

Chapter 2

## **Politicians and Vigilantes**

In story and film, it was the cowboy who rode in off the prairie and shot up the town, but in the real life of Modesto the “wild West” era came with the wheat boom.

Stanislaus County was born in political strife. In those days, United States Senators were selected by state legislatures. The first of the California’s perennial north-south battles, which today are over the development and management of water resources, was over the selection of a U. S. Senator. As a result of an 1854 effort to “pack” the state Senate in favor of one candidate, Stanislaus County was born.

The adversaries both were Democrats. William M. Gwin was a well-educated physician, a Southern gentleman whose smooth political techniques followed the path of Andrew Jackson. His opponent was David C. Broderick, a glib Irishman who enthusiastically followed the rough-and-tumble politics of Tammany Hall.

Gwin had assumed leadership at the first California Constitutional Convention, and the state’s newly-created Legislature selected him and the “Pathfinder,” John C. Fremont, as the first U. S. Senators.

Broderick wanted the job, which was held in higher esteem than that of governor. To achieve his ambition, Broderick attempted through legislative maneuvering, to cut Gwin’s term short by one year expecting to win the seat for himself. To insure a safer margin of victory, Broderick conceived the idea of creating a new county which would be controlled by Broderick Democrats.

It was an ironic April Fool’s Day joke on Broderick that while his dream child, Stanislaus County, came into being April 1, 1854, the Legislature had circumvented Broderick’s scheme by decreeing that the new county would share its state senator with Tuolumne County, from which it was separated.

Not until 1857 did Broderick finally make it to the Nation’s Capitol, succeeding Senator John B. Weller, who had followed Mariposa’s Fremont. However, the Broderick-Gwin feud continued unabated and with increasing bitterness. The battle ultimately led to Broderick’s death in the last duel fought between major political figures in the United States. State Supreme Court Justice David S. Terry challenged Broderick and, in September 1859, Justice Terry won. After his death, Broderick’s faction of

the Democratic Party swung to the Republicans and, as a result, Abraham Lincoln received the California electoral vote in 1860.

For the first few years, the Stanislaus County seat might as well have remained on wheels.

Adamsville, where Dr. David Adams had established a ferry on the south bank of the Tuolumne River in 1849, became the first county seat by a margin of 30 votes – 495 to 465 – over Empire, which then claimed the honor of being the head of Tuolumne River navigation for entry to the southern mines.

In the absence of a county courthouse, the first Adamsville meetings of the new board of supervisors and the county Court of Sessions were held under a giant oak tree. According to Superior Judge David Bush, Adamsville never had a jail. Prisoners were housed in a convenient hotel. A new election a few months later found Empire victorious and the county seat was moved there, housed in a one-room shack. Fifteen months later, the “courthouse” was sold for \$51 when the county seat was moved to La Grange.

In 1860 came “Walden’s Steal,” the annexation to Stanislaus County of 110,000 acres of San Joaquin County land, including the lively town of Knight’s Ferry. To this day, no one knows why the San Joaquin delegation allowed Stanislaus Assemblyman Miner Walden to engineer an annexation which placed Stanislaus’ northernmost tip north of the latitude of Stockton, which is San Joaquin County’s seat.

As soon as the annexation was consummated, Knight’s Ferry moved to obtain the county seat and won by a vote of 422-393 in September 1860 balloting. Thus, the county seat had moved three times in its first six years.

It stayed put for the next decade, however. Prior to the coming of the railroad, there was no Modesto. Not until 1870 was a one-square-mile town site laid out of the Central Pacific Railroad.

George Cosgrove, who at the time was working as railroad construction foreman Jim Casey’s “rouster monkey” even though he had not yet entered his teens, recalled in an October 1928 letter the naming of the new town:

Tom (one of the engineering staff) at irregular places laid out town sites, apparently for no better reason than that the (railroad) line cut a section on its catawampus course in an awkward shape for a farm.

Since Tom concluded to make a township of it, Modesto’s arc was mapped in pencil. I then marked sheets of Tom’s valued paper with the stylus, making a map in ink. It looked, of course, better to me than to anyone else. I wanted to finish the map by putting a name on it. Asked everyone for a name, even the Chinese boss. Several names

were suggested which would not look well in print. The weather was hot and the sand did blow. As I became a pest and was roused out of every camp gathering, Charlie Crocker, Mark Hopkins and W. C. Ralston (Central Pacific's founders and directors) came down with engine bell ringing constantly when moving, the track was so rough.

They spent half a day with Casey and when ready to start back, Mr. Hopkins noticed the stakes which marked the block boundaries of the town and remarked, "What's this, a new town?" The pest was there proudly carrying the map which no one else had noticed. I proceeded to unroll the map and said they needed a name for the town. Heedless of the side kick from Casey, I held the map exposed to the big bosses who seemed interested, which prevented a more pronounced kick from Casey.

Hopkins said, "Name it Ralston" and Ralston said, "I thank you for the honor but must ask that some more appropriate name be chosen." Tony, the dapper supercargo of the Mexican employees, exclaimed audibly "Esta senior is mucho modesto." Crocker remarked, "That's a good name" and Modesto was placed on the map.

In 1870 when it was certain the railroad was coming, a mass exodus took place in the nearby river-front towns of Paradise and Tuolumne City. A week after James McHenry's house was to arrive in the new town, it was described as a "village of 12 or 15 buildings, all crowded, and doing a lively business." Even before the "mobile" buildings arrived, the first new structure was erected – a saloon. Next came the schoolhouse, moved in from Tuolumne City. Such were the priorities of early-day Modesto.

The Tuolumne City Hotel, operated by Mr. and Mrs. D. S. Husband, was hoisted on wheels and moved in one piece. Even before the building was lowered from its wheels, Mrs. Husband opened for dinner that evening in the renamed Modesto House. A few days later, The Ross House in Paradise was cut in half and hulled to its new location, but not without misfortune. The *Tuolumne City News* reported October 21, 1870:

On Monday last, the dining room was successfully loaded on trucks and a team of 60 horses attached thereto, they had not proceeded over an hundred yards, however, when the wheels of the trucks sank in the soft sand, and at latest news still remained stationary. More powerful apparatus has been sent for, and it is to be hoped that the move will be successfully made.

In November, *Tuolumne City Weekly News* publisher J. D. Spencer packed his type cases and moved his shop and press to the new town. For weeks, Spencer had refused to accept the name of Modesto, referring to "Ralston, alias Modesto," insisting Ralston would have to submit to the will of the people and allow the town to be named for him. William C. Ralston had made his fortune in Mariposa's Marble Springs Mine, from which he recovered enough gold to build San Francisco's Palace Hotel, establish the Bank of California and become a railroad financier.

When Spencer moved to Modesto he changed the name of his paper to the *Stanislaus County News*, avoiding reference to Modesto.

As Modesto grew, so did the pressure to move the county seat. With the general election of 1871 approaching, the contest became bitter. Friends of Knight's Ferry claimed the fledging town was not a suitable place for a county seat:

There is nothing inviting in the location; no trees, no scenery, no water courses, situated upon a plain, and most objectionable of all is the sand, of which the land is principally composed in its immediate vicinity, that is hurled in dense clouds through the air by the prevailing westerly winds that blow during the greater part of the year.

Aside from that, opponents of the railroad town saw no excuse for the taxpayers again having to bear the expense of moving the county seat, which already had wandered around too much in the few short years of Stanislaus' existence.

“To remove it (the county seat) now would be premature, suicidal, detrimental and fraught with the most injurious consequences to the best interests of the county. How long will it be before Modesto will share the fate of Tuolumne and Paradise Cities?” asked those who forecast the demise of Modesto when the railroad moved on south across the Tuolumne.

So bitter were some foes of Modesto that they even proposed eliminating Stanislaus County, ceding that area north of the Stanislaus River back to San Joaquin, creating a new county from the Stanislaus and Merced County areas west of the San Joaquin River and giving the remainder to Merced County.

In spite of its vociferous opposition, Knight's Ferry did not have the votes. Modesto outpolled the then-county seat by a margin of almost 3-to-1, with scattering votes cast for Oakdale, Waterford, La Grange and Graysonville.

The *Stanislaus County New*, on October 20, 1871 described the arrival of the county seat:

On Sunday last, the furniture, records, safes and all the rest of the paraphernalia of the county clerk's, recorder's, auditor's, treasurer's and sheriffs offices reached this place – the whole forming three wagon loads. Its arrival in our town created some little sensation among the naturally inquisitive citizens.

A glimpse of the furniture would be sufficient at once to assure the stranger that our county had been in economical hands. Everything wore a plain and well-used appearance, showing conclusively that there had been no “ring” nor fat jobs in the furnishing department of this county. A rusty, old iron box, resembling much in size and appearance an old-fashioned sailor's chest, with bands of iron around it, was pointed out to us as having been the first

treasurer's safe for the county. The old box is itself a relic of former times. Its age may be unknown, and its appearance leads us to believe that it was manufactured when burglars were not as adept in their professions as at present.

Modesto did not "fade away," as forecast by the dire predictions of Knight's Ferry proponents. Instead, as wheat became king in the decade of the 1870s, Modesto blossomed into a wealthy boom town where money flowed freely. The town soon became not only the largest in the county, but also on occasion it had the reputation of being the toughest in the state.

Wheat production was a rich but rough business, demanding high finances and strong labor throughout the season, especially at harvest time. This breed of worker and the riches of the harvest were followed by a less-than savory element.

Sol P. Elias, for several years mayor of Modesto during the 1920s, wrote *Stories of Stanislaus*, one of the most colorful and oftquoted histories of the region. His book tells of Modesto "Golden Age:"

Like every frontier village that grew up with a rush and experienced unexampled prosperity from the start – thereby attracting to its confines the rougher elements of society who sought opulence without honest endeavor amidst the primitive customs and the open life of a rudely and rapidly constructed town – Modesto, in its infancy, suffered its period of open lawlessness, its era of unbridled gambling, its reign of brutal thuggery, its sway of the malign saloon influence, and its season of brazen, flaunting vice...

Such was the strenuousness of its nightlife that it held the reputation throughout the state of being a place in which there was literally a man served up for breakfast every morning in the year...

Money in plentitude was spent with recklessness and prodigality that baffled understanding... Modesto was in its golden age... The Barbary Coast had been transferred to Modesto. It was a "coast" that well maintained the reputation of its prototype in hilarity, in criminality and in petty thievery. (Its) establishments contained a number of private rooms...

The town grew so uncontrollably fast – there was no such thing as zoning – that all the mixed elements were thrown together. Chinese opium dens and gambling houses were in the middle of the business and residential districts, as were the red-light sections. Saloons were everywhere.

The saloon element dominated politics in Modesto and throughout Stanislaus County. Saloon keepers controlled and delivered enough votes to maintain this balance.

A large measure of lawlessness prevailed throughout the decade, but peaked in 1879 when a bumper crop followed two years of drought. In that year, counter forces went to work. The San Joaquin Regulators, masked vigilantes whose identities supposedly were never known but who privately were

recognized as some of the leading businessmen and “law and order” politicians of the era, were organized. After six months of planning, the Regulators struck on a Saturday evening in August 1879. By the time the northbound train left the next morning, the bulk of the criminal element was on its way out of town. “Law and order” prevailed for only a short time, though. In a few months, it was “business as usual.” Saloons outnumbered churches by more than 2-to-1.

An 1880 inventory of the community included one flour mill, two large breweries, a soda factory, one foundry, two lumber yards, six blacksmith and wheelwright shops, four livery stables, six hotels, three restaurants, 15 saloons (exclusive of hotel bars), two undertakers, six laundries, two photograph galleries and some two dozen stores that included five millinery shops, two jewelers, three butcher shops, a vegetable and produce market, four druggists and four tailor shops.

Add seven churches, six physicians, 14 lawyers, two dentists, several music and elocution instructors, two newspapers, and a hook and ladder company in need of a fire engine.

Elias’ description of the town in the late 1880s, however, includes this comment:

It was a typical rough and ready country village with ungraded streets and unplanked sidewalks, without city water or street illumination. The first glimpse of the town was uninviting. In the summer, the streets were covered with knee deep sand. In the winter, they were overlaid with mud and water puddles. Cattle of all descriptions roamed through the streets at will. (Historian George H. Tinkham noted that free-roaming hogs also were a problem in the town.) Fire protection was confined to the old hook and ladder company. There was little semblance of law and order.

Two of the state’s most infamous desperados associated with the Stanislaus region were not active in that period, however.

It was on Stanislaus River diggings that Joaquin Murietta’s beautiful young wife was raped and fatally beaten, which resulted in Murietta’s embarking on a course of revenge. Within a few months, death had come not only to the five Americans who had ravaged his wife but also to the 20 who had lynched his brother on an accusation of horse stealing. From then until his own death in 1853, Murietta was a bandit feared throughout California.

Chris Evans of the notorious Sontag and Evans gang operated a livery stable in Modesto when an 1891 fire destroyed all of his stock. A short time later, a train was held up at Ceres and Evans was accused of being the robber. Although subsequently identified with many other crimes committed after the fugitive

teamed up with John Sontag, Evans never admitted the Ceres train robbery nor was his involvement in it ever proved.

The Stanislaus region had more than its share of colorful characters in the early days. Among them was James Capen Adams, better known in film and television as “Grizzly Adams” and described by P. T. Barnum as an “extraordinary man, eminently ‘a character’.”

An 1849 argonaut from Massachusetts, Adams earned and lost three fortunes in the mines and on Valley farms before taking to the hills along the Tuolumne River. Adams captured and tamed some two dozen grizzly bears. Included were his constant companion, Ben, a grizzly with whom he ate and slept; General Fremont, trained as a pack animal and, according to Barnum, ridden by Adams through hundreds of miles of the Sierra, and the 1,500-pound Sampson, the biggest of his menagerie.

Adams and his animals toured the nation with Barnum and independently until his last performance in San Francisco in 1880.

These were the influences which affected Stanislaus and its county seat in the decade of the 1880s. A host of diverse personalities ranging from Murietta to Fremont, from General Sherman to inventive muleskinners, from the worst criminal elements to the vigilante Regulators left their mark on the community.

It was to be in the decade of the ‘80s that the people of Stanislaus, still the king of California wheat, came to the realization that irrigation was necessary to insure a more stable farm economy, especially in dry cycles, and to permit the diversification of agriculture.

That the concept of community-owned irrigation, where the land truly owned the water – a concept to be followed throughout the rest of the state and much of the nation – should come from a relatively small frontier community of no more than 2,000 people, attests to the inspiration and determination of the people of Modesto and the immediate area around it.