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Horace Hawes, author of the Consolidation Bill which consolidated the city and county of San Francisco and, contrary to his intentions, created the county of San Mateo. His portrait is published by courtesy of the California Historical Society and of A. Porter Robinson, grandson of Horace Hawes.

NECROLOGY

Sorrowfully we record in the annals of local history another event of major importance: the passing of Roy W. Cloud, historian and friend. His charming personality and his clear memory of a long and useful life here on the Peninsula are gone, but he has left us his written record of much of the history he helped to make. For this and many other things we are thankful. Another loss for us is the death, since our last publication, of Mr. S. A. Keyston who was a Life Member of this Association.

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RECENT GIFTS TO THE MUSEUM

California Academy of Sciences through Marvin Kolber: collection of Indian basketry. Mrs. Bertha Ellinger: two shotguns, horns for powder and shot. Jack Lyons: map of San Francisco, 1912. Mrs. Rose Kaher: collection of pamphlets and maps on community planning in San Mateo County. Mrs. M. F. Converse: lady's dress and other articles of clothing dated about 1900. Mrs. J. C. Keesling: stereoptican views of San Jose and San Francisco, McGuffey's Fifth Reader, collection of books, pictures, pamphlets.

Mrs. Ardee Rochex: letter press, collection of maps, newspapers, photographs, pamphlets, documents. Rochex and Rochex: collection of maps. Archie Offield: map of "Pacific City," amusement park at Coyote Point, 1922. James Converse: photograph of early train with engine "San Mateo." Alan Brown: photostat of rancho map and other items. Brian Johnson: collection of Indian beads. Dr. A. T. Leonard: "A San Mateo County Cavalry Company of the Early Sixties."

Mrs. J. W. Coats: "Pictorial History of San Francisco, 1849-1928." Mrs. Owen Jameson: snap shots of dedication of historical markers at Searsville and San Mateo County's first saw mill. John Bruning: receipt signed by S. M. Mezes, 1851. R. K. Abercrombie: pamphlet of statistics on San Mateo Junior College. George Chalfant: Oakland Tribune Centennial edition. Carroll Hall: map of the Peninsula about 1907. T. Louis Chess: Southern Pacific time table and map, 1887. Frank Lawrence: original diary of George E. Jewett, 1849-50. Mrs. C. N. Kirkbride: papers from the files of the late Col. Kirkbride.

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Officers of the San Mateo County Historical Association:

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WHY SAN MATEO COUNTY?

WHY THE "CITY AND COUNTY" OF SAN FRANCISCO?

A Study of Origins

by

Frank M. Stanger

Drawings by John Ryan

The bare historic fact that San Mateo County was formed by being cut off from San Francisco County has had considerable public airing of one kind and another and is perhaps fairly well known in the Bay Area; but not so the why and by whom of that separation.

Why should a county that was already the smallest in the state be carved up while still in its infancy into two even smaller ones? Did the idea originate in San Francisco or down the Peninsula? What motives, valid or otherwise, could anyone have had at that time for wanting such a separation, or, in the case of the consolidated "city and county" of San Francisco, for such a surprising departure from the common American pattern of cities within counties?

These questions have never been adequately answered (and the present attempt makes no claim to finality), although the events took place almost a century ago. Much more spectacular events, we must note, completely overshadowed them, both at the time and in the history books--namely, the sensational shooting of James King of William and the seizure of power by the Vigilance Committee of 1856. The answers we now seek have lain buried in the dark and devious politics of those days, and their story when dug out and pieced together is equally devious and fantastic.

Politics in San Francisco

San Francisco was in 1855-56 about as completely in the grip of high handed exploiters as a city could be. These uninhibited politicians as a group were not perhaps as closely integrated as an Al Capone gang, nor did they have as smooth-running a machine as a modern Tamany Hall, yet in their own boisterous way they resembled both of these famous institutions. Considering the youth of their city and its shifting population, they were doing very well indeed.

Typical and perhaps best known of the city's real rulers in those days was one "Billy" Mulligan--a native of Ireland who, after taking training in New York City politics, had come to California in 1850. Here, in keeping with the time and place, he had first become known as a prize fighter and gambler, but as these professions grew less popular¹ they served for him as stepping stones to the more profitable business of politics. He became a prominent leader in the successive "nominating conventions" that openly sold their nominations to the highest bidder. At one time such a group collected as much as twenty-eight thousand dollars for their services in aid of an aspirant to the office of mayor. This perhaps explains why Mulligan did not ordinarily bother to run for public office himself; however, in 1856 he did hold the appointive position of Deputy Sheriff in charge of the county jail.

Mulligan was banished from California by the Vigilance Committee of 1856. Later, in New York, he was convicted of murder but in 1864 he returned to San Francisco, there to be shot in a battle with the police while apparently crazed with delirium tremens.²

The operations of such men depend, of course, on their ability to elect their subservient friends to public office, and at that time a common way of accomplishing this was by means of "ballot-box stuffing." Since there was no secret ballot system with standardized equipment, this was relatively easy. The political parties printed and circulated their own ballots and the voter simply handed the one of his choice to the election clerk to be placed in the ballot box.

When deemed necessary, the practice of stuffing the ballot box became a highly developed art. Boxes were made with secret false bottoms, or an intricate device was used by which the official at the poles could slip the "wrong kind" of ballots into a secret compartment where they would not be counted. But in many instances the bosses felt so strong that they disdained even this much of a concession to the processes of democracy and brazenly created election returns to suit their fancy. Men were declared elected from places where they did not live, to offices for which they had not been candidates, and for which their names were not even on any ballot.³



1. Royce, Josiah, California (Boston 1886), pp. 425, 436.
2. Bancroft, H. H., Popular Tribunals (2 Vols., San Francisco 1887), Vol. II pp. 32, 604-608.
3. Bancroft, op. cit., pp. 1-21. Coblenz, Stanton A., Villains and Vigilantes (New York 1936) pp. 103-108. Hittell, Theodore

The purpose of all this was, of course, to make possible a wholesale plundering of the public purse. San Francisco, in the midst of fabulous wealth and queen city of an empire of gold, had in five years accumulated a municipal debt of three and a half million dollars.⁴

Of course, as always, there were plenty of civic minded men who were filled with anger and chagrin at this state of affairs but who still refused to have anything to do with the "dirty business" of politics. Their indignation rose, however, as the situation grew worse, and what finally brought them to the point of drastic action was an upsurge of rampant and unpunished crime. Burglaries and holdups were commonplace and every few days there was news of a murder, but few arrests followed and almost never a conviction.⁵

The "last straw" was the death on May 20, 1856, of James King of William, Editor of the Bulletin, shot by a rival editor, James Casey. When it appeared as usual that the law was being used to protect the assassin rather than to punish him, the Second Vigilance Committee took over and proceeded to try suspected criminals in its own way and to summarily hang the guilty ones.

Reform and "Consolidation"

Before things came to this pass, however, there had been much studying of the problem in the hope of finding some way to solve it by legal means. In a similar situation five years earlier, much had been accomplished by securing from the State Legislature a new city charter. This had at least thrown the enemy off balance and made him withdraw to regroup his forces, and it had slowed down for a time the robbing of the treasury.⁶ Hence it was planned to try this approach again. The Legislature of 1856 would be asked for another new charter with more effective controls.

With this it was decided to combine another idea. San Francisco was, of course, the county seat, hence there were two local governments--county and city--operating there side by side. And since the area outside the city was small and its population negligible by comparison, both as to voting and tax-paying, San Francisco, in fact, elected and supported both sets of officials. This seemed an unnecessary expense.

H., History of California (4 Vols., San Francisco 1897-1898) Vol. III pp. 460-462. Tuthill, Franklin, History of California (San Francisco 1866), p. 431.

4. Tuthill, op. cit., p. 384.

5. Hittell, op. cit., p. 462.

6. Bancroft, H. H., History of California (7 Vols., San Francisco 1885-1890), Vol. VI, pp. 760 ff.

Furthermore, it created complications in jurisdiction. If an accused criminal was brought before the city court, for instance, clever attorneys could often persuade the judge (who no doubt had been previously persuaded by extra-legal means) that the case belonged in the county court; and of course this run-around game worked equally well in reverse order. There was also an advantage to the evil-doers in the confusing number of elected officials and in the hopelessness of any possible clean-up election in both city and county at once.⁷

So why not consolidate the two governments and have just one set of officials? This would reduce the pay roll and eliminate the necessity of maintaining a court house, sheriff, and jail side by side with a city hall, police, and city prison; and it should also greatly simplify the problem of getting the right men into office.

The idea seemed so good that when it was written into the proposed new city charter it became the major feature, and the bill to recharter the city of San Francisco, which was introduced in the State Legislature of 1856, became known as the Consolidation Bill.⁸

In all this there was, what seems strange to us now, no mention of the idea of creating a new county. It was not in the bill as first introduced, and newspaper discussions of the debates in the Legislature dealt only with the proposed changes in the government of San Francisco. Even when the bill finally became law, although it then contained a long section detailing the organization of a new county to be called San Mateo, this part merited only the barest casual mention in the press.

Of course the area that is now San Mateo County then contained only a scattered population of farmers and lumbermen, plus a few small villages or country crossroads. The people there had no newspaper of their own and probably little or no sense of a common interest. The authors of the Consolidation Bill assumed at first, no doubt, that this area would continue as rural townships within the county, now to be called the City and County of San Francisco.

But this was far from being the major problem, although there had been some talk of dividing the county. In the previous Legislature a bill to create a "County of Remondo" had been introduced, which may have originated with the lumbermen on Rancho Canyada Raimundo at Woodside. But it had failed of passage.⁹ To San Francisco at that time it could matter but

7. See Note 3.

8. Bancroft, History, op. cit., Vol. VI, pp. 768-771.

9. Journal of the Sixth Session of the Legislature of the State of California (2 Vols., Assembly and Senate, Sacramento 1855), Assembly pp. 727, 729, 806, 826. Senate pp. 829, 834.

little either way. As to room for the city's future expansion, the forty-two square miles finally provided in the Consolidation Act must have seemed more than ample. Before we accuse anyone of lack of vision we must remember that our modern era of great urban growth was as yet undreamed-of. New York City had then only just passed the 500,000 mark in population and the overwhelming majority of the nation's people were living on farms and in small villages.

The New-County Idea

Where, then, did the idea of a new county come from? At what point did it enter the picture and who was responsible for it? With the apparent universal indifference to the matter, who pushed the idea to the extent of having it written into the bill and persuading the Legislature to pass it?

Only one person seems to have recorded for us a direct answer to this question. In an anonymous history of San Mateo County published in 1883, there is an extended biography of Benjamin G. Lathrop, the man who became the first Clerk of San Mateo County and who therefore must have been in rather close touch with events at the time of its creation. Internal evidence shows rather conclusively that this biography was written by Lathrop himself, and in it he makes the following statement:

"In the legislature of 1856, Horace Hawes' famous consolidation act was passed, but before it could be put through Hawes had to make terms with the thieves, by adding a clause to his act cutting off about nine-tenths of the county of San Francisco, establishing what is now the county of San Mateo. Chris Lilly and Billy Mulligan, two leading chiefs of the roughs, agreed to accept that much of the county provided it could be arranged to organize a county government within one week after the passage of the act. A clause to that effect was inserted and the bill passed."¹⁰



Can this be accepted as a statement of fact? Obviously to prove or disprove it by documentary evidence would be impossible since men who arrange such deals do not ordinarily file official records of their doings. But in the circumstances that surrounded and followed the passage of the act there is abun-

10. Anon., History of San Mateo County, B. F. Alley publisher (San Francisco 1883), p. 319.

dant evidence that Lathrop at least knew what he was talking about.

The motive of the "roughs" is not hard to see. They were no doubt sure that by using only a little of their bulldozer type of political technique they could easily capture control of the new county's government. Then if their grip on San Francisco should be temporarily broken, they would need only to retreat behind a near-by county line, and from there they could still operate many of their rackets in the city while they hoped for better days. That this was indeed what they had in mind, the sequel demonstrates beyond serious question. It is also possible to trace their handiwork in the doings of the Legislature in Sacramento, though there, of course, the evidence of their lobbying and political pressure is less direct.

Politics in Sacramento

The Consolidation Bill, to consolidate the city and county governments of San Francisco, was the work of Horace Hawes, Assemblyman from San Francisco County--an able man with a clean record. Incidentally, he later acquired extensive lands in San Mateo County and made his home at Redwood City where Sequoia High School now stands, and his descendants still live on the Peninsula. The dominant objectives in drawing the bill, which if it passed would become a new city charter, were (1) to reduce expenses by simplifying the city government and (2) to surround the city officials with restrictions that would make it more difficult for the unscrupulous ones to rob the public.¹¹

It was introduced early in January and became Assembly Bill No. 2, but it did not reach enactment into law until some three and a half months later, near the end of the legislative session. The routine it followed was identical in both houses: referred to a special committee consisting of the delegation from San Francisco County, later considered in Committee of the Whole, then formally debated and passed on the floor of the chamber. When passed by the Senate it contained important amendments in which the Assembly refused to concur, hence it went before a Conference Committee where a compromise was worked out.¹²

The official Journal of the legislative session gives us very little to work on in a search for motives and opinions--only a record of motions and votings with almost nothing of content or debate. However, a study of the Journal together with the unpublished Report of the Conference Committee (which is the

11. See Note 8.

12. Journal of the Seventh Session of the Legislature of the State of California. (2 Vols., Assembly and Senate, Sacramento 1856) passim. see index.

only useful document on the subject to be found in the State Archives) makes it possible to construct a reasonable summary of some of the events that were not recorded.¹³

By the Report of the Conference Committee we learn that the section of the Act that ordered the formation of a new county came up as a Senate amendment. This means that the new-county plan undoubtedly was drafted by the Special Committee made up of the four senators from San Francisco County. Hence a look at this committee is in order.

The key man was the chairman, Frank Tilford--an attorney and a Forty-Niner from Kentucky who had been active in San Francisco politics almost from the day of his arrival. In 1850 he was elected City Recorder with a salary set at \$10,000, which was reduced under public protest. In 1851 he brought suit against the Vigilance Committee for trespass, but the case ended in a jury disagreement. He ran unsuccessfully at different times for Mayor and for Judge of the Superior Court. In the Senate of 1856 he was Chairman of the Judicial Committee as well as of the Special Committee on the Consolidation Bill, and was a member of the Conference Committee on the same bill.¹⁴ From all this it would appear that he was an able politician, unhampered by too many conscientious scruples, and while he was not always a member of a winning clique he was no stranger to the processes of making a political bargain.

Two other members, William J. Shaw and Wilson Flint, were prominent San Franciscans who apparently played along with Tilford in this matter but did not have his political background.¹⁵

The fourth member, William W. Hawks, has been called a "brilliant spokesman of the old Whig Party," whereas the other three committeemen were Democrats.¹⁶ When Tilford made his committee report to the Senate proposing a set of amendments



13. "Report of Conference Committee, in the Senate April 17, 1856." Ms. in Drawer D, R. G. Lists, Archives of the Department of State, Sacramento, Calif.
14. Shuck, Oscar T. (ed.), Representative and Leading Men of the Pacific. (San Francisco 1870) pp. 277-287. Bancroft, History op. cit., Vol. VI p. 707; Tribunals op. cit., Vol. I pp. 308-311.
15. San Francisco Examiner Jan. 12, 1895. Annals of San Francisco (San Francisco 1855) pp. 541-542. See also San Francisco Directories 1852, 1854.
16. Shuks, Oscar T., History of the Bench and Bar in California (Los Angeles, 1901) p. 593. San Francisco Directory 1854.

to the Consolidation Bill, Hawks felt constrained to make a minority report which, though meagerly summarized in the Journal, is a revealing item. He found the amendments not to his liking but feared that without them the bill would not pass, hence, he announced, reluctantly he would vote for them.¹⁷ The plan for a new county was one of these amendments, hence here is corroboration of Mr. Lathrop's statement that it was brought in under pressure of a threat to defeat the bill.

The New-County Deal

Though the new-county plan was actually written into the Consolidation Bill by this committee, the idea had been thrown into the legislative hopper at an earlier time. Under date of February 27, while the bill was under consideration in the Assembly, the following entry appears in the Journal: "Mr. Ewalt presented a petition from residents of the southern portion of the County of San Francisco, praying the formation of a new county out of portions of the counties of San Francisco and Santa Clara, which was read and referred to the delegation from those counties."¹⁸

This petition, according to the records, was never filed with the legislative petitions of the session, and it does not appear among the few papers still to be found in the State Archives. It seems to have had no effect at the time and what became of it remains a mystery. Was it a genuine petition signed by bone fide citizens, or was it a faked instrument?

John Ewalt who presented it is likewise an unknown quantity. His one title to fame, it seems, was his election (?) from San Francisco to this session of the Assembly. His name does not appear in any San Francisco directory of the time, nor anywhere else apparently, except in the news of his election.¹⁹ One rather naturally concludes that he was an unknown person, picked by a behind-the-scenes political power for some purpose of the moment, after which he disappeared from the public view.

The Senate Amendments recommended by the Tilford Special Committee had to do with three things: (1) a requirement that appointees to fill vacancies in elective offices in San Francisco must be bonded, (2) the setting of ceilings on the expenditures of five different city administrative departments, and (3) the creation of a new county.²⁰ The pattern of Senate voting on these amendments confirms the supposition that the

17. Journal of the Senate, April 8, 1856.

18. Journal of the Assembly, Feb. 27, 1856.

19. Daily Alta California, San Francisco, Sept. 11, 12, 1855.

20. Journal of the Senate, April 8, 1856. Statutes of California 1856, Chap. 125. See also "Report of the Conference Committee," op. cit.

three were regarded as a package deal.²¹ This and the bitter fight that the amendments incurred strongly indicate that the new-county plan was in fact a concession in return for permitting a certain measure of restrictions on the use of the city's money.

Summing up the unrecorded part of the legislative story, it seems fair to conclude that there was a lobby in Sacramento from the start trying to pull the teeth of the Consolidation Bill's financial restrictions, and at the same time working on the idea of a separate county as a security measure in case this dental operation should not succeed; it appears that this lobby failed on both counts in the Assembly, perhaps due to the strength there of Horace Hawes, author of the bill, but in the Senate it was able to force a deal with the Tilford Committee.

In the final voting on the bill, in the Conference Committee and in the two chambers, the promoters of reform for San Francisco found themselves in a position like that of a sea captain in a storm who finds it necessary to jettison some of his cargo in order to save his ship. The important thing was to try to save San Francisco from financial and moral ruin at the hands of its own gangster-politicians and the price for the chance to do this was to let the sharks have the lower Peninsular area.

It must be observed again, however, that at the time nobody seemed to care. The Sacramento correspondent of the California Chronicle, in commenting at the time on Senator Hawks' minority report, remarked that "thus far the Senators manifest but little interest in the details of consolidation, and though the bill has been printed, I venture the assertion that not ten Senators have read it through." Later he reported the passage of the bill in the form recommended by the Conference Committee, but made no mention of a new county.²² Either he had not read the bill himself, or the new county was just not news. The latter would seem to be the correct interpretation for the Daily Alta California, San Francisco's leading newspaper, treated the matter with similar unconcern.²³

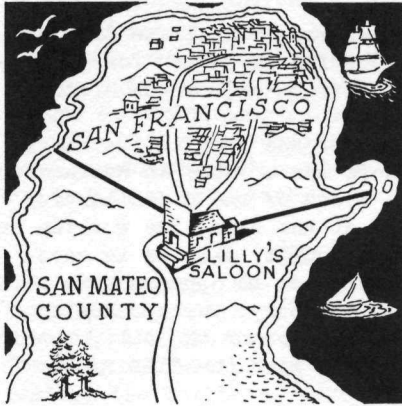
Placing the Boundary

There is more evidence of the handiwork of Mr. Lathrop's "leading chiefs of the roughs" in the placing of the boundary between San Francisco and the new County of San Mateo. Chris Lilly, whom he mentions as one of the leaders, operated a

21. Journal of the Senate, April 9, 1856.

22. California Chronicle, San Francisco, April 10 and 18, 1856.

23. Daily Alta California, April 29, 30, May 3, 1856. For able assistance in some of this research I am indebted to John Adameck who was one of my students.



saloon or road house at the forks of the road where Mission Street and San Jose Avenue now come together in Daly City.²⁴ It would obviously be most convenient under the new arrangement for this place to be just over the border where it could function as the gang's headquarters in the new county.

Hence it seems more than a mere coincidence that the description of the new boundary was made to read as follows: "...thence (from Shag

Rock in the bay off Hunter's Point) running westerly to a point in the county road one fourth of a mile northeasterly from the house kept and occupied by C. E. Lilly," thence to Lake Merced etc.²⁵ This line was later straightened and made to parallel regular section lines but it is still substantially where Lilly and Mulligan wanted it.²⁶

So the bill became a law. Most of the provisions of the Act did not take effect until the normal date of July 1, but it provided nevertheless that the election for officials of the new county should be held on May 12. Such haste must have had a purpose, and it substantiates Mr. Lathrop's statement that the "roughs" demanded the organization of the new county "within one week after the passage of the act."

Politics in San Mateo County

A little understanding of the technique used by the "roughs" will help to explain their reasons for being in such a hurry. If they hoped to win control of the new county, how could they in so short a time publicize their slate of candidates and persuade the farmers down the Peninsula to vote for them? The answer is, this is precisely what they did not intend to do, neither did they intend to allow time for anyone to organize against them. Their motto was, in practice if not in words, why bother with the voters if you can count the ballots?

The Commissioners named in the Act to supervise the election made a hasty division of the new county's territory into

24. Probably the place that was also known as the Abbey House. Stanger, F. M., Peninsula Community Book (San Mateo 1946) p. 34.
25. Statutes of California 1856, p. 146.
26. Coy, Owen C., California County Boundaries (Berkeley 1923), pp. 238-241.

thirteen precincts, and this first political event in the County of San Mateo came off on schedule.

But what an election! Among the first to discover the machine in operation on that day were some of the farmers in the "Laguna" precinct which comprised the valley now filled with the Crystal Springs Lakes. When they came at eight o'clock in the morning to the assigned polling place they found a group of complete strangers in charge. Mr. W. D. Harrington, who had lived in the valley five years, later testified in court,²⁷ "I asked who they were, and was told that Mr. Pat Hickey had been there with a party, and organized, and voted and gone;...I asked if they were ready to receive votes; they said yes; I replied that they had not a full board; they had only four, and the law required five; they pointed to one who was asleep, snoring melodiously; he then got up--he was pock-marked and seemed to be sick; I suggested that they should let some man come in his place who could attend to his duties; this they refused; wished to inquire who they were before voting; could not learn; a Mr. Moss who was with me knew the pock-marked man as 'Liverpool Jack'; I have seen three of the others since but do not know their names; 'Liverpool Jack' lives in San Francisco; none of them live in the precinct; they kept the poll all day; I left at 2 or 3 o'clock; during my stay there were about 43 votes, legal and illegal, put in the box; there are not over 25 adult males in the precinct;..."

The "official returns" for this precinct, however, when made up after election day, showed that 297 votes had been cast. Someone later discovered that the strange names on the tally list corresponded most remarkably with the masculine names on the passenger list of a steamer recently arrived in the port of San Francisco.²⁸

It seems the invaders from San Francisco in some such manner as this seized upon three of the thirteen precincts, with the idea of so multiplying the votes for their candidates in those three as to nullify whatever might happen in the other ten. The result was a reported total of more than 1800 votes cast. This was very flattering to the new county, if it was interested in a showing of population. Sixteen years later, after the population had at least doubled, in a hotly contested election over the county seat the two contending sides were able to muster a total



27. Minutes of the County Court Vol. I p. 1, in the office of the County Clerk, Redwood City, Calif.; also in Cloud, Roy W., History of San Mateo County (2 Vols., Chicago 1928), Vol. I, pp. 80-88.

28. Cloud, op. cit., p. 79.

vote of only 1646.²⁹ One recalls that in Mexico it is said there are three kinds of statistics: official, unofficial, and anti-official.

In the northern precinct, at the county line, control was made easy by the fact that the polling place was at Chris Lilly's saloon. Edward Hancock, hotel man of Redwood City, testified to being at Lilly's the day after the election when the ballots were being "counted," and said: "...when they took up a ballot they would call out ten for so and so; six or seven for another, and so on; always called out some large number; one time they took a ballot, they called out ten for Ackerson, but someone said, 'there's no use, transfer them to Mulligan, Ackerson has resigned'; did not appear to be at all governed by the number of ballots in the box, always called out more..." They were able by this method to report some 500 votes in a precinct that contained, according to local residents, not more than 50 or 60 eligible voters.

The third precinct in the program was Belmont, where lived Ex-Governor of California John McDougal, who seems to have been in the deal with the promise that Belmont would be made the county seat. The polling place was at his home, and one of the judges of election was Benjamin Fenwick, a candidate of the gang for County Supervisor. Here no one was able to find out when, where, or by whom the returns were compiled but the inference was it must have been done sometime during the nocturnal hours, after the ballot box had been "sealed" for the night.

Role of the Vigilance Committee

The key candidates of the gang were Barney Mulligan, brother of the notorious Billy, for Sheriff, and Robert Gray, bartender in Lilly's saloon, for County Clerk. It required a little gun play to overawe the Commissioners whose duty it was to compile and announce the returns for the county as a whole, but withal the gang had its way and its slate was officially declared elected.³⁰ There was one oversight or slip-up, however, by which Benjamin I. Fox, who was definitely not a gang candidate, was elected County Judge. This opened the way for a suit in the county court to nullify the corrupt election, but this, important though it was, might not have mattered so much had it not been for other and more powerful happenings in San Francisco.

Just three days after this absurd election down the Peninsula came the shooting of James King of William, Editor of the San Francisco Bulletin, by James Casey, Editor of the Sunday Times, which set in motion the machinery of the Vigilance Committee. The shooting had nothing to do with the Consolidation Bill, for King had neither supported nor opposed it, though he

29. Stanger, op. cit., p. 30.

30. California Chronicle, May 17, 1856. See also Note 27.

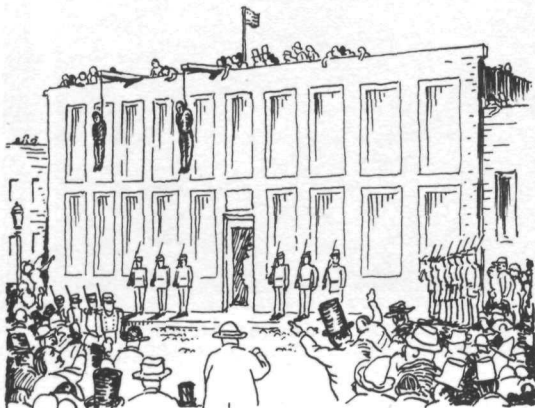
suspected ulterior motives on the part of Horace Hawes.³¹ But events that followed changed the situation most radically.

King did not die until the following Tuesday (May 20), but by the end of that week Casey, together with another criminal, had been hanged by the Vigilance Committee and a strange silence had come over the entire city. Said the Sunday Wide West of May 25, "There is an astonishing dearth of general news in the city. No courts are in session, and no rows are in progress; no street fights, or bar-room difficulties to report. A drunken man in the street even is now rarely seen, San Francisco was never so quiet, so orderly as she is now, under what some of the papers denominate the 'reign of terror.'"³²

And the same paper, in deep mourning over the death of King, carried the following significant editorial, titled "The San Mateo Outrage": "The actors in the late frauds at San Mateo must not go unpunished. Still less must those who have been elevated to position and power by the disgraceful incidents of that election be permitted to keep the rewards of their audacity and crime. Here is a field for law to vindicate itself in prompt and efficient action. Let not the opportunity pass unimproved. For if we would have order, we must have justice as a consequence of legal action. We do not wish soon to see another week like the past. We do not wish again to see the people compelled to do this work for which they pay officials. But better months of such action than submission to wrong. And we warn those whose duty it is to proceed in this matter to act, unless they wish to lose all future opportunity for action."

It was pursuant to this warning and in the new atmosphere of enforced order and calm that the above-mentioned suit was brought in the new San Mateo County Court, sitting at Belmont, as a result

of which the returns from the three corrupted precincts were declared null and void. No witnesses for the defense appeared. The vote in the remaining ten precincts therefore became the official returns of the election; the gangster slate was defeated, local men were elected, and the county seat went to Redwood City instead of Belmont.



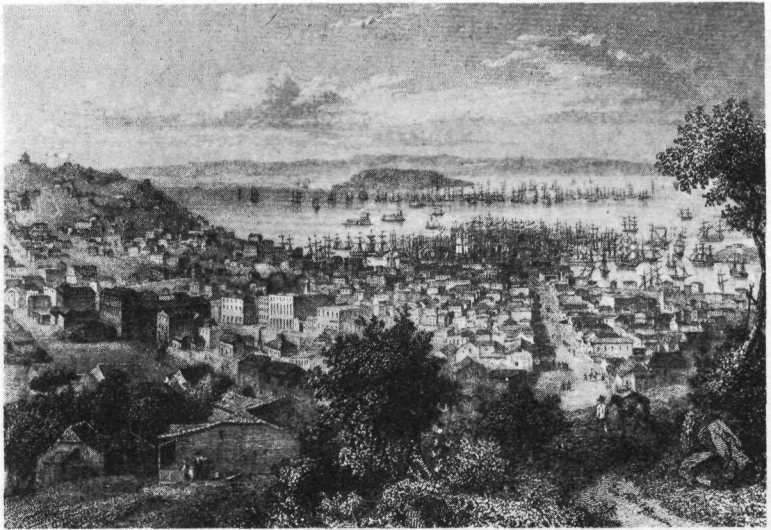
31. Files of the San Francisco Bulletin, January-April, 1856.

32. Sunday Wide West, San Francisco, May 25, 1856.

The first grand jury report in the new county, dated August 11, 1856, gives the view of these events from down the Peninsula. "Had not the prompt and decided action of the people of San Francisco relieved us of the presence of the most desperate of this gang," says the report, "the consequences to the people of this county would have been disastrous in the extreme."³³ It should be explained that by this time, in addition to a number of hangings, both Billy Mulligan and Chris Lilly had been banished by the Vigilance Committee from the State.

For a conclusion we may revert to our figure in which we liken San Francisco's reform-minded legislators to a sea captain in a storm. If they, as suggested in this comparison, decided for the sake of their city's civic integrity to cast adrift the lower Peninsular area and its people, then this also is true: the San Francisco Vigilance Committee, in turn, frightened the sharks away until the castaways could reach a place of safety on an island of their own.

33. Daily Alta California, August 11, 1856.



A View of San Francisco as it Looked in 1856