sacramento Daily Union*, 27 January 1897; and "Passing of 'Little Pete': The Funeral Rites Held Over a Famous Chinaman," *The Wave*, January 1897, p. 7.

⁵⁶⁰ "Passing of Little Pete," *The Wave*, January 1897; Statistics based on United States Bureau of the Census, *Ninth Census*, 6 vols. (Washington, D.C., 1902); "Francis Powers' Drama of Chinese Life, 'The First Born,' on This Week," *San Francisco Call*, 11 July 1897; "'The First Born' in New York," *San Francisco Call*, 6 October 1897;

Clearly, there was a mixed collaborative relationship and mutual goal of community ordering between the SFPD and the man who would later be depicted in the twentieth and twenty-first centuries as little more than a common thug. Sensationalist modern interpreters of the bawdy days of the old Barbary Coast such as Herbert Asbury and Kevin Mullen are largely responsible for casting a young, ambitious entrepreneurial immigrant into the mold of the amoral, scheming “hatchetman.” Historical evidence left to us in the form of a stage play depiction of the events surrounding Fong’s life and murder written and debuted in San Francisco five months after his death, however, indicate he was viewed by his contemporaries in far more positive light. Inspired by the life and death of Fong, San Francisco actor and playwright Francis Powers composed the first compassionate and non-stereotypical portrayal of life in the Chinese district in his play, *The First Born*. Debuting on 3 May 1897 at the Alcazar Theatre, the play depicted the life of one Man Low Yek, a shoe warehouse owner who becomes embroiled in the politics of the Chinese district before his eventual assassination. The production was a hit with local audiences, and was one of the first to employ Chinese actors, costumers, musicians, and designers for an American audience. *The First Born* would go on to success in New York and London, and eventually a 1921 silent movie. Its documentary style and positive portrayal of Fong’s character, combined with the evidence of dozens of articles mourning his loss in the weeks following his death, indicate a community leader who was far more than a mere gangster.⁵⁶¹

“Chan's Grief for ‘First Born’ Thrills Theater-Goers Anew: Revival of Francis Powers’s Gem of Tragedy Attracts Large Audiences at the Alcazar,” *San Francisco Call*, 22 May 1901; and “Doted Actor at Theater Tonight,” *Madera (Calif.) Tribune*, 2 July 1921.

⁵⁶¹ *The First Born*, Wilbur Daniel Steele Papers, 1907–1970, Box 10, folder 12, doc. 123, MSS M0019, Stanford University Manuscripts Division, Stanford University, Palo Alto, Calif.



Sgt. Jesse Cook and Chinatown Squad, ca. 1905
Jesse Brown Cook Collection, Bancroft Library, Berkeley, Calif.

Aftermath: Shutting Down the District

In the weeks following Fong Ching's murder, Chief Patrick Crowley, who twenty years earlier had headed a posse armed with muzzle-loading rifles down to the Pacific Mail docks and guarded the property and disembarking immigrants for thirty days during the anti-Chinese unrest of 1877, showed his hand regarding department support of Fong Ching and his ordering enterprise. The Sam Yup and Gi Sin Seer leader, although utilizing tactics that were at times questionable, had consolidated the dozens of competing tongs under one and created a vernacular policing institution that protected Chinese immigrants of all families and levels of wealth. The small strike-team type units that tongs used would be mimicked by the SFPD in its Chinatown detail and later police departments and federal military forces worldwide. In Fong Ching's Chinatown, tongs aided the police and police the tongs in a dialectical dance of enforcement experimentation. This unique, bottom-up, discretionary policing environment fostered by the SFPD and based on the relationship between formal and informal policing reached its zenith in the era of Fong Ching and Chief Crowley.

Without their intermediary, the SFPD shut down Chinatown. Crowley forbade the celebration of Chinese New Year's with a district fireworks ban, which he had translated and posted on the tong wall for all to see. He sent his best Chinatown Squad officer, Sgt. Jesse "Tiger Eyes" Cook who had rotated out in 1895, back into the quarter in February 1897, this time commanding a one-hundred-man force of uniformed officers rather than the usual five plainclothes. The full martial power of the new SFPD was on display as arrests were made for every minute violation of municipal orders, down to the level of "obstructing the sidewalks [or] washing off after 8 o'clock of sidewalks or of balconies or upper floors so as to cause dripping on the sidewalks."⁵⁶² Crowley, for the first time in department history, cracked down hard on "Order 2085" against the sale of opium. The Suey Sing, Bow On, and Quong How tongs, all members of the See Yup organization, had their headquarters dismantled by Cook and the expanded force, their "teakwood furniture[was] splintered, china vases shattered and bronze incense jars overturned."⁵⁶³

Fong Ching, the leader of the Sam Yups and their tong affiliates, was dead, and the leader of the See Yups, Chin Sing, had fled. As such, a vacuum in vernacular ordering power in Chinatown was created, creating a chaotic, violent situation of open armed conflict on the streets abutting the old Plaza. Chief Crowley retired from office shortly after the Fong Ching assassination, and Jesse Cook's Chinatown Squad responded with increasingly aggressive tactics to put down the unrest with little of the more nuanced relationship between the formal and informal enforcement entities as before. By the spring of 1906 disorder had come to characterize

⁵⁶² *San Francisco Chronicle*, 31 January 1897, p. 37.

⁵⁶³ *San Francisco Chronicle*, 12 February 1897, p. 5.

the lives of San Francisco's Chinese residents.⁵⁶⁴ Indeed, for the average worker struggling to survive in Chinatown one may presume that it felt as if the very walls themselves were teetering and ready to fall. And then, at 5:13 AM on 18 April 1906 they did.



Refugees in Portsmouth Square, 1906
California Historical Society, San Francisco, Calif.

The severe movement of the earth broke a majority of the city's gas lines, which soon caused a raging inferno in the city and licked at the edges of Chinatown. The tremors had also caused the water mains beneath the city to rupture, creating impossibly low water pressure for the hoses of the San Francisco Fire Department. The Monumental Engine Company, now the San Francisco Fire Station No. 6, bell resounded over the city and drawing survivors to gather once again in the Portsmouth Square Plaza, this time to shelter in the SFPD camp established in one of the only safe havens free from burning buildings in the city. The number of Chinese dead among the official citywide figure of fatalities is unknown, as most Chinese residents remained undocumented by federal and civic authorities. However, one may surmise that the number could be in the dozens or even hundreds considering the age and condition of the buildings and the

⁵⁶⁴ Jesse B. Cook, "San Francisco's Old Chinatown."

extreme population density of the quarter.⁵⁶⁵

Old Chinatown was no more. The square brick buildings constructed in the days of the vigilantes and transformed into a colorful and vibrant—if segregated—home by the quarter’s residents were leveled. Old sites of cultural meaning such as the tong proclamation wall on Washington, Fat Boy Alley, and the vibrant façades of Waverly Place, “the Street of the Painted Balconies,” the magnificent theaters on Dupont, and the rooftop gardens, all ceased to exist that fateful spring day. Not only were the buildings of Chinatown laid waste, but so too were its ordering institutions. “The Chinese Six Companies are said to be practically annihilated, so far as any influence on the present situation is concerned,” the *Oakland Tribune* wrote. “The fire,” the article continued, “had full sway and Chinatown, for the removal of which many a scheme has been devised, is but a memory.” Chinese survivors were ferried across the Bay by the police to a refugee camp along the shores of Lake Merritt in Oakland. A witness amid the ruins of Chinatown, San Francisco observed, “I did not see a single Chinaman in all the complete ruin of what was once the most populous Chinese quarter in the new world. The yellow men have fled from the place, and the only human beings I saw there were two Italians poking about in the ruins of a Chinese curio store.”⁵⁶⁶

To the officers of the SFPD it appeared that the problem of enforcing law and order in Chinatown had been solved. Chinatown was now a tourist destination, filled with quaint, orientalist buildings and curio shops. In a telling case of the state of Chinatown, one of Fong Ching’s former American bodyguards, William Andrews, who had learned the alleyways and underground passageways of the quarter intimately while guiding his charge to safety, now

⁵⁶⁵ Frederick Beckington Allen, M.D. *San Francisco’s Coroner’s Office: A History, 1850–1980* (San Francisco: Redactors’ Press, 1999), 46–50.

⁵⁶⁶ *San Francisco Examiner*, 26 April 1906.

worked as a tour guide ferrying open-mouthed visitors to staged houses where old men smoked “opium” and told about the exciting, far-gone days of the tong wars and the legendary gangster, Little Pete.⁵⁶⁷ However, ruminations began to spread of the splintered tongs slowly reforming in the camps across the Bay. Soon the tongs would return, but take on even more violent tactics as they were forced to go underground by a larger Chinatown Squad needed for the bigger and more tourist-populated New Chinatown. In this new city, one of Fong Ching’s old associates would rise to create a new San Francisco Police Department that would become the model for the nation and the new century.

⁵⁶⁷ “Foul Murder at San Francisco,” *Sacramento Daily Union*, 24 January 1897; and Barbara Berglund, *Making San Francisco American: Cultural Frontiers in the Urban West, 1846-1906* (Lawrence: University of Kansas Press, 2007).

**Epilogue:
Tiger Eyes
Jesse Cook, the Jewel of the Pacific, and
Reorienting the National Policing Model**

Commissioner Cook is one of the most unique figures in American police service.
“San Francisco Police Officials Visit El Paso,” *El Paso Daily Herald*
8 May 1912

In 1908, the city was still rebuilding from the devastation of two years previous, steel skyscrapers replacing the brick and wood of the days of the Vigilance Committee. As Chinatown was physically reformed, so too was the city police infrastructure. In essence, with the destruction of the city, the SFPD had a clean geographic slate to modernize their facilities to a level beyond any other major municipal police agency at the time. The post-earthquake years saw a boom in police facilities in the form of the new Richmond, Park, Ingleside, Portrero, Northern, and Harbor stations. A steel and concrete Hall of Justice now stood on the former sandlots—now Civic Center Plaza—where ill-fated agitators met to organize the destruction of Chinatown in 1877, sharing the space with a bronze sculpture of Hall McAllister, former prosecutor of the Hounds and defense attorney for Fong Ching.⁵⁶⁸

The post-earthquake SFPD also experienced an administrative reordering. The embattled police chief, William Biggy, drowned in a boating accident at the end of November 1908. The Police Commission looked to an officer with decades of unique, specialized experience on the SFPD to replace him: Jesse “Tiger Eyes” Cook, former sergeant of the Chinatown Squad during

⁵⁶⁸ “History of the San Francisco Police Department,” San Francisco Planning and Research Department, San Francisco History Center and Archives, San Francisco Public Library, San Francisco, Calif., p. 5.

the reign of Fong Ching.⁵⁶⁹ Chief Cook immediately got to work emulating the vigilante chiefs of the nineteenth century he had trained under, firing a hundred officers accused of bribery and corruption.⁵⁷⁰ Chief Cook was known as a renegade against corruption, using the press to offer bracing warnings and promises to San Franciscans. He was known for bold, Roosevelt-esque comments during his tenure as chief, such as making a “square deal for all and favoritism for none.”⁵⁷¹ From Chinatown Squad sergeant to chief of police to police commissioner, Jesse Cook’s law enforcement experience saw the policeways of San Francisco transformed from a vernacular amalgamation of formal and informal community ordering rooted in the Bay City’s multiethnic gold rush past, to a model that would be hailed by more than one president and emulated by nearly two-dozen cities.



Chief Cook ridding the city of corruption and vice,
Jesse Brown Cook Collection, Bancroft Library, Berkeley, Calif.

⁵⁶⁹ “Chief Announced, Jan 1909,” in Ephemera, Jesse Brown Cook Scrapbooks Documenting San Francisco History and Law Enforcement, 1895-1936, BANC MSS 1996.003, Bancroft Library, Berkeley, Calif.; and “Sergeant Made Chief of Police,” *Sacramento Union*, 24 December 1908.

⁵⁷⁰ *San Francisco Globe*, 29 December 1908.

⁵⁷¹ *Sacramento Union*, 30 December 1908.

Hinterland Youth and Eclectic Enforcer

Jesse Brown Cook was born in the Bay hinterland outpost of Marysville in 1860, where English Jim was to stand trial for the murder of the Yuba County sheriff nine years earlier but who was instead hanged from a Vigilance Committee rope. His father, William Nixdorff Cook, had traveled to the diggings in 1850 along with tens of thousands of others. He had done moderately well on his claims, and soon had the fortune to bring his wife, Mary Pemberton Brown, to live with him two years later. When he was eight years old, the Cook family moved to San Francisco where a steady income could be attained. Cook attended the Spring Valley School, but left when only twelve years old to learn the trade of taxidermy. Cook's young life on the Bay sparked dreams of the open ocean, he states in an interview with the *San Francisco Call* shortly after his appointment as chief in 1908. "I went to sea," Cook writes, "around the Horn. First I was ship's boy, then ordinary seamen and later boatswain." At fifteen Cook traveled Europe with the Black Crook theatre troupe, performing in the great capitals of the world as a skilled contortionist. As a seaman and actor he saw the world, and was exposed to a myriad of cultures and ways of life that possibly informed his later approach to progressive policing in his childhood hometown.⁵⁷²

Following his life at sea, Cook traveled the West, finally landing in the frontier town of San Antonio, Texas, where he began his first career in law enforcement as a special police officer. Cook experienced firsthand the potential violence of western boomtowns as "desperadoes and cowboys came in to shoot up the town," but he helped ensure "they always left their firearms at the city limits." After a brief stay in the East Bay town of Alameda in which he met and married his wife, Clara, Cook and his family moved down the coast to San Diego. He first worked as a butcher, before eventually joining the San Diego Police Department. Cook

⁵⁷² "What Chief of Police Cook Has Achieved Without Any Trouble," *San Francisco Call*, 28 December 1908.

believed the best policy of a peace officer was just that: not antagonizing the public but rather keeping the community peace. The *Call* interviewer remarks upon the calmness of Cook, stating, he “could serve as a model the next time the local sculptors are designing statues of peace.”⁵⁷³ Cook briefly served on the California National Guard from 1888 to 1889; it was not long, however, before Cook’s hometown beckoned him once more, and he was appointed to the San Francisco Police Department on 13 February 1889.⁵⁷⁴

Officer Cook was on the job less than a month when Chief Patrick Crowley noted his striking ability to apprehend suspects with little to no violence. In March of 1889 Cook was assigned to Sgt. George Wittman’s Chinese detail. As mentioned in Chapter Five, over the course of his time in Chinatown, Cook and his fellow officers were tasked with embedding themselves in the district, learning precisely why, for example, Duncombe Alley off of Jackson Street was referred to as *fay chie hong*, or “Fat Boy Alley” by residents. Like other Chinatown Squad officers, Cook did not patrol in uniform but wore a plain men’s business suit and concealed utility belt. Although the 1878 McCoppin Act established a nearby district police station, the detail met informally at an establishment that would become known in the twentieth century as Reds Place, a block from the site of the remains of Chilecito.⁵⁷⁵

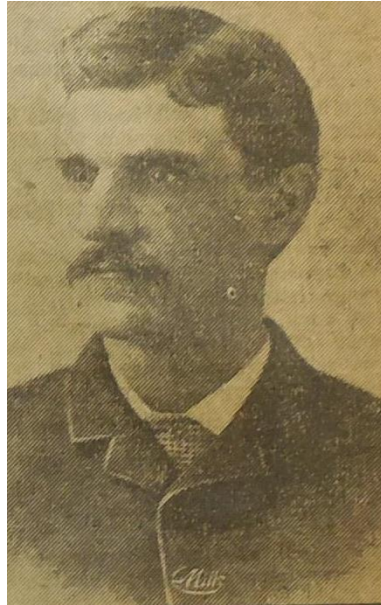
Cook worked well in Chinatown, but he was rotated out after the customary six months to prevent corruption per the dictates of the McCoppin Act. He rose through the ranks in assignments throughout the city for the next six years, becoming a sergeant and then a captain. In 1895, at the height of Fong Ching and Ten Sing’s informal control of Chinatown, Cook was sent

⁵⁷³ *San Francisco Call*, 28 December 1908.

⁵⁷⁴ “News Clipping, 28 December 1908,” Jesse Cook Scrapbooks; Jesse Brown Cook Discharge Papers, California National Guard, 30 March 1889, Album 1, Jesse Brown Cook Scrapbooks Documenting San Francisco History and Law Enforcement, 1895-1936, BANC MSS 1996.003, Bancroft Library, Berkeley, Calif.

⁵⁷⁵ “News Clipping, 28 December 1908,” Jesse Cook Scrapbooks; and Jesse B. Cook, “San Francisco’s Old Chinatown,” *San Francisco Police and Peace Officers’ Journal* (June 1931), p. 2.

back in to command the SFPD Chinese detail. In his memoir of his time in Chinatown, Cook speaks of Fong with wary respect, describing his consolidation efforts “very successful, until the tongs started fighting among themselves.”⁵⁷⁶



Sgt. Jesse “Tiger Eyes” Cook, ca. 1889
Jesse Brown Cook Collection, Bancroft Library, Berkeley, Calif.

A peace established under Fong and the SFPD detail, Cook was once again reassigned. However, when Fong—whom Cook later admiringly referred to as “a marvelous Chinese”—was assassinated in 1897, Chief Crowley sent his premier officer, nicknamed “Tiger Eyes” by the locals, back into Chinatown. The See Yup and Bo Sin Seer tong attempt at seizing enforcement power was put down by Cook and his inflated Chinatown force of one-hundred officers within six weeks, as profiled in Chapter Five.⁵⁷⁷ Tiger Eyes was sent in one last time in 1905 to stamp down internecine violence between several tongs vying for power, and stayed until the

⁵⁷⁶ Cook, “San Francisco’s Old Chinatown,” p. 2.

⁵⁷⁷ *San Francisco Chronicle*, 31 January 1897, p. 37; “Jesse B. Cook Declares Old King of Chinatown Founded Societies,” *San Francisco Call*, 16 April 1913.

earthquake of April 1906 destroyed the district.⁵⁷⁸ Cook's apparent ability to avoid corruption became renowned throughout the force, with numerous editorial cartoons depicting scenarios of his unflappable resolve, such as a three-story-high Tiger Eyes standing before a rendition of the state prison, corrupt officers and caricatured Chinese residents caught in his grip.⁵⁷⁹ When Chief Biggy died in November, it was not difficult for the police commissioners to settle on the incorruptible Capt. Cook as his replacement.

A National Police Model

The influence of San Francisco's law enforcement experiment on policing moved far beyond the city limits to the nation's capital. From May to July 1908, Pres. Teddy Roosevelt's "Great White Fleet" visited San Francisco while on its naval tour around the world. While in the city, President Roosevelt asked to meet with Chief Cook. In their meeting, the President remarked upon the Bay City's law enforcement and vigilante heritage of routing political and law enforcement corruption from civic affairs, a near and dear subject to the former New York City Police Commissioner. During his time with the Department in the last decade of the nineteenth century, Roosevelt experienced first-hand the depth of corruption in city politics and law enforcement. He came to the realization that "masculine spirit" alone could not solve the problem of ordering a city. If society was going to be restored, its institutions needed to be reformed as well. The San Francisco Police Department was to be praised, the President remarked, and should be used as a "shining example for other departments" nationwide to follow.⁵⁸⁰

⁵⁷⁸ "What Chief of Police Cook Has Achieved Without Any Trouble," *San Francisco Call*, 28 December 1908.

⁵⁷⁹ "News Clipping, n.d." Album 1, p. 42, Jesse Brown Cook Scrapbooks Documenting San Francisco History and Law Enforcement, 1895-1936, BANC MSS 1996.003, Bancroft Library, Berkeley, Calif.

⁵⁸⁰ "News Clipping, 28 December 1908," Jesse Cook Scrapbooks.

Cook worked to make the SFPD a modern, twentieth-century department whose practices could be emulated by other agencies. During his tenure, Chief Cook reintroduced a by-gone element from the vigilante patrols of the 1850s: requiring mandatory daily written reports of all patrols by each on duty police officer, no matter how mundane the report. Unless each officer was accountable for every minute of time on the clock in uniform, Cook determined, he would be cited and removed.⁵⁸¹ Citing the known corruption of NYPD Chief Bingham and Mayor McClellan, the *New York Evening Post* of January 1909 highlighted the work of Chief Cook and the SFPD as a true example of positive policing.⁵⁸²

Change in policing could not be made, Cook told the press, without relationships between the police and leading members of the community. His success and the success of his Chinatown detail in the 1890s was rooted in the dialogue and interpersonal interactions of the squad with Fong Ching, Ten Sing, and other local residents. In 1909 Cook once again illustrated the unique progressive policing methodology that had come to mark the previous six decades of the city's history. A fluent speaker of Cantonese, Cook joined with Chinese Consul General Hsu Ping Chen and Chinese community leadership on a house-by-house campaign in Chinatown to stop the violence returning to levels not seen since the 1880s. When the accompanying Chinatown Squad Capt. James Kelly refused to make his unit's patrol logs open to the public for scrutiny, Cook fired him on the spot and replaced him.⁵⁸³

Chief Cook's SFPD continued to attract the interest of the nation's chief executive. During President Taft's trip to San Francisco in October 1909, the entire SFPD was mustered to

⁵⁸¹ "News Clipping, 4 January 1909," Jesse Cook Scrapbooks.

⁵⁸² "News Clipping, *New York Evening Post*, n.d. January 1909," Jesse Cook Scrapbooks.

⁵⁸³ "News Clipping, 1 January 1909," Jesse Cook Scrapbooks; and "News Clipping, 5 January 1909," Jesse Cook Scrapbooks.

line his parade route. Chief Cook led a phalanx of mounted SFPD police and reportedly caught the attention of the President for his professional, hands-on approach to police leadership. After the parade, Taft remarked to Cook and Mayor Taylor, “Your police force is the most efficient body that I have met in any of the cities that I have ever visited.”⁵⁸⁴

This was no understatement, as Cook and the SFPD would continue to be at the vanguard of modern policing procedures. Cook, a voracious reader, student of Chinese and Italian, and amateur scientist, realized that a more efficient means was needed to apprehend repeat offenders. Photographs and cranial/body measurements, the previously established method of criminal identification, were unreliable. Resourceful individuals could conceal their physical identity in any number of ways. However, Cook determined what did not change with hairstyle and color, clothing, and facial hair were an individual’s fingerprints. Recalling his days in Chinatown, he possibly noted the Chinese practice of signing important legal documents with a fingerprint. In 1909 Cook’s SFPD became the first department to utilize a unified Fingerprint Identification System, which was incorporated into the new California State Bureau of Identification. Although fingerprints had been used sporadically for roughly two decades as a secondary means of establishing a suspect’s guilt, Cook was the first to incorporate this method into a centralized database.⁵⁸⁵ This cutting-edge SFPD technology is employed by local, state, federal, and international police organizations to this day to identify suspects.

⁵⁸⁴ “Ovation Given Taft by San Franciscans on his Arrival Here,” *San Francisco Call*, 6 October 1909.

⁵⁸⁵ “Remarkable Success of State Bureau of Identification in Solving Recent Crimes by Analyzing Finger Prints,” *San Francisco Call*, 23 February 1909; and “History of the San Francisco Police Department,” 5–6. For use of finger prints by Chinese, see “Co-Operation Against Criminals,” *Los Angeles Herald*, 15 June 1909.



SFPD Chief Dan White, Commissioner Jesse Cook, and Mayor Rolph reviewing the police force, 1909
Jesse Brown Cook Collection, Bancroft Library, Berkeley, Calif.

As any tourist visiting San Francisco for the first time may attest, San Francisco has quite a few hills. This was not lost on the new drivers, first of bicycles, and then automobiles who began to appear in the first decade of the twentieth century in the city. These individuals, known as “scorchers,” would use the hills to launch themselves downhill ever faster. Chief Cook, also an avid automobilist and fan of the newfangled “bone crushers”—or motorcycles—perceived correctly that technology might once again be used to advance the police service. It was on this basis that he assigned three known roadster police officers to the new SFPD Solo Motorcycle Unit, the first of its kind, in 1909. Soon after, this was modeled by the Los Angeles Police Department and the Chicago Police Department, before most major metropolitan agencies sought at least one motorcycle police unit.⁵⁸⁶

When labor leader P.H. “Pinhead” McCarty—a known political agent during the corrupt reign of former musician and mayor, Eugene “Handsome Gene” Schmitz, and administration lawyer and political boss, Abe Ruef—was elected mayor in 1910, he dismissed Cook. Tiger Eyes retired to a ranch in Mendocino, where he declined a formal request from the growing metropolis

⁵⁸⁶ “News Clipping, n.d. 1909,” Jesse Cook Scrapbooks; “History of the San Francisco Police Department,” 6; “The Motorcycle Squad of the Los Angeles Police Department” *Los Angeles Herald*, 21 November 1909; and “Motorcycle Police Squad for Chicago,” *Chicago Tribune*, 6 November 1909.

of Los Angeles to the south to fill their chief's position. However, Cook had lived most of his life in the Bay Area, and was not quite done in his policing mission there.⁵⁸⁷ The former chief was appointed to lead the San Francisco Police Commission in 1912 by progressive Republican Mayor Rolph, a job he accepted. As commissioner, an instrumental if political position, Cook saw the potential to move the lessons he learned in San Francisco beyond the city.⁵⁸⁸

In April 1912 he and Mayor James "Sunny Jim" Rolph charged the Police Commission with a special task: Cook would lead a trip to a sample group of cities to observe their law enforcement practices for possible alteration of SFPD law enforcement methodology. San Francisco had been chosen to host the Panama-Pacific International Exposition of 1915 celebrating the completion of the Panama Canal. This event was to showcase the entry of the United States to the world stage and San Francisco as the capital and jewel of a new American Pacific.⁵⁸⁹ As such, Rolph and Cook knew that San Francisco's police department would be on display for the country and the world to scrutinize; assurances were needed that the SFPD was the premier municipal policing agency. However, shortly after starting their tour in April 1912, Commissioner Cook, Police Chief David White, and Lt. Duncan Matheson of the newly motorized SFPD Traffic Division (which included the revolutionary Motorcycle Unit), began to receive requests from departments, both in the United States and Canada, to visit their agencies and advise them on how to be more like San Francisco.⁵⁹⁰

There began a months-long, twenty-two city tour of police departments in both the United States and Canada profiled in an assortment of news clippings in the Jesse Brown Cook

⁵⁸⁷ "Ephemera, February 1910," Jesse Cook Scrapbooks.

⁵⁸⁸ "Ephemera, April 1912," Jesse Cook Scrapbooks.

⁵⁸⁹ "Eastern Police Treat Cook and Party Well," *San Francisco Call*, 21 April 1912, in "Newsprints," Jesse Brown Cook Collection; and Abigail M. Markwyn, *Empress San Francisco: The Pacific Rim, the Great West, and California at the Panama-Pacific International Exposition* (Lincoln: University of Nebraska Press, 2014).

⁵⁹⁰ "Ephemera, April 1912," Jesse Cook Scrapbooks.

Collection at the Bancroft. Cook personally compiled the set of albums containing thousands of photographs he took of the city, as well as the news clippings, often and frustratingly without citing the name of the paper and exact date of the articles. However, what this rare source base indicates is that Commissioner “Tiger Eyes” Cook and his law enforcement advisory team first began a tour of California in April 1912 before heading east. Cook, Chief White, and Lieutenant Matheson stopped first in Los Angeles, where they observed the motorcycle patrol unit they had established in emulation of the SFPD.⁵⁹¹ Next, the team dropped in on the agencies at Denver, Kansas City, Chicago, New Orleans, and Detroit, before reviewing the departments at St. Louis, Philadelphia, Boston, Providence, and Baltimore.⁵⁹² The slowly modernizing NYPD was next on the list, as were the Buffalo, Montreal, Toronto, Boston, and Pittsburgh police agencies. St. Louis and Cleveland were next, before a tour of the south proceeded at Memphis, Atlanta, Dallas, and El Paso.⁵⁹³

Cook and his team had a different solution for each city based on the history of vernacular law enforcement in San Francisco and its hinterlands. In Baltimore, Cook advised the chief he should pay his force better to produce pride in their office and retain quality officers.⁵⁹⁴ In New York, Cook advised the chief to “cinch up” the ballooning coats for more agility and speed in their officers. SFPD officers often had to run down tight alleys and up steep hills in the city and therefore modified their uniforms accordingly. The baton and utility belt should be made more compact and tight against the skin, as the modified belt of Chinatown Squad officers had

⁵⁹¹ *Los Angeles Herald*, n.d. April 1912, Album 1, Jesse Cook Scrapbooks.

⁵⁹² “News Clippings, April 1912,” Album 1, Jesse Cook Scrapbooks.

⁵⁹³ “News Clippings, April 1912,” Album 1, Jesse Cook Scrapbooks.

⁵⁹⁴ *Baltimore Sun*, n.d. May 1912,” in “News Clippings,” Album 1, Jesse Cook Scrapbooks.

been since 1878.⁵⁹⁵ As the New Orleans Police Department commented in May, the police force “of the Golden Gate is just a wee bit better than anywhere else.”⁵⁹⁶

Upon returning to San Francisco on 12 May 1912, Cook met with Mayor Rolph and the police commission to discuss his findings. Speaking later at the Palace Hotel in a speech entitled, “Police Methods, East and West” Cook summarized his law enforcement tour. Cook was “firmly convinced,” he stated, “that San Francisco has but little to learn from the eastern cities in matters pertaining to police efficiency.” In examining each city’s methods, uniforms, department rules and regulations, hours of work, pay, interactions of the different bureaus, and civilian interaction, the SFPD was superior. “The name San Francisco acted as a talisman,” Cook said, each city’s chief officers laying open the intricacies of their department for inspection. “We have a better record here,” he continued, “than any of the cities we visited.” Chief White concurred, adding, “The scale of wages is at least 40 percent higher in San Francisco than anywhere else. Our policemen receive \$120 per month, corporals \$130, sergeants \$140, detective sergeants \$150, lieutenants \$160, captains \$200, and chief detectives \$250. We have not found such a scale anywhere else.” Cook found the intimidating nature of the NYPD disturbing, and advised them against the constant use of threatening demeanor. “I do not like to see a police officer with a baton hanging from his wrist as though he is looking for trouble.” Likewise, he advised New York to disband their large, menacing crowd control details, which often caused more disturbances than stopping it, and to replace them with small squads of well-trained parade officers as first developed by Chief Burke during the unrest of the Civil War and as used during the anti-Chinese riot of 1877. Concluding his remarks, Cook gave a lesson for all future police

⁵⁹⁵ *New York Tribune*, 1 May 1912,” in “News Clippings,” Album 1, Jesse Cook Scrapbooks.

⁵⁹⁶ “San Francisco Police Gathering Points on Force for the Fair,” *New Orleans Times-Picayune*, 3 May 1912,” in “News Clippings,” Album 1, Jesse Cook Scrapbooks.

officers and agencies, stating, “The old days of rough treatment of the public by the police have passed.”⁵⁹⁷

Cops, COPS, and a Legacy of Progressive Enforcement

Cook’s legacy of path-breaking work on behalf of progressive policing continued long after the tour ended. He was involved in the appointment of SFPD officers Katherine O’Connor, Kathlyn Sullivan, and Katherine Eisenhart—three of the first female police officers in the nation—in 1913. Cook’s young protégé and former assistant to Chief White, Officer Dan O’Brien, became chief of the SFPD in 1920. Under O’Brien’s reign, Inspector Jack Manion of the Chinatown Squad utilized similar community policing methods as Cook and Fong decades earlier and incorporated their methods in SFPD methodology. The tong wars were resolved with an early form of community policing, which would eventually become the department's ruling philosophy. Under Chief O'Brien, Inspector Manion brought Chinatown leaders together, and persuaded the tong leaders to sign an agreement ending the violence. O’Brien took his old mentor’s advice and became a strong advocate for a Federal Clearinghouse of Crime Information, wherein agencies could share what worked and what did not work in regard to policing, and help one another catch suspects who crossed state lines. O’Brien was also one of the founders of the new Federal Bureau of Investigation in 1935, contributing over 200,000 fingerprints and photographs from the criminal files of San Francisco.⁵⁹⁸

The successes of the nineteenth and early twentieth century SFPD grassroots policeways

⁵⁹⁷ *San Francisco Call*, 13 May 1912; *San Francisco Call*, 17 May 1912; *San Francisco Call*, 19 May 1912; and *Anaconda (Montana) Standard*, 14 May 1912 in “Newsprint, Apr–May 1912,” Album 1, Jesse Cook Scrapbooks.

⁵⁹⁸ “History of the San Francisco Police Department,” San Francisco Planning and Research Department, San Francisco History Center and Archives, San Francisco Public Library, San Francisco, Calif., 5–6.

experiment continued into midcentury. The Chinatown Squad continued to meet success through unique tactics, continuing the tradition of wearing business suits instead of uniforms to meet the respect of the tong leaders and residents of the district, who now included the son of the “King of Chinatown,” Fong Ching, Jr. and his extended family.⁵⁹⁹ Reds Place was now the official unofficial station house for the squad. Residents could leave anonymous tips and request aid without the stigma of being seen at a police substation.

In the 1950s and 1960s, the Youth for Service vernacular policing group comprised a so-called “ghetto youth patrol” in the Mission and Hunters Point. Composed of young black community leaders and “street toughs,” the group was led by gang leader-turned-community reformer and future human rights commissioner, Orville Luster. The Youths were responsible for keeping relative peace among the street groups vying for informal power in San Francisco’s economically and racially marginalized districts, similar to Fong Ching’s ordering work in the 1880s and 1890s. Although besmirched by the conservative reign of Mayor George Christopher and Chief Thomas Cahill in the 1960s and 1970s and police actions during the Stonewall Riots, city administrators such as Mayor Joseph Alioto saw the value of pluralism in policing, and sent former members of the Youth for Service back into the Hunters Point and Fillmore districts to peacefully order the neighborhoods based on the vernacular policing heritage of a century prior.⁶⁰⁰

With the 2015 killing of Mario Woods and the recommendation by Mayor Ed Lee that the Justice Department (DOJ) investigate racial bias and brutality on the SFPD it is clear that San

⁵⁹⁹ “An Interview with the Son of Little Pete,” Tom Leong and James M. Leonard with Fong Ching, 16 May 1959, audio recording, BANC MSS CD 283, Bancroft Library, Berkeley, Calif.

⁶⁰⁰ Lecture, Christopher Lowen Agee, 15 November 2014, San Francisco Public Library, San Francisco, Calif.; and Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950–1972* (Chicago: University of Chicago Press, 2014).

San Francisco is not exempt from the violence plaguing modern American police departments.⁶⁰¹

Indeed, many of the current Justice Department Use of Force Policies and Practices

Recommendations that San Francisco and other departments have received—such as the use of

batons over firearms, demeanor in crowds, and public interaction—as well as the DOJ

Community Oriented Policing Services (COPS) program, have their roots in the city’s vernacular

policeways heritage.⁶⁰² San Francisco, Albuquerque, New York, Spokane, and Ferguson could

take advice from the legacy of bottom-up, discretionary community policing that incorporates

the civilian public in the ordering enterprise as found in the Bay City’s formative decades.

A More Westerly View: Realigning the History of American Policing

The last city Cook and his team visited before returning to San Francisco and permanent

retirement was San Antonio, Texas. Cook began his law enforcement career thirty-five years

earlier as a patrolman for the San Antonio Police Department. The city, and indeed, the nation

itself, had changed much since that time. “The Alamo,” Cook remarked, “is the only thing I

know that seems at all natural.”⁶⁰³ He had grown up in a gold rush hinterlands four years after

the Vigilance Committee had tried its last suspect and seen a city transformed from horses and

wood structures to cars and steel skyscrapers. From Sam Roberts and the failed Hound-Regulator

law enforcement experiment, to Jose Espinoza and the assaulted residents of Chilecito revising

that experiment by dragging Hound assailants for judgement before a mixed Chilean and

American tribunal; to Jose del Carmen, Terán, Dr. Concha, and Maturano’s work with formal

⁶⁰¹ James Queally and Joe Mozingo, “Feds Fault San Francisco Police for Violence Against Minorities and Recommend 272 Reforms,” *Los Angeles Times* 12 October 2016.

⁶⁰² U.S. Department of Justice Community Oriented Policing Services (COPS) website, www.cops.usdoj.gov.

⁶⁰³ “Newsprint, Apr–May 1912,” Jesse Cook Scrapbooks, Album 1; *San Antonio* (Tex.) *Express*, 6 May 1912; and *The New Advocate* (Baton Rouge, La.), 3 May 1912.

county authorities to bring a group of American brigands to justice in the gold mining hinterlands of the Calaveras in 1849; from the Mormon exile Sam Brannan, Hawaiian sailor Kanaka Davis, and William Tell Coleman rooting out crime and corruption in the city and the police force with their Vigilance Committees of the 1850s; to Chief Martin Burke's new SFPD trained daily in interacting with the post-Civil War urban environment; from Coleman and a combined group of police and civilians protecting Chinatown from destruction with a Committee of Safety and Pick-Handle Brigade in 1877; to an immigrant Chinese boy befriending a future police chief, and the leader of a new type of squad remaking the law enforcement model for the nation, San Francisco and its hinterlands have been far more influential to the history of American urban policing than has been previously acknowledged. This dissertation illustrates that the common story of the development of modern law enforcement from England and its transfer to Boston and New York, and from there to the rest of the United States and the world is in need of reexamination. Perhaps the example of the people who converged from around the world on a strip of land jutting out into the Pacific and who lived and died ordering and enforcing the peace of their new home profiled in this work may help reorient that development to a more westerly view.

Conclusion: Chinese Playground

San Francisco's Chinatown is the oldest continuously occupied, predominantly Chinese urban district in North America and is the second largest outside of Asia. As thirteen-year-old shoe factory worker Fong Ching listened to the horde of rioters encroaching on the district in 1877 intent on murder and destruction, the fate of the district's future should have been sealed. Thirty years later in 1906, when Chinatown was in ruins except for the aging Portsmouth Square plaza, anti-Chinese sentiment should have assured the dispersal of its population as had occurred in other western cities like Los Angeles. Yet, perhaps what is most significant about San Francisco during the period highlighted in this dissertation is what did not occur: Chinatown survived. The multiethnic composition of the city that marked San Francisco's boomtown period remains one of its essential features over a century and a half later, due in large part to the law enforcement processes and relationships highlighted in this dissertation.

The history behind San Francisco's thriving Chinatown and its broader multiethnic culture depended on the continuity of certain policeways, beginning with the cross-cultural anti-Hound uprising in 1849. The success of positive policing was an essential precursor to the protection of Chinatown in 1877 by civilians and police alike, to the police partnership with the Chinese community that continued thereafter, and to the SFPD's subsequent national law enforcement tour. This dissertation illustrates that as San Franciscans scrambled to keep order in a continuously and rapidly expanding cultural milieu, they created an improvisational yet cumulative method of peacekeeping in the Bay City. This project has also sought to demonstrate that the growth of law enforcement institutions in North America occurred in a far more west-to-east pattern than has previously been acknowledged. The static narrative of the evolution of

American police must be reevaluated given the application of policeways in the San Francisco context. Moreover, the interaction of formal and informal policeways in this city specifically helps us to reimagine the history of the urban environment and the role of minority agency in the North American West.

The ordering processes initiated by Fong Ching and William Coleman and other individual characters highlighted in this work's micronarratives are examples of the larger social processes and collectivities operating in the city. Their experiences illustrate how contingent and unstable law and order were during this period, not only in San Francisco but elsewhere in North America. It was not a foregone conclusion that armed, uniformed police would become the sole enforcers of urban order in the nineteenth century. As Keller has stated in *Triumph of Order*, and as I have highlighted in this dissertation's introduction, in New York as late as the 1860s, Wall Street bankers constructed sulfuric acid bombs, businesses handed out guns to employees and set booby traps, and large homeowners armed servants to become their own private police force rather than relying on often unreliable city police. It is this alternate, improvisational history of urban policing wherein my work resides and which San Francisco's previously unexamined policeways heritage embodies.

This dissertation engages several historical themes that warrant further emphasis here. Informal law enforcement is a little-studied avenue for historical research. Too often law enforcement development is painted in blacks and whites, with the gray area wherein significant possibilities for the history of race, ethnicity, and identity reside largely neglected. It was not until somewhat recently in North American history that uniformed and armed police were the sole arbiters of community order. Indeed, for over a century following nationhood, the work of law enforcement in the United States was performed by a panoply of non-state actors. These

individuals, moreover, often walked the line between legality and illegality, and performed police-type functions while engaged in illicit enterprises. Somewhat ambivalent figures such as excommunicated Mormon leader Sam Brannan fit this description, as do pioneering individuals from marginalized communities like Ten Chen Sing and Fong Ching. Only through relationships with these lesser-known law enforcers could uniformed police attain legitimacy and significant ordering authority from the community at large. Exactly how informal networks of secret personal criminal-police relationships evolved into a formal, centralized, bureaucratic system of crime control is evidenced in the San Francisco example, but such networks certainly existed in other cities and time periods, if to lesser extent and regularity. Further research in this area is certainly warranted.

Law enforcement in the nineteenth and early twentieth centuries was quite different from law enforcement today. Police officers often had to be flagged down in person in order to report a crime in progress. Even when call boxes were first introduced (notably by SFPD Chief and former vigilante Martin Burke in 1867) relatively limited manpower meant that a civilian in distress could not rely on a quick and effective uniformed law enforcement response. If by chance a police officer did show up promptly to a distress call, that officer would likely ask for a bounty in cash or kind for his services. Needless to say, many city services, including police, were at best unreliable and lackadaisical, or at worst criminally complicit and corrupt during the period of analysis. By examining the vacuum in paid and sworn law enforcement in the late nineteenth and early twentieth centuries, we can see the innovative character of grassroots policeways and the possibilities for further research in other communities. Individuals such as Fong Ching and groups such as the Vigilance Committee were effective because they were physically present and available in their community for the ordering enterprise. Indeed, using

policeways as a lens of analysis illuminates the substantial degree to which modern urban communities see a lack of reliable, trustworthy policing.

“Bloody Bay” is not the first project to make an exceptionalist argument about California, or even San Francisco, for that matter. Other scholarship has cited California as a unique place, a cultural nexus full of promise and precedence for marginalized individuals “geographically and imaginatively at the far edge of the nation,” as Paddison has phrased it. San Francisco was likewise a testing ground for national questions of citizenship and power, questions which included how diverse urban populations should be policed. Indeed, the Bay City’s culture of popular justice, its multiethnic environment, and the unique relationships formed between informal and formal policing created a more progressive policing environment than anywhere else in the nation. Moreover, this process was largely the work of ordinary San Franciscans who participated in the formation of a culture of popular justice and grassroots community peacekeeping.

For over a decade, a citizens’ community police organization—the Vigilance Committee and the People’s Party that followed—controlled the San Francisco justice system, rooting out political corruption and crime and in the process refashioning the city’s formal law enforcement. Based on their experience as former Vigilance Committee members, Chief Martin J. Burke, Chief Henry Hiram Ellis, Chief Isaiah Lees, and several other police command staff would go on to professionalize the SFPD at an extraordinarily early time period compared to other urban police departments, and to prepare the city’s law enforcement infrastructure for the labor unrest of the 1870s.

Although the Vigilance Committee and other examples of popular justice in the thirty years following the gold rush were foundational in development of San Francisco’s policeways,

the culmination and future of the city's progressive policing methods turned on the combined formal-informal enforcement organization mustered to prevent the slaughter of Chinese San Franciscans during the Great Upheaval of 1877. The significance of this event—especially in light of similar events elsewhere wherein law enforcement not only refused to defend Chinese residents but were complicit in their full-scale slaughter—cannot be overstated. This seminal episode led directly to the partnership between informal Chinese American enforcement organizations and the San Francisco Police Department, and therefore to the continued vitality of San Francisco's Chinatown to the present day.

In her groundbreaking work, *The Death and Life of Great American Cities*, Jane Jacobs proposed that order in the urban environment was kept mainly by the constant martial surveillance and patrol of police officers. The answer to urban peace, Jacobs claimed, was not more police officers, but an “intricate, almost unconscious, network of voluntary controls and standards among the people themselves, and enforced by the people themselves.”⁶⁰⁴ Jacobs proposed that the more people who used and watched the street, the more informal deputies who were involved in the community policing enterprise, the safer the community would be. To Jacobs, the most effective community peacekeeper did not wear a badge and a gun, but was an ordinary urbanite—not unlike the civilian patrolmen profiled in the preceding pages.

Today, “one-a-day” neighborhoods—lower income, largely African American and Hispanic communities where only a single police squad car per day may be seen in the entire district suffer from a dearth of formal law enforcement. It is not surprising, then, that in the vacuum of formal order these communities also see the rise of gangs of youth seeking to order their neighborhoods the only way they know how. What alternatives on the grassroots

⁶⁰⁴ Jane Jacobs, *The Death and Life of Great American Cities* (New York: Random House, 1961).

policeways spectrum remain for the modern urban environment?

Perhaps the answer can be found on a strip of land jutting out into the Pacific in a town named for the sweet yerba buena mint that once covered its seven hills. The site of Chilecito at Kearny near Columbus Street, where Jose Espinoza and Domingo Alegria saw their community destroyed and brought Sam Roberts and his police force to justice, is now the trendy Café Zoetrope. The Vigilance Committee headquarters at 243 Sacramento Street is an office building. Fong Ching's third-story home at 819 Washington Street is a mixed-use apartment and hair salon; his shoe warehouse on the second floor now houses the Cheng Dental Group; and the site of his murder is now a gift shop. The former Nob Hill woods where English Jim hid out before his trial and execution by the Vigilance Committee has become one of the most iconic and elite urban neighborhoods in the United States. The city of San Francisco has changed over the past century and a half, and many of the sites profiled in this dissertation have faded away.



Fong Ching's former residence at 819 Washington Street, 2014

The Hall of Justice and the bawdy houses are no more, replaced with high-priced hotels and the looming shadow of the Transamerica Pyramid. The ghost of Sam Brannan, shouting for

justice from the mayor’s balcony above a roaring crowd, has faded away. The clinking of Little Pete’s bullet-proof chain mail and the panting of his German shepherds as he patrolled the alleys and byways of his kingdom are no longer heard.

One site from the days of “Bloody Bay,” however, remains.

The locals call it *fah yuen gok*—the park corner—or simply the Playground. But the flag that still flies above it and the plaque at its center tell the story of the small Mexican town plaza that became known as Portsmouth Square. Although the mayor is rarely seen here and parades are few and far between, the Old Plaza still remains the heart and soul of Chinese San Francisco. Old men play *mahjong* and *jook kay* and children romp on the swings. At all hours of the day and night, the Plaza is just as full and vibrant as the 1840s, with people escaping the cramped quarters of their Chinatown residences to visit each other. With so many eyes watching, crime is low today on the Plaza; nothing happens without at least one or two witnesses. Perhaps, then, there is still a lesson in modern grassroots policeways to be learned on the sloping town plaza where heroes and Hounds lived and died beside a vibrant, violent, and often bloody bay.



Portsmouth Square Plaza, 2014

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