

# THE LAW AND ORDER VIEW OF THE SAN FRANCISCO VIGILANCE COMMITTEE OF 1856

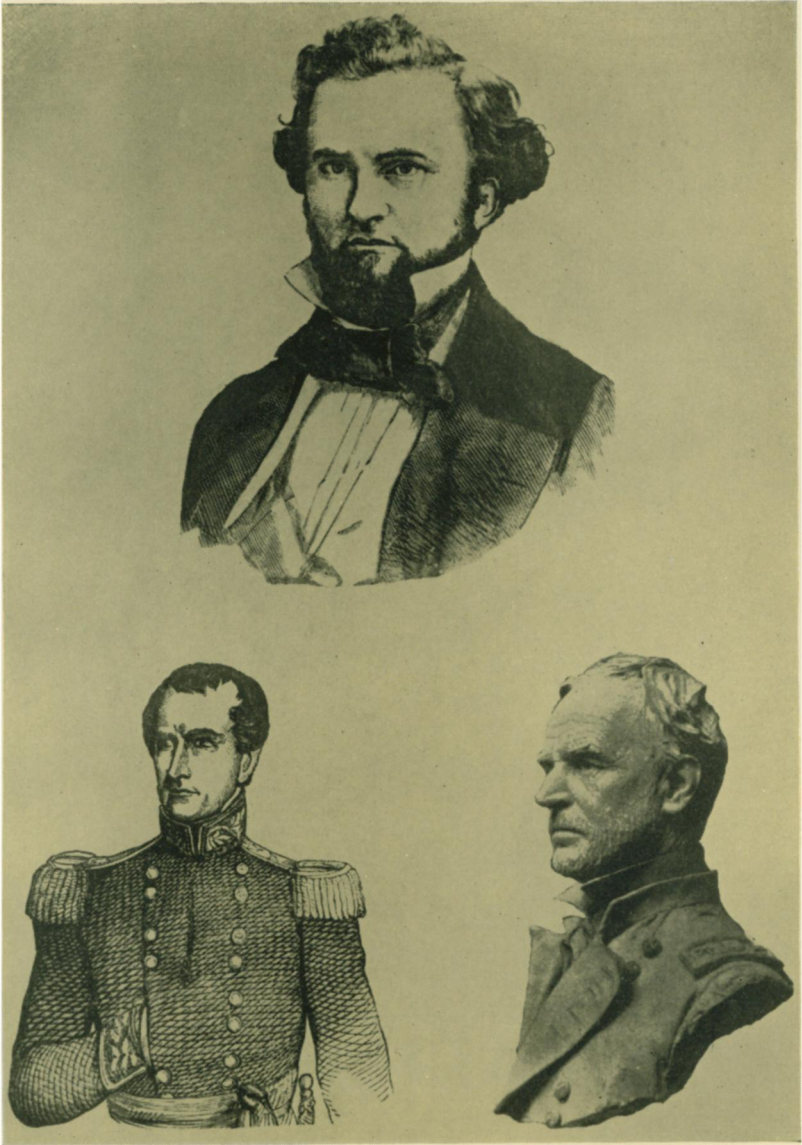
*Taken from the Correspondence of Governor J. Neely Johnson*

ARRANGED FOR PUBLICATION BY  
HERBERT G. FLORCKEN

DURING THE PAST FEW YEARS a term has crept back into popular usage that in the early days of California history had tremendous significance. It is the term VIGILANTE or VIGILANCE COMMITTEE. We have in comparatively recent times witnessed groups of people doing things for which as individuals they would have been severely punished. They have mobbed and hanged murderers; they have raided radical headquarters; they have intimidated objectionable labor agitators; they have been organized to hunt dog poisoners. Under the name VIGILANTE or VIGILANCE COMMITTEE they have traded on the glamor that time has cast over the deeds of early Californians, and far from receiving punishment for their lawless activities, have in many cases received praise and acclaim.

In the early 1850's the population of San Francisco was composed of hardy American pioneers, adventurers from South America and Europe, disreputable cast-offs from our own Eastern states, and hundreds of ex-convicts from Australia. With such a motley population, all of whom were intent upon getting rich as quickly as possible, and many of whom had few or no scruples as to how they would go about it, city government, politics, and justice often degenerated into a farce. Thrice within the first ten years of the settlement of San Francisco—in 1849, in 1851, and again in 1856—the decent, hard-working people of the city arose in desperation, organized themselves into extra-legal law enforcement committees and crushed temporarily at least the power of the city's underworld and its criminal politicians.

Despite the lawlessness of this period, everything that happened in California at that time appeared glamorous to the people of the East, and time has even made those pioneer days appear glamorous to us who today live in California. The result is that the activities of those three early California law enforcement groups (necessary though they may have been at that time) have been so lavishly praised by historians and authors that today the very name VIGILANTE breathes romance, daring, high adventure. Bancroft in his great history of California can find no word of blame for the Vigilantes, no word of praise for the State government of the time. Hittell, Eldredge, and other his-



GOVERNOR J. NEELY JOHNSON OF CALIFORNIA  
MAJOR GENERAL JOHN E. WOOL  
MAJOR GENERAL WILLIAM T. SHERMAN

Three prominent characters in the dispute between the Law and Order party  
and the Vigilance Committee of 1856.

torians of that period take the same attitude. Most fiction writers have followed their lead, and one must seek far for any novel or biography that attempts to explain or condone the motives that actuated those who opposed so bitterly the actions of the early Vigilantes.

Quite by accident a few years ago a student placed a number of letters in the writer's hands, and, if they do not justify the actions of the State government of that period, at least they do show the Governor's sincerity and his frantic efforts to do what he considered his duty. They proved to be a part of the correspondence of Governor J. Neely Johnson relating to the Vigilante movement of 1856. The student, Harold Holman, Jr., of Atwater, California, had received the letters from his mother, *née* Marie Thorpe, who in turn had received them from her mother, Bessie Douglas Johnson, the daughter of Mary Brevoort Zabriskie and J. Neely Johnson. If Mr. Bancroft had been able to consult this correspondence before he wrote his story of the Vigilante uprising of 1856, it is certain that he would have been a little more kindly disposed toward Governor Johnson.

This material was submitted to the Chairman of the Publication Committee, and is now made public for the first time for the purpose of showing something of the other side of the Vigilante affair of 1856.

In order to create a background for the letters in question, quotations have been freely made from the *Memoirs of General William T. Sherman*, and from letters written by him to various people and published in the *Century Magazine* in 1891. Letters from or to Governor Johnson describing conditions in San Francisco during the Terry trial, now in the possession of the State Library at Sacramento, have likewise been used; while the correspondence relating to the attempt on the part of the Governor to bring about the release of Judge Terry through the intervention of the Navy has been taken from *34th Cong., 1st Sess., Senate Ex. Doc. No. 101*.

It is hardly necessary to go into detail regarding the causes of the Vigilante movement of 1856. Most of us know of the murder of United States Marshal Richardson by Cora, and of James King of William by Casey. There is no argument as to the corruption of the government of the City of San Francisco at that time, and few of us will blame its citizens for becoming wildly excited when it seemed that murderers such as Casey and Cora would, because of political influence, escape punishment. But the Governor feared, and General Sherman feared, that if an extra-legal law enforcement group such as the Vigilance Committee were permitted to take over the government of San Francisco and defy the constituted authorities a dangerous precedent would be created. Sherman feared that if the committee were permitted to operate unchecked, Vigilantism would become "a fixed institution, and a part of the common law of California."

With the assumption that the reader is familiar with the story of the killing of James King of William and the resulting excitement in San Francisco, this

account will begin with an extract from Sherman's *Memoirs* telling of the Governor's first contact with the Vigilance Committee.

#### SHERMAN'S VERSION OF THE CONFERENCE<sup>1</sup>

"About the third day after the shooting of King, Governor Johnson telegraphed me that he would be down in the evening boat, and asked me to meet him on arrival for consultation. I . . . met the Governor and his brother on the wharf, and walked with him to the International Hotel. . . . We discussed the state of affairs fully; and Johnson, on learning that his particular friend, William T. Coleman, was the president of the Vigilance Committee, proposed to go and see him. . . . We walked to the Turnverein Hall, where the committee was known to be sitting in consultation. . . .

"The Governor knocked at the door, and on inquiry from inside—'Who's there?'—gave his name. After some delay we were admitted . . . [and] the Governor asked to see Coleman. The man left us . . . and soon returned with Coleman, who was pale and agitated. After shaking hands all round, the Governor said, 'Coleman, what the devil is the matter here?' Coleman said, 'Governor, it is time that this shooting on our streets should stop.' The Governor replied, 'I agree with you perfectly, and have come down from Sacramento to assist.' Coleman rejoined that 'the people were tired of it, and had no faith in the officers of the law.'"

Here Coleman's own statement of just what he said at this particular point in the conversation is inserted.

#### COLEMAN'S STATEMENT<sup>2</sup>

"'Now governor' said I, 'You are called upon by the mayor and a class of people here to bring out the militia and try to put down this movement. I assure you it cannot be done, and if you attempt it, it will give you and us a great deal of trouble. It is not the way to treat the question. . . . This is a mere local reform, intended to correct local abuses. Allow us to take up the work and get through with it, . . . without anything more than a formal opposition by the State. Do your duty in issuing your proclamation and manifestos, and maintaining formally the dignity of the law, but leave to us the work, and we shall get through with it in a short time and quit, and quit gladly.' He slapped me on the shoulder and said, 'Go it, old boy! but get through as quickly as you can. Don't prolong it, because there is a terrible opposition and a terrible pressure.'"

Now back to Sherman's account:

#### SHERMAN'S VERSION CONTINUED<sup>3</sup>

"A general conversation then followed, in which it was admitted that King would die, and that Casey *must* be executed; but the matter of execution was the thing to be settled, Coleman contending that the people would do it without trusting the courts or the sheriff. . . . Johnson argued that the time had

passed in California for mobs and vigilance committees, and said if Coleman and associates would use their influence to support the law, he (the Governor) would undertake that, as soon as King died, the grand-jury should indict, that Judge Norton would try the murderer, and the whole proceeding should be as speedy as decency would allow. Then Coleman said 'the people had no confidence in Scannell, the sheriff,' who was, he said, in collusion with the rowdy element of San Francisco. Johnson then offered to be personally responsible that Casey should be safely guarded, and should be forthcoming for trial and execution at the proper time . . . to save the city and state from the disgrace of a mob. Coleman disclaimed that the vigilance organization was a 'mob,' admitted that the proposition of the Governor was fair, and all he or anyone should ask; and added, if we would wait awhile, he would submit it to the council, and bring back an answer.

"We waited nearly an hour, . . . when Coleman came back, accompanied by a committee. . . . The whole conversation was gone over again, and the Governor's proposition was positively agreed to, with this further condition, that the Vigilance Committee should send into the jail a small force of their own men, to make certain that Casey should not be carried off or allowed to escape.

"The Governor . . . and I, then went up to the jail, where we found the sheriff and his *posse-comitatus* of police and citizens. . . . The sheriff seemed to agree with the Governor that what he had done was right and best; and, while we were there, some eight or ten armed men arrived from the Vigilance Committee, and were received by the sheriff (Scannell) as a part of his regular *posse*.

" . . . Next day I was at the bank, . . . when about noon the Governor called. . . . He said he had just received a message from the Vigilance Committee to the effect that they were not bound by Coleman's promise not to do anything till the regular trial by jury should be had, etc. He was with reason furious, and asked me to go with him to Truett's store, over which the Executive Committee was said to be in session. We were admitted to a front-room up-stairs. . . . The Governor inquired for Coleman, but he was not forthcoming. Another of the committee, Seymour, met us, denied *in toto* the promise of the night before, and the Governor openly accused him of treachery and falsehood. . . ."

About eight o'clock on Sunday morning, May 18, Doane, who had been elected chief marshal of the military forces by the Vigilance Committee the day before, reported that his command were ready for immediate service. The Executive Committee of the Vigilantes thereupon ordered him to take over the County Jail; they likewise ordered the withdrawal of the Committee's guard of ten men stationed there and sent a letter to Governor Johnson notifying him of the fact. This note, the first of the interesting Neely Johnson papers, reached him before eleven o'clock that morning:

SECRETARY OF VIGILANCE COMMITTEE TO JOHNSON<sup>4</sup>

To His Excellency  
 J. Neely Johnson  
 Gov. of California

Executive Committee  
 of Vigilance Committee  
 San Francisco, May 18, 1856

Dr Sir

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

By Order of the Committee

33 SECRETARY

About noon, a force of over 1500 men marched on the jail, took Casey out and drove him to Vigilance Committee headquarters. Then Cora was taken to the same place. Two days later, on Tuesday, May 20, in the midst of the trial of Casey and Cora, James King of William died, and the Committee, after giving both of the men a fair trial, declared them guilty of murder. They were hanged on Thursday, May 22, while the funeral of James King of William was in progress.

"We all thought the matter had ended there," says Sherman, "and accordingly the Governor returned to Sacramento in disgust, and I went about my business. But it soon became manifest that the Vigilance Committee had no intention to surrender the power thus usurped. They . . . utterly ignored all authority but their own. . . . Business was deranged; and the *Bulletin*, then under control of Tom King, a brother of James, poured out its abuse on some of our best men, as well as the worst."<sup>5</sup>

The following appeal was sent by a group of Law and Order men to the Governor:

RESOLUTIONS PASSED BY THE MAYOR'S COMMITTEE AT  
 SAN FRANCISCO<sup>6</sup>

Proceedings at a meeting held at the City of San Francisco in the State of California on Tuesday the twenty-seventh of May 1856.

Present the Hon. James Van Ness, Mayor of the City of San Francisco, and numerous citizens.

The meeting was called to order. Hon. R. A. Thompson in the chair. Alexander Campbell, Secretary.

On motion

Resolved

That a committee of three citizens be appointed to confer with the Hon. J. Neely Johnson, Governor of the State, and to inform him on the part of the Mayor of the City of San Francisco and of this meeting, that the said City is now and for the last ten days has been in a state of open, flagrant, and sustained insurrection; that owing to the presence and domination of a large and

overwhelming armed organization in said city, there is no protection therein for life, liberty or property; and to call upon the Governor to suppress the said insurrection and to restore the supremacy of law and order, and for this purpose to request him to call out the militia of the State and to take such other and further steps as may be necessary and proper in the premises.

On motion

Resolved

That Volney E. Howard, John McDougal and Calhoun Benham be the said committee.

All of which was adopted.

A. CAMPBELL

Secy.

R. A. THOMPSON

Pres.

LETTER TRANSMITTING TO GOVERNOR JOHNSON<sup>7</sup>  
RESOLUTION OF MAYOR'S COMMITTEE

Sir

Sacramento May 28, 1856.

The undersigned a committee on the part of the Mayor and the law-abiding citizens of the City of San Francisco, herewith present to your attention a minute of proceedings at a meeting of the said Mayor and a number of the said citizens held on the 27th of the current month. We beg to state to you that there is a body of armed men, several thousand in number, known as the "Vigilance Committee," who now hold forcible possession of the said city; that said committee have already overborne the legal authorities; that they have executed summarily without authority, or process of law two of the citizens; that they have arrested without warrant or authority several other citizens and now hold the same by force; that they or persons in their name have exercised in a number of instances the right of searching without process of law or warrant the houses and dwellings of citizens without regard to the character of the same; that they have established themselves as an institution in our midst; that it is understood the same Committee intend to maintain their organization and to continue in the exercise of their unlawful and usurped functions; and that the citizens of the said city have no longer any protection for life, liberty or property.

We, therefore, in the name of the Mayor of the said City and of the law-abiding citizens thereof, request that you, as the officer invested by the constitution and the laws with the requisite authority, will order out the militia of the State and take such other and further steps as may be necessary to suppress the insurrection in said city.

With consideration we have the honor to be      Your ob'd't serv'ts

CALHOUN BENHAM  
of San Francisco

Hon. J. Neely Johnson  
Governor &c &c

JNO. MCDUGAL  
of Belmont

We have now come to the cause of all the trouble that followed: the dispute concerning what was really said by Johnson, Sherman and Wool at their meeting at Benicia. Bancroft and others have covered pages giving General Wool's side of the argument. Sherman's *Memoirs* give the Law and Order interpretation of the conversation:

SHERMAN'S ACCOUNT CONTINUED<sup>8</sup>

After receiving these appeals, the Governor—"concluded to go to work regularly, and telegraphed me about the 1st of June [it was May 31] to meet him at General Wool's headquarters at Benicia that night. I went up and we met at the hotel where General Wool was boarding. . . . We discussed the state of the country generally, and I had agreed that if Wool would give us arms and ammunition out of the United States Arsenal at Benicia, and if Commodore Farragut, . . . commanding the navy-yard on Mare Island, would give us a ship, I would call out volunteers, and, when a sufficient number had responded, I would have the arms come down from Benicia in the ship, arm my men, take possession of a thirty-two-pound-gun battery at the Marine Hospital on Rincon Point, thence command a dispersion of the unlawfully-armed force of the Vigilance Committee, and arrest some of the leaders.

". . . Wool insisted on a proclamation commanding the Vigilance Committee to disperse, etc., and he told us how he had on some occasion, as far back as 1814, suppressed a mutiny on the Northern frontier. I did not understand him to make any distinct promise of assistance that night, but he invited us to accompany him on an inspection of the arsenal the next day, which we did. . . . Afterward . . . I saw the Secretary of State, D. F. Douglas, Esq., walk out with General Wool in earnest conversation, and [he] afterward asserted that Wool there and then promised us the arms and ammunition, provided the Governor would make his proclamation for the committee to disperse, and that I should afterward call out the militia, etc. On the way back to the hotel at Benicia, General Wool, Captain Callendar of the arsenal, and I, were walking side by side and I was telling him (General Wool) that I would also need some ammunition for the thirty-two-pound guns then in position at Rincon Point, when Wool turned to Callendar and inquired, 'Did I not order those guns to be brought away?' Callendar said: 'Yes, General. I made a requisition on the quartermaster for transportation, but his schooner has been so busy that the guns are still there.' Then said Wool: 'Let them remain; we may have use for them.' I therefrom inferred, of course, that it was all agreed to so far as he was concerned.

"Soon after we had reached the hotel . . . Governor Johnson and I drove to Vallejo . . . crossed over to Mare Island, and walked up to the commandant's house, where we found Commodore Farragut and his family. We stated our business fairly, but the Commodore answered very frankly that he had no authority, without orders from his department, to take any part in civil broils;



he doubted the wisdom of the attempt; said he had no ship available except the John Adams, Captain Boutwell, and that she needed repairs. But he assented at last to the proposition to let the sloop John Adams drop down abreast of the city after certain repairs, to lie off there for *moral effect*, which afterward actually occurred.

"We then returned to Benicia, and Wool's first question was 'What luck?' We answered, 'Not much,' and explained what Commodore Farragut could and would do, and that, instead of having a naval vessel, we would seize and use one of the Pacific Mail Company's steamers, lying at their dock in Benicia, to carry down to San Francisco the arms and munitions when the time came.

"As the time was then near at hand for the arrival of the evening boats, we all walked down to the wharf together, where I told Johnson that he could not be too careful; that I had not heard General Wool make a positive promise of assistance. Upon this, Johnson called General Wool to one side, and we three drew together. Johnson said: 'General Wool, General Sherman is very particular, and wants to know exactly what you propose to do.' Wool answered: 'I understand, Governor, that in the first place a writ of *habeas corpus* will be issued commanding the jailers of the Vigilance Committee to produce the body of some one of the prisoners held by them (which, of course, will be refused); that you then issue your proclamation commanding them to disperse, and, failing this, you will call out the militia, and command General Sherman with it to suppress the Vigilance Committee as an unlawful body;' to which the Governor responded, 'Yes.' 'Then,' said Wool, 'on General Sherman's making his requisition, approved by you, I will order the issue of the necessary arms and ammunition.' I remember well that I said, emphatically: 'That is all I want.—Now, Governor, you may go ahead.' We soon parted; Johnson and Douglas taking the boat to Sacramento, and I to San Francisco."

Relying upon the promise made by General Wool, Johnson sent to Scannell, the sheriff of San Francisco, the following telegram:

TELEGRAPHIC DESPATCH<sup>9</sup>

To D. Scannell, Sheriff of San Francisco County,

Do you require a military force to aid you in executing any process, civil or criminal? Answer briefly by Telegraph, and fully by letter to day.

(Signed) J. NEELY JOHNSON  
Gov. of Cal.

SCANNELL'S ANSWER TO JOHNSON'S DESPATCH<sup>10</sup>

To His Excellency

San Franc<sup>o</sup>, June 2nd, 1856.

J. Neely Johnson

Governor of the State of California

Dear Sir;

I have just received your Telegraphic Despatch, and in reply have to state that on Saturday last a writ of Habeas Corpus was placed in my hands, com-

manding me to take the body of one "William Mulligan," who it was represented was detained in Custody by a body of armed men, styling themselves "Vigilance Committee" and bring the same before the Hon. D. S. Terry, Justice of the Supreme Court of the State of California forthwith; that I attempted to execute said writ, but was resisted in doing so, by a body of armed men and that the power of the County is inadequate to resist the armed force—and that there is a combination here to resist the law, which cannot be put down without exercising the Military power of the State.

Very respectfully

Your obedient Servant

DAVID SCANNELL

Sheriff of the County of San F<sup>co</sup>.

Upon receipt of this letter from Sheriff Scannell, Governor Johnson wrote that same day to General Sherman ordering him to call out the militia to aid the constituted authorities in enforcing law and order:

THE GOVERNOR'S ORDERS TO SHERMAN<sup>11</sup>

Executive Department

Sacramento, Cal. June 2d, 1856

To Major-General W. T. Sherman, Sir—

Information having been received by me, that an armed body of men are now organized in the City and County of San Francisco, in this State, in violation of law; and that they have resisted the due execution of law, by preventing a service of a writ of *habeas corpus*, duly issued; and that they are threatening other acts of violence and rebellion, against the Constitution of the laws of the State; you are therefore commanded to call upon such number as you may deem necessary of the enrolled militia, or those subject to military duty, also, upon all the voluntary independent companies of the military Division under your command,—to report, organize, etc., and act with you in the enforcement of the law.

J. NEELY JOHNSON

In accordance with the plan discussed at Benicia, Johnson then issued his proclamation declaring the City and County of San Francisco to be in a state of insurrection. This proclamation caused violent resentment in the city. The Governor must have thought long and hard over its wording, for among the Neely Johnson papers are two rough drafts of it, crossed out, erased and rewritten. However ill-advised it may have been, certainly it was not dashed off in a fit of temper, as many writers have intimated.

THE GOVERNOR'S PROCLAMATION<sup>12</sup>

Executive Department

Sacramento City, Cal.

June 3d, 1856

Whereas satisfactory information has been received by me that Combinations to resist the execution of legal process by force exist in the County of San

Francisco in this State, and that an unlawful organization styling themselves the Vigilance Committee, have resisted by force the execution of Criminal process and that the power of said County has been exerted and has not been sufficient to enable the sheriff of said County to execute such process.— Now therefore, I, J. Neely Johnson, Governor of the State of California, by virtue of the powers vested in me, by the Constitution and Laws thereof, do hereby declare said County of San Francisco in a state of insurrection, and I hereby order and direct all of the Volunteer Military Companies of the County of San Francisco, also all persons subject to Military duty within said County to report themselves for duty, immediately to Major General William T. Sherman, Com[mandin]g Second Division Cal. Militia, to serve for such term in the performance of Military duty under the Command of said Sherman until discharged from service by his orders—also that all Volunteer Military Companies now organized or which may be organized within the Third, Fourth and Fifth Military Divisions of this State—also all persons subject to the performance of Military duty in said Military divisions, hold themselves in readiness to respond to and obey the orders of the Governor of this State or said Sherman for the performance of Military duty in such manner and at such time and place as may be directed by the Governor of this State. I furthermore order and direct that all associations, combinations or organizations whatsoever existing in said County of San Francisco, or elsewhere in this State, in opposition to or in violation of the laws thereof, more particularly the association known as the Vigilance Committee of San Francisco, do disband, and each and every individual thereof yield obedience to the Constitution and the Laws of this State,—the writs and process' of the Courts and all legal orders of the officers of this State and the County of San Francisco.

J. NEELY JOHNSON

The two letters following, written by Sherman on June 2, and by Kibbe, the Quartermaster General, on June 3, would seem to show that the State government really had no thought of 'shooting up' the city, but believed that a show of force alone would cause the Vigilance Committee to disperse:

THE SHERMAN-KIBBE CORRESPONDENCE<sup>13</sup>

Wm. C. Kibbe  
Qr Master Genl  
Dear Sir,

Banking House of Lucas, Turner & Co.  
San Francisco, Cala. June 2, 1856.

Your letter of June 1 is received, and I am much obliged for the Copy of Laws. I have seen Halleck and many gentlemen, who promised to write to Governor Johnson. The late movements have had their effect—the committee is concerned and several gentlemen have consulted me as to the safety of their stores & goods. My answer has been that the Governor may at any moment be compelled to order out the militia in which case I would have to command

them and that I should have to act with decision. No violence is designed on the part of the State Authorities but if resistance is offered to the execution of the laws, force will have to be used in the proportion of the resistance offered—Civil war is so horrible to contemplate that of course we should do all in our power to avoid the necessity. Many things are now operating to stop excitement. A public meeting is now assembled in the Plaza, and has been addressed by A. Campbell and Calhoun Benham. As soon as the freedom of speech is restored, it will be an outlet, or safety valve to the passions that now blind many who are otherwise good people.

The Grand Jury has reported against the Vigilance Committee and somewhat in favor of Scannell but still a great deal is said against Scannell, whose resignation would aid in allaying public excitement. It is said the Committee is giving testimony against new parties, but who they are I cannot tell.

If it be necessary for me to organize my division during the pendency of this public excitement I would like you to come down to aid in arranging such men as you offer into companies & regiments.

I write in haste, being just come from the meeting.

Yrs

Show this to Gov. J.

W. T. SHERMAN

Office Qr Mr. and Adj. Gen. Cal.  
San Francisco June 3, 1856

Governor:

Gen Sherman wished me to inform you that your letter has been received and that he is prepared to act forthwith and to act with success. His order will appear in the Alta in the morning calling upon the people to enroll themselves and there is little doubt but what we shall be able to muster a force in this county of sufficient strength to sustain the laws, and quiet present disturbances—Your order is entrusted in discreet hands and if any communication is received asking appointments etc. please refer all such to me or Gen. Sherman, if to me they will be referred to him—As there must be but one head and that head must control all matters.

The opinion now is that we can get through without bloodshed by due preparation, which is certainly desirable if possible—Please forward to me a blank order upon Gen Wool for arms and ammunition and permit it to be filled up here. As we can best judge what quantity is needed.—Also power to secure the services of a steamer to transmit them to this point. No authority you ever give will be used improperly. I shall act under the advice of Gen Sherman in all cases.—

I expect the city will appropriate twenty thousand dollars for Secret Service immediately—this has been recommended. Your obt Servt

His Excellency

J. Neely Johnson

Governor of the State of California

WM. C. KIBBE

Qr Mr and Adj. Genl.

ADDITIONAL ORDERS FROM JOHNSON<sup>14</sup>

Executive Department  
Sacramento City, Cal.  
June 3d, 1856

Sir—

You are doubtless in possession of the orders I transmitted to you yesterday, by the hands of Adjutant and Quarter Master General Kibbe, in regard to calling out the military force of the Division under your command to aid in the suppression of organized and armed resistance to the due execution of the laws of this State. In addition to the orders therein contained, you will please make such disposition of the arms, accoutrements and ammunition of the State which are now in San Francisco, as may be most effectually employed for the enforcement of your general orders. Also make known to me the kind and quality of arms and ammunition required for the purpose of equipping and rendering effective the military force to be commanded by you; also take such measures on behalf of the State, through the co-operation and aid of the Adjutant and Quarter Master General Kibbe, for one or more steamers to be used, if necessary, in this service.

Very respectfully

Your ob'd't ser't

J. NEELY JOHNSON

To

Major Gen'l  
W. T. Sherman  
Commanding 2d Division  
Cal. Militia

On June 4, Sherman, in accordance with the orders he had received from Johnson, called out the militia. Johnson, relying upon Wool's promise of federal arms and ammunition from the Benicia arsenal, sent the General a note by his aide, Colonel Rowe, asking that the arms be placed at General Sherman's disposal. He then sent to Sherman a copy of his letter to Wool.

To the Governor's amazement, Wool sent him the following curt reply:

GENERAL WOOL'S REFUSAL<sup>15</sup>

Headquarters, Department of the Pacific,  
Benicia, June 5th, 1856.

To his Excellency J. Neely Johnson,  
Governor of California.

Sir: I had the honor to receive last evening your communication of the 4th inst. by Colonel E. A. Rowe.

In reply I would remark that, on examination of the laws of Congress, I find that no person has the authority to grant the request therein presented but the President of the United States. In a recent contest in Kansas Territory, somewhat analogous to that which you state exists in the city of San Francisco, on

application, I believe, of the governor of the Territory for arms and ammunition to aid in suppressing it, the President refused to grant them.

Under these circumstances I am constrained to decline granting your requisition.

I am, very respectfully,

Your obedient servant,

JOHN E. WOOL, Major General

Colonel Rowe immediately called on Sherman and told him of General Wool's "about face." Since Sherman's entire plan of campaign depended for its success on obtaining federal arms and ammunition, his indignation can be imagined. He says of this incident: "I was thunderstruck, as I could look nowhere else for arms, and the idea of enrolling the militia without arms was an absurdity. I waited a day to hear from the Governor of General Wool's exact reply to him, and it not coming, I wrote to General Wool myself on the 6th."<sup>16</sup>

#### SHERMAN'S LETTER TO WOOL<sup>17</sup>

San Francisco, June 6, 1856.

General John E. Wool, United States

Army, Commander Pacific Division, Benicia.

My dear General: I was surprised beyond measure to hear yesterday from Colonel Rowe, who brought me a copy of Governor Johnson's letter to you of June 4, that you expressed a determination not to risk the issuance of arms to the militia of this State, under the present aspects of things.

After your assent to the Governor's request in my presence to issue such arms as would be required in the present emergency I cannot think that Colonel Rowe could have got the exact meaning of your reply.

Governor Johnson has issued a proclamation and I have issued orders for the enrollment of the militia. And already several companies have reported, and many more are known to be progressing in the work. Now if we cannot count on getting arms and ammunition as a certainty I should know it as soon as possible. I assure you on my honor that I will not call for a musket or a cartridge till I am dead certain that the arming of the militia will at once restore authority to its legitimate channels. If the number of men or if the character of the men who offer their services are such as I am not willing to command, I will not receive their service.

But I think, my dear General, I should know at once—to-night if possible—by the Stockton Boat, whether in case I call for arms I can have them.

Your friend and servant, W. T. SHERMAN,

Major-General, California Militia.

The Governor, to make his interpretation of the conversation of May 31 a matter of public record, wrote as follows to General Wool on the morning of June 7, formally requisitioning federal arms and ammunition:

THE GOVERNOR'S LETTER TO GENERAL WOOL<sup>18</sup>

Sacramento City, California, June 7, 1856  
Executive Department

Sir: As the executive of the State of California, in addition to the representations heretofore made you in person, and by other official communications, I would beg leave to inform you that an armed body of men are now in existence in the city of San Francisco, who have resisted by force and threats the service of a writ of *habeas corpus* duly issued, on or about the 31st day of May, 1856, by one of the justices of the supreme court of this State, and sought to be served by the sheriff of the county of San Francisco, of which I had due notice, and a call made upon me for a military force to aid said officer in the performance of his official duties. In pursuance of the power vested in me as the executive of the State, I did, on the 3rd day of the present month, issue my proclamation, declaring the county of San Francisco in a state of insurrection, and called upon the military force of said county to organize and respond to such call as might be made on them to aid the authorities of the State and county in the enforcement of their legal authority; also, in said proclamation, demanded the disbandment of such illegal organization or association, known as the "Vigilance Committee," and that they render due obedience to the laws, which demand on such illegal organization, I regret to say, up to the present time has been disregarded and disobeyed, and further threats of violence and opposition to the constitution and laws of the State, even to the end of attempting the overthrow of the State government and creating a civil war, have been and are now made by such organization.

I would further represent, that it is now manifest that the power of the military of this State is urgently and absolutely demanded for the suppression of such disregard of the constitution & laws, and for that object a large military force is now in course of organization under my sanction and authority. It is a large force we will necessarily have to encounter; and for the due protection and maintenance of the authority of the State, I now request of you a sufficient supply of arms, accoutrements and munitions of war, for the use of the State forces; and I guarantee, as executive of the State that the same shall be returned or paid for.

Very respectfully, Your obt svt.

J. NEELY JOHNSON,

Major General John E. Wool, Governor of California.  
Commanding Pacific Division, U.S.A., Benicia

P. S.<sup>19</sup> On a former occasion, to wit, the 31st day of May 1856 you promised me on the happening of a certain contingency indicated by yourself (which from the foregoing communication you will perceive has occurred) that you would furnish on my order as the Governor of the State, such arms as I wanted, I doubt not you will not hesitate in the present emergency to comply with the request now preferred, and that the order I now make may be rendered more

specific I will ask that you furnish me with 3,000. Stand of Muskets or rifles, 50 rounds of ammunition—2 mortars 300 Shells and Two Guns of large Calibre as you have with their ammunition and appliances.

J. NEELY JOHNSON  
Govr Cal.

GENERAL SHERMAN QUOTED AGAIN

To get once more the Law and Order point of view concerning the Benicia conference of June 7, Sherman's *Memoirs* are again quoted. In his letter of June 6, he says that he wants a reply from Wool by the night boat from Stockton that will pick up mail at Benicia, and in his *Memoirs* he writes: "I did wait for his letter, but it did not come, and the next day I got a telegraphic dispatch from Governor Johnson . . . asking me to meet him again at Benicia that night.

"I went up in the evening boat, and found General Wool's aide-de-camp, Captain Arnold, of the army, on the wharf, with a letter in his hand, which he said was for me. I asked for it, but he said he knew its importance, and preferred we should go to General Wool's room together, and the general could hand it to me in person. We did go right up to General Wool's, who took the sealed parcel and laid it aside, saying that it was literally a copy of one he had sent to Governor Johnson, who would doubtless give me a copy; but I insisted that I had made a written communication, and was entitled to a written answer.

"At that moment several gentlemen of the 'Conciliation party,' who had come up in the same steamer with me, asked for admission and came in. I recall the names of Crockett, Foote, Bailey Peyton, Judge Thornton, Donohue, etc., and the conversation became general, Wool trying to explain away the effect of our misunderstanding, taking good pains not to deny his promise made to me personally *on the wharf*. I renewed my application for the letter addressed to me, then lying on his table. On my statement of the case, Bailey Peyton said, 'General Wool, I think General Sherman has a right to a written answer from you, for he is surely compromised.' Upon this Wool handed me the letter. I opened it and read it, and it denied any promise of arms, but otherwise was extremely evasive and non-committal. I had heard of the arrival at the wharf of the Governor and party, and was expecting them at Wool's room, but, instead of stopping at the hotel where we were, they passed to another hotel on the block above. I went up and found there, in a room on the second floor over the bar-room, Governor Johnson, Chief-Justice Terry, Jones, of Palmer, Cooke & Co., E. D. Baker, Volney E. Howard, and one or two others. All were talking furiously against Wool, denouncing him as a d—d liar, and not sparing the severest terms. I showed the Governor General Wool's letter to me, which he said was in effect the same as the one addressed to and received by him at Sacramento. He was so offended that he would not even call on General Wool, and said he would never again recognize him as an officer or



gentleman. We discussed matters generally. . . . I explained that there were no arms in the State except what General Wool had, or what were in the hands of the Vigilance Committee of San Francisco, and that the part of wisdom for us was to be patient and cautious. About that time Crockett and his associates sent up their cards. . . . Johnson . . . sent word for them to reduce their business to *writing*. They simply sent in a written request for an audience, and they were promptly admitted. After some general conversation, the Governor said he was prepared to hear them, when Mr. Crockett arose and made a prepared speech embracing a clear and fair statement of the condition of things in San Francisco, concluding with the assertion of the willingness of the committee to disband and submit to trial after a certain date not very remote. All the time Crockett was speaking, Terry sat with his hat on, drawn over his eyes, and with his feet on a table. As soon as Crockett was through, they were dismissed, and Johnson began to prepare a written answer. This was scratched, altered, and amended, to suit the notions of his counselors, and at last was copied and sent. This answer amounted to little or nothing."<sup>20</sup>

JOHNSON'S REPLY TO CROCKETT<sup>21</sup>

Benicia, Cal., June 7th, 1856

Hon. J. B. Crockett & others,  
Committee from Citizens of San Francisco.  
Gentlemen,

In reply to the Verbal Communication made to me this evening in relation to the existing state of affairs in the City of San Francisco, I have to say that the wishes you have expressed, that those unhappy difficulties may be adjusted without bloodshed, fully accord with my own desires, and I can assure you that nothing shall be done on the part of the State authorities which will not be rendered imperatively necessary to secure a compliance with the terms of the Executive Proclamation issued by me on the 3d Inst. By virtue of the Constitution of this State, it is rendered my duty to enforce the execution of the laws:—this duty I shall perform and if unhappily a collision occur and injuries result to life or property,—the responsibility must rest upon those who shall choose to continue to disregard the authority of the State.

Very Respectfully,

Your Obedt Svt

J. NEELY JOHNSON

Sherman was by this time disgusted with the whole affair, and realizing that he could do nothing without arms and ammunition resigned on the spot. In his *Memoirs* he says:

SHERMAN TENDERS HIS RESIGNATION<sup>22</sup>

"Seeing that we were powerless for good, and that violent counsels would prevail under the influence of Terry and others, I sat down at the table, and wrote my resignation, which Johnson accepted in a complimentary note on

the spot, and at the same time he appointed to my place General Volney E. Howard, then present. . . .

"I went soon after to General Wool's room, where I found Crockett and the rest of his party; told them that I was out of the fight, having resigned my commission; . . . and that I would thenceforth mind my own business and leave public affairs severely alone. . . . In my opinion, there is not a shadow of doubt that General Wool did deliberately deceive us; that he had authority to issue arms, and that, had he adhered to his promise, we could have checked the committee before it became a fixed institution, and a part of the common law of California."

On June 9, Governor Johnson sent out the following letter and general order transferring the command of the California militia to General Volney E. Howard:

THE GENERAL ORDER<sup>23</sup>

Executive Department  
Sacramento City, Cal.  
June 9th, 1856

Whereas I have this day appointed Volney E. Howard Maj. Genl. Comg 4th Division Cal. Mil—to the Chief Command of the Military forces which have been or may be ordered into the service of this State to suppress an existing insurrection in the City of San Francisco and aid in maintaining the Constitution and laws of this State—therefore all persons who have heretofore by orders issued by me on the second day of this month, also Executive Proclamation of the 3d Inst. who were required to report to or obey the orders of the Major General Commanding 2d Division Cal. Mil. are hereby required to obey such orders as may be issued by the said Howard as the officer in Command of such forces.

J. NEELY JOHNSON

HOWARD'S APPOINTMENT<sup>24</sup>

Executive Department  
Sacramento City, Cal  
June 9th, 1856

Sir:

You are hereby ordered to proceed at once to the city of San Francisco in this State and assume the command until further orders of such Military forces of the State as have been or may be called into the Service by virtue of an order issued by me to Maj. Genl William T. Sherman on the 2d inst, also the Executive Proclamation issued on the 3d day of the present month.

Very Respectfully

Your Obt Svt  
J. NEELY JOHNSON

To Volney E. Howard  
Maj. Genl.  
Comdg 4th Division  
Cal. Mil.

On that same day, June 9, General Sherman addressed the following letter to Governor Johnson, giving him a few more reasons for his resignation and also giving him an intimation of the storm that was about to break in San Francisco when the business men's committee, headed by Crockett, made public the way in which they had been treated by the Governor and his friends at Benicia.

SHERMAN'S LETTER OF EXPLANATION<sup>25</sup>

San Francisco, Cal.

June 9, 1856

Governor Johnson

Dear Sir

After leaving you at the Solano Hotel on Saturday night I went to the American Hotel to see Genl Wool and procure from him the written answer he had already made to my communication and to say to him that you proposed to visit him in a short time. I expected you to come there before the arrival of the Stockton Boat in which I was to return to this City, but as you did not come I delivered into Colonel Rowe's hand the written resignation I had shown you before. As soon as Genl Wool made his extraordinary decision I saw I was in a false position, and from the extreme ideas of Judge Terry, General Howard and others I felt that my moderate ideas must stand in the way of those vigorous steps which you in your judgment deemed necessary. Also I had assured Mr. Crockett and others of the Committee who waited on you that I thought representations coming from men of their class & influence would be gladly received by you with high consideration. That Committee were evidently dissatisfied with their interview and its result, and came back from the City believing that they were not treated with the Courtesy to which they were entitled. I tried on the way down to disabuse their minds but without success and I regret to say that several gentlemen who have been zealous on our side from the first are now lukewarm. Very great exception is taken to the fact that Edward Jones, and the editor of a Sacramento paper were with you all the time and allowed more free intercourse than a committee of Gentlemen, who desired to intercede for an arrangement, and if nothing else to put the Vigilance Committee so far in the wrong as to assist in arraying public opinion against them. Yesterday I found so many silly reports afloat that I thought proper to publish a card in this mornings paper showing why I had given you my resignation—I have seen General Kibbe this morning and I suggested Halleck to him as the best man I knew as my successor, but on seeing him he was not willing to commit himself—Crittenden, A.P. is a military man, and on your side. I feel at a loss whom to recommend, but I do hope that matters do not be precipitated—You have asserted your authority and it is no use denying the fact that there is no power here at your Command adequate to destroy the Vigilance Committee and if in your judgment forces are to be called in from outside counties be sure that a corresponding number do not

come on the other side. I hear you have today a row at Sacramento. It seems that all the elements are let loose on us. [P. T.] Herbert's conduct is an element of disgrace against our Cause. I write hastily & must add that a person with such varied interests as I have to watch cannot do justice to the position I have just vacated.

Believe me Sincerely yr friend

W. T. SHERMAN

Since both the Governor and General Sherman were so violently criticized by contemporary newspapers for their attitude toward the Vigilance Committee at this time, it is interesting to quote in part at this point a letter written by Sherman to Thomas Ewing on June 16, in which he defends his actions and tries to show that the Governor, far from being either a knave or a fool, was the victim of unfortunate circumstances.

EXTRACT FROM SHERMAN'S LETTER TO EWING<sup>26</sup>

. . . I found myself strangely placed [as a result of General Wool's decision] : under a militia commission to quell a civil strife, the mass of the people against me, arms refused by the only authority that could give them, and the Governor under other influences than my own. I believe that night through the instrumentality of that [business men's] committee I would have brought the Vigilantes to a dead standstill . . . but these men, Terry, Jones, Baker, etc., had made the Governor believe the committee was caving in, and that he must follow them up rapidly and force them to disband absolutely, to submit unconditionally. If he had the force or backing of the people such a stand would have been right, but at that moment, though he thought otherwise, I was convinced that nine tenths of the people of the State ratified the acts of the Vigilance Committee, but many, a great many, were willing to say they had gone far enough and should stop. General Wool having denied arms, and the Governor having assumed such high grounds against my known advice, I was forced to resign and trust to my motives being understood. . . .

With my resignation all show of resistance ceased here. Nobody but the most active would serve under Volney E. Howard, and the Governor holds out at Sacramento yet, sticking by his proclamation, but he has no person to enforce it, and at this moment the Vigilance Committee has absolute sway in this city. What they propose to do, how long their power is to last, or whether they will consent to the courts exercising any power, are questions that no one now asks. All men now hurrah and applaud their wisdom. . . . The committee have published a sort of Declaration of Independence, a constitution. They, over the signature of "33 Secretary" announce their will, and it is bowed to. . . . Steadily they have organized a power irresistible by any force at the Governor's call, and have wielded that power without violence. I never feared any danger from them as a body, if they could control their men, and my appre-

hension was that in case I were found to arm my side, a general battle would be drawn on by detached parties, in which event it would have been entirely ruinous to the city. It was this apprehension that made the committee agree to the terms they did. . . .

Governor Johnson is a young men elected by the Know-nothing party, and of a high personal character. When, however, this storm burst upon him his old friends left him, and he was found to ally himself with men who had private griefs to avenge, or who acted from extreme notions. Few about him were governed by his high, pure principles. He felt as though the honor of his office might be stained whilst in his hands, and he strove to arrest it, but he miscalculated the strength of his adversaries. He is now powerless; for the militia, his only reliance to coerce obedience to his orders, have deserted him in mass, leaving him the naked, unsupported position of governor . . . so high has this feeling run that all business men have yielded to it, and have regarded those who favored the cause of Law and Order as enemies of the people, and withdrawn their patronage from newspapers and all other interests controlled by Law and Order men. . . . What is to be the end of this no one can tell. I fear no violence, but expect the Vigilance Committee will force away their present list of culprits, and then drop back into their business, for the expense of their organization must be heavy, and will as usual fall on a few of the most zealous, who, as soon as their zeal evaporates, will give in. How few the courts will disturb is a doubtful question, and on it may depend the future conduct of the committee.

Affectionately yours,

W. T. SHERMAN

As Sherman predicted, the report carried to San Francisco by the business men who met with the Governor and his friends at Benicia brought down a storm of abuse on the head of the Governor. The newspapers claimed that the Governor had surrounded himself with a group of violent ultra-reactionaries, and that he and his friends had treated the San Francisco delegation with deliberate discourtesy. The Governor's brother, then living in San Francisco, wrote him this excited, yet cheering letter :

WILLIAM JOHNSON'S LETTER<sup>27</sup>

San Francisco  
Monday June 9, 1856.

My Dear Brother —

Everything is excitement and confusion here—Things present to the public gaze more beligerent aspects than at any time since the commencement of these unfortunate and deplorable difficulties. It can with truth be said now, that business is at a stand still. "Hung be the Heavens in black." Dark portentous clouds loom up on the horizon. With the calm, sober thinking and cool, no conflict is anticipated because they know full well, that no attack will be made by the *authorities* of State, without the satisfactory evidence that

they have sufficient numbers to combat with the Vigilance C. All eyes are now turned for public safety to you and your advisers. In cool and deliberate judgement, they seem to have the *utmost* confidence. To have a perfect military organization such as will enable you to enforce submission to the Laws, you *must* have some one at the *head*, who possesses—first a requisite knowledge of such affairs, 2ndly who can inspire confidence in the men, 3rdly, whose discretion and deliberate judgement will keep him from rushing headlong and passionately into matters. Coolness and moderation, above all things in the world are most needed on an occasion of this sort. Do not for Heavens sake, give the command to an *impetuous* hot-headed man. The first gun that is *fired* now, or the first demonstration made by the indiscretion of any foolish man of either side, would light a match that would set this whole state in a blaze. All we want now is that you *allow nothing* to be done *without* your *express orders*—not even if the committee should continue for the time being, the same unlawful proceedings that have marked its past course. You have taken a *stand*. You are right, and in their *hearts*, they know it.—And the time is not distant when they will own it. But if the state cannot furnish sufficient resources to quell it—and put it down, then *you* are left powerless. And you can say, “I have done *my duty*—what more can be expected”—Gen’l Wool has acted most wretchedly. His conduct is highly reprehensible. He never can explain it away. All good men here blame him—And every minute in the day, persons are candidly owning up, that *you have done your duty*. Eight tenths of this Community are in the Committee. God knows it is an awful state of affairs, but it is *even so*. The only Course of policy now left to be pursued in my Humble judgement is to go on gradually as you have been—enrolling men—in the course of one week you’ll then be able to determine whether or not, you can get sufficient *force* in *the state* to put down this organization. Then, I believe, *your last resort* is an appeal to the General Government at Washington—You do not want a conflict in any event. And more particularly would you avoid it if you were *satisfied* that their *force* so greatly overpowered *yours* in numbers. At all events *you* can afford to wait—for as the thing now is you *are at no expense*—Whilst on the other hand their organization is kept at the most exorbitant cost of money and personal sacrifice. They cannot stand it as long as you can—You can *worry them out*. Several notices have been served upon “Well known characters” here to leave by the 20th inst. Privately I believe them to be very bad men, and the Community would lose nothing in being rid of them. And my impression is that some, if not all, of them will go. One or two hot headed and excited law & order men say that they want the military here at present formed to be called together—say the 1st Inftry. Battalion—about 360 men—take up their “headquarters” at some stated place and call these fellows (that the Committee have notified to leave) together within their fold—and say to the Committee, gentlemen, you cannot have them. This is the way some of our men talk. I only state it

to show you how foolish and indiscreet some of them are. Nothing would be more disastrous than a step of this kind. Let these villians look out for themselves. Its even a pity that the constitution promises them protection.

Genl Sherman's resigning done us no *good*. Your answer to that Committee met with the approval of the people generally. I am sorry Ed Jones was there. All such things—when there is such a prejudice as exists against the firm of which he is a member—somewhat weakens a cause and gives the opposite party a handle. But let this pass—

I am informed upon good authority that Peyton, Foote, Crockett & Macondray & Co. thought themselves treated rather discourteously by you when you received them at Benicia; that Ed Jones & John White sat quietly—with all the dignity and consequence of *Peers*, while these other gentlemen were not even *invited* to take a seat. They have been talking about it since their return and endeavoring from all I can learn to make some capital out of it. Foote is as unreliable and changeable as the wind—Would like to have an Extra Session of the Legislature called to run into the U. S. Senate on the all absorbing popular issue. Great God! What a commentary on our Laws and Institutions. To think of such a man first assisting to trample under Foote the Constitution and then presuming to look so giddy high as the United States Senate.

I know of nothing else to say—The various rumors afloat are not worthy of notice. It does seem that California is in a bad streak of luck—The last three steamers that arrived brought bad news—and now comes another with the account of Phil Herberts course for which there can be no good excuse—Today we hear again of people being shot in Sacramento and above there. All this strengthens the Vigilance Committee, adds new flames to the fire and causes many, yes, very many to join them who Before would have been inactive.

I will not now write any more—All I have to say is—go on. I am with you heart, soul & body—I hope you will not allow yourself to be annoyed by the d—d hireling and time serving skuts of this city. When the angry billows of human passion come with redoubled surges against the steadfast rock on the seashore, they only break and shatter themselves to pieces without effecting the perma[ne]nt land mark of time. You can afford to be talked of as these papers speak. Place a man in your position and let him pass through such a fiery ordeal, and come out *unscathed* as I know *you will*, and it only makes him loom up the brighter. There is a time coming when the reaction will be most terrible against *your present* villifyers. Take things coolly & whatever you do—do it on *your own* judgment, and not under advice of the thousands who will flock around you with volunteered council. And then I am sure all will be *done* right.

Yours affectionately

W.M.

The next day, in order to make his position clear and to answer some of the criticisms being made concerning his conduct at the Benicia conference, the Governor wrote to General Sherman :

Sacramento City Cal  
June 10th 1856

My dear Sir

I am this morning in receipt of your communication of yesterday—have also read your letter published in the papers in relation to the existing state of affairs—especially connected with the interview I had on a previous occasion with Genl Wool. I regret that we should [have] committed to paper and the public a statement of these matters without furnishing it in full—because the partial statement of that interview as stated by you, would seem to give Genl Wool the vantage ground (which he will perceive the Bulletin has seized hold of in its issue of yesterday) when you say Genl Wool promised to furnish & “on a *proper* requisition.” Genl Wool’s language as I recollect it was (when I called on him the last moment of our being together in reply to my remark “that no misunderstanding should occur”)—was simply this, “you never mind—issue your Proclamation and if they dont obey it at once I’ll issue on *your* requisition (that was to me) what arms and ammunition you want.” The reply of his was at the Benicia Dock—but a few moments before your departure for San Francisco. I can recall to recollection no remark of his, “I’ll issue arms and ammunition on a *proper* requisition.” The reason why I have taken this liberty of correcting your recollection of this matter is obvious—I only desire that Genl Wool shall be held to strict accountability which his mendacious conduct deserves—and I do not intend he shall ever have the benefit of a quibble in his favor which is not fully justified by the facts in the case.

Regarding your resignation I also think you should have given me the credit of having suggested to you the propriety of your so doing—“not from a disagreement of opinions—because I had not perceived any, neither from want of confidence in you because I had neither experienced or expressed such”—“but simply from business considerations and duty of a paramount character you owed to others who were not here to dissent from your decisions which they might hereafter have done and with reasonable cause—in assuming a Military Command under the circumstances of this extraordinary state of affairs well calculated to affect their business relations.” I regret there should have existed even the pretext of a cause for dissatisfaction on the part of the Committee and it really occurs to me—those who find fault with my action or conduct on that occasion are such as desire to invoke censure on exceedingly slight pretexts.

I certainly endeavored to treat them with all due courtesy. Maybe not so skilled by experience in diplomatic circles as my venerable friend Gov. Foote, I may have invaded the rules which he regards essential in such interviews. This, however, cannot affect the substance, that of my reply. It is certainly courteous and respectful—maybe it lacks the quality those gentlemen



were disappointed in not finding, viz: An absolute recantation of a previously avowed requirement from the V. C.; and because my honor and sense of duty would not submit to concessions they unreasonably expected, wherewith to ratify an unlawful association. The disappointment attending a successful result of their mission, may have provoked them, or some of them at least, to seek in minor matters an excuse for their own folly, which for a moment believed me guilty of such mendacity. As for the presence of Mr. White, I will simply remark, Gov. Foote's objections to him are purely political. This is no time for me to make his political quarrels or imaginary wrongs my guide of action. Mr. White, as the editor of the "Journal," of this city, has, in the past, abused me *better*, and I believe more unjustly, than ever did he, Gov. Foote. Yet, now he supports me against these same sunshine friends who helped to elevate me to a place they now seek to disgrace me in. More than that; he is on the side of the Constitution and laws—to defend them against the assaults of those whose character and past action should prove an earnest of better counsels. Those who defend me and the Government from such pseudo friends am I not right in counselling with? As for Ned. Jones, the same unlucky accident that brought me in contact with this committee, introduced me to Mr. Jones at Benicia. I knew not of the presence of either until I arrived at Benicia; and as for counselling with them there or elsewhere, it is simply a falsehood. The request I made that the demands of the committee should be in writing, was a wise precaution, judging by at least two previous interviews of which you know. However, certainly I waived it, and listened patiently to Col. Crocket's talk for at least a half an hour, and only regretted, so that no misunderstanding could exist, that my response should be in writing. But enough of this. God knows I want peace, but not at the sacrifice of honor. Counsel the disbandment of the V. C., and desistance from their insane madness. If they do not disband, God only knows the result.

J. NEELY JOHNSON

To

Gen'l W. T. Sherman

[*To be continued*]

#### NOTES

1. *Memoirs of General William T. Sherman* (New York: D. Appleton and Company, 1875), I, 121-22.
2. *Century Illustrated Monthly Magazine*, Nov. 1891, XLIII, 140.
3. *Sherman's Memoirs*, I, 122-23.
4. Original in J. Neely Johnson papers.
5. *Sherman's Memoirs*, I, 124-25.
6. Copy of the proceedings, doubtless in the hand of A. Campbell, in *Johnson papers*.
7. Copy in *Johnson papers*.
8. *Sherman's Memoirs*, I, 125-27.
9. Copy dated June 2, 1856, in *Johnson papers*.

10. Original in Johnson papers.
11. Smith, Frank Meriweather, *San Francisco Vigilance Committee of '56* (San Francisco, 1883), p. 57.
12. From Governor Johnson's rough draft, also printed in *34th Cong., 1st Sess., Senate Ex. Doc. No. 101*, p. 6.
13. Vigilance Committee letters in State Library, Sacramento.
14. Copy in Johnson papers.
15. *Century Magazine*, Dec. 1891, XLIII, 305.
16. *Century Magazine*, Dec. 1891, XLIII, 303.
17. *Century Magazine*, Dec. 1891, XLIII, 306.
18. Vigilance Committee letters in State Library, Sacramento; also published in *34th Cong., 1st Sess., Senate Ex. Doc. No. 101*, pp. 4-5; and quoted in part in Bancroft, H. H., *Popular Tribunals*, II, 312.
19. Draft in Johnson papers.
20. Sherman's *Memoirs*, I, 128-30.
21. Copy, in Johnson's hand, Johnson papers.
22. Sherman's *Memoirs*, I, 130-31.
23. Draft, in Johnson's hand, Johnson papers.
24. Copy in Johnson papers.
25. Original in Johnson papers.
26. *Century Magazine*, Dec. 1891, XLIII, 304-5.
27. Original in Johnson papers.
28. Copy, partly in Johnson's hand, Johnson papers.

# THE LAW AND ORDER VIEW OF THE SAN FRANCISCO VIGILANCE COMMITTEE OF 1856

*Taken from the Correspondence of Governor J. Neely Johnson  
Arranged for Publication by*

HERBERT G. FLORCKEN

## PART II

Apparently the Governor was carrying on an extensive correspondence with Judge Terry at this time, relying upon him, as he later relied upon General Kibbe, to keep him informed as to the state of affairs in San Francisco. The copy of one such letter was kept by Governor Johnson. Its contents show that he was aware of and afraid of Terry's violent nature.

### GOVERNOR JOHNSON'S LETTER TO TERRY<sup>29</sup>

Executive Department  
Sacramento City, Cal.  
June 10th, 1856

My Dear Sir

Yours of yesterday is at hand. I have this day forwarded to Gen Howard orders in connection with Genl Kibbe to make arrangements for the various matters you speak of; in the meantime you must exercise caution in provoking a conflict at this juncture of affairs when we are not ready for action. The result would be suicidal in the extreme and defeat all hopes or expectations of success. Proceed in organizing and arming such forces as can be relied on for the emergency. Can't we buy any muskets in San Francisco for the use of the State, cant they be procured from the same sources the V. Cs procure? No answer from Genl Wool yet, in reply to my communication of last Saturday.

Write me daily.

Truly Yours,

J. NEELY JOHNSON

To Judge Terry  
S. Francisco

That the Governor took the criticisms of his conduct at Benicia very seriously is shown by the four following letters. That of J. B. Crockett (who, being out of town when the Governor's letter arrived, did not answer the Governor

until June 20) would seem to indicate that the Benicia meeting was carried on in a dignified manner.

GOVERNOR JOHNSON'S LETTER TO GENERAL KIBBE<sup>30</sup>

Sacramento City  
June 10th, 1856.

My dear Sir:

Yours of yesterday is at hand and the fact that I have so many demands on my time only precludes me from writing you more fully my views in relation to existing difficulties at San Francisco. One thing is quite evident, *now* we are not prepared to *enforce* the requirements of the state authority and really from the tone and temper of the people and our own inefficient supply of arms and ammunition we are perfectly powerless in resisting the encroachments and usurpations of this lawless and law defying body of men. It would at the present juncture of affairs be utterly impossible to make a successful attack on them and would involve destruction not only of those who become the assailants—but also of the entire fabric of our State Government—therefore all we can do is to go on as rapidly as possible in collecting arms and organizing a force which when sufficiently powerful to cope with and overthrow the enemy—make a strike certain and effective. The conduct of Old Granny Wool is contemptible in the extreme and is deserving of the severest censure and condemnation of all law-abiding and law regarding citizens. His duplicity and falsehood shall be faithfully and truly represented to his Government at Washington, and we will see whether the Pacific Coast shall be longer disgraced by one so unworthy of confidence and credit.

By all means our forces must be guarded against excesses of every kind and be counselled to refrain from provoking a conflict by becoming the assailants. In the meantime I will order from distant parts of the State the arms which have been distributed to volunteer Companies.

We are in the right—with the Constitution of our Country to uphold and maintain and to recede from the reasonable demands contained in my Proclamation would be a dishonor to which death would be preferable.

The contemptible scribblers of the dirty sheets that are so constantly by falsehood and defamation serving to inflame the public mind and divert it from the true issue—have in the future—a fearful account to render at the Bar of public opinion—in the judgement and estimate of all really good citizens and sure will be their punishment and disgrace.

Yours very respectfully,

J. NEELY JOHNSON

To Genl Kibbe S. F.

THE GOVERNOR'S LETTER TO CROCKETT, PEYTON, ET AL.<sup>31</sup>

Executive Department  
 Sacramento City Cal.  
 June 11th, 1856

Hon. J. B. Crockett  
 " Bailey Peyton &  
 Capt. E. W. P. Bissell

Gentlemen,

I enclose to you a printed slip taken from one of the San Francisco papers of what purports to be a true statement of the result of an interview had with yourselves and other gentlemen representing certain citizens of the City of San Francisco and myself at Benicia on the evening of the 7th Inst. Also the Comments of said paper (The Globe) of a request alleged to have been made by Col. Crockett—to wit—"that I should withdraw my Proclamation"—My recollection of that interview and which I doubt not you gentlemen will sustain by your own testimony—was the very opposite—Says Col. Crockett "We will not nor do not ask you to withdraw your proclamation." This statement of "The Globe" has gone uncontradicted and in the absence of any statement relating to it from ourselves is generally believed.—Now I simply as an act of justice to me desire you to contradict it and as a very material point hope you will with the same degree of publicity which was given your original statement relate the remarks made by Col Crockett on that point. There are also other misstatements of that and kindred papers which I will not now allude to you.

Very Respectfully,

Your Obt Svt

J. NEELY JOHNSON

PEYTON AND BISSELL'S ANSWER<sup>32</sup>

San Francisco June 12, 1856.

His Excellency  
 J. Neely Johnson  
 Governor of California  
 Sir

We have the honor to acknowledge your communication of yesterdays date addressed to the Hon. J. B. Crockett and ourselves enclosing a slip from the Globe newspaper and requesting that we should publicly contradict an editorial statement therein contained to the effect that Col. Crockett in the interview at Benicia requested you "to withdraw your proclamation," and in the absence of Col. Crockett who is at the Napa Springs, beg leave to call your attention to a publication the Committee caused to be made of what transpired on the occasion referred to, which you will find in the said slip from the Globe and other papers.

In order to prevent misunderstanding and correct in advance misrepresentations, we deemed it due to all concerned that a statement of the facts just as they transpired should be published.

We have no hesitation in stating that Col. Crockett did not at said interview request that you should withdraw your Proclamation but only that you should pursue a conciliatory course and not precipitate a crisis that would involve the city and State in a civil war.

You have our permission to publish this if you see fit to do so, and remain,

Very Respectfully

Your Obed Servts

BALIE PEYTON

G. W. P. BISSELL

THE REPLY OF CROCKETT<sup>33</sup>

San Francisco, 20th June 1856

His Excellency

J. Neely Johnson

Governor of California

Dear Sir,

I understand that a letter was addressed by you to myself, Col. Peyton and Mr. Bissell some days ago requesting a statement of our recollection of the facts as they transpired at the interview at Benicia between yourself & the committee of citizens of which we were members.

On the arrival of the letter I was absent from the city and since my return, have had no opportunity to obtain it, Col. Peyton in whose possession it is, being at Benicia in attendance on the court. I have therefore not seen the letter; but learn that you desire a statement of what occurred at the interview, in order to avoid misrepresentation, as to your conduct on that occasion. I shall proceed therefore to state my recollection of the occurrence, premising however that I preserved no notes of the transaction & rely wholly on my memory for the accuracy of my statement.

Soon after your arrival at Benicia, we were informed by Genl. Sherman, that you were at the Solano House and was ready to receive our deputation. We immediately proceeded in a body to your hotel, and finding a number of persons congregated about the door, I was in the act of enquiring the way to your room, when Governor Foote and Col. Peyton, stated in my hearing, that they had just been informed by Judge Terry and Genl. Howard that whatever communication we desired to make to you must be in writing. I did not personally hear what was said by either Judge Terry or Genl. Howard; but on receiving this information, our committee at once procured a room, and addressed to you a note, requesting a personal interview, having previously decided, that if this was not accorded to us, we would withdraw, without pro-

ceeding further in our mission. The note was sent to you by several members of our committee, who immediately reported to us, that you were ready to receive us in the parlor of the Hotel. When we entered the room, there were present the persons mentioned in the published card of Capt. Bissell.

After sitting a few minutes, I rose and stated to you in substance that we had come to consult with you in relation to the alarming condition of affairs in San Francisco. That we were, none of us members of the Vigilance Committee, and did not come as a deputation from that body; but simply in our capacity of citizens, feeling a deep interest in the peace and welfare of the community, and desirous if possible to restore the public tranquillity and harmony. That with this view, we had on that day, sought and obtained an interview with the Executive Committee of the Vigilance Committee and had submitted to that body a proposition to the effect, that they should exhibit no armed force on the streets; that after three days, they should distribute their arms, and dissolve their military organization; that they should resist by force of arms, no process from the Courts, and that on the following Tuesday, they should publish a notice that their body had adjourned *sine die*.

That we had urged upon the Executive Committee, the acceptance of our proposition; and that just as we were leaving San Francisco we had been officially notified, that the committee had consented to exhibit no armed force on the streets, and to resist no writ of Habeas Corpus issued by the legal tribunals. But that no action had been had by the Committee, as to the remainder of our proposition. That our interview with the Committee was had at so late a period in the day, that a sufficient time had not elapsed before our departure, for so numerous a body, as the Executive Committee, to have discussed, and decided upon, the proposition which we had submitted. But we had just reason to hope, that our proposition would be accepted, if not literally, at least in substance; or that at all events, some satisfactory adjustment might be made, with a little delay. That the object of our mission under these circumstances, was to ask that you would not precipitate a crisis by any hasty action. That in our opinion a few days delay, would avert the imminent peril in which we stood, of having our streets drenched in blood, and involving the whole state in a civil war. That we asked you to do nothing which would tend to lower the dignity of your office—but that in our judgment, its dignity would be best maintained, by exercising its functions, under existing circumstances, with moderation and forbearance. That we did not ask you to withdraw your proclamation, nor to retract anything you had done; but simply to forbear for the present, such action as would tend to bring on a collision, which in our opinion might be avoided by a delay of a few days.

According to my best recollection, the above is a full and fair statement of the substance of my remarks on the occasion; and now I learn that you understood me as saying that our committee did not, and could not with propriety ask you to withdraw your proclamation. In other words that the committee

admitted, it would be improper for you to withdraw it. If my language admitted of such an interpretation, it was contrary to my intention; inasmuch as I had no authority to pledge the committee, as to the propriety or impropriety of withdrawing the proclamation. Before our interview with you, we had decided simply to ask that you would forbear to press matters to a crisis, until it could be seen what effect a few days delay would have toward restoring the public tranquillity; and this was the proposition which I sought to enforce. I will not undertake to say that I might not have employed language better adapted to convey my meaning, than that which was used; but if it justly admitted of the interpretation, which I learn you have placed upon it, the fault was mine, in not having employed a more apt phraseology to convey my meaning. We had understood before going to Benicia that General Wool had consented to furnish arms for the Militia, and we feared an immediate collision might take place, unless some delay was granted, and it was with the hope of procuring this delay, that we went to Benicia, believing that in the meantime, some satisfactory basis, might be agreed upon, for restoring public tranquillity.

Very Respecty,

Your obdt servt

J. B. CROCKETT

About this time an interesting event occurred in Sacramento. The mass of the citizens there were in sympathy with the Vigilance Committee but were afraid that if it lasted too long it might become permanent. The business men of that city therefore appointed a delegation to go to San Francisco to see what was really going on. Their leader was John B. Harmon. But before doing so, they circulated a petition calling upon Governor Johnson to withdraw his proclamation of June 3 in which he had declared San Francisco to be in a state of insurrection.

#### THE SACRAMENTO PETITION<sup>34</sup>

To His Excellency J. Neely Johnson  
Governor of California

In View of the imminent Peril which threatens the peace and tranquility of the City of San Francisco and the whole State, the undersigned Citizens of Sacramento would Respectfully but most Earnestly submit for your consideration the propriety of Revoking your Proclamation of the 3d. inst. declaring said City of San Francisco to be in a State of Insurrection, and ordering out the Militia of the State to Enforce obedience to the Laws. It is not our purpose to discuss the wisdom or propriety of the late proceedings in said City of San Francisco, which have already caused so much excitement, but as good Citizens, solicitous for the Peace and welfare of the whole State, and desirous, above all things to avert, if possible, the disgrace of an armed Conflict between Brethren, and the spilling of innocent Blood, we would Respectfully state, it



is our firm Conviction, that if the Contemplated Military organization were now to cease, the Public tranquility would be immediately restored, and no occasion would be likely to arise requiring a military force to compel obedience to the Laws and Processes of the Courts, but in the present excited State of the Public mind, if a military force be organized, even the most trivial causes, and which the most discreet and skillful Officers could not control, might at any moment involve us in the horrors of a Civil War, and Drench the Streets of said City of San Francisco and other Cities and towns throughout the State in Blood.

We therefore Respectfully, but in the most Earnest manner, Entreat your Excellency to Recall your Proclamation, and to forbear for the present the contemplated organization of the Militia.

This petition was signed by over 2,000 people, among them Edgar Mills, E. B. Crocker, H. K. Stowe, Humphrey Griffith, G. Backus, Jacob Z. Davis, Wm. J. Keating, W. B. Mack, A. K. P. Harmon, John B. Baker, S. M. Bailey, Louis B. Sloss, C. G. Caldwell, Baker & Hamilton, Wells Fargo & Co., E. P. Hastings & Co., Wm. McDougall, Chas. Crocker, Rufus Rigdon, W. D. Priestley, Gosham Blake, Dexter Moo, G. W. Prescott, Simon Cushing, Hooker & Co., W. B. Carr, Wm. J. Moffat, P. B. Cornwall, Frank Hopkins, I. E. Oatman, Louis Sloss & Co., Charles Colburn, John Ratherchucker, C. P. Huntington, Eli C. Lathrop, Mark Hopkins, Le. Stanford (of S. Bros), G. H. Cushing, Samuel Hill, George Elder, John R. Ridge, James I. Collier.

When this petition was presented to Governor Johnson he said,

“Gentlemen, which do you think is the more proper—for you to come here and ask me, the governor of the State, to yield to a set of men who openly defy the constitution and laws which I am sworn to defend, or for you to go to San Francisco and ask those men to give up their illegal and dangerous association?”<sup>35</sup>

The delegation went to San Francisco where they were met by William T. Coleman who assured them that when the Committee’s work was done they would disband, but not before. They were much impressed by what the Vigilantes had accomplished, and returned to Sacramento firm in the conviction that the Vigilance Committee was a greater institution than they had believed it to be before their visit.

The uncertainty and the worry concerning the possible outcome of this interview between the Sacramento business men and the leaders of the Vigilance Committee caused General Howard to write as follows to the Governor:

HOWARD’S LETTER TO THE GOVERNOR<sup>36</sup>

San Francisco  
June 16, /56

My dear Sir,

Mr. Wistar and Mr. Phillips will go up to day. I wish you to issue an order

to deliver them the arms, at Sacramento, which Judge Terry informs me are to be sent here. They had better be put on the Steamer and Sent to Benicia. I would suggest that you would then give to these gentlemen a requisition on Genl. Wool for the arms due the State. A schooner will go up from the Penitentiary and receive all the arms, and bring them down, together with [illegible word] and a quiet guard.

I trust, the money arrangements will be made at once. I shall be greatly disappointed, if the bonds do not come down to-night. The Vigilance Committee are now alarmed, and the only policy is to do enough to keep it up. It will never do to let them know that they are not constantly in danger of an attack; neither will it answer to make one. We ought to be in camp to some extent before the Steamer leaves, that we may make a showing to the President of being in an actual State of War. It is also necessary to have some subsistence, blankets &c. in order to keep our men from thinking it is all mere *brutemfulness* [?] I think also, it is necessary to have our men in some sort of camp or barracks in order to avoid the danger of an accidental conflict; but I am quite certain the Committee do not intend to take offensive measures. Their position will not permit such a course. A circumstance occurred last night, which might have proved serious. A man by the name of Cusick, who has been ordered off, and against whom I cannot learn that there is any well founded charge, demanded a trial of the Committee by letter which they refused but sent to arrest him. He ran to one of the armories, and the men took him in, in short rescued him; but the Com. did not dare to use force. He was put in the jail, and finally sent up the Bay to Sac. Some of our friends are anxious that you should make an application to Genl. Wool to protect him, either by sending him down to the Genl. or by writing. Of the propriety of that, you must be your own judge. I think Wool will refuse, and in that case, Cusick must keep out of the way. One of the others have waited on me, and I have advised them to that course.

I hope you will return a firm answer to the report of the Sac. Committee. It will never do to negotiate with them. It is better to hold the ground that they must disband, and send a requisition on the President and hold still until it arrives; but keep up such a show of preparation as will keep them in constant alarm. If they do not return a satisfactory answer to the Com. it should be understood that, the order to me to act on the defensive is withdrawn. It will make no difference in the prudence of my course, but the constant duty they are obliged to perform is wearing them down. They feel relieved from this by the report, that, they are in no danger of an attack. Again, the expense of a large force, is breaking them all. We must so manage as to keep up apprehension.

I think, the plan is, that, if they do not accede to the request of the Sac. Com. for me to issue an order to the Volunteers to hold themselves in readiness to march on short notice, together with an address to the volunteers. This will

keep up the spirits of our own people, alarm the others, and put them to expense, get them by the ears, in short break them down.

Of one thing I am clear. The ring-leaders of the Com. must be arrested, indicted and punished. It will never do to let this affair go without an example. If you do, a Vigilance Committee will become an ordinary remedy. We must, therefore, proceed until we are strong enough to accomplish the arrests by civil process. Never compromise that point with the Com. The dignity of the State and the laws must be vindicated as soon as possible, but we must not move until we can command the result. This is a mere matter of time. The ultimate success with prudence is beyond question.

Yours, truly,

V. E. HOWARD

His Exclty. J. Neely Johnson

That same day, despairing of obtaining federal arms and ammunition from General Wool, the Governor determined to make preparations for his appeal to the President of the United States. To raise the money necessary to finance this appeal and for like uses, he wrote to Howard, Terry, Douglass, Rowe and Whitman, constituting them an official committee for that purpose.

#### APPOINTMENT OF LOAN COMMITTEE<sup>37</sup>

Executive Department  
Sacramento City, Cal.  
June 16th, 1856

Gent.

It is quite evident from the position matters have assumed in the City of San Francisco, that we must adopt the most expeditious plan possible by which can be raised a sufficiency of arms and ammunition to equip the State forces to be used in supporting and maintaining the Constitution and Laws in the City of San Francisco now set at defiance by the so-called Vigilance Committee. This occurs to me can be accomplished only by sending one or more agents to Washington City, to obtain an order for such as are wanted for the purpose. To do this requires some money say Twenty Five Hundred Dollars—also the expenses incident to other operations in the same connection, that is, organizing and equipping the military will require a considerable sum in addition—say at the present time some Twenty or Twenty-Five Thousand Dollars. I know not what evidence of indebtedness will be required by those with whom the Loan can be negotiated, and I therefore leave that matter to be arranged by you. I therefore constitute a Commission consisting of D. S. Terry, Volney E. Howard, D. F. Douglass, G. W. Whitman and E. A. Rowe to negotiate a loan not exceeding (for the present) Twenty Five Thousand Dollars to be used as a fund to suppress the existing Insurrection in the City of San Francisco—the same to be negotiated on the best possible terms for the State and to be dis-

bursed by the order of Genl Volney E. Howard or myself. Any three of you gentlemen named are authorized to act in arranging such negotiation, and I will sign such evidences as may be required by [of] me on the part of the State.

Very Respectfully

Your Obdt. svt.

[J. NEELY JOHNSON]

To Messrs. Howard, Terry,  
Douglass, Rowe & Whitman

The Governor at the same time appointed two of his closest friends to carry his appeal to Washington, and then carefully wrote out his side of the story of the Vigilance Committee uprising to be handed to the President. Among the Neely Johnson papers is the rough draft of this letter, erased, crossed out, changed, showing the care taken by Johnson to use just the right words to convey his point of view.

#### THOMPSON'S APPOINTMENT<sup>38</sup>

Executive Department  
Sacramento City, Cal.

June 18 1856

Sir:

You are hereby deputed on behalf of the State of California to proceed by the most rapid means of conveyance to the City of Washington and make application to the President of the United States for the use and service of such arms and ammunition—together with the aid of the Naval and Military force of the United States as may be required by the Executive of this State in the suppression of the existing insurrection in the City of San Francisco and also to perform generally such duties as may be deemed proper and necessary in the prosecution of such mission.

In the performance of this duty you will be aided by Col. F. Forman of this city who is appointed by me to the performance of similar services. I will transmit by him the necessary papers relating to the subject. I regret to say the arrangements which it was believed could be perfected whereby a sum of money could be placed at your disposal have proved unsuccessful thus far—and reliance will have to be had on the faith and credit of the State for the repayment of your expenses—also the value of the services to be rendered by you two gentlemen. I will write you more fully my views on to-morrow.

Very Respectfully

Your Obdt Svt

J. NEELY JOHNSON  
Gov. Cal.

To,  
Hon. [R.] A. Thompson  
[San Francisco]

FORMAN'S APPOINTMENT<sup>39</sup>

Executive Department  
 Sacramento City, Cal.  
 June 18th, 1856

Sir:

You are hereby directed and appointed to proceed to the City of Washington and on behalf of the State of California to present an application for the aid of the United States Government—with arms and ammunition—together with their Naval and Military forces to assist in the suppression of an existing insurrection in the City of San Francisco—also to use such proper and legitimate measures as may be necessary to accomplish the objects of such mission. You will be assisted in the purposes of your mission by Judge R. A. Thompson of San Francisco.

On behalf of this State I propose that your legitimate expenses of the trip whilst absent on this business be paid—and will endeavor to have an allowance made for the purpose by the Legislature.

Very Respectfully

Your Obt Svt

J. NEELY JOHNSON

To Col. F. Forman

JOHNSON'S APPEAL TO PRESIDENT PIERCE<sup>40</sup>

Executive Department  
 Sacramento City, Cal.  
 June 19th, 1856

Sir

In view of the existing condition of affairs in the City and County of San Francisco in this State, I am constrained to call upon the General Government through the intervention of Your Excellency for aid and assistance in the enforcement of the laws of this State, and that you may the better understand the propriety of readily granting such request, I would beg leave to present a brief recital of events which have recently transpired and rendered necessary such application.

As early as the 16th of May last an organization styling themselves Vigilance Committee was formed in that City, secret in its character and to the uninitiated its purposes unknown, except as their subsequent acts have developed themselves. Although the presumption is that the organization had its origin in the events connected with the shooting of Mr. James King by one Casey on the 14th of the same month. Apprehensions were entertained from the incendiary appeals of the Press and the Public excitement that an attempt would be made to attack the jail where Casey was confined and rescue him from the officers of the law and deal out summary punishment to him—in fact

an effort was made so to do by a mob prior to this organization—but was resisted successfully. In the meantime the Mayor had called in the Military forces of the City numbering some ten Companies for assistance—the sheriff did his utmost to obtain the aid of a Possee capable of resisting an anticipated attack—It was found that the response in both cases was but limited—Not more than fifty or sixty of the Military could be depended on—Several Companies disbanded—joined the Vigilance Committee—forcibly placed in the possession of that organization arms and accoutrements (including the only two pieces of artillery belonging to the State) which had been issued to them as Volunteer Companies by the State—and not one in ten of those summoned by the sheriff would obey his call. It seemed as if a panic had seized upon the people—and the fear of this formidable organization impelled law abiding and law observing citizens generally to shrink from the responsibility resting on them as citizens owing obedience to the Constitution and Laws of the State.

On the 17th of the month—when it was manifest—that neither a Military or Citizen force could be obtained to aid the sheriff in defending the jail—an armed body estimated at 3 or 4 thousand marched up there and demanded the delivery of two prisoners, Casey and Cora—the sheriff was powerless—The few men he had about him would have constituted no impediment in the way of these superior numbers—and resistance was useless—He was forced to give up the prisoners—A few days later this same body of men from the windows of their place of meeting hung the two men referred to. Furthermore they proceeded to arrest various individuals—searched the houses of many of the best citizens on the most frivolous and groundless pretexts—establishing a system of espionage over the conversations and movements of respectable citizens—male and female, wholly unknown to the laws or usages of a Republican form of Government. At length, for one of the parties arrested by order of this self constituted tribunal, on proper application being made to one of the Judges of our Supreme Court, he issued a writ of *Habeas Corpus*. The sheriff was prevented by the armed resistance of this body of men from serving it and a few days later the party for whom the writ was issued—was, in company with several other citizens forcibly transported by different modes of conveyance—and to different places—report says, China, Australia, and the Sandwich Islands. In the meantime one of the number they had arrested and whilst in their custody, learning his sentence of banishment from the Country, committed suicide in the cell where they had him confined.

On the 3d day of the Present Month I issued a Proclamation (a copy of which I enclose in the form of a printed slip) declaring the County of San Francisco in a State of Insurrection. To Genl Wool I had previously in a personal interview detailed the condition of affairs—of which matters however he was fully informed otherwise. At such interview, he unhesitatingly promised me, on the representations made him that we were almost wholly destitute of arms and of ammunition we had none—to furnish on *my requisition* when

we wanted them, such arms and ammunition as we desired.

Within one or two days after the issuance of my Proclamation—of which I duly notified him—I made a requisition on Genl. Wool for certain arms and ammunition to be furnished Maj. General W. T. Sherman—in Command of the State troops at San Francisco. To my great surprise—he refused—alleging that he had no authority so to do in any case. That the necessities of the case were of such an urgent character as should induce compliance with my request I communicated with him again—(a copy of which letter dated June 7th I herewith enclose) To this his reply was as before—a peremptory refusal to furnish any part of such requisition. In the course of this time the Vigilance Committee continued to arm themselves with muskets a large quantity of which they early procured—Guns of various calibre ranging from 6 to 32 pounders numbering near or about thirty pieces,—erected fortifications in the central business portion of the City—proceeded with the trial and conviction of various persons—and now have in their custody several citizens—while others have been compelled to flee for protection and safety to remote parts of the State. While all these warlike demonstrations are proceeding with members of their organizations on the streets and public assemblages, and through the columns of the press controlled and directed by them the most violent harangues and inflammatory appeals are indulged both against the General and State Governments, and at least one of their organs—comes out boldly and defiantly against existing authority and calls upon the People to assemble and form a new government. The power and authority of the State is set at nought. These unlawful proceedings cannot be arrested—simply because we are destitute of arms and ammunition whereby to equip a force capable of coping with them, which it is now said numbers 6 or 7 thousand with their sympathizers in large numbers outside. At most we have not muskets and rifles more than sufficient to arm 600 men—ordnance and ammunition we have none. I would therefore most urgently ask that you transmit orders to the officer who is or may be Commanding the Pacific Division, to issue to the State authorities on the requisition of the Executive such arms and ammunition as may be needed for the purpose of suppressing the existing insurrection, or at least the number and quantity specified in the requisition I made on Genl. Wool as appears in the P. S. of enclosed copy of the communication to him of June 7th. I would also urge the importance of transmitting such orders to the officer Commanding this Department to render such assistance in arms and ammunition at any future period as may be required by the State Executive for the purpose of enforcing obedience to the Constitution and Laws—as it is feared the example afforded by the present organization may extend its influence to other localities—in all probability to renew the present one even after disbanding their forces. In conclusion I would add, without the aid which is now sought at the hands of the General Government, the State authorities can no longer afford protection to its citizens, or punish the lawless acts this body of men have been

guilty of, and with impunity they may and doubtless will proceed with their acts of aggression and disobedience towards the Government as will ultimately result in its entire destruction.

I would beg leave to refer you to the Hon. R. Augustus Thompson recently U. S. Land Commissioner for this State and Col. H. Forman, now the Post Master of this city—who are deputed by me to lay this Communication before your Excellency—for a more detailed and minute relation of these affairs, than can conveniently be embodied in a written communication.

Your earliest possible attention to this matter is extremely desirable.

Very Respectfully

Your Obt Svt

J. NEELY JOHNSON

To Franklin Pierce  
President of the U. S.

Meanwhile the Governor had written to General Wool demanding that he release to the State government the arms and ammunition belonging to the State but stored in the federal arsenal at Benicia. The following correspondence discloses unforeseen difficulties which arose from compliance with the executive demand and which ended the possibility of armed opposition to the Vigilance Committee.

#### WISTAR'S REPORT TO THE GOVERNOR<sup>41</sup>

Benicia, June 18th 1856  
3 P. M.

Gov. Johnson  
Dear Sir,

I arrived at this place last evening & anticipating some difficulty or procrastination from Gen. Wool, I lost no time in presenting your requisition. After scanning it very closely he discovered that some form was omitted & promised to prepare the requisite papers, vouchers, etc. to-day. These I have only but now been able to obtain and now despatch to you by Mr. John Phillips, an officer of Calhoun Benham's company & who will attend to your future directions in this matter.

The boat is here waiting the arrival of the expected packages from Sacramento. I shall remain to receive these & send them to the State Prison in the absence of direct instructions to meet the present altered state of affairs. I have only to add, that Gen. Wool has promised distinctly that if your requisition comes down tomorrow night, with the accompanying forms filled, the articles shall be delivered *on the following morning*. If required here, or if their delivery is required at any other point on navigable water, arrangements shall be forthwith made accordingly. How would it answer to require their delivery at the State Prison. This would concentrate all these articles at the same place,



from whence their removal might be made promptly and quietly. Mr. Philips will inform you of anything further & in the meantime I subscribe myself

Very Respectfy

Yr most obt servant

ISAAC I. WISTAR

THE ARMY REPORTS 113 MUSKETS AVAILABLE<sup>42</sup>

To his Excellency  
J. Neely Johnson  
Governor of California  
Sacramento  
Sir:

Benicia Arsenal, Calif.  
June 18th, 1856.

The Major General Comdg. the Dept. of the Pacific has referred the letter from the Ordnance office, Washington, in reference to the quota of arms due the state of California to me; and I have prepared a statement in muskets of the amount of this years quota including the rifles and appendages already issued, which is embraced on the enclosed triplicate receipts.

The stores on the enclosed triplicate receipts have already been delivered to Doctor George, your authorized agent, with the exception of 113 muskets and appendages, and one horse artillery sabre and two bullet moulds. The last two articles were included to make up the value of the fraction of a musket.

I also enclose triplicate receipts for the ammunition delivered at the same time the rifles were to Doctor George: these receipts are necessary to me for a voucher for my property accounts, and when the cost price of the ammunition is paid for (see note in pencil on the receipts) the same will be duly acknowledged to you and taken up on my cash account.

Very Respectfully,

Your obedt. servt.

F. D. CALLENDER,  
Capt. Ord. Comdg Benicia Arsl.

JOHNSON EXPRESSES HIS FEARS TO WISTAR<sup>43</sup>

Executive Department  
Sacramento City, Cal.  
June 19th, 1856

Isaac I. Wistar, Esq.  
Dr Sir

The bearer of this, Mr. Phillips will also take to Genl Wool the necessary vouchers for the Muskets (113) also directions to deliver them *wherever you designate*. May he not however procrastinate on the plea of want of time to make arrangements for transportation if you should suggest San Quentin

Point (States Prison). I fear so & maybe therefore you had better receive them at once at Benicia.

Very Respectfully

Your Obt Svt

J. NEELY JOHNSON

The arms in question were put aboard the schooner *Julia* for the purpose of carrying them to San Francisco and delivering them to the Law and Order party at that place. The Vigilance Committee sent a group of men led by John L. Durkee and Charles Rand to intercept the shipment. They overhauled the *Julia* near Point San Pablo in San Pablo Bay and, seizing the arms and their custodians, Maloney and Phillips, early on the morning of June 21, carried them to the city water front, where Maloney and Phillips were released. The arms however, were carried off to Vigilance headquarters. General Kibbe, the State Quartermaster General, at once wrote the following note to the Vigilance Committee demanding the return of the seized weapons:

GENERAL KIBBE APPEALS TO THE VIGILANCE COMMITTEE\*\*

Off. Qr. Mr. & Adj. Genl. Cal.

San Francisco, June 21, 1856.

To the Executive Committee  
of Vigilance, San Francisco

Gentlemen

Complaint has this day been made to me by Lt. John [G.] Phillips who was duly authorized by his Excellency Governor J. Neely Johnson to proceed to Benicia and receive from Maj. Gen. John E. Wool certain arms & accoutrements due the State from the General Government, that while conveying the Arms from the Port of Benicia to the City of San Francisco, the vessel upon which the said arms were being conveyed was boarded by an armed body of men acting under the authority of your committee and the Arms and accoutrements belonging to the State and then in the proper custody of said Phillips were forcibly taken from his possession and are now as it is fully believed in the possession of and under control of your Committee.

Believing that no act of this nature could be sanctioned by any order of your Committee, I hereby request the same to be investigated and the said Arms and accoutrements be placed in my hands as the proper custodian of the arms and accoutrements and also all other military property of the State. Desiring an early reply to this demand. I am, Gentlemen

Respectfully yours

[W.M. C. KIBBE]

Qr. Mr. & Adj. Genl. Cal.

Early in the afternoon of the same day the Vigilance Committee decided to arrest Maloney and Phillips. Maloney was found at the office of David S. Terry, who announced his official position as Justice of the Supreme Court of

the State and the fact that he was a peace officer and forbade any arrest to be made in his presence. Hopkins, one of the committee's policemen, then came back with a larger force and attempted to seize Maloney. Terry interposed with his gun. Hopkins held him off and then Terry drew his bowie knife and stabbed Hopkins in the neck. Terry and Maloney were delivered up to the Vigilance Committee upon their guarantee that no violence would be allowed. The committee then demanded the immediate surrender of the Law and Order party's arms and ammunition. This was also complied with and about seventy-five of the opposing forces surrendered as prisoners of war. Thus the opposition to the Vigilance Committee suffered a sudden and permanent collapse.

As a result of this new state of affairs, the secretary of the committee answered Kibbe's request for the return of the weapons with the following curt note:

THE VIGILANCE COMMITTEE'S ANSWER<sup>45</sup>

Executive Committee Chamber.  
San Francisco, June 22, 1856.

Wm. C. Kibbe Esq.  
Qr. Master and Adjutant  
General of the State of California  
Sir,

I am directed by the Executive Committee to acknowledge receipt of your communication of the 21st inst. relative to certain arms and accoutrements of the state said to be in possession of this Committee.

The subject matter of your note will meet with our earliest and most serious consideration and investigation.

Respectfully

Your Obt. Servt.

33 SECRETARY.

With armed opposition to the Vigilance Committee at an end, the Governor's chief concern was the fate of Judge Terry. From this time on most of the correspondence has to do with reports to the Governor concerning conditions in San Francisco, especially with the physical condition of Hopkins and the treatment being accorded to Terry.

NOTES

29. Copy, signed by Johnson, Johnson papers.
30. Vigilance Committee letters in State Library, Sacramento.
31. Copy, in Johnson's hand, Johnson's papers.
32. Original in Johnson papers.
33. Original in Johnson papers.
34. Original in Johnson papers.
35. Hittell, Theodore H., *History of California*, III, 563.
36. Original in Johnson papers.

37. Copy, in Johnson's hand, Johnson papers.
  38. Copy, signed by Johnson, Johnson papers; also printed in *34th Cong., 1st Sess., Senate Ex. Doc. No. 101*, pp. 6-7.
  39. Copy, in Johnson's hand, Johnson papers; also printed in *34th Cong., 1st Sess., Senate Ex. Doc. No. 101*, p. 7.
  40. Draft, in Johnson's hand, Johnson papers; also printed in *34th Cong., 1st Sess., Senate Ex. Doc. No. 101*, pp. 2-4.
  41. Original in Johnson papers.
  42. Original in Johnson papers.
  43. Copy, in Johnson's hand, Johnson papers.
  44. Copy in Johnson papers.
  45. Copy in Johnson papers; also printed in Hittell, *History of California*, III, 570-74.
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### STABBING OF OFFICER HOPKINS BY JUDGE TERRY.

General Affray on Jackson Street, on Saturday, June 21st, 1856.

“When they had nearly reached the Armory, Hopkins pressed forward to arrest Maloney, in doing which he had to pass Judge Terry, who was bringing up the rear of the retreating forces. Terry presented his gun and endeavored to stop Hopkins, and a scuffle ensued for the gun, when Terry drew a large knife and plunged it into Hopkins’ neck, making a very dangerous if not fatal wound.



### MOUNTED BATTALION IN MOTION, CORNER OF MONTGOMERY AND WASHINGTON STS.

In fifteen minutes after the Vigilance Alarm Bell had sounded, a company of about one hundred mounted men, armed with Sabres and Revolvers, dashed through the streets, and surrounded the Armory where Judge Terry and his associates had taken refuge.

#### THE TERRY-HOPKINS AFFAIR

From a letter sheet in the Templeton Crocker Collection.

# THE LAW AND ORDER VIEW OF THE SAN FRANCISCO VIGILANCE COMMITTEE OF 1856

*Taken from the Correspondence of Governor J. Neely Johnson  
Arranged for Publication by*

HERBERT G. FLORCKEN

## PART III

General Cazneau, stationed in the mining town of Columbia and commanding the State Militia in Tuolumne County, was much interested in the Governor's troubles. He wrote to General Kibbe on June 20, asking for information concerning events in San Francisco, to which Kibbe replied:

### THE CAZNEAU-KIBBE CORRESPONDENCE<sup>46</sup>

Off. Qr. Mr. & Adj. General Cal  
San Francisco June 24, 1856

Sir;

Yours of the 20th inst was received yesterday. Since your letter was written we have had exciting scenes here, expected general havoc, but we were instantaneously surrounded and had no discretion but to surrender our arms and give up the men wanted—

This humiliating spectacle was brought about from the fact that we had made no preparation for an attack—Our men were scattered at the time and when they rallied each armory was surrounded by from 2 to 4000 armed men. Consequently nothing could be done with our men chiefly upon the outside without arms—The fact is as you well know that Civilians make good fighting men but without experience it is preposterous to suppose that one in a thousand has qualifications to plan a campaign right in the enemy's camp without exposing a small force on every side—My advice was to go into camp susceptible of defense or permit each man to keep his musket under his own bed, instead of in a defenseless armory.

I expect advice tonight—and will advise you of any movement hereafter—The Governor cannot recede in my opinion and should never think of doing so. All we have to do is to profit by our past experiences—Would you not advise this? I think it might be well to go into camp with such forces as can be readily raised—What is the feeling in Tuolumne at this time?

You may think me a little severe in portraying the causes which aided in placing us in our present dilemma. This is what I truly believe and of course is to be considered "Sub rosa"

Give me your plan  
Your Obt Servt.

WM. C. KIBBE

Gen. T. N. Cazneau

Qr. Mr. & Adj. General Cal.

Comdg. 2nd Brigade 3rd Division Mil.

Cazneau's reply shows that he had but little conception of the state of mind of the people of San Francisco.

Columbia June 26th 1856.

General,

Yours of the 24th inst is at hand—I had foreseen that the capture of state arms by the Insurgents would defeat the projected movement of state troops—I concur with you in the wisdom of going into camp for instruction, having no confidence in undisciplined forces—I am decidedly of opinion that the Executive owes it to the people, to those who have remained faithful to the Constitution and Laws, that that Constitution and Laws should be vindicated, that an attempt to support them should at least be made. He owes it to the dignity of the state and nation, to himself, and the high position he occupies, that he should make a stand against the lawless band that have outraged the rights of the people—If he fail he will have the high satisfaction of having endeavoured to discharge his duty, and those who deplore the lamentable events that affright the state, the satisfaction of knowing that we cannot avoid the deep afflictions pressed upon us, and have been *forced* to bear them. You ask my opinions with reference to future operations—Let the Governor call out at once all the forces he can obtain, and go into a camp capable of easy defense—If the number answering the call are small, they will form a nucleus around whom others will daily gather, and hour by hour this patriotic band will swell, until a vast force will be in the field. Discipline and instruct to a high state of perfection this force, perfect a plan of operations, and at the proper moment with these Battalions of effective men, strike a blow for the supremacy of the Laws; or await until the U. S. Government moves in the matter, when the state will be *ready* to move with the Government forces, and not keep the Government forces waiting, until the state could muster men and these raw men.

By vigorous action the state alone could crush the rebellion. Three thousand effective men could accomplish this. Let the Governor call upon the people to come forward *armed*; hundreds of men have rifles and shot guns, the latter good at 200 yards, good at least to wound, and wounded men are in battle worse than dead ones. Armed men will come forward. Troops without

bayonets will be needed as Light Infantry; and thus no loss is created thro' the want of bayonets. Send to confidential officers limited funds to be used in recruiting; the season is upon us when men are getting out of employment, and at all times large numbers of hardy men are out of work, numbers of these are with the state, and the laws, and would at once enter the service. Let the recruiting officer through the funds given him in charge feed and lodge those men on and after the moment of enrollment, and forward district companies to the Camp of instruction; In two weeks we could send a splendid Battalion of men from this section, to be soon followed by a second, all that is wanted is *action, action*.

You ask a plan of attack. I would not attack. You are dealing with merchants, traders and clerks of these. You have the great shop and warehouse of the state to operate against. The almighty dollar must be affected. Shut up trade and you break up the Insurgents. Declare San Francisco in a state of siege. Fortify an Island in the river, and one in the Bay, a small garrison would be sufficient, arm three or four scout steamers taken into the state services, and put a sufficient force upon each. Cannon are about the state in various directions, gather them up. Obtain them from incoming ships, if needs be take them for the service of the state, as the law and precedent allow. Sieze by night two prominent points over the City and occupy them by two columns of 500 men each, all things having previously been arranged. Do all this quietly, noiselessly having previously made a strong demonstration in other quarters, and of an entirely different character; thus you will shut up trade, allow no ingoing or out coming. Your steamers stop inward bound ships, and send them to Saucillita, having first helped them of any useful guns and arms onboard. All communication by the river is cut off by your battery and other armed steamers, which latter are cruising up and down. Your Redouts over the city keep off all land communication and in two weeks you will pinch the traders and without firing a gun the rebellion will cease. Touch trade, stop the almighty dollar and the end is at hand. In the beleaguered city, all those faithful to the state would clamer against the events that produced the blockade, and with pressure from within and from without our cause must triumph.

If anything is to be done it should be done promptly, as we are losing valuable men. Let me hear from you if even to say that nothing will be effected. I have been and am personally vilely persecuted, but feel and shall act from an honorable sense of duty, and, with the faith of a soldier, esteeming it a happiness to suffer for the right.

Respectfully,

THOS. N. CAZNEAU  
Brig. Gen. Comdg 2d Brig 3d Div

Gen W. C. Kibbie  
Qr Master and Adjut Genl



I have had the state arms here in my brigade distributed in the hands of faithful men to avoid theft.

#### REPORTS DETERMINING JOHNSON'S COURSE

After the seizure by the Vigilantes of the State's quota of arms and ammunition, the attack upon Hopkins, the arrest of Terry and the surrender of the Law and Order forces in San Francisco, Governor Johnson stayed in Sacramento, and was supplied with most of his information concerning conditions in the city by his adjutant-general, Kibbe.

The San Francisco newspapers, and many historians, especially Bancroft, ascribe the Governor's policy to weakness, to indecision, to cowardice, to childish stubbornness. But the content of the letters written to him by Kibbe and others seems to indicate that his attitude was determined by the information, and misinformation, being sent to him by his agents concerning the temper of the San Francisco people, of which the following are examples:

California State Telegraph Company<sup>47</sup>  
Office, Latham's Building, J Street  
Sacramento

San Fran June 22, 1856

To Gov Johnson

A bright spot is approaching. Hopkins still lives. Gwin, Peyton, Baldwin, Stow, Crocket and others are doing all that men can to get the facts before the world. I am almost insane with excitement and trouble.

DAVID S. DOUGLASS

Kibbe explains the reason for the surrender of the Law and Order forces and suggests means for carrying on the struggle:<sup>48</sup>

Office of Qr Mr & Adj. Gen. Cal.  
San Francisco, June 23, 1856.

Sir,

You have heard doubtless of the scenes which have transpired here during the past two days. It is true that we have been compelled to surrender, owing alone to the fact that we were in nowise prepared to defend ourselves. Our men even who were armed were without ammunition and without supplies which could not be obtained without the means. Our officers and men behaved valiantly without scarcely an exception, and had they had the least show of preparation would have nobly distinguished themselves in the cause of the State. We are disarmed and at the mercy of our foes. Now the question to be solved is what is to be done next? And in connection with this if we decide to continue to assert the majesty of the laws of the State can we get the means

to supply 2 or 3000 men in the field? If we can do that you are justified in taking this step. The force should be encamped at Benicia or some other desirable point and armed as fast as it is possible to do so. With what arms can be collected and purchased throughout the State, a position could be taken which could be held. As I said before the law and order forces have acted manfully and every man can be relied upon in any emergency. Among those who are entitled to particular credit in the late excitement for their soldierly bearing and cool courage & determination are, Col. J. R. West and his command in the Cal. Exchange, & Lt. J. Martin Reese of the Blues. There are doubtless many others who would have borne themselves equally well had they had an intimation that their services would have been needed in time for them to have obtained admittance within the armories.

Now if the means can be raised [?] for supplies the only proper course to be pursued in my opinion is to repair [?] to some good point, barricade it and continue to prepare for the final restoration of law & order, in this County and State. The people will ultimately sustain you in this course of action even if you are compelled to resort to extraordinary measures to carry out a plan of this kind.

If any person is appointed to the command of this Division select some one who has proved his fidelity to the State in the trying scenes, of the past few weeks. I say this without knowing whether there is an appointment to be made here. There should be thorough and complete military discipline hereafter, throughout. Military stratagem should be brought to bear and used under all circumstances. Civilians make good fighting men but sometimes are [too] over zealous and confident to be prudent. Therefore let military experiences be brought into requisition—As far as Gen. Howard is concerned he has acted coolly, prudently—and manfully throughout, but some persons (Civilians) have I fear been disposed to precipitate things too soon, if necessary.—This was imprudent—It is thought here that the Committee will not hang Judge Terry unless forced to do so by outside pressure.

If the state of things does exist, we shall tender the services of 1000 men to the Committee if desired to save Judge Terry.

Is Gen. Howard in Sacramento? I suppose he is—

Write by return mail—

Excuse this hastily written note as I had but a few minutes to write.

Your Obt Servt

WM. C. KIBBE

Or Mr & Adj Gen.

His Excellency  
J. Neely Johnson  
Governor of Cal.

MORE LETTERS FROM KIBBE TO JOHNSON<sup>49</sup>

Kibbe, in a series of letters to Governor Johnson, discusses the course of Judge Terry's trial and the state of affairs in San Francisco and urges the Governor to stand fast:

Off. Qr. Mr. & Adj. Genl. Cal.  
San Francisco June 24, 1856.

Sir:

I wrote you a very hasty letter yesterday, in fact I had but a very few minutes to write, so you will please excuse that letter. The Executive Committee are now placed in a position of embarrassment the importance of which they never dreamed.

The affidavits go to prove that Judge Terry acted purely in self defence and the masses outside are clamorous for blood. The question is, if Terry is acquitted of murder, can the Vigilance forces be controlled if Hopkins dies? If he is acquitted the Ex Committee fear danger, if he is hung danger to them is certain. This committee would give their fortunes to be extricated from their present difficulties—In regard to the course to be pursued hereafter I see but one. It will not answer to recede although we are disarmed at this point. A reaction in public feeling will *certainly take place within the next 30 days* in favor of law & order unless we commit some gross blunders, and if you hold to your proclamation and can raise the necessary means there will be no fear of the final result. What has aided to embarrass us to some degree is the fact that some of our men have been very injudicious in their conversation, relative to what they intended to do inducing the V. C. to expect no quarter for themselves or their property if a collision should ever take place—and this too from some of our men whom it was certainly known were quite prominent members of the law and order party.

These men did not regard the fact that we were organizing only a very small force immediately in the enemies camp, who had the power to disarm us at any time. If our numbers had been equal this might have been good policy but we were only 1 to 8 or 10, and without arms for even this small number.

Every thing hereafter should be conducted with military skill and caution. We could raise 3000 men here in 5 days if we had supplies and were disposed to prosecute the matter vigorously. I hope to hear from you in reply. Don't accept Col. Wests resignation. I regret that it was forwarded through mistake. It seems to be the opinion now that Hopkins may recover. We all hope so as it will favor the present chance of Judge Terry with the Committee.

It is rumored that if Hopkins lives Terry will be released on condition that he and Murray both resign their offices. This however is a rumor.

I enclose herewith copies of a demand upon and reply of the Vigilance Committee for the arms and accoutrements taken from Phillips.

A Grand Jury commences sessions to-day, which will doubtless find a large number of bills of indictment against parties here.

I have the honor to be

Your mo obt servt

[W. M. C. KIBBE]

To His Excellency  
J. Neely Johnson  
Governor of Cal.

Qr Mr & Adj. General Cal.

Qr. Mr. & Adj. Genl. Cal.  
San Francisco, June 25, 1856.

Sir :

I have nothing of particular importance to communicate this evening. The man Hopkins is reported to be still in a very critical condition—the universal wish seems to be that he might recover.

The trial of Judge Terry is said to be progressing and many have strong hopes that he may be acquitted—His friends are very active in his behalf. It is impossible to foretell the result. You will perceive a change in the tone of the press; and we hope the case may be decided without prejudice in which event it seems certain that the Judge will be acquitted of murder and perhaps of all crime, tho' the result is feared if Hopkins dies.

We tread upon a powder mine as it were, not knowing when some indiscreet act may induce the torch to be applied.

I am Sir

Most respectfully

Your obt ser [van]t

W. M. C. KIBBE

His Excellency  
J. Neely Johnson  
Govr. of California

Qr. Mr. & Adj. Genl. Cal.

#### COLONEL WEST EXPRESSES HIS FEARS<sup>50</sup>

Colonel J. R. West, who had surrendered the armory to the Vigilance Committee on June 21, seemed to fear that the Committee would be unable to control its members in the event of Hopkins' death:

San Francisco, June 30th, 1856.

Dear Sir,

The condition of Hopkins continues extremely critical and it is impossible to tell how his case will terminate—not the slightest encouragement is yet given that he will recover.

I can give you no information as to the probable course of the Committee with regard to Judge Terry. A member of the Executive informs me that they

are engaged [in] examining testimony in the case. I understand that the usual course of procedure is for the testimony to be taken by the Committee on Evidence, to be then laid before a jury consisting of three Delegates from each company—a two third vote from which body is necessary for a verdict. You can readily judge that any opinion as to how that vote will be cast must be based entirely upon conjecture. I believe that a fair proportion of the Committee will uphold the decision of their regularly constituted authorities, yet there is an apprehension that any other than extreme punishment is likely to create trouble, especially among the foreigners, members of the Committee. Intimations have been made to me that perhaps the aid of the Govt forces might be desirable to sustain the action of the Delegates should they decide that Judge Terry should not be hung. Should such demand be made upon me by the Executive committee, of course they would provide the necessary arms and we could be of material assistance.—In the absence of any instructions from you I should not hesitate to do everything in my power to protect his life, and while I believe that such would be your orders, I would be pleased to have your official directions in the premises.

It would be well for these instructions to be sent without delay as it is uncertain how soon Hopkins might die, and our action would have most weight if authorized by you.

Yours respectfully

To J. Neely Johnson  
Governor of California

COL. J. R. WEST

Kibbe was most anxious that the Governor should not withdraw his proclamation declaring San Francisco to be in a state of insurrection. He believed that the maintenance of the Committee's organization would prove to be so expensive that its members would sooner or later disband.

#### MORE ADVICE TO THE GOVERNOR<sup>51</sup>

Off. Qr. Mr. & Adjt Genl Cal  
Sacramento July 2, 1856

Sir:

There is very little of interest to communicate today—Hopkins is believed to be better, and there are some dissensions in the Committee—They are to day in a worse and more embarrassing condition than we are. I have conversed with several gentlemen of standing today and they agree with me in the opinion that under no circumstances will Judge Terry be harmed, and that the only course for you to pursue is to remain firm to your proclamation until such time as the Sheriff of this County reports to you that he can serve and execute all writs placed in his hands without the assistance of a military force.

This is the basis of the Proclamation and until the difficulty is removed the Proclamation cannot be withdrawn with any grace. The Committee are in

great trouble and will come to terms in due time. It is impossible for them to revolutionize the State, indeed it is doubtful whether they would be sustained in this move even in San Francisco, and the evil will eventually correct itself—You have done everything in your power—You have issued your proclamation and the people have not responded. You have attempted to secure the execution of the laws in this country and have not been able thus far to do it—You therefore have done your duty and in less than six months the people of this State will award their approbation—You cannot recede in any event, it will accomplish nothing for Terry if you do, and at the same time will place you under more embarrassment. If you were to call an extra session of the Legislature at this time nothing would be accomplished perhaps—So the only prudent course is to remain as you are and you have only to say that your proclamation was issued and the people did not respond leaving you powerless to sustain a principle of duty under your oath. Remain firm then and risk the results. Terry will not be harmed I think—

I expect further orders in regard to disbanding the troops here and hope to be able to raise the necessary means to pay them off. Money is promised here on the 6th instant. We can probably get what we shall need.

His Excellency  
J. Neely Johnson  
Governor, Cal.

Your Obt Servt

WM. C. KIBBE

Qr Mr & Adj Genl

Off. Qr Mr & Adj Genl Cal  
San Francisco, July 5, 1856

Sir:

Hopkins is pronounced out of danger and the Committee have found that they have "Caught the Elephant." The only course for us to pursue is to quietly follow them up. Admit of no Compromise, but as we gain ground which we are evidently doing throughout the State, bring them gradually to terms—The Com. I understand, say that Terry shall never sit again upon the bench, this is perfectly idle unless they unconditionally release him in which case he *might* resign—If they send him away by the time he may return we shall be able to protect him against all their opposition.

His Excellency  
J. Neely Johnson  
Marysville, Cal.

Your Obt Servt

WM. C. KIBBE

Qr Mr & Adj Genl Cal.

#### GOVERNOR JOHNSON'S ATTEMPTED COMPROMISE<sup>52</sup>

While the Terry trial was still in progress, Johnson called upon his father-in-law, James C. Zabriskie, requesting him to go to San Francisco and if possible adjust the difficulties between the Vigilance Committee and the authorities. He told him to make the following proposal: that if the committee

would deliver Terry to the courts for trial, place in the Governor's possession the State arms, and disband, he, Johnson would advise the authorities of San Francisco not to prosecute any member of the Vigilance Committee for offenses alleged to have been committed, and should any be thus tried and convicted, he would grant them unconditional pardon. The utmost secrecy was to be maintained, as in case of refusal on the part of the Committee to comply with the Governor's proposal the Governor would not have it appear that any advance toward a reconciliation had been made by him.

Colonel Zabriskie accepted the commission and associated with himself James Allen and C. B. Zabriskie of San Francisco. They called on Mrs. Terry, who informed them that she believed her husband would resign his office if released. Assuming that she had been authorized to speak for her husband, Terry was visited and the proposition made to him. He refused to resign unless first released and then tried and convicted by a regular court. To this the Vigilance Committee refused to consent, and Terry thereupon refused to deal any further with the Governor's committee.

Colonel Zabriskie was very anxious to have the whole matter kept quiet. Judge Terry on the other hand would rather it were known that he had been asked to resign and would not. At Judge Terry's request, a written report of the affair appeared in the *Sun* of the 8th of July. The Governor, seeing that his commissioners had failed, and that his overtures were made public, determined, so far as he was concerned, to cut loose from the complications by ignoring the whole matter. He came out in the public journals flatly denying ever having authorized Allen and the Zabriskies to follow the course they had pursued. They naturally then proceeded to denounce Johnson's conduct and swore to the truth of their statements.

The newspapers made much of the affair. The following are a few of the letters to the Governor concerning it.

#### REPERCUSSIONS FROM JOHNSON'S DIPLOMACY<sup>53</sup>

Off. Qr. Mr. & Adjt. Genl. Cal.  
San Francisco July 4, 1856.

Sir:

I am informed that a Committee with full powers from you is now in town to treat with the Vigilance Committee—This V Committee will not treat unless upon terms which they themselves may dictate, one of the principal of which is that Judge Terry shall resign his office. This question has been long settled. Judge Terry would infinitely prefer swinging from the window of the Committee Rooms, than resigning his office. Consequently this Committee will do our cause great harm unless recalled, no terms will be accepted without this ultimatum you may be assured, no concessions therefore should be made until the Committee disband. We are daily gaining ground, upon

them and if matters remain as they now are, we shall ere long be enabled to assert our rights to a certainty. I hope the Committee may be recalled. Hopkins will surely get well and the country is rapidly changing in our favor.

Your Obt. Servt.

WM. C. KIBBE

Qr. Mr & Adj. Genl. Cal.

His Excellency  
Gov. Johnson

California State Telegraph Co.  
Office—United States Building, D Street

San Francisco, July 4th, 1856  
7:30 P. M.

To J. N. Johnson

Telegraph immediately to those whom you have sent down to suspend all negociation with the committee, till we can communicate with you. This is of the very greatest importance. Answer quick.

WM. C. KIBBE

J. NUGENT

E. A. ROWE.

Off. Qr. Mr. & Adj. Genl Cal  
San Francisco, July 8, 1856

Sir:

There seems to be much speculation in this community as to whether Col. Zabriskie, Gen. Allen & others were authorized by your Excellency to open and conclude negotiations with the Vigilance Committee. Many assert that they had, others are positive that they had not. News from the mountain Counties is quite cheering. I have seen several reliable gentlemen from the mines all of whom agree in the Sentiment that the mines are fast changing in favor of the law & order party.—I saw a letter also from Judge Winston from Plumas in which he says that his County is getting and will ultimately be sound in this respect. The news of the Nominations which will be received by next Steamer will have a tendency to develop to a certain extent the future of the Vigilance Committee—For their own purposes I think they will merge their Strength and influence with the B Republican party in which case they will soon dwindle down to their real strength which will not be at all formidable.

Once divest them of political demagogues and those who have been brought in here by their influence, and permit the two parties to get up their organization and you have them with a force greatly reduced.



It is believed they intend to do a great deal within the next ten days. If so the probabilities are that they will be greatly weakened, for the people have already seen enough and wish them now to disband. I understand they are making renewed preparations and intend to carry matters much further.

We are constantly gaining ground in public Sentiment here and if we adhere to the original intention we shall come out right in the End. Was that Committee authorized to accept of definite propositions by you, in view of an immediate settlement of affairs, if not please answer as there is a great anxiety to know?

I have the honor to be

Your Obt Servt

WM. C. KIBBE

Qr Mr & Adjnt Genl Cal

His Excellency  
J. Neely Johnson  
Governor Calif.

Sac City, July 10th, 1856

Governor Johnson

Sir

As we did not authorize the publication to be made you refer to, we are not called upon to take notice of it. You however *virtually* deny that we possessed the authority therein stated. It is therefore due to ourselves to state *explicitly* and *emphatically* that we possessed "full powers to settle the difficulty existing between the State Govt and the Vigilance Committee," subject to the limitation prescribed by Your instruction. We have not in any manner transcended that authority, as You would have learned long ere this if You had remained where we could have seen and explained to You, or if You had returned when so requested by Telegraph. We observe by the comments in the "Express" published in Marysville that You have authorized the Editor to deny our authority in terms so vague, as to subject us to the imputation of a violation of trust, or the assumption of authority wholly unauthorized. This You did without conferring with or affording us an opportunity to confer with You. How far such acts comport with the mutual obligations and responsibilities, which existed between us, we leave You to judge.

In the "Globe" of the 9th we have submitted to the people of California the result of our embassy, which we were compelled to do in self vindication, but which would not have been necessary if You had remained at home.

Respt

Your obt Sts

JAMES C. ZABRISKIE

JAMES ALLEN

The Governor was continuously misled by his San Francisco agents as to the real state of affairs and the real state of public opinion in the city.

KIBBE CONTINUES TO MISINFORM AND ADVISE<sup>54</sup>

Off. Qr. Mr & Adj. Genl. Cal.  
San Francisco July 9, 1856

Sir:

We are receiving daily the most cheering news, from all parts of the country relative to the channel which public sentiment seems to be taking upon the subject of the acts of the Vigilance Committee.

Depend upon it, there is a substantial and will ere long be an overwhelming reaction in the sentiment of the people of this State upon this question—An address has been prepared and signed by upwards of 500. persons in Tuolumne County, many of whom are prominent men, in that County: to the people relative to the acts of the Sacramento Street “Junto” and one which will tell: Similar movements are on foot all over the State, and there is little doubt that all will eventually be right—I have just learned that Ned McGowan is in Santa Barbara and that about twenty Vigilance Committee Men are on his wake and will probably arrest him in a short time—They are making arrests continually and I understand they intend to do a wholesale business this week—

Several business houses have failed or suspended within the last few days and many more are expected soon, They do not know what action to take on Judge Terry's case; it is the prevailing opinion that they will send him off, as they have others, but I do not believe it, I think it possible that they will keep him awhile and then liberate him—I have not been able to raise any money as yet, have a promise of it after the arrival of the next steamer

I am Sir:

Your Obt. Servt.

WM. C. KIBBE

Qr. Mr & Adj. Genl. Cal.

His Excellency  
J. Neely Johnson  
Governor Cal.

Off. Qr. Mr. & Adj. Genl. Cal.  
San Francisco July 15, 1856

Sir:

I arrived here last evening and found that there had been considerable excitement at a mass meeting held by the Vigilance Committee and their allies, for the purpose of inducing the city and county officers to resign.

The meeting was very unsatisfactory to the parties who induced it, and it is believed here that those present were made up of about an equal number of law and order and Vigilance men, and that had it not have been for the fact

that the V. Committee sent up a posse to arrest several gentlemen who were brave enough to express an opinion when called upon to do so the meeting would have turned out a complete failure. Thus you see there is a great reaction going on here in San Francisco. Thirty days more will accomplish wonders in this respect and I believe with discreet management will turn the tables upon them completely.

When the change becomes fully apparent, then will be the time to set yourself right in regard to any direct authority which is alleged to have been given by you to any persons whatsoever for the settlement of this question.

Please inform me if you receive any intelligence in regard to the appropriation of arms to Cal by Congress.

It will probably be necessary to draw for the uses of the State in paying off Troops here, the amount of Military Fund now on hand.

I herewith enclose an order for that purpose which you will please sign and forward to me. Hopkins is reported in a critical condition and may not recover.

I have the honor to be

Your Obt. Servt.

His Excellency  
J. Neely Johnson  
Governor Cal

WM. C. KIBBE

Qr. Mr. & Adj. Genl.

Off. Qr. Mr. & Adj. Genl. Cal  
San Francisco July 17, 1856

Sir:

There is nothing new or important here to-day. I understand that the Committee are continually making arrests—The Board of Supervisors have declared the offices of Sherriff, Assessor & Coroner vacant. Hopkins is improving and I am told is getting well—is in no danger—

The case of Judge Terry will probably be concluded to-day or tomorrow—the witnesses for the defence are being examined—An apparent reaction is still going on here which will eventually do much to correct matters, and I think there is little in the way to prevent a speedy termination of our present difficulties—

We must continue to be firm and as they weaken we shall gain strength and ere long hold a position which will be supported by every unprejudiced Citizen in the State. Political demonstrations are commencing—

I am Sir:

Your Obt Servt

WM C KIBBE

His Excellency  
J. Neely Johnson  
Governor State of Cal.

Qr. Mr. & Adj. General Cal

Off. Qr Mr & Adj. Genl. Cal.  
San Francisco, July 18. 1856

Sir:

Your friends here whom I have seen, seem well satisfied with your statement in regard to the powers claimed to have been Conferred upon the Zabriskie Committee.

The statement is acknowledged to be a plain, unvarnished one and I doubt not will place you before the people in your true position, the assertions of the said Committee to the contrary notwithstanding. There is nothing new of importance here, Arrests are yet being made by the Committee daily. Have you received any intelligence by the last mail from Washington, relative to the action of Congress? I presume there will be another arrival via Nicaragua in the course of a day or two, We may possibly get some news by this Steamer, as I am informed Selover and other Californians are expected direct from Washington—Hopkins is improving and Judge Terry's trial is nearly or quite Concluded—

I am Sir:

Your Obt Sert.

WM C KIBBE

Qr. Mr. & Adj. General Cal.

His Excellency  
J. Neely Johnson  
Governor of Cal.

Off: Qr. Mr. & Adj. Genl. Cal  
San Francisco July 22nd, 1856.

Sir:

It is believed that Judge Terry's trial has been completed by the Executive Committee tho' the result is as yet entirely unknown. Some are under the apprehension that they intend to send him out of the Country, and that they will then arrest the City & County officials of this County and afterwards those of the State—

This is a high handed measure but yet there are those who believe it will be carried out, within the next 30 days—

I have not succeeded in raising any money as yet. Palmer thinks he can supply it and would be glad to do so on the arrival of the next mail Steamer

If we could get 2 or \$3000, we could get along very well for a few weeks.

Could you not raise that amount at Sacramento. Have you heard any thing relative to a law which has passed Congress appropriating Arms to all the States admitted since 1808? A law of this kind is reported to have passed this Congress which I hope will prove Correct, A number of Prisoners were shipped on the Steamer of yesterday.

I am Sir:

Your Obt Servt

WM. C. KIBBE

Qr. Mr. & Adj. Genl. Cal

His Excellency  
J. Neely Johnson  
Governor: Cal.

Off. Qr. Mr. & Adj. Genl. Cala  
San Francisco, July 24, 1856

Sir:

There has been considerable excitement here during the last 24 hours growing out of reported movement of the U. S. Forces both Navy and Army. It was rumored that the two ships of war lying at the Navy Yard were being put in condition for immediate action and that arms and munitions of war were on the way to this City. Upon what particular foundations these rumors were based I have not been able to learn although there is no doubt but what Captain Farrigut while here two days since did suggest to the Superintendent of the mint the necessity of placing all the Treasure on board one of the Ships of War for safe keeping.

Gen. Wool is reported at the point of death at Napa Springs and it is not at all probable that he has changed his mind in regard to his duty in the premises or that he had received or issued any orders—So that these rumors which have created so much alarm among the Committee are probably founded upon Capt. Farrigut's suggestions in regard to the safety of the Bullion. Since the commencement of this letter another Excitement is apparent from the following cause. The "Yankee" from the Sandwich Islands upon which some men were shipped out of the Country by the Committee, has just arrived bringing one of the Expatriated by the name of Bulger, whose sentence was never to return to California upon penalty of Death. No sooner than the vessel touched the wharf he was arrested and escorted to the Committee Rooms. Many are Canvassing [?] whether he will in fact be hung by the Committee or not. It is said that there are no Serious Charges against him, nevertheless he has disobeyed the order of the Committee and incurred their displeasure.

I am sir,

His Excellency  
J. Neely Johnson  
Governor Cala

Your Obt Servt

WM. C. KIBBE

Qr Mr & Adj. Genl Cala

While the Terry trial was going on, a gambler named Joseph Hetherington murdered a physician named Andrew Randall. He was seized by the Vigilance Committee, tried for murder and found guilty. At the same time the Committee concluded the trial of another bad character named Philander Brace, and he too was found guilty and sentenced to be hanged.

#### TERRY'S TRIAL AND DR. RANDALL'S MURDER<sup>55</sup>

Off. Qr Mr & Adj Genl Cala  
San Francisco, July 26, 1856

Sir:

It is rumored that Judge Terry's trial will be concluded today and that he will receive his sentence—what that will be no one can tell—although I still adhere to the opinion that he will not be harmed or banished; this opinion is

derided by the whole Community here; nevertheless, I cannot but believe that it will prove Correct.

Dr. Randall is dead and some pretend to say that his murderer will be handed over to the authorities for trial; this of course is preposterous, although it comes from an officer of the Committee. *I* think they will hang him within three days from this time.

The committee have been in a state of alarm for the last two days induced by the movements of the navy, which I presume are simply carrying into effect orders received per Sierra Nevada from Washington issued in view of a fear of trouble with England. The Committee have had excitement enough already and bear it illy—they would be most happy to get out of their dilemma if possible. There is considerable excitement upon the streets to-day. Many are expecting something to be done by the Committee and it would not surprise [me] to hear at any moment that Hetherington was hung.

Mrs. Terry is now admitted into the Rooms. I intend to see her this afternoon.

I am Sir, Your Obt Servt

WM. C. KIBBE

Or Mr & Adj Genl Cala

His Excellency

J. Neely Johnson, Governor State of California

The following, touching somewhat on the Hetherington, Brace and Terry affairs, shows also the extent to which Kibbe was deceiving the Governor as to the trend of affairs in San Francisco.

KIBBE'S LETTER OF JULY 28, 1856<sup>56</sup>

Off. Or Mr and Adj Genl Cal.

San Francisco, July 28, 1856

Sir:

There has been no further demonstration on the part of the V. Committee (i. e. which are known outside) since the assassination of Dr. Randall.

It is rumored that the executive committee have decided to acquit and liberate Judge Terry, but that the Board of Delegates has refused to confirm this decree; it is not certain however that such is the case in either particular—There will doubtless be final action upon the subject within a day or two. If Judge Terry was out of the way, i.e. out of the rooms, it would be no difficult task to take the Fort and such as might be on guard there, 500 men would be a force sufficient to do this, with very little bloodshed. Why at the time of Hetherington's arrest, when the crowd came down Sacramento street near "Gunny Bags" their Guard dropt their muskets and fled, for which they have since been expelled from the Committee to the number of forty. They will doubtless take action in Terry's case, and I think will disband in a very short

time.—Hetherington and Brace will probably be hung tomorrow and a few may be notified to leave by next Steamer.

. . . . .

Yr. Obt Servt.

His Excellency  
J. Neely Johnson  
Governor State of California

WM. C. KIBBE  
Qr Mr & Adj Genl

On July 29, Hetherington and Brace were hanged in the presence of a tremendous crowd. Contemporary accounts indicate that the community heartily approved of the Committee's action, but Kibbe's letters to the Governor voice a different opinion:

THE HANGING OF BRACE AND HETHERINGTON<sup>57</sup>

Off. Qr Mr. & Adj Genl Cal.  
San Francisco, July 30, 1856.

Sir:

This Community seems more indignant to-day in regard to the Vigilance Committee than ever before. The scenes of yesterday of which you have seen an account have seemed to infuse this feeling generally. There are many rumors as to the final action of the Committee in Judge Terry's case but nothing definite can be gleaned from them. It was said yesterday that the Com. had given him until 4 O'clock to resign his office without stating the alternative. The other men were to be hung at five o'clock and no doubt if this rumor is correct that they half intimated this to him in order to frighten him to resign—In this of course they were dealing with the wrong man.

Have you any advice about arms from Washington? I see the Senate has passed a bill for California and Charlie Salt who is direct from Washington says the request and requisition will be promptly and favorably acted upon by the President—We have some hope yet.

Some of our men intend leaving for Nicaragua by next steamer. Say that I am authorized to muster such out of Service in your reply to this.

I am Sir

Your Obt Servt

To his Excellency  
J. Neely Johnson  
Governor of Cala

WM. C. KIBBE  
Qr Mr & Adj Genl Cal.

P. S. Have you received my letter enclosing orders of the 28th inst?

Off. Qr Mr and Adj Genl Cal.  
San Francisco, Aug. 1, 1856

Sir:

The Executive Committee seems greatly annoyed by the action of the Coroner's Jury today. Many of them have been summoned as witnesses to give their testimony in regard to the violent deaths of Hetherington and Brace. The hangman is much frightened and scarcely dare go upon the Street for fear of being arrested by the legal authorities—although I am informed that he has the assurance that if arrested and put into Jail the Committee will take him out forthwith—It has been rumored that the Committee had finally decided Judge Terry's Case but it is not true, further action I understand has been postponed for a short time, all of which I look upon as favorable for the Judge. . . .

Judge Creamer is in town and reports his Judicial District as ready to respond and reestablish law and order throughout the State. I have also the same information from Sonoma & Tehama Counties. In a very short time there will be very little trouble in accomplishing this most desirable & paramount of all objects with small loss of treasure & blood, especially if the Federal Government favor it.

I have the honor to be

Your Obt Servt

His Excellency

J. Neely Johnson

Governor State of California

WM. C. KIBBE

Qr Mr & Adj Genl Cala

After many meetings of its Executive Committee, the Vigilance Committee finally decided, on August 7, to discharge Terry. Terry was quietly escorted to the warship *John Adams*, which had been waiting for him. On that same day, when the river steamer, *Helen Hensley*, steamed past on her way from San Francisco to Sacramento, he was transferred to it and taken to the State capital, where he remained in quiet and seclusion.

The newspapers violently denounced the Vigilance Committee for its leniency toward Terry, but by degrees the dissatisfaction died out and responsible people came to realize that in freeing Terry the Committee had acted wisely.

[To be continued]

#### NOTES

46. Vigilance Committee letters, State Library, Sacramento.
47. Original in Johnson papers.
48. *Ibid.*
49. Vigilance Committee letters, State Library, Sacramento.
50. Original in Johnson papers.



51. Kibbe's letter of July 2, 1856, is from the Vigilance Committee letters, State Library, Sacramento; that of July 5, from the original in the Johnson papers.

52. Adapted from Bancroft's *Popular Tribunals*, Vol. II, pp. 452-55.

53. The letter of July 4, from Kibbe, is from the Vigilance Committee letters, State Library, Sacramento; the July 4 telegram and the letters of July 8 and 10, from originals in the Johnson papers.

54. Kibbe's letters of July 9, 15, 17, 18 and 22 are from the Vigilance Committee letters, State Library, Sacramento; that of July 24 is from the original in the Johnson papers.

55. Original in Johnson papers.

56. *Ibid.*

57. *Ibid.*

58. The letters of August 7 and 8 are from the Vigilance Committee letters, State Library, Sacramento; that of August 13, from the original in the Johnson papers.

59. Johnson papers.

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# THE LAW AND ORDER VIEW OF THE SAN FRANCISCO VIGILANCE COMMITTEE OF 1856

*Taken from the Correspondence of Governor J. Neely Johnson*

*Arranged for Publication by*

HERBERT G. FLORCKEN

## PART IV

With Terry released, Kibbe began to urge the Governor to confirm the appointment of General Beale as sheriff of San Francisco. Letter after letter written by him urges this appointment.

GENERAL BEALE FOR SHERIFF OF SAN FRANCISCO<sup>58</sup>

Off. Qr Mr. & Adj Genl Cala  
San Francisco Aug. 7, 1856.

Sir:

Judge Terry has been released as I have predicted heretofore, and our friends are generally rejoicing—There is I understand much excitement in the ranks of the Vigilance Committee to-day, and a fair prospect of a rupture among themselves, though I think there will be none,—

The Board of Supervisors have this day elected Gen Beale Sheriff of this County, which election gives great satisfaction and I do not think there will be any difficulty in his officiating in that office—If there should be, it will probably be necessary for you to recognize some one as Sheriff—There is but little doubt here of the power of the Supervisors to appoint and I would suggest that you should recognize Gen Beale as Sheriff by transmitting similar instructions to him to those issued to Scannell in regard to any refusal to obey the Mandates of the Courts of this County by any persons whatsoever—authorizing him to call upon the military if required—This can do no harm and would probably do much good. It will not be long I hope before all things will be right here, and the recognition of Beale will aid us materially.

I Am Sir

Your Obt Servt

WM C KIBBE

To His Excellency

J. Neely Johnson

Governor State of Cala

Qr Mr & Adj Genl Cal

Off. Qr Mr & Adj. Genl Cala  
San Francisco, Aug 8. 1856

Sir:

The excitement here yesterday in consequence of Judge Terry's release was very great, and will continue for some length of time—This is among the ranks & file of the Vigilance Committee—All will be mobilized [?] although their strength is much impaired—It is very important at this time that a proper man be appointed Sheriff—I understand Judge Freelon has decided that the appointment lies with you and in that case it would be most suicidal for you to appoint a man who either sympathises with the Vigilance Committee or who has never taken a position upon that question. I look upon a "Sympathizer" as worse than a member who is willing by acts to show his sincerity in any position he may take—The only party you can rely upon here for support hereafter is the "law and order party" those who have stood by you during these perilous times at any personal risk or hazard, these: are the only men entitled to consideration and in this view of the case there is no doubt but what Beale's appointment as Sheriff of this County would do more for the success of law and order than any act which could be done. Strong I am informed has never taken any stand with reference to these matters at all, or is a Sympathizer with those opposed to law and order. *He* should not be appointed this being the case. At any rate investigate the matter fully before you commit yourself This is indeed important and I hope will receive due attention, Under any and all circumstances appoint no one who is not with us—All have confidence in Beale, as the proper man.

There will be an attempt here I am informed to organize military companies who are really with the Vigilance Committee but under assumed names apparently distinct from them. Please direct me not to recognize any such company unless each member subscribes to the following oath [oath omitted].

I hope your action in this matter of Sheriffalty will be such as suggested—

Your Obt Servt

His Excellency

J. Neely Johnson

Governor of Cala.

WM C KIBBE

Qr Mr & Adj Genl Cal

Off. Qr. Mr. & Adj Genl. Cal.

San Francisco, August 13, 1856

Sir:

I have nothing of particular importance to communicate to-day—There is considerable anxiety manifested in regard to the Sheriffalty. Parties do not know to whom to have their papers executed, as all matters are in an uncertain state, and many desire that you should simply recognize Beale as

Sheriff which would be endorsing the acts of the Board of Supervisors, in that respect when it is believed that Scannel would immediately surrender the office without further contest.

The appointment of Beale is very popular among all classes. If you have not the power to appoint, could You not construe the law, as most of the legal fraternity do here, i.e. by simply recognizing Beale as Sheriff in the transmission of instructions?

There are many important civil suits about to be commenced and it seems quite important to have a Sheriff. I am informed that upon your recognition as a Sheriff, the Courts here would immediately endorse the same, as they generally believe the Supervisors have the power under the law to fill the vacancy.—I have personally no feeling in this matter further than if the difficulties should be procrastinated here we need a Competent Sheriff particularly—and I think Beale is the man for any emergency which may hereafter arise.

I am Sir,

His Excellency

Your Obt Servt.

J. Neely Johnson

WM. C. KIBBE

Governor State of Cal.

Gr. Mr. & Adj. Genl. Cal.

On August 14, Forman and Thompson returned to California from Washington with the discouraging news that the Federal Government would not interfere in the conflict between the Governor and the Vigilance Committee. The two delegates addressed the following letter to the Governor giving him an account of their mission:

FORMAN AND THOMPSON'S REPORT<sup>59</sup>

July 20th, 1856

To His Excellency

J. Neely Johnson

Governor of California

The undersigned deputed by virtue of your letter of appointment of the 18th of June last, "on behalf of the State of California to proceed by the most rapid means to the City of Washington and make application to the President of the United States for the use and services of such arms and ammunition, to-gether with the aid of the Naval and Military forces of the United States as may be required by the Executive of the State in the suppression of the (then) existing insurrection in the City of San Francisco" have the honor to report, That in pursuance of your instructions they sailed from San Francisco in the Steamer of the 20th June, and proceeded with all practicable dispatch to the City of Washington where they arrived about the 15th of the following month of July.

They lost no time in waiting on the President and laying before him your Communication setting forth the unhappy and alarming state of affairs ex-

isting in the City of San Francisco and soliciting the prompt interposition of the Federal Government for the purpose of suppressing the insurrection and maintaining the State authorities in the exercise of their legitimate functions. They did not fail at the same time and in several subsequent interviews with the President, to urge upon that functionary, from facts in their own knowledge the alarming aspect which the insurrectionary movement in that City had assumed, and the danger which was to be apprehended, in addition to the total abnegation of the local authorities, of the entire overthrow of the State Government and the ultimate destruction of the supremacy of the Federal government on the Pacific Coast. These considerations had not in the opinion of the undersigned, received from the Federal Executive the attention which their importance demanded. They have reason to believe that the President had been induced by the misrepresentations of parties actually engaged in the insurrection or those who sympathized with them to regard the matter in a much less serious light than was warranted by the true state of the case, and that the t[r]easonable organization would by a voluntary and speedy dissolution remove all grounds of apprehension on that score. He however promptly on the receipt of your communication referred it to the Attorney General for his opinion on the Legal and Constitutional questions which it presented: the result of that reference you have already received in the communication of the Secretary of State under date of [July 19] transmitting the opinion of the Attorney General and the decision of the President on the subject.

These documents would have been forwarded by the Steamer of the 20th July, but at the instance of the undersigned they were withheld until after the arrival of the mail which left San Francisco on the 5th of July. That arrival bringing the intelligence that the insurgents had not dispersed and returned to their allegiance to the laws as it was represented they were about to do, but on the contrary that they had been guilty of other & more outrageous acts of violence & bloodshed fully justified the view which the undersigned had taken of the subject and went very far to disabuse the minds of the President and his Cabinet of the erroneous impressions they had received in relation to it. While therefore this new aspect of the question could not change the Legal conclusions to which the President had arrived as set out in the communication above referred to, it nevertheless led to the issuing of stringent orders to the Naval and Military Commanders on the Pacific Coast which would have rendered effectual aid to the State Executive in its efforts to suppress the insurrection, had not the insurgents by a timely disbandment and dispersion, superseded the necessity for any action under them.

In conclusion the undersigned would remark that although they may have failed in accomplishing immediately the purpose of their Mission in consequence of the insufficiency of the law enacted in the infancy of the Republic to meet a contingency which its framers could never have anticipated, we

have the satisfaction of believing that it contributed in no unimportant degree to the restoration of order in the infected district.

All of which is respectfully Submitted—

R. AUG. THOMPSON  
F. FORMAN

They enclosed the following letter written to the Governor by the Secretary of State, Marcy.

SECRETARY OF STATE MARCY'S LETTER<sup>60</sup>

Department of State  
Washington, July 19th, 1856.

His Excellency  
J. Neely Johnson  
Governor of California  
Sir,

The President has received your communication of the 19th of June representing that an illegal association in the City of San Francisco had overpowered by force public authority there, and requesting the aid of the United States to enable you to maintain the government and enforce the laws of the State.

The President has given to the subject the most careful consideration. He is deeply impressed by the anomalous condition and dangerous tendency of affairs in San Francisco, as set forth in your letter, and is prepared whenever exigency arises demanding and justifying his interposition to render assistance, to suppress insurrection against the Government of a State and maintain, the supremacy of the law in the mode and to the extent of the authority vested in him by the Constitution and acts of Congress of the United States.

In the present case serious doubts of his lawful power to proceed in the manner indicated by you, having occurred to the mind of the President, he referred the question to the Attorney General for advisement, and the conclusions submitted by that officer have on full reflection been decided by the President to constitute insuperable obstacles to the actions now desired of the general government. The report of the Attorney General is enclosed for your information.

The President will not allow himself to believe that the prevalence of rash councils and lawless violence still continues in San Francisco. He confidently trusts that the Citizens of California, who have suffered themselves to be betrayed by whatever inducements, into violations of the public peace, of so dangerous a character, will already have resumed their obedience to the laws, and that hereafter instead of assuming to act independently of the constituted authority, they will, as good Citizens, cooperate with it in the earnest endeavor to secure a prompt, impartial and vigorous administration of justice, in the only way in which the life, property and rights of the people

can be protected effectually—that is, by faithful conformity with the Constitution and laws of the State.

I am, Sir, very respectfully

Your obedient Servant,

W. L. MARCY

They also enclosed the legal opinion of Caleb Cushing, the attorney-general, the original of which is also among the Neely Johnson papers but which is much too long to be copied here. The Attorney-General believed that the Governor should have had the legislature meet and ask for federal aid. Even under those circumstances he stated that he doubted the Federal Government's right to interfere. He hoped moreover that by the time the delegates returned to San Francisco, all the disturbance would have ended. The gist of the ruling is given in Bancroft's *Popular Tribunals*, Vol. II, pp. 362-63.

Upon hearing of the Government's refusal to aid the Governor, Kibbe wrote the following letter:

MORE FROM KIBBE<sup>61</sup>

Off. Qr. Mr. & Adj. Genl. Cala

San Francisco, Aug. 14, 1856

Sir:

I find by the papers that the general government declines taking steps in aid of our State Government until called upon by the legislature of the State. If this should prove to be true, we shall be compelled to rely upon our own exertions to reinstate the laws in San Francisco prior to the assembling of the legislature.

This I think should by all means be done and I think can be done with a certainty as soon as the new Sheriff is properly invested with his office. He will be able to execute both civil and criminal process of any Courts with such aid as a good sheriff could at this time command here. Scannell has no standing with this Community and can do nothing here. With some new man in his place on whom the people had confidence, with the aid of our forces I believe the Majesty of the laws, might again be maintained— This, rely upon it, is a very important matter and should receive all the attention you are able to give it.

I have little idea about the legal questions involved. Of course you are posted upon that subject. If what I have suggested could be accomplished great good could be done thereby—The V. C. seem elated at the news to-day, what will be done by them I cannot tell, tho' they have persisted in saying that they should disband and turn over their Arms to the State by the 20th of this month, let the news be what it might by the Steamer.

I am Sir,

Your Obt. Servt

WM. C. KIBBE

Qr. Mr. & Adj. Genl. Cala.

His Excellency

J. Neely Johnson

Governor Cala

Sacramento

The Vigilance Committee now considered that its work was done, and as the expense of maintaining the organization was tremendous its leaders wanted to disband. However, the hostility of the Governor made it inexpedient to disband completely; so the Committee merely adjourned and notified its members to hold themselves ready to mobilize at a moment's notice.

On August 18, in celebration of its successful régime, the Committee held a triumphant parade through the streets of San Francisco.

KIBBE ASKS FOR INSTRUCTIONS<sup>62</sup>

Off. Qr Mr. & Adjt Genl Cal  
San Francisco Aug 19. 1856.

Sir:

The great finale of the Vigilance Committee came off yesterday i.e. so they say, although they arrested some few persons yesterday who will probably soon be liberated—they will probably deliver up the Arms of the State in a few days, although some predict that they do not intend to do this at all—There is still some anxiety felt in regard to the Sheriffalty—

Strong has no hopes except at your hands, and if Beale was recognized or appointed by you, Scannell would not contest the Case at all, I am informed—If the arms are tendered shall they be received?

I should be glad to hear from you.

I have the honor to be

His Excellency

Your Excellency's Obt. Servt.

J. Neely Johnson

WM. C. KIBBE

Governor State of Cal.

Qr. Mr. & Adj. Genl.

On August 20, just before leaving California for New York, William T. Coleman wrote to the Governor. How different are the sentiments expressed by the leader of the Vigilance Committee from those expressed by the newspapers of the day and also by most of the historians who have described this exciting incident in the history of San Francisco.

WILLIAM T. COLEMAN'S LETTER<sup>63</sup>

San Francisco, August 20, 1856

Private.

My dear Johnson

I had intended visiting Sacramento City before I left, and most especially to see you & have a good long talk with you. We have for the past three months disagreed in the local politics of this place, but I feel assured that if you could have been really more correctly informed on the true state of things here, and the interest & feelings of those concerned in the late movements, you as an *individual* would have agreed with them:—but though we have disagreed, & might in any event have done so, yet I feel assured, &



always have, that you were honest in your sentiment, & have acted only the part of a man, & a gentleman, and in accordance with your duties as Governor. Entertaining these views & feelings, I have on all occasions & at all times so expressed myself, & must & will continue to do so. Now the Vigilance Committee have adjourned, & I trust never again to assemble; & let me ask you as a friend, that we each use our influence, as we have done, to allay all excitement, all bad feelings, all heart burnings, all bitterness—Let us bury the hatchet, & God grant that it may never again be raised—Let us all meet now as brothers having a common cause, & interest, in the weal of the State, & let the promotion of her welfare be our highest aim. As a friend and good fellow citizen let me greet you, & when I return, as I expect to in the spring, with my family, you may be assured there is no individual in the State whom I will greet more gladly than yourself.

If I can serve you in any way in New York, either privately or politically you know you can command me freely, & fully at all times, and the response will be prompt and happy & you can ever rely upon me as an old & true friend. Believe me to be

Truly Yours

His Excellency  
J. Neely Johnson  
Governor &c &c.

WM. T. COLEMAN

In the latter part of August, an Indian uprising in the northern part of the State caused the Governor and General Kibbe to make insistent demands upon the Vigilance Committee for the return of the weapons taken from the State Militia on June 21.

#### LETTERS REGARDING THE RETURN OF THE STATE'S ARMS<sup>64</sup>

Off. Qr Mr & Adj Genl Cal  
San Francisco Aug 23. 1856

To the Executive Committee of Vigilance  
San Francisco

Gentlemen: From a special messenger direct from the seat of our Indian War, I learn that the Northern frontier of this State is now infested with a large body of hostile Indians, who are constantly depredating upon the lives and property of our Citizens particularly of the County of Siskiyou, for whose protection, it is imminently necessary for the Executive of this State to send immediately into the field a force of State Troops properly equipped. And whereas it is reported that an armed force acting under your orders have forcibly seized and now have in their possession a quantity of arms and equipment belonging to the State by which the State is deprived of the means of arming her Citizens for their own protection, whose lives and property are at this time in imminent peril. I therefore in the name and for the people of

the State of California call upon you to forthwith deliver over to me the arms and equipment belonging to the State now said to be in your custody. An immediate reply to this communication is most respectfully and earnestly requested.

I am Gentlemen

Your Obt Servt

WM C KIBBE

Qr Mr & Adjnt Genl. Cal

W C Kibbe Esq  
Qr Mast Genl of  
State of California

Executive Committee Chambers  
San Francisco Aug 23. 1856

Sir

Your communication of this date has been received and I am directed to state to you that the Committee are now in session and ready to receive any communication from you.

I am sir

Respectfully

Your Obt Servt

33 SECRETARY

Off. Qr Mr & Adjnt Genl Cala  
San Francisco Aug. 25. 1856

Sir:

Yours of the 20th instant per Gen Colton is received—I addressed on Saturday last the enclosed letter to the Vigilance Committee the receipt of which was acknowledged by “33 Secretary” and this day a Committee consisting of Messrs Jessup, Ward & Daridge waited upon me in regard to the subject matter of the letter referred to, representing themselves as a delegation of the Ex Committee, and informed me that they could not deliver up the arms belonging to the State until your proclamation was withdrawn, and hostile demonstrations against them were discontinued especially those relative to the Charge of Piracy against Members of the Committee, this was necessary for their own personal safety,

They however stated to me that their military organization was disbanded and that they should continue their organization as before in other particulars That independent companies had organized who had armed themselves, intimating that these companies would be at all times in readiness to sustain the Committee if an emergency should arise—They have declined therefore at present to deliver up the arms of the State.—They will publish in a few days to the people an address, I will send to Santa Barbara by first oppor-

tunity for the arms of a volunteer company lately disbanded there, and furnish the same to Yreka at the earliest opportunity. I have the honor to be

Your Obt Servt

His Excellency

J. Neely Johnson

Governor State of Cala

WM C KIBBE

Qr Mr & Adj Genl Cal

Executive Department

Sacramento Cal

Aug 27th 1856

Sir:

Your letter of the 25th inst with copy of letter to the V. C. was duly received.

I would suggest the propriety of your return here *at once* with a view of bringing suit in our District Court for the recovery of the State arms. Ascertain as nearly as you can the number and description of those they have in possession—

Very Respectfully

To

Wm C Kibbe Esq.

Adjt & Quarter Master Genl

Cal Mil

San Francisco

Your Obdt Svt

J. NEELY JOHNSON

Off. Qr Mr & Adj Genl Cal

San Francisco Aug 28. 1856

You will report to me a complete Schedule of the arms accoutrements appendages and clothing taken from your Command by the Vigilance Committee on the 21st day of June 1856.

Col. J. R. West

Com'd'g 1st Infy Battalion

2nd Brigade 2nd Division

Militia

WM. C. KIBBE

Qr Mr & Adj Genl

State of California

San Francisco Aug 29. 1856.

Off. Qr. Mr. & Adj. Genl. Cal.

Sir:

I am collecting all the facts in regard to the taking of Arms of the State by the Vigilance Committee and shall be able to return on to-morrow or Monday next, with all the necessary data upon which to base a suit I think. Is the Attorney General in Sacramento? I suppose it will be necessary for him to

conduct the Case for the State. I have no doubt that a jury could be found here who would readily find the facts in regards to the taking, and it might be as well to bring the suit here, however if I hear nothing to the contrary I will return by Mondays Boat.

There is nothing new of importance here,

I have the honor to be

His Excellency

J. Neely Johnson  
Govr. Cal.

Your Obt Servt

[WM. C. KIBBE]

Qr Mr & Adjnt Genl Cal.

Off. Qr. Mr. & Adjnt. Genl. Cal.

[Aug. 30, 1856.]

Sir:

I had an interview with Mr. Wallace the Attorney General this morning and mentioned the suit to be brought against the Vigilance Committee for the recovery of the State Arms as per your suggestion—He advises that the suit be brought in this County, Says there will be no trouble in getting a jury who will find the facts in the Case, and believes that the suit should be brought in this County by all means, and that he is ready to attend to it at any time, suggesting that I had better call upon the District Attorney to institute proceedings and he will be present and conduct the suit. I called upon District Attorney Byrne this morning and he is of the opinion that Mr. Wallace is the proper person to commence the suit, and if it were commenced by a District Attorney without authority from the Atty General that the Case would be thrown out of Court—

I will act in the Case precisely as you think best—Please give such directions as you deem proper. Mr. Wallace believes it would have a much better effect to have the Case tried here, than in any other County.

I am Sir Your Obt. Servt.

To His Excellency

J. Neely Johnson  
Governor Cal.

WM. C. KIBBE

Qr. Mr. & Adjnt Genl. Cal.

Executive Department

Sacramento Aug 31st 1856

Sir:

Your communication of yesterday is at hand. Sacramento being the seat of Government and the place for the transaction of the general duties of the different Depmts—is the proper place for the institution of the suit spoken of.

The suggestion of Mr Dist Atty Byrne that a suit brought by him at your instance without first the written directions of the Atty Genl, could on

the application of Defts, be dismissed is simply ridiculous. The suit will be directed by you as the legal custodian of State arms and you have the legal right to employ whomsoever you please to appear for the State. I regard his suggestion as a mere ruse to evade the labor and trouble—maybe the responsibility.

I hope therefore you will come up here and have the suit commenced on the return of the Atty Genl.

So far as the matter of *effect* to be had by the trial of the suit—one place or another is concerned—all the *effect* we need desire, is the procurement of the State arms—and that can be attained quite as certainly here as in San Francisco.

I am and have been for some days quite unwell therefore will write no more at present—

Very Respectfully

To

Your Obdt Svt

Wm C Kibbe Esq

J NEELY JOHNSON

Adjt & Quarter Master Genl

San Francisco

Off. Qr. Mr & Adjt Genl. Cal

San Francisco Sept 1st 1856

Sir:

Yours of yesterday is received. I shall comply with your suggestions on the return of the Atty. General—There is a Grand Jury empaneled in the U. S. Court upon the Piracy Case, and Members of the Committee are somewhat alarmed because some of the Jury are from the Counties up the Country, they think it strange that there are not a sufficient number of honest men in San Francisco to try this Case—they anticipate some trouble from the suit yet, before it is over.

Everything is quiet

I am Sir

To His Excellency

Your Obt Servt.

J. Neely Johnson

WM C KIBBE

Governor State of California.

Qr. Mr. & Adj. Genl. Cal

Off. Qr. Mr. & Adj. Genl. Cal

San Francisco Sept 3d 1856

Sir:

The Grand Jury, of U S Circuit Court have this day found a true bill, for Piracy on the High Seas, against Durkee & Rand which has created considerable excitement here.

I was intending to have returned to Sacramento to-day or to-morrow but

I am summoned before this Grand Jury and shall not be able to get away.  
I expect the Atty. General here in a day or two to attend to the Arms Case—

I am Sir

His Excellency

J. Neely Johnson  
Governor State of Cal.

Your Obt. Servt.

Signed WM C. KIBBE  
Qr. Mr. & Adjnt General Cal

Off. Qr. Mr. & Adjnt Genl. Cal.  
San Francisco Sept 3d 1856.

Sir:

Will you have the kindness to forward to my address a Schedule of Arms etc purchased by you for the State which were seized by the Vigilance Committee on the 21st of June last. I desire to complete the Abstract of property belonging to the State forcibly taken by the Vigilance Committee before returning to Sacramento.—If you have not the Vouchers for the purchases made please inform me where they can be procured.

I am Sir

Your Obt. Servt.

Hon D. J. Terry  
Sacramento Cal.

Signed WM C. KIBBE  
Qr. Mr. & Adjnt Genl.

Off. Qr Mr & Adjnt Genl Cal  
San Francisco Oct. 15, 1856

Sir

In furtherance of demanding the arms of the State from the Vigilance Committee by order of the Commander-in-chief as per your suggestion, I have the honor to request that you transmit Special Orders to me relative thereto. The Executive Committee hold a session on Friday next when the demand can be made.

I have the honor to be

To

Your mo Obt Servt

His Excellency  
J. Neely Johnson  
Governor State of Cal.

WM. C. KIBBE  
Qr Mr & Adjnt Genl Cal.

Office Qr Mr & Adjnt General  
State of California  
San Francisco. Oct 15. 1856.

To the Executive Committee of Vigilance of San Francisco:

In the name and for the people of the State of California, I hereby demand that you surrender to me forthwith all and Sundry the Ordnance and Ordnance Stores and Clothing belonging to the State of California which were

forcibly and illegally taken from the proper agents of the State or otherwise by order of your Committee in the months of May & June last.

By order of His Excellency the Governor of California & Commander in chief of Militia thereof,

WILLIAM C KIBBE

Qr Mr & Adj't Gen'l State of Cal.

P. S. An Abstract of the said Ordnance & Ordnance Stores is on file in my office.

Genl Kibbe  
Qr Master Genl of the  
State of California

Executive Committee Chambers  
San Francisco Oct 21, 1856

Dr Sir

Your communication under date of Oct 17th was duly received and will receive proper consideration

I am Sir

Your Obt Servt

33 SECRETARY

The all absorbing question finally was, who would give in first—the Governor or the Vigilance Committee? The Committee would not give up the weapons until the Governor had withdrawn the proclamation of insurrection; The Governor would not withdraw the proclamation until the arms had been surrendered.

Finally General Sherman once more entered the controversy in an attempt to bring the impasse to an end. He wrote the Governor :

GENERAL SHERMAN'S LETTER AND TELEGRAM<sup>65</sup>

San Francisco, Calif.  
October 29, 1856.

Governor Johnson,

Dear Sir,

It is with extreme reluctance that I intrude myself again on your attention but an offer has just been submitted to me that I cannot well decline presenting to you, not as an advocate but simply as a mediator. I believe you declined to withdraw your Proclamation on the ground that the State arms are still in possession of the Vigilance Committee, who refuse to give them up. Two gentlemen of that Committee say that they will surrender to you the arms in question if you will simply say that they shall not be issued to any body of men in San Francisco before the Election, and also if you will withdraw the Proclamation. Doubting whether you would make any promise at all, an alternative proposition was made, viz. to surrender the arms to me

as a mutual friend, taking my word that they should not be issued before the election of the 4th proxo. and also that you would withdraw the Proclamation in question.

It occurs to me that you require, before you issue any state paper touching the Proclamation, that you should have before you a written document showing that the last act of resistance to the State had ceased, and therefore tho reluctant to mingle again in any public transaction, I am willing for the sake of peace and quiet to do this.

If tomorrow you will telegraph me your general consent to the above terms, I will proceed to receive and store in some safe place the Guns and arms in question, or even to ship them to Sacramento, giving my receipt at the time, which receipt could be forwarded to you as evidence that the State had regained possession of her property, and on that evidence you could base your withdrawal of Proclamation.

You could simply write to me that you would not call on me for the arms until after the Election, or give me a corresponding assurance in which way I would stand committed to them and you to me—in my estimation it is a mere quibble, and it is for you to determine whether the end aimed at justifies this roundabout way.

I am with much respect

Your friend & servant,

WM. T. SHERMAN

If you want to recall the Proclamation—Telegraph me, “Agreed. You receive the arms—I will recall the Proclamation. Keep charge of arms till after election.”

If you do not approve telegraph me to that effect.

CALIFORNIA STATE TELEGRAPH COMPANY,

Sacramento

San Francisco, 31st October 1856

Governor Johnson,

Will you recall the Proclamation on the unconditional surrender of the State arms? Answer to Telegraph.

W. T. SHERMAN.

Election day was November 4, 1856, and the Vigilance Committee was sick and tired of the quarrel with the Governor. To prevent any possibility of a question as to the legality of the November election due to the existence of a nominal state of insurrection in San Francisco, the Committee decided to return the weapons, and the Governor withdrew his proclamation.



JUDGE FREELON'S LETTER<sup>66</sup>

San Francisco, November 3, 1856  
County Court at Chambers.

To His Excellency J. Neely Johnson  
Gov. State of California

Sir,

At the request of Capt. W. T. Sherman I am happy to state to your Excellency, that, understanding the State arms heretofore in the possession of the Vigilance Committee of San Francisco will this day be delivered up to the proper authorities, in that event it is my opinion that the Civil power and authority of the City and County of San Francisco is amply sufficient to enable the officers of the law to execute and enforce any civil or criminal process which may be lawfully issued.

I am Respectfully,

Your Obt Servant

T. W. FREELON

County Judge

A number of telegrams were sent the same day, clearing up the affair; and Kibbe wrote to Johnson that the arms had been delivered to him.

THE END OF THE CONTROVERSY<sup>67</sup>

TELEGRAM

Nov. 3, 1856

To Gen. Sherman of S. F.

If Freelon writes letter, send per express and telegraph me.

J. NEELY JOHNSON

TELEGRAM

Nov. 3, 1856

To Gen. W. C. Kibbe

When you receive them telegraph me. Will write you fully.

J. NEELY JOHNSON

TELEGRAM

November 3rd, 1856

All right: The withdrawal Proclamation will be issued in one hour and Telegraphed to San Francisco.

J. NEELY JOHNSON

To R. M. Jessup &  
Julius David  
S. F.

Off. Qr. Mr & Adjnt Genl  
San Francisco, Nov. 3, 1856

Sir:

The Vigilance Committee have surrendered some 32 Cases of State Arms & accoutrements this day to me, and have agreed to supply any deficiency in quantity which may occur—if you exact it. These arms I have shipped to Sacramento in accordance with your instructions—The surrendering of the State Arms at this time is a tacit acknowledgment by the Committee that this County has been in a state of insurrection since the issuance of your proclamation. Consequently an important point has been gained.

The Cannon will be forwarded as soon as the Excitement is allayed. In haste

W. C. KIBBE  
Qr Mr & Adjnt Genl Cal.

Thereupon the Governor issued a proclamation declaring the state of insurrection in San Francisco at an end.

#### GOVERNOR JOHNSON REVOKES HIS PROCLAMATION<sup>68</sup>

Executive Department  
Sacramento City, Cal.  
Novr 3d, 1856

Whereas on the 3d day of June 1856 satisfactory information having been received by me that combinations for the purpose of resisting the execution of legal process by force, existed in the County of San Francisco in this State and that an unlawful organization styling themselves the Vigilance Committee had resisted by force the execution of criminal process and the power of said County had been exhausted and was not sufficient to enable the Sheriff of said County to execute such process;—I did, in the performance of my duty, and the exercise of the power and authority vested in me by the Constitution and Laws, as the Governor of the State of California on the aforesaid day issue a Proclamation declaring said County of San Francisco in a state of Insurrection;—and whereas I have this day received satisfactory information that the causes which required the issuance of the same, no longer exist; therefore I do revoke and withdraw said Proclamation.

J. NEELY JOHNSON

#### CONCLUSION

And thus the activities of the Vigilance Committee of 1856 came to an end and San Francisco entered upon a long period of honest and efficient government. For years its citizens could boast that their city enjoyed the best government in its history.

From the struggle the members of the Committee emerged as the heroes of California, but Governor Johnson, in spite of an elaborate message to the legislature, explaining and justifying his conduct, remained so completely discredited that he retired from politics at the end of his term and shortly afterward removed to Nevada.

The Governor's friends—Sherman, Kibbe and others—were sure that Johnson's course of action would be vindicated by time, once the fierce partisan turmoil in San Francisco subsided. But their hopes were doomed to disappointment, for the Committee's spectacular success and the odious political bedfellows that the Governor had been forced to accept in his attempt to prevent the extra-legal administration of justice resulted in his name becoming a byword for "wishy-washy" politics.

Since 1856, many leaders, some selfish and irresponsible, some inspired by lofty motives, have used the designation "Vigilance Committee to incite otherwise decent law-abiding men to commit acts not far removed from plain, ordinary mob violence. Great as may have been the need for the Committee of 1856, many students of history are forced to concede that the Governor was right in his demand that it disperse immediately upon the accomplishment of its first objective: the hanging of Casey and Cora.

The lapse of eighty years permits us to view the actions and results of the Vigilance Committee of 1856 in proper perspective. What might be justified by the necessities of that tumultuous period of San Francisco's life and the careful organization of the popular uprising cannot be urged to sanctify the doings of irresponsible rabbles.

The voluntary disbanding of the Vigilance Committee of 1856 showed that the high-minded citizens composing it realized that to continue in control of affairs would destroy men's faith in popular government. They well knew that the drastic remedy they had applied to eradicate evil conditions in San Francisco could have no permanent basis in our institutions.

We must conclude, therefore, that lawlessness, organized or otherwise, can have no place in the administration of justice in America, and that it would be entirely absent if the machinery of the courts ran swiftly and with impartial certainty at all times.

#### NOTES

58. The letters of August 7 and 8 are from the Vigilance Committee letters, State Library, Sacramento; that of August 13, from the original in the Johnson papers.

59. Johnson papers.

60. Original in Johnson's papers; also found in Bancroft's *Popular Tribunals*, Vol. II, pp. 361-62.

61. Original in Johnson papers.

62. Vigilance Committee letters, State Library, Sacramento.

63. Original in Johnson papers.

64. All from the Vigilance Committee letters, State Library, Sacramento, except Kibbe's of October 15 to Johnson, which is from the original in the Johnson papers.

65. Originals in Johnson papers.

66. *Ibid.*

67. *Ibid.*

68. *Ibid.*

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GENEALOGY OF THE FAMILY OF GOVERNOR J. NEELY JOHNSON

As given to John N. Johnson by his Grandfather,  
Alexander Johnson, in 1841, and copied by his  
brother, Cadet William N. Johnson of U. S.  
M. A., West Point, N. Y., at Evansville,  
Ind., July 25, 1848.

My G. G. G. G. Father James Johnson was an Englishman by birth, was born in 1672; He emigrated to America in 1694, & settled in or near, Port Tobacco, Maryland. He was superintendent of Genl. Smallwoods estate. He died at the advanced age of 90 years without ever having a days sickness in his life. He left three children two sons, Robert and Thomas & a daughter, Betsy. His son Robert died at about 25 years of age. Thomas I shall speak of hereafter. James Johnson had a brother John Johnson who came from England with him. He had seven sons all of whom distinguished themselves in the Revolutionary War. One of his sons John was killed in battle. My G. G. Grand Father Thomas was born in Maryland in ..... & he was married in Maryland to Miss Mary Nudon & he removed to Prince Williams Co. Virginia. He had four sons & 4 daughters, all of whom lived to be of advanced ages. One of his sons, John was an officer in Gen'l Lees light horse co. in the Revolutionary War. He had five sons Joseph, John, Franklin, Thomas, and Scarlet [?] & a daughter Delilah. He moved to Indiana 1818.

My G. Grand Father's name was James. He served in the Rev. War. He emigrated to Tenn. in 1796 or 97, & in a year or two moved to Barren Co. Ky. He had ten children 9 of whom lived to be grown, five sons Alex., Thos., Barton, James & Geo. & 4 daughters, Sarah, Delilah, Elizabeth & Milly. He moved to Gibson Co. Ind. with six of his children Alex, Thos. & Geo. the latter died in 1815. Betsy, Milly & Delilah, Sarah married a man by the name of Roton who moved to South Carolina & died there, & left two children John & Polly. Jas. Johnson was a minister in the Cumberland Pres. Church & a physician. He died at Smithland Ky. in 1838. He left ten children: Felix who died in 1840 was a Physician, John a Physician, Presly, Robert & Jas. a lawyer, Emilyne by his first wife, & Wm., Martha, Alfred & Richard by his second wife. He was married to the third wife, but survived his marriage but a short time. My Grand-Fathers name is Alexander. He had three sons, Thos., Wm., & Jas., & 4 daughters Prudence who married Marcus Sherwood of Evansville, Francis who married A. M. Philps of Evansville, Marcy who married a Wm. Dougherty of Evansville & Jane who married R. C. Sherwood of Evansville. Wm. died in Evansville. My Fathers name is Thomas. Of my G. G. Grand Father's brothers I can not remember [all] their names John, Stephen, Richard, James. Richard lived in Prince Edward Co. Va. James lived in Dunefries [Dumfries ?] Prince Wm. Co. Va. & was a U. S. Officer.