

was no transcontinental railway till 1869, and a great many came from the Southern States. This mixed multitude, bringing with it a variety of manners, customs, and ideas, formed a society more mobile and unstable, less governed by fixed beliefs and principles, than one finds in such North-western communities as I have just mentioned. Living far away from the steadying influences of the Eastern States, the Californians have developed, and are proud of having done so, a sort of Pacific type, which, though differing but slightly from the usual Western type, has less of the English element than one discovers in the American who lives on the Atlantic side of the Rocky Mountains. Add to this that California is the last place to the west before you come to Japan. That scum which the westward moving wave of emigration carries on its crest is here stopped, because it can go no farther. It accumulates in San Francisco, and forms a dangerous constituent in the population of that great and growing city — a population perhaps more mixed than one finds anywhere else in America, for Frenchmen, Italians, Portuguese, Greeks, and the children of Australian convicts abound there, side by side with negroes, Germans, and Irish. Of the Chinese one need not speak; for, though they numbered in 1880 some twelve thousand, have a large quarter to themselves, and have given rise to the dominant question in Pacific coast politics, they do not themselves join in any political movement, but mingle as little with the whites as oil with water.

California, more than any other part of the Union, is a country by itself, and San Francisco a capital. Cut off from the more populous parts of the Mississippi valley by an almost continuous desert of twelve hundred miles, across which the two daily trains move like ships across the ocean, separated from Oregon on the north by a wilderness of sparsely settled mountain and forest, it has grown up in its own way and acquired a sort of consciousness of separate existence. San Francisco dwarfs the other cities, and is a commercial and intellectual centre and source of influence for the surrounding regions, more powerful over them than is any Eastern city over its neighbourhood. It is a New York which has got no Boston on one side of it, and no shrewd and orderly rural population on the other, to keep it in order. Hence both State

and city are less steadied by national opinion than any other State or city within the wide compass of the Union.

These facts in Californian history must be borne in mind in order to understand the events I am about to sketch.¹ They show how suited is her soil to revolutionary movements. They suggest that movements natural here are less likely to arise in other parts of the Union.

II. THE SAND LOT PARTY

In 1877 California was suffering from "hard times." The severe commercial depression which began in the Eastern States in 1873, and touched the lowest point about 1876, had reached the Pacific coast, and was aggravated there by a heavy fall in mining stocks. The great Bonanza finds some years before had ushered in a period of wild speculation. Everybody gambled in stocks, from railroad kings down to maidservants. Stocks had now fallen, and everybody was hard hit. The railroad kings could stand their losses, but the clerks and shop assistants and workmen suffered, for their savings were gone and many were left heavily in debt, with their houses mortgaged and no hope of redemption. Trade was bad, work was scarce, and for what there was of it the Chinese, willing to take only half the ordinary wages, competed with the white labourer. The mob of San Francisco, swelled by disappointed miners from the camps and labourers out of work, men lured from distant homes by the hope of wealth and ease in the land of gold, saw itself on the verge of starvation, while the splendid mansions of speculators, who fifteen years before had kept

¹ The narrative which follows does not profess to be complete, for the difficulty of procuring adequate data was very great. When I visited San Francisco in 1881, and again in 1883, people were unwilling to talk about the Kearney agitation, feeling, it seemed to me, rather ashamed of it, and annoyed that so much should have been made of it (more, they declared, than it deserved) in the Eastern States. When I asked how I could learn the facts in detail, they answered, "Only by reading through the files of the newspapers for the years 1877-80 inclusive." Some added, that there were so many lies in the newspapers that I would not have got at the facts even then. Failing this method, I was obliged to rely on what I could pick up in conversation. I have, however, derived some assistance from a brilliant article by Mr. Henry George, who was then a resident of San Francisco, in the *Popular Science Monthly* for August, 1880.

little shops, rose along the heights of the city, and the newspapers reported their luxurious banquets. In the country the farmers were scarcely less discontented. They, too, had "gone into stocks," their farms were mortgaged, and many of them were bankrupt. They complained that the railroads crushed them by heavy freight rates, and asked why they, the bone and sinew of the country, should toil without profit, while local millionaires and wealthy Eastern bondholders drew large incomes from the traffic which the plough of the agriculturist and the pickaxe of the miner had created.

Both in the country and in the city there was disgust with politics and the politicians. The legislature was composed almost wholly either of office-seekers from the city or of petty country lawyers, needy and narrow-minded men. Those who had virtue enough not to be "got at" by the great corporations, had not intelligence enough to know how to resist their devices. It was a common saying in the State that each successive legislature was worse than its predecessor. The meeting of the representatives of the people was seen with anxiety, their departure with relief. Some opprobrious epithet was bestowed upon each. One was, "the legislature of a thousand drinks"; another, "the legislature of a thousand steals." County government was little better; city government was even worse. The judges were not corrupt, but most of them, as was natural, considering the scanty salaries assigned to them, were inferior men, not fit to cope with the counsel who practised before them. Partly owing to the weakness of juries, partly to the intricacies of the law and the defects of the recently adopted code, criminal justice was halting and uncertain, and malefactors often went unpunished. It became a proverb that you might safely commit a murder if you took the advice of the best lawyers.

Neither Democrats nor Republicans had done, or seemed likely to do, anything to remove these evils or to improve the lot of the people. They were only seeking (so men thought) places or the chance of jobs for themselves, and could always be bought by a powerful corporation. Working men must help themselves; there must be new methods and a new departure. Everything, in short, was ripe for a demagogue. Fate was kind to the Californians in sending them a dema-

gogue of a common type, noisy and confident, but with neither political foresight nor constructive talent.

Late in 1877 a meeting was called in San Francisco to express sympathy with the men on strike at Pittsburg in Pennsylvania. Their riotous violence, which had alarmed the respectable classes all over America, had gratified the discontented railroad operatives of California, then meditating a strike of their own against a threatened reduction of wages. Some strong language used at this meeting, and exaggerated by the newspapers, frightened the business men into forming a sort of committee of public safety, with the president of the famous Vigilance Committee of 1856, a resolute and capable man, at its head. Persons enrolled by it paraded the streets with sticks for some days to prevent any attack on the Chinese, but it was soon perceived that there was no real danger, and the chief result of the incident was further irritation of the poorer classes, who perceived that the rich were afraid of them, and therefore disposed to deal harshly with them. Shortly after came an election of municipal officers and members of the State legislature. The contest, as is the custom in America, brought into life a number of clubs and other organizations, purporting to represent various parties or sections of a party, and among others a body calling itself the "Working men's Trade and Labour Union," the secretary of which was a certain Denis Kearney.¹ When the election was over, Kearney declared that he would keep his union going, and form a working man's party. He was Irish by birth, and though in business as a drayman, had some experience as a sailor, and held a master's certificate. He had borne a good character for industry and steadiness till some friend "put him into stocks," and the loss of what he hoped to gain is said to have first turned him to agitation. He had gained some faculty in speaking by practice at a Sunday debating club called the Lyceum of Self Culture. A self-cultivating lyceum sounds as harmless as a Social Science congress, but there are times when even mutual improvement societies may be dangerous. Kearney's tongue, loud and violent, soon gathered an audience. On the west side of San Francisco, as you cross the peninsula from the harbour towards the ocean, there was then a large open space, laid out for building,

¹ See note in the Appendix at the end of this volume.

but not yet built on, covered with sand, and hence called the Sand Lot. Here the mob had been wont to gather for meetings; here Kearney formed his party. At first he had mostly vagabonds to listen, but one of the two great newspapers took him up. These two, the *Chronicle* and the *Morning Call*, were in keen rivalry, and the former, seeing in this new movement a chance of going ahead, filling its columns with sensational matter, and increasing its sale among working men, went in hot and strong for the Sand Lot party. One of its reporters has been credited with dressing up Kearney's speeches into something approaching literary form, for the orator was an imperfectly educated man, with ideas chiefly gathered from the daily press. The advertisement which the *Chronicle* gave him by its reports and articles, and which he repaid by advising working men to take it, soon made him a personage; and his position was finally assured by his being, along with several other speakers, arrested and prosecuted on a charge of riot, in respect of inflammatory speeches delivered at a meeting on the top of Nob Hill, one of the steep heights which make San Francisco the most picturesque of American cities. The prosecution failed, and Kearney was a popular hero. Clerks and the better class of citizens now began to attend his meetings, though many went from mere curiosity, as they would have gone to a circus: the W. P. C. (Workingman's Party of California) was organized as a regular party, embracing the whole State of California, with Kearney for its president. The gathering on the Sand Lot to which all those "eager for new things," as the discontented class were of old time called, flocked every Sunday afternoon to cheer denunciations of corporations and monopolists, and to "resolute" against the rich generally, became a centre of San Francisco politics, and through the reports of some newspapers and the attacks of others, roused the people of the entire State. The *Morning Call* had now followed the lead of the *Chronicle*, trying to outbid it for the support of the working men. There was nothing positive, nothing constructive or practical, either in these tirades or in the programme of the party, but an open-air crowd is not critical, and gives the loudest cheers to the strongest language. Kearney was not without shrewdness and address: he knew how to push himself to the front, and retain the

reputation of rugged honesty: he always dressed as a workman and ran for no office, and while denouncing politicians as thieves and capitalists as blood-suckers, while threatening fire and the halter if the demands of the people were not granted, he tried to avoid direct breaches of the law. On one occasion he held a gathering beside the mansions of the Central Pacific magnates on Nob Hill, pointed to them and to the bonfire which marked the place of meeting, and while telling the people that these men deserved to have their houses burned, abstained from suggesting that the torch should be applied then and there. Another time he bade the people wait a little till his party had carried their candidate for the governorship of the State: "Then we shall have the control of the militia and the armouries; then we can go down to the Pacific Mail Company's dock and turn back the steamers that come in bringing the Chinese."¹ Immense enthusiasm was evoked by these harangues. He was crowned with flowers; he was, when released from prison on one occasion, drawn in triumph by his followers in his own dray; newspaper reporters thronged around to interview him; prominent politicians came to seek favours from him on the sly. Discontent among the working class was the chief cause that made the new party grow, for grow it did: and though San Francisco was the centre of its strength, it had clubs in Sacramento and the other cities, all led by the San Francisco convention which Kearney swayed. But there were further causes not to be passed over. One was the distrust of the officials of the State and the city. The municipal government of San Francisco was far from pure. The officials enriched themselves, while the paving, the draining, the lighting were scandalously neglected; corruption and political jobbery had found their way even into school management, and liquor was sold everywhere, the publicans being leagued with the heads of the police to prevent the enforcement of the laws. Another was the support given to their countryman by the Irish, here a discontented and turbulent part of the population, by the lower class of German immigrants, and by the longshore men, also an important element

¹ In an earlier agitation this company's yard was attacked, but the only person killed was a lad (one of the special constables defending it) whose gun burst.

in this great port, and a dangerous element (as long ago in Athens) wherever one finds them. The activity of the *Chronicle* counted for much, for it was ably written, went everywhere, and continued to give a point and force to Kearney's harangues, which made them not less effective in print than even his voice had made them to the listening crowds. Some think that the monied classes at this juncture ought to have bought up the *Chronicle* (supposing they could have done so secretly), and its then editor and proprietor has been much maligned if he would have refused to be bought up.¹ The newspapers certainly played a great part in the movement; they turned the Working man's party into a force by representing it to have already become one. Most important of all, however, was the popular hatred of the Chinese. This is so strong in California that any party which can become its exponent rides on the crest of the wave. The old parties, though both denouncing Chinese immigration in every convention they held, and professing to legislate against it, had failed to check it by State laws, and had not yet obtained Federal laws prohibiting it. They had therefore lost the confidence of the masses on this point, while the Sand Lot party, whose leaders had got into trouble for the ferocity of their attacks on the Chinese, gained that confidence, and became the "anti-Mongolian" party *par excellence*. Like Cato with his *Delenda est Carthago*, Kearney ended every speech with the words, "And whatever happens, the Chinese must go."

Meanwhile, where were the old parties, and what was their attitude to this new one? It is so hard in America to establish a new movement outside the regular party lines, that when such a movement is found powerful, we may expect to find that there exist special causes weakening these lines. Such forces existed in California. She lies so far from the Atlantic and Mississippi States, and has been so much occupied with

¹ This editor became subsequently famous over America by his "difficulties" with a leading Baptist minister of San Francisco. He had shot this minister in the street from behind the blind of a carriage, and thereby made him so popular that the W. P. C. carried him for their candidate for the mayoralty. The blood feud, however, was not settled by this unintended service, for the clergyman's son went soon after to the *Chronicle* office and slew the editor. The young man was tried, and, of course, acquitted. He had only done what the customary law of primitive peoples requires. It survives in Albania, and is scarcely extinct in Corsica.

her own concerns — even the War of Secession did not interest her as it did the country east of the Rocky Mountains — that the two great national parties have had a comparatively weak hold on the people. The Chinese question and the railroad question dwarfed the regular party issues. Neither party had shown itself able to deal with the former — both parties were suspected of having been tampered with on the latter. Both had incurred the discredit which follows every party in hard times, when the public are poor, and see that their taxes have been ill-spent. The Sand Lot party drew its support chiefly from the Democrats, who here, as in the East, have the larger share of the rabble: hence its rise was not unwelcome to the Republicans, because it promised to divide and weaken their old opponents; while the Democrats, hoping ultimately to capture it, gave a feeble resistance. Thus it grew the faster, and soon began to run a ticket of its own at city and State elections. It carried most of the city offices, and when the question was submitted to the people whether a new Constitution should be framed for California, it threw its vote in favour of having one, and prevailed.

"The hoodlums"¹ and other ragamuffins who had formed the audience at the first Sand Lot meetings could not have effected this. But the W. P. C. now got a heavy vote in San Francisco from the better sort of working men, clerks, and small shopkeepers. In the rural districts they had still more powerful allies. The so-called Granger movement had spread from the upper Mississippi States into California, and enlisted the farmers in a campaign against the railroads and other "monopolists" and corporations. To compel a reduction of charges for goods and passengers, to prevent the railroad from combining with the Panama Steamship Company, to reduce public expenditure, to shift more taxation on to the shoulders of the rich, and generally to "cinch" capital — these were the aims of the Granger party; nor will any one who knows California think them wholly unreasonable. The only way to effect them was by a new Constitution, not only because some could not have been attained under the then existing Consti-

¹ The term "hoodlums" denotes those who are called in Australia, "lar-rikins," and in Liverpool, "corner-boys," loafing youths of mischievous proclivities.

tution (passed in 1849 and amended in several points subsequently), but also because the people have more direct control over legislation through a convention making a Constitution than they have over the action of a legislature. The delegates to a convention go straight from the election to their work, have not time to forget, or to devise means of evading, their pledges, are less liable to be "got at" by capitalists. They constitute only one house, whereas the legislature has two. There is no governor to stand in the way with his veto. The rarity and importance of the occasion fixes public attention. Thus a new Constitution became the object of the popular cry, and a heavy vote in favour of having it was cast by the country farmers as well as by decent working-people in the towns, just because it promised a new departure and seemed to get behind the old parties. As often happens, the "good citizens," who ought to have seen the danger of framing a new Constitution at a time of such excitement, were apathetic and unorganized.

Next came, in the summer of 1878, the choice of delegates to the convention which was to frame the new Constitution. The Working man's party carried many seats in the convention, but its nominees were mostly ignorant men, without experience or constructive ideas.¹ Among the lawyers, who secured a large representation, there were some closely bound by business ties to the great corporations and therefore disposed to protect the interests of these corporations, as well as those of the legal profession. In justice to many of them it must be added that their respect for the principles of the common law and for sound constitutional doctrine made them do their best to restrain the wild folly of their colleagues. However, the working men's delegates, together with the more numerous and less corruptible delegates of the farmers, got their way in many things and produced that surprising instrument by which California is now governed.

¹ Anecdotes were still current three years afterwards of the ignorance of some of the delegates. When the clause prohibiting any "law impairing the obligation of contracts" (taken from the Federal Constitution) was under discussion, a San Francisco delegate objected to it. An eminent lawyer, leader of the Californian bar, who recognized in the objector a little upholsterer who used to do jobs about his house, asked why. The upholsterer replied, that he disapproved altogether of contracts, because he thought work should be done by hiring workmen for the day.

III. THE NEW CONSTITUTION

An able Californian writer gives the following account of the Constitution of 1879:—

"The new Constitution adopted in May, 1879, made radical changes in almost every department of the Government. It completely changed the judicial system, and thereby rendered necessary an alteration of almost all the laws relating to civil and criminal procedure. It revolutionized the working, and to a great extent the scope of the legislative department, lopping off special and local legislation, and obliging the objects heretofore obtained by such legislation to be covered by general law. As a part of this revolution, it required a new plan of county, township, and city organization, with the idea partly of forcing the same general laws upon all local governments, and partly of investing such local governments with power to legislate for themselves. But the main underlying spirit of the new instrument was an attack upon capital under the specious name of opposition to monopolies. To use an expressive Californian phrase, capital, and especially accumulated capital, wherever it was found, was to be 'cinched.'¹ With this object in view, cheap labour was to be driven out of the country, and corporations so restricted and hampered in their operations as to be unable to make large profits. The cry was that there were unjust discriminations on the part of the railroads, and extortionate rates on the part of water and gas companies; that vicious practices were indulged in by mining corporations; that fair day's wages for fair day's labour could not be obtained; that rich men rolled in luxury, and that poor men were cramped with want. It may be admitted that there were some grounds for these complaints. But it does not follow that capital was any more tyrannical or corporations are more unconscionable than by their very nature they are compelled to be."²

Some of the above points, and particularly the changes in local government and in the judicial system, lie rather outside the scope of the present narrative, and I therefore confine myself to inquiring how far the objects aimed at by the Sand Lot party were attained through the Constitution whose enactment it had secured. They and the Grangers, or farmers' party, which made common cause with them, sought to deal with four questions in which lay the grievances chiefly complained of by discontented Californians.

These were —

The general corruption of politicians, and bad conduct of State, county, and city government.

¹ "Cinching" is drawing tight the girths of a horse.

² Mr. Theodore H. Hittell in the *Berkeley Quarterly* for July, 1880.